

original
CASE NO. 1529DATE OF HEARING 11/19/2025Town of Aurora Zoning Board of Appeals
300 Gleed Avenue, East Aurora, New York 14052**Zoning Board of Appeals Application Form****I. TYPE OF REQUEST**☒ AREA VARIANCE ☐ SPECIAL USE PERMIT ☐ USE VARIANCE ☐ INTERPRETATION**II. APPLICANT/PETITIONER**Applicant's Name Jyl and Ricardo Rivera
Address 1895 DAVIS RD.
City WEST FALLS State NY ZIP 14170
Phone 716 x Email Jyl@rise.com
Interest in (purchaser/developer) Owner**III. PROPERTY OWNER INFORMATION** (If different from applicant information.)Property Owner(s) Name(s) THE BLUEBERRY TREEHOUSE FARM LLC
Address 1897 DAVIS RD, W FALLS
City State ZIP
Phone Fax Email **III. PROPERTY INFORMATION**Property Address 1897 DAVIS RD.
SBL# 199.03-1-9.21
Property size in acres 5.63 Property Frontage in feet 16'
Zoning District C-2 Surrounding Zoning Commercial
Current Use of Property U-Pick Farm & Treehouse Cafe**IV. REQUEST DETAIL**

(check all that apply)

☒ Variance from Ordinance Section(s) # 116-8.6E(1), 116-8.6D(2)
☐ Special Use Permit for:
☐ Use Variance for:
☐ Interpretation of

V. SIGNATURES (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. 5)

Jul Rivera
Signature of Applicant/Petitioner

Jul Rivera
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 9th day of Sept 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.

Anna Maria Dolina
Notary Public

(Notary stamp)

ANNA MARIA DOLINA
NOTARY PUBLIC STATE OF NEW YORK
ERIE COUNTY
LIC. #01DO0025397
COMM. EXP. 05/31/2028

Office Use Only: Date received: 10/2/25 Receipt #: 713394

Application reviewed by: [Signature]

ECDP ZR-1 form sent to EC: _____ Hearing publication date: _____

PREVIOUS APPEAL(S):

A previous appeal to the Zoning Board of Appeals () has () has not been made with respect to this property.

Previous appeals:

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

PETITIONER'S LETTER OF INTENT

Please describe in detail the proposed project, reason the variance and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

THE Proposed project is a treehouse Located at 1897 BAYVIEW IN WEST FALLS TO be used as a short term rental. An area variance is being requested because treehouse is 400 SF and CODE # 116-8.6 E(1) requires a minimum of 1200 SF. ALSO, we are requesting a variance for CODE # 116-8.6 D(2) because treehouse is greater than 20' above grade plane.

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:

A Use Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town of Aurora have caused unnecessary hardship as demonstrated by the following:

- 1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).
Financial Evidence Provided Yes _____ No _____ (financial evidence is required per NYS Town Law)

- 2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood: _____

- 3) Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance: _____

- 4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: _____

(Attach additional pages if needed)

Town of Aurora
300 Glead Avenue
East Aurora, NY 14052
www.townofaurora.com

**Zoning Board of Appeals
Application
Owner Authorization**

The undersigned, who is the owner of the premises know as: JYL & RICARDO RIVERA
1897 DAVIDS RD. WEST FALLS NY 14170, identified as Tax Map (SBL)#...199.03-1-9.21
(address)

hereby authorizes JYL RIVERA to bring an application for ☒ area variance
() special use permit () use variance () interpretation before the Town of Aurora Zoning Board of
Appeals for review and potential approval. The undersigned further permits the Town or its authorized
representative(s) access to the property to review existing site conditions during the review process.

Jyl Rivera
Owner (print)

9/9/25
Date

Jyl Rivera
Owner (signature)

STATE OF NEW YORK)
COUNTY OF ERIE) SS

On this 9th day of September, 2025, before me, the undersigned, a notary public in and for said state,
personally appeared Jyl Rivera, personally known to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their
signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted,
executed the instrument.

Anna Maria Dolina
Notary Public

ANNA MARIA DOLINA
NOTARY PUBLIC STATE OF NEW YORK
ERIE COUNTY
LIC. #01DO0025397
COMM. EXP. 05/31/2028

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
AND REPLY TO MUNICIPALITY**

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No.: 641-ZR-25

Postmark/Delivery Date: 10/20/25

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 1 - m
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.

