

1897 Davis Rd

TOWN OF AURORA

575 OAKWOOD AVENUE, EAST AURORA, NY 14052
BUILDING DEPARTMENT
(716) 652-7591

MEMO

TO: Supervisor Snyder and Town Board Members

FROM: Elizabeth Cassidy, Code Enforcement Officer

DATE: April 23, 2025

The Building Department has received a Special Use Permit application for a treehouse hotel at 1897 Davis Rd as per Town Code section 116-8.8D(1) which includes 116-8.7D(5). Jyl and Ricardo Rivera, owners of the property, would like to rent the treehouse they are building. There are no additional physical changes to the property proposed at this time. The property is zoned C2 which allows for hotels. While the property is an ODA lot, additional ODA approval is not required because the treehouse construction started in July of 2020. At that time approval was not required for development on an ODA lot for structures under 1500 sqft. The Code changed in 2021 to require approval for construction on an ODA lot for structure 400 sqft or greater.

Town Code section 116-41A(2) states that the Town Board may take one of the following actions:

- 1-take no action
- 2-request modification and resubmission
- 3-request a site plan application (*not applicable*)
- 4-refer the application to the Planning Board for review and recommendation.

If the Board refers it to Planning Board, a public hearing should be scheduled prior to a decision on SEQRA and the application. The application should be sent to Erie County Department of Planning for their review and recommendation due to the proximity of a State highway (Davis Rd).

This is an Unlisted action for purposes of SEQRA.

Thank you
Liz Cassidy



Town of Aurora Town Board
575 Oakwood Avenue, East Aurora NY, 14052

Special Use Permit Application Form

I. PROJECT INFORMATION (Applicant/Petitioner):

Business/Project Name: Treehouse Hotel
Business/Project Address: 1897 Davis Rd. West Falls, NY 14170
Applicant Name: Ricardo & Jyl Rivera
Mailing Address: 1895 Davis Rd.
City West Falls State NY ZIP 14170
Phone 716-560-0874 Fax 716-833-8733 Email Jyl@buffalo-treehouse.com
Interest in the property (ex: owner/purchaser/developer) Owner

II. PROPERTY OWNER INFORMATION (If different than Applicant AND the Owner does not sign below, please submit and original, notarized "Owner Authorization" form - attached):

Property Owner(s) Name(s) The Blueberry Treehouse Farm LLC
If a corporate, please name a responsible party/designated officer: Jyl Rivera
Address 1897 Davis Rd.
City West Falls State NY ZIP 14170
Phone 716-560-0874 Fax 716-833-8733 Email Jyl@buffalo-treehouse.com

III. SPECIAL USE AND PROPERTY INFORMATION:

Property Address 1897 Davis Rd. West Falls, NY 14170
SBL# 199.03-1-9.21

Describe Special Use requested (use additional pages if needed): We are requesting a
Special Use Permit to use our treehouse as a hotel

Property size in acres 5.63 Property Frontage in feet 116'
Zoning District Commercial Surrounding Zoning Commercial
Current Use of Property U-pick Farm and treehouse cafe
Size of existing building(s): 7000 sf Size of proposed building(s) 400 sf
Present/Prior tenant/use: None
Parking spaces: Existing: 100 Proposed additional spaces: 0 Total #: 100

Proposed water service: ☒ public ☐ private (well) ☐ n/a Is this existing ☒ Y ☐ N
Proposed sanitary sewer: ☐ public ☒ private (septic) ☐ n/a Is this existing ☒ Y ☐ N

Hours of operation (if applicable):

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	By Appt.
Hours								

Peak hours: _____

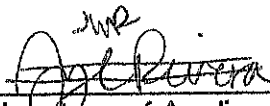
Number of employees (if applicable): Full-time _____ Part-time _____ Seasonal _____

Upon approval of this application, the applicant intends to apply for: (Check all that apply)

a. Building Permit ☐

b. Sign Permit ☐

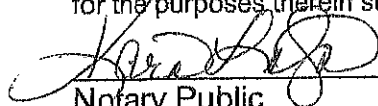
IV. SIGNATURE (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 4)


Signature of Applicant/Petitioner

Jyl Rivera
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 31st day of March in the year 2025 before me, the above individual appeared, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.


Notary Public

(Notary stamp) KARIN L. DOJNIK
Notary Public, State of New York
Reg. # 01DO6445148
Qualified in Erie County
Commission Expires December 12, 2026

