

**AGENDA**  
**Village Board of East Aurora**  
**October 19, 2020 Regular Meeting at 7 p.m.**

**1. CALL MEETING TO ORDER**

- A. Pledge of Allegiance
- B. Roll Call
- C. Approval of Minutes of Village Board Meeting for October 5, 2020
- D. Approval of Payment of Abstract for Voucher Nos. \_\_\_\_\_ through \_\_\_\_\_ for a total of \_\_\_\_\_

**2. SPEAKERS & COMMUNICATIONS (I)**

**3. PUBLIC HEARINGS**

- A. Community Development Block Grant Program (CDBG)
- B. Consideration of Local Law No. 8 to Repeal Village Code Section 209 – Signs (replaced by Section 285-44 – Sign Regulations in the Zoning Code)

**4. OFFICIAL CONSIDERATIONS**

- A. Consideration of a Resolution to submit an application under the Community Development Block Grant Program (CDBG)
- B. Consideration to Approve Local Law No. 8 to Repeal Village Code Section 209 – Signs
- C. Consideration to set a public hearing for the Special Use permit for 510 Main Street, Steven Krastev – Charlie’s Diner November 16, 2020
- D. Consideration to set a public hearing for the Special Use permit for 667 Oakwood, Lincoln Cutting – EA brewery November 12, 2020
- E. Consideration to cancel the January 4, 2021 Village board meeting
- F. Consideration to refer the Site plan and the Special use Permit for 636 East Filmore Ave - Urban Falls LLC – Lisa Decarlo

**5. SPEAKERS & COMMUNICATIONS (II)**

**6. DEPARTMENT HEAD REPORT**

**7. ADJOURNMENT**

**VILLAGE OF EAST AURORA  
VILLAGE BOARD MEETING  
October 5, 2020 –7:00 PM**

**Present:**

Trustee Kimmel-Hurt  
Trustee Cameron  
Trustee Lazickas  
Trustee Porter  
Trustee Rosati  
Trustee Scheer  
Mayor Mercurio

**Also Present:**

Maureen Jerackas, Clerk-Treasurer  
Shane Krieger, Chief of Police  
Robert Pierce, Village Attorney  
Chris Trapp, Deputy Village Attorney  
Cathie Thomas, Village Administrator  
Matthew Hoeh, Superintendent of Public Works  
Elizabeth Cassidy, Building Inspector  
Jessica Taneff- Deputy Clerk  
0 Members of the public

A Motion by Trustee Porter to approve the Village Board minutes of September 21, 2020, seconded by Trustee Kimmel-Hurt and carried with unanimous approval.

A Motion by Trustee Cameron to approve the Reorganizational minutes of September 21, 2020, seconded by Trustee Porter and carried with unanimous approval.

Trustee Porter moved to approve the Payment of Abstract(s) for:

Fiscal year 2020-2021: Voucher Nos. 60178 through 60231 for a total of \$486,352.40

Seconded by Trustee Kimmel-Hurt and unanimously carried.

**SPEAKERS & COMMUNICATIONS**

- Deer Safety Discussion- Trustee Scheer spoke about the research he's done concerning deer safety and then introduced Sandy Baker from Irondequoit. Sandy spoke about tips to control deer safety. She also spoke about how her services work.

**PUBLIC HEARINGS**

- A Motion by Trustee Porter to open a public hearing at 7:55PM, for a Special Use Permit Application for 16 Buffalo Road to convert the current Arctic Bites ice cream business to a Japanese cuisine take-out venue, was seconded by Trustee Kimmel-Hurt and carried with unanimous approval.
  - CEO Cassidy said that this was currently an ice-cream space. There is no seating inside and will strictly be for takeout only. There are two spaces in front of the building for parking. The Clerk-Treasurer spoke about this building's issues with the water inspections and recommended the Board make a condition to have the water inspection completed before they can receive their special use permit.

On a Motion by Trustee Porter to close the public hearing at 7:59PM, was seconded by Trustee Rosati with and carried with unanimous approval.

- A Motion by Trustee Lazickas to open a public hearing at 7:59PM, for a Rezoning Application request for 636 E. Fillmore Avenue, proposing to change from the current LCR – Limited Commercial Residential zoning designation to VC – Village Commercial zoning designation, was seconded by Trustee Kimmel-Hurt and carried with unanimous approval.
  - Lisa DeCarlo, owner, and Peter Sorgi, attorney, spoke about the rendering submitted for the renovation of the property. They are requesting a property change from LCR to VC to be able to have a restaurant at this location. Lisa spoke about her plans to better this property. Trustee Kimmel-Hurt asked about them asking for a Use Variance. Peter Sorgi spoke about this and the criteria to ask for a use variance which is hard to obtain due to the 4 criteria that is needed. Trustee Kimmel-Hurt shared her concerns with the business. The Clerk treasurer spoke of 3 emails against this rezoning and 7 for the rezoning of this property\*\*.

On a Motion by Trustee Lazickas to close the public hearing at 8:28PM, was seconded by Trustee Kimmel-Hurt and unanimously approved.

## OFFICIAL CONSIDERATIONS

- A Motion by Trustee Porter, The Village Board shall serve as the Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA). A Negative Declaration is made under SEQRA and said application for Property at 16 Buffalo Rd., is determined to be an Unlisted Action. Seconded by Trustee Kimmel-Hurt and was unanimously approved.
- A Motion by Trustee Porter, to Approve a Special Use Permit after the stipulation for the water service to the building be inspected and approved. Granting of the Special use permit will not occur before water line approval for 16 Buffalo Rd
  - Should any part of the application and Special Use Permit approval be in conflict with any segment of the underlying Village Code (i.e., Zoning, etc.), adherence shall be with the Village Code provisions. The Village shall have the right to periodically inspect the property for compliance with the Village Code, the Special Use Permit and its conditions.*
  - The nature, duration and intensity of the operations which are involved in, or conducted in connection with, this Special Use Permit shall not be increased or expanded without the approval of the Village Board. Any increase or expansion shall be considered at a public hearing held in accordance with the application requirements and administrative procedures which have been adopted by the Village Board.*
  - This Special Use Permit shall expire if meaningful construction has not been commenced within one year, and has not been completed within two years, of final Special Use Permit approval or, if no construction is involved, if the use has not been commenced within one year of final Special Use Permit approval.*
  - This Special Use Permit shall expire if the use, once begun, ceases operation, for any reason, for more than six consecutive months. For seasonal uses, the use will be considered ceased if there is no operation for at least 12 consecutive months.*
  - This Special Use Permit may be revoked by the Village Board if it is found and determined that there has been a material failure of compliance with any one of the terms, conditions, limitations or requirements imposed by the Special Use Permit. Revocation may also occur in the event of Village Code violations occurring at the property. The Village Board shall hold a public hearing to consider whether or not the Special Use Permit grantee has violated the terms and conditions of the Special Use Permit or if any Village Code violations have occurred. The public hearing shall be held only after the permit grantee has been notified. Notice of the violations and of the date, place and time of the public hearing shall be mailed to the Special Use Permit grantee by certified mail, return receipt requested, directed to the last known address of the permit grantee.*
 seconded by Trustee Kimmel-Hurt and was unanimously approved.

- **Resolution of the Village of East Aurora of a Determination of Non-Significance pursuant to the State Environmental Quality Review Act in the matter of a Request for Property at 636 E. Fillmore Avenue to be Rezoned from LCR – Limited Commercial Residential to VC – Village Commercial in the Village Of East Aurora, New York**

WHEREAS, the applicant has filed Part I of the Short Environmental Assessment Form, dated May 11, 2020, with this Board, a copy of which is included by reference and made a part hereof, relating to the proposed rezoning of property at 636 E. Fillmore Avenue from LCR – Limited Commercial Residential to VC – Village Commercial; and

WHEREAS, on June 1, 2020, the Village Clerk provided to the Erie County Division of Planning the aforementioned application, to provide an opportunity for review and comment within the minimum prescribed 30-day time period, and that no response has been received pertaining to this application from the Erie County Division of Planning, so that the matter is deemed to be one of local concern; and

WHEREAS, the Village Planning Commission, after carefully and fully reviewing the application, with any and all amendments and modifications, and considering comments and documentation presented for and against the project, voted in the majority recommending against approval of the proposed rezoning; and

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Part I of the Short Environmental Assessment form submitted by applicant; and

WHEREAS, the Village SEQRA Intake Committee, after their review of the above, prepared draft Parts II and III of the Short Environmental Assessment Form with a recommendation of the issuance of the Negative Declaration of Environmental Significance for submission to, and consideration by, the Village Board; and

WHEREAS, the Village Board of Trustees, upon taking an independent hard look and reasoned evaluation of the above-referenced information, comments and written documentation, including, but not limited to Part I of the Short Environmental Assessment Form; comments and recommendations of the Planning Commission, and the recommendation of the SEQRA Intake Committee and that Committee's completed Part II and Part III of the Short Environmental Assessment Form concerning the potential environmental impact of the project; all of which are incorporated by reference herein; and

WHEREAS, the Village Board, upon carefully and fully reviewing all the information, comments and written documentation in regard to the project, made a finding that there are no significant environmental impacts.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of East Aurora as lead agency has determined that the proposed action described in the Short Environmental Assessment Form, submitted by the applicant, for proposed rezoning of property at 636 E. Fillmore Avenue from LCR – Limited Commercial Residential to VC – Village Commercial, is declared to be an Unlisted Action and will not have a significant environmental impact and a Draft Environmental Impact Statement will not be required nor prepared.

The foregoing resolution was duly made by Trustee Kimmel-Hurt and seconded by Trustee Rosati and carried on October 5, 2020.

- The Board spoke about spot zoning and rezoning this property. A few Trustee's had concerns for the residents around the property. Peter Sorgi answered some questions and spoke about declarations of deed restrictions at the Erie County Clerk's Office. Attorney Pierce spoke about

enforcement of the restrictions by having them as a condition. It was discussed that if the Site Plan for this property was not approved, then the zoning would revert to the LCR. Trustee Lazickas said his motion is modified to say, he moves forward restricting new zoning to restaurant, retail, residential use in perpetuity. Refer to the attached letter from Peter Sorgi for specifications for the deed restrictions. \*\*\*

- **Resolution of the Village Board of the Village of East Aurora for an Ordinance for Local Law No. 7 of 2020 in the matter of a request for property at 636 E. Fillmore Avenue to be Rezoned from LCR – Limited Commercial Residential to VC – Village Commercial in the Village of East Aurora, New York**

WHEREAS, a Petition to Amend the Zoning Map of the Village of East Aurora, dated May 11, 2020, submitted by Lisa DeCarlo, Urban Falls, LLC, requests that property at 636 E. Fillmore Avenue be rezoned from LCR – Limited Commercial Residential to VC – Village Commercial; and

WHEREAS, on June 1, 2020, the Village Clerk provided to the Erie County Division of Planning the aforementioned application, to provide an opportunity for review and comment within the minimum prescribed 30-day time period, and that no response has been received pertaining to this application from the Erie County Division of Planning, so that the matter is deemed to be one of local concern; and

WHEREAS, the Village Planning Commission, after carefully and fully reviewing the rezoning request, with any and all amendments and modifications, and considering comments and documentation presented for and against the proposed rezoning, voted in the majority recommending against approval of the proposed rezoning; and

WHEREAS, the Village Board of Trustees conducted a public hearing and took an independent hard look and reasoned evaluation of the above-referenced information, comments and written documentation, including, but not limited to Parts I, II and III of the Short Environmental Assessment Form; comments and recommendations of the Planning Commission; all of which are incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED and ORDAINED, that the Village Board of East Aurora hereby Adopts Local Law No. 7 of 2020, approving the parcel at 636 E. Fillmore Avenue to be rezoned from LCR – Limited Commercial Residential to VC – Village Commercial, with the following conditions:

That Site Plan Approval be obtained by the applicant and property owner, Lisa DeCarlo, for a mixed-use development that may include residential, commercial/retail and a restaurant. Further, that in the event that the aforementioned Site Plan Approval is not obtained, then the rezoning for the property shall revert to LCR – Limited Commercial Residential.

Additionally, a condition of the rezoning approval shall be that a deed restriction shall be placed on the property, prohibiting the development of the following uses:

- |                                     |   |
|-------------------------------------|---|
| a. Hotels or Inns;                  | k. Indoor Recreational Facilities;              |
| b. Motels;                          | l. Repair or Service Shops;                     |
| c. Vehicle Sales;                   | m. Animal Grooming Shops;                       |
| d. Vehicle Service or Repair Shops; | n. Animal Hospitals or Veterinary Clinics;      |
| e. Gasoline Service Stations;       | o. Broadcast Facilities;                        |
| f. Car Washes;                      | p. Telecommunication Facilities; and            |
| g. Laundromats or Dry-Cleaners;     | q. Drive-Throughs Ancillary to a Permitted Use. |
| h. Newspaper or Printing Shops;     |   |
| i. Funeral Homes or Parlors;        |   |
| j. Indoor Entertainment Facilities; |   |

The foregoing resolution to approve an ordinance adopting Local Law No. 7 of 2020 was duly made by Trustee Lazickas and seconded by Trustee Scheer and the following was the Roll Call Vote:

Trustee Kimmel-Hurt	Nay
Trustee Porter	Nay
Trustee Rosati	Aye
Trustee Cameron	Nay
Trustee Lazickas	Aye
Trustee Scheer	Aye
Mayor Mercurio	Aye

The Local Law was therefore approved and adopted, with three Nays and four Ayes, on October 5, 2020.

- A Motion by Trustee Cameron, to Approve an Application for Three or more Dogs for 85 Brooklea Drive for Anthony and Jennifer Izzo, seconded by Trustee Lazickas and was unanimously approved.
- A Motion by Trustee Kimmel-Hurt, to Approve an Application for Three or more Dogs for 821 Martin Drive for Ann Marie and Shawn Matott, seconded by Trustee Lazickas and was unanimously approved.
- A Motion by Trustee Lazickas, to approve a Request for a 30-Day Wavier for an On-Premise Liquor License for Grove Street Holdings Inc., dba Roycroft Inn, seconded by Trustee Porter and was unanimously approved.
- A Motion by Trustee Porter, to authorize the Mayor to sign an easement with the Erie County Water Authority for use of Village property where the Castle Hills water pump station is located, dba Roycroft Inn, seconded by Trustee Lazickas and was unanimously approved.
  - Deputy Attorney Trapp spoke that this is also a user agreement as well as an easement.
- A Motion by Trustee Porter, to a Motion to not waive the conflict of interest with respect to the proposed representation by attorney Paul Weiss, seconded by Trustee Lazickas and was unanimously approved.
- A Motion by Trustee Cameron, to Refer an Application for Amendment to a Special Use Permit Application for Aurora Brew Works to the Planning Commission, seconded by Trustee Porter and was unanimously approved.
- A Motion by Trustee Cameron, to Approve Change Order No. 7, under the recommendation of our engineers, with the ultimate cost responsibility to be determined between the parties, seconded by Trustee Kimmel-Hurt and was unanimously approved.
- A Motion by Trustee Rosati, to Approve a Budget Adjustment for the 2020-2021, seconded by Trustee Kimmel-Hurt and was unanimously approved.
- A Motion by Trustee Porter, to Set a Public Hearing to consider projects for CDBG on October 19th, seconded by Trustee Rosati and was unanimously approved.

- A Motion by Trustee Scheer, to hire crossing guard Howard Greene, seconded by Trustee Rosati and was unanimously approved.

#### **DEPARTMENT HEAD AND TRUSTEE REPORTS**

- Police Chief- none
- DPW- none
- Code- CEO Cassidy said the Town is officially in the new Municipal Building and is looking forward to the Village joining them
- Administrator- The Administrator spoke about an Oakwood update and there are still punch list items that still need to be completed.
- Clerk-Treasurer- The Clerk-Treasurer spoke about the move to the new building. The Village Hall will be closed from October 21-23rd. She also spoke about the new phones and new website. The Clerk-Treasurer also said tax payments are due by the end of the month and then will be re-levied.
- Trustee Lazickas- none
- Trustee Cameron – None
- Trustee Rosati- None
- Trustee Porter- None
- Trustee Scheer- Trustee Scheer spoke about a resident who has had issues with trespassers on his property near Sinking Ponds.
- Trustee Kimmel-Hurt- Trustee Kimmel-Hurt spoke about the overwhelming emails from texts, phone calls and emails leading up to last Saturday's protest. She commented that it seemed to be less attended and heard it went well with great police presence.
- Mayor Mercurio- The Mayor spoke about the baseball game at Hamlin Park for a second annual alumni team.

#### **SPEAKERS & COMMUNICATIONS**

Trustee Kimmel-Hurt and Trustee Scheer spoke about their conversations with Orlando Monaco and the plans for Sinking Ponds. Trustee Kimmel-Hurt spoke about having a Village Board Liaison for Sinking Ponds along with having volunteer roles which would help with maintenance.

#### **ADJOURNMENT**

A Motion was made by Trustee Porter to adjourn the meeting at 9:39PM. Seconded by Trustee Kimmel-Hurt and unanimously carried.

Respectfully submitted,

Jessica Taneff,  
Village Deputy Clerk

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Village of East Aurora Planning Commission  
571 Main Street  
East Aurora, New York 14052

**Re: Proposed Rezoning from LCR to VC**  
**Property Owner: Urban Falls, LLC**  
**Address: 636 East Fillmore Avenue, Village of East Aurora, NY**

Dear Village Planning Commission:

Our firm represents Urban Falls, LLC, the property owner of 636 East Fillmore Avenue (“Property”) and the Petitioner for the proposed rezoning of the Property from Limited Commercial Residential (“LCR”) to Village Center (“VC”). This letter shall supplement the previously submitted Rezoning Petition and shall:

1. set forth the legal and planning justification for the rezoning by demonstrating compliance with the Village’s Comprehensive Plan and the Village Zoning Code’s criteria; and
2. provide proposed conditions to eliminate certain more intensive uses allowed in the VC Zoning regarding the Property – the result of this will be that the Property will be zoned VC, but not exceed the uses allowed in the Zoning Code for LCR except for restaurant type uses.

#### **Legal and Planning Justification for Rezoning**

Both New York Village Law and the Village of East Aurora Zoning Code set forth criteria for the granting of a rezoning.

New York Village Law § 7-722(11)(a) states that “All village land use regulations must be in accordance with a comprehensive plan adopted pursuant to this section.” This is very straightforward and is the core principle, both legally and from a planning perspective, of any decision to change a zoning classification.

The Village has an adopted Comprehensive Plan which shows the Property on the “Village of East Aurora Vision Map” (attached hereto) as “Uptown/Traditional Main Street Hamlet.” The Comprehensive Plan emphasizes two principles for the use of non-residentially used properties, such as 636 East Fillmore Avenue, which has an existing non-residential structure located thereon:

1. Adaptive reuse of existing structures as opposed to demolition; and

2. Infill / Walkable development as opposed to sprawl.<sup>1</sup>

This project clearly meets these principles by the adaptive reuse of an existing, vacant and dilapidated structure in a location that the Comprehensive Plan targets as “Uptown/Traditional Main Street Hamlet” which encompasses not only the Property, but extends onto Main Street and south to Elm Street.

In addition to the standard set forth in New York Village Law § 7-722(11)(a), the Village Code contains eight additional criteria at § 285-57.7 to be considered which are set forth below with the answers underlined:

- A. Whether the proposed zoning amendment corrects an error or inconsistency in the zoning law or meets the challenge of a changing condition: Arguably, it does. As set forth above, New York Village Law § 7-722(11)(a) requires zoning to be consistent with the Comprehensive Plan and also as set forth above, the Comprehensive Plan shows this area as “Uptown/Traditional Main Street Hamlet.” Accordingly, VC would be more appropriate especially when considering that the structure at the Property is clearly non-residential and in order to meet the adaptive reuse and infill development principles of the Zoning Code, its potential uses should not be limited to LCR – put another way, it is in the Village’s best interest to see the Property redeveloped and the area improved, therefore fewer impediments to redevelopment will help realize this interest. What is essentially being requested is the Property be utilized for LCR uses with the addition of restaurant uses. Note that this is entirely consistent with the character of the area where numerous restaurants are located within a few hundred feet and will help secure tenants which will make the project financially viable and the construction thereof financeable.

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<sup>1</sup> Comprehensive Plan § 3-2: “Encourage the adaptive reuse of existing structures;”  
Comprehensive Plan § 6-29: “Encourage the adaptive reuse of former industrial buildings in the business district for commercial and other appropriate non-industrial uses;” Comprehensive Plan § 5-35: In the Uptown/traditional Main Street area (see vision map for exact location) redevelopment of existing structures should be stressed with minimized demolition;  
Comprehensive Plan § 5-48: “The eastern end of the Village tends to be more tourist-oriented, given its mix of stores and services, including Vidler’s, and its proximity to the Roycroft Campus. Architectural style, setbacks and scale are very important in this area, and emphasis should be on the reuse of existing structures and infill. Businesses in this area should consider adjusting their business operations to take advantage of the tourism market (e.g. adjusting hours of operation).”

- B. Whether the proposed amendment is in substantial conformance with the adopted plans and policies of the Village: Yes, it promotes adaptive reuse of an existing, dilapidated and vacant structure and constitutes infill development in a reused, mixed use building in a walkable location.
- C. Whether the proposed zoning amendment is in the best interests of the municipality as a whole: Yes, for reasons set forth above.
- D. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested re-zoning, if applicable: Yes.
- E. Whether the re-zoning will substantially harm the public health, safety, or general welfare or the value of nearby properties, if applicable: There is no harm to the public health, safety or general welfare of nearby properties and value of nearby properties can only increase by this adaptive reuse of an existing, dilapidated and vacant structure.
- F. Whether the re-zoning is compatible with the zoning and use of nearby properties, if applicable. Yes. The nearby properties are primarily non-residential including an ice rink, restaurant, retail plaza, parking lot and office park, most of which are zoned VC. Residential uses are the minority of surrounding uses and buffered by existing trees and Tannery Brook.
- G. The suitability of the subject property for the uses and development to which it has been restricted under the existing zoning regulations, if applicable: Many of the uses are suitable and will be a part of the project, however the addition of a restaurant use will anchor the building and make it more attractive for office, retail or residential apartment uses making the property financially viable and the construction thereof financeable.
- H. The gain, if any, to the public health, safety and general welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application: None. As stated above, the addition of the restaurant use makes the property financially viable and the construction thereof financeable. Without such a use and its benefits, it will be much more difficult to make the Property financially viable which could result in it remaining in its present condition.

### **Zoning Conditions / Deed Restrictions**

While the addition of a restaurant use at the Property is clearly consistent with the character of the area and surrounding uses, it is recognized that some of the uses allowed by VC may be too intensive. Accordingly, the Petitioner would agree to the following conditions of the rezoning:

- 2. Reversion to LCR if Village does not approve development plan; and

October 5, 2020

3. The following seventeen VC uses would be prohibited at the Property and deed restricted by the filing of a Declaration of Restrictions at the Erie County Clerk's Office:

- a. Hotels or Inns;
- b. Motels;
- c. Vehicle Sales;
- d. Vehicle Service or Repair Shops;
- e. Gasoline Service Stations;
- f. Car Washes;
- g. Laundromats or Dry-Cleaners;
- h. Newspaper or Printing Shops;
- i. Funeral Homes or Parlors;
- j. Indoor Entertainment Facilities;
- k. Indoor Recreational Facilities;
- l. Repair or Service Shops;
- m. Animal Grooming Shops;
- n. Animal Hospitals or Veterinary Clinics;
- o. Broadcast Facilities;
- p. Telecommunication Facilities; and
- q. Drive-Throughs Ancillary to a Permitted Use.

Thank you for your consideration of our application. If you have any questions or if further information is required, please contact me.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Peter J. Sorgi, Esq.

Enc.

**Maureen Jerackas**

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① Against

**From:** Emlynn Hamlin <lynnhamlin55@gmail.com>  
**Sent:** Friday, September 18, 2020 4:57 PM  
**To:** Maureen Jerackas  
**Subject:** 636 East Fillmore Ave

Mayor and Village Trustees,

I respectfully submit that you deny the request to rezone the parcel: 636 East Fillmore Ave. Protecting our waterways has never been more urgent and the potential harm to Tannery Brook from human impact is a sure threat.

One mundane example of potential impact: Living adjacent to the brook, the black flies and mosquitos can be intense and the sprays needed to control them for human comfort will damage the fragile water ecosystem.

Secondly, East Fillmore Ave. forms a boundary protecting a small island residential area from significant commercial presence. There are two commercial buildings in the section of Riley between East Fillmore and Girard and these two businesses generate no noise and little traffic/parking impact. Despite ordinances, area residents continue\* to express their exasperation at violations of noise ordinances from 42 North (regular business) and Riley Street Station (outdoor performances only) and The Arena, with its reverberating music, pucks against the boards like rifle shots, and loudspeaker announcements.

Please do not add yet another challenge to quality of life for both residents and waterlife.

\* Except during the pandemic

Sincerely,  
Emlynn Hamlin  
70 Church Street  
East Aurora, NY

② Against

September 23, 2020

TO: Village Board Members

RE: Rezoning Request for 636 E. Fillmore St

We at 76 Church St. are not in favor to change the property at 636 E. Fillmore St. from LCR to VC zoning.

The property at 636 E. Fillmore St. is too close to the residential area that will be impacted by noise, smells, traffic, lights and public urination. Tannery Brooke does not provide an adequate buffer as described. East Fillmore St should remain a buffer between VC zoning and SFR.

Also it should be noted that the businesses on the east side of Riley St that are currently in LCR are "quiet" businesses with no traffic or noise after 5pm.

Proposed on- site parking does not appear to be adequate and additional cars parking on the east side of Riley St creates a hazard for cars on East Fillmore trying to turn north or south onto Riley St. Over flow parking on Church St would disrupt our quiet residential neighborhood.

Thanks for your consideration.

Best Regards

*David W Nellist*

*Riane Nellist*

David and Diane Nellist

③ Against

Karen Lee  
570 Fillmore Ave.

To Mayor Mercurio and Members of the Village Board of Trustees,

I am writing as both a resident and Planning Commission Chair to urge the board to uphold the recommendation by the Planning Commission to keep the current zoning designation of LCR for the property at 636 E. Fillmore Ave., and to deny the request for a zoning change to VC on this property. I also served on the committee that undertook the village wide rezoning. Beside the fact that the village completed a very thorough and well vetted zoning code update at considerable expense that was adopted just a year ago, there are several other compelling reasons to deny this zoning change.

As you can read in the Planning Commission's meeting minutes and findings regarding this request, the majority of the commission feels that this property needs to remain part of the buffer/transition zone for the benefit of the residences and less intense uses in the area. The applicant asserts that, because there are more intense commercial uses across the street from their property on Riley St. and E. Fillmore Ave., they should also be allowed to have a more intense use. The fact that there are more intense uses adjacent to 636 E. Fillmore actually illustrates the opposite, that this property needs to remain part of the buffer zone and to not further encroach on the more residential areas by adding another more intense use, thus chipping away at the buffer. There is always an "edge" in every zoning district and when that border is compromised one property at a time, it devalues the purpose of having specific, well planned zoning designations.

The LCR designation of this property is completely consistent with both the Village's Comprehensive Plan and the Elm Riley Corridor Plan which served as the basis for the zoning map changes in this area. It was endorsed by both separate consulting firms that were hired for the zoning code update process.

We also feel that the plan of placing deed restrictions on the property, eliminating all uses in the VC designation except one is a bad precedent to set by customizing a zoning designation to benefit a single property owner. The applicant's attorney may argue that a precedent is not being set and that a similar restriction was used on the Hamlin Avenue Town Homes project by agreeing to limit the number of units built, however, that is a far cry from restricting every use in a designation except the one desired by the property owner. The applicant is essentially asking the Village Board to grant a use variance without having to go before the ZBA. Mr. Trapp, the attorney for the Planning Commission, agrees that such deed restrictions are difficult to enforce legally.

Further, we feel that this property can be financially viable without a restaurant, and in fact, the applicant and her architect said so the first time they came before the Commission with this request. They stated that they simply want to have all the uses available to them in the VC district, but that they did need to add a second floor to make the project viable.

With that being said, whether or not a property owner can realize a reasonable return or obtain financing should not be a consideration for granting a request for rezoning, especially where the purchase of the property was made during the well publicized modification of the zoning code in the village. The applicant has stated that she was aware of the pending changes to the code which includes this property. I personally attended every public meeting during the 3 plus year process and there was never any mention of this property by any attendee of those meetings.

Lastly, the applicant's attorney has stated that that he believes the applicant would not be granted a use variance should she apply. That assertion is not before this board and should not be considered in the decision to grant or deny a zoning change.

Thank you,  
Karen Lee

**Maureen Jerackas**

① FOR

**From:** Rick Brooks <rick@philippsbrooks.com>  
**Sent:** Monday, October 05, 2020 4:30 PM  
**To:** Village Board  
**Subject:** rezoning application - 636 E Fillmore Ave

Dear Village Board Trustees:

I am in receipt of the notice of Public Hearing tonight, regarding the rezoning request of Urban Falls LLC / 636 E Fillmore Ave.

