

Village of East Aurora Planning Commission

Agenda

Monday, December 5, 2023 at 7 p.m.

Call to Order	Chair
Introduction of Planning Commission Members	Chair
Approval of Meeting Minutes	Chair

November 14, 2023

New Business

- **49 Knox – Joshua Best, Fiboo Properties** – Special Use Permit to construct a multi-family dwelling group
- **49 Knox – Joshua Best, Fiboo Properties** – Site Plan to construct a multi-family dwelling group
- **11 Ernst Place & 0 Grey Street** – McDonald's -Special Use Permit Drive-Through Reconfiguration
- **11 Ernst Place & 0 Grey Street** – McDonald's -Site Plan Drive-Through Reconfiguration

Old Business

- **ADU – Discussion**

Member considerations

Adjournment

Randy West – Chair
Dale Morris – Vice-Chair
Daniel Castle – Member
Allen A. Ott. Jr. – Member
Geoff Hintz – Member
Stacy Oar – Member
Dave Simeone – Member

Rich Miga – Code Enforcement Officer
Chris Trapp – Village Attorney

TOWN OF AURORA

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

MEMO

TO: Mayor Mercurio and Village Board Members

FROM: Elizabeth Cassidy, Code Enforcement Officer

DATE: November 1, 2023

The Building Department has received Site Plan and Special Use Permit applications from Joshua S. Best, RA, as agent for Fiboo Properties, LLC, owner of 49 Knox Rd. The request is to convert the former print shop building at 49 Knox Rd to a multi-family dwelling group.

Village Code section 285-57.3 requires the applications be referred to the Planning Commission for their recommendation. After which a public hearing is required prior to a decision by the Village Board.

Village Code section 285-57.4 requires both applications be referred to the Erie County Planning Department for review due to proximity to a State Highway (Buffalo Rd).

This is an Unlisted action for purposes of SEQR.

If you have any questions, please contact me at 652-7591.
Liz Cassidy

VILLAGE OF EAST AURORA

585 Oakwood Ave, East Aurora, New York 14052
716-652-6000

In conjunction with

Town of Aurora Building Department
575 Oakwood Ave, East Aurora, NY 14052
716-652-7591

Building Dept:
Date Received 4/11/23
Complete App 4/11/23
Village Clerk:
Date Filed _____
Amount \$ _____
Receipt # _____

SPECIAL USE PERMIT APPLICATION

PROPOSED PROJECT Print Shop Lofts SBL#: _____
LOCATION 49 Knox Road, East Aurora, NY 14052 ZONING DISTRICT GR

The applicant agrees to reimburse the Village for any additional fees required for review by consultants hired by the Village.

APPLICANT NAME Joshua Best
ADDRESS PO Box 865, East Aurora, NY 14052
TELEPHONE 716.818.9168 FAX _____ E-MAIL Josh@BestBrothersDevelopment.com
SIGNATURE [Signature]

OWNER NAME Fiboo Properties, LLC
ADDRESS 5 Joyeuse, Laguna Niguel, CA 92677
TELEPHONE 949.422.5113 FAX _____ E-MAIL brian@coreautomotivegroup.com
SIGNATURE [Signature]

DEVELOPER NAME Fiboo Properties, LLC
ADDRESS 5 Joyeuse, Laguna Niguel, CA 92677
TELEPHONE 949.422.5113 FAX _____ E-MAIL brian@coreautomotivegroup.com
SIGNATURE [Signature]

THIS APPLICATION MUST INCLUDE THE FOLLOWING:

- One Cover Letter to Village Board, Supporting Documents and SEQR as required in §285-52.2
- One complete file of submittal package in PDF format via email (under 10MB) to maureen.jerackas@east-aurora.ny.us. Larger files may be submitted on a USB drive or CD-ROM
- 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.

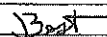
VILLAGE OF EAST AURORA
 571 Main Street, East Aurora, New York 14052
 716-652-6000
 In conjunction with
Town of Aurora Building Department
 300 Gleed Ave, East Aurora, NY 14052
 716-652-7591

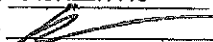
Building Dept:	
Date Received	11/1/23
Complete App	11/1/23
Village Clerk:	
Date Received	
Amount \$	
Receipt #	

SITE PLAN APPLICATION

PROPOSED PROJECT Print Shop Lofts SBL#: _____
 LOCATION 49 Knox Road, East Aurora, NY 14052 ZONING DISTRICT _____

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 Joshua Best
 ADDRESS PO Box 665, East Aurora, NY 14052
 TELEPHONE 716.818.9168 FAX _____ E-MAIL Josh@BestBrothersDevelopment.com
 SIGNATURE 

OWNER NAME Fiboo Properties, LLC
 ADDRESS 5 Joyeuse, Laguna Niguel, CA 92677
 TELEPHONE 949.422.5113 FAX _____ E-MAIL brian@coreautomotivegroup.com
 SIGNATURE 

ENGINEER/ARCHITECT/LANDSCAPE ARCHITECT
 NAME Joshua Best, AIA FIRM Line 42 Architecture, PLLC
 ADDRESS PO Box 665, East Aurora, NY 14052
 TELEPHONE 716.818.9168 FAX _____ E-MAIL Josh@BestBrothersDevelopment.com
 SIGNATURE _____

AFFIX STAMP

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. 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.

LINE 42

ARCHITECTURE

November 1, 2023

East Aurora Village Board & Planning Commission
585 Oakwood Avenue
East Aurora, NY 14052

Re: Project Narrative – Proposed Apartment Building

The purpose of this letter is to express Fiboo Properties, LLC interest in constructing an apartment building, located at **49 Knox Road, East Aurora, NY (the “Property”)**.

Project:

Fiboo Properties proposes the construction of approximately 5,400 square feet of apartment space, which will be comprised of (3) 2 Bedroom/2.5 Baths and (1) 3 Bedroom/3 Bath units. The completed project will be 4 units with 10 parking spaces. The project will re-use the existing CMU block structure that has sat vacant for far too long. Unfortunately, the two wood framed additions will have to be demolished and have been deemed unsafe by the building department and our structural engineer. Once the hazardous structures are demolished, the overall building footprint will be reduced by 1,500 square feet, which will add back green space. To add back additional square footage for housing, we are proposing a second floor that will house the bedroom level of the apartments. Fiboo Properties owns the adjacent properties, 19 and 25 Grey Street, and will grant a permanent parking easement for this project. The apartments will rent for market rate and we anticipate tenants being new families attracted to Village-living. We anticipate construction to last 6 to 8 months.

This project will be consistent with the Village Comprehensive Plan and meet all criteria. The adjacent two-family units along Knox Road will complement this project and add much needed housing to this area. The walkability to the Village is a major bonus. The design is intended to respect the surrounding area and beautify a neglected part of the town. Furthermore, by reducing our building footprint and adding a second floor, it allows us to soften the site with landscaping.

Thank you,
Joshua S. Best, AIA

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							
Fiboo Properties, LLC							
Name of Action or Project: 49 Knox Apartments							
Project Location (describe, and attach a location map): 49 Knox Road, East Aurora, NY 14052							
Brief Description of Proposed Action: Demo existing unstable structures and reuse structurally sound CMU garage for apartments. This will require adding a second floor to the existing building footprint that is usable.							
Name of Applicant or Sponsor: Joshua Best, AIA		Telephone: 716.818.9168 E-Mail: Josh@Line42arch.com					
Address: PO BOX 665							
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<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:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ .3 acres b. Total acreage to be physically disturbed? _____ .1 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 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 type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input checked="" type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? 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?	NO <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" 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 <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <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? b. Is the proposed action located in an archeological sensitive area?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <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 checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Tie into existing system _____ _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	

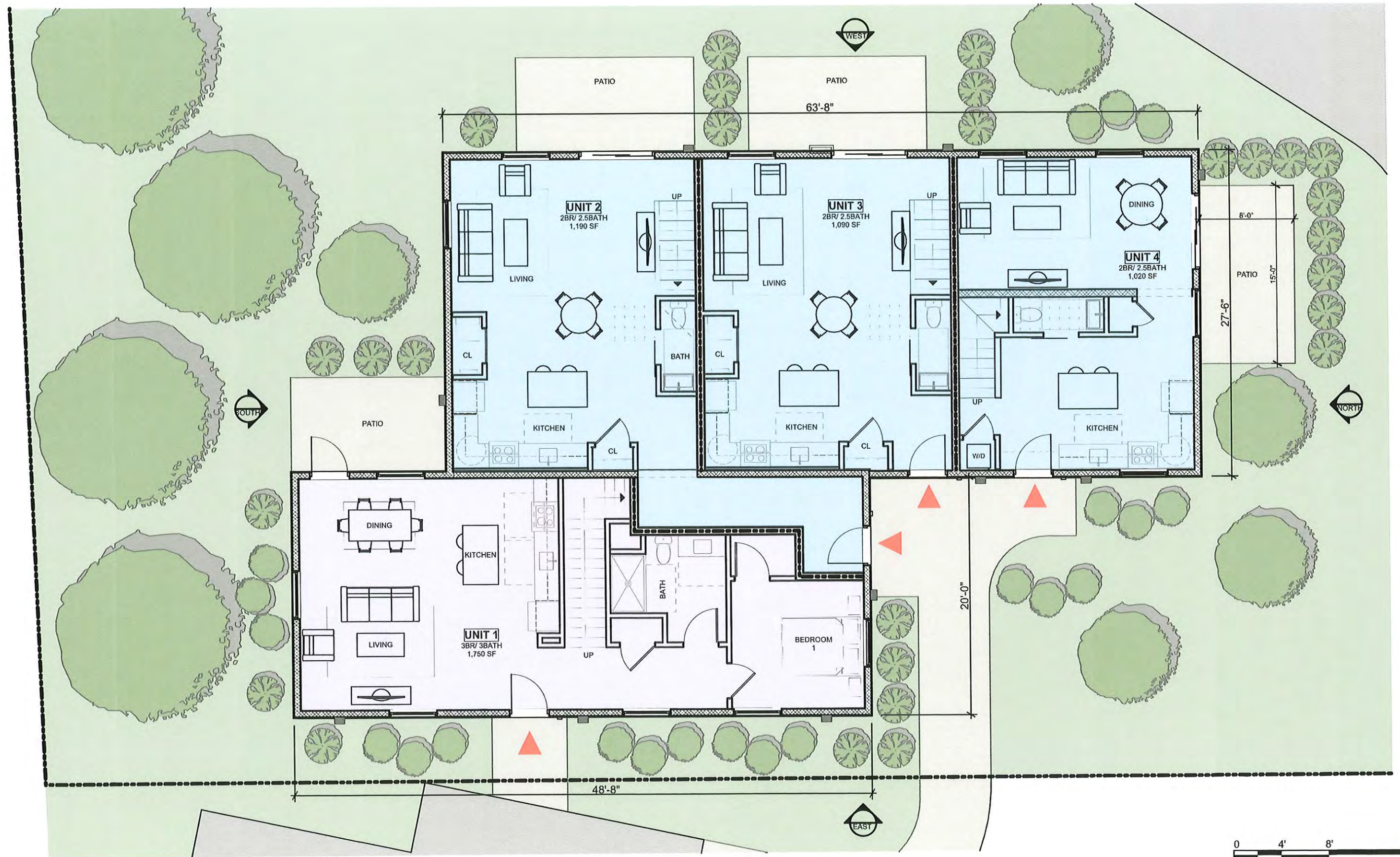
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
19. Has the 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: <u>Joshua Best</u> Date: <u>11/01/2023</u> Signature: <u></u>		

















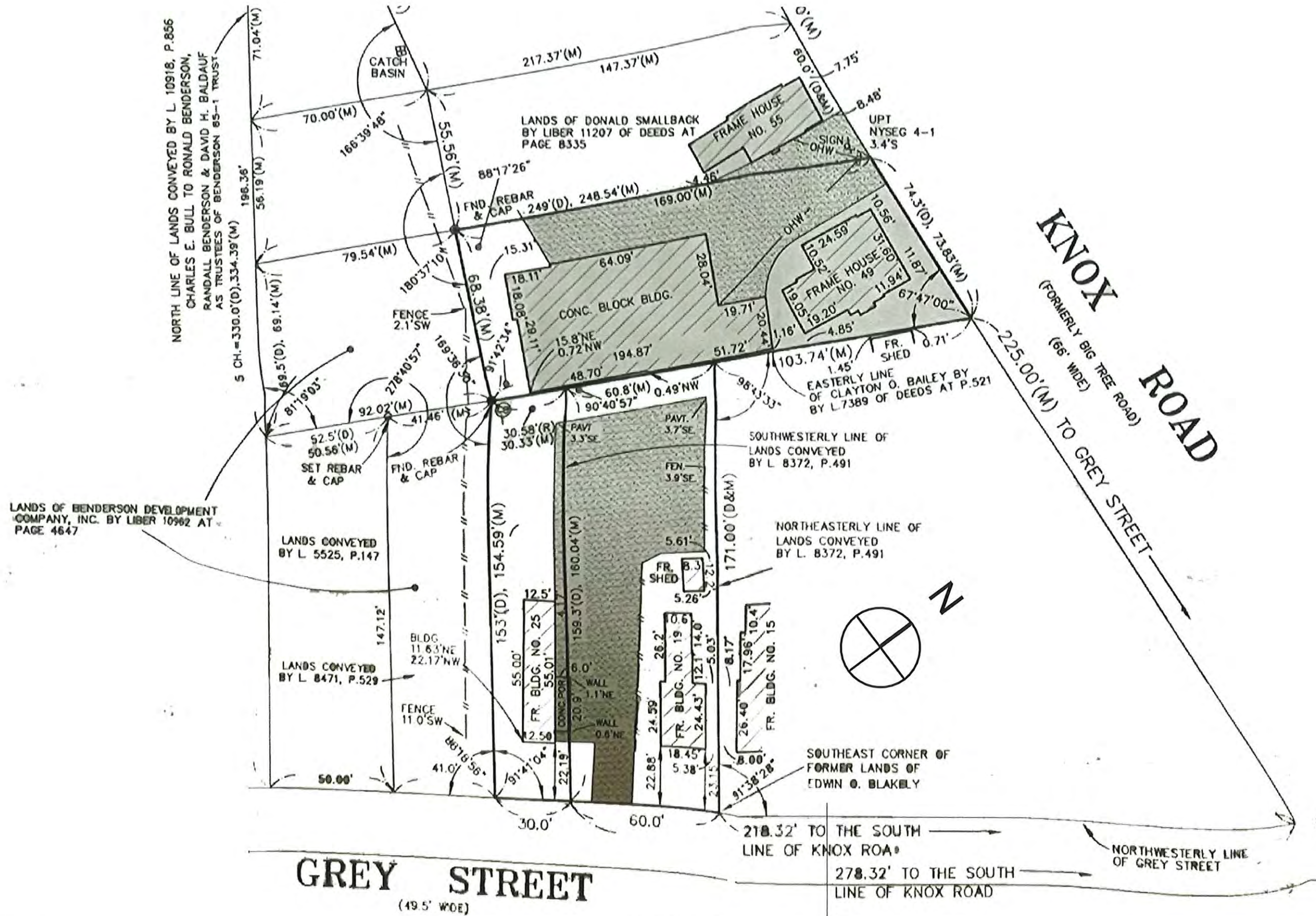
SOUTH ELEVATION



NORTH ELEVATION







TOWN OF AURORA

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

MEMO

TO: Mayor Mercurio, and Village Trustees

FROM: Elizabeth Cassidy, Code Enforcement Officer

DATE: November 15, 2023

The Building Department has accepted an Amended Special Use Permit (SUP) and Site Plan applications submitted by Peter Sorgi, Esq., of Hopkins, Sorgi & McCarthy PLLC on behalf of his client, McDonald's at 11 Ernst Pl. The proposal is to reconfigure the existing approved drive-through to accommodate two ordering lanes.

Village Code section 285-52.3B states that the Village Board may refer the Special Use Permit and Site Plan applications to the Planning Commission for their review and recommendations. The Village Board shall then schedule a public hearing for the applications.

Village Code section 285-50.4C requires the Village to submit the application to Erie County Department of Environment and Planning for their review and comment due to proximity to a State highway (Main St/20A).

This is an Unlisted action under SEQRA.

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

Liz Cassidy



November 15, 2023

Village Board of Trustees
Village of East Aurora
585 Oakwood Avenue
East Aurora, NY 14052

**Re: Application for Second Amended Special Use Permit Approval
Applicant and Property Owner: McDonald's USA, LLC**

Dear Mayor Mercurio and Village Board of Trustees:

Our firm represents McDonald's USA, LLC regarding its proposed reconfiguration of the drive-through facilities at its site on Ernst Place in the Village of East Aurora.

Regarding our Application for Second Amended Special Use Permit Approval, enclosed please find:

- Exhibit 1: Executed Special Use Permit Application Form.
- Exhibit 2: Original Special Use Permit Approval from May 17, 1980.
- Exhibit 3: First Amended Special Use Permit Approval from May 4, 1982.
- Exhibit 4: Cover Letter to Village Board prepared by Bohler (Project Engineer) including but not limited to: hours of operation, number of employees, maximum seat capacity, and required number of parking spaces.
- Exhibit 5: Narrative report describing how the proposed use will satisfy the criteria set forth in the special use permit review criteria of Chapter §285-52.4.
- Exhibit 6: Full Environmental Assessment Form with Exhibits A-J annexed thereto. Note that this is an Unlisted Action pursuant to the New York State Environmental Quality Review Act.

HOPKINS SORGI & MCCARTHY PLLC

Attorneys at Law
726 Main Street, Suite B • East Aurora, New York 14052
Office: 716-805-7191 • Fax: 716-427-6501 • Mobile: 716-908-3289
psorgi@hsmlegal.com
hsmlegal.com

***Letter to East Aurora Village Board of Trustees
McDonald's Application for Amended Site Plan Approval
November 15, 2023***

We request that this Application be placed on the Village Board of Trustees Agenda of November 20, 2023 for referral to the Planning Commission for its December 2023 Meeting.

Thank you for your consideration of this request and our Application. Please contact me with any questions or if further information is required. Thank you.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

A handwritten signature in dark ink, appearing to read 'P. Sorgi'.

Peter J. Sorgi, Esq.

Enc.

cc: Mark Meister, Esq., Senior Counsel, McDonald's Corporation
Randy Bebout, Sr. Project Manager, Land Development, Bohler

Exhibit 1

Executed Special Use Permit Application Form

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 McDonald's Drive-Through Reconfiguration SBL#: 164.19-7-41 & 164.19-7-38
LOCATION 11 Ernst Place & 0 Grey Street (Site commonly referred to as 17 Ernst Place) ZONING DISTRICT Village Center (VC)

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

APPLICANT NAME McDonald's USA, LLC
ADDRESS 110 N. Carpenter Street, Chicago, Illinois 60607
TELEPHONE 630.209.1741 FAX _____ E-MAIL mark.meister@us.mcd.com
SIGNATURE _____ See attached Authorization at Exhibit A

OWNER NAME McDonald's USA, LLC
ADDRESS 110 N. Carpenter Street, Chicago, Illinois 60607
TELEPHONE 630.209.1741 FAX _____ E-MAIL mark.meister@us.mcd.com
SIGNATURE PS See attached Authorization at Exhibit A

DEVELOPER NAME McDonald's USA, LLC
ADDRESS 110 N. Carpenter Street, Chicago, Illinois 60607
TELEPHONE 630.209.1741 FAX _____ E-MAIL mark.meister@us.mcd.com
SIGNATURE PS See attached Authorization at Exhibit A

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. 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.

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PADLOCK SECURITY ICON.

Hopkins, Sorgi & McCarthy PLLC

Operating Account
726 Main Street, Suite B
East Aurora, NY 14052

Bank of Holland

2860

50-760/223

11-11-2023

PAY TO THE
ORDER OF

Village of East Aurora

\$ 150.00

One hundred fifty + 0/100

DOLLARS

Special Use Permit Application Fee
MEMO McDonald's USA, LLC



PS

AUTHORIZED SIGNATURE

IV

⑈002860⑈ ⑆022307600⑆ 414⑈829 2⑈

PS Security features included. Details on back.

Exhibit A

AUTHORIZATION

McDonald's USA, LLC, a Delaware limited liability company,, as successor by merger (see Attached Certificates of Merger), is the record owner of 11 Ernst Place, Village of East Aurora, NY (SBL No. 164.19-7-41) and 0 Grey Street, Village of East Aurora, NY (SBL No. 164.19-7-38), with the aforesaid adjoining two parcels of real property commonly referred to as 17 Ernst Place, Village of East Aurora, NY, hereby authorizes Hopkins Sorgi & McCarthy PLLC (Project Attorney) to file any required land use approval regarding the aforementioned real property and to execute any required documentation regarding the aforementioned real property with the Village of East Aurora, along with applications for any other approvals/permits required from the East Aurora and other governmental agencies in connection with the proposed development of the aforesaid adjoining two parcels of real property commonly referred to as 17 Ernst Place, Village of East Aurora, NY, including but not limited to an Amended Site Plan Application and a Second Amended Special Use Permit Application.

McDonald's USA, LLC



Name: Mark Meister

Title: Sr. Counsel

Date: 11/13/23

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"SYSTEM CAPITAL REAL PROPERTY CORPORATION", A DELAWARE
CORPORATION,

WITH AND INTO "MCDONALD'S USA, LLC" UNDER THE NAME OF
"MCDONALD'S USA, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE ON THE TWELFTH DAY OF FEBRUARY, A.D.
2008, AT 10:21 O'CLOCK A.M.




Jeffrey W. Bullock, Secretary of State

3856323 8100M
SR# 20180054476

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 201915348
Date: 01-03-18

CERTIFICATE OF MERGER

of

SYSTEM CAPITAL REAL PROPERTY CORPORATION

into

McDONALD'S USA, LLC

February 12, 2008

Pursuant to Section 209(c) of the Limited
Liability Company Act of the State of Delaware
and Section 264(c) of the
General Corporation Law of the State of Delaware

McDONALD'S USA, LLC, a Delaware limited liability company, does hereby
certify as follows:

FIRST: The name and the state of organization of each of the constituent entities to
the merger are as follows:

<u>Name</u>	<u>State of Organization</u>
SYSTEM CAPITAL REAL PROPERTY CORPORATION	Delaware
McDONALD'S USA, LLC	Delaware

SECOND: An Agreement of Merger between the constituent entities to the merger
(the "Agreement of Merger") has been approved and executed by each of the constituent entities in
accordance with Section 209(b) of the Limited Liability Company Act of the State of Delaware and
Section 264(c) of the Delaware General Corporation Law, as applicable.

THIRD: The name of the surviving company in the merger is McDONALD'S USA,
LLC (the "Surviving Limited Liability Company").

FOURTH: The Certificate of Formation of McDONALD'S USA, LLC, at the
effective time of the merger, shall be the Certificate of Formation of the Surviving Limited Liability
Company.

FIFTH: The Agreement of Merger is on file at the principal place of business of the Surviving Limited Liability Company. The address of the principal place of business of the Surviving Limited Liability Company is One McDonald's Plaza, Oak Brook, Illinois 60523.

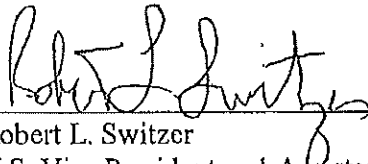
SIXTH: A copy of the Agreement of Merger will be furnished by the Surviving Limited Liability Company, on request and without cost, to any member or shareholder of either constituent entity.

SEVENTH: The merger of the constituent entities shall become effective upon the filing hereof.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, McDonald's USA, LLC has caused this Certificate of Merger to be executed by its duly authorized officer on the date first written above.

MCDONALD'S USA, LLC

By: 
Robert L. Switzer
U.S. Vice President and Assistant Secretary

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ARCHLAND PROPERTY I, LLC", A DELAWARE LIMITED LIABILITY
COMPANY,

WITH AND INTO "MCDONALD'S USA, LLC" UNDER THE NAME OF
"MCDONALD'S USA, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE ON THE TWENTY-SECOND DAY OF OCTOBER,
A.D. 2019, AT 3:48 O'CLOCK P.M.




Jeffrey W. Bullock, Secretary of State

3856323 8100M
SR# 20197674913

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 203846550
Date: 10-22-19

**CERTIFICATE OF MERGER
OF
ARCHLAND PROPERTY I, LLC
(a Delaware limited liability company)
into
McDONALD'S USA, LLC
(a Delaware limited liability company)**

*Pursuant to Section 18-209 of the
Delaware Limited Liability Company Act*


McDonald's USA, LLC, a Delaware limited liability company DOES HEREBY CERTIFY
THAT:

1. McDonald's USA, LLC is a limited liability company formed under the laws of the State of Delaware (hereinafter referred to as the "Surviving LLC").
2. Archland Property I, LLC is a limited liability company formed under the laws of the State of Delaware (hereinafter referred to as the "Merging LLC").
3. The Surviving LLC and the Merging LLC have each approved and executed an agreement of merger ("Agreement of Merger") in accordance with Section 18-209 of the Delaware Limited Liability Company Act.
4. The name of the surviving business entity is McDonald's USA, LLC.
5. The executed Agreement of Merger is on file at the principal place of business of the Surviving LLC at the following address: 110 N. Carpenter Street, Chicago, IL 60607.
6. A copy of the Agreement of Merger will be furnished by the Surviving LLC, on request and without cost, to any member of the Surviving LLC or of the Merging LLC.
7. The merger of the constituent entities shall become effective upon the filing hereof.

(Signature Page Follows)

IN WITNESS WHEREOF, the surviving business entity has caused this Certificate of Merger to be signed as of October 15, 2019, by a duly authorized person, declaring that the facts stated herein are true.

MCDONALD'S USA, LLC *dh*

By: 
Name: Mahrukh Hussain
Title: U.S. Vice President

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ARCHLAND PROPERTY II, L.P.", A DELAWARE LIMITED PARTNERSHIP,
WITH AND INTO "MCDONALD'S USA, LLC" UNDER THE NAME OF
"MCDONALD'S USA, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE ON THE TWENTY-SECOND DAY OF OCTOBER,
A.D. 2019, AT 3:50 O'CLOCK P.M.

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Jeffrey W. Bullock, Secretary of State

3856323 8100M
SR# 20197675120

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 203846574
Date: 10-22-19

**CERTIFICATE OF MERGER
OF
ARCHLAND PROPERTY II, L.P.
(a Delaware limited partnership)
into
McDONALD'S USA, LLC
(a Delaware limited liability company)**

*Pursuant to Section 18-209 of the
Delaware Limited Liability Company Act*

McDonald's USA, LLC, a Delaware limited liability company DOES HEREBY CERTIFY
THAT:

1. McDonald's USA, LLC is a limited liability company formed under the laws of the State of Delaware (hereinafter referred to as the "Surviving LLC").
2. Archland Property II, L.P. is a limited partnership formed under the laws of the State of Delaware (hereinafter referred to as the "Merging LP").
3. The Surviving LLC and the Merging LP have each approved and executed an agreement of merger ("Agreement of Merger") in accordance with Section 18-209 of the Delaware Limited Liability Company Act and Section 17-211 of the Delaware Revised Uniform Limited Partnership Act, respectively.
4. The name of the surviving business entity is McDonald's USA, LLC.
5. The executed Agreement of Merger is on file at the principal place of business of the Surviving LLC at the following address: 110 N. Carpenter Street, Chicago, IL 60607.
6. A copy of the Agreement of Merger will be furnished by the Surviving LLC, on request and without cost, to any member of the Surviving LLC or to any partner of the Merging LP.
7. The merger of the constituent entities shall become effective upon the filing hereof.

(Signature Page Follows)

IN WITNESS WHEREOF, the surviving business entity has caused this Certificate of Merger to be signed as of October 15, 2019, by a duly authorized person, declaring that the facts stated herein are true.

MCDONALD'S USA, LLC *W*

By: 

Name: Mahrukh Hussain

Title: U.S. Vice President

Exhibit 2

Original Special Use Permit Approval from May
17, 1980

Village of East Aurora

MINUTES OF THE REGULAR MEETING OF
THE BOARD OF TRUSTEES

March 17, 1980

ROLL CALL: Present - Mayor Nicoloff, Trustees Pagliaccio,
Marshall, Eyres, Norberg and Hamilton.

Absent - None

COMMENTS FROM THE FLOOR:

There being no one present wishing to speak on any non-agenda item, Mayor Nicoloff proceeded to the first item of business.

PUBLIC HEARING ON PETITION OF FRANCHISE REALTY (INTERSTATE CORPORATION
(McDONALD'S) FOR REZONING OF 11 ERNST PLACE

Mayor Nicoloff read the following notice of public hearing:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing in the Board Room at the Village Hall, corner of Main and Palme Streets, East Aurora, New York, on Monday, March 17, 1980, at 8:00 o'clock P.M. (EDST) upon the Petition of Franchise Realty Interstate Corporation (McDonald's), lessee and contract vendee, and Independent Restaurants, Inc., owner of premises commonly known as 11 Ernst Place (at the Circle) in the Village of East Aurora, New York, for a change of zoning classification from the present "C" Business District zoning classification to a "C-M" General Commercial District zoning classification pursuant to Section 93-61 of the Code of the Village of East Aurora and upon the question of the adoption of a Local Law to effect such rezoning.

A copy of the development plan describing the details of the proposed replacement of the present restaurant building on the subject premises with a new McDonald's full-service and quick-service restaurant is available for inspection at the Office of the Village Clerk-Treasurer in the Village Hall, 571 Main Street, during normal business hours.

Dated: East Aurora, New York
February 25, 1980

By order of the Village Board
of Trustees of the Village of
East Aurora, New York

Roy W. Docker
Village Clerk-Treasurer

March 17, 1980
Page 2

Upon completion of the reading of the notice, Mayor Nicoloff was advised by Village Attorney, Walter Howitt, that if it was the will of the Board, that the second scheduled public hearing pertaining to a Special Use Permit for the same premises, could be held concurrently with the first hearing.

PUBLIC HEARING ON REQUEST FOR SPECIAL USE PERMIT - FOR CONSTRUCTION OF A NEW McDONALD'S FULL SERVICE AND QUICK SERVICE RESTAURANT ON PREMISES KNOWN AS 11 ERNST PLACE.

The following notice of public hearing was read by Mayor Nicoloff:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing in the Board Room at the Village Hall, corner of Main and Paine Streets, East Aurora, New York, on Monday, March 17, 1980, at 8:15 o'clock P.M. (EDST) upon the request of Franchise Realty Interstate Corporation (McDonald's), lessee and contract vendee, and Independent Restaurants, Inc., owner, for a special use permit for the construction of a new McDonald's full-service restaurant and quick-service restaurant on premises known as 11 Ernst Place (at the Circle) in the Village of East Aurora, New York.

PLEASE TAKE FURTHER NOTICE that this hearing is held pursuant to Article VIII (Section 93-42) of the Code of the Village of East Aurora which sets forth special provisions for uses requiring special permits.

A copy of the development plan showing the details of the proposed restaurant building and auxiliary installations submitted by the Petitioners in this matter is available for inspection in the Office of the Village Clerk-Treasurer in the Village Hall, 571 Main Street, during normal business hours.

Dated: East Aurora, New York
February 25, 1980

By order of the Village Board
of Trustees of the Village of
East Aurora, New York

Roy W. Decker
Village Clerk-Treasurer

Trustee Eyres made a motion that was seconded by Trustee Norberg and unanimously carried, that the two public hearings pertaining to 11 Ernst Place be held concurrently.

Mayor Nicoloff opened the Public portion of the two public hearings at 8:10 p.m.

March 17, 1980

Page 3

Mr. Anthony DiFilippo, III, spoke as the Attorney for the petitioner and identified by number the following exhibits for the record:

- Exhibit I - Artists rendering of proposed new Restaurant.
- Exhibit II - Survey of the premises known as 11 Ernst Place.
- Exhibit III - Development Plan.
- Exhibit IV - Front and rear elevation drawings of proposed Restaurant.
- Exhibit V - Side elevation drawing of proposed Restaurant.
- Exhibit VI - Landscape Plan.
- Exhibit VII - Traffic survey prepared by Champagne Associates.
- Exhibit VIII - Five pamphlets entitled:
 - (1) Citizen McDonald's
 - (2) McDonald's A Community Asset
 - (3) A Nutritional Look at McDonald's
 - (4) McDonald's Response to the Energy Challenge.
 - (5) Some Environmental Information about McDonald's Polystyrene Packaging.

Mr. DiFilippo noted that all exhibits had been filed in the Village Clerk's Office. Attorney DiFilippo introduced the following gentlemen noting that they would be available to answer any questions that may arise: Mr. Daniel E. Kiley - Real Estate Manager.

Mr. Ray Nielson - Senior Construction Engineer
Mr. W. Dean Howland - Professional Engineer.

Mr. DiFilippo read into the record, the following resume of Mr. Howland.

RESUME

W. DEANE HOWLAND, P.E.

Mr. Howland began his career in highway engineering in 1957 with the California Department of Transportation where he obtained experience in route planning, highway design, surveying, construction inspection and traffic operations. He began his professional career in 1967 with the California Department of Transportation as an Assistant Highway Engineer in the Traffic Operations Unit where he supervised and worked in the collection of traffic operations data, design of traffic operation improvements including intersections and traffic signals, and analysis of high accident locations.

In 1972 Mr. Howland was promoted to the position of Associate Transportation Engineer with the California Department of Transportation where he supervised a new section of the Traffic Engineering Department entitled Accident Surveillance, Inventory and Analysis. Mr. Howland developed the idea for this new section because he felt a need for the development of expertise in this area, since the transportation district in the vicinity of San Francisco had about 10,000 state highway accidents each year. While involved with this section, he developed a thirty million dollar guardrail program, conducted wrong-way studies at freeway off-ramps and aided State of California attorneys in the preparation of accident cases.

In 1975 Mr. Howland became a City Traffic Engineer with the California Department of Transportation where he provided traffic engineering services to 21 small communities. He conducted investigations and trained local personnel in the use of basic traffic engineering fundamentals.

In 1976 while performing the duties of City Traffic Engineer, Mr. Howland became a registered professional engineer in the State of California. Later that same year, after years of part time study, he received a BS degree in Engineering from San Francisco State University.

Late in 1976, Mr. Howland moved to New York State where he became the Traffic Engineer for Cohoes, Watervliet, Green Island and Menands. During this time, he worked on signal upgrading projects, the pavement marking demonstration program, the Safer Off-System Program, accident surveillance systems, studies at locations of high accident concentrations and trip generation studies.

In 1977 Mr. Howland was employed with Albany County where he provided the same services to the communities above and in addition, to the City of Albany, the Town of Colonie and the Albany County Highway Department.

March 17, 1980
Page 4

Mr. Howland joined Champagne, Associates in 1978 as Project Engineer in charge of the evaluation of the traffic impact of small and large traffic generators on surrounding roadway and street systems, and has been involved in the design of traffic signals and other traffic control devices. He has provided expert testimony before municipal boards and in court. Mr. Howland became a Registered Professional Engineer in New York in 1979 and became Partner in Champagne Associates.

Mr. Howland is an associate member of the Institute of Transportation Engineers.

Mr. DiFilippo then invited any questions.

Mr. Jack Keller, Chairman of the Planning Commission introduced himself and stated he would like to read the report of the Planning Commission.

March 14, 1980.

To: The Honorable Mayor Walter Nicoloff
and Members of the
Village Board of Trustees

From: Village of East Aurora Planning Commission

RE: Petition to rezone 11 Ernst Place from "C" to "C.M." and to grant a special use permit to operate a McDonalds Restaurant with a drive thru order/pickup window service.

The Planning Commission has spent some seven hours in three meetings reviewing the petition and development plan cited above. Carlton Colby, Village Building Inspector and Joe Latona, Village Consulting Engineer have been most helpful in explaining the many regulations and the technical data submitted. Tony DiFilippo, legal counsel for the petitioners, has participated in all deliberations and the petitioners attended our special meeting held on Wednesday, February 27, 1980. As expected, discussion has been forthright and spirited. The Planning Commission is prepared to discuss each and every element of the petition with the Board and/or the general public. This can be done at your pleasure anytime prior to, or during, the public hearing on Monday, March 17, 1980.

Having disposed of all necessary detail, our review ultimately focused on three elements we believe to be of primary concern to all residents.

One: The present appearance of the property.

Two: Storm water management.

Three: Traffic flow and regulation in the circle area.

We believe it is apparent to all that a well managed, well maintained, business on the property would be preferable to that which has been a Community eyesore for several years. The petitioners have a well deserved reputation for successful business operation. The development plan shows careful attention to detail with quality materials and innovative concepts applied to solve particular site problems. For example; green belt areas are designed to regulate traffic flow on the property and to serve as eye-pleasing, natural corridors.

At present there is no storm water collection system on the property. Most water flows, uncontrolled, down the drive, into the traffic circle and around to the Eastern culvert.

The proposed plan will capture all building roof run-off and one-half to perhaps two-thirds of the paved area run-off in a new catch basin which will be piped to the Grey Street storm sewer. Because of relative pipe elevations, it is not practical to construct a catch basin on the forward part of the property. However, the front green belts will slow down and channelize the remaining flow. Storm water management will replace the present uncontrolled situation.

Traffic flow and regulation in the circle area is by far the most difficult element to assess. The petitioners have submitted a professional traffic study by Champagne Associates of Troy, New York. New York State traffic counts made during 1977 and 1978 provide the data base for their conclusion that only a two percent (2%) traffic increase at the circle is anticipated. Champagne Associates state the McDonald peak traffic flow will be between 12:00 and 1:00 P.M., whereas Main Street traffic normally peaks between 4:00 and 5:00 P.M.

The Village Safety Committee report of February 26, 1980, faithfully records the traffic and pedestrian problems in the area. The Safety Committee recommends that the front driveway be moved Southerly on the circle to smooth out traffic flow. Some Members of the Planning Commission disagree with this suggestion. Site and layout problems limit the petitioners ability to move the building on the property if they be required to comply with the Safety Committee's recommendation.

An August 1966 Safety Committee report catalogs the same circle area traffic problems we are reviewing today. In fairness, the Commission does not feel this petition should be jeopardized for current traffic congestion when no apparent action has been taken by the Village in the past fourteen (14) years.

Until positive, direct action is taken by some Agency, the problems will continue to intensify. Therefore, the Planning Commission has appointed a three (3) man Traffic Committee, chaired by Don Wheelock, to bring together all the studies, the people, and the resources necessary, to draft a comprehensive traffic plan for Village Trustee review. Intelligent planning, proper traffic control devices and determination are needed to resolve the circle traffic dilemma.

Returning to the petition, the Planning Commission finds that:

1. Adjacent properties are Zoned "C.M." and "C".
2. The intended use of the property conforms with previous use and is in general harmony with the 1958 Master Plan.
3. Appearance of the property will be enhanced.
4. Storm water drainage will be better controlled.
5. The "offset" curb cuts and on-premise traffic control devices will discourage "short-cut" traffic.
6. The Restaurant will provide several "entry level" job opportunities for area residents.
7. The drive-thru window will be a convenience for customers on short time.
8. Traffic flow will not be significantly affected.
9. Per S.E.Q.R. Legislation - impact on environment will not be significant. Assessment forms have been received and evaluated by the Commission.

In conclusion, by a vote of six (6) in favor, none opposed, the Village of East Aurora Planning Commission recommends approval of the petition to rezone 11 East Place from "C" to "C.M." and the granting of a special use permit to operate a McDonald's Restaurant with a drive-thru order/pick-up window.

This recommendation is conditional until a representative landscape plan shall be filed with the petition and development plan.

Finally, the petitioners should be reminded that any signs shown on the development plans are considered as illustrative only. The Village has a Corporate Sign Ordinance and established application procedures.

Respectfully submitted,

John J. Keller
John J. Keller, Chairman,
Village of East Aurora,
Planning Commission.

Mr. Keller noted acceptance of the Landscape plan and rescinded the conditional approval as noted in the Planning Commission report.

Village Attorney, Howitt, noted for the record that proof of ownership of the premises by Independent Restaurants, Inc., has been established by deed recorded in the Erie County Clerk's Office.

Building Inspector, Colby, stated in reviewing the Development Plan, in the future, problems could be avoided if any changes made to the plan were initialed and dated.

Mr. Al Smith of 29 Hamlin Avenue, stated it may be useful if someone briefly explained the "C" and "CM" Zoning districts and why the need for rezoning.

Village Attorney Howitt offered the following explanation. "C" Zone is business district and "CM" is commercial. The Commercial district is less restrictive than the Business district. Full-service Restaurants are a use first permitted, with a special permit, in the Business district. The subject property is zoned "C". If this were to be a full-service Restaurant with no drive-in window, it would be a permitted use with a special permit from the Board. Drive-in Restaurants are a use first permitted in the "CM" district. In order to have the combination of full-service and fast-service or drive-in Restaurant in this location the property must be zoned Commercial- "C.M." Any use permitted in the business "C" district can be conducted in the commercial "CM" district.

Building Inspector Colby added that in the "C" district, business has to be conducted completely within the structure, but in the "CM" district activities are allowed outside the building. He also noted that "CM" is a higher traffic generating enterprise than is normally found in the "C" district.

Mr. DiFilippo stated for the record that the only body that the petitioners had been requested to appear before was the Planning Commission and that a copy of the traffic survey had been presented to the Safety Committee but they had already concluded their investigation at that time.

There being no one else wishing to speak, Mayor Nicoloff closed the public section of the hearing at 8:31 p.m. and referred the matter to the Board of Trustees.

In answer to Trustee Marshall's question regarding whether alternate access to the property was considered, Mr. W. Dean Howland stated that they had not considered any alternates. Using the development plan drawing he explained the reasons he felt the proposed access was the most advisable.

After some discussion, Mr. Keller, Planning Commission Chairman, stated that his group had "kicked around" the traffic problem at the Circle and had come to the conclusion that the proposed access to the premises was the most desirable at the present time. He noted, however, that after the Planning Commission Traffic Committee has had time to do a comprehensive study they may come back to the Board with other recommendations regarding traffic flow in the Circle area.

Trustee Pagliaccio asked how germane the drive-in window is to the operation. Mr. Kiley answered by stating that approximately one-third of the business is take-out. The special service window is specifically designed for that part of the business. It provides customer convenience, speeds service, makes for a better internal traffic flow and relieves congestion in the parking area because take-out customers do not have to park.

When asked about trash Mr. Kiley stated the company policy was to police an area one to two blocks around the Restaurant, or anywhere in the Village where there is a litter problem attributable to their operation.

After a period of discussion amongst the Trustees, Trustee Hamilton moved that the ten findings as suggested by the Staff be accepted. The motion was seconded by Trustee Eyres. It was noted that the Staff submitted no negative findings. During the discussion period covering the findings, Village Attorney Howitt suggested that the Board amend the development plan by having the petitioner endorse the development plan stating that the signs as shown on the plan are illustrative only. In order to move on this Trustee Hamilton withdrew his motion regarding findings and Trustee Eyres withdrew his second.

Trustee Hamilton moved that the petitioner amend the development plan in regard to signs and endorse the development plan to indicate that the signs as shown on the development plan are for illustration only and actual signs proposed by the petitioner will be subject to the sign ordinance of the Village of East Aurora.

After a discussion, the motion was amended by Trustee Hamilton to read, that the development plan be amended to show that the signs proposed by the petitioner, such signs being all those items under Chapter 77 of the Code of the Village of East Aurora, be indicated as being for illustration only and the actual signs be subject to the ordinance. The motion was seconded by Trustee Eyres and passed with no negative votes.