Office Use Only: Date received: _____ Receipt #: _____

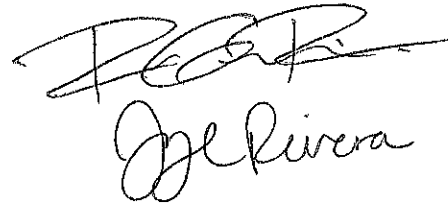
Application reviewed by: _____

3/27/2025

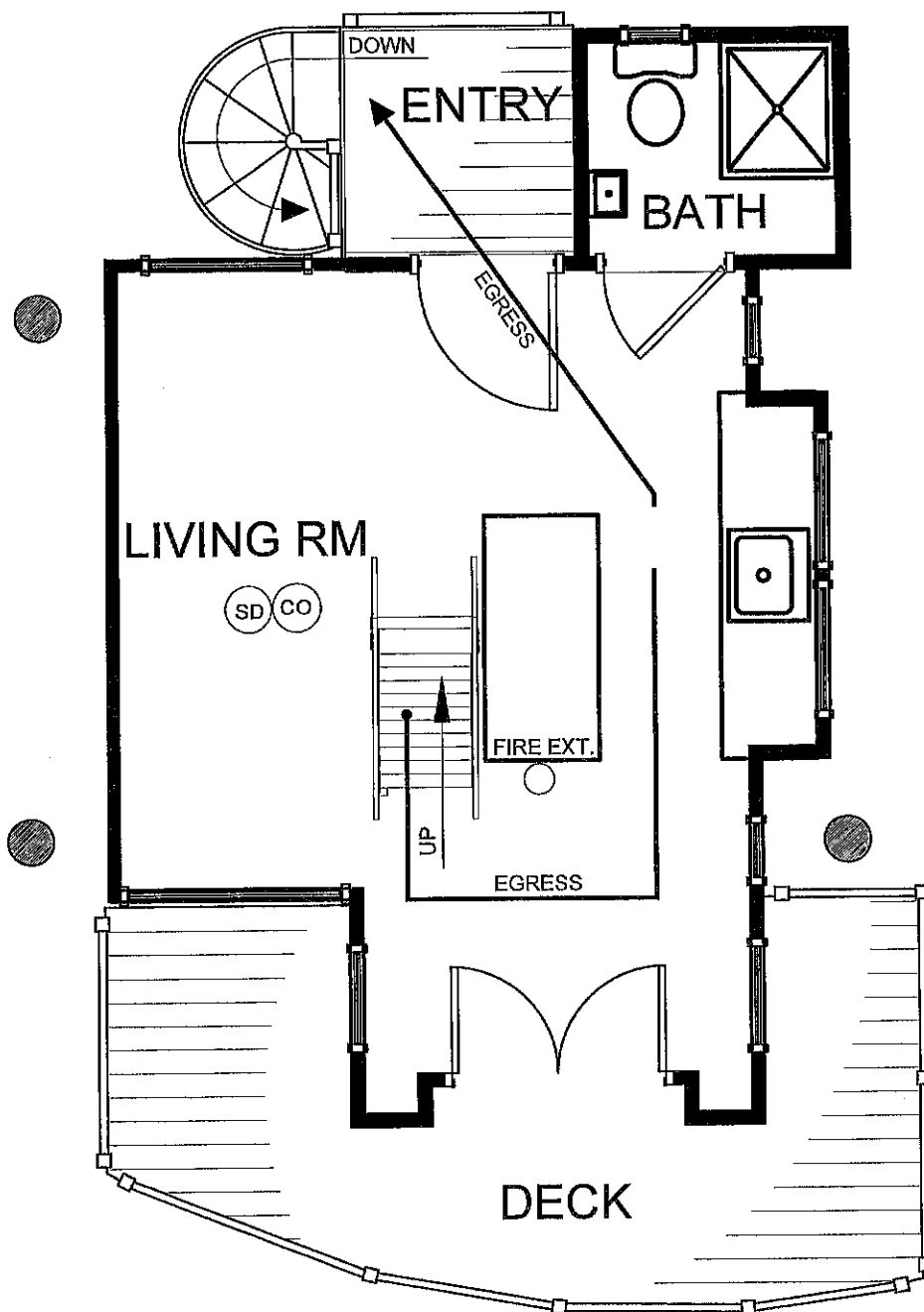
To Whom It May Concern:

We would like to offer our Treehouse as a hotel on our property. It offers 1 bedroom upstairs and a pull-out couch option downstairs to be able to host 4 people in total. There is a full bathroom, heat and AC. It would be offered year-round. We are excited to host families, blueberry pickers, couples, skiers and our friends. Hoping this gives everyone an opportunity to experience the joy of being in a treehouse!