I am the immediate neighbor/owner at 76 Riley Street, to the immediate North of 636 E Fillmore Ave.

I am in full support of the rezoning application, and I am in full support of the business/usage plan and the architectural design & plan of Ms. DeCarlo and Urban Falls LLC.

Very truly yours,  
Rick

Richard A. Brooks, CPA  
PHILIPPS AND BROOKS CPA's, P.C  
716.652.9373 :: (Fax) 716.652.0043

[www.philippsbrooks.com](http://www.philippsbrooks.com)

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**Maureen Jerackas**

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② FOR

**From:** Marisa Atendido <matendido@gmail.com>  
**Sent:** Monday, October 05, 2020 4:21 PM  
**To:** Village Board  
**Subject:** 636 EAST FILLMORE AVE

To whom it may concern,

My name is Marisa Atendido. As a village resident living not far from the property at 636 East Fillmore Ave, my husband Lee Atendido and I (living at 537 Fillmore Ave), are in full support of the rezoning and development of this property. This will only further enhance the businesses and residents of East Aurora.

Regards,

**Marisa Atendido**  
**Buffalo, NY**  
Nurse Practitioner | Sales Professional  
e [matendido@gmail.com](mailto:matendido@gmail.com)  
m 716.983.9976



**Maureen Jerackas**

3 For

**From:** Patrick Welch <pwelch997@gmail.com>  
**Sent:** Monday, October 05, 2020 4:21 PM  
**To:** Village Board; lisabdecarlo@yahoo.com; Peter Mercurio  
**Subject:** 636 East Fillmore

Hon. Mayor Peter Mercurio and the East Aurora Village Board -

I am writing to you in support of changing the designation of the vacant building located at 636 East Fillmore Avenue in the village of East Aurora back to being zoned as a village commercial property.

I was a caretaker of this property for the former owner, Mr. Barry N. Covert. I am also a village police officer and can tell you that I have both personal and professional experience with this property. Over the years this property has attracted the attention of trespassers and rodents. First let me discuss the trespassing aspect. With the vacant building being zoned in a non-development friendly category, it will sit vacant and attract youth who may use the wooded area on the property as cover to engage in illegal activity while they know nobody is monitoring the property.

The rodent aspect of this is like with any vacant property, especially one that backs up to a creek bed. There is an attraction at this building and site for rats, mice and snakes when there is not regular human activity.

When Ms. DeCarlo purchased this property from Barry Covert it was zoned village commercial. Shortly after she took ownership, the property's zoning was changed and that effectively changed the value of the property in a negative way.

Ms. DeCarlo purchased the building with a plan to take a longtime eyesore and turn it into something both useful and appealing to the village charm. If this building cannot be developed into what Ms. DeCarlo has tentatively planned, it will just continue to be an eyesore to not only those of us who live in the village and drive by it everyday but to every visitor that visits our very unique outdoor ice rink. Ms. DeCarlo has a great record of taking properties in our village that were on the verge of becoming eye sores or being structurally unsound and fixing them up and turning them into beautiful properties not only increasing their value but increasing the value of the properties in their respective neighborhoods as well. As somebody who takes great pride in serving the people of East Aurora and living in the village of East Aurora, I fully support this property reverting back to the zoning category of village commercial so that there can be one more beautiful building and not just an eyesore for residents and hockey rink visitors to look at.

Respectfully,

Patrick W. Welch

**Maureen Jerackas**

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4 FOR

**From:** Lynn <lynko@roadrunner.com>  
**Sent:** Monday, October 05, 2020 4:09 PM  
**To:** Village Board  
**Subject:** 636 East Fillmore zoning

Dear Village of East Aurora Board,

I am in support of the re-zoning of 636 East Fillmore from Limited Commercial Residential to Village Commercial zoning. This property for many years has been undeveloped and an eyesore. We now have one of the premier designers in WNY wanting to make this property an asset to our village. This will only help continue the "right" type of growth and development in EA.

I do hope you agree.

Sincerely  
Lynn Kinsella  
716-913-6833

Sent from my iPhone

**Maureen Jerackas**

---

5 For

**From:** Sue Depriest <sdepriest1400@gmail.com>  
**Sent:** Monday, October 05, 2020 4:52 PM  
**To:** Village Board  
**Cc:** Lisa Decarlo  
**Subject:** Rezoning of 636 Fillmore Ave.

Dear East Aurora Village Board,

I am writing in support for the rezoning of 636 Fillmore. This rezoning would simply be returning it to the zoning that was in place when the Decarlo's purchased the building. This building has been vacant and deteriorating for many years. Lisa has had the vision to take several of these buildings in East Aurora and turn them into stylish and functional properties. The quality of her work has been proven time and time again. Her plan for this building can only be a positive development for the area shoring up the investments of the other business owners. It is a retail constant that one feeds off of the other.

I moved to East Aurora in 1985 and have watched as our village has grown and improved. I fought against Walmart and other big box store proposals. I did this so that our local owners could have businesses and thrive. Let us continue on this path and allow this property to be improved.

Sue DePriest  
Howard Hanna Real Estate

**Maureen Jerackas**

FOR

**From:** Cheryl Gicewicz <flowersbynature@gmail.com>  
**Sent:** Monday, October 05, 2020 4:56 PM  
**To:** Village Board  
**Subject:** Zoning

Hello,  
As a small business owner sharing the Riley/ elm street corridor, I support the rezoning of 636 E Fillmore Avenue.  
Lisa Decarlo has taken ownership of many properties in East Aurora,. Every building under her care has only enhanced the building and it's surrounding neighborhood. .

Cheryl Gicewicz  
Flowers By Nature  
82 Elm Street  
East Aurora, NY 14052  
716-655-4484

**Maureen Jerackas**

FOR

**From:** Chrissy Hoffman <chrissyhoffman@howardhanna.com>  
**Sent:** Monday, October 05, 2020 4:57 PM  
**To:** Village Board  
**Subject:** 636 E Fillmore

To whom it may concern:

It is time for the corner of Riley and E. Fillmore to be cleaned up and improved. Having another restaurant would further improve the draw of East Aurora as a destination to bring in revenue from out of town visitors.

City of Buffalo planners are begging for the football stadium be moved downtown to draw more restaurants and retail stores around. Please don't take one of our wonderful assets - the Classic Rink - and not use it for the same purpose.

Nearly 15 years ago we moved onto East Fillmore and we have driven past the run down building at the corner of East Fillmore and Riley Street countless times.

As our town evolved and developed this building remained rundown. The hockey rink has gone through 5 evolutions and this building remained rundown bringing down the property values of everything around it.

Finally someone wants to invest in the property.

The neighbors on Riley are a hockey rink and an office building.

The neighbors on E Fillmore are a Benderson plaza, and Arriba. The closest residential properties on the street are multiunit townhouses/row houses not bordering this property.

The location is very commercial on a corner across the street from an ice rink and a plaza.

It is already within 500 feet of Arriba, Rileys, Subway and Griffon Gastro Pub, Reds and Taste

Please consider the positive affect Elm Street Bakery had on Elm Street.

Let's not let someone who finally has stepped up to the plate to invest be discouraged!

Thank you for your consideration,

Chrissy

Chrissy Hoffman  
Licensed Associate Real Estate Broker  
HOWARD HANNA  
659 Oakwood Avenue  
East Aurora, NY 14052

**SUGGESTED RESOLUTION  
AUTHORIZING RESOLUTION**

At a meeting of the \_\_\_\_\_

(Name of Municipality)

Board/Council held on \_\_\_\_\_, the Board/Council

(Date)

authorized \_\_\_\_\_,

(Name)

(Title)

to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following project(s) upon approval of ECCDBG:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

Town/City/ Village/ Clerk

\_\_\_\_\_

Notary

Please attach a copy of Public Hearing Notice

VILLAGE OF EAST AURORA  
 571 Main Street, East Aurora, New York 14052  
 716-652-6000  
 In conjunction with  
 Town of Aurora Building Department  
 300 Glead Ave, East Aurora, NY 14052  
 716-652-7591

Building Dept:	_____
Date Received	_____
Complete App	_____
Village Clerk:	_____
Date Filed	_____
Amount \$	_____
Receipt #	_____

**SPECIAL USE PERMIT APPLICATION**

PROPOSED PROJECT \_\_\_\_\_ SBL#: 164.20-7-34.2  
 LOCATION 510 Main St. ZONING DISTRICT NC. (mmo)

The applicant agrees to reimburse the Village for any additional fees required for consultant's review.

APPLICANT NAME Steve Kraster  
 ADDRESS Same as above  
 TELEPHONE 716-652-0224 FAX \_\_\_\_\_ E-MAIL Charlie's Dmen@hotmail.com  
 SIGNATURE Steve Kraster

OWNER NAME STEVEN KRASTER  
 ADDRESS \_\_\_\_\_  
 TELEPHONE \_\_\_\_\_ FAX \_\_\_\_\_ E-MAIL \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_

DEVELOPER NAME Same as above  
 ADDRESS \_\_\_\_\_  
 TELEPHONE \_\_\_\_\_ FAX \_\_\_\_\_ E-MAIL \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_

★ THIS APPLICATION MUST INCLUDE THE FOLLOWING:

- One (1) – Cover letter to Village Board, Supporting Documents, and SEQR as required in §285-52.2
- One (1) complete file of submittal package in PDF format via email (under 10MB) to [maureen.jerackas@east-aurora.ny.us](mailto:maureen.jerackas@east-aurora.ny.us). Larger files may be submitted on a USB drive or CD or by Dropbox.
- Application fee \$25.00, Permit fee \$25.00, and Public Hearing fee \$100.00 – Total \$150 at time of application

OFFICE USE ONLY: Sketch Plan Meeting Date \_\_\_\_\_

REQUIRED MEETINGS/REFERRALS:

	Mtg/Mail Date	Conditions/Comments, if applicable:
Planning Commission	_____	_____
Safety Committee	_____	_____
VEA DPW	_____	_____
OTHER (specify)	_____	_____

SEQR ACTION:

\_\_\_ Type 1 \_\_\_ Type 2 \_\_\_ Unlisted

VILLAGE BOARD ACTION:

	Mtg/Mail Date
Public Hearing	_____
Notices Mailed	_____
Posted Notice-VEA Hall	_____
Posted Notice-Prop	_____
Approval/Denial Date	_____

Attach Village Board resolution with noted conditions.

To whom it may concern,

As the owner of Charlie's Diner, located at 510 Main St., I received concerns from the Building Department regarding my recent expansion. I would like to address those with this letter.

In compliance with COVID-related regulations I reduced my seating capacity in the dining room by fifty percent. In order to keep my business profitable, I needed to expand my dining room as a whole.

I converted the upstairs apartment of the restaurant into three separate dining rooms. This accounts for an additional sixteen seating capacity. This seating area can be accessed via two pre-existing staircases. Additionally, this area is not and will not accommodate banquets or "parties." It is simply an additional private seating area for individual patrons or large families alike.

Even with this addition and the seventy-five seats downstairs I am still under my allotted occupancy. Further, I have no intention to return to my prior capacity even after these restrictions are lifted.

If you have any other questions or concerns please contact me.

Regards,

Steven Krastev

Charlie's Diner

# Memo

**To:** Village Board  
**From:** William Kramer  
**CC:**  
**Date:** 9/01/2020  
**Re:** 510 Main: Special Use Permit Application

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Mayor and Trustees,

The Special Use Permit for 510 Main St. involves the conversion of part of the second story of his existing restaurant, and the flat roof of the existing restaurant into additional dining area. This property is in the NC (Neighborhood Commercial) Zoning District with the Mid-Main Overlay. I have requested that Mr. Krastev apply for a modification to his Special Permit because of the addition of the outdoor seating on the upper deck. As explained in his letter the overall capacity of his restaurant will be below his pre-COVID occupancy and he plans to maintain this occupancy level post-Covid. There will be no other changes to the current operation of his restaurant. This process requires SEQR review and a public hearing prior to any decision of the Village Board. If you have any questions contact me at 652-7591.

Bill Kramer

# 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			
Name of Action or Project: <i>2<sup>nd</sup> Floor Dining</i>			
Project Location (describe, and attach a location map): <i>510 Main St East Aurora NY</i>			
Brief Description of Proposed Action: <i>Increase Dining Area</i>			
Name of Applicant or Sponsor: <i>Steven Krash</i>		Telephone: <i>523-2629</i>	
Address: <i>510 Main St</i>		E-Mail:	
City/PO: <i>East Aurora</i>		State: <i>NY</i>	Zip Code: <i>14052</i>
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 checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: <i>Town Building Dept</i>			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>.394</i> acres	
b. Total acreage to be physically disturbed?		<i>0</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>.394</i> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

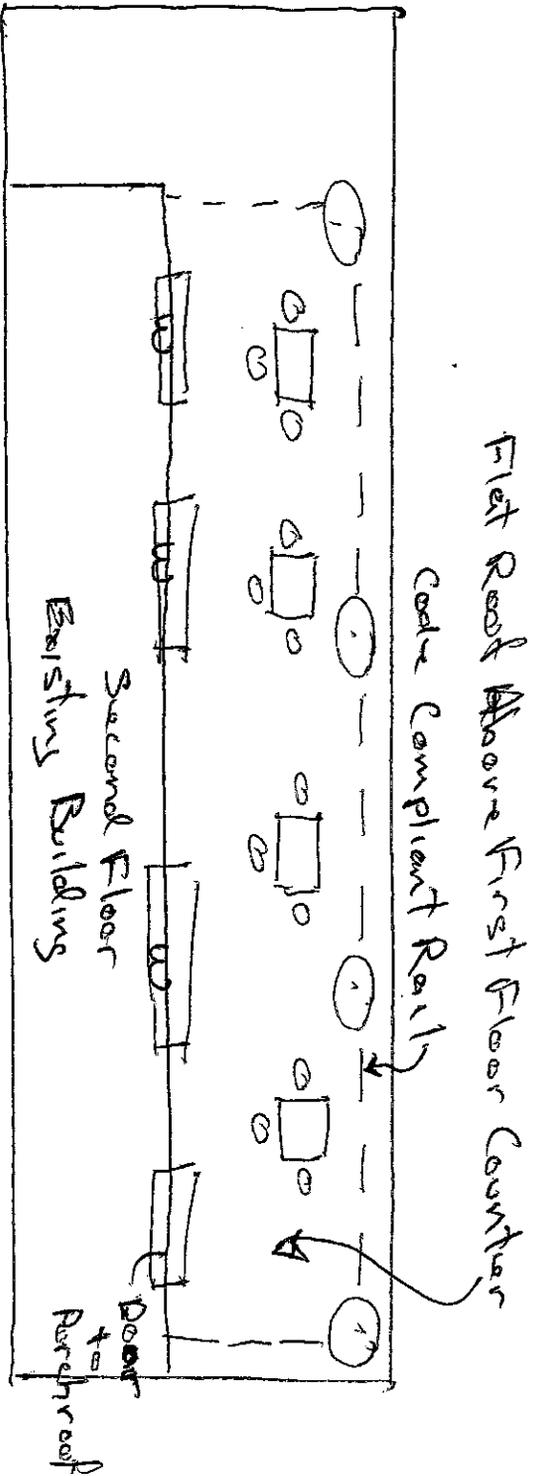


18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO   <input checked="" type="checkbox"/>	YES   <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO   <input checked="" type="checkbox"/>	YES   <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO   <input checked="" type="checkbox"/>	YES   <input type="checkbox"/>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: She Koster  
 Signature: [Signature]

Date: 8-31-2020



VILLAGE OF EAST AURORA  
 571 Main Street, East Aurora, New York 14052  
 716-652-6000  
 In conjunction with  
 Town of Aurora Building Department  
 300 Glead Ave, East Aurora, NY 14052  
 716-652-7591

Building Dept:	
Date Received	6/26/20
Complete App	3/1/20
Village Clerk:	
Date Filed	
Amount \$	
Receipt #	

**SOCIAL USE PERMIT APPLICATION**

PROPOSED PROJECT NYS Farm Brewery SBL#: 176.05-6-14  
 LOCATION 667 Oakwood Ave - Rear Bld. - West Side ZONING DISTRICT NC

The applicant agrees to reimburse the Village for any additional fees required for consultant's review.

APPLICANT NAME Lincoln Cutting  
 ADDRESS 331 Grand Ave. (W) EA NY 14052  
 TELEPHONE 646 872 8199 FAX \_\_\_\_\_ E-MAIL lincolncutting@gmail.com  
 SIGNATURE \_\_\_\_\_

OWNER NAME Tim Fauris  
 ADDRESS 45 Deepwood Dr. EA NY 14052  
 TELEPHONE 716 460 4772 FAX \_\_\_\_\_ E-MAIL graphicstransfer@yahoo.com  
 SIGNATURE \_\_\_\_\_

DEVELOPER NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 TELEPHONE \_\_\_\_\_ FAX \_\_\_\_\_ E-MAIL \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_

**THIS APPLICATION MUST INCLUDE THE FOLLOWING:**

- One (1) – Cover letter to Village Board, Supporting Documents, and SEQR as required in §285-52.2
- One (1) complete file of submittal package in PDF format via email (under 10MB) to [maureen.ierackas@east-aurora.ny.us](mailto:maureen.ierackas@east-aurora.ny.us). Larger files may be submitted on a USB drive or CD or by Dropbox.
- Application fee \$25.00, Permit fee \$25.00, and Public Hearing fee \$100.00 – Total \$150 at time of application

OFFICE USE ONLY: Sketch Plan Meeting Date \_\_\_\_\_

REQUIRED MEETINGS/REFERRALS:

	Mtg/Mail Date	Conditions/Comments, if applicable:
Planning Commission	_____	_____
Safety Committee	_____	_____
VEA DPW	_____	_____
OTHER (specify)	_____	_____

SEQR ACTION:  
 \_\_\_ Type 1  Type 2 \_\_\_ Unlisted

VILLAGE BOARD ACTION:

	Mtg/Mail Date
Public Hearing	_____
Notices Mailed	_____
Posted Notice-VEA Hall	_____
Posted Notice-Prop	_____
Approval/Denial Date	_____

Attach Village Board resolution with noted conditions.

East Aurora Brewery  
667 Oakwood Ave.  
East Aurora, NY  
14052

To the Village Board of East Aurora,

East Aurora Brewery, established 7/9/2016 and located at 667 Oakwood Ave. in East Aurora, N.Y., is submitting this application for a special use permit upon the direction of the Town Code Enforcement Officer who stated in correspondence "it is my determination that [East Aurora Brewery is] in the classification of a restaurant and thus subject to the Special Permit process." [See Attachment "B"]

In September of 2016 my brother Paul and I, both lifelong East Aurora Village residents, opened the first licensed New York State Farm Brewery in Western New York. We are located in an existing and previously unoccupied non-historic 1500 sq. ft. commercial/industrial building at 667 Oakwood Ave. which has off street private parking for 50 vehicles and is nestled between mostly industrial/commercial buildings.

As a small, farm level, craft beverage manufacturer and entrepreneurial start-up, our mandate is unique among licensed breweries in New York State. In conjunction with the The New York State Liquor Authority and New York Agricultural Markets, farm level licensees, like ourselves, agree to produce only those products that contain specific amounts of New York State grown produce. These requirements are a result of a partnership between the NYSLA and Agriculture and Markets/farmers that the governor has promoted in the state over the last ten years. The intent of fostering this partnership is to bolster the agricultural industry of New York State and, moreover, the many municipalities that rely on that industry.

The agricultural industry is one of the most significant and traditional aspects of East Aurora. Not so very long ago the village occupied a central position in the agricultural network of the area. With respect to that tradition, East Aurora Brewery has advanced the notion of "hyper-local" sourcing. It is particularly noteworthy that much of what East Aurora Brewery uses to produce its products is grown on farms right in the Town of Aurora and not elsewhere in New York State. We continually expand and deepen these "hyper-local" relationships in an effort to support our immediate community over other interests. And we believe that our small company helps to spotlight the character of East Aurora and its agricultural/craft heritage.

This is a farm and village community driven process for us that continues to expand year over year. We believe our unique process of farm to glass craft manufacturing helps to spotlight for our village and tourist customers the unique relationship that exists historically between The Village of East Aurora and the agricultural community at large within which it is located. Our enterprise is distinctive in Western New York and the Village of East Aurora, and our marketing and promotional efforts have helped turn a previously unused part of the

Elm Street Business District into a vital and well liked destination for locals and tourists alike. We think our small scale operation truly fits in and helps to enhance the special feel of the village and the neighborhood.

In our youth, this part of the Elm street corridor was a bustling place of commerce with businesses that catered to and were owned by local people. With an eye to that history we have tried to bring back a flavor of those types of businesses while continually conducting our own business with the high respect due our neighbors. As owners born and raised in the Village of EA, having our 6 years long investment reap these kinds of rewards for the town we love is a tremendous point of pride for us.

As part of this application we are requesting authorization to distill on our premises. Our distillery [See Attachment "A"] will be a small batch operation positioned (for security purposes as per Federal requirements) in a separately walled space located entirely within our existing building. This 250 sq. ft. room will house all distilling operations. We intend to make a variety of specialty craft farm specific liquors and aperitifs. Associated distilleries are trending statewide among small batch craft breweries for two important reasons; Firstly, customers that come to buy the products we produce from New York State farm produce are looking to buy New York State grown and made spirits as well. Secondly, there is a strong business imperative stemming from the need to utilize our existing equipment to produce alternative and additional product lines. Small batch breweries have discovered that there is tremendous economy in adding a small distillery to a brewery because the process by which spirits are made uses common equipment save one critical piece: the still itself. Provided we are authorized to proceed, this additional piece of equipment will be acquired.

As a matter of responsible financial diligence, we believe that our hours can be no less than those normally provided by our closest competitors in the village. These include, but are not limited to, 42 North Brewing Co. and Wallenweins Hotel [See Attachment "C"].

As mentioned earlier, we are a New York State Farm Brewery and operate exclusively as such. Our activities strictly follow current farm Brewery Law and do not in any way exceed or deviate from those activities, rights, and business use privileges provided to us through our Farm Brewery license issued to us on September 9 of 2016 by the New York State Liquor Authority

As part of this application we are requesting the use of outdoor seating space to be used for customer seating and not outdoor music [See Attachment "A"]. This space is contiguous with our facility and sits in an enclosed alleyway between our building and adjacent industrial/commercial buildings and does not extend beyond the front face of the building into the parking lot. The proposed space will comfortably accommodate 40 people seated. The unique location of this space, we believe, represents a manifest and robust sound barrier between our guests and the adjacent residents and will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents.

It is important to note that our operations as a brewery and those we are proposing as a distillery are and will continue to be contained entirely within an existing (previously unused) non-historic space surrounded almost entirely by industrial buildings along the Elm Street development area. All noise, dust, glare, odor, refuse, fumes, vibrations, unsightliness, contamination or other similar conditions that may or may not be present in our production processes are and will be contained entirely within the confines of the existing indoor brewery space and the proposed distillery space (250 sq. ft.). This space is currently authorized for food and beverage production by New York State Agriculture and

Markets, and is inspected, approved and licensed annually by their sanitarians. Also, There exists buffering in the form of a large fence and high shrubs between the parking lot and building and the adjacent homes. Our location and operation, in an underused portion of business/commercial property in the village is in no way, we believe, detrimental to the public convenience and welfare. Nor does it create a hazard to health, safety or the general welfare of the public. This is due in large measure to our unique, unobtrusive and "hidden" location, our small-batch/small-scale craft process, and our ideal private parking facilities (i.e. our private 50 car lot).

Thank you for your consideration.

Sincerely,

Lincoln Cutting

East Aurora Brewery

# 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.

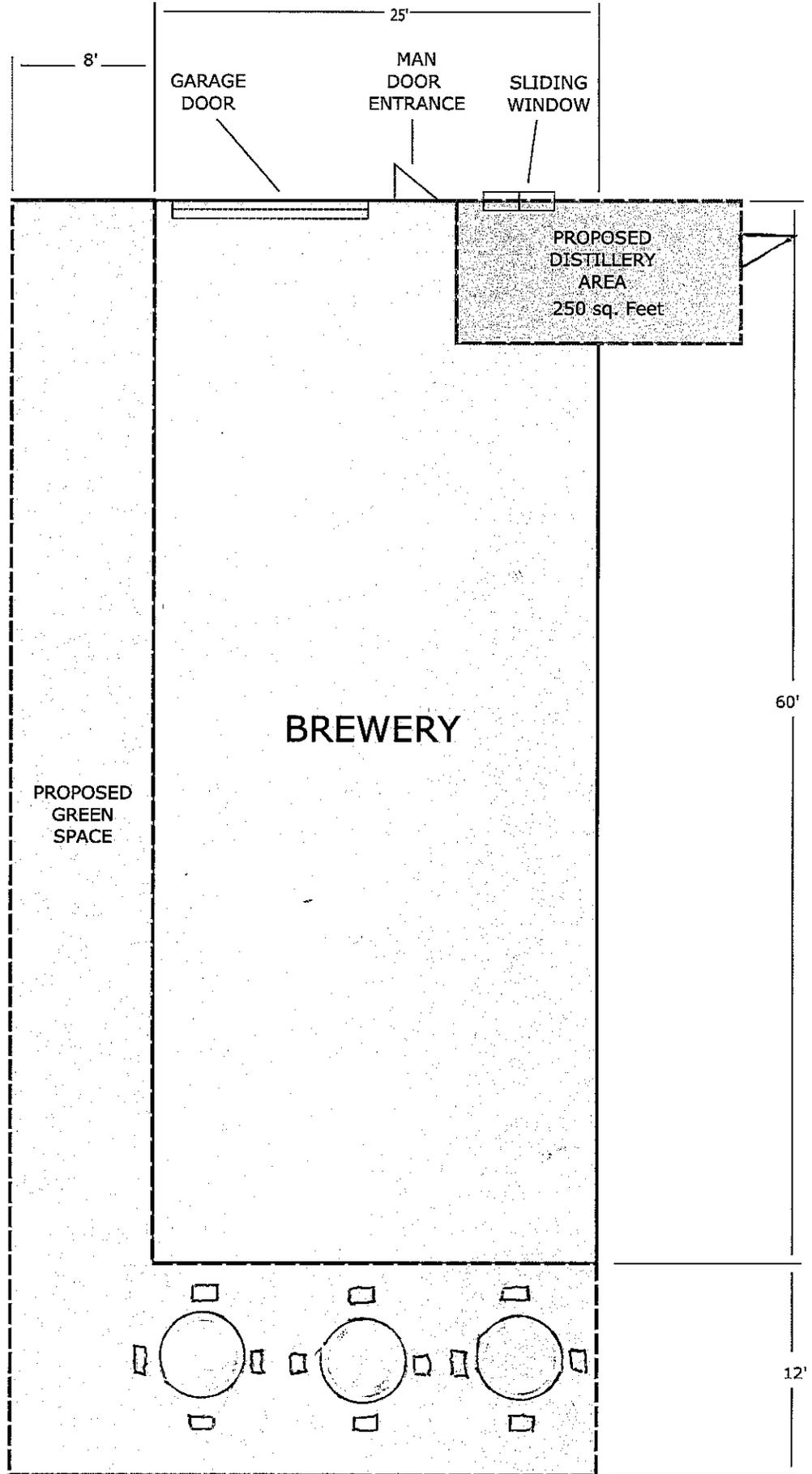
Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>East Arawa Brewery</i>			
Project Location (describe, and attach a location map): <i>667 Oakwood Ave E Arawa NY 14052</i>			
Brief Description of Proposed Action: <i>Furn Brewery 1445 and distillery with outdoor serving - In existing building</i>			
Name of Applicant or Sponsor: <i>Lincoln Cutting</i>		Telephone: <i>646. 872. 8144</i>	
		E-Mail: <i>lincolncutting@gmail.com</i>	
Address: <i>831 Grand Ave (W) E. Arawa NY 14052</i>			
City/PO: <i>East Arawa</i>		State: <i>NY</i>	Zip Code: <i>14052</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO
<i>Village of E. Arawa NY "Special Use Permit"</i>			YES
3.a. Total acreage of the site of the proposed action?		<i>.1</i> acres	
b. Total acreage to be physically disturbed?		<i>0</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?          If Yes, describe: _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?          If Yes, describe: _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Lincoln Cutting</u> Date: <u>6/30/2026</u>          Signature: <u>[Signature]</u></p>		

East Aurora Distillery and Winery, LLC  
DBA East Aurora Brewery  
667 Oakwood Ave  
East Aurora, NY 14052

*Attachment A*



3/13/2018

Lincoln Cutting  
East Aurora Brewery  
667 Oakwood Ave.  
East Aurora, NY 14052

Lincoln,

As discussed at our last meeting I recognize that you are licensed with NYS as a "farm brewery" and with that license The State allows you certain privileges with regard serving alcoholic beverages at your brewery. Those privileges granted by The State do not dismiss you from complying with local zoning regulations.

