

Corey A. Auerbach
Partner

February 9, 2026

Via Hand Delivery

Elizabeth Cassidy, Code Enforcement Officer
The Aurora Municipal Center
575 Oakwood Ave
East Aurora, NY 14052

Re: Area Variance Application - 0 Maple Street (SBL 164.12-1-1.131)

Dear Ms. Cassidy:

We represent Russo Developers & Builders Inc., the record owner of the property located at 0 Maple Street, Town of Aurora, identified as SBL 164.12-1-1.131.

By way of background, a Negative Declaration under SEQRA was previously issued by the Town, and an Open Development Area (ODA) approval was granted on July 13, 2015, approving the subdivision that created the subject parcel.

In order to authorize the parcel as a buildable lot of record under the Town's current regulations, the applicant is seeking relief from certain minimum standards applicable to Open Development Areas. Enclosed please find the Zoning Board of Appeals application and supporting materials submitted in connection with that request.

The enclosed Proposed Plot Plan/Concept Plan prepared by Carmina Wood Design, dated February 9, 2026 (Drawing No. C-100), is submitted to satisfy the application requirements for a sketch, survey, and site plan. The plan depicts the property boundaries, lot dimensions, flagpole access, setbacks, proposed building envelope, driveway configuration, and surrounding conditions sufficient for the Zoning Board of Appeals' review of the requested variances. This letter is submitted as the Letter of Intent for purposes of the ZBA application.

Please do not hesitate to contact me if you require any additional information or if there are any administrative items that should be addressed to facilitate review and scheduling before the Zoning Board of Appeals.

Very truly yours,



Corey Auerbach

Enclosure

Town of Aurora Application Form



ZONING BOARD OF APPEALS APPLICATION FORM AND INSTRUCTIONS

Please Read Carefully

The Zoning Board of Appeals (ZBA) has the power to issue interpretations of the Zoning Ordinance and to grant area variances, use variances and use permits.

Application requirements:

1. Prior to seeking a variance from the ZBA, the Applicant/Property Owner must receive a denial from the Building Department for a building permit, a decision from the Code Enforcement Officer, or a referral from the Planning Board or Town Board.
2. Completed applications must be submitted *by the second Monday of the month prior* to the next scheduled meeting of the ZBA. The ZBA meets the third Thursday of each month.
3. All applications must be accompanied by the proper application fee. ZBA application fee is \$100.00. Checks made payable to Town of Aurora.
4. If the applicant/petitioner is not the property owner, an owner authorization form must be submitted.
5. Submit one (1) original and ten (10) copies of the following information:
 1. ZBA application with all questions answered.
 2. Petitioner's letter of intent.
 3. Sketch, drawing, plan or brochure showing all dimensions of the structure that requires a variance and any other information as may be necessary (ex: photos of the property).
 4. Survey prepared by a licensed surveyor, licensed architect or professional engineer showing the property involved and the location of all existing structures and proposed structures. All setback measurements must be shown on the survey.
 5. A site plan showing the proposed structure and all dimensioning including distance from property lines and roadways, driveways, wells, septic, drainage ditches and any other features relevant to the variance being requested.
 6. Copy of property deed.
 7. Short Environmental Assessment Form (SEQRA) – Part I completed by applicant.

Incomplete applications will not be accepted for review.

Attendance at the Hearing:

The property owner, applicant, owner/applicant's attorney, engineer and/or architect or a duly authorized person must attend the public hearing.



CASE NO. _____

DATE OF HEARING _____

Town of Aurora Zoning Board of Appeals
575 Oakwood Avenue, East Aurora, New York 14052

Zoning Board of Appeals Application Form

I. TYPE OF REQUEST

☒ AREA VARIANCE ☐ SPECIAL USE PERMIT ☐ USE VARIANCE ☐ INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name Russo Developers & Builders, Inc. by Barclay Damon LLP as agent/attorney
Address 200 Delaware Ave, Suite 1200
City Buffalo State NY ZIP 14202
Phone 716 858 3801 Fax _____ Email cauerbach@barclaydamon.com
Interest in the property (ex: owner/purchaser/developer) Owner

III. PROPERTY OWNER INFORMATION (If different from applicant information.)

Property Owner(s) Name(s) _____
Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 0 Maple Street
SBL# 164.12-1-1.131
Property size in acres 2.36 +/- Property Frontage in feet 70.1 feet
Zoning District R-1 Surrounding Zoning Residential
Current Use of Property Vacant Land

IV. REQUEST DETAIL

(check all that apply)

☒ Variance from Ordinance Section(s) # 99-31
☐ Special Use Permit for: _____
☐ Use Variance for: _____
☐ Interpretation of _____

V. SIGNATURES (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 5)

Coray Suerden
as agent/attorney

Signature of Applicant/Petitioner

Russo Developers & Builders, Inc.