Trustee Hamilton made a motion that the ten findings regarding rezoning, as suggested by the Staff, be adopted contingent upon the petitioner amending the development plan as stated in the previous motion. He further moved that addition to or deletion from the findings be accomplished by amending the resolution. The motion was seconded by Trustee Eyres and was opened to discussion.

Trustee Hamilton moved to amend the motion by adding finding number 11 which would read as follows:

The Public Hearing was held on the matter and there were no objections voiced during the public portion of the Public Hearing.

The motion was seconded by Trustee Pagliaccio and was passed with one (1) negative vote cast by Mayor Nicoloff.

Trustee Hamilton moved to amend the motion by adding finding number 12 which would read as follows:

The material was sent to the Erie County Department of Planning as required and was returned with no recommendation.

The motion was seconded by Trustee Marshall and passed unanimously.

Trustee Hamilton moved to amend finding number 6 by adding:

By a vote of 6 to 0.

The motion was seconded by Trustee Eyres and passed with no negative votes.

There being no further additions, deletions or discussion, the motion was put to a vote and passed with Mayor Nicoloff casting a negative vote.

The findings as amended and added to are as follows:

FINDINGS RE: McDONALD'S
REZONING

1. Independent Restaurants, Inc. is the owner of the subject premises by deed recorded in the Erie County Clerk's Office. (Liber 881 Page 563)
2. The subject premises is immediately adjacent to the southerly portion of present CM zoning district.
3. The development plan filed with the petition for rezoning shows a proposed use for a drive-in restaurant, a use first permitted in a CM zoning district.
4. The subject premises have been used continuously for a restaurant for upwards of 35 years.

5. The proposed combined use as a full service and drive-in restaurant is permitted in a CM zoning district.
 6. The petition and development plan has been referred to the Planning Commission according to local law, and has been approved by the Planning Commission by a vote of 6 to 0.
 7. The proposed rezoning is provisional, based on the development plan which must be approved by the Village Board of Trustees.
 8. The development plan as submitted with this petition consists of:
 - #1 Legal description of premises - "Schedule A" of Petition
 - #2 Boundary and Topographic Survey for McDonald's, Ernst Place, Village of East Aurora, New York
Prepared by Hoffmann Engineer and Surveyors
88 New Turnpike Road, Troy, New York 12182
Dated: Nov. 9, 1979 by Lewis S. Horton
 - #3 Site plan, with general notes of specifications
McDonald's, Ernst Place, East Aurora, New York
Drawing #8039, Dated 1-7-80 by G. Stevens
 - #4 One sheet - Elevation Drawing, front and rear #A4
One sheet - Elevation Drawing, left side and right side #A5
Drawn for McDonald's Corporation, McDonald's Plaza
Oak Brook, Illinois 60521
Job# Class - C Slab R-14
Dated 10-9-78 Revised 1-16-80
 - #5 Landscape detail and specification, McDonald's,
Ernst Place, East Aurora, New York
Dated Feb. 22, 1980 by Patrick C. Vuillaume
Revised 3-5-80 Landscape Architect
38 Gail Ave.
Albany, New York
- which complied with the requirements of the zoning law of the Village of East Aurora as to setbacks and parking.
9. The signs as shown on the development plan are considered illustrations and actual signs proposed by the petitioner will be subject to the sign ordinance of the Village of East Aurora.
 10. The development plan as described in finding number 8 is approved by the Village Board of Trustees of the Village of East Aurora.
 11. The Public Hearing was held on the matter and there were no objections voiced during the public portion of the Public Hearing.
 12. The material was sent to the Erie County Department of Planning as requested and was returned with no recommendation.
- Trustee Eyres moved to adopt Local Law No. 1-1980.

LOCAL LAW NO. 1 - 1980

A LOCAL LAW TO AMEND CHAPTER 93 OF THE CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, ENTITLED "ZONING" AND TO AMEND THE ZONING MAP OF THE VILLAGE OF EAST AURORA TO CHANGE THE ZONING CLASSIFICATION OF PREMISES AT 11 ERNST PLACE FROM THE "C" - BUSINESS DISTRICT ZONING CLASSIFICATION TO THE "C-M" - GENERAL COMMERCIAL DISTRICT ZONING CLASSIFICATION PURSUANT TO SECTION 93-61 OF THE CODE OF THE VILLAGE OF EAST AURORA

BE IT ENACTED by the Village Board of Trustees of the Village of East

Aurora, New York, as follows:

1. Chapter 93 of the Code of the Village of East Aurora, New York, entitled "Zoning" is hereby amended to include the following described premises as part of the C-M - General Commercial District of the Village of East Aurora:

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of East Aurora, Town of Aurora, County of Erie and State of New York, being part of Lot 31 of said Town, bounded and described as follows:

BEGINNING AT A POINT set in the East line of Grey Street; said Point of Beginning being further located, South forty seven degrees fifty nine minutes fifty eight seconds West (S. 47° 59' 58" W.), one hundred nine point zero eight feet (109.08') from the point of intersection formed by the South line of Knox Road and the aforesaid East line of Grey Street; said Point of Beginning being further the Southwest corner of the Lands Now or Formerly of Stenzel; thence proceeding in a Southerly direction and along the aforesaid East line of Grey Street, South forty seven degrees fifty nine minutes fifty eight seconds West (S. 47° 59' 58" W.), one hundred thirty one point zero six feet (131.06') to a point; thence in an Easterly direction and along the North lines of the Lands Now or Formerly of Grundel and the Lands Now or Formerly of Fuller, South forty three degrees thirty three minutes eighteen seconds East (S. 43° 33' 18" E.), two hundred fourteen point ten feet (214.10') to a point; thence in a Northerly direction and along the West line of the Lands Now or Formerly of Damon, North fifty two degrees forty two minutes fifty three seconds East (N. 52° 42' 53" E.), seventy two point zero feet (72.00') to a point; thence in a Westerly direction and along the South line of the aforesaid Lands Now or Formerly of Damon, North forty four degrees twenty two minutes nineteen seconds West (N. 44° 22' 19" W.), seventy eight point fifty one feet (78.51') to a point; thence in an Easterly direction and along the North line of the aforesaid Lands Now or Formerly of Damon, South seventy seven degrees twenty nine minutes zero two seconds East (S. 77° 29' 02" E.), one hundred fifty one point twenty feet (151.20') to a point; thence in a Northerly direction and along the West line of Ernst Place, North thirteen degrees thirty nine minutes fifty eight seconds East (N. 13° 39' 58" E.), one hundred sixteen point forty five feet (116.45') to a point; thence in a Westerly direction and along the South line of the Lands Now or Formerly of Faulring and the aforesaid Lands Now or Formerly of Stenzel, North seventy four degrees thirty five minutes thirty two seconds West (N. 74° 35' 32" W.), two hundred thirty six point twelve feet (236.12') to a point set in the aforesaid East line of Grey Street, said point being the Point of Beginning; being a parcel of land irregular in shape and bounded on the West by Grey Street; on the South by the Lands Now or Formerly of Grundel and the Lands Now or Formerly of Fuller; on the East by the Lands Now or Formerly of Damon and Ernst Place and on the North by the Lands Now or Formerly of Faulring and the Lands Now or Formerly of Stenzel; containing in all 43,064 square feet, or 0.989 acres.

2. The zoning classification of the premises described in paragraph 1. of this Local Law is hereby changed from the C - Business District zoning classification to the C-M - General Commercial District zoning classification.

March 17, 1980
Page 10

3. The "Zoning Map of the Village of East Aurora", which is a part of Chapter 93 of the Code of the Village of East Aurora is hereby amended to include the premises described in paragraph 1. of this Local Law in the C-M - General Commercial District of the Village of East Aurora.
4. This Local Law is a provisional amendment of the Zoning Law and the Zoning Map of the Village of East Aurora and is limited to the uses shown on the development plan filed with the Village of East Aurora and approved by the Village Board of Trustees of the Village of East Aurora pursuant to Section 93-51 of the Code of the Village of East Aurora.
5. This Local Law shall take effect immediately.

BY ORDER OF THE VILLAGE BOARD
OF TRUSTEES OF THE VILLAGE OF
EAST AURORA, NEW YORK

Roy W. Decker
Acting Village Clerk-Treasurer

The motion was seconded by Trustee Pagliaccio and duly carried.

Trustee Marshall moved that the following 14 findings be adopted. The motion was seconded by Trustee Hamilton and passed.

FINDINGS RE:
MCDONALD'S SPECIAL USE PERMIT

1. The proposed restaurant use of premises at 11 Ernst Place will have no adverse effect on the general welfare, health and safety of the residents of the Village of East Aurora.
2. Information submitted by the petitioner on the traffic survey by Champagne Associates indicates that traffic will not be significantly increased by the proposed use of the subject premises for a combined full-service and quick-service restaurant.
3. Fire Control should be more effective because the design of the proposed structure will permit access on all sides.
4. It can be assumed from other restaurant locations in similar sized communities in information submitted by the petitioner, that peak traffic hours at the proposed restaurant will not coincide with existing traffic peaks and the addition of a McDonald's Restaurant will not result in any measured impact on the traffic volume in the immediate area.
5. The subject premises have been used continuously for a restaurant for upwards of 35 years and has had a similar type operation (quick service) for the last 13 years.
6. There appears to be adequate provision for snow removal with a special area for piling snow not currently provided with existing facility.
7. The proposed restaurant use should result in no anticipated greater noise level than currently exists. The noise level in the subject area will not be increased by use as a full-service and drive-in restaurant.

March 17, 1980

Page 11

11

8. A policy commitment from the petitioner (McDonald's) states that their employees will physically police an area two blocks in all directions from their restaurant, picking up any materials that may have come from their facility, thus avoiding and minimizing visual pollution in the area.
9. The development plan filed by the petitioner calls for extensive landscaping which will improve the general appearance of the area.
10. The development plan filed by the petitioners indicates a refuse enclosure which will guard against visual pollution.
11. The general neighborhood is commercial and will not be altered by the addition of the proposed restaurant.
12. After study by the Planning Commission, no significant impact on the environment will occur.
13. No objections were received from the owners of properties within 500 feet of the property for which the special permit is requested.
14. There were no objections from the public at the Public Hearing.

Trustee Hamilton made a motion based on the findings of the Board that the request of Franchise Realty Interstate Corporation (McDonald's) for a special use permit for the construction of a new McDonald's full-service and quick service Restaurant on premises known as 11 Ernst Place be granted. The motion was carried after a second by Trustee Eyres.

CONTINUATION OF PUBLIC HEARING ON DEVELOPMENT PLAN
PROPOSED BY FISHER-PRICE FOR 144 SPACE PARKING LOT.

The Public Hearing recessed at the March 3, 1980 meeting of the Board of Trustees was reopened by Mayor Nicoloff at 10:05 p.m.

Planning Commission Chairman, Jack Keller, read the following report from the Planning Commission:

March 13, 1980.

To: Honorable Mayor, Walter Nicoloff
and Members of the
Village Board of Trustees

From: Village of East Aurora Planning Commission

RE: Fisher-Price Parking Lot petition.

At its regular meeting, held Wednesday, March 12, 1980, the Planning Commission reviewed a modified development plan submitted by Fisher-Price relative to their petition to construct a paved, 144 space parking lot on the Southwest corner of Riley Street and Girard Avenue. With one exception, the revised plan is identical to the first plan filed.

All references to expansion to accommodate 250 cars have been removed. The petitioner requests permission to construct a 144 space parking lot on their property Zoned "M.P."

A letter from Village Consulting Engineer, Joe Latona, discussing storm water run off was read and his data reviewed by the Commission.

Mr. Latona indicates more than half the paved area will be drained into a catch basin and piped into the storm water system on Riley Street. Another portion of the run off will flow underground and Northward in prevailing patterns and contours. No storm water drainage problem is apparent.

Exhibit 3

First Amended Special Use Permit Approval
from May 4, 1982

SPECIAL USE PERMIT

ISSUED TO:

INDEPENDENT RESTAURANTS, INC., Owner, and
FRANCHISE REALTY INTERSTATE CORPORATION,
Operator, and their successor in interest

BY:

VILLAGE BOARD OF TRUSTEES, VILLAGE OF EAST AURORA

THIS SPECIAL USE PERMIT is hereby issued by the Village Board of Trustees of the Village of East Aurora following a public hearing held in the Village Board Room of the Village Hall, East Aurora, New York, before this Board on April 19, 1982 after due publication of notice of hearing and mailing of required notices to INDEPENDENT RESTAURANTS, INC., Owner, and FRANCHISE REALTY INTERSTATE CORPORATION, Operator, based upon certain findings made by this Board of Trustees, which findings are of record and a copy of which is attached to this Special Use Permit.

THIS SPECIAL USE PERMIT amends the Special Use Permit granted March 19, 1981 and the development plan submitted therein by permitting enlargement of the full-service restaurant and quick-service restaurant facility on the premises known as 11 Ernst Place in the Village of East Aurora in accordance with the amended development plan provided as per Sections 93-61 and 93-42 of the Code of the Village of East Aurora, filed in connection with the application of INDEPENDENT RESTAURANTS, INC., Owner, and FRANCHISE REALTY INTERSTATE CORPORATION, Operator, for this Special Use Permit and constitutes an extension of the setting aside of the permit restrictions placed on full-service restaurants and quick-service restaurants as a permitted use in the C-M General Commercial District of the Village of East Aurora pursuant to Section 93-20A(12) of the Code of the Village of East Aurora.

DATED: East Aurora, New York

May 4, 1982

FOR THE VILLAGE BOARD OF TRUSTEES
OF THE VILLAGE OF EAST AURORA


Temporary Village Clerk-Treasurer

The hearing on the matter of the amendment of the special development plan under which the zoning classification of the subject premises at 11 Ernst Place was changed from C- Business District zoning classification to C-M General Commercial District zoning classification pursuant to the provisions of Section 93-61 of the Village Code having been concluded, it was moved by Trustee Pagliaccio and seconded by Trustee Sleeper :

1. That this Board of Trustees finds the amendment showing the enlargement and extension of the dining area of the restaurant at 11 Ernst Place is substantially in agreement with the intent of the original ordinance amendment and the special endorsement attached thereto;
2. That the said original development plan submitted by Independent Restaurants, Inc., Owner and Franchise Realty Interstate Corporation, Operator, on January 29, 1980, as amended to show the said enlargement and extension, is hereby approved.

4. Special Use Permit: McDonalds

Trustee Pagliaccio offered the following findings:

1. The proposed enlargement of the existing restaurant use of premises at 11 Ernst Place and the increased seating capacity will have no adverse effect on the general welfare, health and safety of the residents of the Village of East Aurora.
2. The proposed restaurant enlargement use should result in no anticipated greater noise level than currently exists. The noise level in the subject area will not be increased by enlargement of the restaurant.
3. The amended development plan filed by the petitioner calls for landscaping which will enhance the general appearance of the area.
4. The general neighborhood is commercial and will not be altered by the proposed addition to the restaurant.
5. No objections were received from the owners of properties within 500 feet of the property for which the special permit is required.
6. There were no objections from the public at the Public Hearing except that the concerns as to traffic congestion in the circle area, which has existed for some time, was again questioned.
7. The addition appears to be in keeping with the original approval.
8. Off-street parking exceeds the requirement of Chapter 93:23, 93:24 of the Code.
9. Two spaces for standing awaiting delivery of order situated parallel to the front of the property are not in conflict with the Code.
10. Reservoir standing space for the drive-in are not diminished.
11. Seating capacity of 106 adult seats and 12 juvenile seats is in keeping with building code requirements for the present building, therefore the addition to the building need only comply to the same standards of construction. However, an additional exit is indicated.
12. Snow removal, sanitation, access to fire and emergency vehicle should not be effected by the addition to the building.

Trustee Pagliaccio moved the acceptance of the findings and granting the Special Use Permit as requested. Seconded by Trustee Sleeper the motion was carried unanimously.

Exhibit 4

Cover Letter to Village Board prepared by Bohler (Project Engineer) including but not limited to: hours of operation, number of employees, maximum seat capacity, and required number of parking spaces

**Project Narrative
McDonald's Restaurant
Proposed Drive-thru Addition
17 Ernst Place
Village of East Aurora, Erie County, NY
November 14, 2023**

Introduction:

The applicant, McDonald's USA, LLC is proposing to add a second drive-thru lane to their existing restaurant at 17 Ernst Place to provide side-by-side ordering capabilities, which allows for increased on-site stacking and ordering efficiencies, which ultimately leads to improved customer satisfaction and substantially reduces vehicular congestion on site thereby substantially reducing the likelihood of the line of customer vehicles in the drive-thru area being in the on-site parking area and the public roads used to access the Site. This belief is supported by McDonald's as follows:

The proportion of customers utilizing the drive-thru as opposed to the dining room has increased over the last decade; and this trend is only expected to continue due to the Covid19 pandemic. Further, ordering has become cumbersome as a result of McDonald's expanded menu (e.g., McCafe beverages) offerings. By taking 2 menu orders at the same time, McDonald's can serve its existing customer base more efficiently while also handling larger orders.

McDonald's has invested years of research into carefully designing the side-by-side drive-thru and has developed several prototypical layouts that specify the radii, dimensions and positions of all drive-thru equipment. These layouts are standard nationwide. McDonald's design consultants select a prototype layout that is compatible with the configuration of the property. The layout ensures that customers ordering at the two menu boards have a clear line of sight to one another and the surrounding environment.

Upon completing their order, customers slowly advance to the merge point, located between the menu boards and the payment window. The customers have ample opportunity to view the second lane before proceeding to the payment window. In most

cases, this will be an alternating pattern, but more than one vehicle can be processed at one menu board, while a large order is taken at the other menu board.

Existing Conditions:

Currently, there is a single drive thru lane\ordering point with an existing digital pre-browse board and existing digital menu board, which are located on the south side of the existing dumpster enclosure. The current position allows for adequate on-site stacking from Ernst Place but does not provide an adequate distance from the "cash window" and "pick-up window" to allow proper timing for the orders to be processed.

Proposed Project

The proposed modifications will consist of reconfiguring the existing drive-thru lane to have side-by-side (SBS) ordering which will consist of one single lane (same as today) at the drive-thru lane entrance, which then will merge into two side-by-side lanes with a raised curbed island in between the two lanes, which then merges back into a single lane as the customer head toward the "cash window". The primary (inner lane) order point canopy will be located 100 ft. from the cash window. This distance is the preferred dimension by McDonald's to allow adequate time for an order to be processed before the customer reaches the "pick-up" window. With the addition of the SBS drive thru, it adds approx. 3 additional on-site vehicle stacking spaces. In addition, with the SBS operation, orders will be generally processed in a more efficient manner given the ability to take multiple orders at the same time. It's our understanding that at times the drive thru lane que will back up to the entrance on Ernst Place, which the proposed improvements should help minimize those occurrences.

Off-street parking

Currently, there are (56) parking spaces. With the proposed modifications, there will be a reduction of parking of (1) space, for an adjusted total of (55) parking spaces. The one space is being removed from the row of parking along Grey Street to provide a larger turning radius into the site for delivery trucks.

Site access and on-site circulation

Currently, there are two access drives into the site, one on Ernst Place and one on Grey Street. There are no proposed modifications to these access drives. On-site circulation will remain the same as it currently operates today with the exception of the addition of a sign at the Grey Street entrance that directs patrons wanting to enter the drive-thru to use the Ernst Place access. The reason for this is to discourage vehicles from entering the site from Grey Street, going against the flow of traffic and then having to a 180 degree turn to enter the drive-thru

lane. In addition to the sign on Grey Street, "Do Not Enter" signs and pavement striping have been added to further discourage this movement.

Site Lighting & Landscaping

With the proposed modifications, there is an existing light pole behind the dumpster enclosure that will be relocated a few feet to allow for the new drive-thru curbing. The slight relocation will not have any impact on site lighting levels.

With the proposed modifications, the existing landscaping behind the dumpster enclosure will be removed and replaced with new plantings in addition to new plantings in the drive-thru island between the two drive thru lands, as depicted on the Site & Landscape Plan.

Stormwater Management

With the proposed modifications, there will be no net increase in impervious area and therefore no increase in stormwater runoff, so no stormwater mitigation is proposed or required.

Schedule

The intent would be to start construction in the Spring\Summer of 2024 after all the necessary municipal approvals have been obtained. The approximate duration of construction is 4-5 weeks.

No Change to Number of Employees, Maximum Seat Capacity and Hours of Operation

The number of employees, maximum seat capacity and hours of operation are not being changed as part of this Project.

Exhibit 5

Narrative report describing how the proposed use will satisfy the criteria set forth in the special use permit review criteria of Chapter §285-52.4



**Narrative report describing how the proposed use will satisfy the criteria
set forth in the special use permit review criteria of Chapter §285-52.4**

Requirements for Special Use Permit are in black type, followed by Applicant's Demonstration that its Application meets the Requirements in red type.

1. Will be generally consistent with the goals of the Village Comprehensive Plan.

In several areas of the Village Comprehensive Plan, the concern of traffic congestion in the area near the Traffic Circle where McDonald's front access is located, are addressed. Attached as Exhibit A please find nine excerpts from the Village Comprehensive Plan where this is addressed.

As set forth in the letter from Bohler, Project Engineer, this Project is intended to "substantially reduces vehicular congestion on site thereby substantially reducing the likelihood of the line of customer vehicles in the drive-thru area being in the on-site parking area and the public roads used to access the Site." This belief is supported by McDonald's as follows:

The proportion of customers utilizing the drive-thru as opposed to the dining room has increased over the last decade; and this trend is only expected to continue due to the Covid19 pandemic. Further, ordering has become cumbersome as a result of McDonald's expanded menu (e.g., McCafe beverages) offerings. By taking 2 menu orders at the same time, McDonald's can serve its existing customer base more efficiently while also handling larger orders.

McDonald's has invested years of research into carefully designing the side-by-side drive-thru and has developed several prototypical layouts that specify the radii, dimensions and positions of all drive-thru equipment. These layouts are standard nationwide. McDonald's design consultants select a prototype layout that is compatible with the configuration of the property. The layout ensures that customers ordering at the two menu boards have a clear line of sight to one another and the surrounding environment.

HOPKINS SORGI & MCCARTHY PLLC

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hsmlegal.com

Upon completing their order, customers slowly advance to the merge point, located between the menu boards and the payment window. The customers have ample opportunity to view the second lane before proceeding to the payment window. In most cases, this will be an alternating pattern, but more than one vehicle can be processed at one menu board, while a large order is taken at the other menu board.

Accordingly, the Project is generally consistent with the goals of the Village Comprehensive Plan.

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

As set forth above, this Project is intended to “substantially reduces vehicular congestion on site thereby substantially reducing the likelihood of the line of customer vehicles in the drive-thru area being in the on-site parking area and the public roads used to access the Site.” Accordingly, this Project will not create a hazard to the health, safety or the general welfare of the public. To the contrary, it is intended to improve the health, safety or the general welfare of the public.

3. Will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents.

McDonald’s has been a part of the character of the neighborhood for over 40 years and prior to that, the site was occupied by the Red Barn restaurant. The area is predominantly commercial for some residences on Knox Road. As set forth above, this Project is intended to “substantially reduces vehicular congestion on site thereby substantially reducing the likelihood of the line of customer vehicles in the drive-thru area being in the on-site parking area and the public roads used to access the Site.” Accordingly, this Project will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents. To the contrary, it is intended to improve essential character of the neighborhood nor be detrimental to the neighborhood residents by removing traffic congestion.

4. 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.

This Project 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. Again, given the intent of the

Project, to the extent that any of these conditions exist, they should remain unchanged or improved.

5. 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.

The Project 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. This question is largely inapplicable to this Project.

6. Will not destroy or adversely impact significant historic and/or cultural resource sites.

The Project will destroy or adversely impact significant historic and/or cultural resource sites. There are no such sites at the Project Site or proximate area. This question is largely inapplicable to this Project.

7. Will provide adequate landscaping, screening or buffering between adjacent uses which are incompatible with the proposed project.

This Project involves internal changes to the Site. Existing landscaping, screening or buffering between adjacent uses will remain.

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

As set forth above, this Project should improve the public convenience and welfare by the reduction of traffic congestion on and off site.

Prepare and Submitted by:

HOPKINS SORGI & MCCARTHY PLLC

Peter J. Sorgi, Esq.

Date: November 15, 2023

Exhibit A

REGIONAL COMPREHENSIVE PLAN Towns of Aurora, Elma, Holland and Wales and Village of East Aurora

4.5.2 Towns and Village

Village of East Aurora

The Village of East Aurora functions as the retail center for the surrounding towns. The Village has a density and diversity of retail and commercial activity not available in the other communities. There has been a shift in the mix of retail offerings in the Village, moving away from general merchandise and services and concentrating more heavily on specialty retail and tourism oriented goods and services. The loss of traditional general merchandising has been an area of concern among some citizens, who complain that they need to leave East Aurora to do basic shopping. However, the East Aurora downtown is relatively healthy, and this retail strength is an asset in the current retail environment where many small Village downtown areas have been unable to compete.

Most businesses in the village are concentrated along Main Street, with a section of traditional village-style storefronts at the eastern end of the Village, and a retail plaza at the western end. The Mid-Main district, located along Main Street generally between Willow Street and Whaley Avenue/Paine Street, is a transitional area between these two retail concentrations, with a mix of residential and some retail and public uses. This transitional area has its own zoning district, intended to preserve the residential character and traditional architectural style of the area, including larger treed lots, deeper setbacks and landscaping to screen parking from the street.

A number of major arterials converge in the Village, helping to solidify its importance as a commercial center, but also contributing to traffic problems and congestion. Through traffic forced onto Village streets by the existing transportation system contributes to congestion. For example, truck traffic from the east must travel through the Village to access Route 400 southbound because the entrance from Route 20A at the Village's edge only has northbound access. The traffic circle at the west end (downtown area) of the Village, where Routes 20A and 78/16 converge is another area where congestion is a problem.

Another issue posing a potential threat to commercial activity in the Village is the national trend toward consolidation of retail into larger facilities, or "big box" retailers. These larger facilities (grocery, pharmacy, department store/Wal-Mart, etc.) cannot fit within the existing structures and land use patterns of the Village center because they require parcels of a size which is not available in the Village. The concern is that these uses will locate outside the Main Street retail corridor, potentially diverting retail sales from the Village center.

Fisher-Price is the major existing industry in East Aurora, and Commerce Green is the major industrial park within the Village. All of the existing buildings within Commerce Green are fully occupied, but there are several sites parceled out and available for new business development. These are developing privately and offer a good base of available property. These sites have full services (water, sewer, gas, etc.)

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

- Adopt landscaping standards to help improve the look and quality of commercial and Industrial development and redevelopment in the Village. These landscaping standards should be referenced in the zoning text, and apply to all commercial and Industrial development and redevelopment requiring Village approvals.
- Develop community gateways at the major entryways to the Village (see vision map and streetscape plan).
- Manage growth (as shown on the Vision Map) and properly plan highway projects to avoid roadway widening that could result in the loss of street trees and roadside foliage.
- Properly manage tourism to aid the local economy but at the same time preserve the character of the Village as a community. Tourism shall be focused in the cultural center/business support area denoted on the vision map. Although this will provide a focal point, adjoining areas will also provide support and ancillary attractions. For example, the uptown/traditional Main Street business area provides shopping and retail support services. Design issues (aesthetics), parking and transportation impacts must be evaluated when planning tourism related facilities. Designs should reflect the character of the area, and non-automobile connective features to tourism areas must be provided. Parking issues can also be problematic, and the Village should begin to plan for the possible needs for a new public parking facility.
- Institute appropriate measures to manage traffic in the Village to preserve the quality of life and maintain a safe environment for pedestrian activity. Presently, the Village is working with the NYSDOT in designing the Route 20A Improvement project. This project must accommodate bicycle and pedestrian access to the maximum extent possible. The project must also consider the parking needs of the area, and the need for a downtown pace of traffic. The Village should complement this plan by ensuring that proper pedestrian and bicycle access points from the surrounding neighborhoods tie into Main Street and its improvements.
- The Village should also investigate access management issues in the downtown (west end) business district. The traffic circle represents an excellent means of traffic calming and this combined with a good access management plan will help to properly manage traffic.
- Since traffic may continue to increase in the Village (tourism, new state park, development outside the Village, etc.), the Village will need to continue to work with the NYS Department of Transportation, the Town of Aurora, and others in planning how to accommodate these increases in traffic (access management planning—new traffic control devices, signal timing, driveway conflicts, etc.). Road widening or by-pass projects should not be considered to solve the congestion problem, because they would create too many other problems.
- Preserve and diversify the housing stock and control the amount of multi-family housing that is developed in the Village to maintain the quality of the urban environment. The Village needs to provide for “in-law” apartments and other means of providing diverse housing in the community.
- Strive to maintain a mix of uses in the business district areas to contribute to the prosperity and social and economic environment of the area. However, uses permitted in these areas should be evaluated to avoid creating a competitive atmosphere between the Uptown and Downtown retail areas in the Village.

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

Issue of overnight stays is through the use of bed and breakfast facilities. Again, a targeted area near Main Street should be set aside for this use (allow by special use permit – set appropriate use parameters).

- As the Industrial office park area (Commerce Green) continues to fill, cooperative efforts with the Town should be explored to expand this area into the Town.
- A traffic study should be done to evaluate conditions within the entire Village and where improvements could be made.
- Although there are a few people that believe the traffic circle is problematic, it is a good traffic calming device and should be kept and improved upon.
- As discussed previously, there have been complaints about the level of traffic within the Village. This situation though is not easily solved. An "engineered" solution of creating a bypass around the Village, could do more harm than good. The Village although impacted by traffic travelling through it, would lose business if traffic were bypassed.

Making the Route 20A/Route 400 Interchange a full service Interchange would reduce some traffic, including trucks, from the area. Some fear that this would cause development pressures in the Town of Aurora and Wales if this were to occur.

The Plan does recommend that a long-term objective be that the interchange be made full access. This would help traffic in the Village, and provide opportunities for directed growth (see economic section). The development pressures feared by some would be handled by the implementation of this plan, which provides the land use direction for the region.

- Estate residential zoning should be considered for the southeastern corner of the Village to match the conditions in the area (concern about redevelopment of large parcels into smaller ones).
- Multi-family, senior citizen type housing is needed within the Village and should be considered for the Buffalo Street and Main Street areas. Due to limited available areas within the Village, consideration should be given to accommodate this need through the use of in-law apartments and other multi-use options within existing structures. Again, it is very important to allow multi-uses in and around the Main Street area.

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

5.5.6 Village of East Aurora

The Village of East Aurora is the primary retail service center in the regional plan area. It also serves as a community center, and its retail district is an important component of the community's character. Only the hamlet in Holland plays a comparably significant role. The retail district in the Village consists of two separate concentrations with distinct characters, and a transitional mixed-use zone separating them. Much of the retail core is built-out. However, there is significant potential for the re-use of existing structures, and for some in-fill development. The area in the vicinity of the traffic circle offers greater opportunities for new development, whereas the uptown region at the eastern end of the Village is better suited for re-use and controlled redevelopment.

The challenge for the Village of East Aurora will be to maintain its unique identity, and provide a distinct retail experience that can successfully compete with large retailers on a wider regional basis. Stores like Vidler's and the Roycroft shops target a niche market and provide retail services that do not compete directly with large retailers. This effort will be facilitated by the traditional strength of the Village as a retail center, the culture of the community and the presence of the Roycroft Campus, which will help support the tourism base of the economy.

Fisher-Price and Commerce Green are stable industrial areas. Additional industrial development can be accommodated within Commerce Green, where available sites are developing privately. No additional vacant lands suitable for industrial development were identified within the Village. There are some scattered buildings housing industrial uses elsewhere in the community, primarily along the rail line and Route 16. These are in older buildings that cannot easily be adapted to meet the type of space needs typically in demand by modern commercial and/or light industrial users (single story, campus setting, adjacent parking, landscaping, etc.)

Recommendations:

- It should be a priority to support and preserve the vitality of the Main Street retail corridor in the Village.
- The Village Main Street (Uptown) business district actually consists of several distinct areas, and this differentiation should be preserved. It helps diversify retail offerings, and establish distinct areas that can target different retail niches. The Village has already taken steps, such as the zoning changes along Main Street, to achieve this goal. These efforts should be continued.
- 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).
- Any new structures along the Uptown area of Main Street should be compatible with existing businesses in size, scale and setback. Diversity of architectural style should be allowed and even

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

encouraged, as long as it is compatible with the character of the area. As noted above, however, design standards should be strictly enforced.

- Shopping in the western end of the Village is less tourism-oriented. Stores and lots tend to be somewhat larger, and new construction can be more easily accommodated in this area. While there can be more flexibility in size and scale at the west end of the Village than uptown, large, "big box" developments are not appropriate, and any new developments must be consistent in size and scale with surrounding uses.
- At the plaza in the Downtown area, any new development must be subject to careful site review, examining issues such as parking, accommodation of pedestrians and siting of buildings to minimize car-pedestrian conflicts and traffic impacts.
- All new retail development should be assessed in terms of its impact on the area surrounding the Downtown, and land use regulations (zoning) should be evaluated to discourage the allowable uses and the development of retail centers that would compete with the Uptown Main Street business district. This is also an area where cooperation with the Town is necessary and essential, because given the fact that the Village is largely built-out, the most likely location of competing retail centers would be outside the Village limits along Olean Road (Route 16) and possibly Route 20A.
- The Village must continue to work closely with the Town of Aurora to ensure that development outside the Village does not undermine redevelopment efforts in the Village. The Town and the Village need to maintain a cooperative relationship, because the Village is part of the Town and contributes to its tax base. Efforts that are detrimental to the Village ultimately are detrimental to the Town as well.
- A certain level of congestion is a sign of a healthy retail district. If not carefully controlled, however, traffic congestion can have a negative effect on the economic vitality and character of the Main Street corridor. Projects and policies designed to encourage walking and biking in the Village will help alleviate traffic congestion and parking problems. The Village has the opportunity to address this issue with the proposed streetscape improvements accompanying the upcoming NYS Department of Transportation Main Street Reconstruction project. The Village should work with the NYS Department of Transportation to ensure that this project addresses important traffic safety issues.
- More specialized solutions are needed in specific areas where congestion is significant, such as the traffic circle and the west end of Route 20A. These areas would merit transportation studies to look at traffic patterns, turning motions and possible solutions. This issue is addressed more specifically in the transportation section of this Plan.
- Along these lines, the proposed Streetscape project should be pursued to the greatest degree feasible. In addition to helping mitigate traffic conditions, this project will help support economic and tourism development in the Village.
- The Village has excellent resources for additional tourism development, but this is a two-edged sword. The Village must plan for the increase in visitation, and carefully balance new tourism-related development with the capacity of the community to accommodate it.
- In general, economic development efforts within the Village should target retail and commercial development. Industrial development efforts should focus primarily on ensuring the continued

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

5.6 Transportation Management

The major transportation routes through the regional planning area include State Routes 400 (a limited access highway), 16 and 78, and U.S. Route 20A. These roadways extend through or into portions of all five communities. Route 400 extends through Elma and Aurora. Route 400 (as well as Routes 20A and 16) is the major feature connecting this region to the rest of the County. This roadway has excess capacity and will adequately service the region for the foreseeable future.

Route 400 has four Interchanges and its southern terminus situated in the region. Only two of the four Interchanges are full service; the Maple Road and Route 20A Interchanges only allow travel in certain directions, forcing vehicles to seek alternative routes to reach their destinations. Neither of these Interchanges have southbound entrance or northbound exit ramps. Thus vehicles, in particular trucks, must move through the Village of East Aurora, to reach southerly destinations, between the Village and Holland. More traffic is forced to utilize Olean Road (Route 16) as a result, which has precipitated the need for a left turn signal for southbound movements off of Main Street.

Much of the roadway system in the region consists of rural, two-lane roads that support local travel. These roads typically have narrow shoulders, no curbing or street lighting, and are served by roadside drainage ditches. Public transportation services in the region are minimal and represented by bus service only. The region is heavily automobile dependent. There are two designated on-street bicycle routes in the region, which are located in the Town of Aurora. Local roads, particularly in Elma and Aurora, are handling increased volumes of traffic as a result of internal and external regional growth. Route 16 through Holland is also experiencing increased traffic flow, particularly during the summer months. The problem arises as to how to address the demands on local roadways without undertaking widening or other such improvements that would negatively impact the rural character of the communities.

The NYSDOT has identified certain locations where traffic volumes and/or design deficiencies are resulting in congestion or other traffic problems. The Intersection of Clinton Street and Girdle/Schwartz Road in Elma, the Intersections of Routes 20A and 78 and Two Rod Road and 20A in Wales, the Route 400 and 16 merge in South Wales, and the area in the vicinity of the traffic circle in East Aurora, are locations that are priority locations being examined by the State.

The region is also traversed by a Norfolk Southern railroad line which runs through the Town of Elma, East Aurora and Aurora, and into Holland through the southwestern corner of Wales. This line has three active switches; one in South Wales, one in Holland and the one near Jamison Road in Elma. The railroad is an important asset to the region and provides opportunities for industrial development. It may provide long term opportunities for pedestrian/commuter travel in the future, as well.

5.6.1 Regional Recommendations

Recommendations for transportation improvements are offered on a regional basis, rather than for each individual community, because traffic and transportation issues typically are not confined to one

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

5.10.5 Village of East Aurora

The major features affecting the vision of the Village of East Aurora include the influences of the surrounding Towns, the more densely developed, urban (built out) nature of the Village, the functioning of the area as a center for regional commerce, Route 20A (Main Street) and the concentration of public services and civic/cultural land uses. These features, the community's goals and objectives (including their strong desire to protect the unique character of the Village), and environmental and regional objectives lead to the following vision components depicted on Map 26.

- Most of the Village is depicted as "Village residential", which illustrates the major residential areas in the community that will experience little or no change over the next 15 to 20 years. These areas may be different in style, layout or housing type, but they represent the overall residential stability of the community.
- Two other dominant residential areas exist in the Village and are denoted on the vision map. The area in the southeast section (estate/large lot residential) has an abundance of large lots. The low-density nature of this area should be preserved, possibly through a new zoning classification or a zoning overlay district. This would help to preserve and limit subdivision activity in this area.
- The area on Main Street, east of the Uptown business district, is noted as historic Main Street residential on the map. This area should be protected for its historic significance and as a gateway into the Village. Higher standards for redevelopment should be utilized in this area.
- The Village includes one major industrial area – the existing Fisher Price area. It is an important element of the community and should be protected.
- There are two areas in transition in the Village. The first is the office/small business district, which is along the railroad corridor, south of the Uptown business district. This area is changing into an area of small businesses and offices, with an evident lack of retail uses. An example of this is the current use of the former school building as an office building. The other transition area is the developing Commerce Green business park, which has been promoted over the years as the last vacant land area available for light industrial and office development. Both of these areas are employment centers that can help to bring people into the Village center.
- The backbone of the Village is Main Street, which extends through the center of the Village from one end to the other. This area includes four distinct districts/areas, as follows.
 1. **Downtown (West End) Suburban Business District**
This area represents the part of the Village that includes larger, suburban-style uses such as a supermarket, shopping plaza, franchise fast food restaurants, etc. Although this area has these types of existing uses, the area (with the characteristic traffic circle) represents a gateway to the Village and should have higher design standards more in line with the character of the surrounding Village. This area abuts Commerce Green, and between this facility and the retail uses in the area, represents a major destination in the Village. The challenge will be to keep this area in the image of the Village and to draw people from this area into other parts of Main Street and the surrounding community, particularly without an over reliance on motor vehicles.

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and Village of East Aurora

- In conjunction with the other partnering communities, work with the Greater Buffalo and Niagara Regional Transportation Council to lay the groundwork for a regional transportation study.
- Work closely with the NYS Department of Transportation and the Town of Aurora to manage traffic and address problem areas on State highways through the area.
- Work with the State to design an access management strategy for the Village, which addresses issues of driveway separations and conflicts, turning movements, new traffic control devices, signal timing, etc. and also studies the area in the vicinity of the traffic circle.
- Work cooperatively with the County, State, and Greater Buffalo and Niagara Regional Transportation Council to accommodate pedestrian and bicycle access, especially in those areas identified in the Regional Comprehensive Plan.
- Work together with the other communities in promulgating and adopting best management practices (BMP's) to manage the use of lawn fertilizers, road salt, pesticides and the disposal of hazardous wastes in an effort to preserve and protect water quality.
- A regional tourism committee should be investigated and formed. This committee will look at tourism in the region and help to better coordinate the actions of the legislative boards.
- The new comprehensive plan committee (implementation committee) should meet annually with the other community's representatives to discuss implementation, issues and problems, potential revisions to the plan, and possible joint projects or agreements.

Responsibilities/Methodologies

The Village Board should take the leadership role in these actions but assign them to the Planning Commission or other appropriate Boards or Committees.

Funding/Costs

These planning activities will have minimal costs, but require a great deal of time (volunteers and boards)

Costs: \$5,000

Funding: would most probably be with local monies.

D. Other Actions

- Undertake a streetscape project for Main Street. Continue to pursue funding for this action.
- Promote walking and other non-motorized means of travel, to manage traffic and transportation issues in the Village. Compliment the planned NYS Department of Transportation improvements along Main Street by developing a bicycle travel program through the Village to accommodate bicyclists, connect neighborhoods and tie outlying streets into Main Street.

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and Village of East Aurora

Village of East Aurora

- While strongly oriented toward the automobile, the transportation system in the Village of East Aurora is more balanced. The Village has the most public transportation availability of the five communities, although it is still very limited.
- The Village also has a higher proportion of pedestrian and bicyclist traffic. This is because activity centers are close enough to support non-vehicular traffic, and the physical infrastructure (sidewalks, streets) makes it easier to walk or bike. Additional improvements to support non-vehicular travel are recommended. Traffic congestion is a problem, particularly at the western end of the Village at the traffic circle.
- GBNRTC has identified a number of on- and off-road bike routes that it supports in the Village of East Aurora. None have been fully implemented.
- There is an active rail line, which is used for commercial and freight uses. No passenger rail is available.
- The major roadway corridors in the Village are described in Section 4.6.1 and 4.6.2. Route 20A (Main Street) is the primary roadway through the Village. Routes 78 and 16 are also major routes through the Village.
- NYS Department of Transportation will be reconstructing Main Street through the Village center in the near future. This redesign will incorporate improved pedestrian facilities and traffic calming features.
- Additional development in the Town or redevelopment in the Village has the potential to adversely impact the transportation network. In particular, more intensive development may aggravate areas where traffic congestion is a problem, or result in new areas of congestion.
- More intensive development may also increase potential conflicts between automotive and non-automotive modes of transportation.

J. Impact on Growth and Character of Community or Neighborhood

Town of Aurora

- The population of the Town of Aurora outside the Village grew by about 8 percent between 1990 and 2000. Projections suggest continued growth over the next decades at a similar pace.
- The rate of residential construction in Aurora outside the Village since 1990 has been about 34 single-family units per year on average. In addition, 38 units in doubles and apartments were permitted over the past decade.
- The Town's Goals and Objectives clearly indicate support for directing growth toward the areas of Town in or adjacent to the Village, and controlling the rate of growth in areas without services, or along rural road frontages in order to protect community character.