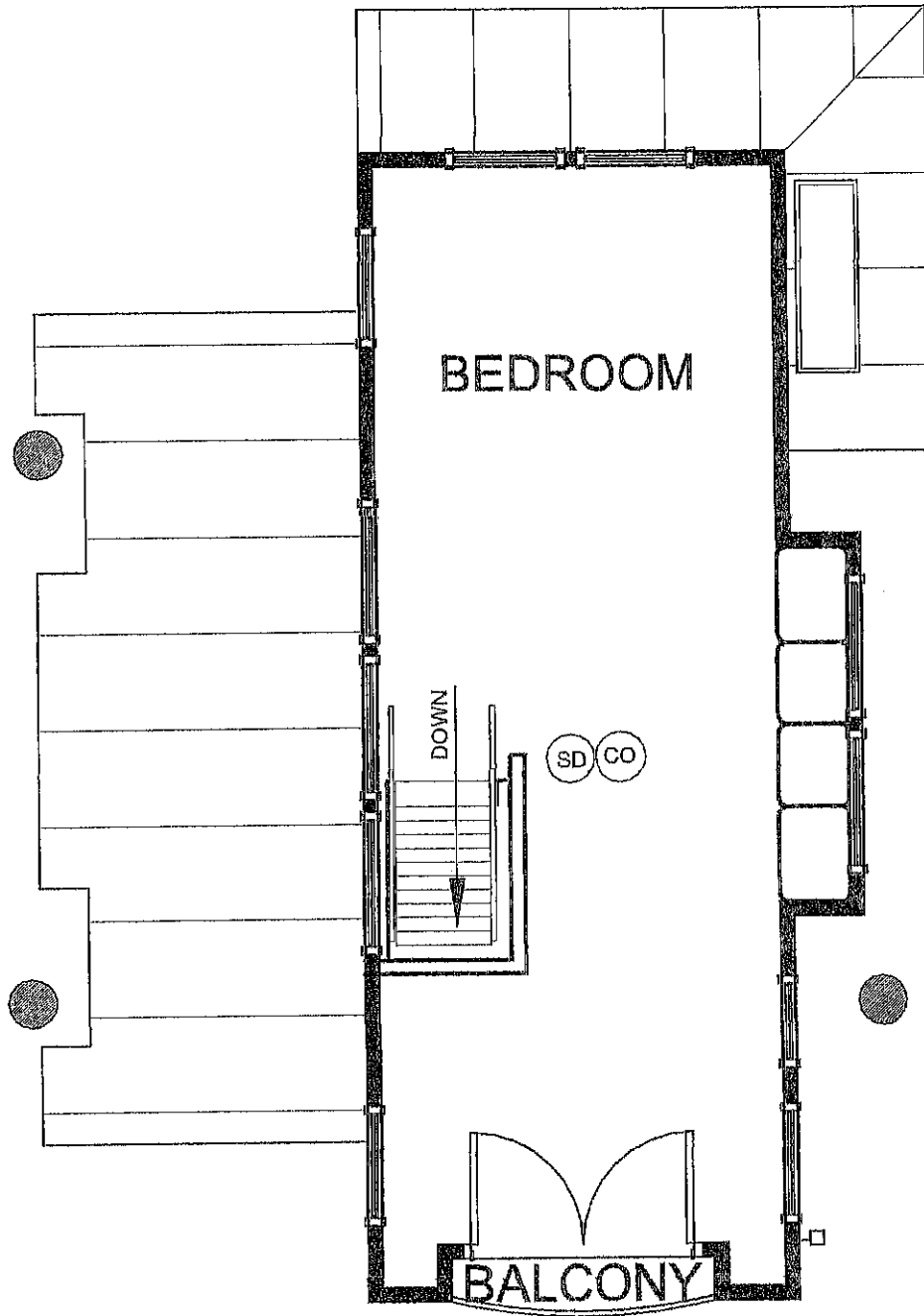
Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Ricardo & Jyl Rivera". The signature is stylized with a large, sweeping initial "R" and "J".

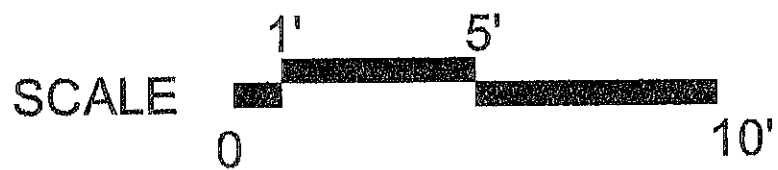
Ricardo & Jyl Rivera



FIRST FLOOR



SECOND FLOOR



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: Treehouse Hotel			
Project Location (describe, and attach a location map): 1897 David Rd West Falls, NY 14170			
Brief Description of Proposed Action: We are requesting a special use permit to use our treehouse as a Hotel.			
Name of Applicant or Sponsor: Ricardo & Jyl Rivera		Telephone: 716-560-0874 E-Mail: jyl@buffalotreehouse.com	
Address: 1895 Davis Rd			
City/PO: West Falls		State: NY	Zip Code: 14170
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 ☒
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:			YES ☐
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			NO ☒
		5.63 0.025 7.31	acres acres acres
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☒ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO ☐	YES ☒	N/A ☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO ☐	YES ☒
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 ☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO ☒	YES ☐
b. Are public transportation service(s) available at or near the site of the proposed action?		☒	☐
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		☒	☐
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 ☒
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		NO ☐	YES ☒
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		NO ☐	YES ☒
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO ☒	YES ☐
b. Is the proposed action located in an archeological sensitive area?		☒	☐
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 ☐
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: _____		☒	☐
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☒ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ 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 ☐
16. Is the project site located in the 100 year flood plain?		NO ☒	YES ☐
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? ☐ NO ☐ YES		☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____		☐ NO ☐ YES	

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 ☒	YES ☐
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 ☐
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 ☐
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Jyl Rivera</u> Date: _____ Signature: <u><i>Jyl Rivera</i></u>		