Chapter 285 Section 51 of the Village Code deals with uses requiring special permits by the Village Board. It states "The following uses, such as, but not limited to, gasoline service stations, rapid car washes, restaurants, outdoor service of food and beverages and outdoor display of merchandise and theme pieces are declared to possess one or more special and unique characteristics, such as extensive paved areas for off street maneuvering space, unusual operating hours extending beyond the span of a normal working day, sale and handling of products which create problems of noise, safety, visual pollution and sanitation, all of which create an incompatible impact upon adjacent developed areas."

... a restaurant in the Village Code is "A building or portion thereof where food and beverages are sold to the public for consumption on the premises. The determination that your invitation to the public to visit your brewery for the consumption of the beverages you produce and the beverages produced by breweries and wineries puts you in the classification of a restaurant and requires the Special Permit process.

... a restaurant does continue to say "... A building or portion thereof where food and beverages are sold to the public for consumption on the premises shall be deemed a restaurant if the sale of such food and beverage is the main business being conducted at such building, provided such building shall, upon written request, submit proof satisfactory to the Village Board that such sale is incidental to such main use. If the Village Board is satisfied by such proof, a special permit shall be applied for pursuant to the Village Code. So you do have that option.

It would be my contention however that simply by the nature of the stated late hours, the noise complaints I have received and the fact that the Village definition of a Brewery does not include commercial, allow any service of beverages to the public, you would be subject to the Special Permit process.

I am requesting that you either apply to the Village Board for Special Permit approval or submit a written request with satisfactory proof to the Village Board that they consider your beverage service to the public as an incidental use of your business. Any such request shall be submitted to the Village Clerk by March 27, 2013 for inclusion on the April 2<sup>nd</sup> Village Board agenda. If you have any questions you can contact me at 630-727-2914.

William R. Kramer

*William R. Kramer*  
Town of Aurora Code Enforcement

Attachment C

Eric County HTML5 2.7

www.eastaurorabrewery.com/index.php/east-auroora-brewery-hours-of-operation

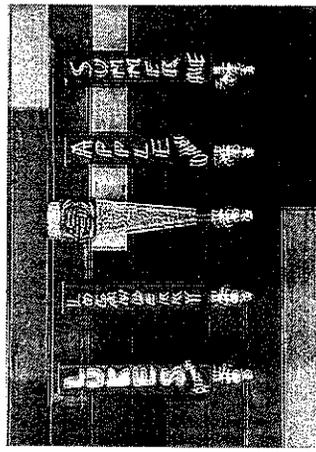
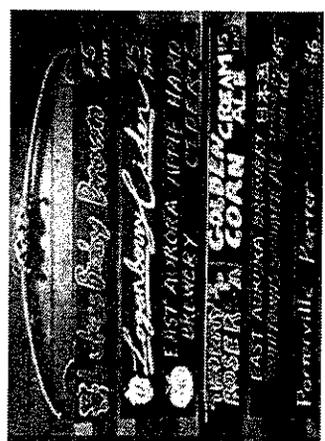
Division of Code Enforcement

Property Registration

WebMap

East Aurora Union Fire

Search



EAST AURORA BREWERY HOURS OF OPERATION

HOME AND MAP

OUR BEERS AND CIDERS

INSTAGRAM

**East Aurora Brewery Hours Of Operation**  
**Come Visit us in Our tasting Room!**  
**Friday - 6:00 pm to 11:00 pm**  
**Saturday - 6:00 pm to 11:00 pm**

Print

Login Form

Username

Password

Remember Me

Log In

Forgot your password?  
 Forgot your username?

We spend all the other days hard at work brewing in order to bring you the best beers that East Aurora has to offer.

Thank you for visiting

Drink Responsibly

Site Map

XML Site Map

East Aurora Brewery  
667 Oakwood Ave.  
East Aurora, NY  
14052

9/28/2020

To the Village Board of East Aurora,

East Aurora Brewery, established 7/9/2016 and located at 667 Oakwood Ave. in East Aurora, N.Y., is submitting this application for a special use permit upon the direction of the Town Code Enforcement Officer who stated in correspondence "it is my determination that [East Aurora Brewery is] in the classification of a restaurant and thus subject to the Special Permit process." [See Attachment "B"]

In September of 2016 my brother Paul and I, both lifelong East Aurora Village residents, opened the first licensed New York State Farm Brewery in Western New York. We are located in an existing and previously unoccupied non-historic 1500 sq. ft. commercial/industrial building at 667 Oakwood Ave. which has off street private parking for 50 vehicles and is nestled between mostly industrial/commercial buildings.

As a small, farm level, craft beverage manufacturer and entrepreneurial start-up, our mandate is unique among licensed breweries in New York State. In conjunction with the The New York State Liquor Authority and New York Agricultural Markets, farm level licensees, like ourselves, agree to produce only those products that contain specific amounts of New York State grown produce. These requirements are a result of a partnership between the NYSLA and Agriculture and Markets/farmers that the governor has promoted in the state over the last ten years. The intent of fostering this partnership is to bolster the agricultural industry of New York State and, moreover, the many municipalities that rely on that industry.

The agricultural industry is one of the most significant and traditional aspects of East Aurora. Not so very long ago the village occupied a central position in the agricultural network of the area. With respect to that tradition, East Aurora Brewery has advanced the notion of "hyper-local" sourcing. It is particularly noteworthy that much of what East Aurora Brewery uses to produce its products is grown on farms right in the Town of Aurora and not elsewhere in New York State. We continually expand and deepen these "hyper-local" relationships in an effort to support our immediate community over other interests. And we believe that our small company helps to spotlight the character of East Aurora and its agricultural/craft heritage.

This is a farm and village community driven process for us that continues to expand year over year. We believe our unique process of farm to glass craft manufacturing helps to spotlight for our village and tourist customers the unique relationship that exists historically between The Village of East Aurora and the agricultural community at large within which it is located. Our enterprise is distinctive in Western New York and the Village of East Aurora, and our marketing and promotional efforts have helped turn a previously unused part of the

Elm Street Business District into a vital and well liked destination for locals and tourists alike. We think our small scale operation truly fits in and helps to enhance the special feel of the village and the neighborhood.

In our youth, this part of the Elm street corridor was a bustling place of commerce with businesses that catered to and were owned by local people. With an eye to that history we have tried to bring back a flavor of those types of businesses while continually conducting our own business with the high respect due our neighbors. As owners born and raised in the Village of EA, having our 6 years long investment reap these kinds of rewards for the town we love is a tremendous point of pride for us.

As part of this application we are requesting authorization to distill on our premises. Our distillery [See Attachment "A"] will be a small batch operation positioned (for security purposes as per Federal requirements) in a separately walled space located entirely within our existing building. This 250 sq. ft. room will house all distilling operations. We intend to make a variety of specialty craft farm specific liquors and aperitifs. Associated distilleries are trending statewide among small batch craft breweries for two important reasons; Firstly, customers that come to buy the products we produce from New York State farm produce are looking to buy New York State grown and made spirits as well. Secondly, there is a strong business imperative stemming from the need to utilize our existing equipment to produce alternative and additional product lines. Small batch breweries have discovered that there is tremendous economy in adding a small distillery to a brewery because the process by which spirits are made uses common equipment save one critical piece: the still itself. Provided we are authorized to proceed, this additional piece of equipment will be acquired.

As a matter of responsible financial diligence, we believe that our hours can be no less than those normally provided by our closest competitors in the village. These include, but are not limited to, 42 North Brewing Co. and Wallenweins Hotel [See Attachment "C"].

As mentioned earlier, we are a New York State Farm Brewery and operate exclusively as such. Our activities strictly follow current farm Brewery Law and do not in any way exceed or deviate from those activities, rights, and business use privileges provided to us through our Farm Brewery license issued to us on September 9 of 2016 by the New York State Liquor Authority

As part of this application we are requesting the use of outdoor seating space to be used for customer seating and not outdoor music [See Attachment "A"]. This space is contiguous with our facility and sits in an enclosed alleyway between our building and adjacent industrial/commercial buildings and does not extend beyond the front face of the building into the parking lot. The proposed space will comfortably accommodate 40 people seated. The unique location of this space, we believe, represents a manifest and robust sound barrier between our guests and the adjacent residents and will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents.

It is important to note that our operations as a brewery and those we are proposing as a distillery are and will continue to be contained entirely within an existing (previously unused) non-historic space surrounded almost entirely by industrial buildings along the Elm Street development area. All noise, dust, glare, odor, refuse, fumes, vibrations, unsightliness, contamination or other similar conditions that may or may not be present in our production processes are and will be contained entirely within the confines of the existing indoor brewery space and the proposed distillery space (250 sq. ft.). This space is currently authorized for food and beverage production by New York State Agriculture and

Markets, and is inspected, approved and licensed annually by their sanitarians. Also, There exists buffering in the form of a large fence and high shrubs between the parking lot and building and the adjacent homes. Our location and operation, in an underused portion of business/commercial property in the village is in no way, we believe, detrimental to the public convenience and welfare. Nor does it create a hazard to health, safety or the general welfare of the public. This is due in large measure to our unique, unobtrusive and "hidden" location, our small-batch/small-scale craft process, and our ideal private parking facilities (i.e. our private 50 car lot).

Thank you for your consideration.

Sincerely,



Lincoln Cutting

East Aurora Brewery

## Attachments

A A – Letter from Mr. Kramer claiming “you are a restaurant and need special use permission as such...”

A B – Excerpt from NYS Brewery Law specifying our legal authority to sell full servings on premises of our product and the product of other breweries, wineries and distilleries.

A C - 4 year old and 1 year old inspection certificate/letter from Mr. Kramer and Ms. Cassidy

A D – Diagram for

- proposed outdoor green-space seating
- Proposed Distillery Space – 250 Sq. Ft. Inside Existing Building
- Brewery Ingress and Egress
- Rest Rooms
- Retail Space
- Hours of Operation

A E – Our Freedom of Information Act Request letter to the EAPD dated August 11 2020

A F – Abstract of FOIA request results

A G – Attorney research on “noise generating occupations” precedent cases in NYS

A H – Satellite Image of East Aurora Brewery Showing

- Adjacent Dwellings and Businesses
- Private 50 Car Parking Lot
- Driveway Ingress and Egress

SUPERVISOR  
James J. Bach  
(716) 652-7590  
[jbach@townofaurora.com](mailto:jbach@townofaurora.com)



**A - A**  
TOWN CLERK  
Martha L. Librock  
(716) 652-3280  
[townclerk@townofaurora.com](mailto:townclerk@townofaurora.com)

**TOWN OF AURORA**  
**Southside Municipal Center**  
300 Glead Avenue, East Aurora, NY 14052  
[www.townofaurora.com](http://www.townofaurora.com)

TOWN COUNCIL MEMBERS

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TOWN JUSTICE  
Jeffrey P. Markello  
Anthony DiFilippo IV

HISTORIAN  
Robert L. Goller  
(716) 652-7944  
[historian@townofaurora.com](mailto:historian@townofaurora.com)

FAX: (716) 652-3507  
NYS Relay Number:  
1(800) 662-1220

Lincoln Cutting  
East Aurora Brewery  
667 Oakwood Ave.  
East Aurora, NY 14052

3/13/2018

Lincoln,

As discussed at our last meeting I recognize that you are licensed with NYS as a "farm brewery" and with that license The State allows you certain privileges with regard serving alcoholic beverages at your brewery. Those privileges granted by The State do not dismiss you from complying with local zoning regulations.

Chapter 285 Section 51 of the Village Code deals with uses requiring special permits by the Village Board. It states "The following uses, such as, but not limited to, gasoline service stations, rapid car washes, restaurants, outdoor service of food and beverages and outdoor display of merchandise and theme pieces are declared to possess one or more special and unique characteristics, such as extensive paved areas for off street maneuvering space, unusual operating hours extending beyond the span of a normal working day, sale and handling of products which create problems of noise, safety, visual pollution and sanitation, all of which create an incompatible impact upon adjacent developed areas."

The definition of a restaurant in the Village Code is "A building or portion thereof where food and beverages are sold to the public for consumption on the premises...". It is my determination that your invitation to the public to visit your establishment for the consumption of the beverages you produce and the beverages of other brewers, distillers and wineries puts you in the classification of a restaurant and thus subject to the Special Permit process.

The definition of a restaurant does continue to say "... A building or portion thereof where food and beverages are sold to the public for consumption on the premises, shall not be deemed a restaurant if the sale of such food and beverage is merely incidental to the main business being conducted at such building, provided that the owner of such building shall, upon written request, submit proof satisfactory to the Village Board that such sale is incidental to such main use. If the Village Board is not satisfied by such proof, a special permit shall be applied for pursuant to 285-51 of this code.", so you do have that option.

It would be my contention however that simply by the nature of the stated late hours, the noise complaints I have received and the fact that the Village definition of a Brewery does not include or inherently allow any service of beverages to the public, you would be subject to the Special Permit process.

I am requesting that you either apply to the Village Board for Special Permit approval or submit a written request with satisfactory proof to the Village Board that they consider your beverage service to the public as an incidental use of your business. Any such request shall be submitted to the Village Clerk by March 27<sup>th</sup> for inclusion on the April 2<sup>nd</sup> Village Board agenda. If you have any questions you can contact me at 652-7591.

William R. Kramer



Town of Aurora Code Enforcement

§ 51-a. Farm brewery license. 1. Any person may apply to the authority for a farm brewery license as provided for in this section to brew beer within this state for sale. Such application shall be in writing and verified and shall contain such information as the authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the authority grants the application, it shall issue a license in such form as shall be determined by its rules. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to brew beer in the premises therein specifically licensed.

2. A farm brewery license shall authorize the holder thereof to operate a brewery for the manufacture of New York state labelled beer. Such a license shall also authorize the licensee to:

(a) manufacture New York state labelled cider and New York state labeled braggot;

(b) sell in bulk beer, cider, and braggot manufactured by the licensee to any person licensed to manufacture alcoholic beverages in this state or to a permittee engaged in the manufacture of products which are unfit for beverage use;

(c) sell or deliver beer, cider, and braggot manufactured by the licensee to persons outside the state pursuant to the laws of the place of such delivery;

(d) sell beer, cider, and braggot manufactured by the licensee to wholesalers and retailers licensed in this state to sell such beer, cider, and braggot, licensed farm distillers, licensed farm wineries, licensed farm cideries, licensed farm meaderies and any other licensed farm brewery. All such beer, cider, and braggot sold by the licensee shall be securely sealed and have attached thereto a label as shall be required by section one hundred seven-a of this chapter;

(e) sell at the licensed premises beer, cider, and braggot manufactured by the licensee or any other licensed farm brewery, and wine and spirits manufactured by any licensed farm winery or farm distillery, at retail for consumption on or off the licensed premises;

(f) conduct tastings at the licensed premises of beer, cider, and braggot manufactured by the licensee or any other licensed farm brewery;

(g) operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, beer, cider, and braggot manufactured by the licensee and any New York state labeled beer, New York state labeled braggot or New York state labeled cider. All of the provisions of this chapter relative to licenses to sell beer, cider, and braggot at retail for consumption on and off the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed farm brewery may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment;

(h) sell beer, cider, and braggot manufactured by the licensee or any other licensed farm brewery at retail for consumption off the premises, at the state fair, at recognized county fairs and at farmers markets operated on a not-for-profit basis;

(i) conduct tastings of and sell at retail for consumption off the premises New York state labelled wine and mead manufactured by a person licensed to produce wine or mead under this chapter;

(j) conduct tastings of and sell at retail for consumption off the premises New York state labelled cider manufactured by a licensed cider producer or licensed farm cidery;



A-C

TOWN of AURORA FIRE SAFETY REPORT

BUSINESS: E.A. Brewery  
 ADDRESS: 667 Oakwood Ave. (Rear  
 Rep: \_\_\_\_\_

Ph # \_\_\_\_\_  
 Class F-2  
 Date 7/8/2016

Date:	Code	n/a	conf.	viol.	location	reinspected
304.1	waste accumulation prohibited		x			
304.3.3	dumpster location	x				
305.1	clearance from ignition source	x				
308.3.6	open flames in A occupancies	x				
309	powered industrial trucks	x				
310.3	no smoking signs	x				
311.2	vacant premises	x				
312.2	vehicle impact protection		x			
315	misc. storage of combustibles		x			
404	fire safety and evacuation plans	x				
405	emergency evacuation drills	x				
406	employee training	x				
407.2	MSDS sheets available	x				
407.3	HAZ. Material containers I.D.	x				
503	fire apparatus access		x			
505.1	building identification maintained		x			
508.5.2	hydrant systems maintained	x				
603.6	chimneys are maintained		x			
605.4	unapproved elec.adapters		x			
605.5	extension cords properly used		x			
605.6	wiring maintained		x			
703	fire rated construction maintained	x				
703.2.3	fire doors operate properly	x				
803.1.1	furnishings & decorations comply		x			
901.4	fire protection systems maint.	x				
901.6	fire systems are operable	x				
904	systems tested as required	x				
904.11	ANSUL systems maintained	x				
904.11	commercial kitchens meet code	x				
905	standpipe systems as required	x				
906.1	portable extinguishers per code		x			
906.6	extinguishers hung and visible		x			
1003.2	means of egress are compliant		x			
1003.2.2.5	occupancy load listed	x				
1003.2.8	egress is free from obstruction		x			
1011.5	emergency escapes maintained	x				
1012.2	egress doors not locked		x			
1012.7	exit signs over required doors		x			
1012.7.4	exit signs illuminated		x			
1012.9	emergency lighting provided		x			
1012.1	exits are unobstructed		x			
1012.11.1	aisles meet code requirements		x			
3003.3.3	compressed gas cont. secure	x				

Name \_\_\_\_\_  
 Title \_\_\_\_\_

Date \_\_\_\_\_  
 Signature \_\_\_\_\_



non-residential

Town of Aurora Building Dept  
300 Glead Ave  
East Aurora, NY 14052  
(716)652-7591

# FIRE SAFETY INSPECTION NOTIFICATION

## Fire Inspection

08/29/19

Permit#: 2019-8150

Fee: \$0.00

**Issued to:** EA Brewery  
667 Oakwood Ave  
East Aurora, NY 1452

**Multiple businesses**

**Location: 667 Oakwood Ave**

**Occupancy: B**

**Occupant Load: 0**

---

**Tax Map#:**  
176.05-6-14

**Owner:**  
Graphic Transfers, Inc.  
45 Deepwood Ave  
East Aurora, NY

**Per NYS Rules and Regulations Part 1203, which states that all Assemblies, Commercial and Rental properties will be inspected periodically depending on use, this notice serves to inform you that your inspection is now due.**

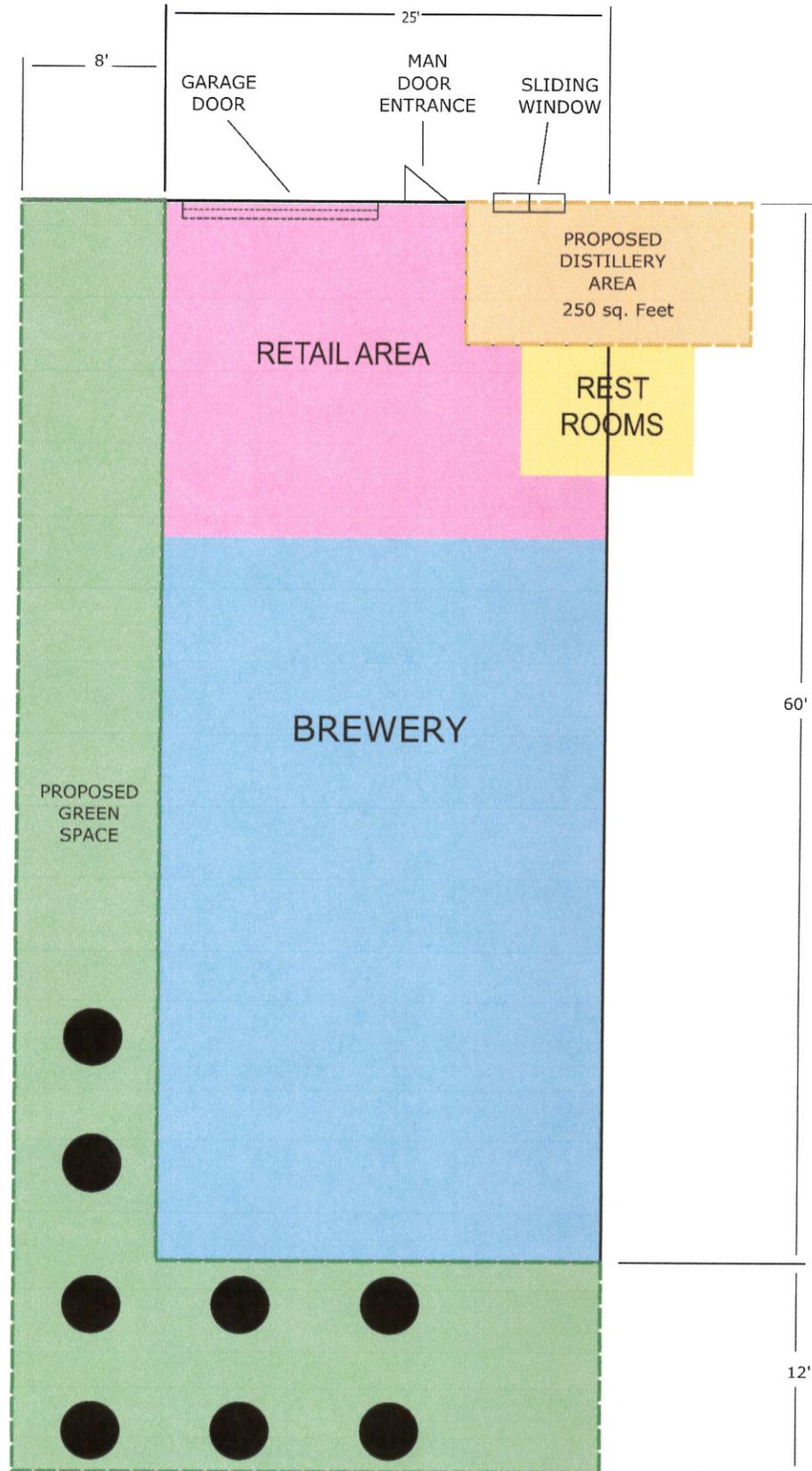
**Please contact this office at the above telephone number as soon as possible to schedule your appointment. Thank you for your cooperation in this matter.**

**Elizabeth Cassidy**  
Asst. Code Enforcement  
Officer

East Aurora Distillery and Winery, LLC  
DBA East Aurora Brewery  
667 Oakwood Ave  
East Aurora, NY 14052

A-D

Hours of Operation  
Monday: 4-9  
Tuesday-Thursday: 2pm-10pm  
Friday 2pm - 12am  
Saturday: 2pm-12am  
Sunday: 12pm -8pm



A+E

Lincoln Cutting  
331 Girard Ave.  
East Aurora, NY  
14052

August 11, 2020

Police Dept. - Village of East Aurora, NY  
571 Main St.  
East Aurora, NY  
14052

To whom it may concern,

I am requesting information specifically on noise and disorderly conduct complaints occurring from September 7, 2016 to August 10, 2020 associated with the following bar, restaurant and brewery establishments located in the village of East Aurora, NY:

East Aurora Brewery - 667 Oakwood ave. East Aurora, NY  
42 North Brewing Co. - 25 Pine St. East Aurora, NY  
Wallenweins Hotel - 641 Oakwood Ave, East Aurora, NY  
Riley Street Station - 27 Riley St. East Aurora, NY  
Bar Bill - 185 Main St. East Aurora, NY  
Mister's Bar and Lanes - 206 Main St. East Aurora, NY  
Aurora Cider House - 198 Main St. East Aurora, NY

If possible, I would like to see only the aggregate number of complaints for the entire time period for each establishments separated by "noise" and "conduct" complaints. I do not need to see dates that the incidents (if any) occurred. I only need to see the total number for the specified time period separated as follows:

Establishment Name	Noise(9/7/2016 to 8/10/2020): number	Disorderly Conduct(9/7/2016 to 8/10/2020): number
--------------------	--------------------------------------	---

If this is OK, thanks in advance.

P.S. I am aware that some of the establishment on the above list were not established on or before 9/7/2016. In those cases I would like to see the aggregate numbers for each category from the start of their business to 8/10/2020. Thank you.

Sincerely,

Lincoln Cutting  
East Aurora Brewery  
LLC Partner

Abstract of noise complaints from FOIA request between 9/7/2016 and 8/10/2020**East Aurora Brewery – 667 Oakwood Ave [REAR BUILDING]**

NONE

**42 North Brewery – 25 Pine St.**

Complaint # 16 – 618476 – 10/1/16	Description LOUD MUSIC
Complaint # 16-618994 – 10/8/16	Description LOUD MUSIC
Complaint # 16-618999 – 10/8/16	Description LOUD MUSIC
Complaint #16-619969 – 10/22/16	Description DISTURBANCE PUBLIC PLACE
Complaint # 16-621086 – 11/5/16	Description LOUD MUSIC
Complaint # 17-715539 – 7/30/17	Description LOUD MUSIC
Complaint #17-717702 – 8/28/17	Description FIGHT
Complaint # 18-809229 – 5/25/18	Description LOUD MUSIC
Complaint # 18-809223 – 5/25/18	Description LOUD MUSIC
Complaint # 19-914060 – 8/16/19	Description LOUD MUSIC

**Wallenweins 641 Oakwood Ave.**

Complaint #17-724963 – 12/2/17	Description SUSPICIOUS INCIDENT
Complaint #19-909418 – 6/8/19	Description DISORDERLY PERSON
Complaint #19-915613 – 9/7/19	Description DISTURBANCE OTHER [ON PATIO]

**Bar Bill – 185 Main St.**

Complaint #16-622474 - 11/26/16	Description LARCENY
Complaint #17-700431 – 1/7/17	Description SUSPICIOUS INCIDENT
Complaint #17-720740 – 10/8/17	Description CUSTOMER TROUBLE
Complaint #18-814278 -8/10/18	Description CUSTOMER TROUBLE
Complaint #18-815871 – 9/8/18	Description DISTURBANCE
Complaint #18-819453 – 10/5/18	Description DISORDERLY PERSON

**Misters – 206 Main St.**

Complaint #19-916667 – 9/21/19	Description FIGHT
Complaint #19-916807 – 9/22/19	Description LOUD MUSIC
Complaint #19-916834 – 9/23/19	Description DISTURBANCE
Complaint #19-920436 – 11/16/19	Description WELFARE CHECK [UNABLE WALK]
Complaint #19-921918 – 12/7/19	Description CUSTOMER TROUBLE
Complaint #19-923279 – 12/28/19	Description THREAT
Complaint #20-000261 – 1/4/20	Description CRIMINAL MISCHIEF
Complaint #20-000266 – 1/4/20	Description FIGHT
Complaint #20-006217 – 3/14/20	Description CUSTOMER TROUBLE

The vague standard of the condition of “no noise generating occupations” is undefined – namely, nowhere in the Village Code or Resolution is it defined what is “noise generating occupations.” If a statute is “impermissibly vague and allows ... unfettered discretion [to enforce]”, it is unconstitutional. Timber Point Homes, Inc. v. County of Suffolk Timber Point Homes, Inc. v. County of Suffolk, 155 AD2d 671, 675, 548 NYS2d 250, 253 (2d Dept 1989).

The facts and decision in Timber Point Homes is analogous to the instant matter. In Timber Point Homes, a landowner sought a variance in order to construct homes on lots less than 20,000 square feet. In order to attain this approval, the landowner had to apply for a variance pursuant to § 607(1) of the Suffolk County Sanitary Code which states:

the Commissioner of the Department of Health Services, in his discretion, upon written application, may grant a variance from a specific provision of the [Sanitary Code], in a particular case, subject to appropriate conditions, *where such variance is in harmony with the general purpose and intent of this code*, after such variance application has been considered by a Department Review Board” (emphasis supplied).

In making its determination, the Appellate Court in Timber Point Homes discussed how the standards for which statutes and regulations which govern the issuance of discretionary approvals must be definite and clear in order to be constitutional:

In exercising the authority granted an administrative agency pursuant to enabling legislation, the Court of Appeals has stated that the agency must “articulate objective standards against which an ultimate determination could be measured” (Matter of Nicholas v. Kahn, 47 N.Y.2d 24, 33, 416 N.Y.S.2d 565, 389 N.E.2d 1086; see also, Matter of Levine v. Whalen, 39 N.Y.2d 510, 518-519, 384 N.Y.S.2d 721, 349 N.E.2d 820). The reasoning upon which this requirement is premised is that promulgation of adequate standards will serve to safeguard against arbitrary administrative action and to ensure meaningful judicial review (Matter of Nicholas v. Kahn, *supra*; see, Matter of Lap v. Axelrod, 97 A.D.2d 583, 584, 467 N.Y.S.2d 917; cf., Matter of Tandem Holding Corp. v. Board of Zoning Appeals of Town of Hempstead, 43 N.Y.2d 801, 802, 402 N.Y.S.2d 388, 373 N.E.2d 282).

Timber Point Homes, at 675, 548 NYS2d 250, 253.

