

PETITION

TO AMEND THE ZONING MAP OF THE TOWN OF AURORA, NEW YORK

TO: THE TOWN BOARD OF THE TOWN OF AURORA, NEW YORK

Pursuant to Article IX of the Zoning Ordinance of the Town of Aurora, the undersigned owner(s) and petitioner(s) hereby request that the Zoning Map of the Town of Aurora, be amended as follows:

I. Al Franjoine
Name (First) (Middle Initial) (Last)

2. Location of property to be rezoned: 701 Davis Road, Town of Aurora, NY

3. Area, in square feet, of the property to be rezoned: 507,633 sq. ft.
Dimension of the property to be rezoned: 1450.38-ft x 350.00-ft.

4. If the petitioner is not the owner of the property:
Brian Hillery
Owner's Name and Address
1 Woodthrush Trail, Orchard Park, New York 14127
Owner's Name and Address

What is the interest of the petitioner in the proposed rezoning?
Proposed soccer field complex

5. Petitioner understands and agrees to furnish any of the following if requested by the Town Board or its agencies: An accurate survey map prepared by a licensed surveyor showing all dimensions, including interior angles or bearing of lines, and the location, proposed use and height of all buildings; location of all parking and truck loading areas, with access and egress drives thereto; location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; description of method of sewage disposal and location of such facilities; location and size of all signs; location and proposed development of buffer areas; location and design of lighting facilities; and the amount of building area proposed for retail sales, if any.

6. Attach the legal description of the property to be rezoned.

7. Present zoning classification of the property: RR - Rural Residential and A - Agricultural

8. Proposed zoning classification of the property: C2 - Commercial

9. Present use of the property: Vacant Land

10. Proposed use of the property: Soccer Field Complex

11. Description of uses on all adjacent properties and a general description of the type of neighborhood in which the subject property is located: Sawdust Bedding Business, Residential Homes, Farms

12. Names and Addresses of Owners of Abutting Properties:

- 1. 637 Davis Road - William J. Sahlem SBL No. 174.00-3-4
- 2. 729 Davis Road - Michael A. McGee SBL No. 174.00-3-50
- 3. 763 Davis Road - Roy L. Kidd SBL No. 174.00-3-7.1
- 4. 725 Davis Road - BMB Tower Holdings LLC SBL No. 174.00-3-5.2
- 5. 12 Woodcrest Drive - Janis M. Visco SBL No. 174.17-3-6
- 6. 14 Woodcrest Drive - Walter D. Zmuda Trust Life US SBL No. 186.05-2-5
- 7. 16 Woodcrest Drive - Dawn Notino SBL No. 186.05-2-4

13. Additional information which the petitioner believes will assist the Town Board in its consideration of this request for rezoning: The following documentation is attached:

Exhibit 1-Short Environmental Assessment Form Prepared Pursuant to State Environmental Quality Review Act (SEQRA); Exhibit 2-Concept Plan; Exhibit 3-Rezoing Map;
Exhibit 4-Legal Descriptions of Properties to be Rezoned; Full Size copies of the Concept Plan

14. Petitioner(s) acknowledge that payment of the application fee is for administrative and advertising expense to the Town as a result of this application and in no way relates to either approval or disapproval of the application and is not refundable.

Date: 8/22/24

Robert J. Picanick
(Signature of Petitioner) *Agent for Owner*

(Signature of Owner)

STATE OF NEW YORK }
COUNTY OF ERIE } SS:

On this 22nd day of August personally appeared before me
Robert J. Picanick 111 Mount Vernon Rd Amherst NY 14204
(Name) (Address)

the petitioner, to me known to be the same person described in and who signed and executed the foregoing petition and who duly acknowledged to me the execution of the same for the purpose therein mentioned.