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 9 day of February in the year 2026 before me, the above individual appeared, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.

Mark R. McNamara
Notary Public

(Notary stamp)

MARK R. MCNAMARA
Notary Public, State of New York
Reg. No. 02MC6090444
Qualified in Erie County
Commission Expires April 14, 2027

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

Application reviewed by: _____

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

PREVIOUS APPEAL(S):

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

Previous appeals:

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

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

PETITIONER'S LETTER OF INTENT

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

See attached.

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

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

- 1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).

Financial Evidence Provided Yes ____ No ____ (financial evidence is required per NYS Town Law)

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

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

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

(Attach additional pages if needed)

Town of Aurora
575 Oakwood Avenue
East Aurora, NY 14052
www.townofaurora.com

**Zoning Board of Appeals
Application
Owner Authorization**

The undersigned, who is the owner of the premises know as:

0 Maple Street
....., identified as Tax Map (SBL)# 164.12-1-1.131
(address)

Barclay Damon LLP as agent/attorney

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

Russo Developers & Builders, Inc.

Owner (print)

2/9/26

Date


Owner (signature) as agent attorney

STATE OF NEW YORK)
COUNTY OF ERIE)
SS

On this 9th day of February, 2026, before me, the undersigned, a notary public in and for said state,
personally appeared Corey A. Auerbach, personally known to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their
signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted,
executed the instrument.


Notary Public

MARK R. MCNAMARA
Notary Public, State of New York
Reg. No. 02MC6090444
Qualified in Erie County
Commission Expires April 14, 2027

Prior Open Development Area Approval



**TOWN OF AURORA
OPEN DEVELOPMENT AREA APPLICATION**

To Be Completed By Applicant

PETITIONER: Name: TWO ROD RD REALTY
 Address: 2100 TWO ROD RD
MARILLA NY 14102
 City State Zip
 Phone: 523-5999 Fax: 655-1038
 E-Mail: _____

PROPERTY OWNER (if different from petitioner):

Name: RUSSO DEVELOPERS & BUILDERS
 Address: 2100 TWO ROD RD Ph. No. 523-5999

PROJECT ADDRESS: MAPLE RD 164.12
 No. Street SBL No. 16-12-1-1.13

PROJECT DESCRIPTION: SUBDIVIDE LOT

Signature of Applicant: _____

State of New York) SS:
 County of Erie)

On the 18th day of September, in the year 2014, before me, the undersigned, a notary public in and for said state, personally appeared FRANK J. RUSSO personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and they by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Richard J. Sherwood
 Notary Public Notary Public, State of New York
 Qualified in Erie County
 My Commission Expires August 31, 20____

ODA Appr.
 Appr 7/13/15

OFFICE USE ONLY:			
File #:	Number of Lots	Total Acreage	Zoning
Open Development Area Review Application Fee		\$ <u>100⁰⁰</u>	
Materials Received by Town Clerk & Fee Paid		Accepted by <u>S. Miller</u> Date <u>10/30/14</u>	
TOWN OF AURORA 5 SOUTH GROVE STREET, EAST AURORA, NY 14052 (716) 652-3280 FAX (716) 652-3507 www.townofaurora.com			

Maple Road, into two parcels, one of which will be a 2.4 acre± parcel lacking required public road frontage; and

WHEREAS, the Town of Aurora Planning Board has reviewed the proposed Open Development Area plan and has filed a recommendation of support of the application, and

WHEREAS, the Town Board has reviewed the SEQRA Environmental Assessment Form, submitted as part of the application, determining that the proposed use will not have a significant impact on the environment, and

WHEREAS, the Applicant has made every reasonable attempt and all necessary effort to comply with specifications of Chapter 79 of the Code of the Town of Aurora; and

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Aurora approves the Open Development Area application to split SBL# 164.12-1-1.13 Maple Road, into two parcels, one of which will be a 2.4 acre± acre parcel lacking required public road frontage; and

RESOLVED, that approval by the Town Board of the Town of Aurora is expressly for the split of SBL#164.12-1-1.13, located along the east side of Maple Road, into two parcels, one consisting of .87± acres with required road frontage and the other 2.4 acres± lacking required road frontage; and

RESOLVED, that any future development on the parcel lacking required road frontage will be subject to the standards and requirements of Chapter 79 of the Code of the Town of Aurora without modification, variance or waiver.

Action #211
Maple Road
ODA
approved

Upon a vote being taken: ayes – five noes – none Motion carried.

Town Attorney Bennett noted that a driveway maintenance plan is not required for this particular parcel split unless the driveway on the ODA lot is used as ingress/egress for another parcel.