Similarly, in Bakery Salvage Corporation v. City of Buffalo, 175 AD2d 608, 609, 573 NYS2d 788, 789-790 (4th Dept 1991), the Fourth Department invalidated a City of Buffalo ordinance concerning noxious odors because “[t]he ordinance contains no objective standards”. In reaching its decision to invalidate the ordinance, the Fourth Department discussed the void for vagueness doctrine:

The test for determining whether due process has been accorded “[is] whether there has been protection of the individual against arbitrary action” (Health Ins. Assn. of Amer. v. Harnett, 44 N.Y.2d 302, 309, 405 N.Y.S.2d 634, 376 N.E.2d 1280). The void-for-vagueness doctrine, called “the first essential of due process of law” (Connally v. General Constr. Co., 269 U.S. 385, 391, 46 S.Ct. 126, 127, 70 L.Ed. 322), requires that a statute or ordinance be “informative on its face” (People v. Firth, 3 N.Y.2d 472, 474, 168 N.Y.S.2d 949, 146 N.E.2d 682), which “serves not only to assure that citizens can conform their conduct to the dictates of law but, equally important, to guide those who must administer the law” (People v. Illardo, 48 N.Y.2d 408, 413, 423 N.Y.S.2d 470, 399 N.E.2d 59; see also, People v. New York Trap Rock Corp., 57 N.Y.2d 371, 378, 456 N.Y.S.2d 711, 442 N.E.2d 1222). “To this end nothing less than ‘adequate warning of what the law requires’ will do” (People v. New York Trap Rock Corp., *supra*, at 378, 456 N.Y.S.2d 711, 442 N.E.2d 1222, quoting People v. Cruz, 48 N.Y.2d 419, 424, 423 N.Y.S.2d 625, 399 N.E.2d 513, *appeal dismissed* 446 U.S. 901, 100 S.Ct. 1825, 64 L.Ed.2d 254). The grant of notice regarding the conduct proscribed is required because “unless by its terms a law is clear and positive, it leaves virtually unfettered discretion in the hands of law enforcement officials and thereby may encourage arbitrary and discriminatory administration” (People v. Illardo, *supra*, 48 N.Y.2d at 414, 423 N.Y.S.2d 470, 399 N.E.2d 59).

Moreover, in People v. Scott, 26 N.Y.2d 286, 291 (1970), the Court of Appeals held as follows:

A penal enactment must not only be strictly construed, especially where, as here, the act is a *malum prohibitum* and not a *malum in se* (People v. Vetri, 309 N. Y. 401, 405; People v. Taylor, 192 N. Y. 398, 400; People v. Werner, 174 N. Y. 132, 134), but it must be reasonable and pellucid

as well ([People v. Bunis, 9 N Y 2d 1, 4; People v. Adamkiewicz, 298 N. Y. 176, 179](#)). The proscribed conduct must not be unreasonable and should be clearly enunciated so that all those who may be affected may gauge their actions accordingly.

East Aurora Brewery  
667 Oakwood Ave.  
East Aurora, NY  
14052

To the Village Board of East Aurora,

East Aurora Brewery, established 7/9/2016 and located at 667 Oakwood Ave. in East Aurora, N.Y., is submitting this application for a special use permit upon the direction of the Town Code Enforcement Officer who stated in correspondence "it is my determination that [East Aurora Brewery is] in the classification of a restaurant and thus subject to the Special Permit process." [See Attachment "B"]

In September of 2016 my brother Paul and I, both lifelong East Aurora Village residents, opened the first licensed New York State Farm Brewery in Western New York. We are located in an existing and previously unoccupied non-historic 1500 sq. ft. commercial/industrial building at 667 Oakwood Ave. which has off street private parking for 50 vehicles and is nestled between mostly industrial/commercial buildings.

As a small, farm level, craft beverage manufacturer and entrepreneurial start-up, our mandate is unique among licensed breweries in New York State. In conjunction with the The New York State Liquor Authority and New York Agricultural Markets, farm level licensees, like ourselves, agree to produce only those products that contain specific amounts of New York State grown produce. These requirements are a result of a partnership between the NYSLA and Agriculture and Markets/farmers that the governor has promoted in the state over the last ten years. The intent of fostering this partnership is to bolster the agricultural industry of New York State and, moreover, the many municipalities that rely on that industry.

The agricultural industry is one of the most significant and traditional aspects of East Aurora. Not so very long ago the village occupied a central position in the agricultural network of the area. With respect to that tradition, East Aurora Brewery has advanced the notion of "hyper-local" sourcing. It is particularly noteworthy that much of what East Aurora Brewery uses to produce its products is grown on farms right in the Town of Aurora and not elsewhere in New York State. We continually expand and deepen these "hyper-local" relationships in an effort to support our immediate community over other interests. And we believe that our small company helps to spotlight the character of East Aurora and its agricultural/craft heritage.

This is a farm and village community driven process for us that continues to expand year over year. We believe our unique process of farm to glass craft manufacturing helps to spotlight for our village and tourist customers the unique relationship that exists historically between The Village of East Aurora and the agricultural community at large within which it is located. Our enterprise is distinctive in Western New York and the Village of East Aurora, and our marketing and promotional efforts have helped turn a previously unused part of the

Elm Street Business District into a vital and well liked destination for locals and tourists alike. We think our small scale operation truly fits in and helps to enhance the special feel of the village and the neighborhood.

In our youth, this part of the Elm street corridor was a bustling place of commerce with businesses that catered to and were owned by local people. With an eye to that history we have tried to bring back a flavor of those types of businesses while continually conducting our own business with the high respect due our neighbors. As owners born and raised in the Village of EA, having our 6 years long investment reap these kinds of rewards for the town we love is a tremendous point of pride for us.

As part of this application we are requesting authorization to distill on our premises. Our distillery [See Attachment "A"] will be a small batch operation positioned (for security purposes as per Federal requirements) in a separately walled space located entirely within our existing building. This 250 sq. ft. room will house all distilling operations. We intend to make a variety of specialty craft farm specific liquors and aperitifs. Associated distilleries are trending statewide among small batch craft breweries for two important reasons; Firstly, customers that come to buy the products we produce from New York State farm produce are looking to buy New York State grown and made spirits as well. Secondly, there is a strong business imperative stemming from the need to utilize our existing equipment to produce alternative and additional product lines. Small batch breweries have discovered that there is tremendous economy in adding a small distillery to a brewery because the process by which spirits are made uses common equipment save one critical piece: the still itself. Provided we are authorized to proceed, this additional piece of equipment will be acquired.

As a matter of responsible financial diligence, we believe that our hours can be no less than those normally provided by our closest competitors in the village. These include, but are not limited to, 42 North Brewing Co. and Wallenweins Hotel [See Attachment "C"].

As mentioned earlier, we are a New York State Farm Brewery and operate exclusively as such. Our activities strictly follow current farm Brewery Law and do not in any way exceed or deviate from those activities, rights, and business use privileges provided to us through our Farm Brewery license issued to us on September 9 of 2016 by the New York State Liquor Authority

As part of this application we are requesting the use of outdoor seating space to be used for customer seating and not outdoor music [See Attachment "A"]. This space is contiguous with our facility and sits in an enclosed alleyway between our building and adjacent industrial/commercial buildings and does not extend beyond the front face of the building into the parking lot. The proposed space will comfortably accommodate 40 people seated. The unique location of this space, we believe, represents a manifest and robust sound barrier between our guests and the adjacent residents and will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents.

It is important to note that our operations as a brewery and those we are proposing as a distillery are and will continue to be contained entirely within an existing (previously unused) non-historic space surrounded almost entirely by industrial buildings along the Elm Street development area. All noise, dust, glare, odor, refuse, fumes, vibrations, unsightliness, contamination or other similar conditions that may or may not be present in our production processes are and will be contained entirely within the confines of the existing indoor brewery space and the proposed distillery space (250 sq. ft.). This space is currently authorized for food and beverage production by New York State Agriculture and

Markets, and is inspected, approved and licensed annually by their sanitarians. Also, There exists buffering in the form of a large fence and high shrubs between the parking lot and building and the adjacent homes. Our location and operation, in an underused portion of business/commercial property in the village is in no way, we believe, detrimental to the public convenience and welfare. Nor does it create a hazard to health, safety or the general welfare of the public. This is due in large measure to our unique, unobtrusive and "hidden" location, our small-batch/small-scale craft process, and our ideal private parking facilities (i.e. our private 50 car lot).

Thank you for your consideration.

Sincerely,

Lincoln Cutting

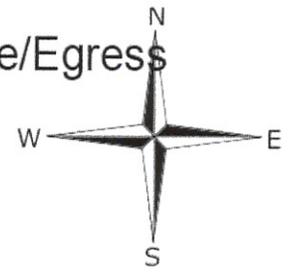
East Aurora Brewery

A-H

# East Aurora Brewery and Surrounding Neighborhood



-  Parking Lot
-  Seating Area Proposed
-  Tables
-  Ingress/Egress



**TOWN OF AURORA**  
300 GLEED AVENUE, EAST AURORA, NY 14052  
BUILDING DEPARTMENT  
(716) 652-7591

**MEMO**

TO: Mayor Mercurio and the Village Trustees

FROM: Elizabeth Cassidy, Asst. Code Enforcement Officer

DATE: July 1, 2020

Our office has accepted a special use permit application from Lincoln Cutting to operate the East Aurora Brewery at 667 Oakwood Ave (SBL: 176.05-6-14). This property is located within the Neighborhood Commercial (NC) zoning district. Breweries, distilleries, bars and taverns are allowed uses within this district.

The Village Board may request a review and recommendation by the Planning Commission; however, if this application is not referred to the Planning Commission, then a public hearing should be scheduled as per 285-50.1A. Prior to rendering a decision on the application, the Village Board will need to make a formal statement that the application is complete. This is an Unlisted action under SEQRA.

If you have any questions, please contact our office at 652-7591.

Liz Cassidy

Restaurant Special Use Permit checklist for Village Board

Applicant Name: Lincoln Cutting

Business Name: East Aurora Brewery

Business Address: 667 Oakwood Ave

Amended Permit request? Yes or  No If yes, attach original permit.

Bar  
Restaurant diagram attached including all seating, restrooms, kitchen areas, exits/entrance

Hours of Operation Fri Sat 6-11pm

Indoor Dining: ? tables, \_\_\_\_\_ seats Outdoor Dining? Yes 3 tables, 12 seats or No

Alcoholic beverages served?  Yes or No

Outdoor Music? Yes or  No If yes: days, times, type (speaker/live) \_\_\_\_\_

Onsite parking? Yes \_\_\_\_\_ spots or No Code requirements? \_\_\_\_\_ spots

Premises Handicap Accessible? Yes or No → unknown w/regard to restroom.

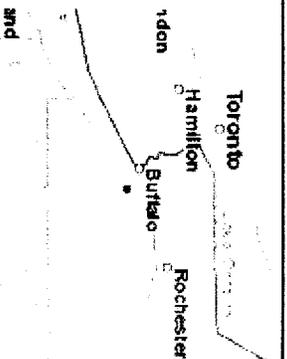
Sign or construction permits through Town of Aurora Building Department.

We have yet to determine Code requirements of occupancy allowance

lv



# Erie County On-Line Mapping Application



## Legend

- Parcels
- Streets and Highways**
  - Interstate
  - Primary State Road
  - Secondary State Road
  - County Road
  - Local Road

0 0.02 0.0 Miles

WGS, 1984 Web Mercator Auxillary Sphere  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**ERIE COUNTY**  
**DEPARTMENT OF ENVIRONMENT & PLANNING**  
**OFFICE OF GIS**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 1,128



VILLAGE OF EAST AURORA  
 571 Main Street, East Aurora, New York 14052  
 716-652-6000  
 In conjunction with  
 Town of Aurora Building Department  
 300 Gleed Ave, East Aurora, NY 14052  
 716-652-7591

Building Dept:	
Date Received	6/26/20
Complete App	8/1/20
Village Clerk:	
Date Filed	
Amount \$	
Receipt #	

**SOCIAL USE PERMIT APPLICATION**

PROPOSED PROJECT NYS Farm Brewery SBL#: 176.05-6-14  
 LOCATION 667 Oakwood Ave - Rear Bld. - West Side ZONING DISTRICT NC

The applicant agrees to reimburse the Village for any additional fees required for consultant's review.

APPLICANT NAME Lincoln Cutting  
 ADDRESS 331 Grand Ave. (W) EA NY 14052  
 TELEPHONE 646.872.8199 FAX \_\_\_\_\_ E-MAIL lincolncutting@gmail.com  
 SIGNATURE \_\_\_\_\_

OWNER NAME Tim Francis  
 ADDRESS 45 Deepwood Dr. EA NY 14052  
 TELEPHONE 716.480.4772 FAX \_\_\_\_\_ E-MAIL graphicstransfer@yahoo.com  
 SIGNATURE \_\_\_\_\_

DEVELOPER NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 TELEPHONE \_\_\_\_\_ FAX \_\_\_\_\_ E-MAIL \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_

**THIS APPLICATION MUST INCLUDE THE FOLLOWING:**

- One (1) – Cover letter to Village Board, Supporting Documents, and SEQR as required in §285-52.2
- One (1) complete file of submittal package in PDF format via email (under 10MB) to [maureen.jerackas@east-aurora.ny.us](mailto:maureen.jerackas@east-aurora.ny.us). Larger files may be submitted on a USB drive or CD or by Dropbox.
- Application fee \$25.00, Permit fee \$25.00, and Public Hearing fee \$100.00 – Total \$150 at time of application

OFFICE USE ONLY: Sketch Plan Meeting Date \_\_\_\_\_

**REQUIRED MEETINGS/REFERRALS:**

	Mtg/Mail Date	Conditions/Comments, if applicable:
Planning Commission	_____	_____
Safety Committee	_____	_____
VEA DPW	_____	_____
OTHER (specify)	_____	_____

SEQR ACTION:  
 \_\_\_ Type 1  Type 2 \_\_\_ Unlisted

**VILLAGE BOARD ACTION:**

	Mtg/Mail Date	
Public Hearing	_____	
Notices Mailed	_____	
Posted Notice-VEA Hall	_____	
Posted Notice-Prop	_____	
Approval/Denial Date	_____	Attach Village Board resolution with noted conditions.

East Aurora Brewery  
667 Oakwood Ave.  
East Aurora, NY  
14052

To the Village Board of East Aurora,

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Thank you for your consideration.

Sincerely,

Lincoln Cutting

East Aurora Brewery

# Short Environmental Assessment Form

## Part 1 - Project Information

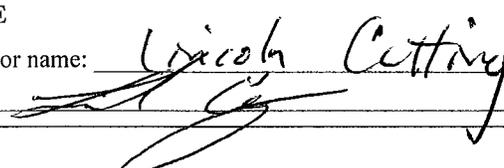
### Instructions for Completing

**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.

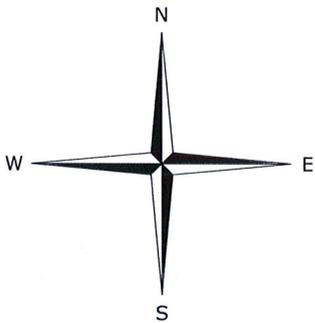
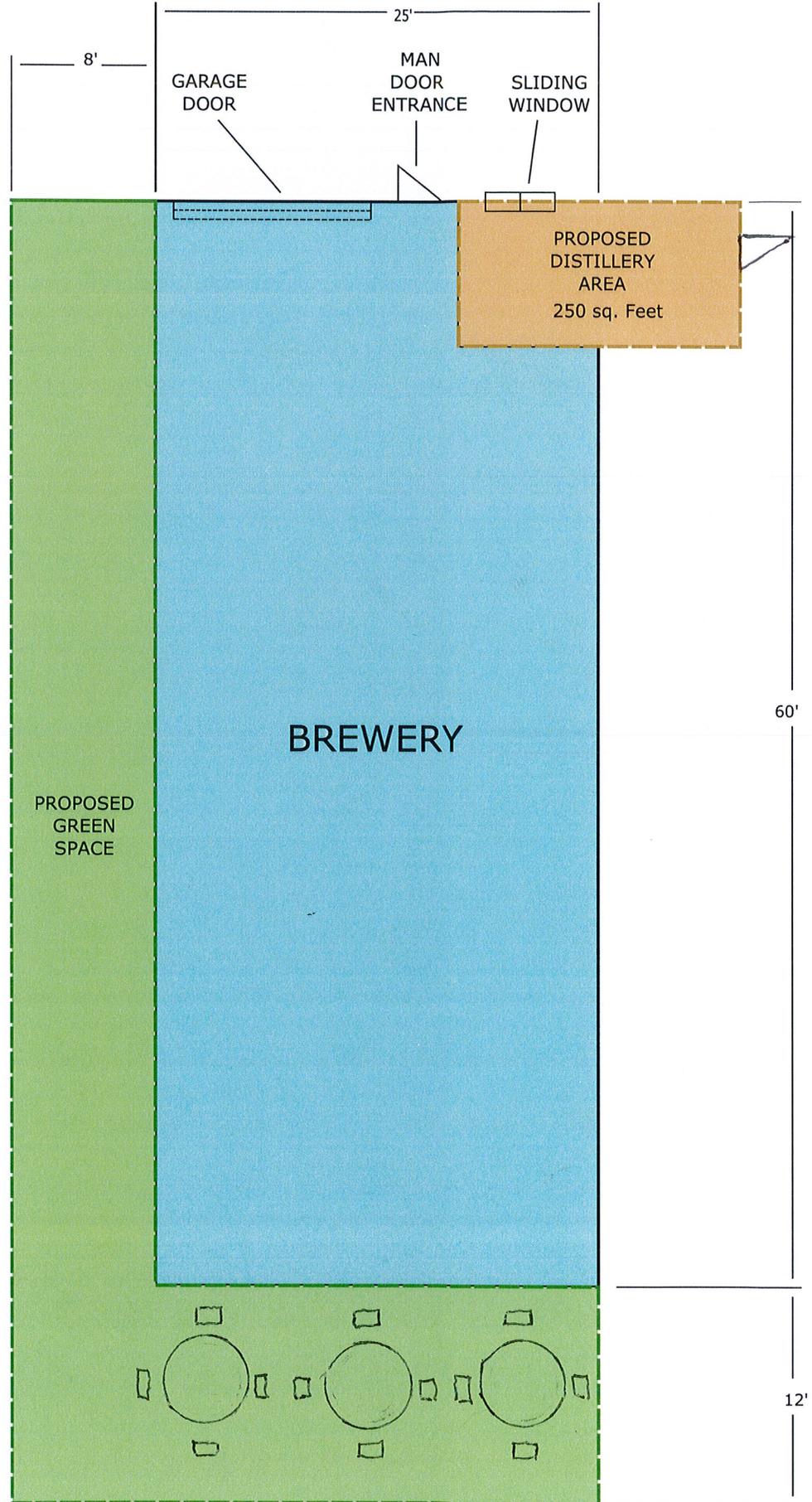
Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>East Avoca Brewery</i>			
Project Location (describe, and attach a location map): <i>667 Oakwood Ave E Avoca NY 14052</i>			
Brief Description of Proposed Action: <i>Furn Brewery 1445 and distillery with outdoor seating - In existing building</i>			
Name of Applicant or Sponsor: <i>Lincoln Cutting</i>		Telephone: <i>606-872-8144</i>	
		E-Mail: <i>lincolncutting@gmail.com</i>	
Address: <i>831 Givard Ave (W) E. Avoca NY 14052</i>			
City/PO: <i>East Avoca</i>		State: <i>NY</i>	Zip Code: <i>14052</i>
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 governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
<i>Village of E. Avoca NY "Special Use Permit"</i>			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>.1</i> acres	
b. Total acreage to be physically disturbed?		<i>0</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" 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: _____	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: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ <i>parking lot has built in drainage connected to municipal.</i>	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____          _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?          If Yes, describe: _____          _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?          If Yes, describe: _____          _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Lincoln Cutting</u> Date: <u>6/30/2026</u>          Signature: </p>		

East Aurora Distillery and Winery, LLC  
DBA East Aurora Brewery  
667 Oakwood Ave  
East Aurora, NY 14052

*Attachment A*



Lincoln Cutting  
East Aurora Brewery  
667 Oakwood Ave.  
East Aurora, NY 14052

3/13/2018

Lincoln,

As discussed at our last meeting I recognize that you are licensed with NYS as a "farm brewery" and with that license The State allows you certain privileges with regard serving alcoholic beverages at your brewery. Those privileges granted by The State do not dismiss you from complying with local zoning regulations.

Chapter 285 Section 51 of the Village Code deals with uses requiring special permits by the Village Board. It states "The following uses, such as, but not limited to, gasoline service stations, rapid car washes, restaurants, outdoor service of food and beverages and outdoor display of merchandise and theme pieces are declared to possess one or more special and unique characteristics, such as extensive paved areas for off street maneuvering space, unusual operating hours extending beyond the span of a normal working day, sale and handling of products which create problems of noise, safety, visual pollution and sanitation, all of which create an incompatible impact upon adjacent developed areas."

The definition of a restaurant in the Village Code is "A building or portion thereof where food and beverages are sold to the public for consumption on the premises...". It is my determination that your invitation to the public to visit your establishment for the consumption of the beverages you produce and the beverages of other brewers, distillers and wineries puts you in the classification of a restaurant and thus subject to the Special Permit process.

The definition of a restaurant does continue to say "... A building or portion thereof where food and beverages are sold to the public for consumption on the premises, shall not be deemed a restaurant if the sale of such food and beverage is merely incidental to the main business being conducted at such building, provided that the owner of such building shall, upon written request, submit proof satisfactory to the Village Board that such sale is incidental to such main use. If the Village Board is not satisfied by such proof, a special permit shall be applied for pursuant to 285-51 of this code.", so you do have that option.

It would be my contention however that simply by the nature of the statements made in the complaints I have received and the fact that the Village definition of a beverage does not allow any service of beverages to the public, you would be subject to the Special Ordinance.

I am requesting that you either apply to the Village Board for Special Ordinance or request with satisfactory proof to the Village Board that they consider your use of incidental use of your business. Any such request shall be submitted to the Village Board for inclusion on the April 2<sup>nd</sup> Village Board agenda. If you have any questions, you may contact me.

William R. Kramer  
*William R. Kramer*  
Town of Aurora Code Enforcement

Attachment C

Erie County HTML5 2.7 x +

www.eastaurorabrewery.com/index.php/east-aurora-brewery-hours-of-operation

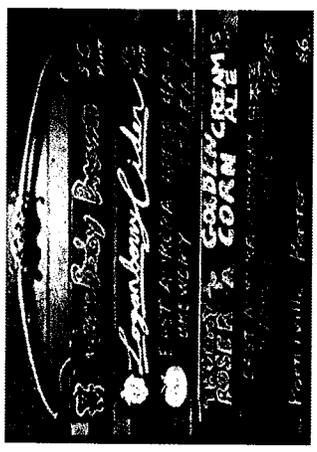
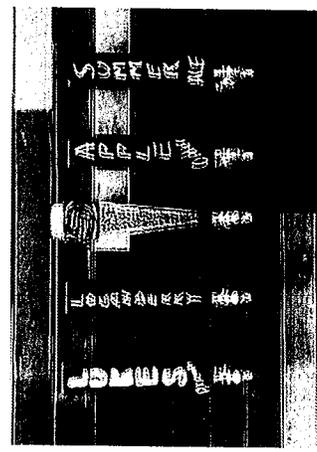
Division of Code Enforcement

Property Preservation

WebMap

East Aurora Union Fire

Search



HOME AND MAP

OUR BEERS AND CIDERS

INSTAGRAM

## East Aurora Brewery Hours Of Operation

### Come Visit us in Our tasting Room!

**Friday - 6:00 pm to 11:00 pm**

**Saturday - 6:00 pm to 11:00 pm**

We spend all the other days hard at work brewing in order to bring you the best beers that East Aurora has to offer.

Thank you for visiting  
Drink Responsibly

### Login Form

Username

Password

Remember Me

**Log in**

Forgot your password?  
Forgot your username?

### Site Map

XML Site Map



October 14, 2020

Village of East Aurora  
571 Main Street  
East Aurora, New York 14052

**Re: Application for Site Plan Approval**  
**Applicant / Property Owner: Urban Falls, LLC**  
**Project: 636 East Fillmore Mixed Use Development**  
**Property Address: 636 East Fillmore Avenue, Village of East Aurora, NY;**  
**SBL No. 165.17-1-8**  
**Project Architect: James Bammel, R.A.; Bammel Architects, PC**

Dear Village of East Aurora:

Our firm represents Urban Falls, LLC, the Applicant and Property Owner of 636 East Fillmore Avenue in the Village of East Aurora, New York. This letter is the required Cover Letter for the above referenced Application for Site Plan Approval.

The site plan requirements pursuant to East Aurora Village Code § 285-51.3(B) are set forth below in *bold italics* with our response following each requirement.

***(1) Site plan review application form, including the name, address, and signature of the applicant, owner of record, and developer, and seal(s) of the engineer, architect, or landscape architect who prepared the site plan materials.***

See "Village of East Aurora Site Plan Application"

***(2) Description or narrative of all proposed uses and structures, including but not limited to hours of operation, number of employees, maximum seat capacity, and proposed number of off-street vehicle and bicycle parking spaces.***

See "Description / Narrative of all Proposed Uses and Structures"

**HOPKINS SORGI & MCCARTHY PLLC**  
Attorneys at Law  
726 Main Street, Suite B • East Aurora, New York 14052  
Office: 716-908-3289 • Fax: 716-427-6501  
psorgi@hsmlegal.com  
hsmlegal.com

- (3)** *A site plan drawn at a scale of one inch equals 20 feet or such other scale as the Village Board may deem appropriate, on standard twenty-four-inch-by-thirty-six-inch sheets, with continuation one eight-and-one-half-inch-by-eleven-inch sheets as necessary for written information.*

See "Site Plan"

- (4)** *A certified land survey showing the boundaries of the applicant's property under consideration in its current state plotted to scale with the North point, scale, and date clearly indicated, or other document deemed acceptable by the reviewing board.*

See "Survey"

- (5)** *Plans indicating the following with regard to the property in question, where applicable.*

- (a)** *The location of all properties, their ownership, uses thereon, subdivisions, streets, easements, and adjacent buildings within 300 feet of the property in question.*

See "Site Plan" and "Site Plan Aerial"

- (b)** *The location and use of all existing and proposed structures on the property in question, including all dimensions of height and floor area, exterior entrances, and anticipated future additions and alterations.*

See "Site Plan" and "Exterior Elevations"

- (c)** *The location of all existing and proposed topography features, including, but not limited to, site grading, open spaces, woodlands, watercourses, steep slopes, wetlands, floodplains, and watersheds.*

See "Site Plan" and "Landscaping Plan, Erosion Plan and Utility Plan"

- (d) The location of existing and proposed landscaping, screening, walls, and fences, including information regarding the size and type of plants and building materials proposed.**

See "Site Plan" and "Landscaping Plan, Erosion Plan and Utility Plan"

- (e) The location of existing and proposed public and private streets, off-street parking areas, loading areas, driveways, sidewalks, ramps, curbs, and paths. Such plans shall include considerations for vehicular, pedestrian, and bicycle traffic circulation, parking, and access.**

See "Site Plan and TrueGrid Pro Lite Heavy Load Specifications for Parking Lot

- (f) The location of existing and proposed utility systems including sewage or septic, water supply, telephone, cable, electric, and stormwater drainage. Stormwater drainage systems shall include existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.**

See "Site Plan" and "Landscaping Plan, Erosion Plan and Utility Plan"

- (g) The location, height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.**

See "Site Plan" and "Lighting Specifications"

- (h) The location, height, size, material, and design of all existing and proposed signs.**

See "Site Plan" at and note there are no existing signs and that height, size, material and design of new signs will be determined once users for building are identified, but will meet Village Code requirements and Village Design Guidelines.

*Cover Letter to Village of East Aurora for Site Plan Application*  
*Property: 636 East Fillmore Avenue, Village of East Aurora, NY*  
*October 14, 2020*

Enclosed also please find the Environmental Assessment Form submitted in accordance with the New York State Environmental Quality Review Act. This is an Unlisted SEQR Action.

Thank you for your consideration of our application.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

A handwritten signature in black ink, appearing to read 'P S', is positioned above the typed name.

Peter J. Sorgi, Esq.

Enc.

cc: Lisa DeCarlo, Urban Falls, LLC  
James Bammel, R.A., Project Architect

### Description / Narrative of all Proposed Uses and Structures

This Project is an adaptive reuse of an existing, dilapidated structure. The existing structure will be reused with the following additions:

1. Second Floor with patio at Front / South side of Structure;
2. Terrace at Front / South side of Structure
3. Elevator at Rear / North side of Structure; and
4. New Sidewalk to the West of Structure.

The uses are anticipated to be as follows:

1. First Floor: Office and/or Retail; and
2. Second Floor: Restaurant.

The square footage will be:

1. First Floor: 2,972 usable square feet; and
2. Second Floor: 2,672 usable square feet with a seasonal, 780 square feet patio.