Exhibit 6:

Full Environmental Assessment Form with Exhibits A-J annexed thereto. Note that this is an Unlisted Action pursuant to the New York State Environmental Quality Review Act

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: McDonald's Amended Site Plan and Amended Special Use Permit		
Project Location (describe, and attach a general location map): Project Site Commonly referred to as 17 Ernst Place 11 Ernst Place, Village of East Aurora, NY (SBL No. 164.19-7-41) & 0 Grey Street, Village of East Aurora, NY (SBL No. 164.19-7-38)		
Brief Description of Proposed Action (include purpose or need): The Project Site consists of an existing restaurant with drive-through facilities and related site infrastructure. The Project Site is Zoned Village Center (VC) which expressly allows restaurants by Special Use Permit. The drive-through facilities are allowed as a preexisting, nonconforming use pursuant to Village of East Aurora Zoning Code Section 285.56-1. No change in use is proposed. The Proposed Action involves the reconfiguration of the existing drive-through vehicular access by adding a second lane for ordering of food which will result in the reduction of the impacts of traffic congestion at the Project Site, adjacent property and public streets. One parking space will be removed by the Proposed Action. A more detailed Project Description prepared by Bohler (Project Engineer) is attached as Exhibit A. An Amended Site Plan Approval and a Second Amended Special Use Permit is required from the Village of East Aurora. The Proposed Action is an Unlisted Action pursuant to the New York State Environmental Quality Review Act ("SEQR").		
Name of Applicant/Sponsor: McDonald's USA, LLC	Telephone: 630.209.1741	
	E-Mail: mark.meister@us.mcd.com	
Address: 110 N. Carpenter Street		
City/PO: Chicago	State: Illinois	Zip Code: 60607
Project Contact (if not same as sponsor; give name and title/role): Peter J. Sorgl, Esq., Project Attorney	Telephone: 716.908.3289	
	E-Mail: psorgl@hsmlegal.com	
Address: 726 Main Street, Suite B		
City/PO: East Aurora	State: New York	Zip Code: 14052
Property Owner (if not same as sponsor): Same, but See Attached Exhibit B	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Village of East Aurora Board of Trustees: Amended Site Plan Approval and 2nd Amended Special Use Permit	11.2023
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Village of East Aurora Building and Code Enforcement Department -- Building Permit	TBD (after approvals)
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No	NYS Office of Parks, Recreation & Historic Preservation -- Historic Resources	11.2023 See Attached Exhibit C
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? See attached Exhibit D. ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

NYS Heritage Areas: West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? <u>Village Center (VC). No applicable overlay district.</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit? <u>See Attached Exhibit E.</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes,	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. What is the proposed new zoning for the site? _____	
C.4. Existing community services.	
a. In what school district is the project site located? <u>East Aurora</u>	
b. What police or other public protection forces serve the project site? <u>East Aurora Police Department, Erie County Sheriff, NYS Police</u>	
c. Which fire protection and emergency medical services serve the project site? <u>East Aurora Fire Department</u>	
d. What parks serve the project site? <u>Hamlin Park, Knox State Park</u>	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>Commercial -- Existing Restaurant with Drive-through facilities</u>	
b. a. Total acreage of the site of the proposed action?	<u>0.99+/-</u> acres
b. Total acreage to be physically disturbed?	<u>0.15+/-</u> acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>0.99+/-</u> acres
c. Is the proposed action an expansion of an existing project or use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: <u>1,300 sq. ft.</u>	
d. Is the proposed action a subdivision, or does it include a subdivision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____	
ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. If No, anticipated period of construction: <u>1</u> months	
ii. If Yes:	
<ul style="list-style-type: none"> • Total number of phases anticipated _____ • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ 	

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Total number of structures _____ 2 (1) Pre-browse Board & (1) Menu Board	See attached Exhibit F.
ii. Dimensions (in feet) of largest proposed structure: _____ 8 height; _____ 1.2 width; and _____ 5.1 length	
iii. Approximate extent of building space to be heated or cooled: _____ N/A square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ 	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☒ No

If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☒ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water?

☐ Yes ☒ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

☐ Yes ☒ No

ii. Will the proposed action obtain water from an existing public water supply?

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☒ No
- Is the project site in the existing district? ☐ Yes ☒ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☐ Yes ☒ No

iii. Will line extension within an existing district be necessary to supply the project?

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☒ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes?

☐ Yes ☒ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities?

☐ Yes ☒ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☒ No
- Is the project site in the existing district? ☐ Yes ☒ No
- Is expansion of the district needed? ☐ Yes ☒ No

Page 6 of 13

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing <u>56</u> Proposed <u>55</u> Net increase/decrease <u>-1</u></p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7am - 6pm</u> • Saturday: <u>8am - 5pm</u> • Sunday: <u>9am - 4pm</u> • Holidays: <u>None</u> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations: <u>6:00AM-11:30 PM (Monday - Thursday)</u></p> <ul style="list-style-type: none"> • Monday - Friday: <u>6:00 AM -- 12:30 AM (Friday)</u> • Saturday: <u>6:00 AM - 12:30 AM</u> • Sunday: <u>7:00 AM - 11 PM</u> • Holidays: <u>varies</u> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7am - 6pm</u> • Saturday: <u>8am - 5pm</u> • Sunday: <u>9am - 4pm</u> • Holidays: <u>None</u> 	<p>ii. During Operations: <u>6:00AM-11:30 PM (Monday - Thursday)</u></p> <ul style="list-style-type: none"> • Monday - Friday: <u>6:00 AM -- 12:30 AM (Friday)</u> • Saturday: <u>6:00 AM - 12:30 AM</u> • Sunday: <u>7:00 AM - 11 PM</u> • Holidays: <u>varies</u>
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7am - 6pm</u> • Saturday: <u>8am - 5pm</u> • Sunday: <u>9am - 4pm</u> • Holidays: <u>None</u> 	<p>ii. During Operations: <u>6:00AM-11:30 PM (Monday - Thursday)</u></p> <ul style="list-style-type: none"> • Monday - Friday: <u>6:00 AM -- 12:30 AM (Friday)</u> • Saturday: <u>6:00 AM - 12:30 AM</u> • Sunday: <u>7:00 AM - 11 PM</u> • Holidays: <u>varies</u> 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>During construction, there will be times with noise above the ambient noise levels as the result of the use of heavy equipment for site grading and excavations. The work will be completed in conformance with the permitted working hours of the Village.</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>No changes proposed to existing light poles/fixtures</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: <u>No changes proposed that would result in impacts from existing site lighting</u></p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☒ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

If mix of uses, generally describe: _____

See Regional Comprehensive Plan p. 5-93 at ii. Exhibit G.

Per the "Regional Comprehensive Plan" at page 5-93, area is referred to as "Downtown (West End) Suburban Business District ... and represents the part of the Village that includes larger, suburban-style uses such as as such as a supermarket, shopping plaza, franchise fast food restaurants, etc.

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.84	0.84	0
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.15	0.15	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____	0	0	0

<p>c. Is the project site presently used by members of the community for public recreation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>i. If Yes: explain: _____</p>	
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes,</p> <p>i. Identify Facilities: _____</p> <p style="margin-left: 20px;"><u>Absolut Care of Aurora Park, 292 Main Street, East Aurora, NY; and East Aurora Montessori School, 46 Grey Street, East Aurora, NY</u></p>	
<p>e. Does the project site contain an existing dam? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p> <p>_____</p>	
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> • If yes, cite sources/documentation: _____ <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p>_____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p> <p>_____</p>	
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p> <p>_____</p>	
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><input type="checkbox"/> Yes – Spills Incidents database</p> <p><input type="checkbox"/> Yes – Environmental Site Remediation database</p> <p><input type="checkbox"/> Neither database</p> </div> <div style="width: 45%;"> <p>Provide DEC ID number(s): _____</p> <p>Provide DEC ID number(s): _____</p> </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>_____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p> <p>_____</p> <p>_____</p>	

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ +6 feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: <div style="display: flex; justify-content: space-between;"> Urban Land 100 % </div> <div style="display: flex; justify-content: space-between;"> _____ _____ % </div> <div style="display: flex; justify-content: space-between;"> _____ _____ % </div>	
d. What is the average depth to the water table on the project site? Average: _____ +6 feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input checked="" type="checkbox"/> Poorly Drained 100 % of site	
f. Approximate proportion of proposed action site with slopes: <input checked="" type="checkbox"/> 0-10%: 100 % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information: See Attached Exhibit H	
<ul style="list-style-type: none"> • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____ 	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: i. Name of aquifer: Principal Aquifer _____	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>None _____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>_____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Species and listing: _____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>i. If Yes: acreage(s) on project site? _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District ii. Name: <u>See Attached Exhibit I.</u> iii. Brief description of attributes on which listing is based: _____ 	
f. 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Describe possible resource(s): _____ ii. Basis for identification: _____ 	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
See Attached Exhibit J. <ul style="list-style-type: none"> i. Identify resource: <u>Knox Farm State Park</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>State Park</u> iii. Distance between project and resource: <u>1.5+/- miles.</u> 	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No 	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

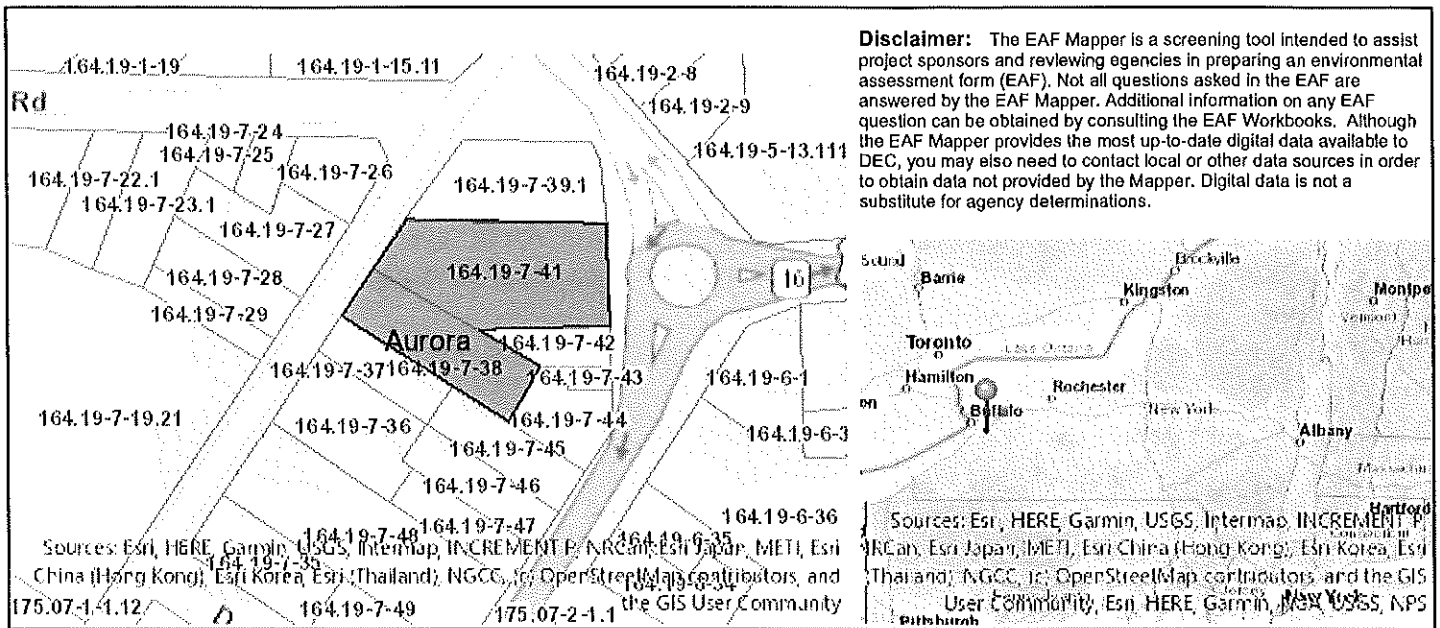
G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name McDonald's USA, LLC Date 11.15.2023

Signature  Title Project Attorney

Peter J. Sorgi, Esq. -- See Authorization attached as Exhibit B.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No

E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

FEAF Exhibit A

Section A

Detailed Project Description Prepared by Bohler
(Project Engineer)

**Project Narrative
McDonald's Restaurant
Proposed Drive-thru Addition
17 Ernst Place
Village of East Aurora, Erie County, NY
November 14, 2023**

Introduction:

The applicant, McDonald's USA, LLC is proposing to add a second drive-thru lane to their existing restaurant at 17 Ernst Place to provide side-by-side ordering capabilities, which allows for increased on-site stacking and ordering efficiencies, which ultimately leads to improved customer satisfaction and substantially reduces vehicular congestion on site thereby substantially reducing the likelihood of the line of customer vehicles in the drive-thru area being in the on-site parking area and the public roads used to access the Site. This belief is supported by McDonald's as follows:

The proportion of customers utilizing the drive-thru as opposed to the dining room has increased over the last decade; and this trend is only expected to continue due to the Covid19 pandemic. Further, ordering has become cumbersome as a result of McDonald's expanded menu (e.g., McCafe beverages) offerings. By taking 2 menu orders at the same time, McDonald's can serve its existing customer base more efficiently while also handling larger orders.

McDonald's has invested years of research into carefully designing the side-by-side drive-thru and has developed several prototypical layouts that specify the radii, dimensions and positions of all drive-thru equipment. These layouts are standard nationwide. McDonald's design consultants select a prototype layout that is compatible with the configuration of the property. The layout ensures that customers ordering at the two menu boards have a clear line of sight to one another and the surrounding environment.

Upon completing their order, customers slowly advance to the merge point, located between the menu boards and the payment window. The customers have ample opportunity to view the second lane before proceeding to the payment window. In most

cases, this will be an alternating pattern, but more than one vehicle can be processed at one menu board, while a large order is taken at the other menu board.

Existing Conditions:

Currently, there is a single drive thru lane\ordering point with an existing digital pre-browse board and existing digital menu board, which are located on the south side of the existing dumpster enclosure. The current position allows for adequate on-site stacking from Ernst Place but does not provide an adequate distance from the "cash window" and "pick-up window" to allow proper timing for the orders to be processed.

Proposed Project

The proposed modifications will consist of reconfiguring the existing drive-thru lane to have side-by-side (SBS) ordering which will consist of one single lane (same as today) at the drive-thru lane entrance, which then will merge into two side-by-side lanes with a raised curbed island in between the two lanes, which then merges back into a single lane as the customer head toward the "cash window". The primary (inner lane) order point canopy will be located 100 ft. from the cash window. This distance is the preferred dimension by McDonald's to allow adequate time for an order to be processed before the customer reaches the "pick-up" window. With the addition of the SBS drive thru, it adds approx. 3 additional on-site vehicle stacking spaces. In addition, with the SBS operation, orders will be generally processed in a more efficient manner given the ability to take multiple orders at the same time. It's our understanding that at times the drive thru lane queue will back up to the entrance on Ernst Place, which the proposed improvements should help minimize those occurrences.

Off-street parking

Currently, there are (56) parking spaces. With the proposed modifications, there will be a reduction of parking of (1) space, for an adjusted total of (55) parking spaces. The one space is being removed from the row of parking along Grey Street to provide a larger turning radius into the site for delivery trucks.

Site access and on-site circulation

Currently, there are two access drives into the site, one on Ernst Place and one on Grey Street. There are no proposed modifications to these access drives. On-site circulation will remain the same as it currently operates today with the exception of the addition of a sign at the Grey Street entrance that directs patrons wanting to enter the drive-thru to use the Ernst Place access. The reason for this is to discourage vehicles from entering the site from Grey Street, going against the flow of traffic and then having to a 180 degree turn to enter the drive-thru

lane. In addition to the sign on Grey Street, "Do Not Enter" signs and pavement striping have been added to further discourage this movement.

Site Lighting & Landscaping

With the proposed modifications, there is an existing light pole behind the dumpster enclosure that will be relocated a few feet to allow for the new drive-thru curbing. The slight relocation will not have any impact on site lighting levels.

With the proposed modifications, the existing landscaping behind the dumpster enclosure will be removed and replaced with new plantings in addition to new plantings in the drive-thru island between the two drive thru lands, as depicted on the Site & Landscape Plan.

Stormwater Management

With the proposed modifications, there will be no net increase in impervious area and therefore no increase in stormwater runoff, so no stormwater mitigation is proposed or required.

Schedule

The intent would be to start construction in the Spring\Summer of 2024 after all the necessary municipal approvals have been obtained. The approximate duration of construction is 4-5 weeks.

No Change to Number of Employees, Maximum Seat Capacity and Hours of Operation

The number of employees, maximum seat capacity and hours of operation are not being changed as part of this Project.

FEAF Exhibit B

Section A

Authorization of Property Owner and
Explanation of Ownership of Two Properties
(Project Site) in McDonald's USA, LLC by Merger

AUTHORIZATION

McDonald's USA, LLC, a Delaware limited liability company,, as successor by merger (see Attached Certificates of Merger), is the record owner of 11 Ernst Place, Village of East Aurora, NY (SBL No. 164.19-7-41) and 0 Grey Street, Village of East Aurora, NY (SBL No. 164.19-7-38), with the aforesaid adjoining two parcels of real property commonly referred to as 17 Ernst Place, Village of East Aurora, NY, hereby authorizes Hopkins Sorgi & McCarthy PLLC (Project Attorney) to file any required land use approval regarding the aforementioned real property and to execute any required documentation regarding the aforementioned real property with the Village of East Aurora, along with applications for any other approvals/permits required from the East Aurora and other governmental agencies in connection with the proposed development of the aforesaid adjoining two parcels of real property commonly referred to as 17 Ernst Place, Village of East Aurora, NY, including but not limited to an Amended Site Plan Application and a Second Amended Special Use Permit Application.

McDonald's USA, LLC



Name: Mark Meister

Title: Sr. Counsel

Date: 11/13/23

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"SYSTEM CAPITAL REAL PROPERTY CORPORATION", A DELAWARE
CORPORATION,

WITH AND INTO "MCDONALD'S USA, LLC" UNDER THE NAME OF
"MCDONALD'S USA, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE ON THE TWELFTH DAY OF FEBRUARY, A.D.
2008, AT 10:21 O'CLOCK A.M.



3856323 8100M
SR# 20180054476

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Authentication: 201915348
Date: 01-03-18

CERTIFICATE OF MERGER

of

SYSTEM CAPITAL REAL PROPERTY CORPORATION

into

McDONALD'S USA, LLC

February 12, 2008

Pursuant to Section 209(c) of the Limited
Liability Company Act of the State of Delaware
and Section 264(c) of the
General Corporation Law of the State of Delaware

McDONALD'S USA, LLC, a Delaware limited liability company, does hereby
certify as follows:

FIRST: The name and the state of organization of each of the constituent entities to
the merger are as follows:

<u>Name</u>	<u>State of Organization</u>
SYSTEM CAPITAL REAL PROPERTY CORPORATION	Delaware
McDONALD'S USA, LLC	Delaware

SECOND: An Agreement of Merger between the constituent entities to the merger
(the "Agreement of Merger") has been approved and executed by each of the constituent entities in
accordance with Section 209(b) of the Limited Liability Company Act of the State of Delaware and
Section 264(c) of the Delaware General Corporation Law, as applicable.

THIRD: The name of the surviving company in the merger is McDONALD'S USA,
LLC (the "Surviving Limited Liability Company").

FOURTH: The Certificate of Formation of McDONALD'S USA, LLC, at the
effective time of the merger, shall be the Certificate of Formation of the Surviving Limited Liability
Company.

FIFTH: The Agreement of Merger is on file at the principal place of business of the Surviving Limited Liability Company. The address of the principal place of business of the Surviving Limited Liability Company is One McDonald's Plaza, Oak Brook, Illinois 60523.

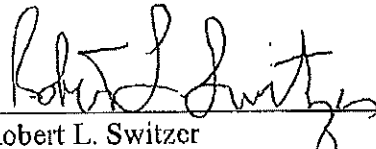
SIXTH: A copy of the Agreement of Merger will be furnished by the Surviving Limited Liability Company, on request and without cost, to any member or shareholder of either constituent entity.

SEVENTH: The merger of the constituent entities shall become effective upon the filing hereof.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, McDonald's USA, LLC has caused this Certificate of Merger to be executed by its duly authorized officer on the date first written above.

MCDONALD'S USA, LLC

By: 
Robert L. Switzer
U.S. Vice President and Assistant Secretary

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ARCHLAND PROPERTY I, LLC", A DELAWARE LIMITED LIABILITY
COMPANY,

WITH AND INTO "MCDONALD'S USA, LLC" UNDER THE NAME OF
"MCDONALD'S USA, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE ON THE TWENTY-SECOND DAY OF OCTOBER,
A.D. 2019, AT 3:48 O'CLOCK P.M.




Jeffrey W. Bullock, Secretary of State

3856323 8100M
SR# 20197674913

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 203846550
Date: 10-22-19

**CERTIFICATE OF MERGER
OF
ARCHLAND PROPERTY I, LLC
(a Delaware limited liability company)
into
McDONALD'S USA, LLC
(a Delaware limited liability company)**

*Pursuant to Section 18-209 of the
Delaware Limited Liability Company Act*


McDonald's USA, LLC, a Delaware limited liability company DOES HEREBY CERTIFY
THAT:

1. McDonald's USA, LLC is a limited liability company formed under the laws of the State of Delaware (hereinafter referred to as the "Surviving LLC").
2. Archland Property I, LLC is a limited liability company formed under the laws of the State of Delaware (hereinafter referred to as the "Merging LLC").
3. The Surviving LLC and the Merging LLC have each approved and executed an agreement of merger ("Agreement of Merger") in accordance with Section 18-209 of the Delaware Limited Liability Company Act.
4. The name of the surviving business entity is McDonald's USA, LLC.
5. The executed Agreement of Merger is on file at the principal place of business of the Surviving LLC at the following address: 110 N. Carpenter Street, Chicago, IL 60607.
6. A copy of the Agreement of Merger will be furnished by the Surviving LLC, on request and without cost, to any member of the Surviving LLC or of the Merging LLC.
7. The merger of the constituent entities shall become effective upon the filing hereof.

(Signature Page Follows)

IN WITNESS WHEREOF, the surviving business entity has caused this Certificate of Merger to be signed as of October 15, 2019, by a duly authorized person, declaring that the facts stated herein are true.

MCDONALD'S USA, LLC *UH*

By:  _____

Name: Mahrukh Hussain

Title: U.S. Vice President

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ARCHLAND PROPERTY II, L.P.", A DELAWARE LIMITED PARTNERSHIP,
WITH AND INTO "MCDONALD'S USA, LLC" UNDER THE NAME OF
"MCDONALD'S USA, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE ON THE TWENTY-SECOND DAY OF OCTOBER,
A.D. 2019, AT 3:50 O'CLOCK P.M.




Jeffrey W. Bullock, Secretary of State

3856323 8100M
SR# 20197675120

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 203846574
Date: 10-22-19

**CERTIFICATE OF MERGER
OF
ARCHLAND PROPERTY II, L.P.
(a Delaware limited partnership)
into
McDONALD'S USA, LLC
(a Delaware limited liability company)**

*Pursuant to Section 18-209 of the
Delaware Limited Liability Company Act*

McDonald's USA, LLC, a Delaware limited liability company DOES HEREBY CERTIFY
THAT:

1. McDonald's USA, LLC is a limited liability company formed under the laws of the State of Delaware (hereinafter referred to as the "Surviving LLC").
2. Archland Property II, L.P. is a limited partnership formed under the laws of the State of Delaware (hereinafter referred to as the "Merging LP").
3. The Surviving LLC and the Merging LP have each approved and executed an agreement of merger ("Agreement of Merger") in accordance with Section 18-209 of the Delaware Limited Liability Company Act and Section 17-211 of the Delaware Revised Uniform Limited Partnership Act, respectively.
4. The name of the surviving business entity is McDonald's USA, LLC.
5. The executed Agreement of Merger is on file at the principal place of business of the Surviving LLC at the following address: 110 N. Carpenter Street, Chicago, IL 60607.
6. A copy of the Agreement of Merger will be furnished by the Surviving LLC, on request and without cost, to any member of the Surviving LLC or to any partner of the Merging LP.
7. The merger of the constituent entities shall become effective upon the filing hereof.

(Signature Page Follows)

IN WITNESS WHEREOF, the surviving business entity has caused this Certificate of Merger to be signed as of October 15, 2019, by a duly authorized person, declaring that the facts stated herein are true.

MCDONALD'S USA, LLC *W*

By: 

Name: Mahrukh Hussain

Title: U.S. Vice President

FEAF Exhibit C

Section B(g)

Documentation of Submission to NYS Office of
Parks, Recreation and Historic Preservation for
Letter of No Impact regarding Historic
Resources

Peter Sorgi

From: Christina Sorgi
Sent: Wednesday, November 15, 2023 7:13 AM
To: Peter Sorgi
Subject: FW: NY SHPO: Initial Consultation Submission 8OWF6AU5CDUJ Received

From: New York State Parks CRIS Application <cris.web@parks.ny.gov>
Sent: Monday, November 13, 2023 3:55 PM
To: Christina Sorgi <csorgi@hsmlegal.com>
Subject: NY SHPO: Initial Consultation Submission 8OWF6AU5CDUJ Received

Initial Submission Received

The New York State Historic Preservation Office (SHPO) has received the following initial submission.

Initial Submission Token: 8OWF6AU5CDUJ

Project Type: Consultation

Project Name: McDonald's Amended Site Plan and Amended Special Use Permit

New York State Historic Preservation Office

Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189
518-237-8643 | <https://parks.ny.gov/shpo>
CRIS: <https://cris.parks.ny.gov>

Are you registered to vote? [Register to vote online today](#). Moved recently? Update your information with the NYS Board of Elections. Not sure if you're registered to vote? [Search your voter registration status](#).

Who sent this email?

This email is a notification from the New York State Cultural Resource Information System (CRIS). CRIS is an online service administered by the New York State Division for Historic Preservation, also known as the New York State Historic Preservation Office (SHPO), which is a division of [New York State Parks, Recreation & Historic Preservation](#).

This message pertains to a submission for a consultation project. Please see SHPO's [Environmental Review](#) web page for more information about the consultation process.

Why did I receive this email?

The submission's contact list includes your email address.

What do I need to do?

You do not need to take any action at this time. The submission is now in SHPO's processing queue.

What will happen next?

If SHPO accepts your submission, you will receive an "Initial Submission Accepted" email notification and SHPO will begin reviewing the project. That email will include the new Project Number.

If SHPO needs more information to process your submission, you will receive an "Initial Submission Found Insufficient" email with the reviewer's comments. You may then revise the submission and resend it to SHPO.

What else can I do?

Please see the following help topics for more information about managing initial submissions in CRIS:

- [How do I check the status of my initial submission?](#)
- [View an Initial Submission](#)
- [Continue or Edit an Existing Initial Submission](#)

Where can I get help?

Please visit the CRIS Online Help System: <https://cris.parks.ny.gov/CRISHelp>

If you still have questions about CRIS, please contact CRIS Help at CRISHelp@parks.ny.gov.

For any other questions, please call SHPO at 518-237-8643.

FEAF Exhibit D

Section C.2

Specific Recommendations for Project Site in
Village Comprehensive Plan
(highlighted in yellow)

4.5.2 Towns and Village

Village of East Aurora

The Village of East Aurora functions as the retail center for the surrounding towns. The Village has a density and diversity of retail and commercial activity not available in the other communities. There has been a shift in the mix of retail offerings in the Village, moving away from general merchandise and services and concentrating more heavily on specialty retail and tourism oriented goods and services. The loss of traditional general merchandising has been an area of concern among some citizens, who complain that they need to leave East Aurora to do basic shopping. However, the East Aurora downtown is relatively healthy, and this retail strength is an asset in the current retail environment where many small Village downtown areas have been unable to compete.

Most businesses in the village are concentrated along Main Street, with a section of traditional village-style storefronts at the eastern end of the Village, and a retail plaza at the western end. The Mid-Main district, located along Main Street generally between Willow Street and Whaley Avenue/Paine Street, is a transitional area between these two retail concentrations, with a mix of residential and some retail and public uses. This transitional area has its own zoning district, intended to preserve the residential character and traditional architectural style of the area, including larger treed lots, deeper setbacks and landscaping to screen parking from the street.

A number of major arterials converge in the Village, helping to solidify its importance as a commercial center, but also contributing to traffic problems and congestion. Through traffic forced onto Village streets by the existing transportation system contributes to congestion. For example, truck traffic from the east must travel through the Village to access Route 400 southbound because the entrance from Route 20A at the Village's edge only has northbound access. The traffic circle at the west end (downtown area) of the Village, where Routes 20A and 78/16 converge is another area where congestion is a problem.

Another issue posing a potential threat to commercial activity in the Village is the national trend toward consolidation of retail into larger facilities, or "big box" retailers. These larger facilities (grocery, pharmacy, department store/Wal-Mart, etc.) cannot fit within the existing structures and land use patterns of the Village center because they require parcels of a size which is not available in the Village. The concern is that these uses will locate outside the Main Street retail corridor, potentially diverting retail sales from the Village center.

Fisher-Price is the major existing industry in East Aurora, and Commerce Green is the major industrial park within the Village. All of the existing buildings within Commerce Green are fully occupied, but there are several sites parceled out and available for new business development. These are developing privately and offer a good base of available property. These sites have full services (water, sewer, gas, etc.)

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

- Adopt landscaping standards to help improve the look and quality of commercial and industrial development and redevelopment in the Village. These landscaping standards should be referenced in the zoning text, and apply to all commercial and industrial development and redevelopment requiring Village approvals.
- Develop community gateways at the major entryways to the Village (see vision map and streetscape plan).
- Manage growth (as shown on the Vision Map) and properly plan highway projects to avoid roadway widening that could result in the loss of street trees and roadside foliage.
- Properly manage tourism to aid the local economy but at the same time preserve the character of the Village as a community. Tourism shall be focused in the cultural center/business support area denoted on the vision map. Although this will provide a focal point, adjoining areas will also provide support and ancillary attractions. For example, the uptown/traditional Main Street business area provides shopping and retail support services. Design issues (aesthetics), parking and transportation impacts must be evaluated when planning tourism related facilities. Designs should reflect the character of the area, and non-automobile connective features to tourism areas must be provided. Parking issues can also be problematic, and the Village should begin to plan for the possible needs for a new public parking facility.
- Institute appropriate measures to manage traffic in the Village to preserve the quality of life and maintain a safe environment for pedestrian activity. Presently, the Village is working with the NYSDOT in designing the Route 20A Improvement project. This project must accommodate bicycle and pedestrian access to the maximum extent possible. The project must also consider the parking needs of the area, and the need for a downtown pace of traffic. The Village should complement this plan by ensuring that proper pedestrian and bicycle access points from the surrounding neighborhoods tie into Main Street and its improvements.
- The Village should also investigate access management issues in the downtown (west end) business district. The traffic circle represents an excellent means of traffic calming and this combined with a good access management plan will help to properly manage traffic.
- Since traffic may continue to increase in the Village (tourism, new state park, development outside the Village, etc.), the Village will need to continue to work with the NYS Department of Transportation, the Town of Aurora, and others in planning how to accommodate these increases in traffic (access management planning—new traffic control devices, signal timing, driveway conflicts, etc.). Road widening or by-pass projects should not be considered to solve the congestion problem, because they would create too many other problems.
- Preserve and diversify the housing stock and control the amount of multi-family housing that is developed in the Village to maintain the quality of the urban environment. The Village needs to provide for “in-law” apartments and other means of providing diverse housing in the community.
- Strive to maintain a mix of uses in the business district areas to contribute to the prosperity and social and economic environment of the area. However, uses permitted in these areas should be evaluated to avoid creating a competitive atmosphere between the Uptown and Downtown retail areas in the Village.

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

issue of overnight stays is through the use of bed and breakfast facilities. Again, a targeted area near Main Street should be set aside for this use (allow by special use permit – set appropriate use parameters).

- As the industrial office park area (Commerce Green) continues to fill, cooperative efforts with the Town should be explored to expand this area into the Town.
- A traffic study should be done to evaluate conditions within the entire Village and where improvements could be made.
- Although there are a few people that believe the traffic circle is problematic, it is a good traffic calming device and should be kept and improved upon.
- As discussed previously, there have been complaints about the level of traffic within the Village. This situation though is not easily solved. An "engineered" solution of creating a bypass around the Village, could do more harm than good. The Village although impacted by traffic travelling through it, would lose business if traffic were bypassed.

Making the Route 20A/Route 400 interchange a full service interchange would reduce some traffic, including trucks, from the area. Some fear that this would cause development pressures in the Town of Aurora and Wales if this were to occur.

The Plan does recommend that a long-term objective be that the interchange be made full access. This would help traffic in the Village, and provide opportunities for directed growth (see economic section). The development pressures feared by some would be handled by the implementation of this plan, which provides the land use direction for the region.

- Estate residential zoning should be considered for the southeastern corner of the Village to match the conditions in the area (concern about redevelopment of large parcels into smaller ones).
- Multi-family, senior citizen type housing is needed within the Village and should be considered for the Buffalo Street and Main Street areas. Due to limited available areas within the Village, consideration should be given to accommodate this need through the use of in-law apartments and other multi-use options within existing structures. Again, it is very important to allow multi-uses in and around the Main Street area.

5.5.6 Village of East Aurora

The Village of East Aurora is the primary retail service center in the regional plan area. It also serves as a community center, and its retail district is an important component of the community's character. Only the hamlet in Holland plays a comparably significant role. The retail district in the Village consists of two separate concentrations with distinct characters, and a transitional mixed-use zone separating them. Much of the retail core is built-out. However, there is significant potential for the re-use of existing structures, and for some in-fill development. The area in the vicinity of the traffic circle offers greater opportunities for new development, whereas the uptown region at the eastern end of the Village is better suited for re-use and controlled redevelopment.

The challenge for the Village of East Aurora will be to maintain its unique identity, and provide a distinct retail experience that can successfully compete with large retailers on a wider regional basis. Stores like Vidler's and the Roycroft shops target a niche market and provide retail services that do not compete directly with large retailers. This effort will be facilitated by the traditional strength of the Village as a retail center, the culture of the community and the presence of the Roycroft Campus, which will help support the tourism base of the economy.

Fisher-Price and Commerce Green are stable industrial areas. Additional industrial development can be accommodated within Commerce Green, where available sites are developing privately. No additional vacant lands suitable for industrial development were identified within the Village. There are some scattered buildings housing industrial uses elsewhere in the community, primarily along the rail line and Route 16. These are in older buildings that cannot easily be adapted to meet the type of space needs typically in demand by modern commercial and/or light industrial users (single story, campus setting, adjacent parking, landscaping, etc.)

Recommendations:

- It should be a priority to support and preserve the vitality of the Main Street retail corridor in the Village.
- The Village Main Street (Uptown) business district actually consists of several distinct areas, and this differentiation should be preserved. It helps diversify retail offerings, and establish distinct areas that can target different retail niches. The Village has already taken steps, such as the zoning changes along Main Street, to achieve this goal. These efforts should be continued.
- 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).
- Any new structures along the Uptown area of Main Street should be compatible with existing businesses in size, scale and setback. Diversity of architectural style should be allowed and even

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

encouraged, as long as it is compatible with the character of the area. As noted above, however, design standards should be strictly enforced.

- Shopping in the western end of the Village is less tourism-oriented. Stores and lots tend to be somewhat larger, and new construction can be more easily accommodated in this area. While there can be more flexibility in size and scale at the west end of the Village than uptown, large, "big box" developments are not appropriate, and any new developments must be consistent in size and scale with surrounding uses.
- At the plaza in the Downtown area, any new development must be subject to careful site review, examining issues such as parking, accommodation of pedestrians and siting of buildings to minimize car-pedestrian conflicts and traffic impacts.
- All new retail development should be assessed in terms of its impact on the area surrounding the Downtown, and land use regulations (zoning) should be evaluated to discourage the allowable uses and the development of retail centers that would compete with the Uptown Main Street business district. This is also an area where cooperation with the Town is necessary and essential, because given the fact that the Village is largely built-out, the most likely location of competing retail centers would be outside the Village limits along Olean Road (Route 16) and possibly Route 20A.
- The Village must continue to work closely with the Town of Aurora to ensure that development outside the Village does not undermine redevelopment efforts in the Village. The Town and the Village need to maintain a cooperative relationship, because the Village is part of the Town and contributes to its tax base. Efforts that are detrimental to the Village ultimately are detrimental to the Town as well.
- A certain level of congestion is a sign of a healthy retail district. If not carefully controlled, however, traffic congestion can have a negative effect on the economic vitality and character of the Main Street corridor. Projects and policies designed to encourage walking and biking in the Village will help alleviate traffic congestion and parking problems. The Village has the opportunity to address this issue with the proposed streetscape improvements accompanying the upcoming NYS Department of Transportation Main Street Reconstruction project. The Village should work with the NYS Department of Transportation to ensure that this project addresses important traffic safety issues.
- More specialized solutions are needed in specific areas where congestion is significant, such as the traffic circle and the west end of Route 20A. These areas would merit transportation studies to look at traffic patterns, turning motions and possible solutions. This issue is addressed more specifically in the transportation section of this Plan.
- Along these lines, the proposed Streetscape project should be pursued to the greatest degree feasible. In addition to helping mitigate traffic conditions, this project will help support economic and tourism development in the Village.
- The Village has excellent resources for additional tourism development, but this is a two-edged sword. The Village must plan for the increase in visitation, and carefully balance new tourism-related development with the capacity of the community to accommodate it.
- In general, economic development efforts within the Village should target retail and commercial development. Industrial development efforts should focus primarily on ensuring the continued

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

5.6 Transportation Management

The major transportation routes through the regional planning area include State Routes 400 (a limited access highway), 16 and 78, and U.S. Route 20A. These roadways extent through or into portions of all five communities. Route 400 extends through Elma and Aurora. Route 400 (as well as Routes 20A and 16) is the major feature connecting this region to the rest of the County. This roadway has excess capacity and will adequately service the region for the foreseeable future.

Route 400 has four interchanges and it's southern terminus situated in the region. Only two of the four interchanges are full service; the Maple Road and Route 20A interchanges only allow travel in certain directions, forcing vehicles to seek alternative routes to reach their destinations. Neither of these interchanges have southbound entrance or northbound exit ramps. Thus vehicles, in particular trucks, must move through the Village of East Aurora, to reach southerly destinations, between the Village and Holland. More traffic is forced to utilize Olean Road (Route 16) as a result, which has precipitated the need for a left turn signal for southbound movements off of Main Street.

Much of the roadway system in the region consists of rural, two-lane roads that support local travel. These roads typically have narrow shoulders, no curbing or street lighting, and are served by roadside drainage ditches. Public transportation services in the region are minimal and represented by bus service only. The region is heavily automobile dependent. There are two designated on-street bicycle routes in the region, which are located in the Town of Aurora. Local roads, particularly in Elma and Aurora, are handling increased volumes of traffic as a result of internal and external regional growth. Route 16 through Holland is also experiencing increased traffic flow, particularly during the summer months. The problem arises as to how to address the demands on local roadways without undertaking widening or other such improvements that would negatively impact the rural character of the communities.

The NYSDOT has identified certain locations where traffic volumes and/or design deficiencies are resulting in congestion or other traffic problems. The Intersection of Clinton Street and Girdle/Schwartz Road in Elma, the Intersections of Routes 20A and 78 and Two Rod Road and 20A in Wales, the Route 400 and 16 merge in South Wales, and the area in the vicinity of the traffic circle in East Aurora, are locations that are priority locations being examined by the State.

The region is also traversed by a Norfolk Southern railroad line which runs through the Town of Elma, East Aurora and Aurora, and into Holland through the southwestern corner of Wales. This line has three active switches, one in South Wales, one in Holland and the one near Jamison Road in Elma. The railroad is an important asset to the region and provides opportunities for industrial development. It may provide long term opportunities for pedestrian/commuter travel in the future, as well.

5.6.1 Regional Recommendations

Recommendations for transportation improvements are offered on a regional basis, rather than for each individual community, because traffic and transportation issues typically are not confined to one

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

5.10.5 Village of East Aurora

The major features affecting the vision of the Village of East Aurora include the influences of the surrounding Towns, the more densely developed, urban (built out) nature of the Village, the functioning of the area as a center for regional commerce, Route 20A (Main Street) and the concentration of public services and civic/cultural land uses. These features, the community's goals and objectives (including their strong desire to protect the unique character of the Village), and environmental and regional objectives lead to the following vision components depicted on Map 26.

- Most of the Village is depicted as "Village residential", which illustrates the major residential areas in the community that will experience little or no change over the next 15 to 20 years. These areas may be different in style, layout or housing type, but they represent the overall residential stability of the community.
- Two other dominant residential areas exist in the Village and are denoted on the vision map. The area in the southeast section (estate/large lot residential) has an abundance of large lots. The low-density nature of this area should be preserved, possibly through a new zoning classification or a zoning overlay district. This would help to preserve and limit subdivision activity in this area.
- The area on Main Street, east of the Uptown business district, is noted as historic Main Street residential on the map. This area should be protected for its historic significance and as a gateway into the Village. Higher standards for redevelopment should be utilized in this area.
- The Village includes one major industrial area – the existing Fisher Price area. It is an important element of the community and should be protected.
- There are two areas in transition in the Village. The first is the office/small business district, which is along the railroad corridor, south of the Uptown business district. This area is changing into an area of small businesses and offices, with an evident lack of retail uses. An example of this is the current use of the former school building as an office building. The other transition area is the developing Commerce Green business park, which has been promoted over the years as the last vacant land area available for light industrial and office development. Both of these areas are employment centers that can help to bring people into the Village center.
- The backbone of the Village is Main Street, which extends through the center of the Village from one end to the other. This area includes four distinct districts/areas, as follows.

1. Downtown (West End) Suburban Business District

This area represents the part of the Village that includes larger, suburban-style uses such as a supermarket, shopping plaza, franchise fast food restaurants, etc. Although this area has these types of existing uses, the area (with the characteristic traffic circle) represents a gateway to the Village and should have higher design standards more in line with the character of the surrounding Village. This area abuts Commerce Green, and between this facility and the retail uses in the area, represents a major destination in the Village. The challenge will be to keep this area in the image of the Village and to draw people from this area into other parts of Main Street and the surrounding community, particularly without an over reliance on motor vehicles.

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and Village of East Aurora

- In conjunction with the other partnering communities, work with the Greater Buffalo and Niagara Regional Transportation Council to lay the groundwork for a regional transportation study.
- Work closely with the NYS Department of Transportation and the Town of Aurora to manage traffic and address problem areas on State highways through the area.
- Work with the State to design an access management strategy for the Village, which addresses issues of driveway separations and conflicts, turning movements, new traffic control devices, signal timing, etc. and also studies the area in the vicinity of the traffic circle.
- Work cooperatively with the County, State, and Greater Buffalo and Niagara Regional Transportation Council to accommodate pedestrian and bicycle access, especially in those areas identified in the Regional Comprehensive Plan.
- Work together with the other communities in promulgating and adopting best management practices (BMP's) to manage the use of lawn fertilizers, road salt, pesticides and the disposal of hazardous wastes in an effort to preserve and protect water quality.
- A regional tourism committee should be investigated and formed. This committee will look at tourism in the region and help to better coordinate the actions of the legislative boards.
- The new comprehensive plan committee (implementation committee) should meet annually with the other community's representatives to discuss implementation, issues and problems, potential revisions to the plan, and possible joint projects or agreements.