* * * * *

The Town Board reviewed and answered the questions in Part 2 of the Short Environmental Assessment Form submitted by Jason Rudnicki as part of an Open Development Area (ODA) application for a one-lot ODA at SBL#188.00-1-18.1 Underhill Road, East Aurora, NY.

Action #212
Underhill
Road ODA
SEQR – neg
dec (Rudnicki)

Councilman Snyder moved that the one-lot Open Development Area proposed for SBL#188.00-1-18.1 Underhill Road will not result in any significant adverse or negative environmental impacts. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five
noes – none
Motion carried.

Councilwoman Friess moved to adopt the following resolution approving an Open Development Area application; seconded by Councilman Snyder:

**OPEN DEVELOPMENT AREA
SBL#188.00-1-18.1 UNDERHILL ROAD
(AKA: 1110 UNDERHILL ROAD)**

WHEREAS, Chapter 79 of the Code of The Town of Aurora establishes standards for landowners who wish to develop or subdivide land that lacks required public road frontage for standard lot development (known as "open development area"); and

* No 79
* Now 99 code

Prior Negative Declaration

July 13, 2015

A meeting of the Town Board of the Town of Aurora took place on Monday, July 13, 2015, at 7:00 p.m. in the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, New York.

Members Present:

Jeffrey T. Harris	Councilman
Susan A. Friess	Councilwoman
Jolene M. Jeffe	Councilwoman
Charles D. Snyder	Councilman
James J. Bach	Supervisor

Others Present:

Ronald Bennett	Town Attorney
David Gunner	Highway Superintendent
William Wheeler	GHD Engineering
William Kramer	Code Enforcement Officer
Ronald Krowka	Chief of Police

Councilwoman Friess moved to approve the minutes of the June 16, 2015 Town Board work session; seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #207
6/16/15 work
sess min aprvd

Councilman Harris moved to approve the minutes of the June 22, 2015 Town Board meeting; seconded by Councilwoman Jeffe. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #208
6/22/15 mtg
min aprvd

AUDIENCE I:

Paul Kloc, Mill Road, spoke about his concerns regarding the proposed development across the street from his property (Aurora Mills Subdivision), especially the traffic that it will generate.

UNFINISHED BUSINESS:

Councilwoman Jeffe moved to table the Aurora Mills Cluster Subdivision Sketch Plan to the July 21, 2015 work session. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #209
Aurora Mills
sketch plan
tabled.

The Town Board reviewed and answered the questions in Part 2 of the Short Environmental Assessment Form submitted by Russo Developers and Builders, Inc., as part of an Open Development Area (ODA) application for a one-lot ODA at 164.12-1-1.13 Maple Road, East Aurora, NY.

Action #210
Maple Road
ODA SEQR –
neg dec

Councilwoman Jeffe moved that the one-lot Open Development Area proposed for SBL#164.12-1-1.13 Maple Road will not result in any significant adverse or negative environmental impacts. Councilwoman Fries seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Councilman Snyder moved to adopt the following resolution approving an Open Development Area application; seconded by Councilwoman Friess:

**OPEN DEVELOPMENT AREA
SBL#164.12-1-1.13 MAPLE ROAD**

WHEREAS, Chapter 79 of the Code of The Town of Aurora establishes standards for landowners who wish to develop or subdivide land that lacks required public road frontage for standard lot development (known as "open development area"); and

WHEREAS, the Applicant, Russo Developers and Builders, Inc., has filed an Open Development Area application to subdivide SBL# 164.12-1-1.13, located along the east side of

*July 15, 2015
Ta Bl meeting
Resolution
approving
division of an
lot into 2 lots*

**OPEN DEVELOPMENT AREA
SBL#164.12-1-1.13 MAPLE ROAD**

WHEREAS, Chapter 79 of the Code of The Town of Aurora establishes standards for landowners who wish to develop or subdivide land that lacks required public road frontage for standard lot development (known as "open development area"); and

WHEREAS, the Applicant, Russo Developers and Builders, Inc., has filed an Open Development Area application to subdivide SBL# 164.12-1-1.13, located along the east side of Maple Road, into two parcels, one of which will be a 2.4 acre± parcel lacking required public road frontage; and

WHEREAS, the Town of Aurora Planning Board has reviewed the proposed Open Development Area plan and has filed a recommendation of support of the application, and

WHEREAS, the Town Board has reviewed the SEQRA Environmental Assessment Form, submitted as part of the application, determining that the proposed use will not have a significant impact on the environment, and

WHEREAS, the Applicant has made every reasonable attempt and all necessary effort to comply with specifications of Chapter 79 of the Code of the Town of Aurora; and

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Aurora approves the Open Development Area application to split SBL# 164.12-1-1.13 Maple Road, into two parcels, one of which will be a 2.4 acre± acre parcel lacking required public road frontage; and

RESOLVED, that approval by the Town Board of the Town of Aurora is expressly for the split of SBL#164.12-1-1.13, located along the east side of Maple Road, into two parcels, one consisting of .87± acres with required road frontage and the other 2.4 acre± lacking required road frontage; and

RESOLVED, that any future development on the parcel lacking required road frontage will be subject to the standards and requirements of Chapter 79 of the Code of the Town of Aurora without modification, variance or waiver.