If the county fails to reply within such period, the referring body may take final action.

However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)

The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: Date 11/19/2025 Time 7:00pm Location 575 Oakwood Ave., E. Aurora, NY

3. Action is before: ☐ Legislative Body ☒ Board of Appeals ☐ Planning Board

4. Action consists of: ☐ New Ordinance ☐ Rezone/Map Change ☐ Ordinance Amendment

☐ Site Plan ☒ Variance ☐ Special Use Permit ☐ Other: _____

5. Location of Property: ☐ Entire Municipality ☒ Address: 1897 Davis Rd (aka: Route 240), West Falls, NY

5a. S.B.L. of Property: 199.03-1-9.21

6. Referral required as site is within 500' of: ☐ State or County Property/Institution ☐ Municipal Boundary ☐ Farm Operation located in an Agricultural District
☐ Expressway ☐ County Road ☒ State Highway ☐ Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: (specify the action, such as the scope of variances or site plans) Height of dwelling more than allowed by Town Code; square footage of dwelling less than required by Town Code

8. Other remarks: Dwelling is a treehouse proposed to be used as a short-term rental

9. Submitted by: Martha Librock, Town Clerk Email: townclerk@townofaurora.com

10. Return Address: 575 Oakwood Ave., East Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 10/20/25. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ The proposed action is not subject to review under the law.
2. ☐ Comment on proposed action is attached hereto.
3. ☐ The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.
4. ☒ No Recommendation; proposed action has been reviewed and determined to be of local concern.

By the Division of Planning: Collette McDaniel Date: 11/6/25

SUPERVISOR
Charles D. Snyder
(716) 652-7590
csnyder@townofaurora.com



TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA

Aurora Municipal Center
575 Oakwood Avenue, East Aurora, NY 14052
www.townofaurora.com

TOWN COUNCIL MEMBERS

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TOWN JUSTICE
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Anthony DiFilippo IV

HISTORIAN
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(716) 652-7944
historian@townofaurora.com

FAX: (716) 652-3507

September 24, 2025

Jyl and Richardo Rivera
1895 Davis Road
West Falls, NY 14170

Mr. and Mrs. Rivera:

The Building Department has reviewed your request to construct *an accessory treehouse-dwelling unit at 1897 Davis Road. (SBL 199.03-1-9.21)*. The request has been denied because it fails to meet the requirement for *dwelling size and building (mean) height*.

Sections 116-8.5C: Maximum mean height.

Required: Two-story, not to exceed 20 feet for accessory buildings/structures.

Requested: 22.475'

Variance: 2.475'

Sections 116-8.5D: Building size

Required: Single-family dwellings not less than 1,200 square feet.

Requested: 517.89 (1st Floor and loft)

Variance: 682.11

This letter serves as notice that we have received the application and fee for the Zoning Board of Appeals. You will receive notification from the Town Clerk with the date and time of the next available hearing. If you have any questions, please contact our office at 652-7591.

Sincerely,

Richard Miga
Assistant Code Enforcement Officer

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.

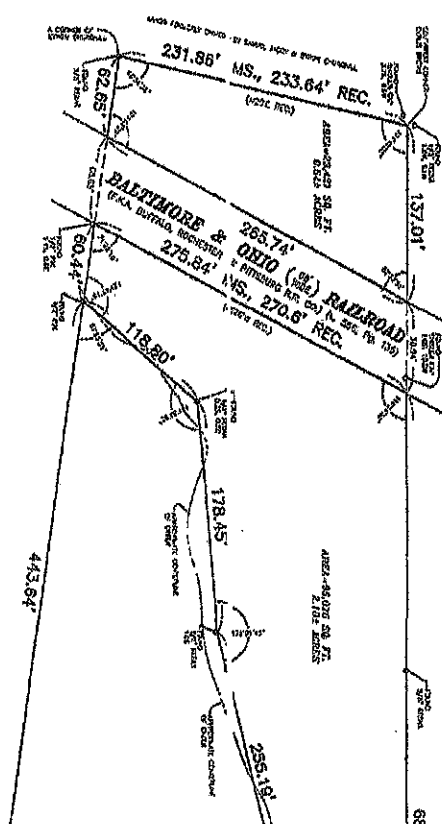
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