As end users for all space have not yet been identified, hours of operation, number of employees and maximum occupancy shall be in compliance with the Village Code and all other applicable laws, rules and regulations.

The on-site parking will be:

1. Vehicle parking spots: 14<sup>1</sup>; and
2. Bicycle parking spots: 4.

---

<sup>1</sup> It is hereby requested that:

- a. Pursuant to Village Zoning Code § 285-40.4 that the Village Board partially exempt the Project from the on-site parking requirement because both a "municipal parking lot" is within 400 feet of the Project Site (see Village of East Aurora Parking Inventory Map, attached hereto, at O) and on-street parking is available adjacent to and in proximity to the Project Site (see Village of East Aurora Parking Inventory Map, attached hereto, at A, B, C, D, E, F and N); and
- b. Pursuant to Village Zoning Code § 285-40.5(C) that the Village Board determine that the on-site parking requirements are "excessive [because] customers would use more than one use in building." This is true of this Project because users to the non-restaurant use will be using the restaurant use and is also true of patrons to the Ice Rink who can park at the Ice Rink and then walk to the Project Site. Moreover, the Ice Rink located directly across Riley Street has substantially more parking needs in the Winter when the restaurant use at the Project Site will be limited by the unavailability of the outdoor patio meaning that on-street parking demands of the Ice Rink will occur when on-street parking demands of the restaurant are limited.

The anticipated Schedule for completion of each Construction Phase is:

Nov 2020	Buffer fencing and Soft plantings as permits
Dec 2020- Jan 2021	Parking Area preparation and subbase installation; Complete demolition and removal to an approved disposal facility
Feb – May 2021	Complete building exterior construction
May 2021	Complete buffer as needed
May- July 2021	Complete building interior construction; Complete grass paver installation
July 2021	Occupancy

VILLAGE OF EAST AURORA  
 571 Main Street, East Aurora, New York 14052  
 716-652-6000  
 In conjunction with  
 Town of Aurora Building Department  
 300 Glead Ave, East Aurora, NY 14052  
 716-652-7591

Building Dept:
Date Received _____
Complete App _____
Village Clerk:
Date Received _____
Amount \$ _____
Receipt # _____

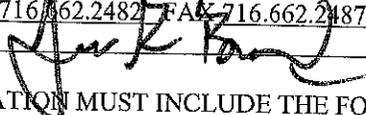
**SITE PLAN APPLICATION**

PROPOSED PROJECT 636 East Fillmore Mixed Use Project SBL#: 165.17-1-8  
 LOCATION 636 East Fillmore Avenue, Village of East Aurora ZONING DISTRICT VC

The applicant agrees to reimburse the Village for any additional fees required for consultant's review of submitted technical data, including but not limited to, traffic studies, drainage, lighting, water and sewer plans.

APPLICANT NAME Urban Falls LLC  
 ADDRESS 572 Main Street, East Aurora, NY 14052  
 TELEPHONE 716.491.1637 FAX 716.427.6501 E-MAIL lisabdecarlo@yahoo.com

OWNER NAME Urban Falls LLC  
 ADDRESS 572 Main Street, East Aurora, NY 14052  
 TELEPHONE 716.491.1637 FAX 716.427.6501 E-MAIL lisabdecarlo@yahoo.com  
 SIGNATURE 

ENGINEER/ARCHITECT/LANDSCAPE ARCHITECT  
 NAME James Bammel, R.A. FIRM Bammel Architects, P.C.  
 ADDRESS 6459 West Quaker Street, Orchard Park, NY 14127  
 TELEPHONE 716.662.2482 FAX 716.662.2487 E-MAIL jbammel@bammelarchitects.com  
 SIGNATURE 

AFFIX STAMP  
*(see attached)*

THIS APPLICATION MUST INCLUDE THE FOLLOWING:

- Twenty (20) Sets – Cover letter to Village Board, Supporting Documents, and SEQR as required in §285-51.3
- One (1) complete file of submittal package in PDF format via email (under 10MB) to [maureen.jerackas@east-aurora.ny.us](mailto:maureen.jerackas@east-aurora.ny.us). Larger files may be submitted on a USB drive or CD Rom.
- Application fee \$25.00 and Public Hearing fee \$100.00 – Total \$125 at time of application

OFFICE USE ONLY: Sketch Plan Meeting Date \_\_\_\_\_ Minor Project written request to waive PC mtg Y/N/NA: VB Decision Y/N

REQUIRED MEETINGS/REFERRALS:

	Mtg/Mail Date	Conditions/Comments, if applicable:
Planning Commission	_____	_____
Historic Preservation	_____	_____
ZBA	_____	_____
EC Div of Planning	_____	_____
NYS DOT	_____	_____
Town Notification	_____	_____
Safety Committee	_____	_____
VEA DPW	_____	_____
OTHER (specify)	_____	_____

SEQR ACTION:  
 \_\_\_Type 1 \_\_\_Type 2 \_\_\_Unlisted

VILLAGE BOARD ACTION:

	Mtg/Mail Date
Public Hearing	_____
Notices Mailed	_____
Posted Notice-VEA Hall	_____
Posted Notice-Prop	_____
Approval/Denial Date	_____

Attach Village Board resolution with noted conditions.

AUTHORIZATION

As the record owner real property located at 636 East Fillmore Avenue, Village of East Aurora, NY, bearing SBL No. 165.17-1-8, we hereby authorize Urban Design, LLC (Applicant) and Hopkins Sorgi & McCarthy PLLC (Project Attorney), to file any required land use approval regarding the aforementioned real property and to execute any required documentation, of the aforementioned property with the Village of East Aurora, along with applications for any other approvals/permits required from the Village of East Aurora and other governmental agencies in connection with the proposed development of the aforementioned real property, including but not limited to seeking of temporary use permits, a rezoning, site plan approval, special use permits and site plan approval.

Urban Falls, LLC

A handwritten signature in black ink, appearing to read "Lisa DeCarlo", written over a horizontal line.

Name: Lisa DeCarlo

Title: Member

Date: July 29, 2020

### Description / Narrative of all Proposed Uses and Structures

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May 2021	Complete buffer as needed
May- July 2021	Complete building interior construction; Complete grass paver installation
July 2021	Occupancy

**N** There are 6 unrestricted parking spaces on Riley Street, south of E. Filmore Ave.

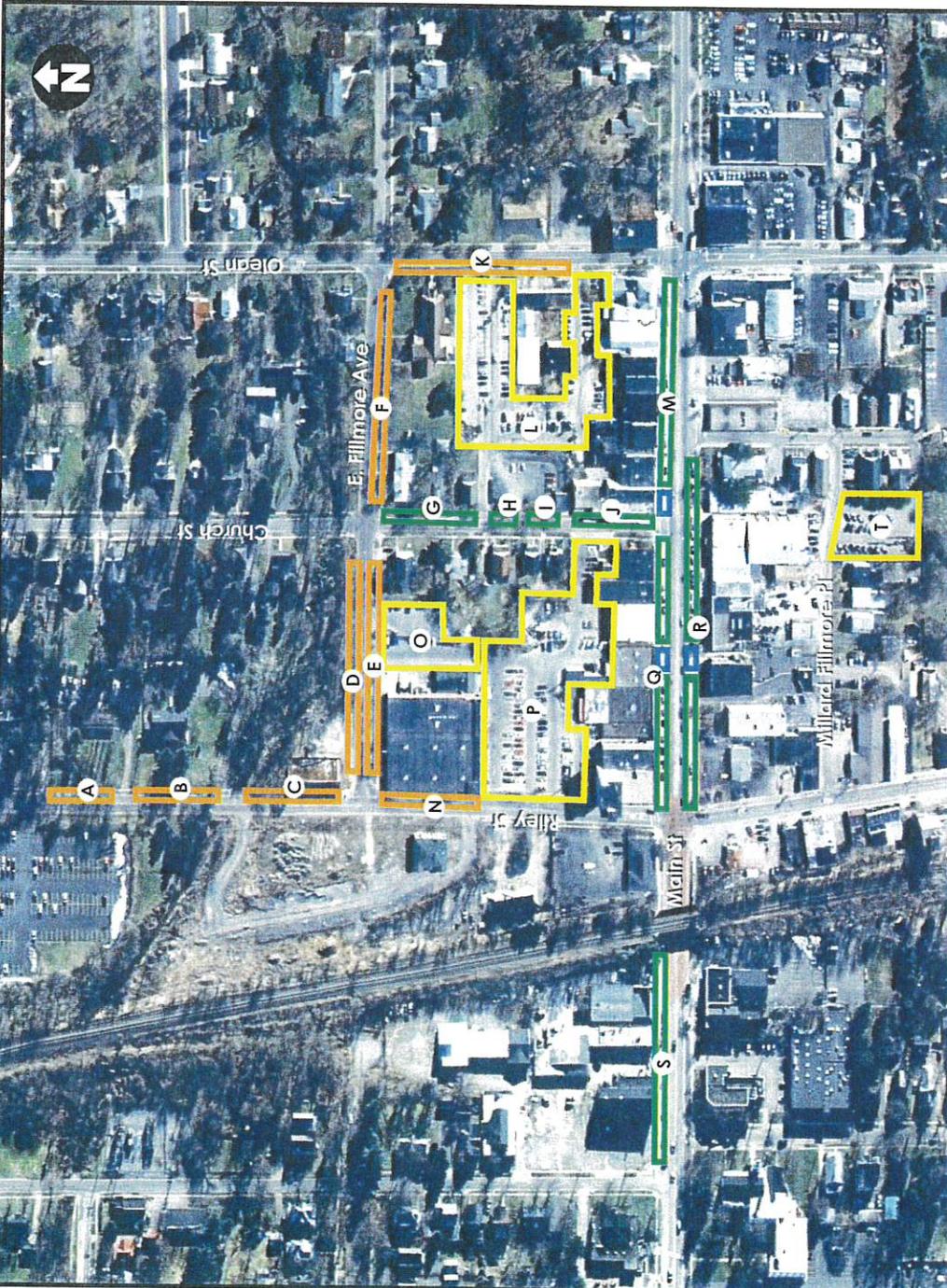
**O & P** There are 182 public-use parking spaces plus an additional 10 spaces reserved for CVS customers. In this area, there are 8 spaces reserved for handicapped use.

**Q** 16 on-street, 2-hr parking spaces are available along Main St (north side) between Riley and Church Streets. 2 spaces are reserved for handicapped use.

**R** There are 19 on-street 2-hr parking spaces along Main St (south side). 1 space is reserved for handicapped use.

**S** 9, 2-hr parking spaces on Main St (north side) between Whaley St and railroad bridge.

**T** There are 41 public-use parking spaces in the parking lot on Millard Filmore Pl near Temple Pl. Of the 41 spaces, three are reserved for handicapped use.



**A, B & C** On Riley St, north of E. Filmore Ave, there are 16 unrestricted on-street parking spaces.

**D, E, & F** There are 45 on-street, unrestricted parking spaces on E. Filmore Ave, 29 of which are located between Riley and Church Streets.

**G, H, I & J** There are 12, 2-hr on-street parking spaces on Church St between E. Filmore and Main St.

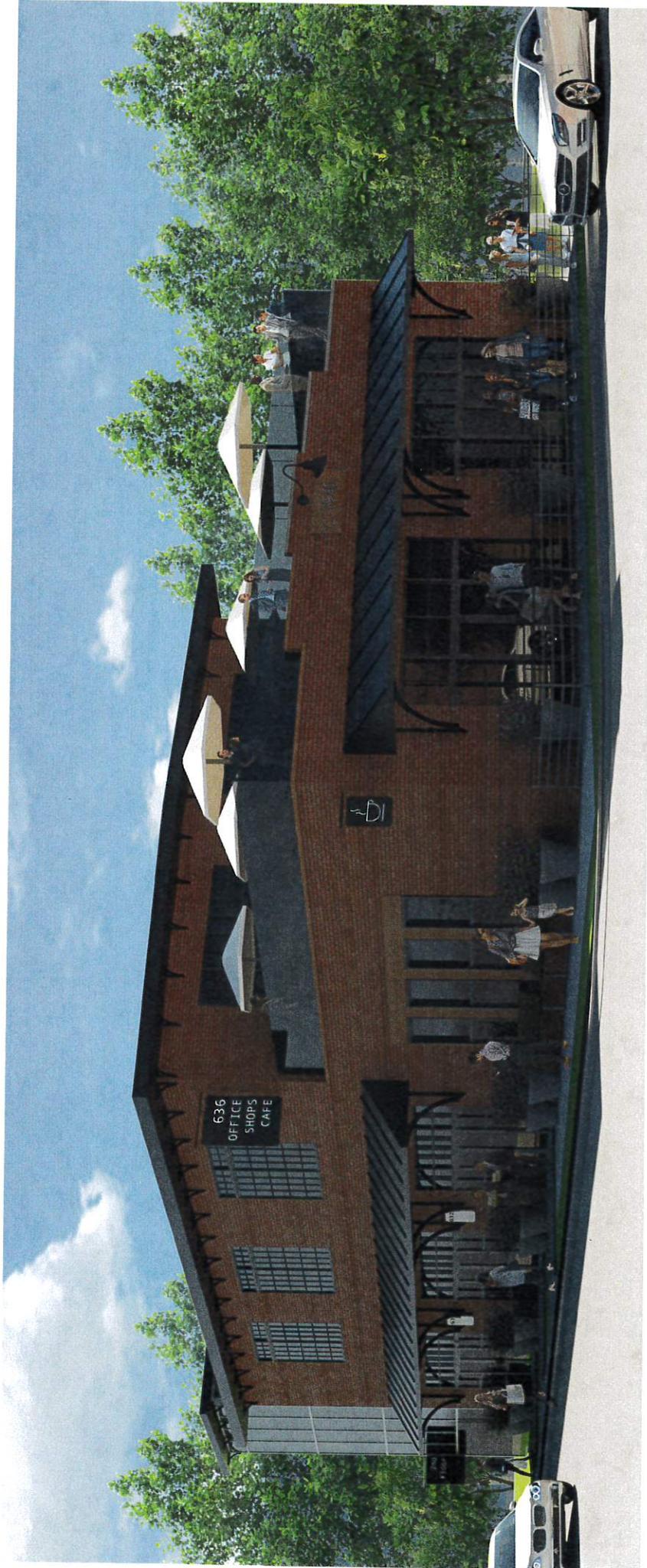
**K** Olean St between Main St and E. Filmore Ave has approximately 10 on-street, unrestricted parking spaces.

**L** 122 parking spaces are designated for public use. 6 of these spaces are reserved for handicapped use.

**M** Between Church St and Olean St, there are 16 on-street, 2-hr parking spaces on Main St. Of the 16 spaces, 1 space is designated for handicapped use.

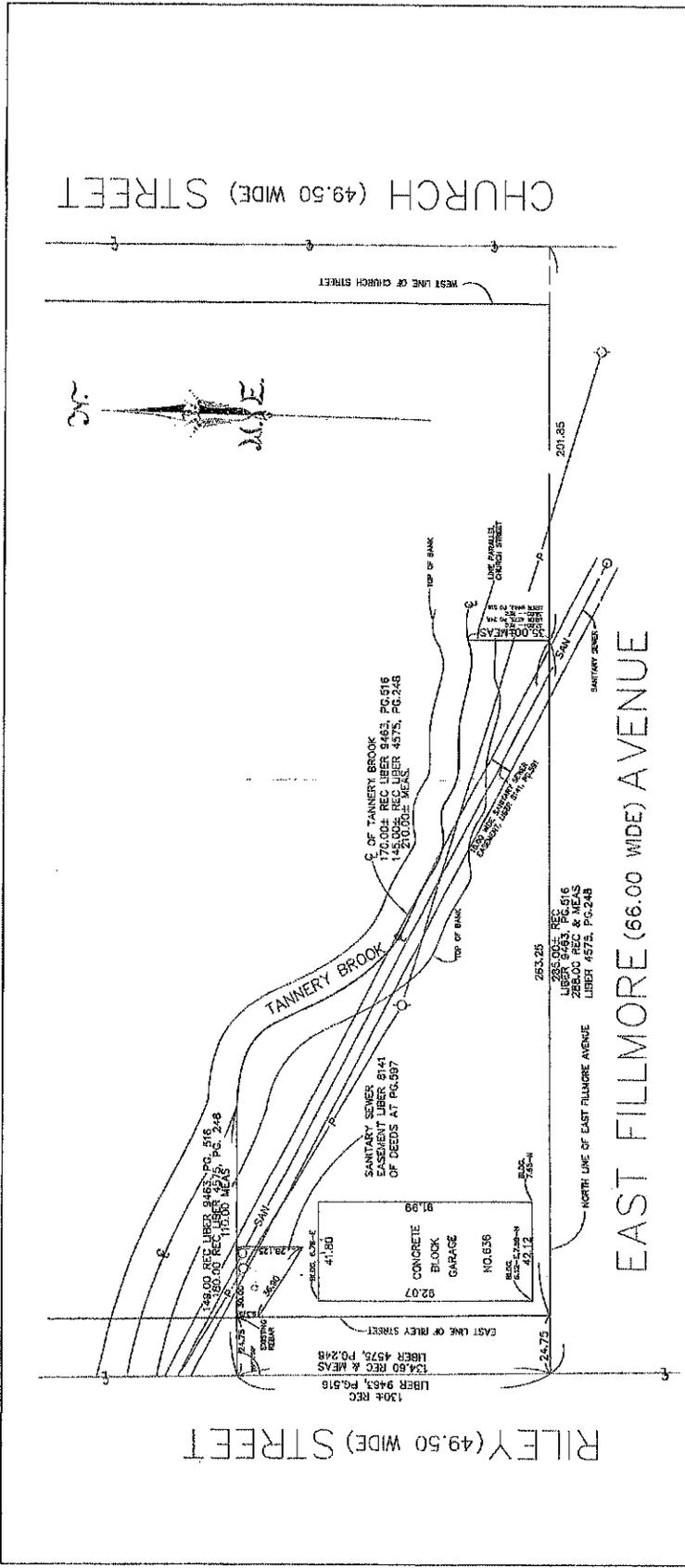
## Village of East Aurora Parking Inventory

- Legend**
- Public Parking
  - On Street - 2hr Handicap Parking
  - Unrestricted/ On Street Parking
  - On Street Parking - 2hr





177  
178



Part of Lot (Lots) 24 Section, Township 9, Range 6, of The HOLLAND LAND COMPANY'S SURVEY,  
 City (or) Village of EAST AURORA, Town of AURORA, County of ERIE, State of New York  
 Drawing Scale: 1" = 30'

Notes:  
 1) This Survey is VOID unless embossed with New York State Licensed Land Surveyors seal #050182.  
 2) Altering any item on this Survey is in violation of law, excepting as provided in Section 7209 Part 2 of the New York State Education Law.  
 3) This Survey VOID if used with an Affidavit of No Change.  
 4) 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 the same.

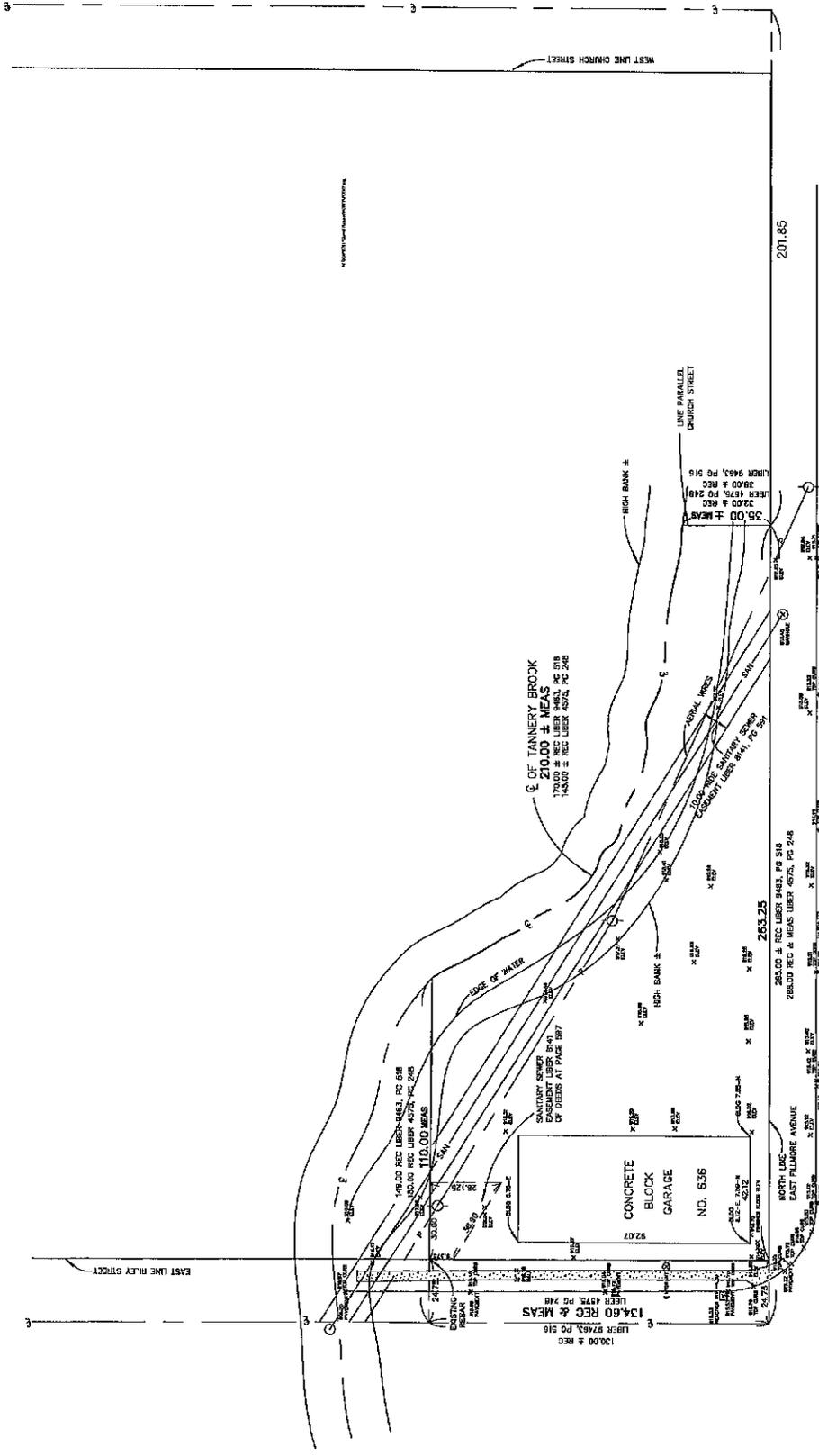
Date of Survey JUNE 5, 2019 Signature [Signature]

Job No. 169, 537 LL 7218

Established 1870  
 Marshall L. Mill PLS  
 Krause & Gantzer Land Surveyors  
 13 Clean Street  
 East Aurora, New York 14052

RILEY (49.50 WIDE) STREET

CHURCH (49.50 WIDE) STREET



EAST FILLMORE (66.00 WIDE) AVENUE

Part of Map No. 22, Section 2, Township 2, Range 2, of the HOLLAND LAND COMPANY'S SURVEY.  
 Occupied by or for EAST AURORA, Township of EAST AURORA, County of ERIE, State of New York.  
 This map is a plan of a portion of the above-mentioned survey, showing the location of a concrete block garage, No. 636, and the easements thereon. The plan is based on a survey conducted by the undersigned on or about the 1st day of July, 1900.  
 The survey was conducted in accordance with the provisions of the Act of the Legislature of the State of New York, passed on the 1st day of July, 1892, and amended by the Act of the Legislature of the State of New York, passed on the 1st day of July, 1893, and the Act of the Legislature of the State of New York, passed on the 1st day of July, 1894, and the Act of the Legislature of the State of New York, passed on the 1st day of July, 1895, and the Act of the Legislature of the State of New York, passed on the 1st day of July, 1896, and the Act of the Legislature of the State of New York, passed on the 1st day of July, 1897, and the Act of the Legislature of the State of New York, passed on the 1st day of July, 1898, and the Act of the Legislature of the State of New York, passed on the 1st day of July, 1899, and the Act of the Legislature of the State of New York, passed on the 1st day of July, 1900.

DATE	DESCRIPTION	AMOUNT
1900	...	...
1901	...	...
1902	...	...
1903	...	...
1904	...	...
1905	...	...
1906	...	...
1907	...	...
1908	...	...
1909	...	...
1910	...	...

DATE OF SURVEY, JULY 1, 1900  
 SURVEYOR, ...  
 JOB NO. 70615 IL 7218

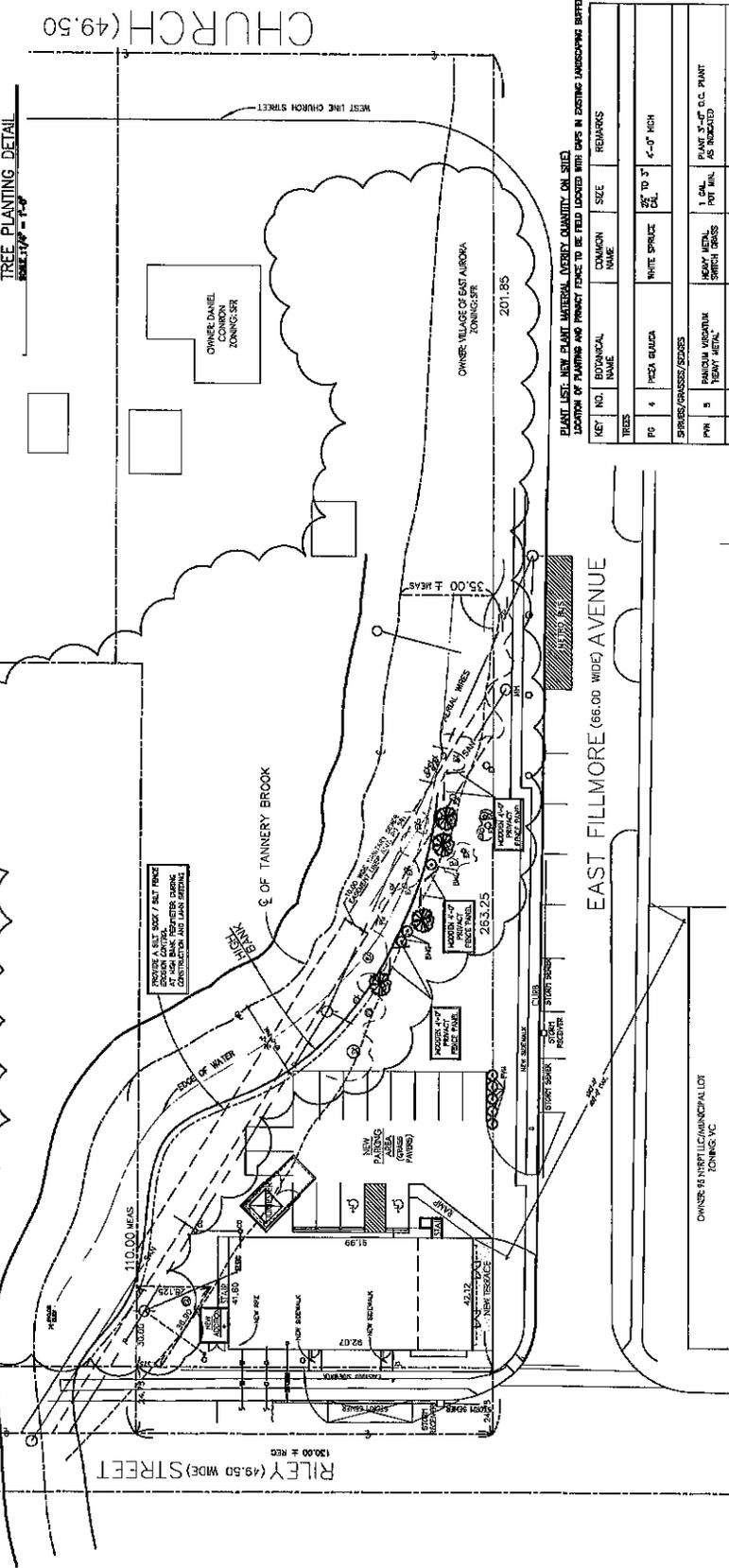
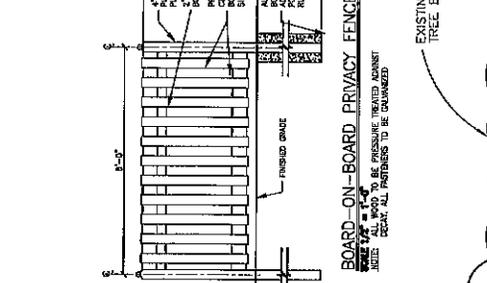
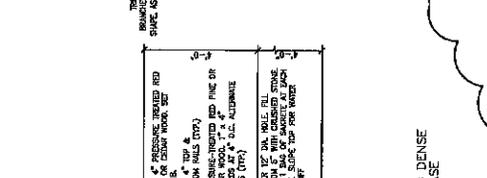
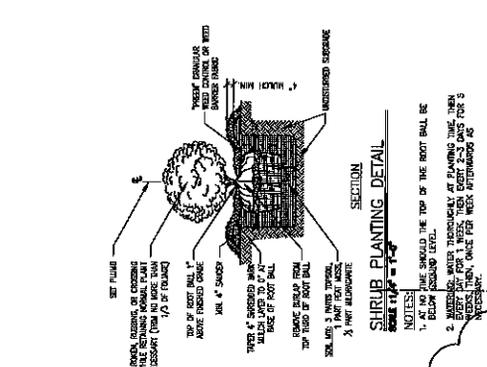
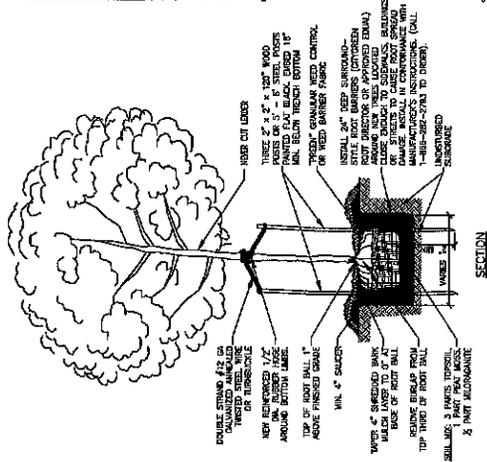


REVISION FOR:  
**636 E. FILLMORE AVENUE**  
 EAST AURORA, NY 14052

DATE	10/13/2000
REVISION	2000 ASSESSMENT, S.D. 10.13.00
PROJECT NUMBER	243
SCALE	AS NOTED
DRAWN BY	ALL
CHECKED BY	ALL

SHEET TITLE:  
**LANDSCAPING PLAN**  
**EROSION PLAN**  
**UTILITY PLAN**

DRAWING NO:  
**C-101**



PLANT LIST. NEW PLANT MATERIAL QUANTITY (ON SITE)  
 LOCATION OF PLANTING AND PRUNING TO BE FIELD CHECKED WITH OPNS IN EXISTING LANDSCAPING BUFFER

TREES	KEY	NO.	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
	PG 4		PIZZA PLUGS	WHITE SPURGE	24\"/>	





Project: \_\_\_\_\_  
 Fixture Type: \_\_\_\_\_  
 Location: \_\_\_\_\_  
 Contact: \_\_\_\_\_

## One-Light Outdoor

Wall mounted • Wet location listed **PROGRESS LED**



**P6067-3130K9**

### Description:

Arrive LED lanterns feature a die-cast aluminum, powder coated frame and heavily textured glass. One-light small wall lantern. 90+ CRI, 3000K, 623 lumens (source), Energy Star.