Deed to Property

ERIE COUNTY CLERKS OFFICE
County Clerk's Recording Page

Return To:

R SHERWOOD
25 CENTRAL AVE
LANCASTER, NEW YORK 14086

AREA 2 OF SMALL BUSINESS/SELF
EMPLOYED DIVISION OF INTERNAL REVENUE
RUSSO DEVELOPERS&BUILDERS INC

COUNTY	\$	20.00
STATE E&A	\$	22.00
COE STATE	\$	4.75
TRANSFER	\$	122.00
NFTA TT	\$	152.50
COUNTY E&A	\$	3.00
COE COUNTY	\$	.25
	\$	.00
	\$	.00
Total:	\$	324.50

STATE OF NEW YORK
ERIE COUNTY CLERKS OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S
ENDORSEMENT, REQUIRED BY SECTIONS 319&316-a
(5) OF THE REAL PROPERTY LAW OF THE STATE OF
NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

DAVID J SWARTS
COUNTY CLERK

Index DEED LIBER

Book 10978 Page 8447

No. Pages 0005

Instrument DEED

Date : 3/29/2001

Time : 1:03:23

Control # 200103291073

TT# TT 2000 017500

Employee ID LRL

TRANSFER TAX

CONSIDERATN	\$	30,500.00
TRANSFER TAX	\$	274.50



D109788447

COMPLIANCE AREA DIRECTOR'S DEED

THIS INDENTURE is made this 29th day of January, 2001 between Michael T. Donovan, COMPLIANCE AREA DIRECTOR, AREA 2 OF SMALL BUSINESS/SELF EMPLOYED DIVISION OF INTERNAL REVENUE, 290 Broadway, New York, New York as PARTY OF THE FIRST PART, and Russo Developers and Builders Inc., 2100 Two Rod Road, Marilla, New York 14102 as PARTY OF THE SECOND PART.

WHEREAS, liens for unpaid federal withholding taxes arose on May 6, 1996, May 20, 1996, July 8, 1996, September 30, 1996, December 23, 1996, December 29, 1997, March 30, 1998, August 17, 1998, September 7, 1998, and December 7, 1998 and Notices of Federal Tax Liens pertaining to said taxes were duly filed in the Office of the Erie County Clerk, Buffalo, New York on August 15, 1997, July 14, 1998, July 17, 1998, December 14, 1998 and January 21, 1999 against Casey Builders Incorporated, a Corporation, 6495 Olean Road, South Wales, New York 14139.

WHEREAS, pursuant to Section 6331 of the Internal Revenue Code of 1986, the Secretary or his delegate may seize property on which there is a lien for payment of the above taxes.

WHEREAS, pursuant to the authority contained in Section 6331 of the Internal Revenue Code of 1986, the PARTY OF THE FIRST PART seized for nonpayment of such taxes the property of Casey Builders Inc., 6495 Olean Road, South Wales, New York 14139.

WHEREAS, the property was sold in accordance with the provisions of Section 6335 of the Internal Revenue Code of 1986

* Due to: D. SHERWOOD
25 CENTRAL AVE
Lancaster NY 14086

1073

AVR-30,500
25
DIB-4

and the Regulations promulgated thereunder, by public auction on the 13th day of July, 2000, public notices having first been given of the time and place of such sale by advertising and posting according to law.

WHEREAS, the said property was purchased by the PARTY OF THE SECOND PART for the sum of thirty thousand five hundred and 00/100 dollars, (\$ 30,500.00), it being the highest bidder and that being the highest bid.

WHEREAS, the said property has not been redeemed within the one hundred and eighty day period provided for in Section 6337 of the Internal Revenue Code of 1986.

NOW THEREFORE, the PARTY OF THE FIRST PART, in conformity with Section 6338(b) of the Internal Revenue Code of 1986, and in consideration for the sum of money bid as aforesaid to him duly paid, does by these presents grant and convey to the PARTY OF THE SECOND PART, all right, title, and interest in and to the following property which the said Casey Builders Inc., 6495 Olean Road, South Wales, New York 14139 had at the time the federal liens attached thereto against Casey Builders, Incorporated, a Corporation.