Responsibilities/Methodologies

The Village Board should take the leadership role in these actions but assign them to the Planning Commission or other appropriate Boards or Committees.

Funding/Costs

These planning activities will have minimal costs, but require a great deal of time (volunteers and boards)

Costs: \$5,000

Funding: would most probably be with local monies.

D. Other Actions

- Undertake a streetscape project for Main Street. Continue to pursue funding for this action.
- Promote walking and other non-motorized means of travel, to manage traffic and transportation issues in the Village. Compliment the planned NYS Department of Transportation improvements along Main Street by developing a bicycle travel program through the Village to accommodate bicyclists, connect neighborhoods and tie outlying streets into Main Street.

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and Village of East Aurora

Village of East Aurora

- While strongly oriented toward the automobile, the transportation system in the Village of East Aurora is more balanced. The Village has the most public transportation availability of the five communities, although it is still very limited.
- The Village also has a higher proportion of pedestrian and bicyclist traffic. This is because activity centers are close enough to support non-vehicular traffic, and the physical infrastructure (sidewalks, streets) makes it easier to walk or bike. Additional improvements to support non-vehicular travel are recommended. Traffic congestion is a problem, particularly at the western end of the Village at the traffic circle.
- GBNRTC has identified a number of on- and off-road bike routes that it supports in the Village of East Aurora. None have been fully implemented.
- There is an active rail line, which is used for commercial and freight uses. No passenger rail is available.
- The major roadway corridors in the Village are described in Section 4.6.1 and 4.6.2. Route 20A (Main Street) is the primary roadway through the Village. Routes 78 and 16 are also major routes through the Village.
- NYS Department of Transportation will be reconstructing Main Street through the Village center in the near future. This redesign will incorporate improved pedestrian facilities and traffic calming features.
- Additional development in the Town or redevelopment in the Village has the potential to adversely impact the transportation network. In particular, more intensive development may aggravate areas where traffic congestion is a problem, or result in new areas of congestion.
- More intensive development may also increase potential conflicts between automotive and non-automotive modes of transportation.

J. Impact on Growth and Character of Community or Neighborhood

Town of Aurora

- The population of the Town of Aurora outside the Village grew by about 8 percent between 1990 and 2000. Projections suggest continued growth over the next decades at a similar pace.
- The rate of residential construction in Aurora outside the Village since 1990 has been about 34 single-family units per year on average. In addition, 38 units in doubles and apartments were permitted over the past decade.
- The Town's Goals and Objectives clearly indicate support for directing growth toward the areas of Town in or adjacent to the Village, and controlling the rate of growth in areas without services, or along rural road frontages in order to protect community character.

FEAF Exhibit E

Section C.3(b)

Letter from Peter J. Sorgi, Esq. (Project Attorney) to Elizabeth Cassidy (Village Code Enforcement Officer) confirming that proposed Action is allowed by Special Use Permit



November 7, 2023

Elizabeth Cassidy
Code Enforcement Officer
Village of East Aurora
575 Oakwood Avenue
East Aurora, NY 14052

Re: McDonald's Amended Site Plan and Amended Special Use Permit Applications

Dear Liz:

Our firm represents McDonald's USA, LLC regarding its proposed reconfiguration of the drive-through facilities at its site on Ernst Place in the Village of East Aurora. This letter shall confirm our telephone conference of November 2, 2023 where you, as Village of East Aurora Code Enforcement Officer, determined that the appropriate approval process for this Project is for McDonald's USA, LLC to apply for an Amended Site Plan Approval and an Amended Special Use Permit.

Please file this letter at the Village of East Aurora Building & Code Enforcement Office and return to me the enclosed copy of this letter date stamped as filed. A self-addressed, stamped envelope is also enclosed.

Please contact me with any questions or if further information is required. Thank you.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Peter J. Sorgi, Esq.

Enc.

cc: Chris G. Trapp, Esq., East Aurora Village Attorney
Mark Meister, Esq., Senior Counsel, McDonald's Corporation
Randy Bebout, Sr. Project Manager, Land Development, Bohler

HOPKINS SORGI & MCCARTHY PLLC

Attorneys at Law

726 Main Street, Suite B • East Aurora, New York 14052

Office: 716-805-7191 • Fax: 716-427-6501 • Mobile: 716-908-3289

psorgi@hsmlegal.com

hsmlegal.com

FEAF Exhibit F

Section D.1(g)

Definition of Structure in Village Zoning Code

the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it. A basement shall be counted as a story for the purpose of height measurement, if the ceiling is more than five feet above the average adjoining ground level or if it is used for business or dwelling purposes. A half-story is a story under a sloping roof having a ceiling height of seven feet or more for not more than 1/2 the floor area of the uppermost full story in the building.

STREET — Any right-of-way for a public street or any approved private right-of-way.

STREET LINE — A line separating a lot from a street.

STRUCTURAL ALTERATIONS — Any change in the supporting members of a building or other structure, such as bearing walls, columns, beams or girders.

STRUCTURE — Anything constructed or erected which requires permanent location on the ground or attachment to something having such location, but not including a trailer.

SURFACE WATERS OF THE STATE OF NEW YORK — Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

TAVERN — An establishment where beverages, beer, wine, and/or liquor are sold to the public for consumption on the premises. Such a use shall include a minimum food preparation area and menu that satisfies the New York State Liquor Authority's minimum food requirement, where applicable. Also referred to as a bar, pub, tasting room or any establishment of similar nature.

TEMPORARY USE PERMIT — A temporary outdoor use or special event that extends beyond the normal uses and standards allowed by this chapter.

TOWNHOUSE — A multifamily dwelling containing attached or partially attached dwelling units which have individual exterior entrances and are constructed in such a manner that no dwelling unit is located above or below another dwelling unit.

USE — The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or the equivalent shall not be deemed to include any nonconforming use.

USE VARIANCE — The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

VILLAGE BOARD — The Board of Trustees of the Village of East Aurora, New York.

WATERCOURSE — A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY — A channel that directs surface runoff to a watercourse or to the public storm drain.

FEAF Exhibit G

Section E.1(a)

Existing Land Uses

(see yellow highlighted portion of attached
page 5-93 of Village Comprehensive Plan)

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

5.10.5 Village of East Aurora

The major features affecting the vision of the Village of East Aurora include the influences of the surrounding Towns, the more densely developed, urban (built out) nature of the Village, the functioning of the area as a center for regional commerce, Route 20A (Main Street) and the concentration of public services and civic/cultural land uses. These features, the community's goals and objectives (including their strong desire to protect the unique character of the Village), and environmental and regional objectives lead to the following vision components depicted on Map 26.

- Most of the Village is depicted as "Village residential", which illustrates the major residential areas in the community that will experience little or no change over the next 15 to 20 years. These areas may be different in style, layout or housing type, but they represent the overall residential stability of the community.
- Two other dominant residential areas exist in the Village and are denoted on the vision map. The area in the southeast section (estate/large lot residential) has an abundance of large lots. The low-density nature of this area should be preserved, possibly through a new zoning classification or a zoning overlay district. This would help to preserve and limit subdivision activity in this area.
- The area on Main Street, east of the Uptown business district, is noted as historic Main Street residential on the map. This area should be protected for its historic significance and as a gateway into the Village. Higher standards for redevelopment should be utilized in this area.
- The Village includes one major industrial area - the existing Fisher Price area. It is an important element of the community and should be protected.
- There are two areas in transition in the Village. The first is the office/small business district, which is along the railroad corridor, south of the Uptown business district. This area is changing into an area of small businesses and offices, with an evident lack of retail uses. An example of this is the current use of the former school building as an office building. The other transition area is the developing Commerce Green business park, which has been promoted over the years as the last vacant land area available for light industrial and office development. Both of these areas are employment centers that can help to bring people into the Village center.
- The backbone of the Village is Main Street, which extends through the center of the Village from one end to the other. This area includes four distinct districts/areas, as follows.

1. Downtown (West End) Suburban Business District

This area represents the part of the Village that includes larger, suburban-style uses such as a supermarket, shopping plaza, franchise fast food restaurants, etc. Although this area has these types of existing uses, the area (with the characteristic traffic circle) represents a gateway to the Village and should have higher design standards more in line with the character of the surrounding Village. This area abuts Commerce Green, and between this facility and the retail uses in the area, represents a major destination in the Village. The challenge will be to keep this area in the image of the Village and to draw people from this area into other parts of Main Street and the surrounding community, particularly without an over reliance on motor vehicles.

FEAF Exhibit H

Section E.2(h)(iv)

Explanation of Section E.2(h)(iv) regarding
Wetlands or Waterbodies being checked as Yes

Section E. 2(h)(i) of the FEAF asks: "Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? The NYS Department of Environmental Conservation's EAF Mapper automatically fills this answer in and answered "Yes" and per the NYS Department of Environmental Conservation, "The questions answered by the EAF Mapper on the FEAF or SEAF are not editable."¹

However, the NYS Department of Environmental Conservation's FEAF Workbook states that:

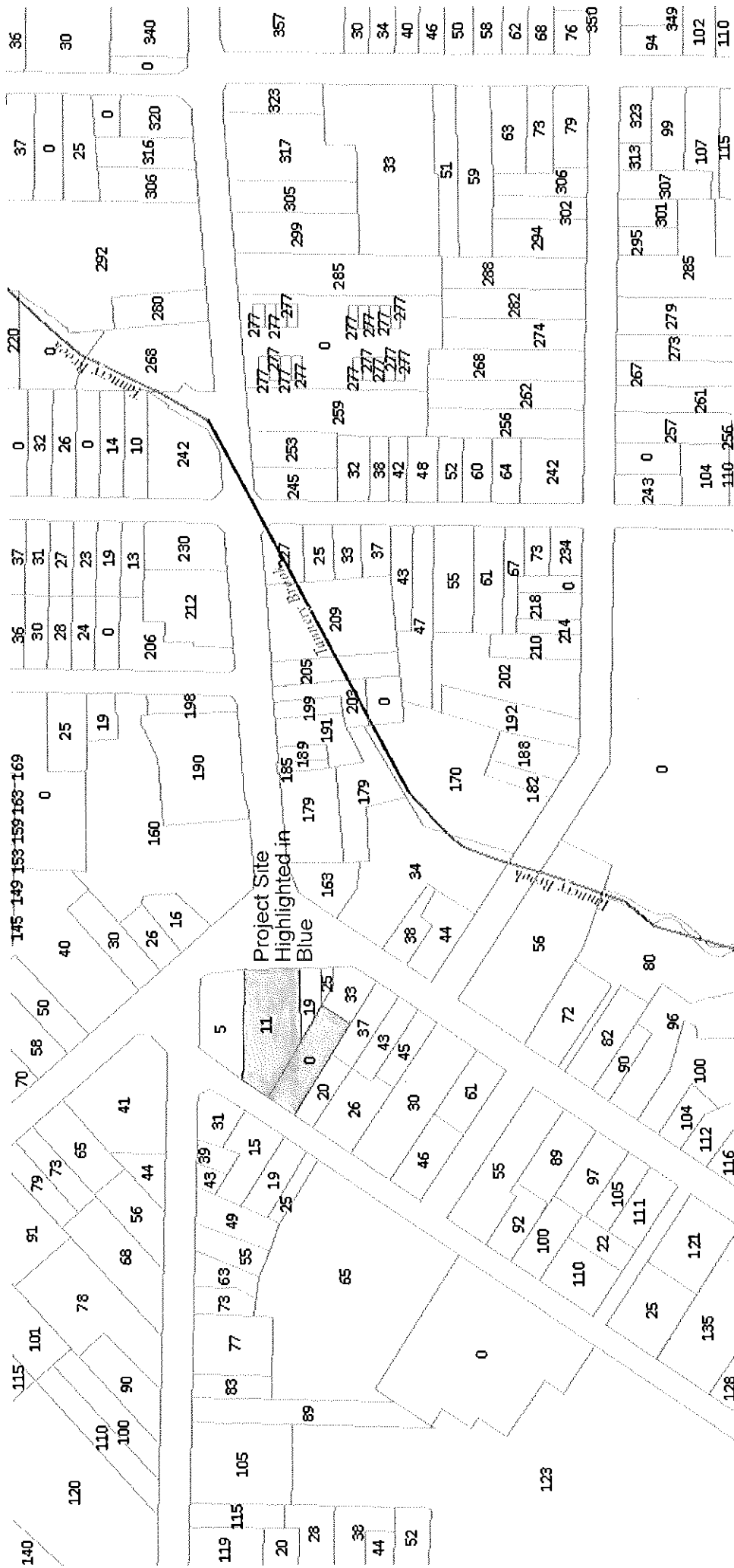
If a wetland or waterbody regulated by either the State or federal government does exist within the boundaries of the project site, or within 500' of the project site, the EAF Mapper will check "yes" on Question E.2.h.i of the PDF of the FEAF.²

Thus, while the questions asks about a "Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency," the EAF Mapper checks the box as Yes for any wetlands or waterbodies "within 500' of the project site."

As shown on the attached Map from the Erie County Internet Mapping System, there are no "wetlands or waterbodies within or adjoining the project site" however Tanney Brook is "within 500' of the project site."

¹ See www.dec.ny.gov/permits/90201.html

² See www.dec.ny.gov/permits/91670.html



FEAF Exhibit I

Section E.3(c)(ii)

Historic Building or District

Section E. 3(c)(iii) of the FEAF asks:

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?

Attached are a spreadsheet of properties in the Village of East Aurora contained on the National Register of Historic Places.¹ None of these properties are on or substantially contiguous to the Project Site.

Attached also is the Documentation of Submission to NYS Office of Parks, Recreation and Historic Preservation for Letter of No Impact regarding Historic Resources.

¹ See www.nps.gov/subjects/nationalregister/database-research.htm

National Register of Historic Places -- East Aurora, NY

Property Name	Street & Number	Category of Property
Baker Memorial Methodist Episcopal Church	345 Main St.	BUILDING
Bank of East Aurora	649 Main St.	BUILDING
Fillmore, Millard, House	24 Shearer Ave.	BUILDING
Roycroft Campus	Main and S. Grove Sts.	DISTRICT
Scheidemantel, George and Gladys, House	363 Oakwood Ave.	BUILDING
St. Matthias Episcopal Church Complex	374 Main St., 24 Maple Rd.	BUILDING

Peter Sorgi

From: Christina Sorgi
Sent: Wednesday, November 15, 2023 7:13 AM
To: Peter Sorgi
Subject: FW: NY SHPO: Initial Consultation Submission 8OWF6AU5CDUJ Received

From: New York State Parks CRIS Application <cris.web@parks.ny.gov>
Sent: Monday, November 13, 2023 3:55 PM
To: Christina Sorgi <csorgi@hsmlegal.com>
Subject: NY SHPO: Initial Consultation Submission 8OWF6AU5CDUJ Received

Initial Submission Received

The New York State Historic Preservation Office (SHPO) has received the following initial submission.

Initial Submission Token: 8OWF6AU5CDUJ

Project Type: Consultation

Project Name: McDonald's Amended Site Plan and Amended Special Use Permit

New York State Historic Preservation Office

Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189

518-237-8643 | <https://parks.ny.gov/shpo>

CRIS: <https://cris.parks.ny.gov>

Are you registered to vote? [Register to vote online today.](#) Moved recently? Update your information with the NYS Board of Elections. Not sure if you're registered to vote? [Search your voter registration status.](#)

Who sent this email?

This email is a notification from the [New York State Cultural Resource Information System \(CRIS\)](#). CRIS is an online service administered by the [New York State Division for Historic Preservation](#), also known as the New York State Historic Preservation Office (SHPO), which is a division of [New York State Parks, Recreation & Historic Preservation](#).

This message pertains to a submission for a consultation project. Please see SHPO's [Environmental Review](#) web page for more information about the consultation process.

Why did I receive this email?

The submission's contact list includes your email address.

What do I need to do?

You do not need to take any action at this time. The submission is now in SHPO's processing queue.

What will happen next?

If SHPO accepts your submission, you will receive an "Initial Submission Accepted" email notification and SHPO will begin reviewing the project. That email will include the new Project Number.

If SHPO needs more information to process your submission, you will receive an "Initial Submission Found Insufficient" email with the reviewer's comments. You may then revise the submission and resend it to SHPO.

What else can I do?

Please see the following help topics for more information about managing initial submissions in CRIS:

- [How do I check the status of my initial submission?](#)
- [View an Initial Submission](#)
- [Continue or Edit an Existing Initial Submission](#)

Where can I get help?

Please visit the CRIS Online Help System: <https://cris.parks.ny.gov/CRISHelp>

If you still have questions about CRIS, please contact CRIS Help at CRISHelp@parks.ny.gov.

For any other questions, please call SHPO at 518-237-8643.

FEAF Exhibit J

Section E.3(h)

Additional Aesthetic Resource within five miles
of Project Site

Section E.3(h) of the FEAF asks: "Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?" The NYS Department of Environmental Conservation's EAF Mapper automatically fills this answer in and answered "Yes" and per the NYS Department of Environmental Conservation, "The questions answered by the EAF Mapper on the FEAF or SEAF are not editable."¹

The EAF Mapper only indicated that Knox Farm State Park was within five miles of the Project Site, however the Mill Road Scenic Overlook is also within five miles of the Project Site.

¹ See www.dec.ny.gov/permits/90201.html



November 15, 2023

Village Board of Trustees
Village of East Aurora
585 Oakwood Avenue
East Aurora, NY 14052

Re: Application for Amended Site Plan Approval
Applicant and Property Owner: McDonald's USA, LLC

Dear Mayor Mercurio and Village Board of Trustees:

Our firm represents McDonald's USA, LLC regarding its proposed reconfiguration of the drive-through facilities at its site on Ernst Place in the Village of East Aurora.

Regarding our Application for Amended Site Plan Approval, enclosed please find:

- Exhibit 1: Executed Site Plan Application Form
- Exhibit 2: Existing Site Plan Approval from May 17, 1980
- Exhibit 3: Project Narrative prepared by Bohler (Project Engineer).
- Exhibit 4: Site Plan Drawings Prepared by Bohler and Survey prepared by McIntosh & McIntosh, P.C.
- Exhibit 5: Full Environmental Assessment Form with Exhibits A-J annexed thereto. Note that this is an Unlisted Action pursuant to the New York State Environmental Quality Review Act.

We request that this Application be placed on the Village Board of Trustees Agenda of November 20, 2023 for referral to the Planning Commission for its December 2023 Meeting.

HOPKINS SORGI & MCCARTHY PLLC

Attorneys at Law
726 Main Street, Suite B • East Aurora, New York 14052
Office: 716-805-7191 • Fax: 716-427-6501 • Mobile: 716-908-3289
psorgi@hsmlegal.com
hsmlegal.com

***Letter to East Aurora Village Board of Trustees
McDonald's Application for Amended Site Plan Approval
November 15, 2023***

Thank you for your consideration of this request and our Application. Please contact me with any questions or if further information is required. Thank you.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

A handwritten signature in black ink, appearing to read 'P Sorgi', with a stylized flourish at the end.

Peter J. Sorgi, Esq.

Enc.

cc: Mark Meister, Esq., Senior Counsel, McDonald's Corporation
Randy Bebout, Sr. Project Manager, Land Development, Bohler

Exhibit 1

Executed Site Plan Application Form

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 McDonald's Drive-Through Reconfiguration SBL#: 164.19-7-41 & 164.19-7-38
 LOCATION 11 Ernst Place & 0 Grey Street (Site commonly referred to as 17 Ernst Place) ZONING DISTRICT Village Center (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.

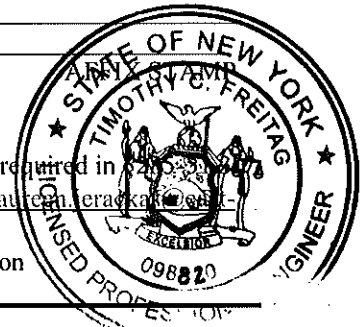
APPLICANT NAME McDonald's USA, LLC
 ADDRESS 110 N. Carpenter Street, Chicago, Illinois 60607
 TELEPHONE 630.209.1741 FAX _____ E-MAIL mark.meister@us.mcd.com
 SIGNATURE PS See attached Authorization at Exhibit A

OWNER NAME McDonald's USA, LLC
 ADDRESS 110 N. Carpenter Street, Chicago, Illinois 60607
 TELEPHONE 630.209.1741 FAX _____ E-MAIL mark.meister@us.mcd.com
 SIGNATURE PS See attached Authorization at Exhibit A

ENGINEER/ARCHITECT/LANDSCAPE ARCHITECT
 NAME Tim Freitag FIRM Bohler Engineering & Landscape Architecture NY, PLLC
 ADDRESS 17 Computer Drive West, Albany, NY 12205
 TELEPHONE 518.438.9900 FAX _____ E-MAIL tfreitag@bohler.com
 SIGNATURE [Signature]

THIS APPLICATION MUST INCLUDE THE FOLLOWING:

- Twenty (20) Sets – Cover letter to Village Board, Supporting Documents, and SEQR as required in 164.19-7-41 & 164.19-7-38
- One (1) complete file of submittal package in PDF format via email (under 10MB) to maureen.terack@villageofeastaurora.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.

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PADLOCK SECURITY ICON

Hopkins, Sorgi & McCarthy PLLC

Operating Account
726 Main Street, Suite B
East Aurora, NY 14052

Bank of Holland

50-760/223

2859

11-11-2023

PAY TO THE
ORDER OF

Village of East Aurora

\$ 125.00

One hundred twenty five + 0/100

DOLLARS

Site Plan Application Fee
MEMO McDonald's USA, LLC



PS

AUTHORIZED SIGNATURE

MP

⑈002859⑈ ⑆022307600⑆ 414⑈829 2⑈

Security features included. Details on back.

Exhibit A

AUTHORIZATION

McDonald's USA, LLC, a Delaware limited liability company,, as successor by merger (see Attached Certificates of Merger), is the record owner of 11 Ernst Place, Village of East Aurora, NY (SBL No. 164.19-7-41) and 0 Grey Street, Village of East Aurora, NY (SBL No. 164.19-7-38), with the aforesaid adjoining two parcels of real property commonly referred to as 17 Ernst Place, Village of East Aurora, NY, hereby authorizes Hopkins Sorgi & McCarthy PLLC (Project Attorney) to file any required land use approval regarding the aforementioned real property and to execute any required documentation regarding the aforementioned real property with the Village of East Aurora, along with applications for any other approvals/permits required from the East Aurora and other governmental agencies in connection with the proposed development of the aforesaid adjoining two parcels of real property commonly referred to as 17 Ernst Place, Village of East Aurora, NY, including but not limited to an Amended Site Plan Application and a Second Amended Special Use Permit Application.

McDonald's USA, LLC



Name: Mark Meister

Title: Sr. Counsel

Date: 11/13/23

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"SYSTEM CAPITAL REAL PROPERTY CORPORATION", A DELAWARE
CORPORATION,

WITH AND INTO "MCDONALD'S USA, LLC" UNDER THE NAME OF
"MCDONALD'S USA, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE ON THE TWELFTH DAY OF FEBRUARY, A.D.
2008, AT 10:21 O'CLOCK A.M.




Jeffrey W. Bullock, Secretary of State

3856323 8100M
SR# 20180054476

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 201915348
Date: 01-03-18

CERTIFICATE OF MERGER

of

SYSTEM CAPITAL REAL PROPERTY CORPORATION

into

McDONALD'S USA, LLC

February 12, 2008

Pursuant to Section 209(c) of the Limited
Liability Company Act of the State of Delaware
and Section 264(c) of the
General Corporation Law of the State of Delaware

McDONALD'S USA, LLC, a Delaware limited liability company, does hereby
certify as follows:

FIRST: The name and the state of organization of each of the constituent entities to
the merger are as follows:

<u>Name</u>	<u>State of Organization</u>
SYSTEM CAPITAL REAL PROPERTY CORPORATION	Delaware
McDONALD'S USA, LLC	Delaware

SECOND: An Agreement of Merger between the constituent entities to the merger
(the "Agreement of Merger") has been approved and executed by each of the constituent entities in
accordance with Section 209(b) of the Limited Liability Company Act of the State of Delaware and
Section 264(c) of the Delaware General Corporation Law, as applicable.

THIRD: The name of the surviving company in the merger is McDONALD'S USA,
LLC (the "Surviving Limited Liability Company").

FOURTH: The Certificate of Formation of McDONALD'S USA, LLC, at the
effective time of the merger, shall be the Certificate of Formation of the Surviving Limited Liability
Company.

FIFTH: The Agreement of Merger is on file at the principal place of business of the Surviving Limited Liability Company. The address of the principal place of business of the Surviving Limited Liability Company is One McDonald's Plaza, Oak Brook, Illinois 60523.

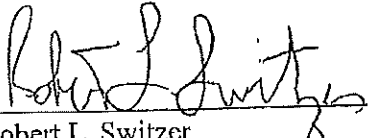
SIXTH: A copy of the Agreement of Merger will be furnished by the Surviving Limited Liability Company, on request and without cost, to any member or shareholder of either constituent entity.

SEVENTH: The merger of the constituent entities shall become effective upon the filing hereof.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, McDonald's USA, LLC has caused this Certificate of Merger to be executed by its duly authorized officer on the date first written above.

McDONALD'S USA, LLC

By: 
Robert L. Switzer
U.S. Vice President and Assistant Secretary

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ARCHLAND PROPERTY I, LLC", A DELAWARE LIMITED LIABILITY
COMPANY,

WITH AND INTO "MCDONALD'S USA, LLC" UNDER THE NAME OF
"MCDONALD'S USA, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE ON THE TWENTY-SECOND DAY OF OCTOBER,
A.D. 2019, AT 3:48 O'CLOCK P.M.




Jeffrey W. Bullock, Secretary of State

3856323 8100M
SR# 20197674913

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 203846550
Date: 10-22-19

State of Delaware
Secretary of State
Division of Corporations
Delivered 03:47 PM 10/22/2019
FILED 03:48 PM 10/22/2019
SR 20197674913 - File Number 3856323

**CERTIFICATE OF MERGER
OF
ARCHLAND PROPERTY I, LLC
(a Delaware limited liability company)
into
McDONALD'S USA, LLC
(a Delaware limited liability company)**


*Pursuant to Section 18-209 of the
Delaware Limited Liability Company Act*

McDonald's USA, LLC, a Delaware limited liability company DOES HEREBY CERTIFY
THAT:

1. McDonald's USA, LLC is a limited liability company formed under the laws of the State of Delaware (hereinafter referred to as the "Surviving LLC").
2. Archland Property I, LLC is a limited liability company formed under the laws of the State of Delaware (hereinafter referred to as the "Merging LLC").
3. The Surviving LLC and the Merging LLC have each approved and executed an agreement of merger ("Agreement of Merger") in accordance with Section 18-209 of the Delaware Limited Liability Company Act.
4. The name of the surviving business entity is McDonald's USA, LLC.
5. The executed Agreement of Merger is on file at the principal place of business of the Surviving LLC at the following address: 110 N. Carpenter Street, Chicago, IL 60607.
6. A copy of the Agreement of Merger will be furnished by the Surviving LLC, on request and without cost, to any member of the Surviving LLC or of the Merging LLC.
7. The merger of the constituent entities shall become effective upon the filing hereof.

(Signature Page Follows)

IN WITNESS WHEREOF, the surviving business entity has caused this Certificate of Merger to be signed as of October 15, 2019, by a duly authorized person, declaring that the facts stated herein are true.

MCDONALD'S USA, LLC 

By: 

Name: Mahrukh Hussain

Title: U.S. Vice President

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT

COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ARCHLAND PROPERTY II, L.P.", A DELAWARE LIMITED PARTNERSHIP,
WITH AND INTO "MCDONALD'S USA, LLC" UNDER THE NAME OF
"MCDONALD'S USA, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE ON THE TWENTY-SECOND DAY OF OCTOBER,
A.D. 2019, AT 3:50 O'CLOCK P.M.




Jeffrey W. Bullock, Secretary of State

3856323 8100M
SR# 20197675120

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 203846574
Date: 10-22-19

State of Delaware
Secretary of State
Division of Corporations
Delivered 03:47 PM 10/22/2019
FILED 03:50 PM 10/22/2019
SR 20197675120 - File Number 3856323

**CERTIFICATE OF MERGER
OF
ARCHLAND PROPERTY II, L.P.
(a Delaware limited partnership)
into
McDONALD'S USA, LLC
(a Delaware limited liability company)**


*Pursuant to Section 18-209 of the
Delaware Limited Liability Company Act*

McDonald's USA, LLC, a Delaware limited liability company DOES HEREBY CERTIFY
THAT:

1. McDonald's USA, LLC is a limited liability company formed under the laws of the State of Delaware (hereinafter referred to as the "Surviving LLC").
2. Archland Property II, L.P. is a limited partnership formed under the laws of the State of Delaware (hereinafter referred to as the "Merging LP").
3. The Surviving LLC and the Merging LP have each approved and executed an agreement of merger ("Agreement of Merger") in accordance with Section 18-209 of the Delaware Limited Liability Company Act and Section 17-211 of the Delaware Revised Uniform Limited Partnership Act, respectively.
4. The name of the surviving business entity is McDonald's USA, LLC.
5. The executed Agreement of Merger is on file at the principal place of business of the Surviving LLC at the following address: 110 N. Carpenter Street, Chicago, IL 60607.
6. A copy of the Agreement of Merger will be furnished by the Surviving LLC, on request and without cost, to any member of the Surviving LLC or to any partner of the Merging LP.
7. The merger of the constituent entities shall become effective upon the filing hereof.

(Signature Page Follows)

IN WITNESS WHEREOF, the surviving business entity has caused this Certificate of Merger to be signed as of October 15, 2019, by a duly authorized person, declaring that the facts stated herein are true.

MCDONALD'S USA, LLC 

By: 

Name: Mahrukh Hussain

Title: U.S. Vice President

Exhibit 2

Existing Site Plan Approval from May 17, 1980

Village of East Aurora

MINUTES OF THE REGULAR MEETING OF
THE BOARD OF TRUSTEES

March 17, 1980

ROLL CALL: Present - Mayor Nicoloff, Trustees Pagliaccio,
Marshall, Eyres, Norberg and Hamilton.

Absent - None

COMMENTS FROM THE FLOOR:

There being no one present wishing to speak on any non-agenda item, Mayor Nicoloff proceeded to the first item of business.

PUBLIC HEARING ON PETITION OF FRANCHISE REALTY INTERSTATE CORPORATION
(McDONALD'S) FOR REZONING OF 11 ERNST PLACE

Mayor Nicoloff read the following notice of public hearing:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing in the Board Room at the Village Hall, corner of Main and Palme Streets, East Aurora, New York, on Monday, March 17, 1980, at 8:00 o'clock P.M. (EDST) upon the Petition of Franchise Realty Interstate Corporation (McDonald's), lessee and contract vendee, and Independent Restaurants, Inc., owner of premises commonly known as 11 Ernst Place (at the Circle) in the Village of East Aurora, New York, for a change of zoning classification from the present "C" Business District zoning classification to a "C-M" General Commercial District zoning classification pursuant to Section 93-61 of the Code of the Village of East Aurora and upon the question of the adoption of a Local Law to effect such rezoning.

A copy of the development plan describing the details of the proposed replacement of the present restaurant building on the subject premises with a new McDonald's full-service and quick-service restaurant is available for inspection at the Office of the Village Clerk-Treasurer in the Village Hall, 571 Main Street, during normal business hours.

Dated: East Aurora, New York
February 25, 1980

By order of the Village Board
of Trustees of the Village of
East Aurora, New York

Roy W. Docker
Village Clerk-Treasurer

March 17, 1980
Page 2

Upon completion of the reading of the notice, Mayor Nicoloff was advised by Village Attorney, Walter Howitt, that if it was the will of the Board, that the second scheduled public hearing pertaining to a Special Use Permit for the same premises, could be held concurrently with the first hearing.

PUBLIC HEARING ON REQUEST FOR SPECIAL USE PERMIT - FOR CONSTRUCTION OF A NEW McDONALD'S FULL SERVICE AND QUICK SERVICE RESTAURANT ON PREMISES KNOWN AS 11 ERNST PLACE.

The following notice of public hearing was read by Mayor Nicoloff:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of Trustees of the Village of East Aurora, New York, will hold a public hearing in the Board Room at the Village Hall, corner of Main and Faine Streets, East Aurora, New York, on Monday, March 17, 1980, at 8:15 o'clock P.M. (EDST) upon the request of Franchise Realty Interstate Corporation (McDonald's), lessee and contract vendee, and Independent Restaurants, Inc., owner, for a special use permit for the construction of a new McDonald's full-service restaurant and quick-service restaurant on premises known as 11 Ernst Place (at the Circle) in the Village of East Aurora, New York.

PLEASE TAKE FURTHER NOTICE that this hearing is held pursuant to Article VIII (Section 93-42) of the Code of the Village of East Aurora which sets forth special provisions for uses requiring special permits.

A copy of the development plan showing the details of the proposed restaurant building and auxiliary installations submitted by the Petitioners in this matter is available for inspection in the Office of the Village Clerk-Treasurer in the Village Hall, 571 Main Street, during normal business hours.

Dated: East Aurora, New York
February 25, 1980

By order of the Village Board
of Trustees of the Village of
East Aurora, New York

Roy W. Decker
Village Clerk-Treasurer

Trustee Eyres made a motion that was seconded by Trustee Norberg and unanimously carried, that the two public hearings pertaining to 11 Ernst Place be held concurrently.

Mayor Nicoloff opened the Public portion of the two public hearings at 8:10 p.m.

March 17, 1980

Page 3

Mr. Anthony DiFilippo, III, spoke as the Attorney for the petitioner and identified by number the following exhibits for the record:

- Exhibit I - Artists rendering of proposed new Restaurant.
- Exhibit II - Survey of the premises known as 11 Ernst Place.
- Exhibit III - Development Plan.
- Exhibit IV - Front and rear elevation drawings of proposed Restaurant.
- Exhibit V - Side elevation drawing of proposed Restaurant.
- Exhibit VI - Landscape Plan.
- Exhibit VII - Traffic survey prepared by Champagne Associates.
- Exhibit VIII - Five pamphlets entitled:
 - (1) Citizen McDonald's
 - (2) McDonald's A Community Asset
 - (3) A Nutritional Look at McDonald's
 - (4) McDonald's Response to the Energy Challenge.
 - (5) Some Environmental Information about McDonald's Polystyrene Packaging.

Mr. DiFilippo noted that all exhibits had been filed in the Village Clerk's Office. Attorney DiFilippo introduced the following gentlemen noting that they would be available to answer any questions that may arise: Mr. Daniel E. Kiley - Real Estate Manager.

Mr. Ray Nielson - Senior Construction Engineer

Mr. W. Dean Howland - Professional Engineer.

Mr. DiFilippo read into the record, the following resume of Mr. Howland.

RESUME

W. DEANE HOWLAND, P.E.

Mr. Howland began his career in highway engineering in 1957 with the California Department of Transportation where he obtained experience in route planning, highway design, surveying, construction inspection and traffic operations. He began his professional career in 1967 with the California Department of Transportation as an Assistant Highway Engineer in the Traffic Operations Unit where he supervised and worked in the collection of traffic operations data, design of traffic operation improvements including intersections and traffic signals, and analysis of high accident locations.

In 1972 Mr. Howland was promoted to the position of Associate Transportation Engineer with the California Department of Transportation where he supervised a new section of the Traffic Engineering Department entitled Accident Surveillance, Inventory and Analysis. Mr. Howland developed the idea for this new section because he felt a need for the development of expertise in this area, since the transportation district in the vicinity of San Francisco had about 10,000 state highway accidents each year. While involved with this section, he developed a thirty million dollar guardrail program, conducted wrong-way studies at freeway off-ramps and aided State of California attorneys in the preparation of accident cases.

In 1975 Mr. Howland became a City Traffic Engineer with the California Department of Transportation where he provided traffic engineering services to 21 small communities. He conducted investigations and trained local personnel in the use of basic traffic engineering fundamentals.

In 1976 while performing the duties of City Traffic Engineer, Mr. Howland became a registered professional engineer in the State of California. Later that same year, after years of part time study, he received a BS degree in Engineering from San Francisco State University.

Late in 1976, Mr. Howland moved to New York State where he became the Traffic Engineer for Cohoes, Watervliet, Green Island and Menands. During this time, he worked on signal upgrading projects, the pavement parking demonstration program, the Safer Off-System Program, accident surveillance systems, studies at locations of high accident concentrations and trip generation studies.

In 1977 Mr. Howland was employed with Albany County where he provided the same services to the communities above and in addition, to the City of Albany, the Town of Colonie and the Albany County Highway Department.

March 17, 1980
Page 4

Mr. Howland joined Champagne, Associates in 1978 as Project Engineer in charge of the evaluation of the traffic impact of small and large traffic generators on surrounding roadway and street systems, and has been involved in the design of traffic signals and other traffic control devices. He has provided expert testimony before municipal boards and in court. Mr. Howland became a Registered Professional Engineer in New York in 1979 and became Partner in Champagne Associates.

Mr. Howland is an associate member of the Institute of Transportation Engineers.

Mr. DiFilippo then invited any questions.

Mr. Jack Keller, Chairman of the Planning Commission introduced himself and stated he would like to read the report of the Planning Commission.

March 14, 1980.

To: The Honorable Mayor Walter Nicoloff
and Members of the
Village Board of Trustees

From: Village of East Aurora Planning Commission

RE: Petition to rezone 11 Ernst Place from "C" to "C.M." and to grant a special use permit to operate a McDonalds Restaurant with a drive thru order/pickup window service.

The Planning Commission has spent some seven hours in three meetings reviewing the petition and development plan cited above. Carlton Colby, Village Building Inspector and Joe Latona, Village Consulting Engineer have been most helpful in explaining the many regulations and the technical data submitted. Tony DiFilippo, legal counsel for the petitioners, has participated in all deliberations and the petitioners attended our special meeting held on Wednesday, February 27, 1980. As expected, discussion has been forthright and spirited. The Planning Commission is prepared to discuss each and every element of the petition with the Board and/or the general public. This can be done at your pleasure anytime prior to, or during, the public hearing on Monday, March 17, 1980.

Having disposed of all necessary detail, our review ultimately focused on three elements we believe to be of primary concern to all residents.

One: The present appearance of the property.

Two: Storm water management.

Three: Traffic flow and regulation in the circle area.

We believe it is apparent to all that a well managed, well maintained, business on the property would be preferable to that which has been a Community eyesore for several years. The petitioners have a well deserved reputation for successful business operation. The development plan shows careful attention to detail with quality materials and innovative concepts applied to solve particular site problems. For example; green belt areas are designed to regulate traffic flow on the property and to serve as eye-pleasing, natural screens.

At present there is no storm water collection system on the property. Most water flows, uncontrolled, down the drive, into the traffic circle and around to the Eastern culvert.

The proposed plan will capture all building roof run-off and one-half to perhaps two-thirds of the paved area run-off in a new catch basin which will be piped to the Grey Street storm sewer. Because of relative pipe elevations, it is not practical to construct a catch basin on the forward part of the property. However, the front green belts will slow down and channelize the remaining flow. Storm water management will replace the present uncontrolled situation.

Traffic flow and regulation in the circle area is by far the most difficult element to assess. The petitioners have submitted a professional traffic study by Champagne Associates of Troy, New York. New York State traffic counts made during 1977 and 1978 provide the data base for their conclusion that only a two percent (2%) traffic increase at the circle is anticipated. Champagne Associates state the McDonald peak traffic flow will be between 12:00 and 1:00 P.M., whereas Main Street traffic normally peaks between 4:00 and 5:00 P.M.

The Village Safety Committee report of February 26, 1980, faithfully records the traffic and pedestrian problems in the area. The Safety Committee recommends that the front driveway be moved southerly on the circle to smooth out traffic flow. Some Members of the Planning Commission disagree with this suggestion. Site and layout problems limit the petitioners ability to move the building on the property if they be required to comply with the Safety Committee's recommendation.

An August 1966 Safety Committee report catalogs the same circle area traffic problems we are reviewing today. In fairness, the Commission does not feel this petition should be jeopardized for current traffic congestion when no apparent action has been taken by the Village in the past fourteen (14) years.

Until positive, direct action is taken by some Agency, the problems will continue to intensify. Therefore, the Planning Commission has appointed a three (3) man Traffic Committee, chaired by Don Wheelock, to bring together all the studies, the people, and the resources necessary, to draft a comprehensive traffic plan for Village Trustee review. Intelligent planning, proper traffic control devices and determination are needed to resolve the circle traffic dilemma.

Returning to the petition, the Planning Commission finds that:

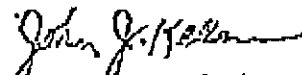
1. Adjacent properties are Zoned "C.M." and "C".
2. The intended use of the property conforms with previous use and is in general harmony with the 1958 Master Plan.
3. Appearance of the property will be enhanced.
4. Storm water drainage will be better controlled.
5. The "offset" curb cuts and on-premise traffic control devices will discourage "short-cut" traffic.
6. The Restaurant will provide several "entry level" job opportunities for area residents.
7. The drive-thru window will be a convenience for customers on short time.
8. Traffic flow will not be significantly affected.
9. Per S.E.Q.R. Legislation - impact on environment will not be significant. Assessment forms have been received and evaluated by the Commission.

In conclusion, by a vote of six (6) in favor, none opposed, the Village of East Aurora Planning Commission recommends approval of the petition to rezone 11 Ernst Place from "C" to "C.M." and the granting of a special use permit to operate a McDonald's Restaurant with a drive-thru order/pick-up window.

This recommendation is conditional until a representative landscape plan shall be filed with the petition and development plan.

Finally, the petitioners should be reminded that any signs shown on the development plans are considered as illustrative only. The Village has a separate Sign Ordinance and established application procedures.

Respectfully submitted,


John J. Keller, Chairman,
Village of East Aurora,
Planning Commission.

Mr. Keller noted acceptance of the Landscape plan and rescinded the conditional approval as noted in the Planning Commission report.

Village Attorney, Howitt, noted for the record that proof of ownership of the premises by Independent Restaurants, Inc., has been established by deed recorded in the Erie County Clerk's Office.

Building Inspector, Colby, stated in reviewing the Development Plan, in the future, problems could be avoided if any changes made to the plan were initialed and dated.

Mr. Al Smith of 29 Hamlin Avenue, stated it may be useful if someone briefly explained the "C" and "CM" Zoning districts and why the need for rezoning.

Village Attorney Howitt offered the following explanation. "C" Zone is business district and "CM" is commercial. The Commercial district is less restrictive than the Business district. Full-service Restaurants are a use first permitted, with a special permit, in the Business district. The subject property is zoned "C". If this were to be a full-service Restaurant with no drive-in window, it would be a permitted use with a special permit from the Board. Drive-in Restaurants are a use first permitted in the "CM" district. In order to have the combination of full-service and fast-service or drive-in Restaurant in this location the property must be zoned Commercial- "C.M." Any use permitted in the business "C" district can be conducted in the commercial "CM" district.

Building Inspector Colby added that in the "C" district, business has to be conducted completely within the structure, but in the "CM" district, activities are allowed outside the building. He also noted that "CM" is a higher traffic generating enterprise than is normally found in the "C" district.

Mr. DiFilippo stated for the record that the only body that the petitioners had been requested to appear before was the Planning Commission and that a copy of the traffic survey had been presented to the Safety Committee but they had already concluded their investigation at that time.

There being no one else wishing to speak, Mayor Nicoloff closed the public section of the hearing at 8:31 p.m. and referred the matter to the Board of Trustees.