### Specifications:

- Black (31) (painted)
- Die-cast aluminum Construction
- Clear Seeded glass panels
- LED Module is replaceable (part # 93054049)
- Die-cast aluminum, powder coated frame.
- Heavily textured glass.
- 90+ CRI, 3000K, 623 lumens, Energy Star.
- 623 lumens 69.2 lumens/watt per module (source)
- 3000K color temperature, 90+ CRI.
- Dimmable to 10% brightness (See Dimming Notes)
- Back plate covers a standard 4" octagonal recessed outlet box
- Mounting strap for outlet box included
- 6" of wire supplied
- ENERGY STAR® qualified
- Meets California Title 24 high efficacy requirements for outdoor use only

### Performance:

Number of Modules	1
Input Power	9W
Input Voltage	120 V
Input Frequency	60 Hz
Lumens/LPW (Source)	623/69.2 (LM-82)
Lumens/LPW (Delivered)	396/49.5 (LM-79)
CCT	3000 K
CRI	90 CRI
Life (hours)	60,000 (L70/TM+21)
FCC	Meets FCC Title 47, Part 15 Class B
Min. Start Temp	-30 °C
Max. Operating Temp	30 °C
Warranty	5 year warranty
Labels	cCSAus Wet location listed ENERGY STAR® qualified Meets California Title 24 high efficacy requirements for outdoor use only

### Images:



### Dimensions:

Width: 6"  
 Depth: 7-3/8"  
 Height: 8-3/4"  
 H/CTR: 4"

Class  
 Width: 6-1/8"  
 Length: 3-3/4"  
 Height: 6-1/16"



P6067-3130K9

**Dimming Notes:**

P6067 is designed to be compatible with many ELV/Reverse Phase controls.

The following is a partial list of known compatible dimmer controls.

**Dimming Controls**

- Lutron Nova T NTELV-300
- Lutron Vieri VTELV-600
- Lutron Ariadni AYCL-153P
- Lutron Diva DVCL-153P
- Lutron Maestro MAELV-600
- Lutron spacer/system SPSELV-600
- Leviton Renoir II AWRMC-EAW

Dimming capabilities will vary depending on the dimmer control, load, and circuit installation. Always refer to dimmer manufacturer instructions or a controls specialist for specific requirements. Dimmer control brand names where identified above are trade names or registered trademarks of each respective company.



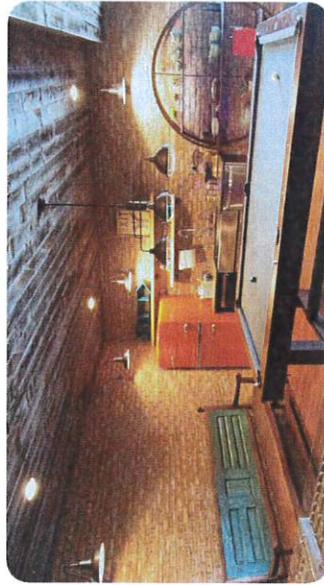
# TECHNICAL DATA SHEET

Project Name  Catalog #   
 Comments  Date

## Eco-RLM Line - 14" & 17" Warehouse Shade

### Features

- UL Listed for Wet Locations
- Every Gooseneck Arm comes with round mounting plate to fit onto standard round junction box
- 100" Wire Length Included With Every Shades
- Up to 200W Incandescent or LED Compatible

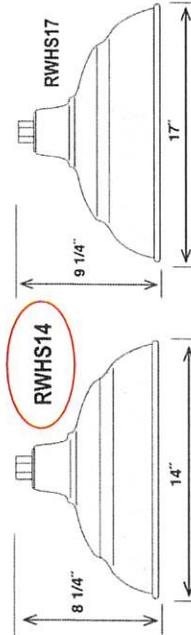


### Specifications

Base Type	Medium (E26)
Bulb Type	LED / Incandescent
Voltage	120 Volts
Max Wattage	200W A21
Material	Cold Rolled Steel, and Die Cast Zinc Shade w/ Glass and Guard Options

### Finishes Available:

Architectural Bronze	ABR
Black Porcelain	BP
Galvanized	GA
Satin Black	SB
Satin Green	SG
Satin Red	SR
White	WH
White Porcelain	WP
Sea Foam Porcelain	SFP



Tel: +1 (813) 649-8899  
 Fax: +1 (813) 425-9007

sales@htm-lighting.com  
 Rev: V0916

HTM Lighting Solutions  
 6420 Benjamin Road,  
 Tampa, FL 33634

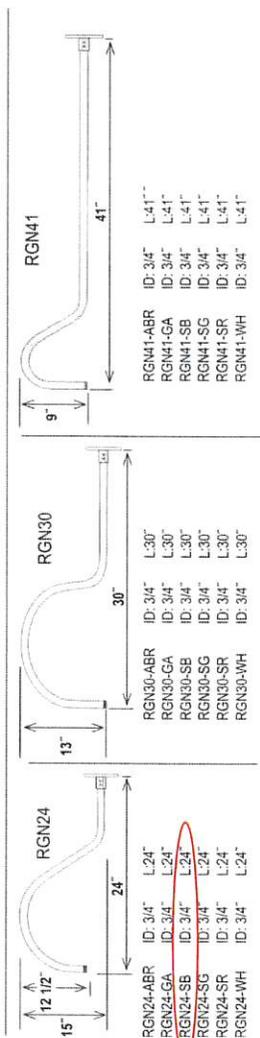
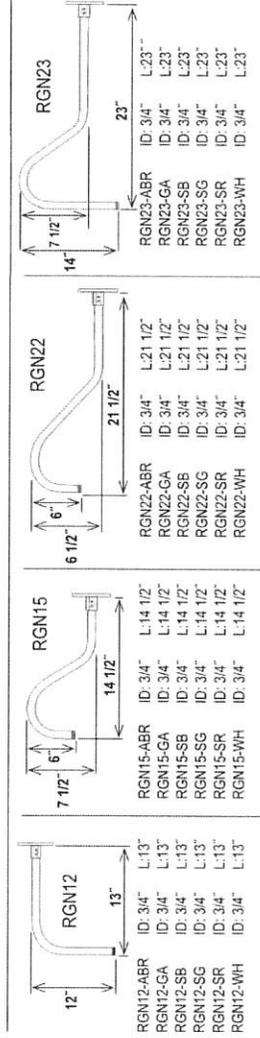
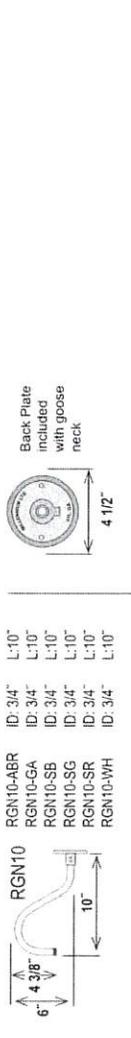


# TECHNICAL DATA SHEET

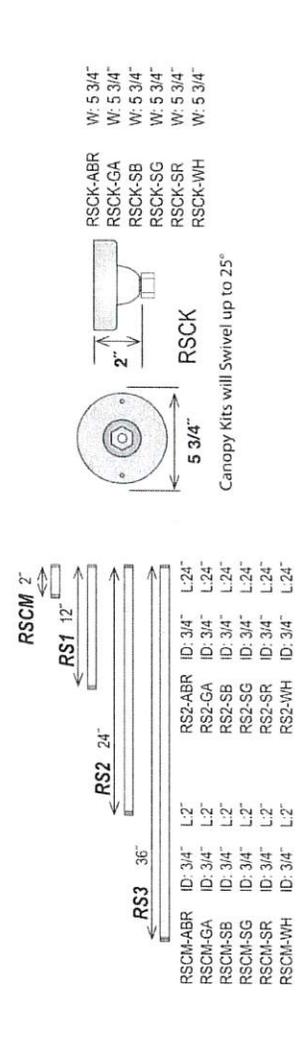
Project Name  Catalog #   
 Comments  Date

## Eco-RLM Line - 14" & 17" Warehouse Shade

### Gooseneck Arms



### Stems & Canopy Kits





# TECHNICAL DATA SHEET

Project Name  Catalog #   
 Comments  Date

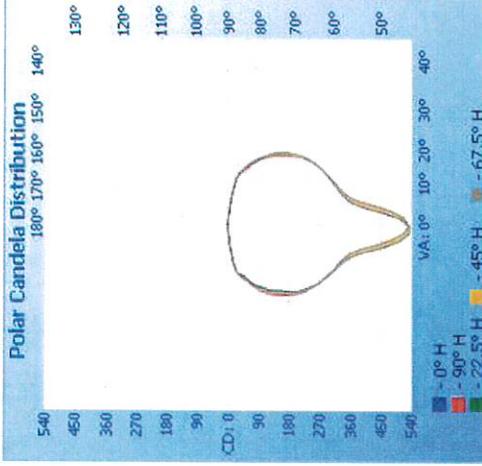
## Eco-RLM Line - RWHS14 Warehouse Shade

### Photometric and Electrical Measurements - Distribution Method

Intertek Sample No.	Base Orientation	Input Voltage (Vac)	Input Current (mA)	Input Power (Watts)	Input Power Factor	Absolute Luminous Flux (Lumens)	Lumen Efficacy (Lumens Per Watt)
M242866-1	UP	120.0	1382	165.9	1.000	1368	8.246

### Intensity (Candlepower) Summary at 25°C - Candelas

Angle	0	22.5	45	67.5	90
	RWHS14-WH				
0	531	531	531	531	531
5	449	461	475	482	482
10	373	375	380	390	397
15	347	347	349	352	356
20	336	336	337	339	341
25	326	326	327	328	330
30	321	321	321	322	321
35	312	312	313	312	310
40	302	303	303	302	299
45	288	290	290	289	284
50	273	275	274	274	266
55	255	257	257	256	248
60	234	237	237	236	228
65	212	214	215	213	206
70	190	193	194	192	182
75	166	169	171	168	161
80	130	136	141	129	136
85	35	39	44	40	44
90	1	1	2	1	2





# TECHNICAL DATA SHEET

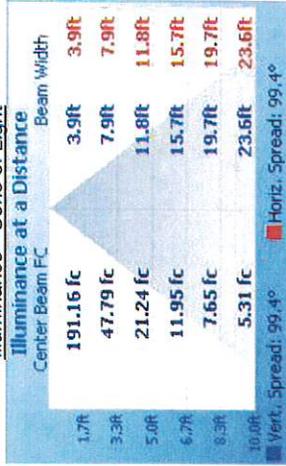
Project Name  Catalog #   
 Comments  Date

## Eco-RLM Line - RWHS14 Warehouse Shade

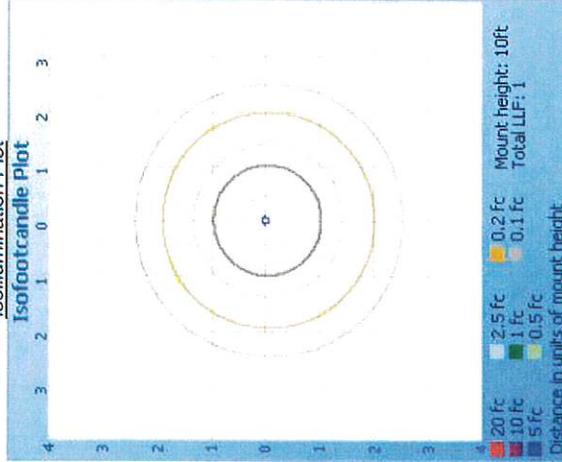
### Illumination Plots

Model No.: RWHC14-WH  
 Mounting Height: 10 ft.

#### Illuminance - Cone of Light



#### Isoillumination Plot



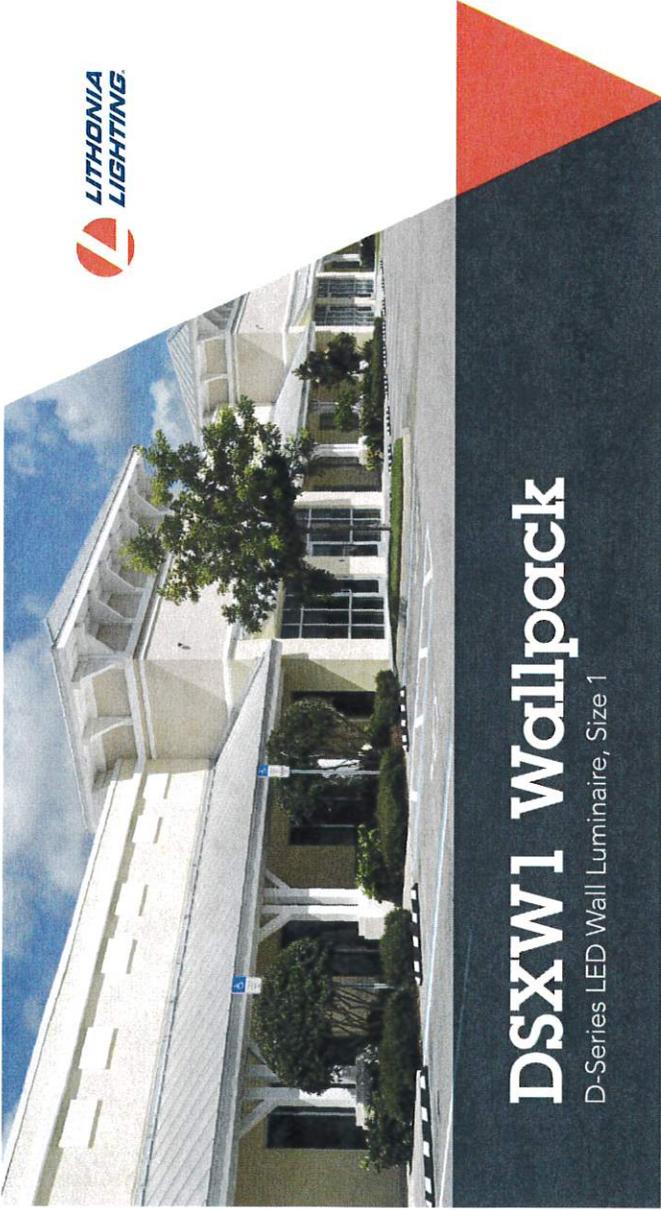
#### Zonal Lumen Summary and Percentages at 25°C

Zone	Lumens	% Luminaire
0-30	297.0	21.7
0-40	491.6	35.9
0-60	932.7	68.2
60-90	435.2	31.8
0-90	1368	100.0
90-180	0.2	0.0
0-180	1368	100.0

Tel: +1 (813) 649-8899  
 Fax: +1 (813) 425-9007

sales@htm-lighting.com  
 Rev. V0916

HTM Lighting Solutions  
 6420 Benjamin Road,  
 Tampa, FL 33634



# DSXW1 Wallpack

D-Series LED Wall Luminaire, Size 1

## Contemporary Design. Remarkable Versatility.

The DSXW1 Wallpack is a stylish LED building mounted luminaire intelligently engineered to provide long lasting, energy efficient lighting with a variety of optical distributions for customized performance.

### Key Features:

- Energy savings up to 74% vs. comparable metal halide luminaires; saves more than \$95 per luminaire, per year over 250W metal halide
- Choice of six optics allows for exceptional versatility while delivering incredible uniformity and increased luminaire spacing
- Battery back-up option for emergency egress lighting
- 20+ years expected service life (with lumen maintenance of L88/100,000 hours)
- Optional passive infrared motion sensor with adjustable bi-level dimming



DSXW1 LED



### Quick Facts:

- Replaces 50W – 250W MH Wallpacks
- Lumen packages from 797 – 7,785 lumens
- Up to 127 lumens per watt
- Available in 3000K, 4000K, 5000K & Amber CCT
- Weight: 12 lbs

Learn more about our outdoor solutions at [www.acuitybrands.com](http://www.acuitybrands.com)

Outdoor

AcuityBrands.

# D-Series LED Wall Luminaire, Size 1

## Ordering Information

EXAMPLE: DSXW1 LED 20C 1000 40K T3M 10VOLT DBBTDX

DSXW1 LED

Series	Performance Package	Distribution	Voltage	Mounting	Control Options	Other Options	Finish (required)
<b>DSXW1 LED</b>	LEDs 10C 10 LEDs (one required) <b>20C</b> 20 LEDs (two required)	T2S Type II Start T2M Type II Medium <b>T3S</b> Type III Start T3M Type III Medium T4M Type IV Medium TFTM Forward Throw ITFM Infrared	<b>10VOLT</b> 120 208 240 277 347 480	Shipped included (blank) surface mounting brackets BBW surface-mounted backbox (for conduit entry)	Shipped installed PE Photoelectric cell, button type DMG 0-10V dimming driver (no controls) PIR 120° motion/ambient light sensor, 6-12' height PIRH 180° motion/ambient light sensor, 15-30' height ELCW Emergency battery backup (includes external component enclosure) PIRTECV Motion/ambient sensor, 8'-15' mounting height, ambient sensor enabled at 1k PIRHTECV Motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 1k	Shipped installed SF Single fuse (120, 277, 347V) DF Double fuse (208, 240, 480V) <b>H5</b> 5000-30000 SPD Separate surge protection <b>Shipped separately</b> BSW Bird-deterrent spikes WG Wire guard YG Vandal guard DDL Diffused lens	DBBTD Dark bronze <b>DBBTD</b> Dark bronze DBBTD Natural aluminum DBBTD White DBBTD Sandstone DBBTD Textured dark bronze DBBTD Textured black aluminum DBBTD Textured natural aluminum DBBTD Textured white aluminum DBBTD Textured sandstone

## Wall Luminaire Accessories



DSXW1WG U  
Wire guard



DSXWHS U  
House-side shields



DSXWBSW U  
Bird-deterrent spikes



DSXW1YG U  
Vandal guard

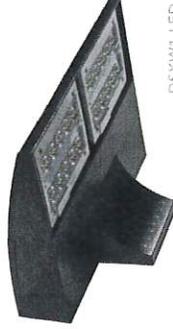
## Control Options



Motion Sensor



REMA Twist Lock Receptacle



DSXW1 LED

Please use the spec sheet at [www.acuitybrands.com](http://www.acuitybrands.com) when ordering to ensure component compatibility for your desired configuration.



Visit [www.littonia.com](http://www.littonia.com) for more information

One Lithonia Way | Cary, Georgia 30012 | Phone: 800.279.8041 | [www.acuitybrands.com](http://www.acuitybrands.com)  
©2016 Acuity Brands Lighting, Inc. All rights reserved. | 5/16 | LL2596

AcuityBrands.

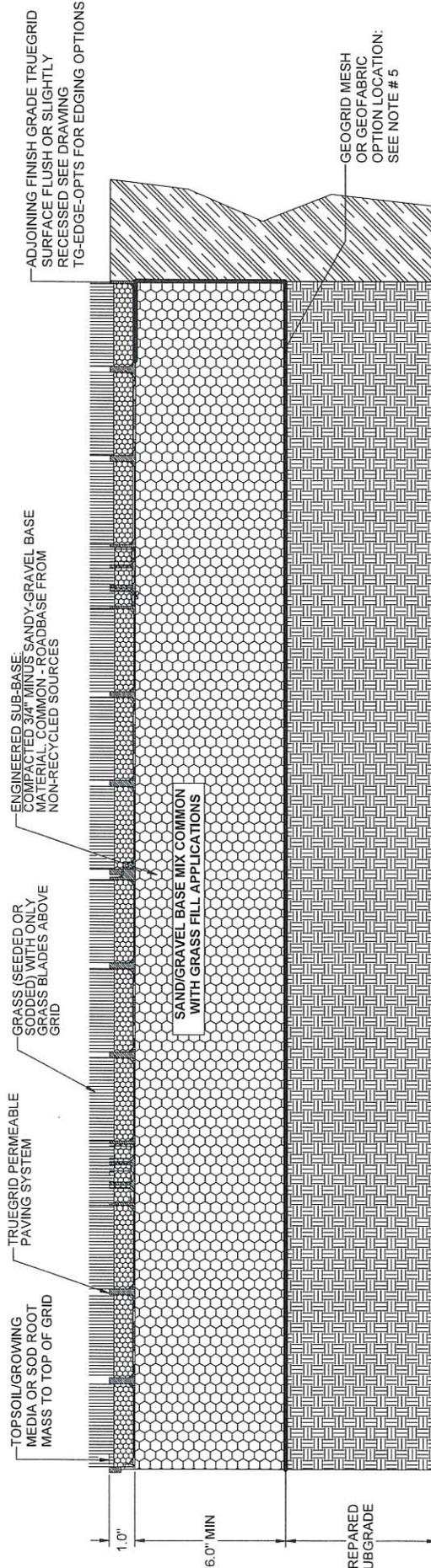
**NOTES:**

- SUB-BASE DEPTH AND PREPARATION IS DEPENDENT ON SITE CONDITIONS PLUS LOADING REQUIREMENTS.
- SEEDING METHOD: FILL SOIL/GROWING MEDIA TO TOP OF GRID. APPLY SEEDING OR HYDROSEEDING PER MANUFACTURERS' (BY OTHERS) REQUIRED APPLICATION RATES.
- SOD INSTALLATION METHOD: UNROLL AND PRESS SOD INTO EMPTY GRID SO TOP OF GRID IS AT SOIL/ROOT LEVEL AND ONLY THE GRASS BLADES EXTEND ABOVE THE GRID.
- FOR HIGHER TRAFFIC INSTALLATIONS, RECESS SOIL LEVEL WITHIN TRUEGRID AND SEED OR PRESS IN SOD SO THAT TOP OF GRID IS AT SOIL LEVEL.
- GEOGRID MESH OR GEOFABRIC MAY BE REQUIRED BETWEEN SUBGRADE & SUBBASE FOR CERTAIN SOILS AND SITE SPECIFIC REQUIREMENTS.
- TRUEGRID PRO LITE PRODUCTS ARE SUFFICIENTLY RATED FOR LOW TRAFFIC H-20/HS-20 LOADING.
- NO STAKING TYPICALLY NECESSARY WITH TRUEGRID PRO LITE WHEN SLOPE IS BELOW 20 DEGREES, ASSESS PROJECT AS NEEDED.
- TRUEGRID PRO LITE IS ADA COMPLIANT WITH PROPER FILL MATERIAL.
- ALTERNATIVE ENGINEERED SUB-BASE MIXES CAN BE USED PROVIDED THEY PROMOTE GRASS GROWTH. HAVE ADEQUATE VOID SPACE FOR DRAINAGE, AND PROVIDE REQUIRED STRUCTURAL SUPPORT.
- THIS CROSS SECTION IS FOR INFORMATION ONLY.



**TRUEGRID BLOCK REFERENCE VIEW**

PREASSEMBLED & DELIVERED IN 4' X 4' SHEET. RECONFIGURED AS NEEDED. NO EXTRA TOOLING OR ACCESSORIES REQUIRED



**GRASS FILL - HEAVY LOAD**

**APPLICATION EXAMPLES:**  
 DRIVEWAYS  
 RV PADS  
 OVERFLOW PARKING

01	UPDATED NOTES, FLAG NOTES
REV	

DRAWN	JT	CHECKED	JT	DATE	10/2020
APPROVED					

**MANUFACTURED IN NORTH AMERICA**  
**1-855-355-GRID (4743)**

CLIENT / PROJECT USES: (SEE DRAWING FOR SUBGRADE USE IN PAVES) PROPRIETARY (SUBMIT RIGHTS NOTICE) THIS DESIGN WAS ORIGINATED BY AND IS THE PROPERTY OF TRUEGRID. ALL RIGHTS ARE RESERVED. NO PART OF THIS DESIGN OR INFORMATION IS TO BE DISCLOSED IN CONFERENCE, OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF TRUEGRID. THIS INFORMATION IS UNAUTHORIZED WITHOUT SPECIFIC AUTHORIZATION BY TRUEGRID.		APPROVAL INFORMATION DATE: 2/22/2020 BY: J. THIRY DATE: 2/22/2020 BY: J. THIRY DATE: 2/22/2020 BY: C. WINS	
DRAWING SCALE: 1"=1'-0" DRAWING NUMBER:		SHEET NUMBER: D SCALE: 1/2"=1'-0" SHEET: 8 TOTAL SHEETS: 8	



TRUEGRID PRO LITE GRASS FILL HEAVY LOAD		SET NUMBER: D SCALE: 1/2"=1'-0" SHEET: 8 TOTAL SHEETS: 8	
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# 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.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: 636 East Fillmore Mixed Use Development			
Project Location (describe, and attach a location map): 636 East Fillmore Avenue, Village of East Aurora, NY -- SBL NBo. 165.17-1-8			
Brief Description of Proposed Action: The Applicant seeks Site Plan Approval and Special Use Permit for adaptive reuse of a existing structure for restraurant, retail and/or office uses, together with related site infrastructure.			
Name of Applicant or Sponsor: Urban Falls, LLC		Telephone: 716.491.1637 E-Mail: lisabdecarlo@yahoo.com	
Address: 572 Main Street			
City/PO: East Aurora		State: NY	Zip Code: 14052
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:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.47 acres	
b. Total acreage to be physically disturbed?		0.10 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.47 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" 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: _____ _____	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: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" 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: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



**VILLAGE OF EAST AURORA**  
 571 Main Street, East Aurora, New York 14052  
 716-652-6000  
 In conjunction with  
**Town of Aurora Building Department**  
 300 Glead Ave, East Aurora, NY 14052  
 716-652-7591

Building Dept:	_____
Date Received	_____
Complete App	_____
Village Clerk:	_____
Date Received	_____
Amount \$	_____
Receipt #	_____

**SPECIAL USE PERMIT APPLICATION**

PROPOSED PROJECT 636 East Fillmore Mixed Use Project SBL#: 165.17-1-8  
 LOCATION 636 East Fillmore Avenue, Village of East Aurora ZONING DISTRICT VC

The applicant agrees to reimburse the Village for any additional fees required for consultant's review of submitted technical data, including but not limited to, traffic studies, drainage, lighting, water and sewer plans.