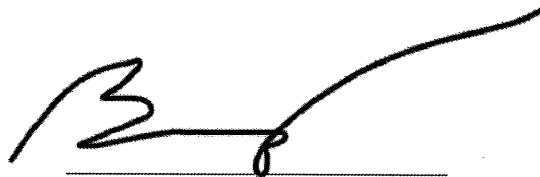
Jolene Marie Jaffe
(Notary Public)

JOLENE MARIE JEFFE
Notary Public, State of New York
Reg. No. 01JE6392003
Qualified in Erie County
Commission Expires 5-20-27

AUTHORIZATION

Brian Hillery, as the record owner of 0 Davis Road [SBL No. 174.00-3-5-.111] (“the Project Site”) located in the Town of Aurora, hereby authorizes Al Franjoine, Nussbaumer & Clarke, Inc. and Hopkins Sorgi & McCarthy PLLC to seek a rezoning of the Project Site from RR - Rural Residential District and A-Agricultural District to C2 Commercial District from the Town of Aurora, along with all other approvals and permits needed from municipal boards and governmental agencies for the development of the Project Site as a soccer complex.

Date: September 4, 2024



Brian Hillery

Exhibit 1 – Short Environmental
Assessment Form Prepared Pursuant to
the State Environmental Quality
Review Act (“SEQRA”)

Short Environmental Assessment Form

Part 1 - Project Information

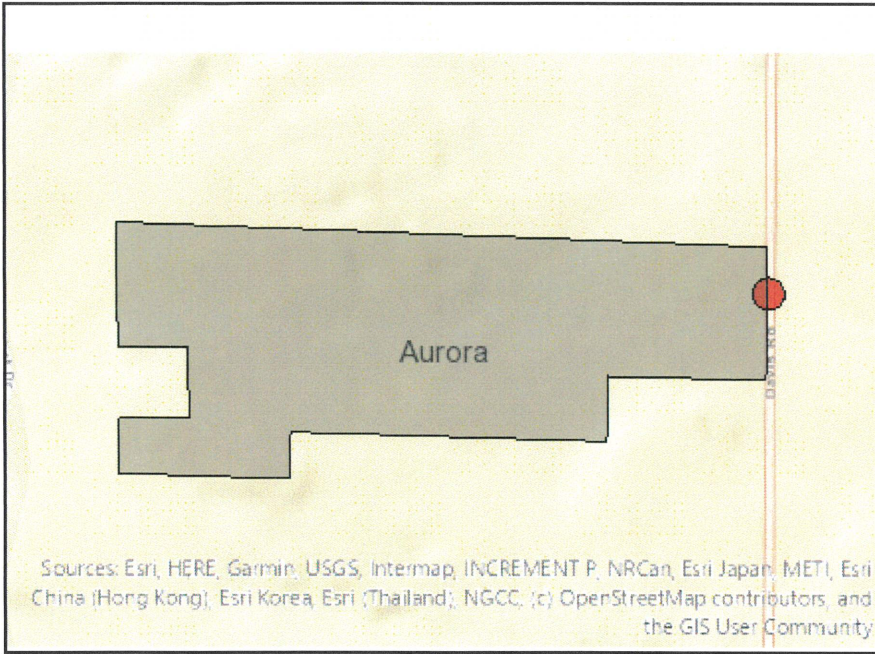
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.