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: E-Mail: jy					
Address: 1896 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.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td style="height: 30px; vertical-align: bottom;">☒</td> <td style="height: 30px; vertical-align: bottom;">☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
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:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td style="height: 30px; vertical-align: bottom;">☒</td> <td style="height: 30px; vertical-align: bottom;">☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
3. a. Total acreage of the site of the proposed action?		5.63 acres					
b. Total acreage to be physically disturbed?		.0025 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		7.31 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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
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?	NO	YES	
If Yes, identify: _____	☒	☐	
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?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☐	☒	
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?	NO	YES	
If 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)? ☐ NO ☐ YES			
If Yes, briefly describe: _____			

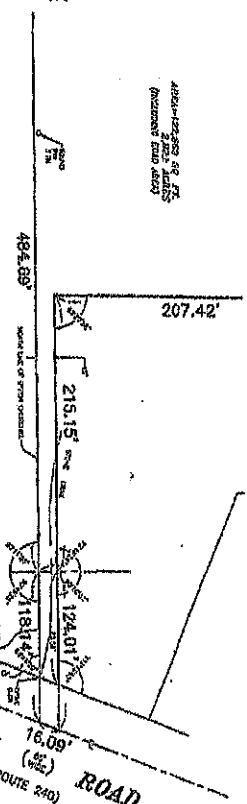
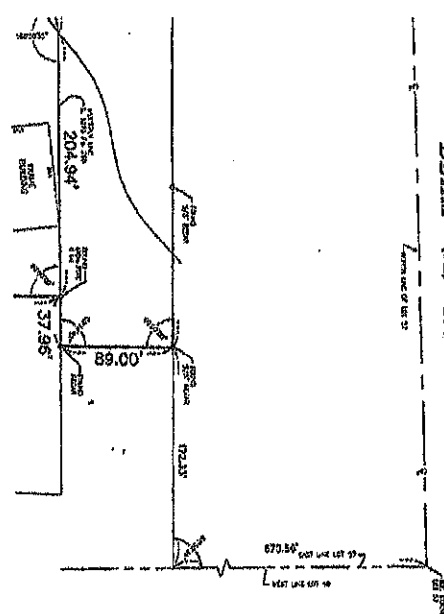
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location 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>		