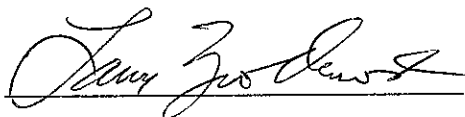
ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Aurora, County of Erie and State of New York, being part of Lot 24, Township 9, Range 6 of Holland Land Company's Survey, described as follows:

Beginning at a point in the easterly line of Maple Street at its intersection with the north line of Lot 24; thence southwesterly along the east line of Maple Road 175.89 feet to an angle point therein; thence southerly along the east line of Maple Street 158.31 feet to the north line of lands conveyed to Rudolph F. Kromke and wife by deed recorded in Erie County

Clerk's Office in liber 5873 of Deeds at page 435; thence easterly along the north line of aforesaid deed, 144 feet to a point; thence southeasterly and along the north line of Kromke by deed aforesaid a distance of 65 feet more or less to an exterior angle of $215^{\circ} 26' 45''$ in the north line of Kromke by deed aforesaid; thence easterly and along the northerly line of Kromke by deed aforesaid a distance of 55 feet to a point; thence northeasterly and along the northerly line of Kromke by deed aforesaid, a distance of 30 feet to a point; thence southerly and along the northerly line of Kromke by deed aforesaid a distance of 67.50 feet to the northwest corner of lands conveyed to Kenneth W. London by deed recorded in Erie County Clerk's Office in liber 5269 of Deeds page 234; thence southeasterly along the northerly line of lands so conveyed to London a distance of 73 feet to the easterly line of lands so conveyed to London; thence southerly along the easterly line of lands so conveyed to London a distance of 14 feet to the northwest corner of lands conveyed to Kenneth W. London by deed recorded in Erie County Clerk's Office in liber 5269 of Deeds page 220; thence easterly along the northerly line of lands conveyed to London by the last mentioned deed a distance of 98.16 feet to the northwest corner of lands so conveyed to Kenneth M. London by a deed recorded in Erie County Clerk's Office in liber 5675 of Deeds page 576; thence northeasterly along the northerly line of lands conveyed to London by the last mentioned deed and continuing northeasterly along the northerly line of lands conveyed to Kenneth W. London by deed recorded in Erie County Clerk's Office in liber 5873 of Deeds page 435 a distance of 239.46 feet to the northwest corner of lands conveyed to J. Don Reep and Margaret Reep his wife by deed recorded in Erie County Clerk's Office in liber 5752 of Deeds page 256; thence easterly along the northerly line of the lands conveyed to Reep by deed aforesaid and along the northerly line of lands conveyed to Richard C. Bartelt and Shirley L. Bartelt his wife by deed recorded in Erie County Clerk's Office in liber 6428 of Deeds page 367 a distance of 250 feet to the northeast corner of lands so conveyed to Bartelt; thence northerly along a line forming an interior angle of $89^{\circ} 09' 00''$ with the southerly line of Lot No. 15, 433.97 feet to the northerly line of Lot 24; thence westerly along the north line of Lot 24, 893.55 feet to the point of beginning.

To have and to hold the premises therein granted unto the
PARTY OF THE SECOND PART, its heirs, successors and assigns
forever.

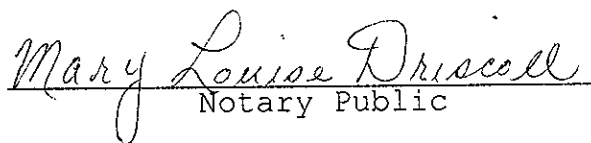
IN WITNESS WHEREOF, the PARTY OF THE FIRST PART has hereunto
set his hand and seal this 29th day of January, 2001.



Michael T. Donovan
Compliance Area Director, Area 2
of
Small Business/Self Employed Division
of
Internal Revenue, New York, New York
by Larry Ziolkowski
Collection Technical Support
Group 5 Manager, Area 2
of
Small Business/Self Employed Division
of
Internal Revenue, Buffalo, New York

In Presence of
STATE OF NEW YORK)
COUNTY OF ERIE) ss
CITY OF BUFFALO)

On this 29th day of January, 2001, before me
personally appeared Larry Ziolkowski, Collection Technical
Support Group 5 Manager, Area 2 of Small Business/Self Employed
Division of Internal Revenue, Buffalo, New York, to me personally
known and known to me to be the same person described in and who
executed the within instrument and he duly acknowledged to me
that he executed the same as Collection Technical Support Group 5
Manager, Area 2 of Small Business/Self Employed Division of
Internal Revenue, Buffalo, New York this 29th day of
January, 2001.