Part 1 – Project and Sponsor Information			
Al Franjoine			
Name of Action or Project: Proposed Aurora Soccer Complex			
Project Location (describe, and attach a location map): 701 Davis Road, Town of Aurora, NY 14052			
Brief Description of Proposed Action: The Project Sponsor is proposing to rezone 12.29-acres of land to build a soccer complex at 701 Davis Road in the Town of Aurora, NY. The total site area is 52.648+/- acres (SBL No. 174.00-3-5.111); 2.51-acres is proposed to be rezoned from Rural Residential (RR) to Commercial (C-2) and 9.60 acres is proposed to be rezoned from Agricultural (A) to Commercial (C-2). Site improvements will include construction of three soccer fields, a 30-ft x 60-ft concessions building, parking lot for 105 cars, dark sky compliant lighting, landscaping, storm drainage facilities and septic system, as depicted on the attached preliminary concept plan. The proposed project will include all required approvals and permits. The project is an "Unlisted Action" pursuant the State Environmental Quality Review Act and the implementing regulations promulgated by the New York State Department of Environmental Conservation (collectively "SEQRA").			
Name of Applicant or Sponsor: Al Franjoine		Telephone: 716-430-5901	
		E-Mail: al.franjoine@nfindustrials.com	
Address: 16 Deer Run			
City/PO: Orchard Park		State: NY	Zip Code: 14127
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Site Plan Approval, Zoning Board Approval, Health Dept. Permit			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 52.648 acres	
b. Total acreage to be physically disturbed?		_____ 12.29 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 52.648 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Public water exists at Davis Road for water service connection. _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ A septic system will be required for sanitary sewer service to the concessions building. _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ There are not any mapped wetlands subject to the jurisdiction of the USACE or NYSDEC located on the Project Site. _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