11/11/2011 10:11:11 AM



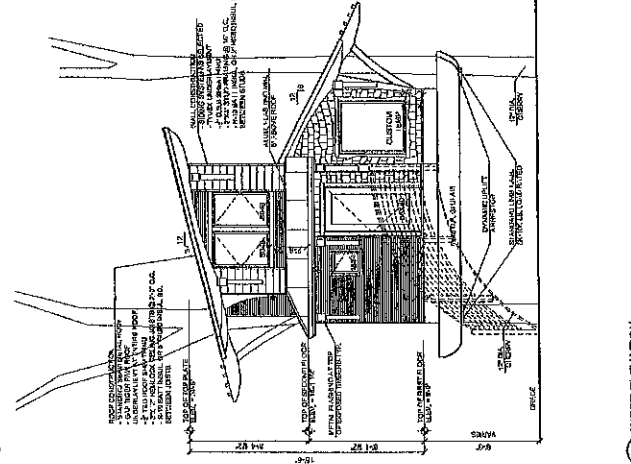
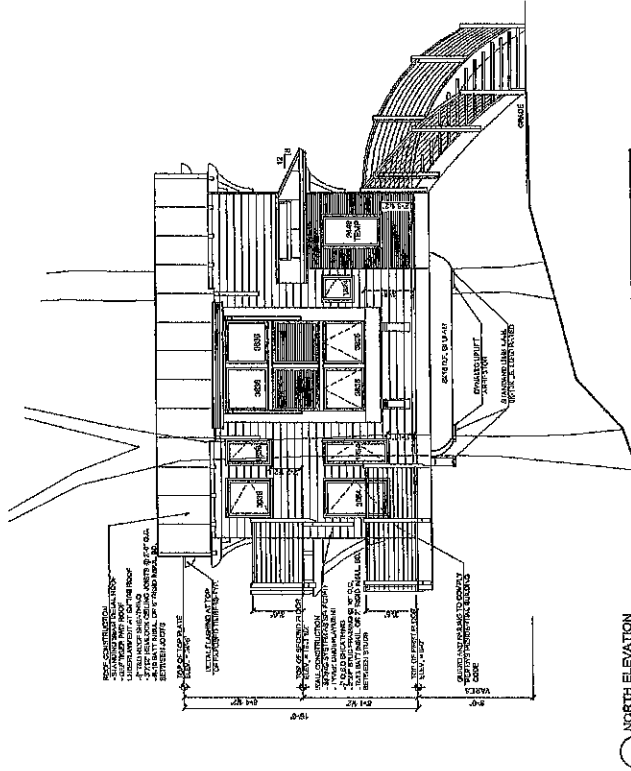
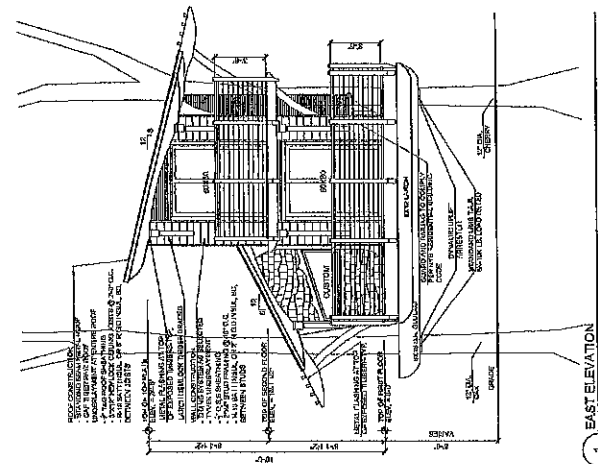
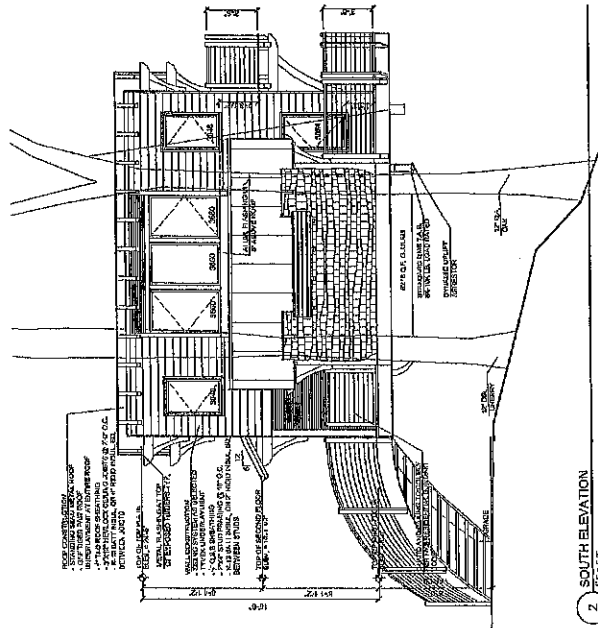
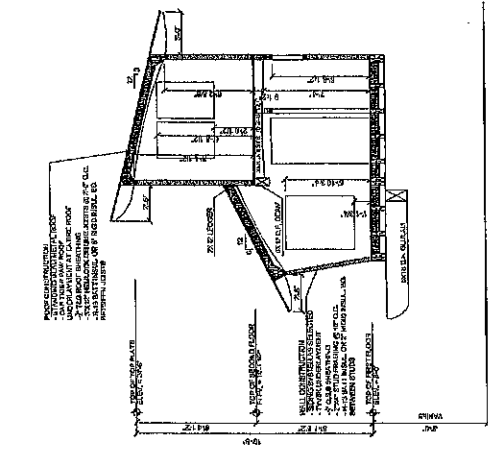
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BEHN (S) ROAD



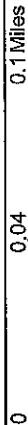
DAVIS (S) ROAD
(A.K.A. ROUTE 240)

BOUNDARY SURVEY
PART OF LOTS 18 & 19, TOWNSHIP 2, RANGE 5
OF THE ROLLAND LAND COMPANY'S SURVEY
FOIT-ALBERT ASSOCIATES
REGISTERED PROFESSIONAL SURVEYORS
1111 14TH AVENUE S.W.
CALGARY, ALBERTA T2P 1C1
CANADA
TEL: (403) 242-1111
FAX: (403) 242-1112
WWW.FOIT-ALBERT.COM





Parcels



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

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