Notary Public

MARY LOUISE DRISCOLL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires January 31, 2002

Environmental Assessment Form

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

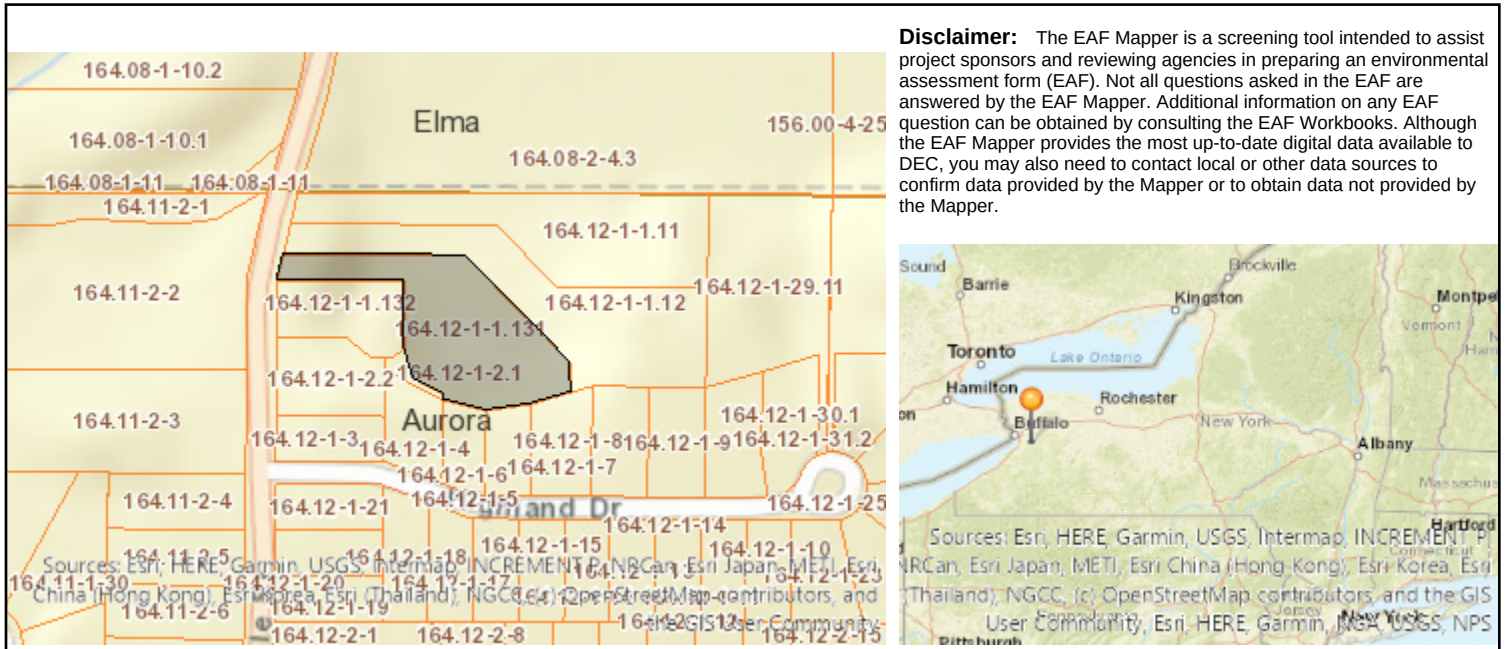
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Russo Development Variance			
Project Location (describe, and attach a location map): Maple Street, Aurora, SBL 164.12-1-1.131			
Brief Description of Proposed Action: Area variances to authorize lot of record as buildable lot of record in compliance with local zoning. Owner intends to construct a permitted single-family dwelling on the property if valiances are granted. The proposed action has been defined broadly to include all site and construction activities.			
Name of Applicant or Sponsor: Russo Developers & Builders Inc. by Barclay Damon LLP as agent/attorney		Telephone: (716) 858-3801	
		E-Mail: cauerbach@barclaydamon.com	
Address: 200 Delaware Avenue, Suite 1200			
City/PO: Buffalo		State: NY	Zip Code: 14202
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Building Department - Building Permit		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		+/- 2.35 acres	
b. Total acreage to be physically disturbed?		+/- 0.90 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		+/- 2.35 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☒ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
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? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☐	☒
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☒
Follow natural drainage patterns.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Russo Developers by Barclay Damon LLP as agent/attorney</u> Date: <u>2/9/2026</u> Signature: <u>/s/ Corey Auerbach</u> Title: <u>agent/attorney</u>		



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

Area Variance Analysis

Area Variance Analysis

0 Maple Street

164.12-1-1.131

Barclay Damon LLP represents Russo Developers Builders Inc. (“Applicant”), the record owner of the property located at 0 Maple Street, Town of Aurora, New York, identified as SBL No. 164.12-1-1.131 (the “Property”).