APPLICANT NAME Urban Falls LLC  
 ADDRESS 572 Main Street, East Aurora, NY 14052  
 TELEPHONE 716.491.1637 FAX 716.427.6501 E-MAIL lisabdecarlo@yahoo.com

OWNER NAME Urban Falls LLC  
 ADDRESS 572 Main Street, East Aurora, NY 14052  
 TELEPHONE 716.491.1637 FAX 716.427.6501 E-MAIL lisabdecarlo@yahoo.com  
 SIGNATURE *Lisa B. Decarlo*

OWNER NAME Urban Falls LLC  
 ADDRESS 572 Main Street, East Aurora, NY 14052  
 TELEPHONE 716.491.1637 FAX 716.427.6501 E-MAIL lisabdecarlo@yahoo.com  
 SIGNATURE *Lisa B. Decarlo*

THIS APPLICATION MUST INCLUDE THE FOLLOWING:

- One (1) Cover letter to Village, Supporting Documents, and SEQR as required in §285-51.3
- One (1) complete file of submittal package in PDF format via email (under 10MB) to [maureen.jerackas@east-aurora.ny.us](mailto:maureen.jerackas@east-aurora.ny.us). Larger files may be submitted on a USB drive or CD Rom.
- Application fee \$25, Permit Fee \$25 and Public Hearing fee \$100 – Total \$150 at time of application

OFFICE USE ONLY: Sketch Plan Meeting Date \_\_\_\_\_ Minor Project written request to waive PC mtg Y/N/NA: VB Decision Y/N

REQUIRED MEETINGS/REFERRALS:

	Mtg/Mail Date	Conditions/Comments, if applicable:
Planning Commission	_____	_____
Safety Committee	_____	_____
VEA DPW	_____	_____
OTHER (specify)	_____	_____

SEQR ACTION:  
 \_\_\_ Type 1 \_\_\_ Type 2 \_\_\_ Unlisted

VILLAGE BOARD ACTION:

	Mtg/Mail Date
Public Hearing	_____
Notices Mailed	_____
Posted Notice-VEA Hall	_____
Posted Notice-Prop	_____
Approval/Denial Date	_____

Attach Village Board resolution with noted conditions.



October 14, 2020

Village of East Aurora  
571 Main Street  
East Aurora, New York 14052

**Re: Application for Special Use Permit**  
**Applicant / Property Owner: Urban Falls, LLC**  
**Project: 636 East Fillmore Mixed Use Development**  
**Property Address: 636 East Fillmore Avenue, Village of East Aurora, NY;**  
**SBL No. 165.17-1-8**  
**Project Architect: James Bammel, R.A.; Bammel Architects, PC**

Dear Village of East Aurora:

Our firm represents Urban Falls, LLC, the Applicant and Property Owner of 636 East Fillmore Avenue in the Village of East Aurora, New York. This letter is the required Cover Letter for the above referenced Application for Special Use Permit for a Restaurant.

Our client has submitted a Site Plan Application simultaneously with this Application and that Site Plan Application is attached as Exhibit A and specifically made a part hereof.

The site plan requirements pursuant to East Aurora Village Code § 285-52.4 are set forth below in ***bold italics*** with our response following each requirement.

**A. Will be generally consistent with the goals of the Village Comprehensive Plan;**

The Project is generally consistent with the Village Comprehensive Plan, including that the Project is an adaptive reuse of an existing, dilapidated structure, constitutes infill development and promotes walkability.

**B. Will meet all relevant criteria set forth in this chapter;**

It will. See Site Plan Application.

**C. Will be compatible with existing uses adjacent to and near the property;**

The adjacent and nearby uses to the north, west and south are non-residential uses including and plaza, ice rink and restaurants. The uses to the northeast are residential

**HOPKINS SORGI & MCCARTHY PLLC**

Attorneys at Law  
726 Main Street, Suite B • East Aurora, New York 14052  
Office: 716-908-3289 • Fax: 716-427-6501  
psorgi@hsmlegal.com  
hsmlegal.com

but separated by Tannery Brook, existing vegetation and buffering as shown on the Site Plan.

**D. Will not create a hazard to health, safety or the general welfare of the public;**

It will not. The Project enhances the area by adaptive reuse and the uses to the northeast are residential but separated by Tannery Brook, existing vegetation and buffering as shown on the Site Plan.

**E. Will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents;**

It will not. As set forth above, the adjoining and nearby uses are mostly residential, as is the current state of the Property. The Project enhances the area by adaptive reuse and the uses to the northeast are residential but separated by Tannery Brook, existing vegetation and buffering as shown on the Site Plan.

**F. Will not be a nuisance to neighboring land uses in terms of the production of obnoxious or objectionable noise, dust, glare, odor, refuse, fumes, vibrations, unsightliness, contamination or other similar conditions;**

It will not. All uses will be compliant with Village Code and an approved site plan.

**G. Will not cause undue harm to or destroy existing sensitive natural features on the site or in the surrounding area or cause adverse environmental impacts such as significant erosion and/or sedimentation, slope destruction, flooding or ponding of water, or degradation of water quality;**

No destruction of existing natural features will occur and some will be added.

**H. Will not destroy or adversely impact significant historic and/or cultural resource sites;**

Not applicable, but the façade of the existing building will be left in tact.

**I. Will provide adequate landscaping, screening or buffering between adjacent uses which are incompatible with the proposed project; and**

Yes. See Site Plan.

**J. Will not otherwise be detrimental to the public convenience and welfare.**

It will not. All uses will be compliant with Village Code and an approved site plan.

*Cover Letter to Village of East Aurora for Special Use Permit Application*  
*Property: 636 East Fillmore Avenue, Village of East Aurora, NY*  
*October 14, 2020*

Thank you for your consideration of our application.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC



Peter J. Sorgi, Esq.

Enc.

cc: Lisa DeCarlo, Urban Falls, LLC  
James Bammel, R.A., Project Architect

# Site Plan Application



October 14, 2020

Village of East Aurora  
571 Main Street  
East Aurora, New York 14052

Re: **Application for Site Plan Approval**  
**Applicant / Property Owner: Urban Falls, LLC**  
**Project: 636 East Fillmore Mixed Use Development**  
**Property Address: 636 East Fillmore Avenue, Village of East Aurora, NY;**  
**SBL No. 165.17-1-8**  
**Project Architect: James Bammel, R.A.; Bammel Architects, PC**

Dear Village of East Aurora:

Our firm represents Urban Falls, LLC, the Applicant and Property Owner of 636 East Fillmore Avenue in the Village of East Aurora, New York. This letter is the required Cover Letter for the above referenced Application for Site Plan Approval.

The site plan requirements pursuant to East Aurora Village Code § 285-51.3(B) are set forth below in ***bold italics*** with our response following each requirement.

***(1) Site plan review application form, including the name, address, and signature of the applicant, owner of record, and developer, and seal(s) of the engineer, architect, or landscape architect who prepared the site plan materials.***

See "Village of East Aurora Site Plan Application"

***(2) Description or narrative of all proposed uses and structures, including but not limited to hours of operation, number of employees, maximum seat capacity, and proposed number of off-street vehicle and bicycle parking spaces.***

See "Description / Narrative of all Proposed Uses and Structures"

**HOPKINS SORGI & MCCARTHY PLLC**  
Attorneys at Law  
726 Main Street, Suite B • East Aurora, New York 14052  
Office: 716-908-3289 • Fax: 716-427-6501  
psorgi@hsmlegal.com  
hsmlegal.com

- (3)** *A site plan drawn at a scale of one inch equals 20 feet or such other scale as the Village Board may deem appropriate, on standard twenty-four-inch-by-thirty-six-inch sheets, with continuation on eight-and-one-half-inch-by-eleven-inch sheets as necessary for written information.*

See "Site Plan"

- (4)** *A certified land survey showing the boundaries of the applicant's property under consideration in its current state plotted to scale with the North point, scale, and date clearly indicated, or other document deemed acceptable by the reviewing board.*

See "Survey"

- (5)** *Plans indicating the following with regard to the property in question, where applicable.*

- (a)** *The location of all properties, their ownership, uses thereon, subdivisions, streets, easements, and adjacent buildings within 300 feet of the property in question.*

See "Site Plan" and "Site Plan Aerial"

- (b)** *The location and use of all existing and proposed structures on the property in question, including all dimensions of height and floor area, exterior entrances, and anticipated future additions and alterations.*

See "Site Plan" and "Exterior Elevations"

- (c)** *The location of all existing and proposed topography features, including, but not limited to, site grading, open spaces, woodlands, watercourses, steep slopes, wetlands, floodplains, and watersheds.*

See "Site Plan" and "Landscaping Plan, Erosion Plan and Utility Plan"

- (d) The location of existing and proposed landscaping, screening, walls, and fences, including information regarding the size and type of plants and building materials proposed.**

See "Site Plan" and "Landscaping Plan, Erosion Plan and Utility Plan"

- (e) The location of existing and proposed public and private streets, off-street parking areas, loading areas, driveways, sidewalks, ramps, curbs, and paths. Such plans shall include considerations for vehicular, pedestrian, and bicycle traffic circulation, parking, and access.**

See "Site Plan and TrueGrid Pro Lite Heavy Load Specifications for Parking Lot

- (f) The location of existing and proposed utility systems including sewage or septic, water supply, telephone, cable, electric, and stormwater drainage. Stormwater drainage systems shall include existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.**

See "Site Plan" and "Landscaping Plan, Erosion Plan and Utility Plan"

- (g) The location, height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.**

See "Site Plan" and "Lighting Specifications"

- (h) The location, height, size, material, and design of all existing and proposed signs.**

See "Site Plan" at and note there are no existing signs and that height, size, material and design of new signs will be determined once users for building are identified, but will meet Village Code requirements and Village Design Guidelines.

*Cover Letter to Village of East Aurora for Site Plan Application  
Property: 636 East Fillmore Avenue, Village of East Aurora, NY  
October 14, 2020*

Enclosed also please find the Environmental Assessment Form submitted in accordance with the New York State Environmental Quality Review Act. This is an Unlisted SEQRA Action.

Thank you for your consideration of our application.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Handwritten signature of Peter J. Sorgi in black ink, consisting of the letters 'P' and 'S' joined together.

Peter J. Sorgi, Esq.

Enc.

cc: Lisa DeCarlo, Urban Falls, LLC  
James Bammel, R.A., Project Architect

### Description / Narrative of all Proposed Uses and Structures

This Project is an adaptive reuse of an existing, dilapidated structure. The existing structure will be reused with the following additions:

1. Second Floor with patio at Front / South side of Structure;
2. Terrace at Front / South side of Structure
3. Elevator at Rear / North side of Structure; and
4. New Sidewalk to the West of Structure.

The uses are anticipated to be as follows:

1. First Floor: Office and/or Retail; and
2. Second Floor: Restaurant.

The square footage will be:

1. First Floor: 2,972 usable square feet; and
2. Second Floor: 2,672 usable square feet with a seasonal, 780 square feet patio.

As end users for all space have not yet been identified, hours of operation, number of employees and maximum occupancy shall be in compliance with the Village Code and all other applicable laws, rules and regulations.

The on-site parking will be:

1. Vehicle parking spots: 14<sup>1</sup>; and
2. Bicycle parking spots: 4.

---

<sup>1</sup> It is hereby requested that:

- a. Pursuant to Village Zoning Code § 285-40.4 that the Village Board partially exempt the Project from the on-site parking requirement because both a "municipal parking lot" is within 400 feet of the Project Site (see Village of East Aurora Parking Inventory Map, attached hereto, at O) and on-street parking is available adjacent to and in proximity to the Project Site (see Village of East Aurora Parking Inventory Map, attached hereto, at A, B, C, D, E, F and N); and
- b. Pursuant to Village Zoning Code § 285-40.5(C) that the Village Board determine that the on-site parking requirements are "excessive [because] customers would use more than one use in building." This is true of this Project because users to the non-restaurant use will be using the restaurant use and is also true of patrons to the Ice Rink who can park at the Ice Rink and then walk to the Project Site. Moreover, the Ice Rink located directly across Riley Street has substantially more parking needs in the Winter when the restaurant use at the Project Site will be limited by the unavailability of the outdoor patio meaning that on-street parking demands of the Ice Rink will occur when on-street parking demands of the restaurant are limited.

The anticipated Schedule for completion of each Construction Phase is:

Nov 2020	Buffer fencing and Soft plantings as permits
Dec 2020- Jan 2021	Parking Area preparation and subbase installation; Complete demolition and removal to an approved disposal facility
Feb – May 2021	Complete building exterior construction
May 2021	Complete buffer as needed
May- July 2021	Complete building interior construction; Complete grass paver installation
July 2021	Occupancy

**VILLAGE OF EAST AURORA**  
 571 Main Street, East Aurora, New York 14052  
 716-652-6000  
 In conjunction with  
**Town of Aurora Building Department**  
 300 Gleed Ave, East Aurora, NY 14052  
 716-652-7591

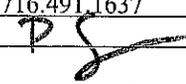
Building Dept:	_____
Date Received	_____
Complete App	_____
Village Clerk:	_____
Date Received	_____
Amount \$	_____
Receipt #	_____

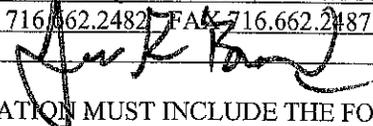
**SITE PLAN APPLICATION**

PROPOSED PROJECT 636 East Fillmore Mixed Use Project SBL#: 165.17-1-8  
 LOCATION 636 East Fillmore Avenue, Village of East Aurora ZONING DISTRICT VC

The applicant agrees to reimburse the Village for any additional fees required for consultant's review of submitted technical data, including but not limited to, traffic studies, drainage, lighting, water and sewer plans.

APPLICANT NAME Urban Falls LLC  
 ADDRESS 572 Main Street, East Aurora, NY 14052  
 TELEPHONE 716.491.1637 FAX 716.427.6501 E-MAIL lisabdecarlo@yahoo.com

OWNER NAME Urban Falls LLC  
 ADDRESS 572 Main Street, East Aurora, NY 14052  
 TELEPHONE 716.491.1637 FAX 716.427.6501 E-MAIL lisabdecarlo@yahoo.com  
 SIGNATURE 

ENGINEER/ARCHITECT/LANDSCAPE ARCHITECT  
 NAME James Bammel, R.A. FIRM Bammel Architects, P.C.  
 ADDRESS 6459 West Quaker Street, Orchard Park, NY 14127  
 TELEPHONE 716.662.2482 FAX 716.662.2487 E-MAIL jbammel@bammelarchitects.com  
 SIGNATURE 

AFFIX STAMP  
*(see attached)*

**THIS APPLICATION MUST INCLUDE THE FOLLOWING:**

- Twenty (20) Sets -- Cover letter to Village Board, Supporting Documents, and SEQR as required in §285-51.3
- One (1) complete file of submittal package in PDF format via email (under 10MB) to [maureen.jerackas@east-aurora.ny.us](mailto:maureen.jerackas@east-aurora.ny.us). Larger files may be submitted on a USB drive or CD Rom.
- Application fee \$25.00 and Public Hearing fee \$100.00 -- Total \$125 at time of application

*OFFICE USE ONLY:* Sketch Plan Meeting Date \_\_\_\_\_ Minor Project written request to waive PC mtg Y/N/NA: VB Decision Y/N

**REQUIRED MEETINGS/REFERRALS:**

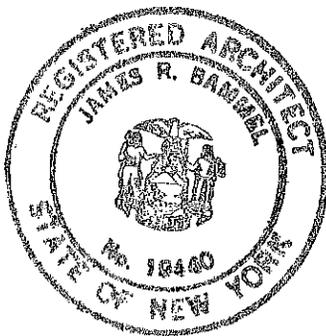
	Mtg/Mail Date	Conditions/Comments, if applicable:
Planning Commission	_____	_____
Historic Preservation	_____	_____
ZBA	_____	_____
EC Div of Planning	_____	_____
NYS DOT	_____	_____
Town Notification	_____	_____
Safety Committee	_____	_____
VEA DPW	_____	_____
OTHER (specify)	_____	_____

SEQR ACTION:  
 \_\_\_ Type 1 \_\_\_ Type 2 \_\_\_ Unlisted

**VILLAGE BOARD ACTION:**

	Mtg/Mail Date
Public Hearing	_____
Notices Mailed	_____
Posted Notice-VEA Hall	_____
Posted Notice-Prop	_____
Approval/Denial Date	_____

Attach Village Board resolution with noted conditions.



AUTHORIZATION

As the record owner real property located at 636 East Fillmore Avenue, Village of East Aurora, NY, bearing SBL No. 165.17-1-8, we hereby authorize Urban Design, LLC (Applicant) and Hopkins Sorgi & McCarthy PLLC (Project Attorney), to file any required land use approval regarding the aforementioned real property and to execute any required documentation, of the aforementioned property with the Village of East Aurora, along with applications for any other approvals/permits required from the Village of East Aurora and other governmental agencies in connection with the proposed development of the aforementioned real property, including but not limited to seeking of temporary use permits, a rezoning, site plan approval, special use permits and site plan approval.

Urban Falls, LLC

A handwritten signature in black ink, appearing to read "Lisa DeCarlo", is written over a horizontal line.

Name: Lisa DeCarlo

Title: Member

Date: July 29, 2020

### Description / Narrative of all Proposed Uses and Structures

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July 2021	Occupancy

**N** There are 6 unrestricted parking spaces on Riley Street, south of E. Filmore Ave.

**O & P** There are 182 public-use parking spaces plus an additional 10 spaces reserved for CVS customers. In this area, there are 8 spaces reserved for handicapped use.

**Q** 16 on-street, 2-hr parking spaces are available along Main St (north side) between Riley and Church Streets. 2 spaces are reserved for handicapped use.

**R** There are 19 on-street 2-hr parking spaces along Main St (south side). 1 space is reserved for handicapped use.

**S** 9, 2-hr parking spaces on Main St (north side) between Whaley St and railroad bridge.

**T** There are 41 public-use parking spaces in the parking lot on Millard Filmore Pl near Temple Pl. Of the 41 spaces, three are reserved for handicapped use.

**A, B & C** On Riley St, north of E. Filmore Ave, there are 16 unrestricted on-street parking spaces.

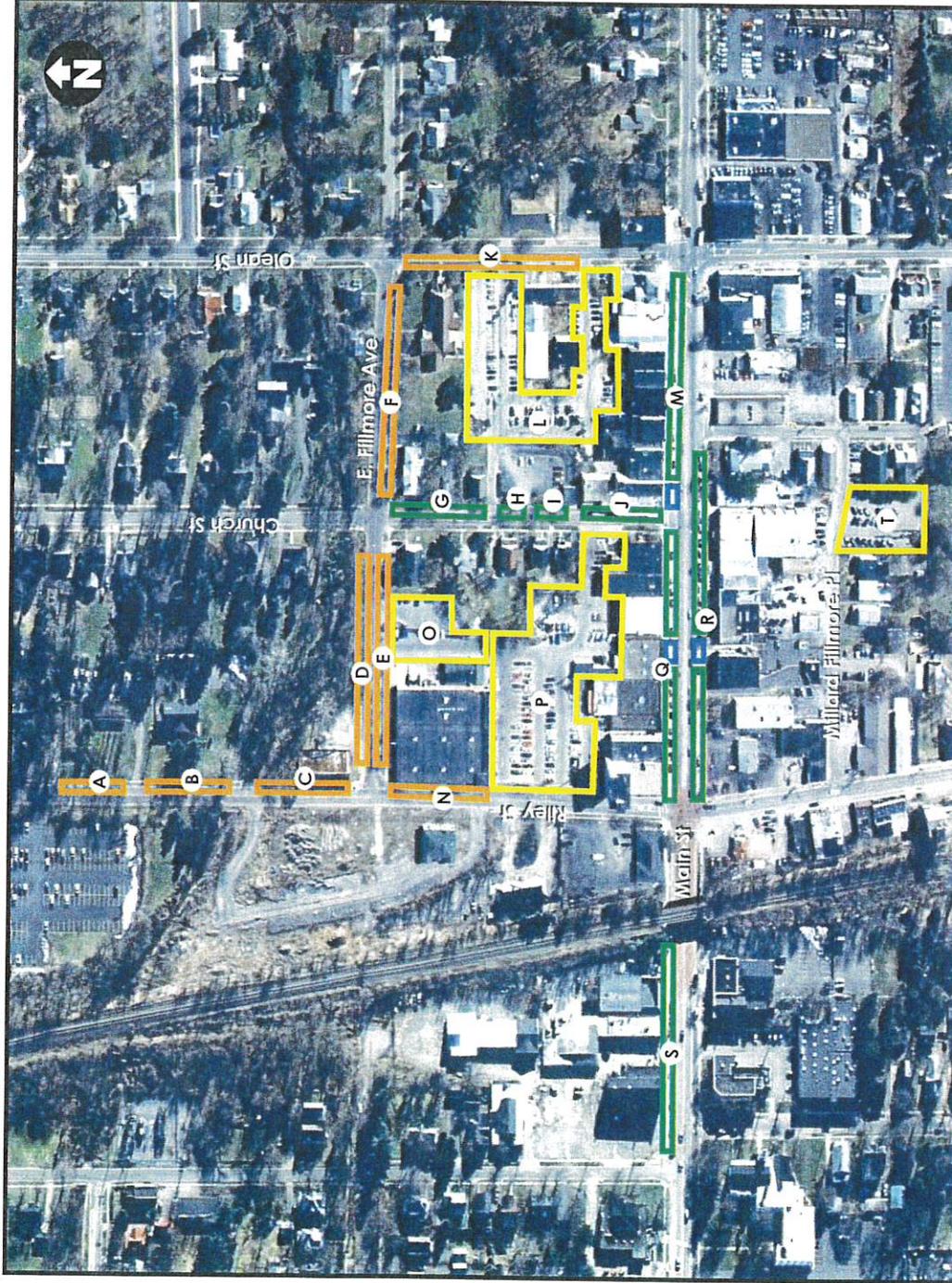
**D, E, & F** There are 45 on-street, unrestricted parking spaces on E. Filmore Ave, 29 of which are located between Riley and Church Streets.

**G, H, I & J** There are 12, 2-hr on-street parking spaces on Church St between E. Filmore and Main St.

**K** Olean St between Main St and E. Filmore Ave has approximately 10 on-street, unrestricted parking spaces.

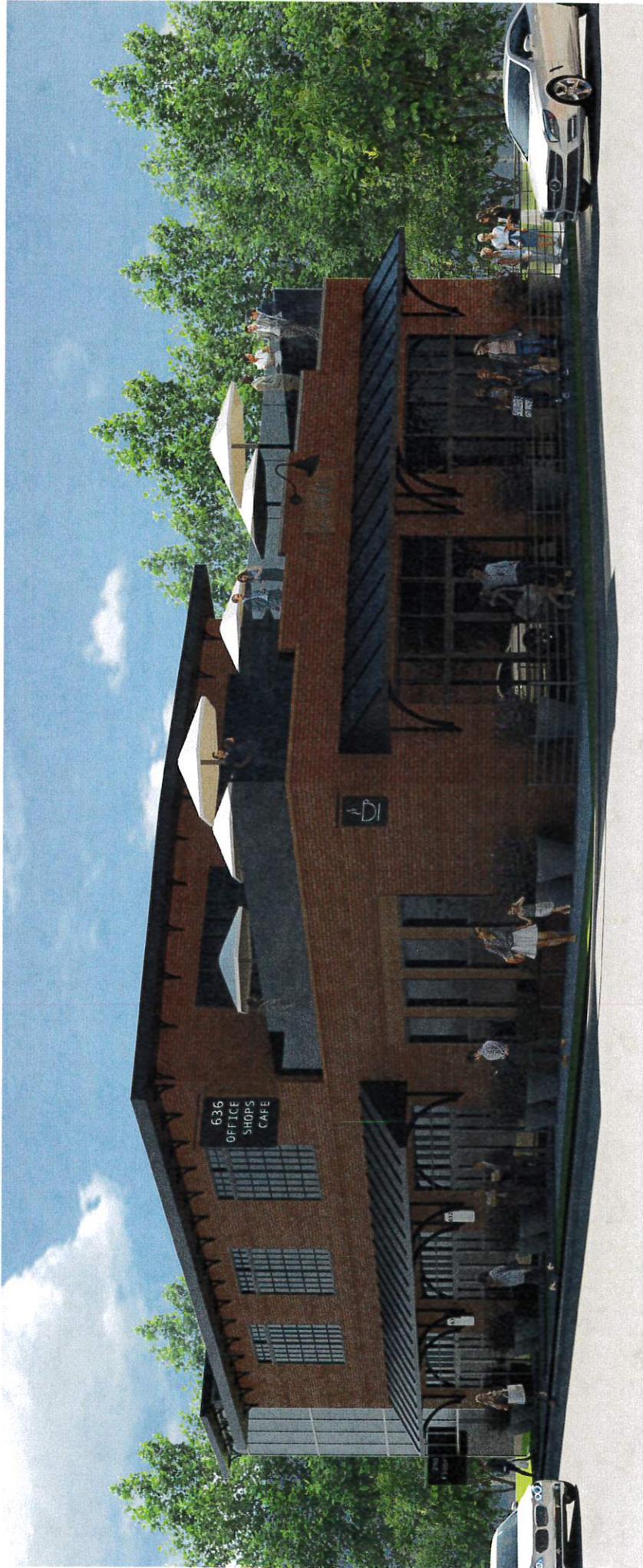
**L** 122 parking spaces are designated for public use, 6 of these spaces are reserved for handicapped use.

**M** Between Church St and Olean St, there are 16 on-street, 2-hr parking spaces on Main St. Of the 16 spaces, 1 space is designated for handicapped use.



## Village of East Aurora Parking Inventory

- Legend
- Public Parking
  - On Street - 2hr Handicap Parking
  - Unrestricted / On Street Parking
  - On Street Parking - 2hr



THIS DOCUMENT IS THE PROPERTY OF BMMEL ARCHITECTS, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BMMEL ARCHITECTS, INC.

RENDERED FOR:  
**636 E. FILLMORE AVENUE**  
 EAST AURORA, IL 60122

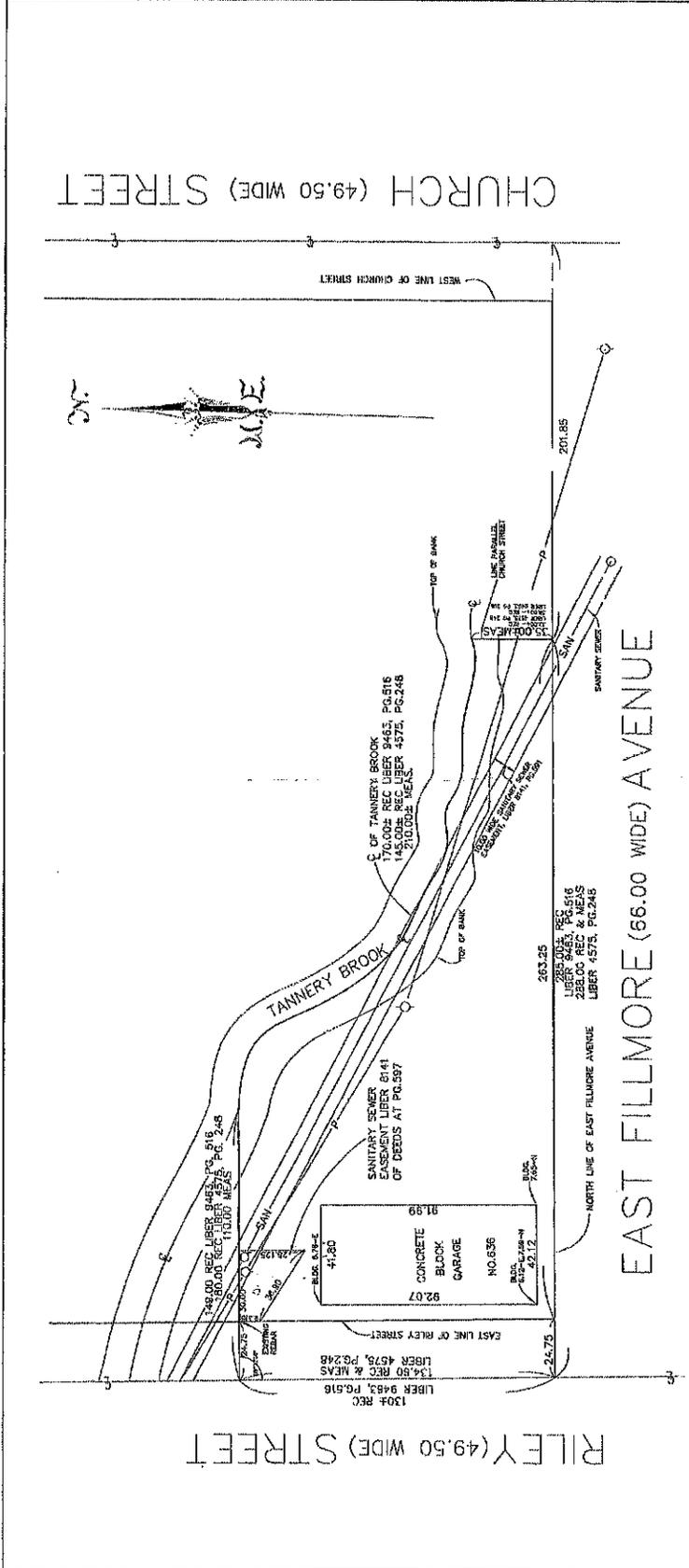
DATE:	10/13/2020
REVISION:	
DESIGNED BY:	AD/STW
DRAWN BY:	AD/STW
CHECKED BY:	ALL
SCALE:	
PROJECT NO.:	
SHEET NO.:	
TITLE:	SITE PLAN

DRAWING NO. **C-001**



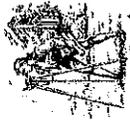
1 SITE PLAN

169, 537 LL 7218



Feet	Inches
0.08	1 inch
0.17	2 inches
0.25	3 inches
0.33	4 inches
0.42	5 inches
0.50	6 inches
0.59	7 inches
0.67	8 inches
0.75	9 inches
0.83	10 inches
0.92	11 inches
1.00	12 inches

Job No. 169, 537 LL 7218



Established 1870  
**Marshall L. Mill Pls**  
**Krause & Gantzer Land Surveyors**  
 13 Olean Street  
 East Aurora, New York, 14052

Part of Lot (Lots) 24 Section 24, Township 9, Range 6, of The HOLLAND LAND COMPANY'S SURVEY,  
 City (or) Village of EAST AURORA, Town of AURORA, County of ERIE, State of New York

Drawing Scale: 1" = 30'

Notes:  
 1) This Survey is VOID unless embossed with New York State Licensed Land Surveyors seal #050182.  
 2) Altering any item on this Survey is in violation of law, excepting as provided in Section 7209 Part 2 of the New York State Education Law.  
 3) This Survey VOID if used with an Affidavit of No Change.  
 4) 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 the same.