In answer to Trustee Marshall's question regarding whether alternate access to the property was considered, Mr. W. Dean Howland stated that they had not considered any alternates. Using the development plan drawing he explained the reasons he felt the proposed access was the most advisable.

After some discussion, Mr. Keller, Planning Commission Chairman, stated that his group had "kicked around" the traffic problem at the Circle and had come to the conclusion that the proposed access to the premises was the most desirable at the present time. He noted, however, that after the Planning Commission Traffic Committee has had time to do a comprehensive study they may come back to the Board with other recommendations regarding traffic flow in the Circle area.

Trustee Pagliaccio asked how germane the drive-in window is to the operation. Mr. Kiley answered by stating that approximately one-third of the business is take-out. The special service window is specifically designed for that part of the business. It provides customer convenience, speeds service, makes for a better internal traffic flow and relieves congestion in the parking area because take-out customers do not have to park.

When asked about trash Mr. Kiley stated the company policy was to police an area one to two blocks around the Restaurant, or anywhere in the Village where there is a litter problem attributable to their operation.

After a period of discussion amongst the Trustees, Trustee Hamilton moved that the ten findings as suggested by the Staff be accepted. The motion was seconded by Trustee Eyres. It was noted that the Staff submitted no negative findings. During the discussion period covering the findings, Village Attorney Howitt suggested that the Board amend the development plan by having the petitioner endorse the development plan stating that the signs as shown on the plan are illustrative only. In order to move on this Trustee Hamilton withdrew his motion regarding findings and Trustee Eyres withdrew his second.

Trustee Hamilton moved that the petitioner amend the development plan in regard to signs and endorse the development plan to indicate that the signs as shown on the development plan are for illustration only and actual signs proposed by the petitioner will be subject to the sign ordinance of the Village of East Aurora.

After a discussion, the motion was amended by Trustee Hamilton to read, that the development plan be amended to show that the signs proposed by the petitioner, such signs being all those items under Chapter 77 of the Code of the Village of East Aurora, be indicated as being for illustration only and the actual signs be subject to the ordinance. The motion was seconded by Trustee Eyres and passed with no negative votes.

Trustee Hamilton made a motion that the ten findings regarding rezoning, as suggested by the Staff, be adopted contingent upon the petitioner amending the development plan as stated in the previous motion. He further moved that addition to or deletion from the findings be accomplished by amending the resolution. The motion was seconded by Trustee Eyres and was opened to discussion.

Trustee Hamilton moved to amend the motion by adding finding number 11 which would read as follows:

The Public Hearing was held on the matter and there were no objections voiced during the public portion of the Public Hearing.

The motion was seconded by Trustee Pagliaccio and was passed with one (1) negative vote cast by Mayor Nicoloff.

Trustee Hamilton moved to amend the motion by adding finding number 12 which would read as follows:

The material was sent to the Erie County Department of Planning as required and was returned with no recommendation.

The motion was seconded by Trustee Marshall and passed unanimously.

Trustee Hamilton moved to amend finding number 6 by adding:

By a vote of 6 to 0.

The motion was seconded by Trustee Eyres and passed with no negative votes.

There being no further additions, deletions or discussion, the motion was put to a vote and passed with Mayor Nicoloff casting a negative vote.

The findings as amended and added to are as follows:

FINDINGS RE: McDONALD'S
REZONING

1. Independent Restaurants, Inc. is the owner of the subject premises by deed recorded in the Erie County Clerk's Office. (Liber 881 Page 563)
2. The subject premises is immediately adjacent to the southerly portion of present CM zoning district.
3. The development plan filed with the petition for rezoning shows a proposed use for a drive-in restaurant, a use first permitted in a CM zoning district.
4. The subject premises have been used continuously for a restaurant for upwards of 35 years.

5. The proposed combined use as a full service and drive-in restaurant is permitted in a CM zoning district.
6. The petition and development plan has been referred to the Planning Commission according to local law, and has been approved by the Planning Commission by a vote of 6 to 0.
7. The proposed rezoning is provisional, based on the development plan which must be approved by the Village Board of Trustees.
8. The development plan as submitted with this petition consists of:

- #1 Legal description of premises - "Schedule A" of Petition
- #2 Boundary and Topographic Survey for McDonald's, Ernst Place, Village of East Aurora, New York
Prepared by Hoffmann Engineer and Surveyors
88 New Turnpike Road, Troy, New York 12182
Dated: Nov. 9, 1979 by Lewis S. Horton
- #3 Site plan, with general notes of specifications
McDonald's, Ernst Place, East Aurora, New York
Drawing #8039, Dated 1-7-80 by G. Stevens
- #4 One sheet - Elevation Drawing, front and rear #A4
One sheet - Elevation Drawing, left side and right side #A5
Drawn for McDonald's Corporation, McDonald's Plaza
Oak Brook, Illinois 60521
Job# Class - C Slab R-14
Dated 10-9-78 Revised 1-16-80
- #5 Landscape detail and specification, McDonald's,
Ernst Place, East Aurora, New York
Dated Feb. 22, 1980 by Patrick C. Vuillaume
Revised 3-5-80 Landscape Architect
38 Gail Ave.
Albany, New York

which complied with the requirements of the zoning law of the Village of East Aurora as to setbacks and parking.

9. The signs as shown on the development plan are considered illustrations and actual signs proposed by the petitioner will be subject to the sign ordinance of the Village of East Aurora.
 10. The development plan as described in finding number 8 is approved by the Village Board of Trustees of the Village of East Aurora.
 11. The Public Hearing was held on the matter and there were no objections voiced during the public portion of the Public Hearing.
 12. The material was sent to the Erie County Department of Planning as required and was returned with no recommendation.
- Trustee Eyres moved to adopt Local Law No. 1-1980.

LOCAL LAW NO. 1 - 1980

A LOCAL LAW TO AMEND CHAPTER 93 OF THE CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, ENTITLED "ZONING" AND TO AMEND THE ZONING MAP OF THE VILLAGE OF EAST AURORA TO CHANGE THE ZONING CLASSIFICATION OF PREMISES AT 11 ERNST PLACE FROM THE "C" - BUSINESS DISTRICT ZONING CLASSIFICATION TO THE "C-M" - GENERAL COMMERCIAL DISTRICT ZONING CLASSIFICATION PURSUANT TO SECTION 93-61 OF THE CODE OF THE VILLAGE OF EAST AURORA

BE IT ENACTED by the Village Board of Trustees of the Village of East

Aurora, New York, as follows:

1. Chapter 93 of the Code of the Village of East Aurora, New York, entitled "Zoning" is hereby amended to include the following described premises as part of the C-M - General Commercial District of the Village of East Aurora:

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of East Aurora, Town of Aurora, County of Erie and State of New York, being part of Lot 31 of said Town, bounded and described as follows:

BEGINNING AT A POINT set in the East line of Grey Street; said Point of Beginning being further located, South forty seven degrees fifty nine minutes fifty eight seconds West (S. 47° 59' 58" W.), one hundred nine point zero eight feet (109.08') from the point of intersection formed by the South line of Knox Road and the aforesaid East line of Grey Street; said Point of Beginning being further the Southwest corner of the Lands Now or Formerly of Stenzel; thence proceeding in a Southerly direction and along the aforesaid East line of Grey Street, South forty seven degrees fifty nine minutes fifty eight seconds West (S. 47° 59' 58" W.), one hundred thirty one point zero six feet (131.06') to a point; thence in an Easterly direction and along the North lines of the Lands Now or Formerly of Grundel and the Lands Now or Formerly of Fuller, South forty three degrees thirty three minutes eighteen seconds East (S. 43° 33' 18" E.), two hundred fourteen point ten feet (214.10') to a point; thence in a Northerly direction and along the West line of the Lands Now or Formerly of Damon, North fifty two degrees forty two minutes fifty three seconds East (N. 52° 42' 53" E.), seventy two point zero feet (72.00') to a point; thence in a Westerly direction and along the South line of the aforesaid Lands Now or Formerly of Damon, North forty four degrees twenty two minutes nineteen seconds West (N. 44° 22' 19" W.), seventy eight point fifty one feet (78.51') to a point; thence in an Easterly direction and along the North line of the aforesaid Lands Now or Formerly of Damon, South seventy seven degrees twenty nine minutes zero two seconds East (S. 77° 29' 02" E.), one hundred fifty one point twenty feet (151.20') to a point; thence in a Northerly direction and along the West line of Ernst Place, North thirteen degrees thirty nine minutes fifty eight seconds East (N. 13° 39' 58" E.), one hundred sixteen point forty five feet (116.45') to a point; thence in a Westerly direction and along the South line of the Lands Now or Formerly of Faulring and the aforesaid Lands Now or Formerly of Stenzel, North seventy four degrees thirty five minutes thirty two seconds West (N. 74° 35' 32" W.), two hundred thirty six point twelve feet (236.12') to a point set in the aforesaid East line of Grey Street, said point being the Point of Beginning; being a parcel of land irregular in shape and bounded on the West by Grey Street; on the South by the Lands Now or Formerly of Grundel and the Lands Now or Formerly of Fuller; on the East by the Lands Now or Formerly of Damon and Ernst Place and on the North by the Lands Now or Formerly of Faulring and the Lands Now or Formerly of Stenzel; containing in all 43,664 square feet, or 0.989 acres.

2. The zoning classification of the premises described in paragraph 1. of this Local Law is hereby changed from the C - Business District zoning classification to the C-M - General Commercial District zoning classification.

March 17, 1980
Page 10

3. The "Zoning Map of the Village of East Aurora", which is a part of Chapter 93 of the Code of the Village of East Aurora is hereby amended to include the premises described in paragraph 1. of this Local Law in the C-M - General Commercial District of the Village of East Aurora.

4. This Local Law is a provisional amendment of the Zoning Law and the Zoning Map of the Village of East Aurora and is limited to the uses shown on the development plan filed with the Village of East Aurora and approved by the Village Board of Trustees of the Village of East Aurora pursuant to Section 93-51 of the Code of the Village of East Aurora.

5. This Local Law shall take effect immediately.

BY ORDER OF THE VILLAGE BOARD
OF TRUSTEES OF THE VILLAGE OF
EAST AURORA, NEW YORK

Roy W. Deker
Acting Village Clerk-Treasurer

The motion was seconded by Trustee Pagliaccio and duly carried.

Trustee Marshall moved that the following 14 findings be adopted. The motion was seconded by Trustee Hamilton and passed.

FINDINGS RE:
MCDONALD'S SPECIAL USE PERMIT

1. The proposed restaurant use of premises at 11 Ernst Place will have no adverse effect on the general welfare, health and safety of the residents of the Village of East Aurora.
2. Information submitted by the petitioner on the traffic survey by Champagne Associates indicates that traffic will not be significantly increased by the proposed use of the subject premises for a combined full-service and quick-service restaurant.
3. Fire Control should be more effective because the design of the proposed structure will permit access on all sides.
4. It can be assumed from other restaurant locations in similar sized communities in information submitted by the petitioner, that peak traffic hours at the proposed restaurant will not coincide with existing traffic peaks and the addition of a McDonald's Restaurant will not result in any measured impact on the traffic volume in the immediate area.
5. The subject premises have been used continuously for a restaurant for upwards of 35 years and has had a similar type operation (quick service) for the last 13 years.
6. There appears to be adequate provision for snow removal with a special area for piling snow not currently provided with existing facility.
7. The proposed restaurant use should result in no anticipated greater noise level than currently exists. The noise level in the subject area will not be increased by use as a full-service and drive-in restaurant.

8. A policy commitment from the petitioner (McDonald's) states that their employees will physically police an area two blocks in all directions from their restaurant, picking up any materials that may have come from their facility, thus avoiding and minimizing visual pollution in the area.
9. The development plan filed by the petitioner calls for extensive landscaping which will improve the general appearance of the area.
10. The development plan filed by the petitioners indicates a refuse enclosure which will guard against visual pollution.
11. The general neighborhood is commercial and will not be altered by the addition of the proposed restaurant.
12. After study by the Planning Commission, no significant impact on the environment will occur.
13. No objections were received from the owners of properties within 500 feet of the property for which the special permit is requested.
14. There were no objections from the public at the Public Hearing.

Trustee Hamilton made a motion based on the findings of the Board that the request of Franchise Realty Interstate Corporation (McDonald's) for a special use permit for the construction of a new McDonald's full-service and quick service Restaurant on premises known as 11 Ernst Place be granted. The motion was carried after a second by Trustee Eyres.

CONTINUATION OF PUBLIC HEARING ON DEVELOPMENT PLAN
PROPOSED BY FISHER-PRICE FOR 144 SPACE PARKING LOT.

The Public Hearing recessed at the March 3, 1980 meeting of the Board of Trustees was reopened by Mayor Nicoloff at 10:05 p.m.

Planning Commission Chairman, Jack Keller, read the following report from the Planning Commission:

March 13, 1980.

To: Honorable Mayor, Walter Nicoloff
and Members of the
Village Board of Trustees

From: Village of East Aurora Planning Commission

Re: Fisher-Price Parking Lot petition.

At its regular meeting, held Wednesday, March 12, 1980, the Planning Commission reviewed a modified development plan submitted by Fisher-Price relative to their petition to construct a paved, 144 space parking lot on the Southwest corner of Riley Street and Girard Avenue. With one exception, the revised plan is identical to the first plan filed.

All references to expansion to accommodate 250 cars have been removed. The petitioner requests permission to construct a 144 space parking lot on their property Zoned "M.P."

A letter from Village Consulting Engineer, Joe Latona, discussing storm water run off was read and his data reviewed by the Commission.

Mr. Latona indicates more than half the paved area will be drained into a catch basin and piped into the storm water system on Riley Street. Another portion of the run off will flow underground and Northward in prevailing patterns and contours. No given water drainage problem is apparent.

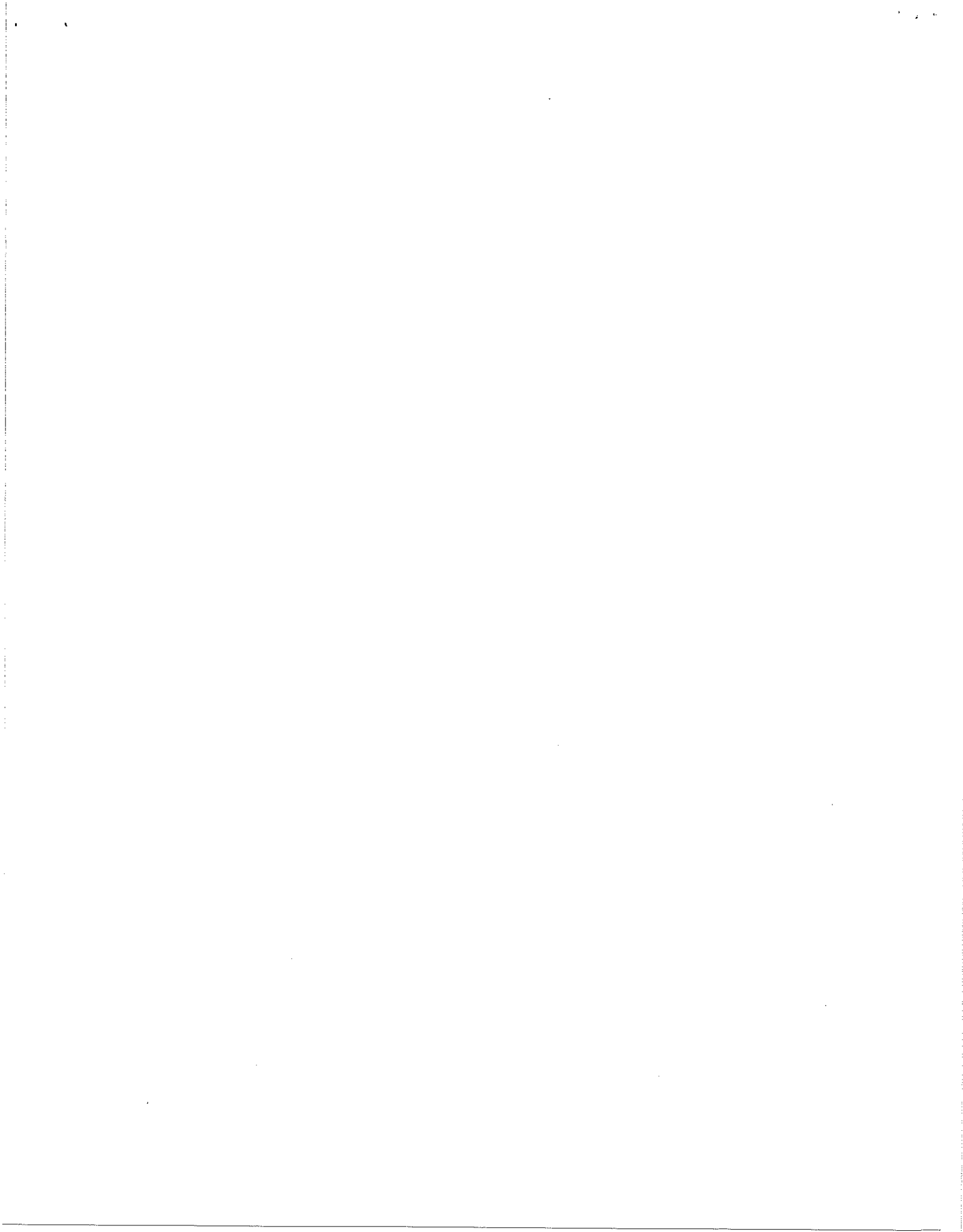


Exhibit 3

Project Narrative prepared by Bohler (Project Engineer). Note that number of employees, maximum seat capacity and hours of operation are not being changed as part of this Project.



17 Computer Drive West
Albany, NY 12205
518.438.9900

70 Linden Oaks, Third Floor
Rochester, NY 14625
585.866.1100

**Project Narrative
McDonald's Restaurant
Proposed Drive-thru Addition
17 Ernst Place
Village of East Aurora, Erie County, NY
November 14, 2023**

Introduction:

The applicant, McDonald's USA, LLC is proposing to add a second drive-thru lane to their existing restaurant at 17 Ernst Place to provide side-by-side ordering capabilities, which allows for increased on-site stacking and ordering efficiencies, which ultimately leads to improved customer satisfaction and substantially reduces vehicular congestion on site thereby substantially reducing the likelihood of the line of customer vehicles in the drive-thru area being in the on-site parking area and the public roads used to access the Site. This belief is supported by McDonald's as follows:

The proportion of customers utilizing the drive-thru as opposed to the dining room has increased over the last decade; and this trend is only expected to continue due to the Covid19 pandemic. Further, ordering has become cumbersome as a result of McDonald's expanded menu (e.g., McCafe beverages) offerings. By taking 2 menu orders at the same time, McDonald's can serve its existing customer base more efficiently while also handling larger orders.

McDonald's has invested years of research into carefully designing the side-by-side drive-thru and has developed several prototypical layouts that specify the radii, dimensions and positions of all drive-thru equipment. These layouts are standard nationwide. McDonald's design consultants select a prototype layout that is compatible with the configuration of the property. The layout ensures that customers ordering at the two menu boards have a clear line of sight to one another and the surrounding environment.

Upon completing their order, customers slowly advance to the merge point, located between the menu boards and the payment window. The customers have ample opportunity to view the second lane before proceeding to the payment window. In most

cases, this will be an alternating pattern, but more than one vehicle can be processed at one menu board, while a large order is taken at the other menu board.

Existing Conditions:

Currently, there is a single drive thru lane\ordering point with an existing digital pre-browse board and existing digital menu board, which are located on the south side of the existing dumpster enclosure. The current position allows for adequate on-site stacking from Ernst Place but does not provide an adequate distance from the "cash window" and "pick-up window" to allow proper timing for the orders to be processed.

Proposed Project

The proposed modifications will consist of reconfiguring the existing drive-thru lane to have side-by-side (SBS) ordering which will consist of one single lane (same as today) at the drive-thru lane entrance, which then will merge into two side-by-side lanes with a raised curbed island in between the two lanes, which then merges back into a single lane as the customer head toward the "cash window". The primary (inner lane) order point canopy will be located 100 ft. from the cash window. This distance is the preferred dimension by McDonald's to allow adequate time for an order to be processed before the customer reaches the "pick-up" window. With the addition of the SBS drive thru, it adds approx. 3 additional on-site vehicle stacking spaces. In addition, with the SBS operation, orders will be generally processed in a more efficient manner given the ability to take multiple orders at the same time. It's our understanding that at times the drive thru lane que will back up to the entrance on Ernst Place, which the proposed improvements should help minimize those occurrences.

Off-street parking

Currently, there are (56) parking spaces. With the proposed modifications, there will be a reduction of parking of (1) space, for an adjusted total of (55) parking spaces. The one space is being removed from the row of parking along Grey Street to provide a larger turning radius into the site for delivery trucks.

Site access and on-site circulation

Currently, there are two access drives into the site, one on Ernst Place and one on Grey Street. There are no proposed modifications to these access drives. On-site circulation will remain the same as it currently operates today with the exception of the addition of a sign at the Grey Street entrance that directs patrons wanting to enter the drive-thru to use the Ernst Place access. The reason for this is to discourage vehicles from entering the site from Grey Street, going against the flow of traffic and then having to a 180 degree turn to enter the drive-thru

lane. In addition to the sign on Grey Street, "Do Not Enter" signs and pavement striping have been added to further discourage this movement.

Site Lighting & Landscaping

With the proposed modifications, there is an existing light pole behind the dumpster enclosure that will be relocated a few feet to allow for the new drive-thru curbing. The slight relocation will not have any impact on site lighting levels.

With the proposed modifications, the existing landscaping behind the dumpster enclosure will be removed and replaced with new plantings in addition to new plantings in the drive-thru island between the two drive thru lands, as depicted on the Site & Landscape Plan.

Stormwater Management

With the proposed modifications, there will be no net increase in impervious area and therefore no increase in stormwater runoff, so no stormwater mitigation is proposed or required.

Schedule

The intent would be to start construction in the Spring\Summer of 2024 after all the necessary municipal approvals have been obtained. The approximate duration of construction is 4-5 weeks.

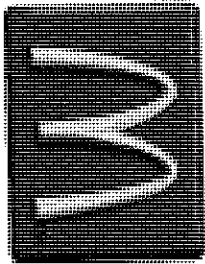
No Change to Number of Employees, Maximum Seat Capacity and Hours of Operation

The number of employees, maximum seat capacity and hours of operation are not being changed as part of this Project.

Exhibit 4

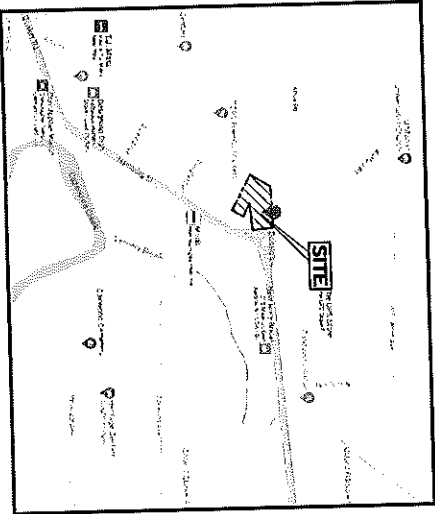
Site Plan Drawings Prepared by Bohler and
Survey prepared by McIntosh & McIntosh, P.C.

FOR:
PROPOSED

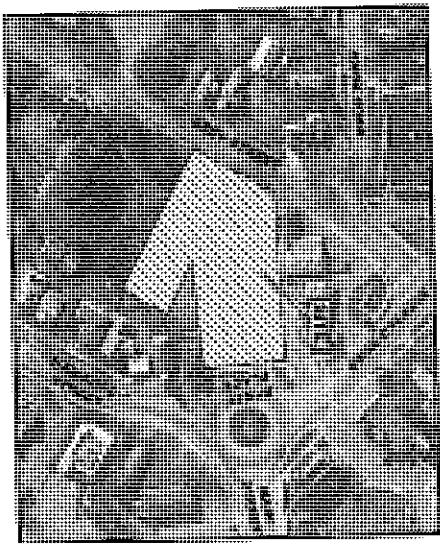


17 ERNST PLACE
VILLAGE OF EAST AURORA, ERIE COUNTY,
STATE OF NEW YORK
TAX MAP NUMBER: 164.19-7-41

TAX MAP NUMBER: 164.19-7-41



 **LOCATION MAP**
(NOT TO SCALE)
SOURCE: GOOGLE MAPS



SITE AERIAL MAP
(1" = 30')


SHEET TITLE	SHEET #
COVER SHEET	C-1
GENERAL NOTES SHEET	C-2
RELOCATION & EROSION CONTROL PLAN	C-3
WET AND DRAINAGE PLAN	C-4
GRADING & LOT/LOT PLAN	C-5
DRIVE/THRU LOT/LOT PLAN AND INCLUDED	C-6
CONSTRUCTION DETAIL SHEET - 1	C-7
CONSTRUCTION DETAIL SHEET - 2	C-8
STANDARD & TYPED/NOTED SHEET (BY OTHERS)	C-9

SHEET INDEX

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B/E, E/M, AND CONSULTING ENGINEERING
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PAINTING SERVICES
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Bohler Engineering, Inc.
1000 West 14th Street
Rochester, NY 14615
Phone: (585) 586-1100
Fax: (585) 586-1101
www.bohlerengineering.com

TAKENORD, 4/14/01	
PRELIMINARY PLANS	
PLAN SCALE: AS NOTED	
GUESTS' ROOMS 17 BRINN'S PLACE	
TOWN	STATE
EAST AUBURA	NY
COUNTY	
ERIE	

REGIONAL DOWD, NO I.C.#031-0748	PLAN DESCRIPTION COVER SHEET
------------------------------------	--

STATUS	DATE	BY
PRELIMINARY	11/22/01	WAG
PLAN CHECKED	11/22/01	BLD
APPROVED	10/01	10000



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STANFORD FIELD OFFICE

805 EAST MAIN STREET




FINAL PLAN SIGNATURES	KEY	DATE	DESCRIPTION	BY	ISSUE PER
P.M.	1				
O.C.					
O.O.					



ALL EXISTING FEATURES THAT ARE NOT LABELED "TBR" (TO BE REMOVED) ARE TO REMAIN. GENERAL CONTRACTOR TO PROTECT EXISTING FEATURES TO REMAIN AND NOTIFY DESIGN ENGINEERS OF ANY DISCREPANCIES.

**G.C. TO USE CAUTION AROUND
EXISTING UTILITIES TO REMAIN, G.C.
TO FIELD LOCATE/VERIFY AND
PROTECT DURING CONSTRUCTION**

LEGEND

	-LAYER OF ASPHALT PAVEMENT TO BE REMOVED
	-LAYER OF CONCRETE PAVEMENT TO BE REPLACED
	-GRADE ADJUSTMENT TO BE REQUESTED

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THIRD FLOOR
ROCHESTER, NY 14626
Phone: (585) 806-1100
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LC #037-0748

**DEMOLITION
AND EROSION
CONTROL PLANS**

C-3
3 OF 2

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ADDRESS	675 EAST MAIN STREET STANFORD, CT 06301

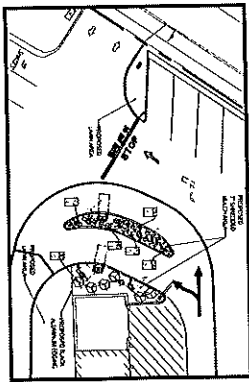
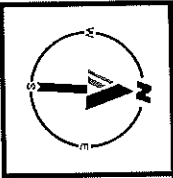
FINAL PLAN SIGNATURES

P.M. _____

G.C. _____

D.O. _____

[illegible]



LANDSCAPE BLOW UP

THE LANDSCAPE PLAN IS A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION. THE LANDSCAPE PLAN IS A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION. THE LANDSCAPE PLAN IS A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION.

LANDSCAPE SCHEDULE			
QTY	DESCRIPTION	UNIT	PRICE
1	LANDSCAPE PLAN	SHEET	100.00
1	LANDSCAPE PLAN	SHEET	100.00
1	LANDSCAPE PLAN	SHEET	100.00
1	LANDSCAPE PLAN	SHEET	100.00
1	LANDSCAPE PLAN	SHEET	100.00
1	LANDSCAPE PLAN	SHEET	100.00
1	LANDSCAPE PLAN	SHEET	100.00
1	LANDSCAPE PLAN	SHEET	100.00
1	LANDSCAPE PLAN	SHEET	100.00
1	LANDSCAPE PLAN	SHEET	100.00

BOHLER

79 LINDEN OAKS
THIRD FLOOR
ROCKFORD, IL 61103
PH: 815-398-1100
WWW.BOHLENGE.COM

SITE PLAN, LANDSCAPE ARCHITECTURE
LANDSCAPE ARCHITECTURE
LANDSCAPE ARCHITECTURE
LANDSCAPE ARCHITECTURE

PRELIMINARY PLANS

PLAN NO. 17-ERNST-PLACE

PROJECT ADDRESS: 17 ERNST PLACE

TOWN: EAST AURORA

COUNTY: ERIE

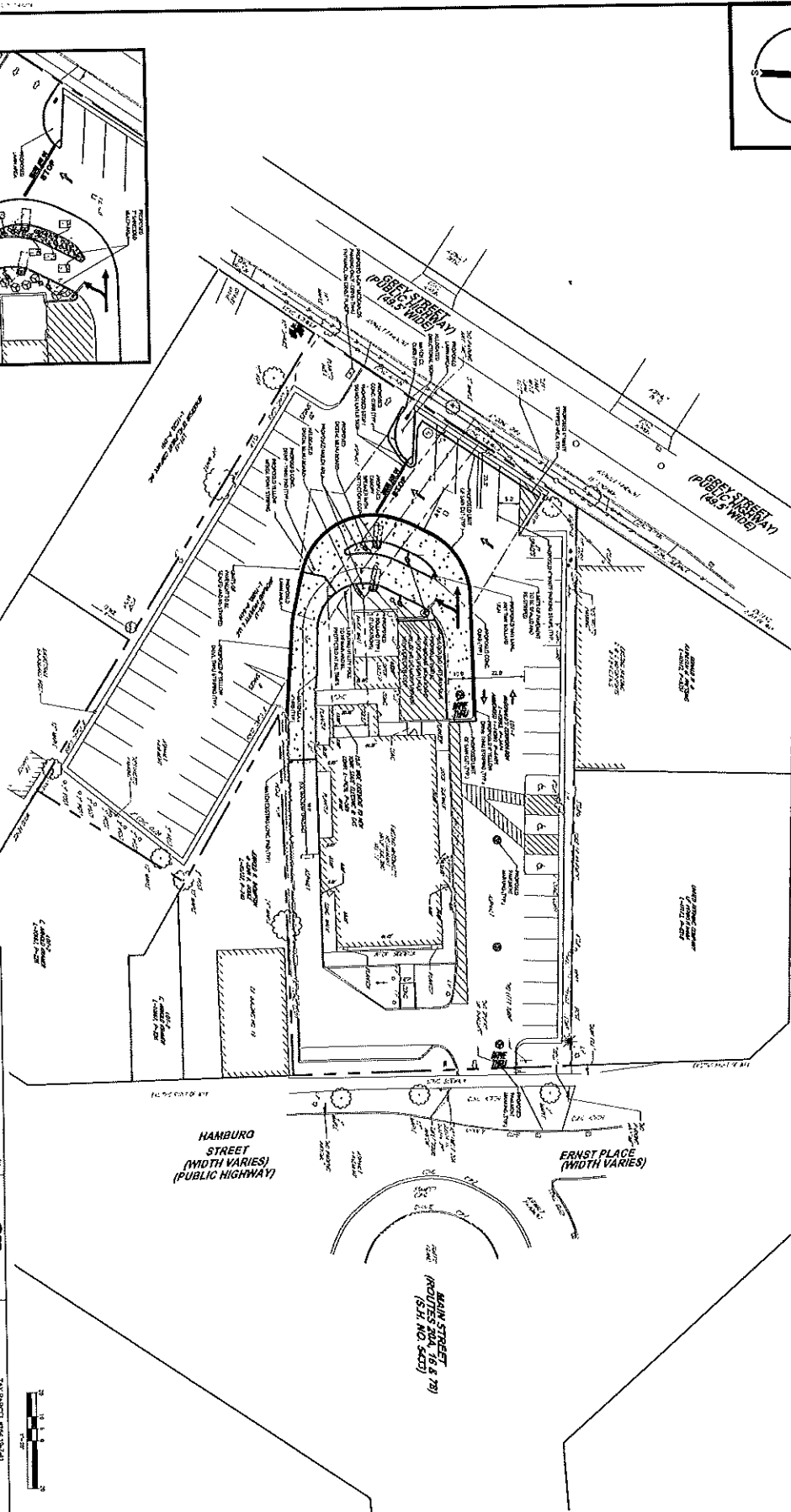
STATE: NY

DATE: 10/20/2000

SCALE: 1"=20'

LANDSCAPE PLAN

C-4



KNOX ROAD
(BIG TREE ROAD)
(PUBLIC HIGHWAY)
(66.0' WIDE)

HAMBURG STREET
(WIDTH VARIES)
(PUBLIC HIGHWAY)

ERNST PLACE
(WIDTH VARIES)

MAIN STREET
(ROUTES 20A, 76 & 79)
(S.H. NO. 500)

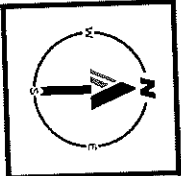
PARKING SUMMARY
EXISTING PARKING SPACES: 55 (3 ADA)
PROPOSED PARKING SPACES: 55 (3 ADA)
NET CHANGE IN PARKING SPACES: -1 SPACES

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STAYFORD, CT 06201

FINAL PLAN SIGNATURES	REV	DATE	DESCRIPTION	BY	ISSUE REF
P.M.	1				
G.G.					
O.O.					

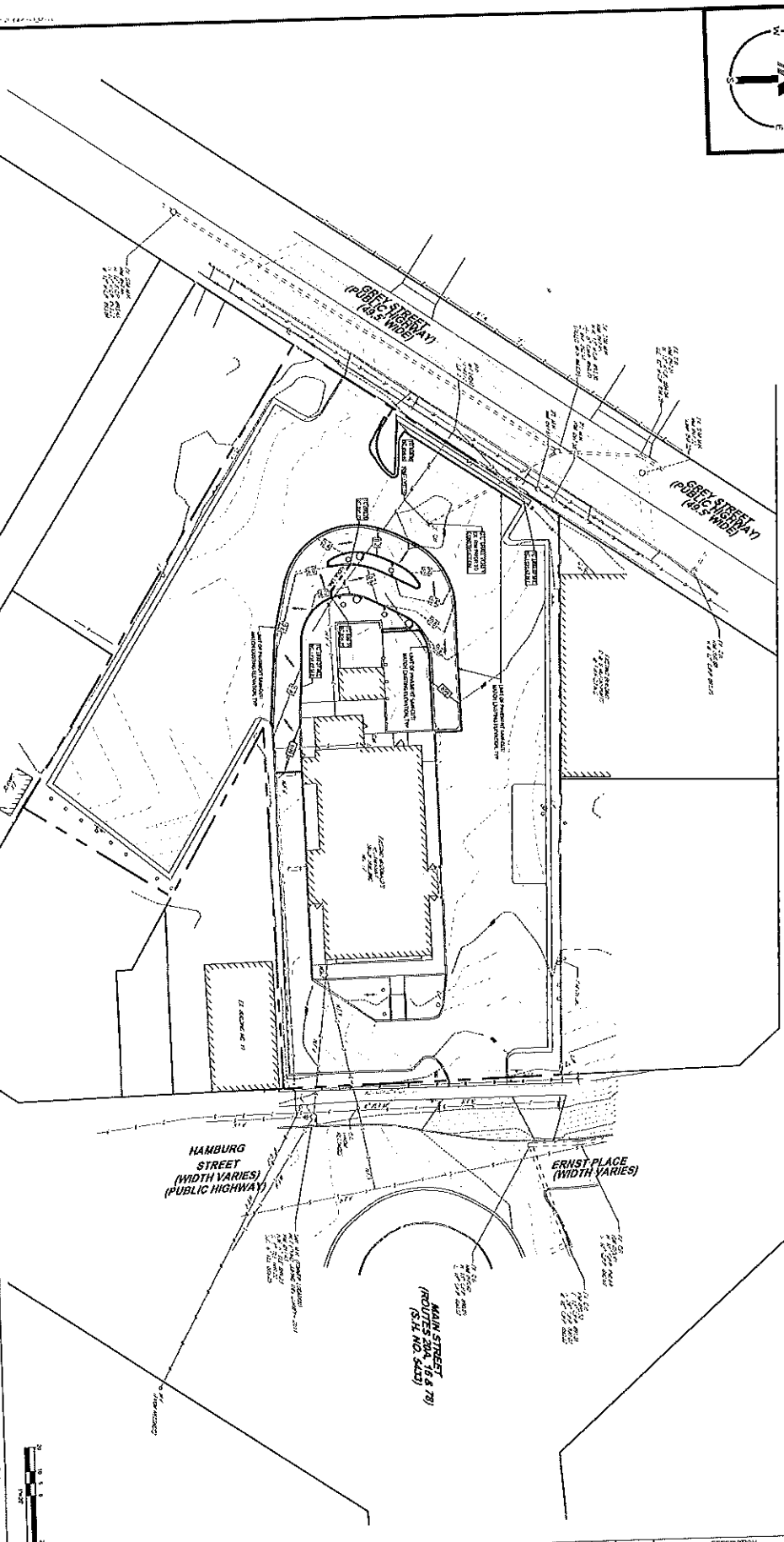


THE EXISTENCE OF UTILITIES OF ANY KIND, AND THE LOCATION OF ANY OBSTACLES, ARE NOT GUARANTEED BY THE ENGINEER. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR THE LOCATION OF ANY UTILITIES AND OBSTACLES. THE ENGINEER HAS CONDUCTED A VISUAL SURVEY OF THE SITE AND HAS NOTED THE LOCATION OF ANY UTILITIES AND OBSTACLES. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR THE LOCATION OF ANY UTILITIES AND OBSTACLES.

THIS PLAN TO BE UTILIZED FOR SITE GRADING PURPOSES ONLY. REFER TO GENERAL NOTES AND SHEET FOR ADDITIONAL GRADING & UTILITY NOTES.

BOHLER
70 LINDEN OAKS
THIRD FLOOR
ROCHESTER, NY 14618-1120
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BOHLER ENGINEERING, INC.
LAND SURVEYING
LANDSCAPE ARCHITECTURE
TRANSPORTATION SERVICES

PRELIMINARY PLANS	
SCALE: AS SHOWN	
DATE: 11/11/11	
PROJECT: 17 ERNST PLACE	
TOWN	ERST PLACE
COUNTY	ERIE
LOCAL TOWN ID	LC 001-0748
PLAN DESCRIPTION	GRADING AND UTILITY PLAN



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STAMFORD FIELD OFFICE
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STAMFORD, CT 06901

FINAL PLAN SIGNATURES	
DATE	BY

REV	DATE	DESCRIPTION	BY	ISSUE REF
1				

C-5
5 OF 5

7. ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE DONE AS SET FORTH IN THE

- BLACK ALUMINUM EDGIN**

54. AT NO TIME SHALL MACHINERY, TOOLS, FALLING TREES OR OTHER MATERIALS BE PLACED STOCKPILED OR LEFT STRAYING IN THE TREE PROTECTION ZONE.

- LANDSCAPE SPECIFICATIONS

11.2. If an irrigation system has been installed on the site, it shall be used to maintain a minimum of 100% relative humidity in the greenhouse. If the system does not eliminate the fluctuations in relative humidity, the contractor shall install a humidifier system to maintain the relative humidity level for various humidity conditions.

- PLANTING** N.T.S.

- | Author | Year | Country | Sample Size | Study Design | Findings |
|-------------------|------|--------------|-------------|-----------------|--|
| Smith et al. | 2015 | USA | 1,200 | Longitudinal | Increased risk of depression in children of parents with mental illness. |
| Johnson et al. | 2016 | UK | 800 | Cross-sectional | Higher levels of anxiety in children of parents with mental health problems. |
| Lee et al. | 2017 | Canada | 950 | Case-control | Association between parental mental illness and child behavioral problems. |
| Kim et al. | 2018 | South Korea | 1,500 | Longitudinal | Impact of parental mental health on child academic performance. |
| Wang et al. | 2019 | China | 2,100 | Cross-sectional | Prevalence of mental health issues in children of parents with mental illness. |
| Patel et al. | 2020 | India | 1,800 | Longitudinal | Effect of parental mental health on child social skills. |
| Nguyen et al. | 2021 | Vietnam | 1,300 | Cross-sectional | Association between parental mental health and child emotional well-being. |
| Al-Sayid et al. | 2022 | Saudi Arabia | 1,100 | Longitudinal | Impact of parental mental health on child cognitive development. |
| Chen et al. | 2023 | Taiwan | 1,600 | Cross-sectional | Prevalence of mental health issues in children of parents with mental illness. |
| Okun et al. | 2024 | Nigeria | 1,400 | Longitudinal | Effect of parental mental health on child social skills. |
| Al-Mutairi et al. | 2025 | Qatar | 1,200 | Cross-sectional | Association between parental mental health and child emotional well-being. |



	CWT
	AED

3.

RES

[illegible][illegible][illegible]

CONCRETE DRIVE-THRU PAD DETAIL

CONCRETE & BITUMINOUS CONCRETE PAVING DETAIL

PAVEMENT TEIN DETAIL

BOLLARD

CONCRETE CURB DETAIL

TYPICAL PAVEMENT MARKINGS

AUTO DETECTOR LOOP DETAIL

DETAIL: RETAINING WALL

DETAIL: RETAINING WALL

DETAIL: RETAINING WALL

DETAIL: RETAINING WALL

DETAIL: RETAINING WALL

DETAIL: RETAINING WALL

SIGN DETAILS ON THIS DRAWING WERE PREPARED BY OTHERS. CONTRACTOR SHALL COORDINATE WITH SIGN VENDOR FOR SPECIFIC FOUNDATION DETAILS. CONTRACTOR TO SUBMIT SIGN AND FOUNDATION SHOP DRAWINGS FOR REVIEW PRIOR TO INSTALLATION

DETAIL: RETAINING WALL

DETAIL: RETAINING WALL

DETAIL: RETAINING WALL

DETAIL: RETAINING WALL

DETAIL: RETAINING WALL

DETAIL: RETAINING WALL

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SITE PLAN AND CONSULTING ENGINEERING
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PRELIMINARY PLANS

PLAN SCALE: AS SHOWN
SHEET: 17 ERNST PLACE
TOWN: EAST ALBANY
COUNTY: ERIE
DATE: 10/20/2009

PROJECT NO: LC 001-07-98
CONSTRUCTION DETAIL SHEET 2

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OFFICE: STAMFORD FIELD OFFICE
ADDRESS: 655 EAST MAIN STREET
STAMFORD, CT 06901

REV	DATE	DESCRIPTION	BY	ISSUED	REF
1					

FINAL PLAN SIGNATURES

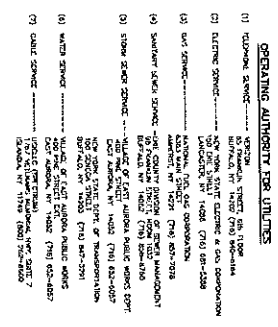
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D.C.