The Property was created pursuant to an Open Development Area (“ODA”) approval granted on July 13, 2015, following issuance of a Negative Declaration under the State Environmental Quality Review Act (“SEQRA”). The ODA approval authorized subdivision of the parent parcel and established the Property as a lawful lot under the Town Code in effect at that time.

Since issuance of the ODA approval, the Town has amended its ODA regulations. As a result, although the Property was lawfully created, development of a single-family residence now requires area variances from certain minimum standards set forth in § 99-31 of the Town Code. The Applicant proposes construction of a single-family residence consistent with the original ODA approval and the existing surrounding development pattern, and seeks only the relief necessary to authorize the Property as a buildable lot of record.

Requested Area Variances

Pursuant to Town Code § 99-31 and Town Law § 267-b, the Applicant seeks the following area variances:

1. Minimum Lot Area

§ 99-31(A)(1) requires a minimum lot area of three (3) acres, exclusive of the flagpole portion of the lot.

- o Required: 3.0 acres
- o Provided: approximately 2.07 acres, exclusive of the flagpole portion

2. Flagpole Frontage at Street Right-of-Way

§ 99-31(A)(2) requires a minimum of 75 feet of frontage on an existing state, county, or Town road.

- o Required: 75 feet
- o Provided: approximately 70.1 feet

3. Private Right-of-Way Width

§ 99-31(A)(3) requires a private right-of-way at least 75 feet in width.

- o Required: 75 feet
- o Provided: approximately 67.5 feet

4. Front Yard Setback

§ 99-31(A)(5) requires a minimum front yard setback of 200 feet from the boundary line parallel to the street right-of-way.

- o Required: 200 feet
- o Provided: approximately 50 feet

5. **Distance Between Ingress/Egress Rights-of-Way**

§ 99-31(A)(9) requires a minimum 100-foot separation between ingress/egress rights-of-way.

- o Required: 100 feet
- o Provided: approximately 45 feet from an existing driveway

No variances are requested for minimum lot width, side yard setback, rear yard setback, driveway width, grade, turning radius, or other access design standards, all of which can be satisfied through site design and placement of the proposed residence.

Variance Standard

The applicable standard for review of area variances is set forth in Town Law § 267-b(3)(b). In making its determination, the Zoning Board of Appeals (“ZBA”) must weigh the benefit to the applicant if the variance is granted against any detriment to the health, safety, and welfare of the neighborhood or community, and must consider the following five factors:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Granting the requested variances will not produce an undesirable change in neighborhood character and will not result in any detriment to nearby properties. The application proposes construction of a single-family residence on a parcel previously approved for residential development through the ODA process.

The surrounding area is characterized by low-density residential development on large parcels with long driveways and limited road frontage. Development of the Property in this manner is entirely consistent with that pattern. The relief sought does not increase density, authorize additional building lots, or introduce a new or intensified use. Rather, it allows reasonable residential use of a parcel expressly contemplated for development under the prior ODA approval.

(2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

The benefit sought cannot be achieved through a feasible alternative that avoids the requested variances. The dimensional constraints giving rise to the variances were established by the prior subdivision and by the physical configuration of the Property, including its flagpole access.

Strict compliance with the amended ODA standards would effectively render the Property unbuildable, notwithstanding its lawful creation and prior ODA approval. Redesign of the lot to meet current dimensional standards would require reconfiguration of the subdivision or acquisition of additional lands, neither of which is feasible or contemplated by the Town’s prior approvals.

(3) whether the requested area variance is substantial.

Although the requested variances involve numerical deviations from current ODA standards, New York courts are clear that substantiality is not measured by arithmetic alone, but by consideration of actual impacts.

Here, the variances do not increase development intensity, alter neighborhood character, or create off-site impacts. The requested relief allows development of a single residence on a lot already approved for that purpose. The lot area, frontage, and access conditions are functionally sufficient to support residential use consistent with surrounding properties.

When viewed in context, the variances are not substantial.

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The requested variances will not have an adverse physical or environmental impact. The proposed development does not require grading, removal of natural features, or expansion of impervious surfaces beyond what is typical for a single-family residence.

SEQRA review for the original ODA resulted in a Negative Declaration, and the current proposal remains consistent with that review. Access, drainage, emergency response, and utility service can be adequately accommodated within the proposed site design.

(5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

To the extent the difficulty may be characterized as self-created, that factor arises solely from the Applicant's ownership of a parcel created pursuant to a lawfully approved ODA subdivision. The Applicant did not create the dimensional constraints through post-approval actions, and this factor is entitled to limited weight and does not preclude granting the requested relief.