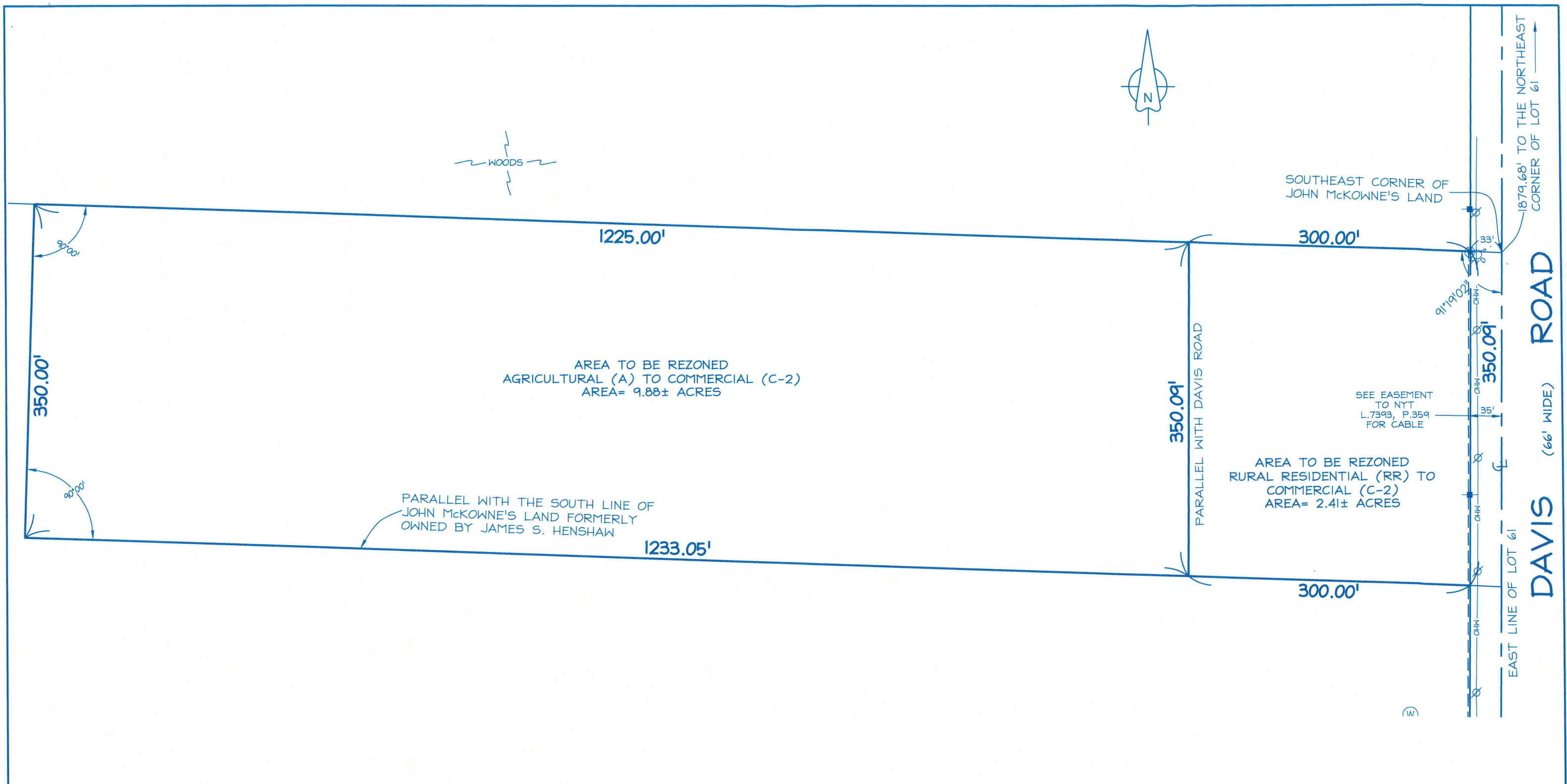


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

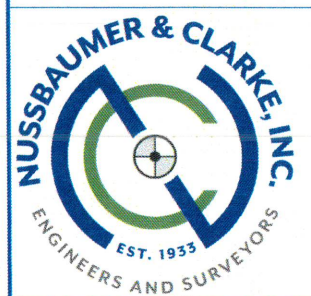
Exhibit 2 – Concept Plan

Exhibit 3 – Rezoning Map



NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

509 Main Street, P.O. Box 516, East Aurora, NY 14052 p (716) 655-1058 f (716) 270-6091 www.nussclarke.com	This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such.	Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.
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REZONING MAP
DAVIS ROAD
 Part of Lot 61, Township 9, Range 6
 Holland Land Company's Survey
 Town of Aurora
 County of Erie, State of New York

Date of Survey: 09/10/24 Scale: 1" = 100' Project No.: 22J3-0631B

[Signature] 11/25

Exhibit 4 – Legal Descriptions of
Properties to be Rezoned from
Agricultural (A) to Commercial (C-2) and
Rural Residential (RR) to Commercial (C-2)

LEGAL DESCRIPTION
RURAL RESIDENTIAL (RR) to COMMERCIAL (C-2)
Vacant Land

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE Town of Aurora, County of Erie, State of New York, being part of Lot 61, Township 9 and Range 6 of the Holland Land Company's survey, more particularly described as follows:

COMMENCING at a point in the centerline of Davis Road distant 1879.68 feet south of the northeast corner of Lot 61 and being at the southeast corner of John McKowne's land; thence westerly along the south line of said Mckowne's land a distance of 33 feet to the westerly line of Davis Road being the POINT OF BEGINNING; thence southerly along the westerly line of Davis Road a distance of 350.09 feet; thence westerly and parallel to the south line of said McKowne's land a distance of 300.00 feet to a point; thence northerly and parallel with Davis Road a distance of 350.09 feet to the south line of said McKowne's land; thence easterly and along the south line of said McKowne's land a distance of 300.00 feet to the point of beginning, being 2.41 acres of land, more or less.

LEGAL DESCRIPTION
AGRICULTURAL (A) to COMMERCIAL (C-2)
Vacant Land

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE Town of Aurora, County of Erie, State of New York, being part of Lot 61, Township 9 and Range 6 of the Holland Land Company's survey, more particularly described as follows:

COMMENCING at a point in the centerline of Davis Road distant 1879.68 feet south of the northeast corner of Lot 61 and being at the southeast corner of John McKowne's land; thence westerly along the south line of said Mckowne's land a distance of 333.00 feet to the POINT OF BEGINNING; thence southerly parallel with Davis Road a distance of 350.09 feet; thence westerly and parallel to the south line of said McKowne's land a distance of 1233.05 feet to a point; thence northerly at right angles a distance of 350.00 feet to the south line of said McKowne's land; thence easterly at right angles and along the south line of said McKowne's land a distance of 1225.00 feet to the point of beginning, being 9.88 acres of land, more or less.