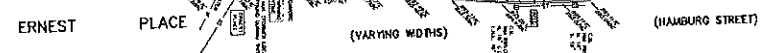
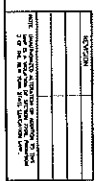
O.O.

DATE

10/20/2009



(68.0' wide)

[illegible][illegible]

MONTOSH & MONTOSH, P.C.
CIVIL AND CRIMINAL LAW
COMMERCIAL, REAL ESTATE, PROBATE
AND BANKRUPTCY ATTORNEYS
1000 WEST WILKES AVENUE
SUITE 100
WILKES BARRE, PA 18706
TEL: 920-839-1100 FAX: 920-839-1101

**TOPOGRAHICAL MAP OF PART OF LOT 23, TWP. 9-S-R-8, HOLLAND BOROUGH
LOCATED IN THE EAST AUBURN TOWNSHIP OF ALFORD, BERG COUNTY,
PENNSYLVANIA**

DATE NOVEMBER 8, 2022 SCALE 1" = 30'

JOB NO. 8887-A SHEET NO. 1 OF 1

Exhibit 5

Full Environmental Assessment Form with Exhibits A-J annexed thereto. Note that this is an Unlisted Action pursuant to the New York State Environmental Quality Review Act.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: McDonald's Amended Site Plan and Amended Special Use Permit		
Project Location (describe, and attach a general location map): Project Site Commonly referred to as 17 Ernst Place 11 Ernst Place, Village of East Aurora, NY (SBL No. 164.19-7-41) & 0 Grey Street, Village of East Aurora, NY (SBL No. 164.19-7-38)		
Brief Description of Proposed Action (include purpose or need): The Project Site consists of an existing restaurant with drive-through facilities and related site infrastructure. The Project Site is Zoned Village Center (VC) which expressly allows restaurants by Special Use Permit. The drive-through facilities are allowed as a preexisting, nonconforming use pursuant to Village of East Aurora Zoning Code Section 285.56-1. No change in use is proposed. The Proposed Action involves the reconfiguration of the existing drive-through vehicular access by adding a second lane for ordering of food which will result in the reduction of the impacts of traffic congestion at the Project Site, adjacent property and public streets. One parking space will be removed by the Proposed Action. A more detailed Project Description prepared by Bohler (Project Engineer) is attached as Exhibit A. An Amended Site Plan Approval and a Second Amended Special Use Permit is required from the Village of East Aurora. The Proposed Action is an Unlisted Action pursuant to the New York State Environmental Quality Review Act ("SEQR").		
Name of Applicant/Sponsor: McDonald's USA, LLC	Telephone: 630.209.1741 E-Mail: mark.melster@us.mcd.com	
Address: 110 N. Carpenter Street		
City/PO: Chicago	State: Illinois	Zip Code: 60607
Project Contact (if not same as sponsor; give name and title/role): Peter J. Sorgi, Esq., Project Attorney	Telephone: 716.908.3289 E-Mail: psorgi@hsmlegal.com	
Address: 726 Main Street, Suite B		
City/PO: East Aurora	State: New York	Zip Code: 14052
Property Owner (if not same as sponsor): Same, but See Attached Exhibit B	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Village of East Aurora Board of Trustees: Amended Site Plan Approval and 2nd Amended Special Use Permit	11.2023
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Village of East Aurora Building and Code Enforcement Department -- Building Permit	TBD (after approvals)
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No	NYS Office of Parks, Recreation & Historic Preservation -- Historic Resources	11.2023 See Attached Exhibit C
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? See attached Exhibit D.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): NYS Heritage Areas: West Erie Canal Corridor	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Village Center (VC). No applicable overlay district.

b. Is the use permitted or allowed by a special or conditional use permit? See Attached Exhibit E. ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? East Aurora

b. What police or other public protection forces serve the project site?
East Aurora Police Department, Erie County Sheriff, NYS Police

c. Which fire protection and emergency medical services serve the project site?
East Aurora Fire Department

d. What parks serve the project site?
Hamlin Park, Knox State Park

D. Project Details**D.I. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commercial -- Existing Restaurant with Drive-through facilities

b. a. Total acreage of the site of the proposed action? 0.99+/- acres
b. Total acreage to be physically disturbed? 0.15+/- acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.99+/- acres

c. Is the proposed action an expansion of an existing project or use? ☒ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: 1,300 sq. ft.

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 1 months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures <u>2</u> (1) Pre-browse Board & (1) Menu Board ii. Dimensions (in feet) of largest proposed structure: <u>8</u> height; <u>1.2</u> width; and <u>5.1</u> length iii. Approximate extent of building space to be heated or cooled: <u>N/A</u> square feet	See attached Exhibit F.

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water?

☐ Yes ☒ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes?

☐ Yes ☒ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities?

☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No • Will a line extension within an existing district be necessary to serve the project? <input type="checkbox"/> Yes <input type="checkbox"/> No <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input type="checkbox"/> No 	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing 56 Proposed 55 Net increase/decrease -1

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☒ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 7am - 6pm
- Saturday: 8am - 5pm
- Sunday: 9am - 4pm
- Holidays: None

ii. During Operations: 6:00AM-11:30 PM (Monday - Thursday)

- Monday - Friday: 6:00 AM -- 12:30 AM (Friday)
- Saturday: 6:00 AM - 12:30 AM
- Sunday: 7:00 AM - 11 PM
- Holidays: varies

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>During construction, there will be times with noise above the ambient noise levels as the result of the use of heavy equipment for site grading and excavations. The work will be completed in conformance with the permitted working hours of the Village.</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>No changes proposed to existing light poles/fixtures</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: <u>No changes proposed that would result in impacts from existing site lighting</u></p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☒ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

If mix of uses, generally describe: _____

See Regional Comprehensive Plan p. 5-93 at ii. Exhibit G.

Per the "Regional Comprehensive Plan" at page 5-93, area is referred to as "Downtown (West End) Suburban Business District ... and represents the part of the Village that includes larger, suburban-style uses such as as such as a supermarket, shopping plaza, franchise fast food restaurants, etc.

b. Land uses and covertypes on the project site.

Land use or Coverture	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.84	0.84	0
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.15	0.15	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____	0	0	0

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: _____ <u>Absolut Care of Aurora Park, 292 Main Street, East Aurora, NY; and East Aurora Montessori School, 46 Grey Street, East Aurora, NY</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? _____ • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____ iii. Describe any development constraints due to the prior solid waste activities: _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div> <input type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div> Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ </div> </div> ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____ iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 													
E.2. Natural Resources On or Near Project Site													
a. What is the average depth to bedrock on the project site? _____ +6 feet													
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %													
c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Urban Land</td> <td style="width: 30%; text-align: right;">100 %</td> </tr> <tr> <td>_____</td> <td style="text-align: right;">_____ %</td> </tr> <tr> <td>_____</td> <td style="text-align: right;">_____ %</td> </tr> </table>		Urban Land	100 %	_____	_____ %	_____	_____ %						
Urban Land	100 %												
_____	_____ %												
_____	_____ %												
d. What is the average depth to the water table on the project site? Average: _____ +6 feet													
e. Drainage status of project site soils: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><input type="checkbox"/> Well Drained:</td> <td style="width: 70%; text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">100 % of site</td> </tr> </table>		<input type="checkbox"/> Well Drained:	_____ % of site	<input type="checkbox"/> Moderately Well Drained:	_____ % of site	<input checked="" type="checkbox"/> Poorly Drained	100 % of site						
<input type="checkbox"/> Well Drained:	_____ % of site												
<input type="checkbox"/> Moderately Well Drained:	_____ % of site												
<input checked="" type="checkbox"/> Poorly Drained	100 % of site												
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> 0-10%:</td> <td style="width: 60%; text-align: right;">100 % of site</td> </tr> <tr> <td><input type="checkbox"/> 10-15%:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input checked="" type="checkbox"/> 0-10%:	100 % of site	<input type="checkbox"/> 10-15%:	_____ % of site	<input type="checkbox"/> 15% or greater:	_____ % of site						
<input checked="" type="checkbox"/> 0-10%:	100 % of site												
<input type="checkbox"/> 10-15%:	_____ % of site												
<input type="checkbox"/> 15% or greater:	_____ % of site												
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____													
h. Surface water features.													
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
If Yes to either i or ii, continue. If No, skip to E.2.i.													
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
iv. For each identified regulated wetland and waterbody on the project site, provide the following information: See Attached Exhibit H													
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 50%;">Name _____</td> <td style="width: 40%;">Classification _____</td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name _____</td> <td>Approximate Size _____</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table>		• Streams:	Name _____	Classification _____	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name _____	Approximate Size _____	• Wetland No. (if regulated by DEC)	_____	
• Streams:	Name _____	Classification _____											
• Lakes or Ponds:	Name _____	Classification _____											
• Wetlands:	Name _____	Approximate Size _____											
• Wetland No. (if regulated by DEC)	_____												
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
If yes, name of impaired water body/bodies and basis for listing as impaired: _____													
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
If Yes:													
i. Name of aquifer: Principal Aquifer													

m. Identify the predominant wildlife species that occupy or use the project site: _____ None _____ _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Species and listing: _____ _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District ii. Name: <u>See Attached Exhibit I.</u> iii. Brief description of attributes on which listing is based: _____ 	
f. 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Describe possible resource(s): _____ ii. Basis for identification: _____ 	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>See Attached Exhibit I.</u>	
If Yes: <ul style="list-style-type: none"> i. Identify resource: <u>Knox Farm State Park</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>State Park</u> iii. Distance between project and resource: <u>1.5+/-</u> miles. 	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No 	

F. Additional Information


Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

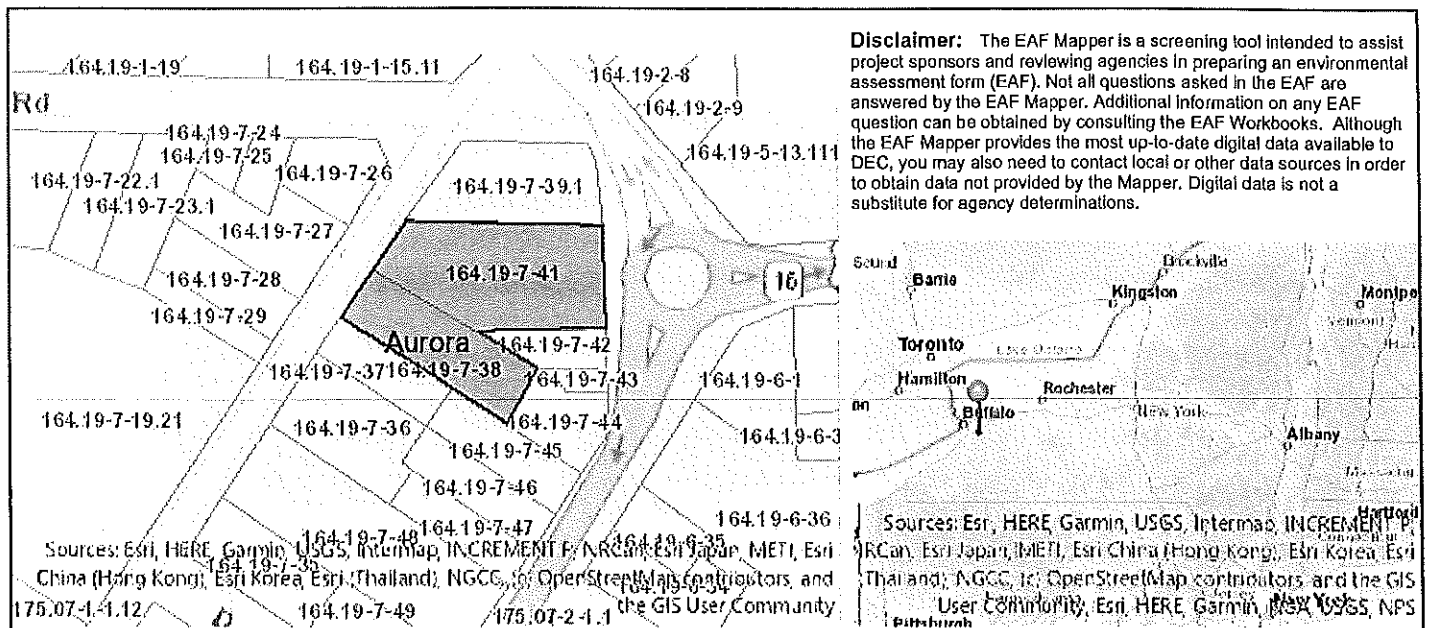
Applicant/Sponsor Name McDonald's USA, LLC Date 11.15.2023

Signature  Title Project Attorney

Peter J. Sorgi, Esq. -- See Authorization attached as Exhibit B.

EAF Mapper Summary Report

Tuesday, October 31, 2023 1:38 PM



B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No

E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

FEAF Exhibit A

Section A

Detailed Project Description Prepared by Bohler
(Project Engineer)



17 Computer Drive West
Albany, NY 12205
518.438.9900

70 Linden Oaks, Third Floor
Rochester, NY 14625
585.866.1100

**Project Narrative
McDonald's Restaurant
Proposed Drive-thru Addition
17 Ernst Place
Village of East Aurora, Erie County, NY
November 14, 2023**

Introduction:

The applicant, McDonald's USA, LLC is proposing to add a second drive-thru lane to their existing restaurant at 17 Ernst Place to provide side-by-side ordering capabilities, which allows for increased on-site stacking and ordering efficiencies, which ultimately leads to improved customer satisfaction and substantially reduces vehicular congestion on site thereby substantially reducing the likelihood of the line of customer vehicles in the drive-thru area being in the on-site parking area and the public roads used to access the Site. This belief is supported by McDonald's as follows:

The proportion of customers utilizing the drive-thru as opposed to the dining room has increased over the last decade; and this trend is only expected to continue due to the Covid19 pandemic. Further, ordering has become cumbersome as a result of McDonald's expanded menu (e.g., McCafe beverages) offerings. By taking 2 menu orders at the same time, McDonald's can serve its existing customer base more efficiently while also handling larger orders.

McDonald's has invested years of research into carefully designing the side-by-side drive-thru and has developed several prototypical layouts that specify the radii, dimensions and positions of all drive-thru equipment. These layouts are standard nationwide. McDonald's design consultants select a prototype layout that is compatible with the configuration of the property. The layout ensures that customers ordering at the two menu boards have a clear line of sight to one another and the surrounding environment.

Upon completing their order, customers slowly advance to the merge point, located between the menu boards and the payment window. The customers have ample opportunity to view the second lane before proceeding to the payment window. In most

cases, this will be an alternating pattern, but more than one vehicle can be processed at one menu board, while a large order is taken at the other menu board.

Existing Conditions:

Currently, there is a single drive thru lane\ordering point with an existing digital pre-browse board and existing digital menu board, which are located on the south side of the existing dumpster enclosure. The current position allows for adequate on-site stacking from Ernst Place but does not provide an adequate distance from the "cash window" and "pick-up window" to allow proper timing for the orders to be processed.

Proposed Project

The proposed modifications will consist of reconfiguring the existing drive-thru lane to have side-by-side (SBS) ordering which will consist of one single lane (same as today) at the drive-thru lane entrance, which then will merge into two side-by-side lanes with a raised curbed island in between the two lanes, which then merges back into a single lane as the customer head toward the "cash window". The primary (inner lane) order point canopy will be located 100 ft. from the cash window. This distance is the preferred dimension by McDonald's to allow adequate time for an order to be processed before the customer reaches the "pick-up" window. With the addition of the SBS drive thru, it adds approx. 3 additional on-site vehicle stacking spaces. In addition, with the SBS operation, orders will be generally processed in a more efficient manner given the ability to take multiple orders at the same time. It's our understanding that at times the drive thru lane que will back up to the entrance on Ernst Place, which the proposed improvements should help minimize those occurrences.

Off-street parking

Currently, there are (56) parking spaces. With the proposed modifications, there will be a reduction of parking of (1) space, for an adjusted total of (55) parking spaces. The one space is being removed from the row of parking along Grey Street to provide a larger turning radius into the site for delivery trucks.

Site access and on-site circulation

Currently, there are two access drives into the site, one on Ernst Place and one on Grey Street. There are no proposed modifications to these access drives. On-site circulation will remain the same as it currently operates today with the exception of the addition of a sign at the Grey Street entrance that directs patrons wanting to enter the drive-thru to use the Ernst Place access. The reason for this is to discourage vehicles from entering the site from Grey Street, going against the flow of traffic and then having to a 180 degree turn to enter the drive-thru



McDonald's Restaurant
17 Ernst Place
Village of East Aurora, Erie County, NY

November 14, 2023
Page 3 of 3

lane. In addition to the sign on Grey Street, "Do Not Enter" signs and pavement striping have been added to further discourage this movement.

Site Lighting & Landscaping

With the proposed modifications, there is an existing light pole behind the dumpster enclosure that will be relocated a few feet to allow for the new drive-thru curbing. The slight relocation will not have any impact on site lighting levels.

With the proposed modifications, the existing landscaping behind the dumpster enclosure will be removed and replaced with new plantings in addition to new plantings in the drive-thru island between the two drive thru lands, as depicted on the Site & Landscape Plan.

Stormwater Management

With the proposed modifications, there will be no net increase in impervious area and therefore no increase in stormwater runoff, so no stormwater mitigation is proposed or required.

Schedule

The intent would be to start construction in the Spring\Summer of 2024 after all the necessary municipal approvals have been obtained. The approximate duration of construction is 4-5 weeks.

No Change to Number of Employees, Maximum Seat Capacity and Hours of Operation

The number of employees, maximum seat capacity and hours of operation are not being changed as part of this Project.

FEAF Exhibit B

Section A

Authorization of Property Owner and
Explanation of Ownership of Two Properties
(Project Site) in McDonald's USA, LLC by Merger

AUTHORIZATION

McDonald's USA, LLC, a Delaware limited liability company,, as successor by merger (see Attached Certificates of Merger), is the record owner of 11 Ernst Place, Village of East Aurora, NY (SBL No. 164.19-7-41) and 0 Grey Street, Village of East Aurora, NY (SBL No. 164.19-7-38), with the aforesaid adjoining two parcels of real property commonly referred to as 17 Ernst Place, Village of East Aurora, NY, hereby authorizes Hopkins Sorgi & McCarthy PLLC (Project Attorney) to file any required land use approval regarding the aforementioned real property and to execute any required documentation regarding the aforementioned real property with the Village of East Aurora, along with applications for any other approvals/permits required from the East Aurora and other governmental agencies in connection with the proposed development of the aforesaid adjoining two parcels of real property commonly referred to as 17 Ernst Place, Village of East Aurora, NY, including but not limited to an Amended Site Plan Application and a Second Amended Special Use Permit Application.

McDonald's USA, LLC



Name: Mark Meister

Title: Sr. Counsel

Date: 11/13/23

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"SYSTEM CAPITAL REAL PROPERTY CORPORATION", A DELAWARE
CORPORATION,

WITH AND INTO "MCDONALD'S USA, LLC" UNDER THE NAME OF
"MCDONALD'S USA, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE ON THE TWELFTH DAY OF FEBRUARY, A.D.
2008, AT 10:21 O'CLOCK A.M.




Jeffrey W. Bullock, Secretary of State

3856323 8100M
SR# 20180054476

Authentication: 201915348
Date: 01-03-18

You may verify this certificate online at corp.delaware.gov/authver.shtml

CERTIFICATE OF MERGER

of

SYSTEM CAPITAL REAL PROPERTY CORPORATION

into

McDONALD'S USA, LLC

February 12, 2008

Pursuant to Section 209(c) of the Limited
Liability Company Act of the State of Delaware
and Section 264(c) of the
General Corporation Law of the State of Delaware

McDONALD'S USA, LLC, a Delaware limited liability company, does hereby
certify as follows:

FIRST: The name and the state of organization of each of the constituent entities to
the merger are as follows:

<u>Name</u>	<u>State of Organization</u>
SYSTEM CAPITAL REAL PROPERTY CORPORATION	Delaware
McDONALD'S USA, LLC	Delaware

SECOND: An Agreement of Merger between the constituent entities to the merger
(the "Agreement of Merger") has been approved and executed by each of the constituent entities in
accordance with Section 209(b) of the Limited Liability Company Act of the State of Delaware and
Section 264(c) of the Delaware General Corporation Law, as applicable.

THIRD: The name of the surviving company in the merger is McDONALD'S USA,
LLC (the "Surviving Limited Liability Company").

FOURTH: The Certificate of Formation of McDONALD'S USA, LLC, at the
effective time of the merger, shall be the Certificate of Formation of the Surviving Limited Liability
Company.

FIFTH: The Agreement of Merger is on file at the principal place of business of the Surviving Limited Liability Company. The address of the principal place of business of the Surviving Limited Liability Company is One McDonald's Plaza, Oak Brook, Illinois 60523.

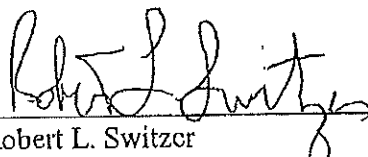
SIXTH: A copy of the Agreement of Merger will be furnished by the Surviving Limited Liability Company, on request and without cost, to any member or shareholder of either constituent entity.

SEVENTH: The merger of the constituent entities shall become effective upon the filing hereof.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, McDonald's USA, LLC has caused this Certificate of Merger to be executed by its duly authorized officer on the date first written above.

McDONALD'S USA, LLC

By: 
Robert L. Switzer
U.S. Vice President and Assistant Secretary

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ARCHLAND PROPERTY I, LLC", A DELAWARE LIMITED LIABILITY
COMPANY,

WITH AND INTO "MCDONALD'S USA, LLC" UNDER THE NAME OF
"MCDONALD'S USA, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE ON THE TWENTY-SECOND DAY OF OCTOBER,
A.D. 2019, AT 3:48 O'CLOCK P.M.



3856323 8100M
SR# 20197674913

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Jeffrey W. Bullock, Secretary of State

Authentication: 203846550
Date: 10-22-19

**CERTIFICATE OF MERGER
OF
ARCHLAND PROPERTY I, LLC
(a Delaware limited liability company)
into
McDONALD'S USA, LLC
(a Delaware limited liability company)**

*Pursuant to Section 18-209 of the
Delaware Limited Liability Company Act*

McDonald's USA, LLC, a Delaware limited liability company DOES HEREBY CERTIFY
THAT:

1. McDonald's USA, LLC is a limited liability company formed under the laws of the State of Delaware (hereinafter referred to as the "Surviving LLC").
2. Archland Property I, LLC is a limited liability company formed under the laws of the State of Delaware (hereinafter referred to as the "Merging LLC").
3. The Surviving LLC and the Merging LLC have each approved and executed an agreement of merger ("Agreement of Merger") in accordance with Section 18-209 of the Delaware Limited Liability Company Act.
4. The name of the surviving business entity is McDonald's USA, LLC.
5. The executed Agreement of Merger is on file at the principal place of business of the Surviving LLC at the following address: 110 N. Carpenter Street, Chicago, IL 60607.
6. A copy of the Agreement of Merger will be furnished by the Surviving LLC, on request and without cost, to any member of the Surviving LLC or of the Merging LLC.
7. The merger of the constituent entities shall become effective upon the filing hereof.

(Signature Page Follows)

IN WITNESS WHEREOF, the surviving business entity has caused this Certificate of Merger to be signed as of October 15, 2019, by a duly authorized person, declaring that the facts stated herein are true.

MCDONALD'S USA, LLC *llh*

By: 

Name: Mahrukh Hussain

Title: U.S. Vice President

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ARCHLAND PROPERTY II, L.P.", A DELAWARE LIMITED PARTNERSHIP,
WITH AND INTO "MCDONALD'S USA, LLC" UNDER THE NAME OF
"MCDONALD'S USA, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE ON THE TWENTY-SECOND DAY OF OCTOBER,
A.D. 2019, AT 3:50 O'CLOCK P.M.




Jeffrey W. Bullock, Secretary of State

3856323 8100M
SR# 20197675120

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 203846574
Date: 10-22-19

**CERTIFICATE OF MERGER
OF
ARCHLAND PROPERTY II, L.P.
(a Delaware limited partnership)
into
McDONALD'S USA, LLC
(a Delaware limited liability company)**

*Pursuant to Section 18-209 of the
Delaware Limited Liability Company Act*

McDonald's USA, LLC, a Delaware limited liability company DOES HEREBY CERTIFY
THAT:

1. McDonald's USA, LLC is a limited liability company formed under the laws of the State of Delaware (hereinafter referred to as the "Surviving LLC").
2. Archland Property II, L.P. is a limited partnership formed under the laws of the State of Delaware (hereinafter referred to as the "Merging LP").
3. The Surviving LLC and the Merging LP have each approved and executed an agreement of merger ("Agreement of Merger") in accordance with Section 18-209 of the Delaware Limited Liability Company Act and Section 17-211 of the Delaware Revised Uniform Limited Partnership Act, respectively.
4. The name of the surviving business entity is McDonald's USA, LLC.
5. The executed Agreement of Merger is on file at the principal place of business of the Surviving LLC at the following address: 110 N. Carpenter Street, Chicago, IL 60607.
6. A copy of the Agreement of Merger will be furnished by the Surviving LLC, on request and without cost, to any member of the Surviving LLC or to any partner of the Merging LP.
7. The merger of the constituent entities shall become effective upon the filing hereof.

(Signature Page Follows)

IN WITNESS WHEREOF, the surviving business entity has caused this Certificate of Merger to be signed as of October 15, 2019, by a duly authorized person, declaring that the facts stated herein are true.

McDONALD'S USA, LLC 

By: 

Name: Mahrukh Hussain

Title: U.S. Vice President

FEAF Exhibit C

Section B(g)

Documentation of Submission to NYS Office of
Parks, Recreation and Historic Preservation for
Letter of No Impact regarding Historic
Resources

Peter Sorgi

From: Christina Sorgi
Sent: Wednesday, November 15, 2023 7:13 AM
To: Peter Sorgi
Subject: FW: NY SHPO: Initial Consultation Submission 8OWF6AU5CDUJ Received

From: New York State Parks CRIS Application <cris.web@parks.ny.gov>
Sent: Monday, November 13, 2023 3:55 PM
To: Christina Sorgi <csorgi@hsmlegal.com>
Subject: NY SHPO: Initial Consultation Submission 8OWF6AU5CDUJ Received

Initial Submission Received

The New York State Historic Preservation Office (SHPO) has received the following initial submission.

Initial Submission Token: 8OWF6AU5CDUJ

Project Type: Consultation

Project Name: McDonald's Amended Site Plan and Amended Special Use Permit

New York State Historic Preservation Office

Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189

518-237-8643 | <https://parks.ny.gov/shpo>

CRIS: <https://cris.parks.ny.gov>

Are you registered to vote? [Register to vote online today](#). Moved recently? Update your information with the NYS Board of Elections. Not sure if you're registered to vote? [Search your voter registration status](#).

Who sent this email?

This email is a notification from the [New York State Cultural Resource Information System \(CRIS\)](#). CRIS is an online service administered by the [New York State Division for Historic Preservation](#), also known as the New York State Historic Preservation Office (SHPO), which is a division of [New York State Parks, Recreation & Historic Preservation](#).

This message pertains to a submission for a consultation project. Please see SHPO's [Environmental Review](#) web page for more information about the consultation process.

Why did I receive this email?

The submission's contact list includes your email address.

What do I need to do?

You do not need to take any action at this time. The submission is now in SHPO's processing queue.

What will happen next?

If SHPO accepts your submission, you will receive an "Initial Submission Accepted" email notification and SHPO will begin reviewing the project. That email will include the new Project Number.

If SHPO needs more information to process your submission, you will receive an "Initial Submission Found Insufficient" email with the reviewer's comments. You may then revise the submission and resend it to SHPO.

What else can I do?

Please see the following help topics for more information about managing initial submissions in CRIS:

- [How do I check the status of my initial submission?](#)
- [View an Initial Submission](#)
- [Continue or Edit an Existing Initial Submission](#)

Where can I get help?

Please visit the CRIS Online Help System: <https://cris.parks.ny.gov/CRISHelp>

If you still have questions about CRIS, please contact CRIS Help at CRISHelp@parks.ny.gov.

For any other questions, please call SHPO at 518-237-8643.

FEAF Exhibit D

Section C.2

Specific Recommendations for Project Site in
Village Comprehensive Plan
(highlighted in yellow)

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and Village of East Aurora

4.5.2 Towns and Village

Village of East Aurora

The Village of East Aurora functions as the retail center for the surrounding towns. The Village has a density and diversity of retail and commercial activity not available in the other communities. There has been a shift in the mix of retail offerings in the Village, moving away from general merchandise and services and concentrating more heavily on specialty retail and tourism oriented goods and services. The loss of traditional general merchandising has been an area of concern among some citizens, who complain that they need to leave East Aurora to do basic shopping. However, the East Aurora downtown is relatively healthy, and this retail strength is an asset in the current retail environment where many small Village downtown areas have been unable to compete.

Most businesses in the village are concentrated along Main Street, with a section of traditional village-style storefronts at the eastern end of the Village, and a retail plaza at the western end. The Mid-Main district, located along Main Street generally between Willow Street and Whaley Avenue/Paine Street, is a transitional area between these two retail concentrations, with a mix of residential and some retail and public uses. This transitional area has its own zoning district, intended to preserve the residential character and traditional architectural style of the area, including larger treed lots, deeper setbacks and landscaping to screen parking from the street.

A number of major arterials converge in the Village, helping to solidify its importance as a commercial center, but also contributing to traffic problems and congestion. Through traffic forced onto Village streets by the existing transportation system contributes to congestion. For example, truck traffic from the east must travel through the Village to access Route 400 southbound because the entrance from Route 20A at the Village's edge only has northbound access. The traffic circle at the west end (downtown area) of the Village, where Routes 20A and 78/16 converge is another area where congestion is a problem.

Another issue posing a potential threat to commercial activity in the Village is the national trend toward consolidation of retail into larger facilities, or "big box" retailers. These larger facilities (grocery, pharmacy, department store/Wal-Mart, etc.) cannot fit within the existing structures and land use patterns of the Village center because they require parcels of a size which is not available in the Village. The concern is that these uses will locate outside the Main Street retail corridor, potentially diverting retail sales from the Village center.

Fisher-Price is the major existing industry in East Aurora, and Commerce Green is the major industrial park within the Village. All of the existing buildings within Commerce Green are fully occupied, but there are several sites parceled out and available for new business development. These are developing privately and offer a good base of available property. These sites have full services (water, sewer, gas, etc.)

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

- Adopt landscaping standards to help improve the look and quality of commercial and industrial development and redevelopment in the Village. These landscaping standards should be referenced in the zoning text, and apply to all commercial and industrial development and redevelopment requiring Village approvals.
- Develop community gateways at the major entryways to the Village (see vision map and streetscape plan).
- Manage growth (as shown on the Vision Map) and properly plan highway projects to avoid roadway widening that could result in the loss of street trees and roadside foliage.
- Properly manage tourism to aid the local economy but at the same time preserve the character of the Village as a community. Tourism shall be focused in the cultural center/business support area denoted on the vision map. Although this will provide a focal point, adjoining areas will also provide support and ancillary attractions. For example, the uptown/traditional Main Street business area provides shopping and retail support services. Design issues (aesthetics), parking and transportation impacts must be evaluated when planning tourism related facilities. Designs should reflect the character of the area, and non-automobile connective features to tourism areas must be provided. Parking issues can also be problematic, and the Village should begin to plan for the possible needs for a new public parking facility.
- Institute appropriate measures to manage traffic in the Village to preserve the quality of life and maintain a safe environment for pedestrian activity. Presently, the Village is working with the NYSDOT in designing the Route 20A Improvement project. This project must accommodate bicycle and pedestrian access to the maximum extent possible. The project must also consider the parking needs of the area, and the need for a downtown pace of traffic. The Village should complement this plan by ensuring that proper pedestrian and bicycle access points from the surrounding neighborhoods tie into Main Street and its improvements.
- The Village should also investigate access management issues in the downtown (west end) business district. The traffic circle represents an excellent means of traffic calming and this combined with a good access management plan will help to properly manage traffic.
- Since traffic may continue to increase in the Village (tourism, new state park, development outside the Village, etc.), the Village will need to continue to work with the NYS Department of Transportation, the Town of Aurora, and others in planning how to accommodate these increases in traffic (access management planning—new traffic control devices, signal timing, driveway conflicts, etc.). Road widening or by-pass projects should not be considered to solve the congestion problem, because they would create too many other problems.
- Preserve and diversify the housing stock and control the amount of multi-family housing that is developed in the Village to maintain the quality of the urban environment. The Village needs to provide for "in-law" apartments and other means of providing diverse housing in the community.
- Strive to maintain a mix of uses in the business district areas to contribute to the prosperity and social and economic environment of the area. However, uses permitted in these areas should be evaluated to avoid creating a competitive atmosphere between the Uptown and Downtown retail areas in the Village.

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

issue of overnight stays is through the use of bed and breakfast facilities. Again, a targeted area near Main Street should be set aside for this use (allow by special use permit – set appropriate use parameters).

- As the Industrial office park area (Commerce Green) continues to fill, cooperative efforts with the Town should be explored to expand this area into the Town.
- A traffic study should be done to evaluate conditions within the entire Village and where improvements could be made.
- Although there are a few people that believe the traffic circle is problematic, it is a good traffic calming device and should be kept and improved upon.
- As discussed previously, there have been complaints about the level of traffic within the Village. This situation though is not easily solved. An "engineered" solution of creating a bypass around the Village, could do more harm than good. The Village although impacted by traffic travelling through it, would lose business if traffic were bypassed.

Making the Route 20A/Route 400 interchange a full service interchange would reduce some traffic, including trucks, from the area. Some fear that this would cause development pressures in the Town of Aurora and Wales if this were to occur.

The Plan does recommend that a long-term objective be that the interchange be made full access. This would help traffic in the Village, and provide opportunities for directed growth (see economic section). The development pressures feared by some would be handled by the implementation of this plan, which provides the land use direction for the region.

- Estate residential zoning should be considered for the southeastern corner of the Village to match the conditions in the area (concern about redevelopment of large parcels into smaller ones).
- Multi-family, senior citizen type housing is needed within the Village and should be considered for the Buffalo Street and Main Street areas. Due to limited available areas within the Village, consideration should be given to accommodate this need through the use of in-law apartments and other multi-use options within existing structures. Again, it is very important to allow multi-uses in and around the Main Street area.

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

5.5.6 Village of East Aurora

The Village of East Aurora is the primary retail service center in the regional plan area. It also serves as a community center, and its retail district is an important component of the community's character. Only the hamlet in Holland plays a comparably significant role. The retail district in the Village consists of two separate concentrations with distinct characters, and a transitional mixed-use zone separating them. Much of the retail core is built-out. However, there is significant potential for the re-use of existing structures, and for some in-fill development. The area in the vicinity of the traffic circle offers greater opportunities for new development, whereas the uptown region at the eastern end of the Village is better suited for re-use and controlled redevelopment.

The challenge for the Village of East Aurora will be to maintain its unique identity, and provide a distinct retail experience that can successfully compete with large retailers on a wider regional basis. Stores like Vidler's and the Roycroft shops target a niche market and provide retail services that do not compete directly with large retailers. This effort will be facilitated by the traditional strength of the Village as a retail center, the culture of the community and the presence of the Roycroft Campus, which will help support the tourism base of the economy.

Fisher-Price and Commerce Green are stable industrial areas. Additional industrial development can be accommodated within Commerce Green, where available sites are developing privately. No additional vacant lands suitable for industrial development were identified within the Village. There are some scattered buildings housing industrial uses elsewhere in the community, primarily along the rail line and Route 16. These are in older buildings that cannot easily be adapted to meet the type of space needs typically in demand by modern commercial and/or light industrial users (single story, campus setting, adjacent parking, landscaping, etc.)

Recommendations:

- It should be a priority to support and preserve the vitality of the Main Street retail corridor in the Village.
- The Village Main Street (Uptown) business district actually consists of several distinct areas, and this differentiation should be preserved. It helps diversify retail offerings, and establish distinct areas that can target different retail niches. The Village has already taken steps, such as the zoning changes along Main Street, to achieve this goal. These efforts should be continued.
- 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).
- Any new structures along the Uptown area of Main Street should be compatible with existing businesses in size, scale and setback. Diversity of architectural style should be allowed and even

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

encouraged, as long as it is compatible with the character of the area. As noted above, however, design standards should be strictly enforced.

- Shopping in the western end of the Village is less tourism-oriented. Stores and lots tend to be somewhat larger, and new construction can be more easily accommodated in this area. While there can be more flexibility in size and scale at the west end of the Village than uptown, large, "big box" developments are not appropriate, and any new developments must be consistent in size and scale with surrounding uses.
- At the plaza in the Downtown area, any new development must be subject to careful site review, examining issues such as parking, accommodation of pedestrians and siting of buildings to minimize car-pedestrian conflicts and traffic impacts.
- All new retail development should be assessed in terms of its impact on the area surrounding the Downtown, and land use regulations (zoning) should be evaluated to discourage the allowable uses and the development of retail centers that would compete with the Uptown Main Street business district. This is also an area where cooperation with the Town is necessary and essential, because given the fact that the Village is largely built-out, the most likely location of competing retail centers would be outside the Village limits along Olean Road (Route 16) and possibly Route 20A.
- The Village must continue to work closely with the Town of Aurora to ensure that development outside the Village does not undermine redevelopment efforts in the Village. The Town and the Village need to maintain a cooperative relationship, because the Village is part of the Town and contributes to its tax base. Efforts that are detrimental to the Village ultimately are detrimental to the Town as well.
- A certain level of congestion is a sign of a healthy retail district. If not carefully controlled, however, traffic congestion can have a negative effect on the economic vitality and character of the Main Street corridor. Projects and policies designed to encourage walking and biking in the Village will help alleviate traffic congestion and parking problems. The Village has the opportunity to address this issue with the proposed streetscape improvements accompanying the upcoming NYS Department of Transportation Main Street Reconstruction project. The Village should work with the NYS Department of Transportation to ensure that this project addresses important traffic safety issues.
- More specialized solutions are needed in specific areas where congestion is significant, such as the traffic circle and the west end of Route 20A. These areas would merit transportation studies to look at traffic patterns, turning motions and possible solutions. This issue is addressed more specifically in the transportation section of this Plan.
- Along these lines, the proposed Streetscape project should be pursued to the greatest degree feasible. In addition to helping mitigate traffic conditions, this project will help support economic and tourism development in the Village.
- The Village has excellent resources for additional tourism development, but this is a two-edged sword. The Village must plan for the increase in visitation, and carefully balance new tourism-related development with the capacity of the community to accommodate it.
- In general, economic development efforts within the Village should target retail and commercial development. Industrial development efforts should focus primarily on ensuring the continued

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

5.6 Transportation Management

The major transportation routes through the regional planning area include State Routes 400 (a limited access highway), 16 and 78, and U.S. Route 20A. These roadways extend through or into portions of all five communities. Route 400 extends through Elma and Aurora. Route 400 (as well as Routes 20A and 16) is the major feature connecting this region to the rest of the County. This roadway has excess capacity and will adequately service the region for the foreseeable future.

Route 400 has four Interchanges and its southern terminus situated in the region. Only two of the four Interchanges are full service; the Maple Road and Route 20A Interchanges only allow travel in certain directions, forcing vehicles to seek alternative routes to reach their destinations. Neither of these Interchanges have southbound entrance or northbound exit ramps. Thus vehicles, in particular trucks, must move through the Village of East Aurora, to reach southerly destinations, between the Village and Holland. More traffic is forced to utilize Olean Road (Route 16) as a result, which has precipitated the need for a left turn signal for southbound movements off of Main Street.

Much of the roadway system in the region consists of rural, two-lane roads that support local travel. These roads typically have narrow shoulders, no curbing or street lighting, and are served by roadside drainage ditches. Public transportation services in the region are minimal and represented by bus service only. The region is heavily automobile dependent. There are two designated on-street bicycle routes in the region, which are located in the Town of Aurora. Local roads, particularly in Elma and Aurora, are handling increased volumes of traffic as a result of internal and external regional growth. Route 16 through Holland is also experiencing increased traffic flow, particularly during the summer months. The problem arises as to how to address the demands on local roadways without undertaking widening or other such improvements that would negatively impact the rural character of the communities.

The NYSDOT has identified certain locations where traffic volumes and/or design deficiencies are resulting in congestion or other traffic problems. The intersection of Clinton Street and Girdle/Schwartz Road in Elma, the intersections of Routes 20A and 78 and Two Rod Road and 20A in Wales, the Route 400 and 16 merge in South Wales, and the area in the vicinity of the traffic circle in East Aurora, are locations that are priority locations being examined by the State.

The region is also traversed by a Norfolk Southern railroad line which runs through the Town of Elma, East Aurora and Aurora, and into Holland through the southwestern corner of Wales. This line has three active switches, one in South Wales, one in Holland and the one near Jamison Road in Elma. The railroad is an important asset to the region and provides opportunities for industrial development. It may provide long term opportunities for pedestrian/commuter travel in the future, as well.

5.6.1 Regional Recommendations

Recommendations for transportation improvements are offered on a regional basis, rather than for each individual community, because traffic and transportation issues typically are not confined to one

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

5.10.5 Village of East Aurora

The major features affecting the vision of the Village of East Aurora include the influences of the surrounding Towns, the more densely developed, urban (built out) nature of the Village, the functioning of the area as a center for regional commerce, Route 20A (Main Street) and the concentration of public services and civic/cultural land uses. These features, the community's goals and objectives (including their strong desire to protect the unique character of the Village), and environmental and regional objectives lead to the following vision components depicted on Map 26.

- Most of the Village is depicted as "Village residential", which illustrates the major residential areas in the community that will experience little or no change over the next 15 to 20 years. These areas may be different in style, layout or housing type, but they represent the overall residential stability of the community.
- Two other dominant residential areas exist in the Village and are denoted on the vision map. The area in the southeast section (estate/large lot residential) has an abundance of large lots. The low-density nature of this area should be preserved, possibly through a new zoning classification or a zoning overlay district. This would help to preserve and limit subdivision activity in this area.
- The area on Main Street, east of the Uptown business district, is noted as historic Main Street residential on the map. This area should be protected for its historic significance and as a gateway into the Village. Higher standards for redevelopment should be utilized in this area.
- The Village includes one major industrial area – the existing Fisher Price area. It is an important element of the community and should be protected.
- There are two areas in transition in the Village. The first is the office/small business district, which is along the railroad corridor, south of the Uptown business district. This area is changing into an area of small businesses and offices, with an evident lack of retail uses. An example of this is the current use of the former school building as an office building. The other transition area is the developing Commerce Green business park, which has been promoted over the years as the last vacant land area available for light industrial and office development. Both of these areas are employment centers that can help to bring people into the Village center.
- The backbone of the Village is Main Street, which extends through the center of the Village from one end to the other. This area includes four distinct districts/areas, as follows.

1. Downtown (West End) Suburban Business District

This area represents the part of the Village that includes larger, suburban-style uses such as a supermarket, shopping plaza, franchise fast food restaurants, etc. Although this area has these types of existing uses, the area (with the characteristic traffic circle) represents a gateway to the Village and should have higher design standards more in line with the character of the surrounding Village. This area abuts Commerce Green, and between this facility and the retail uses in the area, represents a major destination in the Village. The challenge will be to keep this area in the image of the Village and to draw people from this area into other parts of Main Street and the surrounding community, particularly without an over reliance on motor vehicles.