Balancing

Balancing the benefit to the Applicant against any potential detriment to the community, approval of the requested variances is warranted. Granting the variances allows reasonable residential use of a lawfully created lot, consistent with prior Town approvals, without adverse impacts to neighboring properties or public resources.

Conversely, denial of the variances would effectively deprive the Property of practical use, undermining the purpose of the original ODA approval and yielding no corresponding public benefit. The requested variances represent the minimum relief necessary to permit a reasonable and appropriate use of the Property.

Site Plan

TOWN OF ELMA
TOWN OF AURORA

430 MAPLE STREET
SBL# 164.12-1-1.11
N/F RUSSO DEVELOPERS
BUILDERS INC.
2.68 ACRES

426 MAPLE STREET
SBL# 164.12-1-1.12
N/F BRIAN G. STILLER
2.79 ACRES

420 MAPLE STREET
SBL# 164.12-1-1.132
N/F FRANCES R. RUSSO
0.89 ACRES

0 MAPLE STREET
SBL# 164.12-1-1.131
N/F RUSSO DEVELOPERS BUILDINGS INC.
2.35 ACRES

12 HIGHLAND DRIVE
SBL# 164.12-1-4
N/F DANIEL G. FOIT
0.56 ACRES

14 HIGHLAND DRIVE
SBL# 164.12-1-5
N/F DANIEL E. MARRACINO
0.40 ACRES

16 HIGHLAND DRIVE
SBL# 164.12-1-6
N/F TIMOTHY BENNETT
0.44 ACRES

18 HIGHLAND DRIVE
SBL# 164.12-1-7
N/F RAYMOND WRAZEN
0.67 ACRES



SITE PLAN

SCALE: 1"=30'

VARIANCES

REQUIRED

- (1) MIN. LOT AREA = 3.0 AC
(2) MIN. LOT FRONTAGE (FLAG POLE) = 75 FT AT R.O.W.
(3) PRIVATE R.O.W. AT LEAST 75' WIDE
(5) MIN. FRONT SETBACK = 200 FT
(from the boundary line parallel to the street right-of-way)
(6) SIDE SETBACK = 50 FT MIN.
(7) REAR SETBACK = 50 FT
(8) MIN. LOT WIDTH = 200 FT MEASURED AT SETBACK
(for boundary line parallel to the street right-of-way)
(9) MIN. DISTANCE BETWEEN INGRESS/EGRESS R.O.W.'S = 100 FT

PROVIDED

- 2.07 AC (not including flagpole) *
70.1 FT *
67.5 FT *
50 FT MIN. *
50 FT MIN.
50 FT MIN.
< 200 FT
45 FT MIN. (FROM EX. DRIVEWAY) *

* VARIANCE REQUIRED

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS.
CARMINA WOOD DESIGN ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.



CARMINA WOOD

DESIGN

Buffalo | Utica | Greensboro

Proposed Plot Plan

0 Maple Road
Town of Aurora, New York 14052
SBL# 164.12-1-1.131

REVISIONS:

No.	Description	Date
-----	-------------	------

DRAWING NAME:

Plot Plan
Concept

Date: 02.09.26
Drawn By: C. Wood
Scale: As Noted

DRAWING NO.

C-100

Project No: 26-4024

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



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

TOWN OF AURORA

Aurora Municipal Center

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Barclay Damon LLP
Attn: Corey Auerbach
200 Delaware Ave, Suite 1200
Buffalo, NY 14202

February 9, 2026

RE: 0 Maple Rd SBL: 164.12-1-1.131

Mr. Auerbach,

The Building Department has reviewed the buildable envelope for the Open Development Area application for your client Russo Developers & Builders Inc owner of 0 Maple Rd SBL: 164.12-1-1.131. The lot fails to meet several criteria of the Town Code for ODA lots.

Section 99-31A(1)

Required: Minimum lot size will be three acres exclusive of the "flagpole" portion of the property.
Requested: Existing ODA lot with lot area of 2.07Ac
Variance: .93 Ac

Section 99-31A(2)

Required: The flagpole portion of the lot must have a minimum of 75' of frontage on an existing road
Requested: Existing frontage is 70.1'
Variances: 4.9'

Section 99-31A(2) and 99-31A(3)

Required: Access roadways will be located on a private right-of-way at least 75' wide.
Requested: Right-of-way width of 67.5'
Variance: 7.5'

Section 99-31A(5)

Required: Front yard setback of 200' from the boundary line parallel to the street right-of-way.
Requested: 50' front yard setback
Variance: 150'

Section 99-31A(9)

Required: Minimum distance between ingress/egress right-of ways is 100'
Requested: Existing ODA lot with a distance of 45'
Variance: 55'

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

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Cassidy".

Elizabeth Cassidy
Code Enforcement Officer

*This institution is an equal
opportunity provider and employer.*