Date of Survey, JUNE 5, 2019 Signature *[Signature]*







CONTRACTOR:

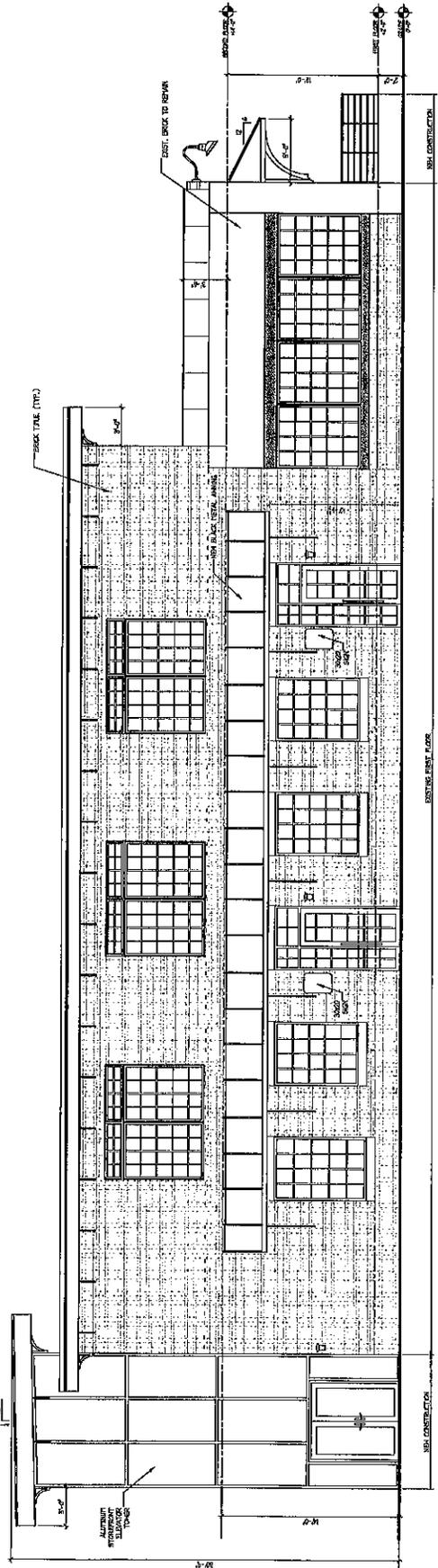
REVISIONS:  
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 2. 10/13/2020  
 3. 10/13/2020  
 4. 10/13/2020  
 5. 10/13/2020  
 6. 10/13/2020  
 7. 10/13/2020  
 8. 10/13/2020  
 9. 10/13/2020  
 10. 10/13/2020

RENOVATION FOR:  
**636 E. FILLMORE AVENUE**  
 EAST AURORA, NY 14852

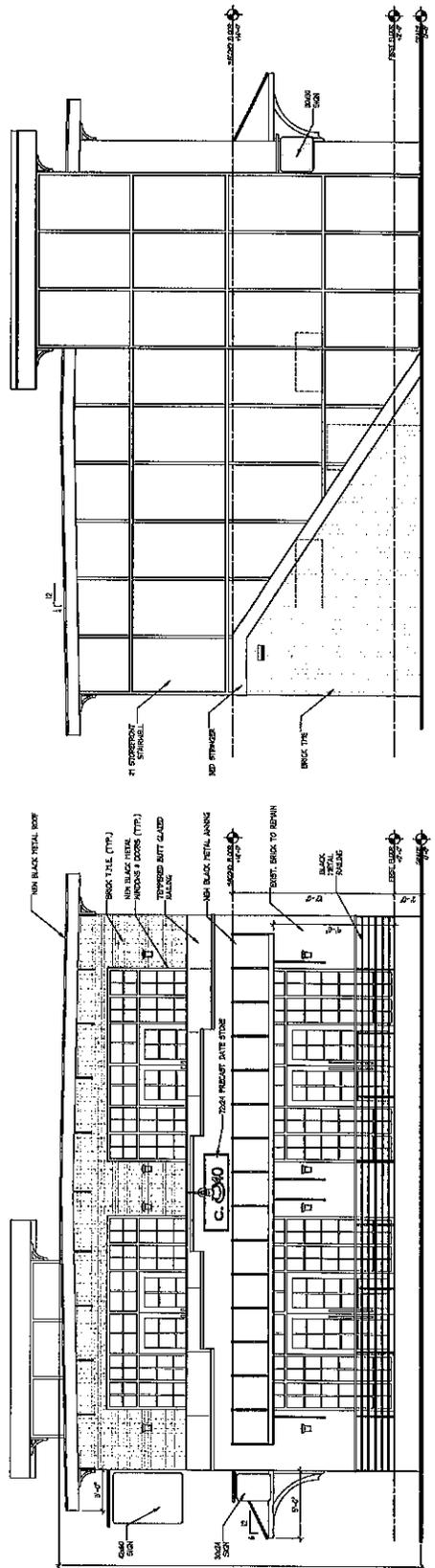
SCALE	DATE
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1/4" = 1'-0"	10/13/2020
1/2" = 1'-0"	10/13/2020
3/4" = 1'-0"	10/13/2020
1" = 1'-0"	10/13/2020
CHECKED BY:	DATE
ALL	10/13/2020

EXTERIOR ELEVATIONS

DRAWING NO.  
**A-200**



1 EAST ELEVATION



2 SOUTH ELEVATION

3 NORTH ELEVATION



**One-Light Outdoor**

Wall mounted • Wet location listed **PROGRESS LED**



**P6067-3130K9**

**Description:**

Arrive LED lanterns feature a die-cast aluminum, powder coated frame and heavily textured glass. One-light small wall lantern, 90+ CRI, 3000K, 623 lumens (source), Energy Star.

**Specifications:**

- Black (-31) (painted)
- Die-cast aluminum Construction
- Clear seeded glass panels
- LED Module is replaceable (part # 93054049)
- Die-cast aluminum, powder coated frame
- Heavily textured glass.
- 90+ CRI, 3000K, 623 lumens, Energy Star.
- 623 lumens 69.2 lumens/watt per module (source)
- 3000K color temperature, 90+ CRI
- Dimmable to 10% brightness (See Dimming Notes)
- Back plate covers a standard 4" octagonal recessed outlet box
- Mounting strap for outlet box included
- 6" of wire supplied
- ENERGY STAR® qualified
- Meets California Title 24 high efficacy requirements for outdoor use only

**Performance:**

Number of Modules	1
Input Power	5w
Input Voltage	120 V
Input Frequency	60 Hz
Lumens/LPW (Source)	623/69.2 (LM-82)
Lumens/LPW (Delivered)	396/49.5 (LM-79)
CCT	3000 K
CRI	90 CRI
Life (hours)	60,000 (L70/TM-21)
FCC	Meets FCC Title 47, Part 15 Class B
Min. Start Temp	-30 °C
Max. Operating Temp	30 °C
Warranty	5 year warranty
Labels	cCSAus Wet location listed ENERGY STAR® qualified Meets California Title 24 high efficacy requirements for outdoor use only

**Images:**



**Dimensions:**

Width: 6"  
 Depth: 7-3/8"  
 Height: 8-3/4"  
 H/CTR: 4"

Glass  
 Width: 6-1/8"  
 Length: 3-3/4"  
 Height: 6-1/16"



P6067-3130K9

**Dimming Notes:**

P6067 is designed to be compatible with many ELV/Reverse Phase controls.

The following is a partial list of known compatible dimmer controls.

**Dimming Controls**

- Lutron Nova T NTELV-300
- Lutron Verri VTELV-600
- Lutron Ariadni AYCL-153P
- Lutron Diva DVCL-153P
- Lutron Maestro MAELV-600
- Lutron Spacer/System SPSELV-600
- Leviton Renoir II AWRMG-EAW

Dimming capabilities will vary depending on the dimmer control, load, and circuit installation. Always refer to dimmer manufacturer instructions or a controls specialist for specific requirements. Dimmer control brand names where identified above are trade names or registered trademarks of each respective company.



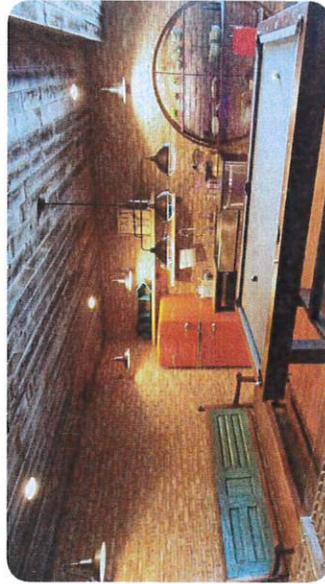
# TECHNICAL DATA SHEET

Project Name  Catalog #   
 Comments  Date

## Eco-RLM Line - 14" & 17" Warehouse Shade

### Features

- UL Listed for Wet Locations
- Every Gooseneck Arm comes with round mounting plate to fit onto standard round junction box
- 100" Wire Length Included With Every Shades
- Up to 200W Incandescent or LED Compatible

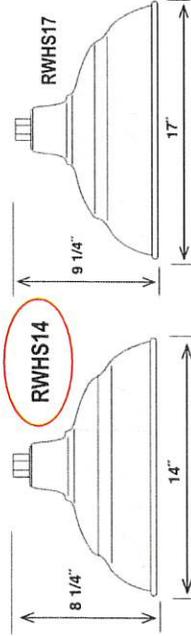


### Specifications

Base Type	Medium (E26)
Bulb Type	LED / Incandescent
Voltage	120 Volts
Max Wattage	200W A21
Material	Cold Rolled Steel, and Die Cast Zinc Shade w/ Glass and Guard Options

### Finishes Available:

Architectural Bronze	ABR
Black Porcelain	BP
Galvanized	GA
Satin Black	SB
Satin Green	SG
Satin Red	SR
White	WH
White Porcelain	WP
Sea Foam Porcelain	SFP



Tel: +1 (813) 649-8899  
 Fax: +1 (813) 425-9007

sales@htm-lighting.com  
 Rev: V0916

HTM Lighting Solutions  
 6420 Benjamin Road,  
 Tampa, FL 33634

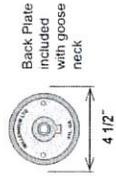


# TECHNICAL DATA SHEET

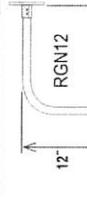
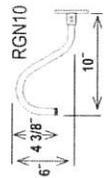
Project Name  Catalog #   
 Comments  Date

## Eco-RLM Line - 14" & 17" Warehouse Shade

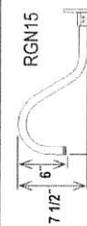
### Gooseneck Arms



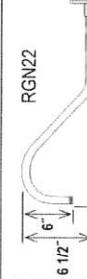
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RGN10-SR	ID: 3/4"	L: 10"
RGN10-WH	ID: 3/4"	L: 10"



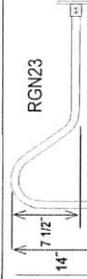
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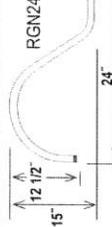
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RGN15-WH	ID: 3/4"	L: 14 1/2"



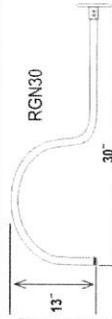
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RGN22-SR	ID: 3/4"	L: 21 1/2"
RGN22-WH	ID: 3/4"	L: 21 1/2"



RGN23-ABR	ID: 3/4"	L: 23"
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RGN23-SG	ID: 3/4"	L: 23"
RGN23-SR	ID: 3/4"	L: 23"
RGN23-WH	ID: 3/4"	L: 23"



RGN24-ABR	ID: 3/4"	L: 24"
RGN24-GA	ID: 3/4"	L: 24"
RGN24-SB	ID: 3/4"	L: 24"
RGN24-SG	ID: 3/4"	L: 24"
RGN24-SR	ID: 3/4"	L: 24"
RGN24-WH	ID: 3/4"	L: 24"

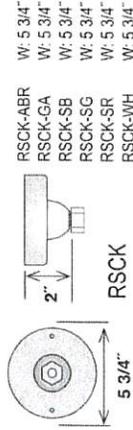
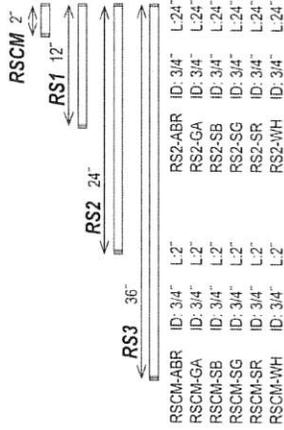


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RGN30-SB	ID: 3/4"	L: 30"
RGN30-SG	ID: 3/4"	L: 30"
RGN30-SR	ID: 3/4"	L: 30"
RGN30-WH	ID: 3/4"	L: 30"



RGN41-ABR	ID: 3/4"	L: 41"
RGN41-GA	ID: 3/4"	L: 41"
RGN41-SB	ID: 3/4"	L: 41"
RGN41-SG	ID: 3/4"	L: 41"
RGN41-SR	ID: 3/4"	L: 41"
RGN41-WH	ID: 3/4"	L: 41"

### Stems & Canopy Kits



Tel: +1 (813) 649-8899  
 Fax: +1 (813) 425-9007

sales@htm-lighting.com  
 Rev. V0916

HTM Lighting Solutions  
 6420 Benjamin Road,  
 Tampa, FL 33634



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 Comments  Date

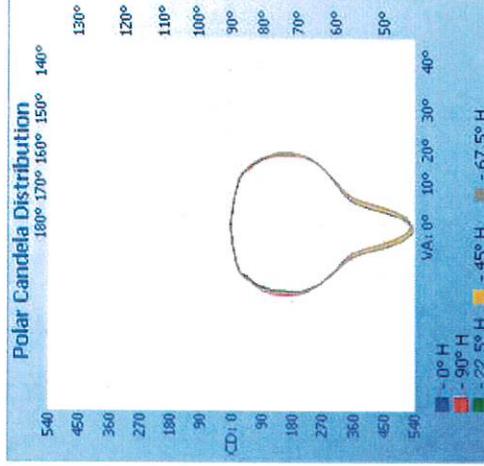
## Eco-RLM Line - RWHS14 Warehouse Shade

### Photometric and Electrical Measurements - Distribution Method

Intertek Sample No.	Base Orientation	Input Voltage (Vac)	Input Current (mA)	Input Power (Watts)	Input Power Factor	Absolute Luminous Flux (Lumens)	Lumen Efficacy (Lumens Per Watt)
M242866-1	UP	120.0	1382	165.9	1.000	1368	8.246

### Intensity (Candlepower) Summary at 25°C - Candelas

Angle	0	22.5	45	67.5	90
	RWHC14-WH				
0	531	531	531	531	531
5	449	452	461	475	482
10	373	375	380	390	397
15	347	347	349	352	356
20	336	336	337	339	341
25	326	326	327	328	330
30	321	321	321	322	321
35	312	312	313	312	310
40	302	303	303	302	299
45	288	290	290	289	284
50	273	275	274	274	266
55	255	257	257	256	248
60	234	237	237	236	228
65	212	214	215	213	206
70	190	193	194	192	182
75	166	169	171	168	161
80	130	136	141	129	136
85	35	39	44	40	44
90	1	1	2	1	2





# TECHNICAL DATA SHEET

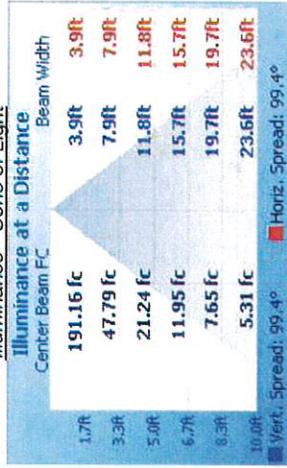
Project Name  Catalog #   
 Comments  Date

## Eco-RLM Line - RWHS14 Warehouse Shade

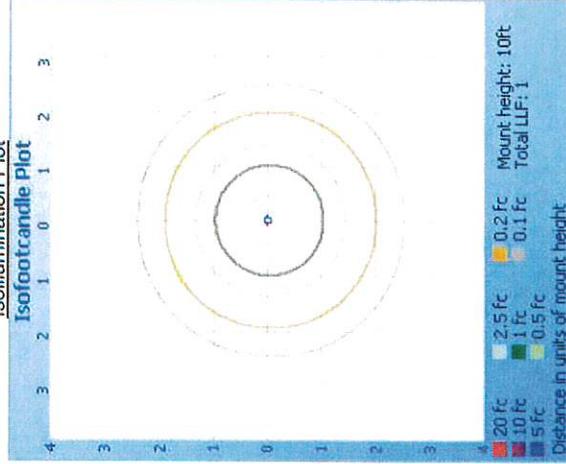
### Illumination Plots

Model No.: RWHC14-WH  
 Mounting Height: 10 ft.

#### Illuminance - Cone of Light



#### Isoillumination Plot



#### Zonal Lumen Summary and Percentages at 25°C

Zone	Lumens	% Luminaire
0-30	297.0	21.7
0-40	491.6	35.9
0-60	932.7	68.2
60-90	435.2	31.8
0-90	1368	100.0
90-180	0.2	0.0
0-180	1368	100.0

Tel: +1 (813) 649-8899  
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sales@htm-lighting.com  
 Rev. V0916

HTM Lighting Solutions  
 6420 Benjamin Road,  
 Tampa, FL 33634



# DSXW1 Wallpack

D-Series LED Wall Luminaire, Size 1

## Contemporary Design. Remarkable Versatility.

The DSXW1 Wallpack is a stylish LED building mounted luminaire intelligently engineered to provide long lasting, energy efficient lighting with a variety of optical distributions for customized performance.

### Key Features:

- Energy savings up to 74% vs. comparable metal halide luminaires; saves more than \$95 per luminaire, per year over 250W metal halide
- Choice of six optics allows for exceptional versatility while delivering incredible uniformity and increased luminaire spacing
- Battery back-up option for emergency egress lighting
- 20+ years expected service life (with lumen maintenance of L88/100,000 hours)
- Optional passive infrared motion sensor with adjustable bi-level dimming

Learn more about our outdoor solutions at [www.acuitybrands.com](http://www.acuitybrands.com)



DSXW1 LED



### Quick Facts:

- Replaces 50W – 250W MH Wallpacks
- Lumen packages from 797 – 7,785 lumens
- Up to 127 lumens per watt
- Available in 3000K, 4000K, 5000K & Amber CCT
- Weight: 12 lbs

Outdoor

AcuityBrands.

# D-Series LED Wall Luminaire, Size 1

## Ordering Information

EXAMPLE: DSXW1 LED 20C 1000 40K T3M MVOLT DBBTD

DSXW1 LED

Series	Performance Package	Distribution	Voltage	Mounting	Control Options	Other Options	Finish (required)
<b>DSXW1 LED</b>	LEDs 10 LEDs 10C 10C (one optional)	T2S Type II Short T2M Type II Medium <b>T3S Type III Short</b> T3M Type III Medium T4M Type IV Medium TFTM Forward Throw ASYDF Asymmetric diffuser	<b>MVOLT</b> 120 208 240 277 347 480	Shipped included (black) Surface mounting bracket BBW recessed back box (for conduit entry)	PE Photovoltaic cell, button type DMG 0-10V dimming driver (no controls) PIR 187° motion/ambient light sensor, < 15' reach PIRH 187° motion/ambient light sensor, 15-30' reach ELCW Emergency battery backup (includes external component enclosure) PIRIFCV Motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 1k PIRHFCV Motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 1k	Shipped installed SF Single face (120, 277, 347V) DF Double face (208, 240, 480V) <b>BS</b> Backscatter SPD Separate surge protection  Shipped separately BSW Bid-different spikes WG Wire guard VG Vandal guard DDL Diffused drop	DBBXD Dark bronze <b>B333</b> Natural aluminum DWAXD White Sandstone DSSXD Sandstone DBBTXD Textured dark bronze  DBLXD Textured black aluminum DVAYXD Textured natural aluminum DWAHXD Textured white sandstone DSSTXD Textured dark sandstone

## Wall Luminaire Accessories



DSXW1WG U  
Wire guard



DSXWHS U  
Housing-side shields



DSXWBSW U  
Bid-different spikes



DSXW1VG U  
Vandal guard

## Control Options



Motion Sensor



REMA Invert Lock Receptacle



DSXW1 LED

Please use the spec sheet at [www.acuitybrands.com](http://www.acuitybrands.com) when ordering to ensure component compatibility for your desired configuration.



Visit [www.lithonia.com](http://www.lithonia.com) for more information.

One Lithonia Way | Conyers, Georgia 30012 | Phone: 866.279.8041 | [www.acuitybrands.com](http://www.acuitybrands.com)  
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Acuity Brands

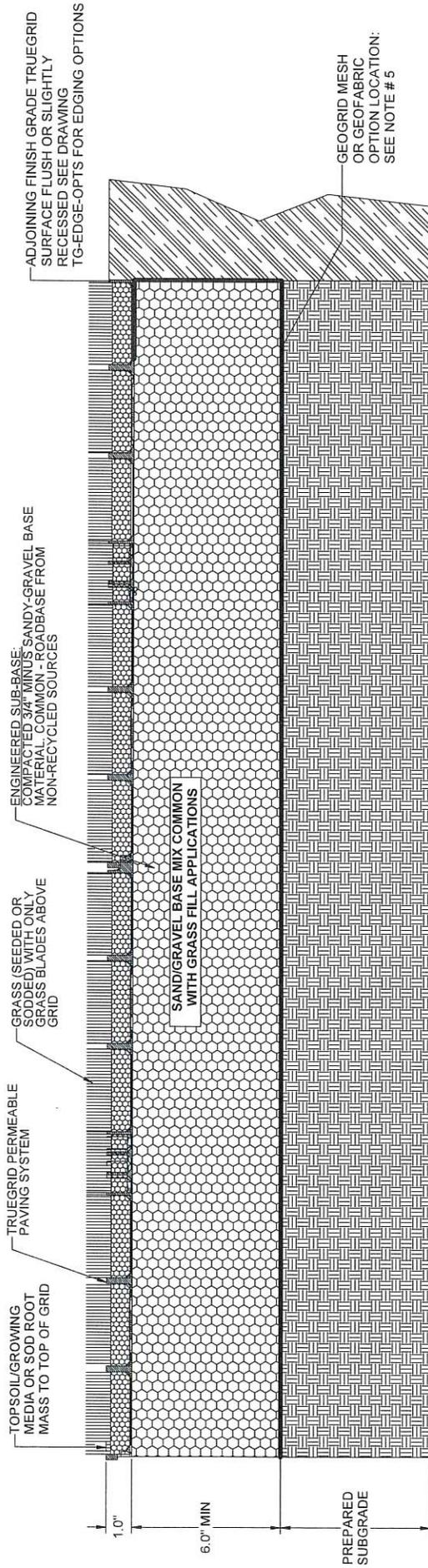
**NOTES:**

1. SUB-BASE DEPTH AND PREPARATION IS DEPENDENT ON SITE CONDITIONS PLUS LOADING REQUIREMENTS.
2. SEEDING METHOD: FILL SOIL/GROWING MEDIA TO TOP OF GRID. APPLY SEEDING OR HYDROSEEDING PER MANUFACTURERS' (BY OTHERS) REQUIRED APPLICATION RATES.
3. SOD INSTALLATION METHOD: UNROLL AND PRESS SOD INTO EMPTY GRID SO TOP OF GRID IS AT SOIL/ROOT LEVEL AND ONLY THE GRASS BLADES EXTEND ABOVE THE GRID.
4. FOR HIGHER TRAFFIC INSTALLATIONS, RECESS SOIL LEVEL WITHIN TRUEGRID AND SEED OR PRESS IN SOD SO THAT TOP OF GRID IS AT SOIL LEVEL.
5. GEOGRID MESH OR GEOFABRIC MAY BE REQUIRED BETWEEN SUBGRADE & SUBBASE FOR CERTAIN SOILS AND SITE SPECIFIC REQUIREMENTS.
6. TRUEGRID PRO LITE PRODUCTS ARE SUFFICIENTLY RATED FOR LOW TRAFFIC H-20/HS-20 LOADING.
7. NO STAKING TYPICALLY NECESSARY WITH TRUEGRID PRO LITE WHEN SLOPE IS BELOW 20 DEGREES, ASSESS PROJECT AS NEEDED.
8. TRUEGRID PRO LITE IS ADA COMPLIANT WITH PROPER FILL MATERIAL.
9. ALTERNATIVE ENGINEERED SUB-BASE MIXES CAN BE USED PROVIDED THEY PROMOTE GRASS GROWTH, HAVE ADEQUATE VOID SPACE FOR DRAINAGE, AND PROVIDE REQUIRED STRUCTURAL SUPPORT.
10. THIS CROSS SECTION IS FOR INFORMATION ONLY.



**TRUEGRID BLOCK REFERENCE VIEW**

PREASSEMBLED & DELIVERED IN 4' X 4' SHEET. RECONFIGURED AS NEEDED. NO EXTRA TOOLING OR ACCESSORIES REQUIRED



GEOGRID MESH OR GEOFABRIC OPTION LOCATION: SEE NOTE # 5

ADJOINING FINISH GRADE TRUEGRID SURFACE FLUSH OR SLIGHTLY RECESSED SEE DRAWING TG-EDGE-OPTS FOR EDGING OPTIONS

**GRASS FILL - HEAVY LOAD**

**APPLICATION EXAMPLES:**

- DRIVEWAYS
- RV PADS
- OVERFLOW PARKING

01 UPDATED NOTES, FLAG NOTES

CLIENT / PROJECT UNLESS OTHERWISE SPECIFIED, THIS DRAWING IS FOR INFORMATION ONLY. THIS DESIGN WAS ORIGINATED BY AND IS THE EXCLUSIVE PROPERTY OF TRUEGRID. ANY REVISIONS TO THIS DRAWING SHALL BE THE RESPONSIBILITY OF THE CLIENT. INFORMATION NOT AUTHORIZED WITHOUT SPECIFIC PERMISSION IN WRITING BY TRUEGRID.	APPROVAL INFORMATION DATE: 2/22/2020 DATE: 2/22/2020 DATE: 2/22/2020
	SCALE: 1/2" = 1'-0" SHEET: 6 OF 1
	MANUFACTURED IN NORTH AMERICA 1-855-355-GRID (4743)
	DO NOT SCALE DRAWING SCALE: 1/2" = 1'-0" SHEET: 6 OF 1

TRUEGRID True to your project. True to the environment.
TRUEGRID PRO LITE GRASS FILL HEAVY LOAD
DATE: 2/22/2020 DRAWN BY: C. WILSON CHECKED BY: J. TRINITY APPROVED BY: J. TRINITY
REV: 01 TGFBLITE-GRS-HL

# 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.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: 636 East Fillmore Mixed Use Development			
Project Location (describe, and attach a location map): 636 East Fillmore Avenue, Village of East Aurora, NY -- SBL NBo. 165.17-1-8			
Brief Description of Proposed Action: The Applicant seeks Site Plan Approval and Special Use Permit for adaptive reuse of a existing structure for restraurant, retail and/or office uses, together with related site infrastructure.			
Name of Applicant or Sponsor: Urban Falls, LLC		Telephone: 716.491.1637	
		E-Mail: lisabdecarlo@yahoo.com	
Address: 572 Main Street			
City/PO: East Aurora		State: NY	Zip Code: 14052
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:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.47 acres	
b. Total acreage to be physically disturbed?		0.10 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.47 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" 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: _____ _____	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: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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: _____ _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: Village Stormwater System		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: <u>Urban Falls, LLC</u> Date: <u>10.14.2020</u></p> <p>Signature: <u></u> Title: <u>Project Attorney</u></p>		