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and Village of East Aurora

- In conjunction with the other partnering communities, work with the Greater Buffalo and Niagara Regional Transportation Council to lay the groundwork for a regional transportation study.
- Work closely with the NYS Department of Transportation and the Town of Aurora to manage traffic and address problem areas on State highways through the area.
- Work with the State to design an access management strategy for the Village, which addresses issues of driveway separations and conflicts, turning movements, new traffic control devices, signal timing, etc. and also studies the area in the vicinity of the traffic circle.
- Work cooperatively with the County, State, and Greater Buffalo and Niagara Regional Transportation Council to accommodate pedestrian and bicycle access, especially in those areas identified in the Regional Comprehensive Plan.
- Work together with the other communities in promulgating and adopting best management practices (BMP's) to manage the use of lawn fertilizers, road salt, pesticides and the disposal of hazardous wastes in an effort to preserve and protect water quality.
- A regional tourism committee should be investigated and formed. This committee will look at tourism in the region and help to better coordinate the actions of the legislative boards.
- The new comprehensive plan committee (implementation committee) should meet annually with the other community's representatives to discuss implementation, issues and problems, potential revisions to the plan, and possible joint projects or agreements.

Responsibilities/Methodologies

The Village Board should take the leadership role in these actions but assign them to the Planning Commission or other appropriate Boards or Committees.

Funding/Costs

These planning activities will have minimal costs, but require a great deal of time (volunteers and boards)

Costs: \$5,000

Funding: would most probably be with local monies.

D. Other Actions

- Undertake a streetscape project for Main Street. Continue to pursue funding for this action.
- Promote walking and other non-motorized means of travel, to manage traffic and transportation issues in the Village. Compliment the planned NYS Department of Transportation improvements along Main Street by developing a bicycle travel program through the Village to accommodate bicyclists, connect neighborhoods and tie outlying streets into Main Street.

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and Village of East Aurora

Village of East Aurora

- While strongly oriented toward the automobile, the transportation system in the Village of East Aurora is more balanced. The Village has the most public transportation availability of the five communities, although it is still very limited.
- The Village also has a higher proportion of pedestrian and bicyclist traffic. This is because activity centers are close enough to support non-vehicular traffic, and the physical infrastructure (sidewalks, streets) makes it easier to walk or bike. Additional improvements to support non-vehicular travel are recommended. Traffic congestion is a problem, particularly at the western end of the Village at the traffic circle.
- GBNRTC has identified a number of on- and off-road bike routes that it supports in the Village of East Aurora. None have been fully implemented.
- There is an active rail line, which is used for commercial and freight uses. No passenger rail is available.
- The major roadway corridors in the Village are described in Section 4.6.1 and 4.6.2. Route 20A (Main Street) is the primary roadway through the Village. Routes 78 and 16 are also major routes through the Village.
- NYS Department of Transportation will be reconstructing Main Street through the Village center in the near future. This redesign will incorporate improved pedestrian facilities and traffic calming features.
- Additional development in the Town or redevelopment in the Village has the potential to adversely impact the transportation network. In particular, more intensive development may aggravate areas where traffic congestion is a problem, or result in new areas of congestion.
- More intensive development may also increase potential conflicts between automotive and non-automotive modes of transportation.

J. Impact on Growth and Character of Community or Neighborhood

Town of Aurora

- The population of the Town of Aurora outside the Village grew by about 8 percent between 1990 and 2000. Projections suggest continued growth over the next decades at a similar pace.
- The rate of residential construction in Aurora outside the Village since 1990 has been about 34 single-family units per year on average. In addition, 38 units in doubles and apartments were permitted over the past decade.
- The Town's Goals and Objectives clearly indicate support for directing growth toward the areas of Town in or adjacent to the Village, and controlling the rate of growth in areas without services, or along rural road frontages in order to protect community character.

FEAF Exhibit E

Section C.3(b)

Letter from Peter J. Sorgi, Esq. (Project Attorney) to Elizabeth Cassidy (Village Code Enforcement Officer) confirming that proposed Action is allowed by Special Use Permit



November 7, 2023

Elizabeth Cassidy
Code Enforcement Officer
Village of East Aurora
575 Oakwood Avenue
East Aurora, NY 14052

Re: McDonald's Amended Site Plan and Amended Special Use Permit Applications

Dear Liz:

Our firm represents McDonald's USA, LLC regarding its proposed reconfiguration of the drive-through facilities at its site on Ernst Place in the Village of East Aurora. This letter shall confirm our telephone conference of November 2, 2023 where you, as Village of East Aurora Code Enforcement Officer, determined that the appropriate approval process for this Project is for McDonald's USA, LLC to apply for an Amended Site Plan Approval and an Amended Special Use Permit.

Please file this letter at the Village of East Aurora Building & Code Enforcement Office and return to me the enclosed copy of this letter date stamped as filed. A self-addressed, stamped envelope is also enclosed.

Please contact me with any questions or if further information is required. Thank you.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

A handwritten signature in dark ink, appearing to read "P. Sorgi".

Peter J. Sorgi, Esq.

Enc.

cc: Chris G. Trapp, Esq., East Aurora Village Attorney
Mark Meister, Esq., Senior Counsel, McDonald's Corporation
Randy Bebout, Sr. Project Manager, Land Development, Bohler

HOPKINS SORGI & MCCARTHY PLLC

Attorneys at Law

726 Main Street, Suite B • East Aurora, New York 14052
Office: 716-805-7191 • Fax: 716-427-6501 • Mobile: 716-908-3289
psorgi@hsmlegal.com
hsmlegal.com

FEAF Exhibit F

Section D.1(g)

Definition of Structure in Village Zoning Code

the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it. A basement shall be counted as a story for the purpose of height measurement, if the ceiling is more than five feet above the average adjoining ground level or if it is used for business or dwelling purposes. A half-story is a story under a sloping roof having a ceiling height of seven feet or more for not more than 1/2 the floor area of the uppermost full story in the building.

STREET — Any right-of-way for a public street or any approved private right-of-way.

STREET LINE — A line separating a lot from a street.

STRUCTURAL ALTERATIONS — Any change in the supporting members of a building or other structure, such as bearing walls, columns, beams or girders.

STRUCTURE — Anything constructed or erected which requires permanent location on the ground or attachment to something having such location, but not including a trailer.

SURFACE WATERS OF THE STATE OF NEW YORK — Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

TAVERN — An establishment where beverages, beer, wine, and/or liquor are sold to the public for consumption on the premises. Such a use shall include a minimum food preparation area and menu that satisfies the New York State Liquor Authority's minimum food requirement, where applicable. Also referred to as a bar, pub, tasting room or any establishment of similar nature.

TEMPORARY USE PERMIT — A temporary outdoor use or special event that extends beyond the normal uses and standards allowed by this chapter.

TOWNHOUSE — A multifamily dwelling containing attached or partially attached dwelling units which have individual exterior entrances and are constructed in such a manner that no dwelling unit is located above or below another dwelling unit.

USE — The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or the equivalent shall not be deemed to include any nonconforming use.

USE VARIANCE — The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

VILLAGE BOARD — The Board of Trustees of the Village of East Aurora, New York.

WATERCOURSE — A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY — A channel that directs surface runoff to a watercourse or to the public storm drain.

FEAF Exhibit G

Section E.1(a)

Existing Land Uses

(see yellow highlighted portion of attached
page 5-93 of Village Comprehensive Plan)

REGIONAL COMPREHENSIVE PLAN
Towns of Aurora, Elma, Holland and Wales and the Village of East Aurora

5.10.5 Village of East Aurora

The major features affecting the vision of the Village of East Aurora include the influences of the surrounding Towns, the more densely developed, urban (built out) nature of the Village, the functioning of the area as a center for regional commerce, Route 20A (Main Street) and the concentration of public services and civic/cultural land uses. These features, the community's goals and objectives (including their strong desire to protect the unique character of the Village), and environmental and regional objectives lead to the following vision components depicted on Map 26.

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FEAF Exhibit H

Section E.2(h)(iv)

Explanation of Section E.2(h)(iv) regarding
Wetlands or Waterbodies being checked as Yes

Section E. 2(h)(i) of the FEAF asks: "Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? The NYS Department of Environmental Conservation's EAF Mapper automatically fills this answer in and answered "Yes" and per the NYS Department of Environmental Conservation, "The questions answered by the EAF Mapper on the FEAF or SEAF are not editable."¹

However, the NYS Department of Environmental Conservation's FEAF Workbook states that:

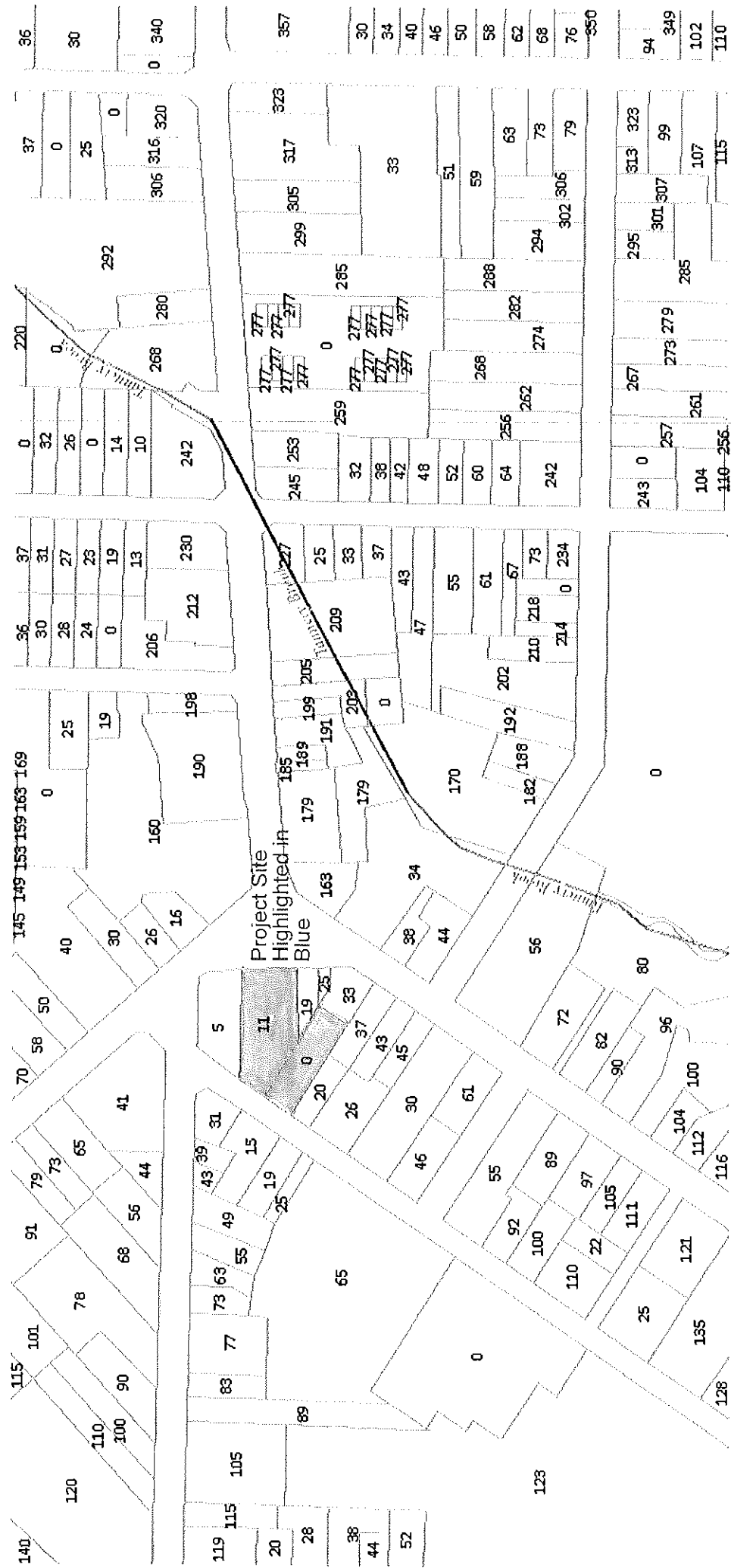
If a wetland or waterbody regulated by either the State or federal government does exist within the boundaries of the project site, or within 500' of the project site, the EAF Mapper will check "yes" on Question E.2.h.i of the PDF of the FEAF.²

Thus, while the questions asks about a "Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency," the EAF Mapper checks the box as Yes for any wetlands or waterbodies "within 500' of the project site."

As shown on the attached Map from the Erie County Internet Mapping System, there are no "wetlands or waterbodies within or adjoining the project site" however Tanney Brook is "within 500' of the project site."

¹ See www.dec.ny.gov/permits/90201.html

² See www.dec.ny.gov/permits/91670.html



FEAF Exhibit I

Section E.3(c)(ii)

Historic Building or District

Section E. 3(c)(iii) of the FEAF asks:

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?

Attached are a spreadsheet of properties in the Village of East Aurora contained on the National Register of Historic Places.¹ None of these properties are on or substantially contiguous to the Project Site.

Attached also is the Documentation of Submission to NYS Office of Parks, Recreation and Historic Preservation for Letter of No Impact regarding Historic Resources.

¹ See www.nps.gov/subjects/nationalregister/database-research.htm

National Register of Historic Places -- East Aurora, NY

Property Name	Street & Number	Category of Property
Baker Memorial Methodist Episcopal Church	345 Main St.	BUILDING
Bank of East Aurora	649 Main St.	BUILDING
Fillmore, Millard, House	24 Shearer Ave.	BUILDING
Roycroft Campus	Main and S. Grove Sts.	DISTRICT
Scheidemantel, George and Gladys, House	363 Oakwood Ave.	BUILDING
St. Matthias Episcopal Church Complex	374 Main St., 24 Maple Rd.	BUILDING

Peter Sorgi

From: Christina Sorgi
Sent: Wednesday, November 15, 2023 7:13 AM
To: Peter Sorgi
Subject: FW: NY SHPO: Initial Consultation Submission 8OWF6AU5CDUJ Received

From: New York State Parks CRIS Application <cris.web@parks.ny.gov>
Sent: Monday, November 13, 2023 3:55 PM
To: Christina Sorgi <csorgi@hsmlegal.com>
Subject: NY SHPO: Initial Consultation Submission 8OWF6AU5CDUJ Received

Initial Submission Received

The New York State Historic Preservation Office (SHPO) has received the following initial submission.

Initial Submission Token: 8OWF6AU5CDUJ

Project Type: Consultation

Project Name: McDonald's Amended Site Plan and Amended Special Use Permit

New York State Historic Preservation Office

Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189

518-237-8643 | <https://parks.ny.gov/shpo>

CRIS: <https://cris.parks.ny.gov>

Are you registered to vote? [Register to vote online today](#). Moved recently? Update your information with the NYS Board of Elections. Not sure if you're registered to vote? [Search your voter registration status](#).

Who sent this email?

This email is a notification from the [New York State Cultural Resource Information System \(CRIS\)](#). CRIS is an online service administered by the [New York State Division for Historic Preservation](#), also known as the New York State Historic Preservation Office (SHPO), which is a division of [New York State Parks, Recreation & Historic Preservation](#).

This message pertains to a submission for a consultation project. Please see SHPO's [Environmental Review](#) web page for more information about the consultation process.

Why did I receive this email?

The submission's contact list includes your email address.

What do I need to do?

You do not need to take any action at this time. The submission is now in SHPO's processing queue.

What will happen next?

If SHPO accepts your submission, you will receive an "Initial Submission Accepted" email notification and SHPO will begin reviewing the project. That email will include the new Project Number.

If SHPO needs more information to process your submission, you will receive an "Initial Submission Found Insufficient" email with the reviewer's comments. You may then revise the submission and resend it to SHPO.

What else can I do?

Please see the following help topics for more information about managing initial submissions in CRIS:

- [How do I check the status of my initial submission?](#)
- [View an Initial Submission](#)
- [Continue or Edit an Existing Initial Submission](#)

Where can I get help?

Please visit the CRIS Online Help System: <https://cris.parks.ny.gov/CRISHelp>

If you still have questions about CRIS, please contact CRIS Help at CRISHelp@parks.ny.gov.

For any other questions, please call SHPO at 518-237-8643.

FEAF Exhibit J

Section E.3(h)

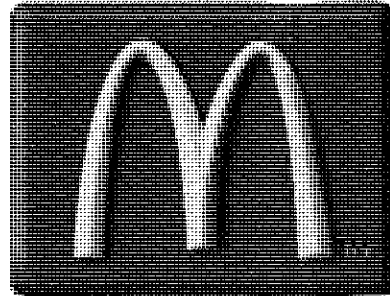
Additional Aesthetic Resource within five miles
of Project Site

Section E.3(h) of the FEAF asks: "Is the project site within five miles of any officially designated and publicly accessible federal, state, or local 9 scenic or aesthetic resource?" The NYS Department of Environmental Conservation's EAF Mapper automatically fills this answer in and answered "Yes" and per the NYS Department of Environmental Conservation, "The questions answered by the EAF Mapper on the FEAF or SEAF are not editable."¹

The EAF Mapper only indicated that Knox Farm State Park was within five miles of the Project Site, however the Mill Road Scenic Overlook is also within five miles of the Project Site.

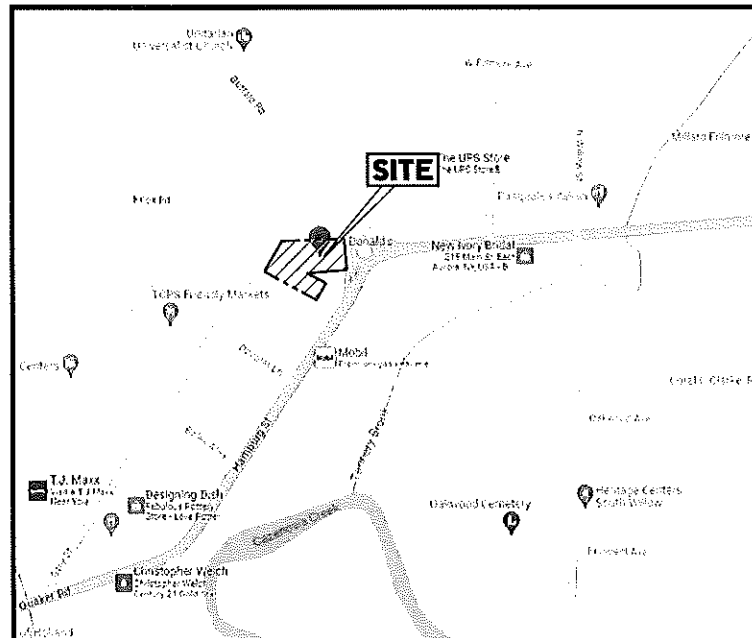
¹ See www.dec.ny.gov/permits/90201.html

FOR:
PROPOSED

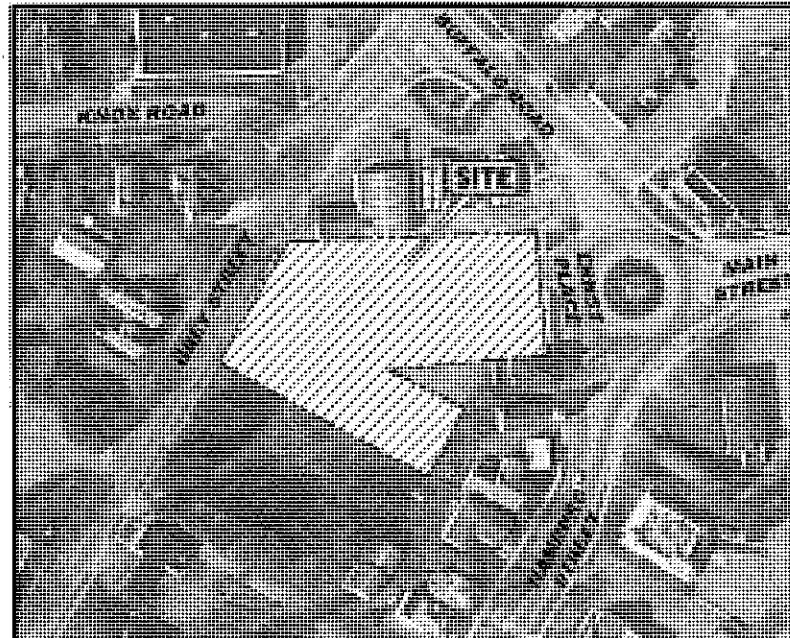


LOCATION OF SITE:
17 ERNST PLACE
VILLAGE OF EAST AURORA, ERIE COUNTY,
STATE OF NEW YORK

TAX MAP NUMBER: 164.19-7-41



LOCATION MAP
(NOT TO SCALE)
SOURCE: GOOGLE MAPS



SITE AERIAL MAP
(1" = 80')
SOURCE: NYS GIS Clearing House

SHEET TITLE	SHEET
COVER SHEET	C-1
GENERAL NOTES SHEET	C-2
DEMOLITION & EROSION CONTROL PLAN	C-3
SITE AND LANDSCAPE PLAN	C-4
GRADING & UTILITY PLAN	C-5
DRIVE-THRU LAYOUT PLAN (NOT INCLUDED)	C-6
CONSTRUCTION DETAIL SHEET - 1	C-7
CONSTRUCTION DETAIL SHEET - 2	C-8
BOUNDARY & TOPOGRAPHIC SURVEY (BY OTHERS)	1 OF 1

SHEET INDEX

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TAX PARCEL #164.10-7-41

PRELIMINARY PLANS

PLAN SCALE: AS NOTED

STREET ADDRESS
17 ERNST PLACE

TOWN
EAST AURORA

COUNTY
ERIE

REGIONAL DWG. NO.
LC #031-0748

STATE
NY

PLAN DESCRIPTION
COVER SHEET

SHEET NO.

REGIONAL HDQ.
CONSULT. MGR.

CONSULTING DEPT.

REAL ESTATE DEPT.

CO-ORDINATOR

OWNER

STATUS
PRELIMINARY

DATE
11/15/23

BY
WAB

PLAN CHECKED
AS-BUILT

11/15/23

RLB

XXXX

XXXX

C-1

1 OF 8

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NOT FOR CONSTRUCTION

McDonald's®

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OFFICE	STAMFORD FIELD OFFICE
ADDRESS	895 EAST MAIN STREET

301-	
------	--

LINE 1

[illegible]

[illegible][illegible][illegible]

TAX	PARCEL #164-19-7-41
PRELIMINARY PLANS	
PLAN SCALE: AS NOTED	
STREET ADDRESS 17 ERNST PLACE	
TOWN EAST AURORA	STATE NY
COUNTY ERIE	REGIONAL DWG. NO. LC #031-0748
PLAN DESCRIPTION GENERAL NOTES SHEET	

Know what's below
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		SIGNATURE (2 REQUIRED)		DATE		P.M.		1						HTW			
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C-2 2 OF 8																	

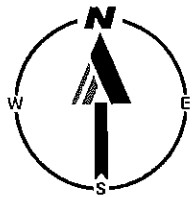
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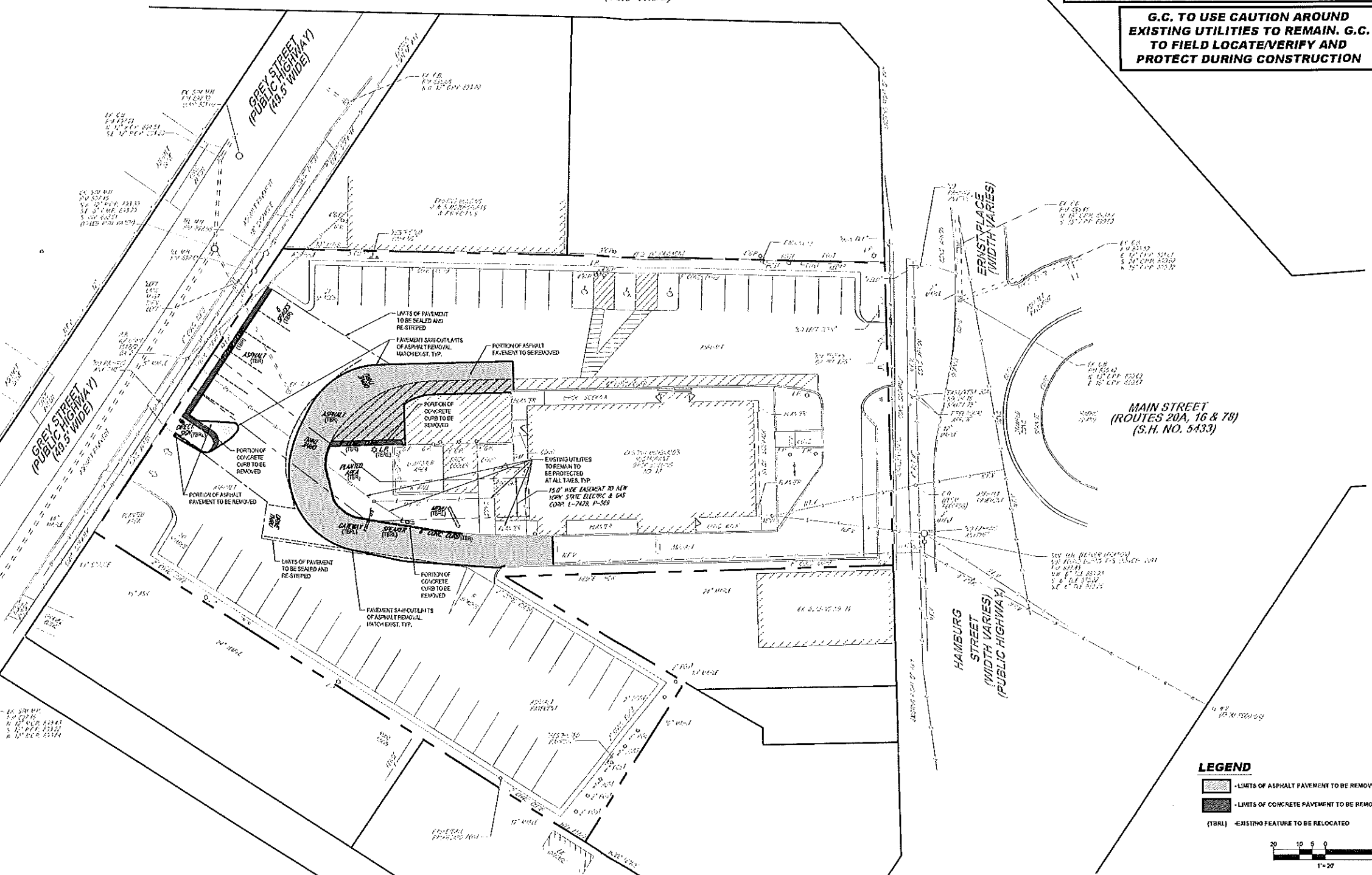
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KNOX ROAD
(BIG TREE ROAD)
(PUBLIC HIGHWAY)
(66.0' WIDE)

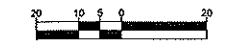
ALL EXISTING FEATURES THAT ARE NOT
LABELED "TBR" (TO BE REMOVED) ARE TO
REMAIN. GENERAL CONTRACTOR TO PROTECT
EXISTING FEATURES TO REMAIN AND NOTIFY
DESIGN ENGINEERS OF ANY DISCREPANCIES.

G.C. TO USE CAUTION AROUND
EXISTING UTILITIES TO REMAIN. G.C.
TO FIELD LOCATE/VERIFY AND
PROTECT DURING CONSTRUCTION



LEGEND

- LIMITS OF ASPHALT PAVEMENT TO BE REMOVED
- LIMITS OF CONCRETE PAVEMENT TO BE REMOVED
- (TBR) - EXISTING FEATURE TO BE RELOCATED



REFER TO GENERAL NOTES SHEET FOR
DEMOLITION NOTES

THIS PLAN TO BE UTILIZED FOR
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TAX PARCEL #164.18-7-41

PRELIMINARY PLANS

PLAN SCALE: AS NOTED

STREET ADDRESS
17 ERNST PLACE

TOWN EAST AURORA STATE NY
COUNTY ERIE

REGIONAL DWG. NO.
LC #031-0748

PLAN DESCRIPTION
**DEMOLITION
AND EROSION
CONTROL PLAN**

REV	DATE	DESCRIPTION	BY	ISSUE REF
1			HTW	
FINAL PLAN SIGNATURES				
P.M.				
G.C.				
O/O				

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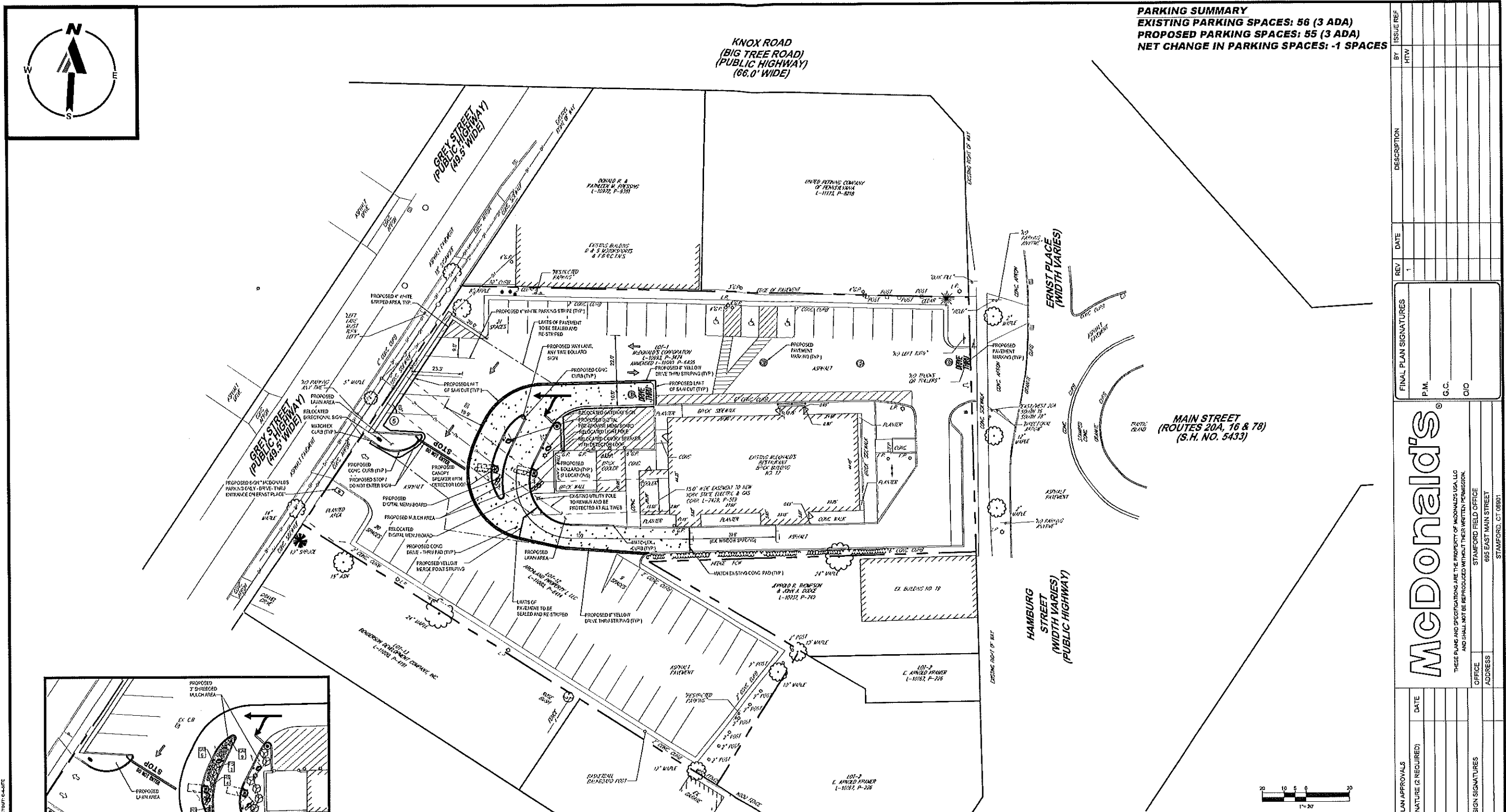
STAMFORD FIELD OFFICE
888 EAST MAIN STREET
STAMFORD, CT 06901

PLAN APPROVALS	DATE	STATUS	DATE	BY
SIGNATURE (2 REQUIRED)		PRELIMINARY	11/15/23	WAB
REGIONAL MGR.		PLAN CHECKED	11/15/23	RLB
CORR. MGR.		AS-BUILT	XXXX	XXXX
OPERATIONS MGR.				
REAL ESTATE DEPT.				
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CONTRACTOR				
OWNER				

C-3

3 OF 8

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EXTENT OF THE ALTERATION. THE DRAWINGS AND/OR THE
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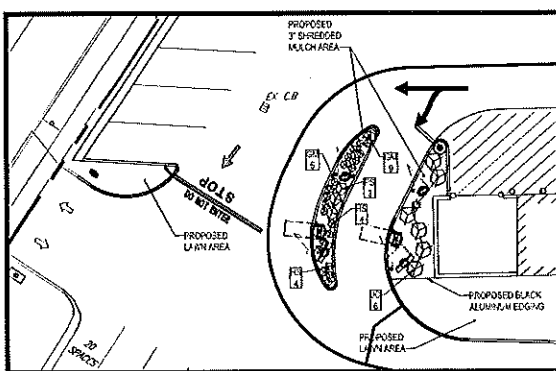
PARKING SUMMARY
EXISTING PARKING SPACES: 56 (3 ADA)
PROPOSED PARKING SPACES: 55 (3 ADA)
NET CHANGE IN PARKING SPACES: -1 SPACES

REV	DATE	DESCRIPTION	BY	ISSUE REF
1				

FINAL PLAN SIGNATURES	
P.M.	
G.C.	
O.O.	

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STAMFORD, CT 06901



LANDSCAPE BLOW UP

LANDSCAPE SCHEDULE					
KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	CONT.
OW	14	QUERCUS SARG. MAXIFLOR	WATERBURY OAK	4 1/2" DIA.	#1 CONT.
HS	4	HEDERA HELIX	EUROPEAN HEDERA	12" DIA.	#1 CONT.
AC	6	ANEMONE CANADENSIS	CANADIAN ANEMONE	12" DIA.	#1 CONT.
FS	3	FESTUCA SCLEROTA	STRAIGHT FESCUE	12" DIA.	#1 CONT.

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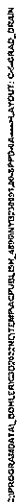
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TAX PARCEL #184.19-7-41	
PRELIMINARY PLANS	
PLAN SCALE: AS NOTED	
STREET ADDRESS 17 ERNST PLACE	
TOWN EAST AURORA	STATE NY
COUNTY ERIE	
REGIONAL DWG. NO. LC #031-0748	PLAN DESCRIPTION SITE AND LANDSCAPE PLAN

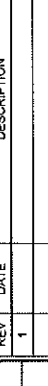
STATUS	DATE	BY
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PLAN CHECKED	11/15/23	RLB
AS-BUILT	XXXX	XXXX

4 OF 8



**THIS PLAN TO BE UTILIZED FOR SITE
GRADING PURPOSES ONLY. REFER TO
GENERAL NOTES SHEET
FOR ADDITIONAL GRADING & UTILITY
NOTES**

TAX PARCEL #164.10-7-41	
PRELIMINARY PLANS	
PLAN SCALE: AS NOTED	
STREET ADDRESS 17 ERNST PLACE	
TOWN EAST AURORA	STATE NY
COUNTY ERIE	
REGIONAL DWS. NO LC #031-0748	PLAN DESCRIPTION GRADING AND UTILITY PLAN

PLAN APPROVALS		 <p>THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF MCDONALD'S USA, LLC AND SHALL NOT BE REPRODUCED WITHOUT THEIR WRITTEN PERMISSION.</p>		FINAL PLAN SIGNATURES _____ P.M. _____ G.C. _____ O/O _____		REV	DATE	DESCRIPTION	BY	ISSUE REF
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CONST. MGR										
OPERATIONS DUPT.										
LEGAL, CRATE, DUPT.										
CO-SIGN SIGNATURES				OFFICE						
				ADDRESS						
				895 EAST MAIN STREET						
				STAMFORD FIELD OFFICE						
CONTRACTOR										
OWNER				STAMFORD, CT 06901						
STATUS	DATE	BY								
PRELIMINARY	11/15/23	V/AB								
PLAN CHECKED	11/15/23	RLB								
AS-BUILT	XXXX	XXXX								

1. ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE DONE AS SET FORTH IN THE MOST CURRENT STATE SEDIMENT AND EROSION CONTROL MANUAL.
2. THOSE AREAS UNDERGOING ACTUAL CONSTRUCTION WILL BE LEFT IN AN UNGRADED OR UNVEGETATED CONDITION FOR A MINIMUM TIME. AREAS SHALL BE PERMANENTLY STABILIZED WITHIN 15 DAYS OF FINAL GRADING AND TEMPORARILY STABILIZED WITHIN 30 DAYS OF INITIAL DISTURBANCE OF THE SOIL. IF THE DISTURBANCE IS WITHIN 100 FEET OF A STREAM OR POUD, THE AREA SHALL BE STABILIZED WITHIN 7 DAYS OR PRIOR TO ANY STORM EVENT (THIS WOULD INCLUDE WETLANDS).
3. SEDIMENT BARRIERS (SILT FENCE, STRAW BARRIERS, ETC) SHOULD BE INSTALLED PRIOR TO ANY SOIL DISTURBANCE OF THE CONTRIBUTING DRAINAGE AREA ABOVE THEM. MULCH/STABILIZATION SHALL BE USED TO ANCHOR MULCH IN ALL AREAS WITH SLOPES GREATER THAN 15% AFTER OCTOBER 1ST THE SAME APPLIES FOR ALL SLOPES GREATER THAN 8%.
4. INSTALL EROSION CONTROL BARRIER AT TOP OF SLOPE TO FILTER SILT FROM RUNOFF. SEE SILTATION BARRIER DETAILS FOR PROPER INSTALLATION. SILTATION BARRIER WILL REMAIN IN PLACE PER PERM.
5. ALL EROSION CONTROL STRUCTURES WILL BE INSPECTED, REPLACED AND/OR REPAIRED EVERY 7 DAYS AND IMMEDIATELY FOLLOWING ANY SIGNIFICANT RAINFALL OR SNOWMELT OR WHEN A HIGHER SEVERE RISK DUE TO SEDIMENT ACCUMULATION OR DECOMPOSITION. SEDIMENT DEPOSITS SHOULD BE REMOVED AFTER EACH STORM EVENT. THEY MUST BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE HALF THE HEIGHT OF THE BARRIER. SEDIMENT CONTROL DEVICES SHALL REMAIN IN PLACE AND BE MAINTAINED BY THE CONTRACTOR UNTIL AREAS UP-SLOPE ARE STABILIZED TO 2%.
6. 1:10 SLOPES, EITHER PERMANENT OR TEMPORARY, SHALL BE STEEPER THAN TWO TO ONE (2:1).
7. IF FINAL SEEDING OF THE DISTURBED AREAS IS NOT COMPLETED AS DAYS PRIOR TO THE FIRST KILLING FROST, USE TEMPORARY MULCH (POPPANT SEEDING MAY BE ATTEMPTED AS WELL) TO PROTECT THE SITE AND DELAY SEEDING UNTIL THE NEXT RECOMMENDED SEEDING PERIOD.
8. TEMPORARY SEEDING OF DISTURBED AREAS THAT HAVE NOT BEEN FINAL GRADED SHALL BE COMPLETED AS DAYS PRIOR TO THE FIRST KILLING FROST TO PROTECT FROM SPERM RUNOFF PROBLEMS.
9. DURING THE CONSTRUCTION PHASE, EXPOSED SEDIMENT WILL BE RETURNED TO THE SITE AND REGRADED OR TO OPEN AREAS.
10. REVEGETATION MEASURES WILL COMMENCE UPON COMPLETION OF CONSTRUCTION EXCEPT AS NOTED ABOVE. ALL DISTURBED AREAS NOT OTHERWISE STABILIZED WILL BE GRADED, SMOOTHED, AND PREPARED FOR FINAL SEEDING AS FOLLOWS:
 - 10.1. SIX INCHES OF LOAM WILL BE SPREAD OVER DISTURBED AREAS AND SMOOTHED TO A UNIFORM SURFACE.
 - 10.2. APPLY LIMESTONE AND FERTILIZER ACCORDING TO SOIL TEST. IF SOIL TESTING IS NOT FEASIBLE ON SMALL OR VARIABLE SITES OR WHERE TURNING IS CRITICAL, FERTILIZER MAY BE APPLIED AT THE RATE OF 800 LBS PER ACR OR 18.4 LBS PER 1,000 SF USING 20-20-20 EQUIVALENT OR 100 LBS PER ACR OF LIMESTONE EQUIVALENT TO 5% CALCIUM PULVERIZED MAGNESIUM SULFATE AT RATES 6 TONS PER ACRE (138 LBS PER 1,000 SF).
 - 10.3. FOLLOWING SEED BED PREPARATION, DITCHES AND BACK SLOPES WILL BE SOWN TO A MIXTURE OF 47% CREeping RED FESCUE, 5% REDTOP, AND 48% TALL FESCUE. THE LAWN AREAS WILL BE SEED TO A PREMIUM TURF MIXTURE OF 44% KENTUCKY BLUE-GRASS, 44% CREeping RED FESCUE, AND 12% PERENNIAL RYEGRASS. SEEDING RATE IS 1.0 LBS PER 1,000 SF. LAWN QUALITY 600 MAY BE SUBSTITUTED FOR SEED.
- 10.4. STRAW MULCH AT THE RATE OF 70-80 LBS PER 1,000 SF. A HYDRO-APPLICATION OF WOOD OR PAPER FIBER SHALL BE APPLIED FOLLOWING SEEDING. A SUITABLE BINDER SUCH AS CURACOL OR RVM PLUS WILL BE USED ON STRAW MULCH FOR CHURNING.
11. ALL TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED ONCE THE SITE IS STABILIZED.
12. WETLANDS WILL BE PROTECTED BY STRAW, COMPOST, AND OR SILT FENCE BARRIERS INSTALLED AT THE EDGE OF THE WETLAND OR THE BOUNDARY OF WETLAND DISTURBANCE.
13. ALL AREAS WITHIN 100 FEET OF A FLAGGED WETLAND OR STREAM SHALL HAVE AN EXPOSURE WINDOW OF NOT MORE THAN 7 DAYS.
14. ALL AREAS WITHIN 100 FEET OF A FLAGGED WETLAND OR STREAM SHALL FOLLOW APPROPRIATE EROSION CONTROL MEASURES PRIOR TO EACH STORM IF NOT BEING ACTIVELY WORKED.

MULCH		
LOCATION/ PROTECT AREA	MULCH STRAW	RATE (1000 SF) 100 POUNDS
WINDY AREA	SHREDDED OR CHOPPED CORN STALKS STRAW (MULCHED)	165-275 POUNDS 100 POUNDS
MODERATE TO HIGH VELOCITY AREAS OR STEEP SLOPES GREATER THAN 3:1	JUTE MESH OR EXCLUSION MAT	AS REQUIRED
(REFER TO GEOTECHNICAL REPORT FOR FINAL DESIGN REQUIREMENTS)		

* A HYDRO-APPLICATION OF WOOD, OR PAPER FIBER MAY BE APPLIED FOLLOWING SEEDING. A SUITABLE BINDER SUCH AS CURASOL OR RMB PLUS SHALL BE USED ON STRAW MULCH FOR WIND CONTROL.

MULCH ANCHORING: ANCHOR MULCH WITH PEG AND TWINE (1 60-YD BLOCK); MULCH NETTING (AS PER MANUFACTURER'S); WOOD CELLULOSE FIBER (750 LBS/ACRE); CHEMICAL TACK (AS PER MANUFACTURER'S SPECIFICATIONS); USE OF A SERRATED STRAW DISK. WETTING FOR SMALL AREAS AND ROAD DITCHES MAY BE PERMITTED.

1. WINTER CONSTRUCTION PERIOD: NOVEMBER 15 THROUGH APRIL 15.
2. WINTER EXCAVATION AND EARTHWORK SHALL BE DONE SUCH THAT NO MORE THAN 1 ACRE OF THE SITE IS WITHOUT STABILIZATION AT ANY ONE TIME.
3. EXPOSED AREA SHOULD BE LIMITED TO THAT WHICH CAN BE MULCHED IN ONE DAY PRIOR TO ANY SLOPE CUT.
4. CONTINUATION OF EARTHWORK OPERATION ON ADDITIONAL AREAS SHALL NOT BEGUN UNTIL THE EXPOSED SOIL SURFACE ON THE AREA BEING WORKED HAS BEEN ESTABLISHED SUCH THAT NO LARGER AREA OF THE SITE IS WITHOUT EROSION CONTROL. PROTECTION AS LISTED IN ITEM 2 ABOVE.
5. AN AREA SHALL BE CONSIDERED TO HAVE BEEN STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED WITH STRAW OR STRAW AT A RATE OF 100 LB. PER 1,000 SQUARE FEET (WITH OR WITHOUT SEEDING) OR DORMANT SEEDS, MULCHED AND ADEQUATELY ANCHORED BY AN APPROVED ANCHORING TECHNIQUE.
6. BETWEEN THE DATES OF OCTOBER 15 AND APRIL 15T, LOAM OR SEED WILL NOT BE REQUIRED, DURING PERIODS OF ABOVE FREEZING TEMPERATURES THE SLOPES SHALL BE FIRM GRADED AND EITHER PROTECTED WITH MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL SUCH TIME AS THE FINAL TREATMENT CAN BE APPLIED. IF THE DATE IS AFTER NOVEMBER 15T AND IF THE EXPOSED AREA HAS BEEN LOAMED, FINAL GRADED AND IS SMOOTH, THEN THE AREA MAY BE DORMANT SEEDS AT A RATE OF 200 LBS/AC. HIGHER THAN SPECIFIED FOR PERMANENT SEED AND THEN MULCHED. IF CONSTRUCTION CONTINUES DURING FREEZING AND WINTER, ALL EXPOSED AREAS SHALL BE CONTINUOUSLY GRADED BEFORE FREEZING AND THE SURFACE TEMPORARILY PROTECTED FROM EROSION BY THE APPLICATION OF MULCH. SLOPES SHALL NOT BE LEFT UNEXPOSED OVER THE WINTER OR ANY OTHER EXTENDED TIME OF WORK SUSPENSION UNLESS TREATED IN THE ABOVE MANNER UNTIL SUCH TIME AS WEATHER CONDITIONS ALLOW CATCHES TO BE FINISHED WITH THE PERMANENT SURFACE TREATMENT. EROSION SHALL BE CONTROLLED BY THE INSTALLATION OF BALES OF STRAW OR STONE CHECK DAMS IN ACCORDANCE WITH THE STANDARD DETAILS.
7. MULCHING REQUIREMENTS:
 - 7.1. BETWEEN THE DATES OF NOVEMBER 15T AND APRIL 15TH ALL MULCH SHALL BE ANCHORED BY EITHER PEG LINE, MULCH NETTING OR WOOD CELLULOSE FIBER.
 - 7.2. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL DRAINAGE WAYS WITH A SLOPE GREATER THAN 3% FOR SLOPE EXPOSED TO DIRECT WINDS AND FOR ALL OTHER SLOPES GREATER THAN 6%.
 - 7.3. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL AREAS WITH SLOPES GREATER THAN 15% AFTER OCTOBER 15T OR SUCH APPLIES FOR ALL SLOPES GREATER THAN 6%.
8. AFTER NOVEMBER 15T THE CONTRACTOR SHALL APPLY DORMANT SEEDING OR MULCH AND ANCHORING ON ALL BARE EARTH AT THE END OF EACH WORKING DAY.
9. DURING THE WINTER CONSTRUCTION PERIOD ALL SNOW SHALL BE REMOVED FROM AREAS OF SEEDING AND MULCH PRIOR TO PLACEMENT.
10. STOCKPILING OF MATERIALS (GRIT, WOOD, CONSTRUCTION MATERIALS, ETC.) MUST REMAIN COVERED AT ALL TIMES TO MINIMIZE ANY DUST PROBLEMS THAT MAY OCCUR WITH ADJACENT PROPERTIES AND TO PROVIDE MAXIMUM PROTECTION AGAINST EROSION RUNOFF.
11. EXISTING CATCH BASIN STRUCTURES SHALL BE PROTECTED UNTIL SUCH TIME AS THEY ARE REMOVED.

Diagram illustrating the cross-section of a tree pit installation. The components labeled are:

- 16" STAKE INTO UNDISTURBED GROUND EVERY 30" O.C. LAP UNITS AS PER MANUFACTURERS RECOMMENDATION.
- MULCH AS SPECIFIED
- FINISH GRADE
- LAWN OR GRAVEL AREA
- 3 1/2" x 4" BLACK ALUMINUM EDGING
- UNDISTURBED SUBGRADE
- PREPARED TOPSOIL

	N.T.S.
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- 1.1. THE LANDSCAPE CONTRACTOR SHALL BE REQUIRED TO PERFORM ALL CLEARING, FINISHED GRADING, SOIL PREPARATION, PERMANENT SEEDING OR SOOING, PLANTING AND LAYING IN INCLUDING ALL LABOR, MATERIALS, TOOLS AND EQUIPMENT NECESSARY FOR THE COMPLETE HOF THIS PROJECT, UNLESS OTHERWISE CONTRACTED BY THE GENERAL CONTRACTOR.
2. **MATERIALS**
 - 2.1. GENERAL: ALL LANDSCAPE MATERIALS SHALL MEET OR EXCEED SPECIFICATIONS AS OUTLINED IN THE STATE DEPARTMENT OF TRANSPORTATION'S SPECIFICATIONS.
 - 2.2. TOPSOIL - NATURAL, FRAGILE, LOAMY SALT SOIL HAVING AN ORGANIC CONTENT NOT LESS THAN 5%, A PH RANGE BETWEEN 4.5 TO 7.0 IT SHALL BE FREE OF DEBRIS, ROCKS LARGER THAN ONE (1) INCH (1"). WOOD, ROOTS, VEGETABLE MATTER AND CLAY CLUMPS.
 - 2.3. LAWN: ALL DISTURBED AREAS ARE TO BE TREATED WITH A MINIMUM 4" THICK LAYER OF TOPSOIL, OR AS DIRECTED BY THE LOCAL ORDINANCE OR CLIENT, AND SEEDED OR SOODED IN ACCORDANCE WITH THE PERMANENT STABILIZATION METHODS INDICATED ON THE LANDSCAPE PLAN!
 - 2.4.1. LAWN SEED MIXTURE SHALL BE FRESH, CLEAN NEW CROP SEED.
 - 2.4.2. SOO SHALL BE STRONGLY ROOTED, WEED AND DISEASE FREE WITH A UNIFORM THICKNESS, SOO INSTALLED ON SLOPES GREATER THAN 4:1 SHALL BE PEGGED TO HOLD SOO IN PLACE.
 - 2.4.3. MATCH-ALL PLANTING BEDS SHALL BE MATCHED WITH A 3" THICK LAYER OF DOUBLE ENDERED HARDWOOD BARK MULCH UNLESS OTHERWISE STATED ON THE LANDSCAPE PLAN AND/OR LANDSCAPE PLAN NOTES ATTACHED.
3. **FERTILIZER**
 - 3.1. FERTILIZER SHALL BE DELIVERED TO THE SITE MTD AS SPECIFIED IN THE ORIGINAL UNOPENED PRODUCT BAGS SHOWING WEIGHT, ANALYSIS AND NAME OF MANUFACTURER. FERTILIZER SHALL BE STORED IN A WEATHER-PROOF PLACE SO THAT IT CAN BE KEPT DRY PRIOR TO USE.
 - 3.2. FOR THE PURPOSE OF BIDDING, ASSUME THAT FERTILIZER SHALL BE 10% NITROGEN, 6% PHOSPHORUS AND 4% POTASSIUM BY WEIGHT. A FERTILIZER SHOULD NOT BE SELECTED WITHOUT A SOIL TEST PERFORMED BY A CERTIFIED SOIL LABORATORY.

- 2.6.1. ALL PLANTS SHALL IN ALL CASES CONFORM TO THE REQUIREMENTS OF THE "AMERICAN STANDARD FOR NURSERY STOCK" (ANSI Z60.1), LATEST EDITION, AS PUBLISHED BY THE AMERICAN NURSERY & LANDSCAPE ASSOCIATION (FORMERLY THE AMERICAN ASSOCIATION OF NURSERYMEN).
- 2.6.2. IN ALL CASES, BOTANICAL NAMES SHALL TAKE PRECEDENCE OVER COMMON NAMES FOR ANY AND ALL PLANT MATERIAL.
- 2.6.3. PLANTS SHALL BE LEGITIMATELY TAGGED WITH THE PROPER NAME AND SIZE, AND TAGS TO REMAIN ON AT LEAST ONE PLANT OF EACH SPECIES OR VARIETY THROUGHOUT THE ENTIRE PROJECT.
- 2.6.4. PLANTS WITH DETERIORATION OF THE BARK, UNUSUAL DISCOLORATION OR FRESH CUTS OF UNUSUAL ORIGIN, WOUNDHOLE NOT BEEN COMPLETELY CAULKED, SHALL BE REJECTED. PLANTS SHALL NOT BE BOUND WITH WIRE OR ROPE AT ANY TIME SO AS TO DAMAGE THE BARK OR BREAK BRANCHES.
- 2.6.5. ALL PLANTS SHALL BE TYPICAL OF THEIR SPECIES OR VARIETY AND SHALL HAVE A NORMAL HABIT OF GROWTH WELL DEVELOPED BRANCHES, DENSELY FOULATED, VIGOROUS ROOT SYSTEMS AND BE FREE OF DISEASE, INSECTS, PESTS, EGGS OR LARVAE.
- 2.6.6. CALIPER MEASUREMENTS OF NURSERY GROWN TREES SHALL BE TAKEN AT A POINT ON THE TRUNK SIX INCHES (6") ABOVE THE NATURAL GRADE FOR TREES UP TO AND INCLUDING A FOUR INCH (4") CALIPER SIZE. IF THE CALIPER AT SIX INCHES (6") ABOVE THE GROUND EXCEEDS FOUR INCHES (4") IN CALIPER, THE CALIPER SHOULD BE MEASURED AT A POINT 12" ABOVE THE NATURAL GRADE.
- 2.6.7. SHRUBS SHALL BE MEASURED TO THE AVERAGE HEIGHT OR SPREAD OF THE SHRUB, AND NOT TO THE LONGEST BRANCH. TREES AND SHRUBS SHALL BE HANDLED WITH CARE BY THE ROOT BALL.

3.1. CONTRACTOR TO UTILIZE WORKMANLIKE INDUSTRY STANDARDS IN PERFORMING ALL LANDSCAPE CONSTRUCTION. THE SITE IS TO BE LEFT IN A CLEAN STATE AT THE END OF EACH WORKDAY. ALL DEBRIS, MATERIALS AND TOOLS SHALL BE PROPERLY STORED, STOCKPILED OR DISPOSED OF.

3.2. WASTE MATERIALS AND DEBRIS SHALL BE COMPLETELY DISPOSED OF AT THE CONTRACTOR'S EXPENSE. DEBRIS SHALL NOT BE BURIED, INCLUDING ORGANIC MATERIALS, BUT SHALL BE REMOVED COMPLETELY FROM THE SITE.

4.1. BEFORE AND DURING PRELIMINARY GRADING AND FINISHED GRADING, ALL WEEDS AND GRASSES SHALL BE DUG OUT BY THE ROOTS AND DISPOSED OF IN ACCORDANCE WITH GENERAL WORK PROCEDURES OUTLINED HEREIN.

4.2. ALL EXISTING TREES TO REMAIN SHALL BE PRUNED TO REMOVE ANY DAMAGED BRANCHES, THE ENTIRE LUMP OF ANY EXISTING BRUSH SHALL BE REMOVED, AND ALL EXISTING TREES SHALL BE CUT AT THE BASE. CUTS ARE TO BE SMOOTH AND STRAIGHT, ANY EXPOSED ROOTS SHALL BE CUT BACK WITH CLEAN SHARP TOOLS AND TOPSOIL SHALL BE PLACED AROUND THE REMAINDER OF THE ROOTS. EXISTING TREES SHALL BE MONITORED ON A REGULAR BASIS FOR ADDITIONAL ROOT ROT OR OTHER DAMAGE AS WELL AS FOR DAMAGE TO THE TRUNK OR BRANCHES FOR MORE THAN ONE (1) DAY. CONTRACTOR SHALL WATER EXISTING TREES AS NEEDED TO PREVENT SHOCK OR DECLINE.

4.3. CONTRACTOR SHALL ARRANGE TO HAVE A UTILITY STAKE-OUT TO LOCATE ALL UNDERGROUND UTILITIES PRIOR TO INSTALLATION OF ANY LANDSCAPE MATERIAL. UTILITY COMPANIES SHALL BE CONTACTED THREE (3) DAYS PRIOR TO THE START OF WORK.

5.1. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES TO REMAIN. A TREE PROTECTION ZONE SHALL BE ESTABLISHED AT THE DRAIN LINE OR AT THE LIMIT OF CONSTRUCTION DISTURBANCE, WHICHEVER IS GREATER. LOCAL STANDARDS THAT MAY REQUIRE A MORE STRICT TREE PROTECTION ZONE SHALL BE HONORED.

5.2. A FORTY-FOUR INCH (4") HIGH WOODEN SNOW FENCE OR ORANGE COLORED HIGH-DENSITY POLYESTER, OR APPROVED EQUIVALENT, MUST BE INSTALLED TO PROTECT AND AROUND THE TREE PROTECTION ZONE. POSTS SHALL BE LOCATED AT A MAXIMUM OF EIGHT FEET (8') ON CENTER OR AS INDICATED WITHIN THE TREE PROTECTION DETAIL.

5.3. WHEN THE TREE PROTECTION FENCING HAS BEEN INSTALLED, IT SHALL BE INSPECTED BY THE APPROVING AGENCY PRIOR TO DEMOLITION, GRADING, TREE CLEARING OR ANY OTHER CONSTRUCTION. THE FENCING ALONG THE TREE PROTECTION ZONE SHALL BE REGULARLY INSPECTED BY THE LANDSCAPE CONSTRUCTION AID MAINTAINED UNTIL ALL CONSTRUCTION ACTIVITY HAS BEEN COMPLETED.

THE TREE PROTECTION ZONE.

6. SOIL MODIFICATION

6.1. CONTRACTOR SHALL ATTAIN A SOIL TEST FOR ALL AREAS OF THE SITE PRIOR TO CONDUCTING ANY PLANTING. SOIL TESTS SHALL BE PERFORMED BY A CERTIFIED SOIL LABORATORY.

6.2. LATERAL ROOTS OF ALL TREES ADJACENT TO ANY SOIL OR MANAGE CONDITION IS CONSIDERED DETRIMENTAL TO THE GROWTH OF PLANT MATERIAL. SOIL MODIFICATION, AS SPECIFIED HEREIN, MAY NEED TO BE CONDUCTED BY THE LANDSCAPE CONTRACTOR DEPENDING ON SITE CONDITION.

6.3. THE FOLLOWING AMENDMENTS AND QUANTITIES ARE APPROXIMATE AND ARE FOR BIDDING PURPOSES ONLY. COMPOSITION OF AMENDMENTS SHOULD BE REVISED DEPENDING ON THE OUTCOME OF A TOPSOIL ANALYSIS PERFORMED BY A CERTIFIED LABORATORY.

TOP 6"±. USE COMPOSTED BARK, COMPOSTED LEAF MULCH OR PEAT MOSS. ALL PRODUCTS SHOULD BE COMPOSTED TO A DARK COLOR AND BE FREE OF PIECES WITH IDENTIFIABLE LEAF OR WOOD STRUCTURE. AVOID MATERIAL WITH A P-HIGHER THAN 7.5.

6.3.2. TO INCREASE DRAINAGE, MODIFY HEAVY CLAY OR SILT (MORE THAN 40% CLAY OR SILT) BY ADDING COMPOSTED PINE BARK (UP TO 30% BY VOLUME) AND/OR AGRICULTURAL OPTIMUM, COARSE SAND MAY BE USED IF ENOUGH IS ADDED TO BRUIE THE SAND CONTENT TO MORE THAN 60% OF THE TOTAL MIX. SUBSURFACE DRAINAGE LINES MAY BE ADDED TO INCREASE DRAINAGE.

6.3.3. MODIFY EXTREMELY BAKEN SOILS (MORE THAN 80%) BY ADDING ORGANIC MATTER AND/OR DRY, DISPERSED CLAY LOAM

7.1. UNLESS OTHERWISE CONTRACTED, THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF TOPSOIL AND THE ESTABLISHMENT OF FINE-GRADED WITHIN THE DISTURBANCE AREA OF THE SITE.

7.2. LANDSCAPE CONTRACTOR SHALL VERIFY THAT SUBGRADE FOR INSTALLATION OF TOPSOIL HAS BEEN ESTABLISHED. THE SUBGRADE OF THE SITE MUST MEET THE FINISHED GRADE LESS THE REQUIRED TOPSOIL THICKNESS (1").

7.3. ALL LAWN AND PLANTING AREAS SHALL BE GRADED TO A SMOOTH, EVEN AND UNIFORM PLANE WITH NO AIRPORT CHANGE OF SURFACE AS DEPICTED WITHIN THIS SET OF CONSTRUCTION PLANS, UNLESS OTHERWISE DIRECTED BY THE PROJECT SUPERVISOR OR LANDSCAPE ARCHITECT.

7.4. ALL PLANTING AREAS SHALL BE GRADED AND MAINTAINED TO ALLOW FREE FLOW OF SURFACE WATER IN AND AROUND THE PLANTING BEDS. STANDING WATER SHALL NOT BE PERMITTED IN PLANTING BEDS.

6.1. CONTRACTOR SHALL PROVIDE A 4" THICK MINIMUM LAYER OF TOPSOIL, OR AS DIRECTED BY THE LOCAL JURISDICTION OR AGENCY, IN ALL PLANTING AREAS. TOPSOIL SHALL BE SPREAD OVER A PREPARED SURFACE IN A UNIFORM LAYER TO MEET THE REQUIRED SPECIFIED THICKNESS.

6.2. ON-SITE TOPSOIL MAY BE USED TO SUPPLEMENT THE TOTAL AMOUNT REQUIRED. TOPSOIL FROM THE SITE MAY BE RE-EVALUATED IF IT HAS NOT BEEN PROPERLY REMOVED, STORED AND PROTECTED PRIOR TO CONSTRUCTION.

6.3. TOPSOIL SHALL BE STORED IN A MANNER THAT PREVENTS EROSION, POLLUTION AND ON-SITE TOPSOIL SHALL BE UTILIZED IN ALL PLANTING AREAS. THE PH AND NUTRIENT LEVELS MAY NEED TO BE ADJUSTED THROUGH SOIL MODIFICATION AS NEEDED TO ACHIEVE THE REQUIRED LEVELS AS SPECIFIED IN THE MATERIALS SECTION ABOVE.

6.4. ALL LAWN AREAS ARE TO BE CULTIVATED TO A DEEP 3" TOP SOIL (PH 7). ALL DESIRES DERIVED FROM EXCAVATION AND PLANTATION SHALL BE MET TO THE MAXIMUM EXTENT POSSIBLE WITH THE EXISTING TOPSOIL ABOVE. THE FOLLOWING SHALL BE TILLED INTO THE TOP FOUR INCHES (PH 7) IN TWO DIRECTIONS (QUANTITIES BASED ON A 1,000 SQUARE FEET):

8.4.2. 20 POUNDS NITROFORM (COURSE) & 6.0 BLUE CAP OR APPROVED NITROGEN FERTILIZER

8.5. THE SPREADING OF TOPSOIL SHALL NOT BE CONDUCTED UNDER MUDDY OR FROZEN CONDITIONS.

9. PLANTING

9.1. INsofar THAT IT IS FEASIBLE, PLANT MATERIAL SHALL BE PLANTED ON THE DATE OF DELIVERY. IN THE EVENT THAT THIS IS NOT POSSIBLE, LANDSCAPE CONTRACTOR SHALL PROTECT UNPLANTED PLANT MATERIAL. PLANTS SHALL NOT REMAIN UNPLANTED FOR LONGER THAN A THREE DAY PERIOD AFTER DELIVERY. PLANTS THAT WILL NOT BE PLANTED FOR A PERIOD OF TIME GREATER THAN THREE DAYS SHALL BE HEADED IN WITH TOPSOIL OR MULCH TO HELP PRESERVE ROOT MOISTURE.

9.2. PLANTING OPERATIONS SHALL BE PERFORMED DURING PERIODS WHEN THE PLANTING SEASON (WHEN WEATHER AND SOIL

<p>LANDSCAPE SPECIFICATIONS</p>	<p>H.T.S.</p>

1. **Identify the problem.** The first step is to identify the problem. This involves understanding the situation, the people involved, and the goals that need to be achieved.

- 0.3. AT/THINNED ROOTS OR BRANCHES SHALL BE PRUNED TO MAKE CLEAN CUT ENDS PRIOR TO PLANTING UTILIZING CLEAN, SHARP TOOLS. ONLY INURED OR DISEASED BRANCHES CAN BE REMOVED.
- 0.4. ALL PLANTING CONTAINERS, BASKETS AND NON-BiodeGRADABLE MATERIALS SHALL BE REMOVED FROM ROOT BALLS PRIOR TO PLANTING. NATURAL FIBER BASKETS MUST BE CUT FROM AROUND THE TRUNKS OF THE TREE AND FOLDED DOWN AGAINST IT. ROOT BALLS MUST BE UNPACKED.
- 0.5. POSITION TREES AND SHRUBS AT THEIR INTENDED LOCATIONS AS PER THE PLANS AND SECURE THE APPROVAL OF THE LANDSCAPE ARCHITECT PRIOR TO EXCAVATING PITS, MAKING NECESSARY ADJUSTMENTS AS DIRECTED.
- 0.6. PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY, THE PROPOSED LANDSCAPE, AS SHOWN ON THE APPROVED LANDSCAPE PLAN, MUST BE INSTALLED, INSPECTED AND APPROVED BY THE APPROVING AGENCY. THE APPROVING AGENCY SHALL TAKE INTO ACCOUNT THE PLANTING SCHEDULE AND CONSIDERATIONS IN THIS REGARD FOLLOWING: THE PLANTING OF TREES, SHRUBS OR GROUNDCOVER SHALL OCCUR ONLY DURING THE FOLLOWING PLANTING SEASONS:
 - 9.6.1. PLANTS MAY BE TO DECEMBER 15
 - 9.6.2. LILAC, MARCH 15 TO JUNE 15 OR SEPT. 1 TO DECEMBER 1
 - 9.6.3. PLANTINGS REQUIRED FOR A CERTIFICATE OF OCCUPANCY SHALL BE PROVIDED DURING THE NEXT APPROPRIATE SEASON AT THE MAJORITY'S DISCRETION. CONTRACTOR SHALL CONTACT APPROVING AGENCY FOR POTENTIAL SUBSTITUTIONS.
- 0.7. FURTHERMORE, THE FOLLOWING TREE VARIETIES ARE USUALLY SUSCEPTIBLE TO WINTER DAMAGE, WITH TRANSPLANT SINK AND THE SEASONAL LACK OF NITROGEN AVAILABILITY. THE RISK OF PLANT DEATH IS GREATLY INCREASED, IF IT IS REQUIRED THAT THESE SPECIES BE PLANTED DURING THE FALL PLANTING SEASON.

9.8. PLANTING PIT SHALL BE 3x3 WITH LEVEL BOTTOMS, WITH THE WIDTH TWICE THE DIAMETER OF ROOT BALL. THE ROOT BALL SHALL REST ON UNDISTURBED GRADE. EACH PLANT PIT SHALL BE BACKFILLED IN LAYERS WITH THE FOLLOWING: 1) PREPARE SOIL MIXED THOROUGHLY.

9.8.1. 1 PART PAST MOSS

9.8.2. 1 PART COMPOSTED COW MANURE BY VOLUME

9.8.3. 3 PARTS TOPSOIL BY VOLUME

9.8.4. 21 GRAMS AGRIFORM PLANTING TABLETS (OR APPROVED EQUAL) AS FOLLOWS:

9.8.4.1. 2 TABLETS PER 1 GALLON PLANT

9.8.4.2. 3 TABLETS PER 5 GALLON PLANT

9.8.4.3. 4 TABLETS PER 15 GALLON PLANT

9.8.4.4. LARGER PLANTS: 3 TABLETS PER "N" CALIPER OF TRUNK

9.9. FILL PREPARED SOIL AROUND BALL OF PLANT HALF-WAY AND INSERT PLANT TABLETS. COMPLETE BACKFILL AND WATER THOROUGHLY.

- 9.10. ALL PLANTS SHALL BE PLANTED SO THAT THE TOP OF THE ROOT BALL, THE POINT AT WHICH THE ROOT BALL BEGINS, IS AT GROUND LEVEL AND IN THE CENTER OF THE PIT. NO SOIL IS TO BE PLACED DIRECTLY ON TOP OF THE ROOT BALL.
- 9.11. ALL PROPOSED TREES DIRECTLY ADJACENT TO WALKWAYS OR DRIVEWAYS SHALL BE PRUNED AND MAINTAINED TO A MAXIMUM HEIGHT OF 15 FEET.
- 9.12. GROUND COVER AREAS SHALL RECEIVE A 1/2" LAYER OF HUMUS RICH INTO THE TOP 1" OF PREPARED SOIL PRIOR TO PLANTING. ALL GROUND COVER AREAS SHALL BE WEEDED AND TREATED WITH A PRE-EMERGENT CHEMICAL AS PER MANUFACTURER'S RECOMMENDATION.
- 9.13. JOINTS IN EXISTING GROUND COVERS, GRASSES OR VIKES, SHALL BE PLANTED LESS THAN TWO FEET (2') FROM EXISTING STRUCTURES AND SIDEWALKS.
- 9.14. ALL PLANTING AREAS AND PLANTING PITS SHALL BE MULCHED AS SPECIFIED HEREIN TO FILL THE ENTIRE BED AREA OR SAUCER. NO MULCH IS TO TOUCH THE TRUNK OF THE TREE OR SHRUB.
- 9.15. ALL PLANTING AREAS SHALL BE WATERED IMMEDIATELY UPON INSTALLATION IN ACCORDANCE WITH THE WATERING SCHEDULE AS LISTED HEREIN.

10. TRANSPLANTING (WHEN REQUIRED)
 - 10.1. ALL TRANSPLANTS SHALL BE DUG WITH INTACT ROOT BALLS CAPABLE OF SUSTAINING THE PLANT.
 - 10.2. IF PLANTS ARE TO BE STOCKPILED BEFORE REPLANTING, THEY SHALL BE HEADED UP WITH MULCH OR SOIL, ADEQUATELY WATERED AND PROTECTED FROM EXCESSIVE HEAT, SUN AND WIND.
 - 10.3. PLANTS SHALL NOT BE IN DUE FOR TRANSPLANTING BETWEEN APRIL 10 AND JUNE 30.
 - 10.4. UPON REPLANTING, BACKFILL SOIL SHALL BE AMENDED WITH FERTILIZER AND ROOT GROWTH HORMONE.
 - 10.5. TRANSPLANTS SHALL BE GUARANTEED FOR THE LENGTH OF THE GUARANTEE PERIOD SPECIFIED HEREIN.
 - 10.6. IF TRANSPLANTS DIE, SEBARS AND TREES LESS THAN SIX INCHES (6") DOB SHALL BE REPLACED IN WIND. TREES GREATER THAN SIX INCHES (6") SHALL BE RE-TRIMMED TO BE REPLACED IN ACCORDANCE WITH THE MUNICIPALITY'S TREE REPLACEMENT GUIDELINES.

11. WATERINGS

11.1. WATERPLANTINGS ON LAWN AREAS SHALL BE ADEQUATELY IRRIGATED BEFORE AND IMMEDIATELY AFTER PLANTING. WATER SHALL BE APPLIED TO EACH ROW AND SHRUB IN SUCH MANNER AS NOT TO DISTURB BACKFILL AND TO THE EXTENT THAT WATER IN THE PLANTING HOLE ARE THOROUGHLY SATURATED. WATERING SHALL CONTINUE AT LEAST UNTIL PLANTS ESTABLISHED.

11.2. SITE OWNER SHALL PROVIDE WATER IF AVAILABLE ON SITE AT TIME OF PLANTING. IF WATER IS NOT AVAILABLE ON SITE, CONTRACTOR SHALL SUPPLY ALL NECESSARY WATER. THE USE OF PLANTING BAGS IS RECOMMENDED FOR ALL NEWLY PLANTED TREES.

11.3. IF AN IRRIGATION SYSTEM HAS BEEN INSTALLED ON THE SITE IT SHALL BE USED TO WATER PROPOSED PLANT MATERIAL. ANY FAILURE OF THE SYSTEM DOES NOT EXEMPT THE CONTRACTOR'S RESPONSIBILITY OF MAINTAINING THE DESIRED WATERING LEVEL FOR TREES, SHRUBS, HEALTHY GROWTH.

12. **GUARANTEE**

12.1. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANTS FOR A PERIOD OF 1 YEAR FROM APPROVAL OF LANDSCAPE INSTALLATION BY THE APPROVING AGENCY. CONTRACTOR SHALL SUPPLY THE OWNER WITH A MAINTENANCE BOND FOR PERCENT (0%) OF THE VALUE OF THE LANDSCAPE INSTALLATION WHICH WILL BE RELEASED AT THE CONCLUSION OF THE GUARANTEE PERIOD AND WHEN A FINAL INSPECTION HAS BEEN COMPLETED AND APPROVED BY THE OWNER OR AUTHORITY REPRESENTATIVE.

12.2. ANY DEAD OR DROPPING PLANT MATERIAL SHALL BE REPLACED FOR THE LENGTH OF THE GUARANTEE PERIOD. REPLACEMENT PLANT MATERIAL SHALL BE CONDUCTED AT THE FIRST SUCCEEDING PLANTING SEASON. ANY DEBTS SHALL BE DISPOSED

12.3 TREES AND SHRUBS SHALL BE MAINTAINED BY THE CONTRACTOR DURING CONSTRUCTION AND THROUGHOUT THE 90 DAY MAINTENANCE PERIOD AS SPECIFIED HEREIN. CULTIVATION, WEEDING, WATERING AND THE PREVENTATIVE TREATMENTS SHALL BE PERFORMED AS NECESSARY TO KEEP PLANT MATERIAL IN GOOD CONDITION AND FREE OF INSECTS AND DISEASE.

12.4 LAWN SHALL BE MAINTAINED THROUGH WATERING, FERTILIZING, WEEDING, MOWING, TRIMMING AND OTHER OPERATION SUCH AS ROLLING, REGRADING AND REPLANTING AS REQUIRED TO ESTABLISH A SMOOTH, ACCEPTABLE LAWN, FREE OF ERODED OR BARE AREAS.

13. CLEANUP

13.1. UPON THE COMPLETION OF ALL LANDSCAPE INSTALLATION AND BEFORE THE FINAL ACCEPTANCE, THE CONTRACTOR SHALL REMOVE ALL EXCESS MATERIALS, EQUIPMENT AND DEBRIS FROM THE SITE. ALL PAVED AREAS SHALL BE TO BE CLEANED.

13.2. THE SITE SHALL BE CREATELY LEFT IN A NEAT AND ACCEPTABLE CONDITION AS APPROVED BY THE OWNER OR AUTHORIZED REPRESENTATIVE.

14. MAINTENANCE / ALTERNATIVE BID

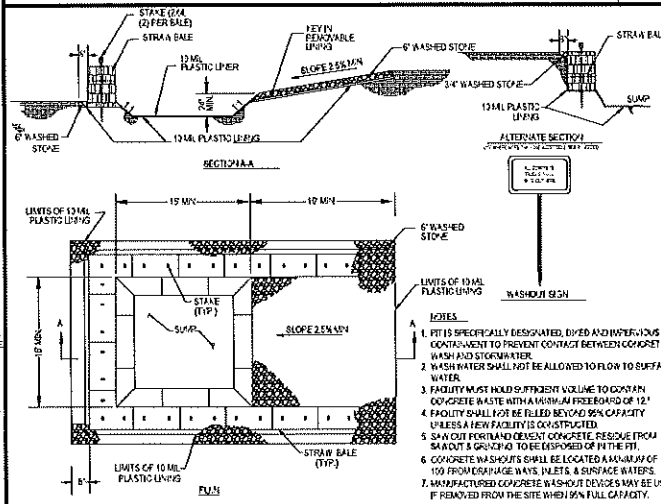
14.1. A 90 DAY MAINTENANCE PERIOD SHALL COMMENCE AT THE END OF ALL LANDSCAPE INSTALLATION OPERATIONS. THE 90 DAY MAINTENANCE PERIOD ENSURES TO THE OWNER/OPERATOR THAT THE NEARLY INSTALLED LANDSCAPING HAS BEEN PROPERLY SPROUTED ON THE APPROVED LANDSCAPE PLAN. ONCE THE 90 DAY MAINTENANCE PERIOD HAS EXPIRED, THE OWNER/OPERATOR MAY REQUEST THAT BIDDERS SUBMIT AN ALTERNATE MAINTENANCE BID FOR A MONTHLY MAINTENANCE CONTRACT. THE ALTERNATE MAINTENANCE CONTRACT SHALL ENCOMPASS ANY WORK THAT IS CONSIDERED NECESSARY TO ENSURE THAT PLANT AND LAND AREA ARE HEALTHY AND PROTECTED TO THE APPROVAL OF THE OWNER/OPERATOR.

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**70 LINDEN OAKS
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		LANDSCAPE ARCHITECTURE
		SUSTAINABLE DESIGN
		PERMITTING SERVICES
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PLANT SHALL BE PLANTED SO THAT THE POINT AT WHICH THE ROOT PLANE BEGINS IS SET LEVEL WITH GRADE. CUT AND REMOVE BURLAP FROM TOP ONE-THIRD OF ROOT BALL AS SHOWN.

PLANTING MIX:
1 PART PEAT MOSS
1 PART COW MANURE
3 PARTS TOPSOIL
(SEE SOIL MODIFICATION CHART)

BEFORE PLANTING, ADD 3" TO 4" OF WELL-COMPOSTED LEAVES AND RECYCLED YARD WASTE TO BED AND TILL INTO TOP 6" OF PREPARED SOIL.

SOIL SURFACE ROUGHENED TO BIND WITH NEW SOIL.

24" MINIMUM

2" MINIMUM

6" MINIMUM

FOR CONTAINER-GROWN SHRUBS, PLANT SHALL BE TRANSPLANTED AT THE SAME GRADE AS IN THE CONTAINER. REMOVE THE CONTAINER, USE FINGER OR SMALL HAND TOOLS TO PULL THE ROOTS OUT OF THE OUTER LAYER OF POTTING SOIL; THEN CUT OR PULL APART ANY ROOTS THE CIRCLE THE PERIMETER OF THE CONTAINER.

3" DOUBLE-SHREDDED HARDWOOD BARK MULCH (DO NOT PUT MULCH AGAINST THE BASE OF THE PLANT).

LANDSCAPE FABRIC AS SPECIFIED

FINISHED GRADE

PLACE SHRUB ON FIRM SOIL, IF BOTTOM OF HOLE IS NOT FIRM.

UNDISTURBED SUBGRADE

WHEN APPROPRIATE, PLANT MULTIPLE SHRUBS IN CONTIGUOUS PLANTING HOLE.

	N.T.S.
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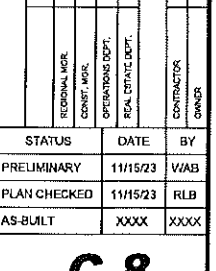
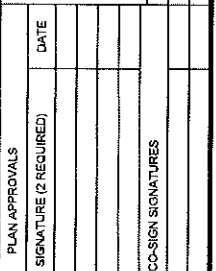
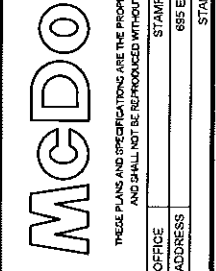
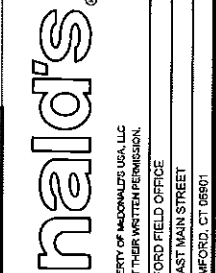
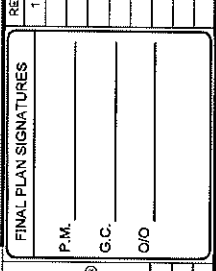
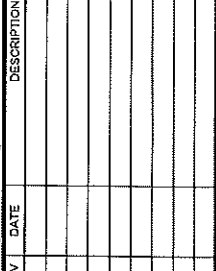
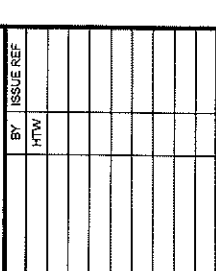
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TAX PARCEL #164.10-7-41		SI	RECORDING INSTR.	COUNT, ACRES	OPERATIONS DEPT.	REAL ESTATE DEPT.	CC	CONTRACTOR	OWNER
PRELIMINARY PLANS									
PLAN SCALE: AS NOTED									
STREET ADDRESS 17 ERNST PLACE		STATUS		DATE	BY				
TOWN EAST AURORA	STATE NY	PRELIMINARY		11/15/23	VIAB				
COUNTRY ERIE		PLAN CHECKED		11/15/23	RLB				
REGIONAL DWG. NO. LC #031-0748		AS-BUILT		XXXX	XXXX				
PROJECT DESCRIPTION CONSTRUCTION DETAIL SHEET - 1		C-7 7 OF 8							
CAD FILE: N:\0233091\00-SPFD\CA									



PLAN APPROVALS		 <p>THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF McDONALD'S USA, LLC AND SHALL NOT BE REPRODUCED WITHOUT THEIR WRITTEN PERMISSION.</p>
SIGNATURES	OFFICE	
	ADDRESS	
	STAMFORD FIELD OFFICE	
	895 EAST MAIN STREET STAMFORD, CT 06901	

100

COUNTY ERIE	
NO 34-0340	PLAN DESCR CONS

PRELIMINARY	11/15/23	V/AB
PLAN CHECKED	11/15/23	RLB
AS-BUILT	XXXX	XXXX

8



OPERATING AUTHORITY FOR UTILITIES

- (1) TELEPHONE SERVICE-----VERIZON
65 FRANKLIN STREET, 6TH FLOOR
BUFFALO, NY 14202 (716) 840-6184
- (2) ELECTRIC SERVICE-----NEW YORK STATE ELECTRIC & GAS CORPORATION
160 ERIE STREET
LANCASTER, NY 14086 (716) 681-5388
- (3) GAS SERVICE-----NATIONAL FUEL GAS CORPORATION
6353 MAIN STREET
AMHERST, NY 14221 (716) 857-7078
- (4) SANITARY SEWER SERVICE-----ERIE COUNTY DIVISION OF SEWER MANAGEMENT
95 FRANKLIN STREET, ROOM 1032
BUFFALO, NY 14202 (716) 856-8760
- (5) STORM SEWER SERVICE-----VILLAGE OF EAST AURORA PUBLIC WORKS DEPT.
400 PINE STREET
EAST AURORA, NY 14052 (716) 652-6057
NEW YORK STATE DEPT. OF TRANSPORTATION
100 SENeca STREET
BUFFALO, NY 14203 (716) 847-3291
- (6) WATER SERVICE-----VILLAGE OF EAST AURORA PUBLIC WORKS
400 PINE STREET EXT.
EAST AURORA, NY 14052 (716) 652-6057
- (7) CABLE SERVICE-----USCGLC (SPECTRUM)
1767 VETERANS MEMORIAL HWY, SUITE 7
ISLANDIA, NY 11749 (800) 262-8600

LEGEND

- OVERHEAD ELECTRIC
- OVERHEAD ELECTRIC & TELEPHONE
- UNDERGROUND TELEPHONE
- GAS
- STORM SEWER
- WATER
- SANITARY SEWER
- FENCE
- POWER POLE
- LIGHT POLE
- FLAG POLE
- SQUARE CATCH BASIN
- TELEPHONE MANHOLE
- STORM MANHOLE
- MANHOLE
- MONITORING WELL
- GUARD POST
- GAS METER
- CLEAN OUT
- WATER VALVE
- SIGN
- ELECTRIC BOX
- NOT FIELD VERIFIED
- NO PARKING
- RESERVED PARKING
- HAND RAIL
- BOULDER
- WINDOW WELL
- CONDUIT
- TRAFFIC ARROW
- HANDICAP PARKING SPACE
- CURB WITH ELEVATIONS

KNOX ROAD

(BIG TREE ROAD)

(66.0' WIDE)

UNITED REFINING COMPANY
OF PENNSYLVANIA
L-11301, P-5744

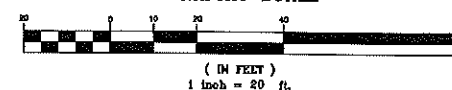
MAIN STREET
(ROUTES 20A, 18 & 76)
(S.H. NO. 5433)

GENERAL NOTES

- (1) BENCHMARK IS A RAILROAD SPIKE SET IN THE SOUTH FACE OF A POWER POLE W/ A LIGHT NYSED 1547/2, BA 2 ON THE EAST SIDE OF GREY STREET APPROXIMATELY 160 FEET SOUTH OF KNOX ROAD. ELEVATION 606.51 NAVD83.
- (2) UNDERGROUND UTILITY INFORMATION SHOWN WAS DERIVED FROM RECORD PLANS SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES. PRIOR TO ANY CONSTRUCTION OR EXCAVATION AT THE SITE, THE PROPER UTILITY AUTHORITY SHOULD BE NOTIFIED.

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
- (3) REFERENCE MAP: ERIE COUNTY REAL PROPERTY TAX MAP
VILLAGE OF EAST AURORA MAP NO. 154.19
- (4) FOR REFERENCE SEE ALTA/ACSM LAND TITLE SURVEY PREPARED BY MONTOSH & MONTOSH, P.C., DATED JANUARY 12, 2001, LAST REVISED MARCH 9, 2011 AND IDENTIFIED AS JOB NO. 6687.

GRAPHIC SCALE



McINTOSH & McINTOSH, P.C.
CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS
LOCKPORT, NEW YORK BUFFALO, NEW YORK
PHONE 434-9138 PHONE 625-8360

TOPOGRAPHICAL MAP OF PART OF LOT-31, TWP.-9, R.-8, HOLLAND PURCHASE
LOCATION VILLAGE OF EAST AURORA, TOWN OF AURORA, ERIE COUNTY, NEW YORK

JOB No. 6687-A SCALE: 1" = 20' DATE: NOVEMBER 8, 2023

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