

original
CASE NO. 1506DATE OF HEARING 7/17/2025Town 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 James & Rebecca Desiderio
Address 290 Behm Road
City West Falls State NY ZIP 14170
Phone 716 Email reb ipa@gmail.com
Interest in /purchaser/developer**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 290 Behm Rd, West Falls, NY 14170
SBL# 199.00-1-1.11
Property size in acres 42.07 Property Frontage in feet 425'
Zoning District RR 1A Surrounding Zoning RR, R2, R1
Current Use of Property personal residence**IV. REQUEST DETAIL**

(check all that apply)

☒ Variance from Ordinance Section(s) # 116-B.5(2) & 116-B.5F(2)
☐ Special Use Permit for: _____
☐ Use Variance for: _____
☐ Interpretation of _____

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

Rebecca A. Desiderio
Signature of Applicant/Petitioner

Rebecca A. Desiderio
Print name of Applicant/Petitioner

State of New York; County of Erie

On the day of in the year 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.

Dorothy Bailey
Notary Public

DOROTHY BAILEY
Reg #01BA0023544
(Notary stamp) Notary Public, State of New York
Qualified in Erie County
Commission Expires April 15, 2028

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 _____

James & Rebecca Desiderio
290 Behm Road
West Falls, NY 14170

Letter of Intent

Project Overview:

This project involves the construction of a 60' x 40' stall barn with an attached 140' x 72' indoor riding arena, specifically designed to house and train high-level competition horses. The facility will support the ongoing equestrian goals of Rebecca Desiderio, an accomplished rider who has competed at the national level since 2004. Rebecca currently owns a show horse and is actively exploring opportunities to expand her involvement in the sport through breeding and ownership of additional performance horses.

Need for the Facility:

There is a notable shortage of boarding options in the Southtowns area, particularly facilities equipped to meet the specialized needs of high-level competition horses. Existing local stables primarily serve recreational riders and typically lack the specialized care, infrastructure, and management practices required for high-performance equine athletes. Furthermore, established competitive-level barns in the region, such as Strawberry Banks (Chur) and Northstar Farms (Jacobs), are privately owned and do not accept boarders, making them inaccessible to outside riders like Rebecca.

This private facility allows Rebecca to care for her own equine athletes, combining high-quality horse care with amenities specifically designed to support advanced training and performance.

Site Considerations:

The proposed building will be set back at least 340 feet from the road, possibly more, depending on the results of site grading and land preparation. Land will be cleared and elevations shot to determine the most cost-effective and environmentally appropriate site—ensuring that fill requirements and drainage are manageable within the project's budget.

Every effort will be made to preserve the existing trees and brush along the west property line, and no trees will be disturbed along the east property line. Additionally, we intend to maintain the mature tree coverage closest to the road. We are committed to preserving the “park-like” setting of the property and maintaining the rural character that defines this area.

The chosen location is also critical for topographical and cost-related reasons:

- It provides the space needed for the facility while minimizing fill requirements and supporting proper drainage.

- Running utilities to any area behind the primary residence—already located 1,400 feet from the road—would be cost-prohibitive.

Community and Compatibility:

We chose to live on Behm Road in part because of the agricultural and equestrian character of the area. Several of our neighbors have farm animals. Across the street, two of our closest neighbors have horses, pigs, and goats. Roughly ½ mile down the road, there are properties housing donkeys, goats, and chickens, and just past that, a horse boarding facility (Schoonhoven) supports approximately 15 horses with an indoor riding arena, and extensive pasture space. Additional barns and equestrian facilities, including riding arenas, exist within a three-mile radius (Weples, Russo, Happy Horse Haven).

We take great pride in our home and property and maintain a manicured, well-kept landscape. This project is a continuation of our commitment to responsible, attractive, and purpose-driven land use—one that fits naturally within the character of our neighborhood.

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

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

DO NOT WRITE IN THIS SPACE

Case No.: _____

Postmark/Delivery Date: _____

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

Description of Proposed Action

1. Name of Municipality: Town of Aurora

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

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

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

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

2. Hearing Schedule: Date July 17, 2025 Time 7:00 pm Location 575 Oakwood Ave., East Aurora, NY

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

4. Action consists of: ☐ New Ordinance ☐ Rezone/Map Change ☐ Ordinance Amendment
☐ Site Plan ☐ Variance ☐ Special Use Permit ☐ Other: _____

5. Location of Property: ☐ Entire Municipality ☒ Address: 290 Behm Rd, PO West Falls, NY

5a. S.B.L. of Property: 199.00-1-1.11

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

7. Proposed change or use: Height of accessory building (barn & arena) higher than allowed by Town Code;
(specify the action, such as the scope of variances or site plans) Accessory building in front yard of residence not allowed by Town Code

8. Other remarks: Proposed building will be 340' from the r.o.w.

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

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

Reply to Municipality by Erie County Division of Planning

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

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

By the Division of Planning: _____ Date: _____

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



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

TOWN OF AURORA

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

TOWN COUNCIL MEMBERS

June 13, 2025

Luke Wochensky
lwochensky@townofaurora.com

James F. Granville
jgranville@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

Raymond M. Wrazen
rwrazen@townofaurora.com

SUPT. OF HIGHWAYS
David M. Gunner
(716) 652-4050
highway@townofaurora.com

CODE ENFORCEMENT
OFFICER
Elizabeth Cassidy
(716) 652-7591
building@townofaurora.com

ASSESSOR
Stephen R. Pigeon
assessor@townofaurora.com
(716) 652-0011

DIR. OF RECREATION
Christopher Musshafen
(716) 652-8866
chris@townofaurora.com

TOWN ATTORNEY
Brigid M. Maloney

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

FAX: (716) 652-3507

James & Rebecca Desiderio
290 Behm Road
West Falls, NY 14170

Mr. & Mrs. Desiderio:

The Building Department has reviewed your request to construct an accessory structure (barn and arena) in your front yard at 290 Behm Rd. (SBL 199.00-1-1.11). The request has been denied because it fails to meet the requirements for no accessory buildings/structures in the front yard and mean height.

Section 116-8.5(C)(2)
Required: Two-story, not to exceed 20 feet for accessory buildings/structures.
Requested: 20.30'
Variance: .3'

Section 116-85(F)(2)
Required: No accessory buildings/structures shall be erected in the front yard.
Requested: Post framed barn and arena to be constructed in front yard located 340' from ROW.
Variance: Post framed barn and arena to be constructed in front yard located 340' from ROW.

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

Sincerely,

Richard Miga
Assistant Code Enforcement Officer

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

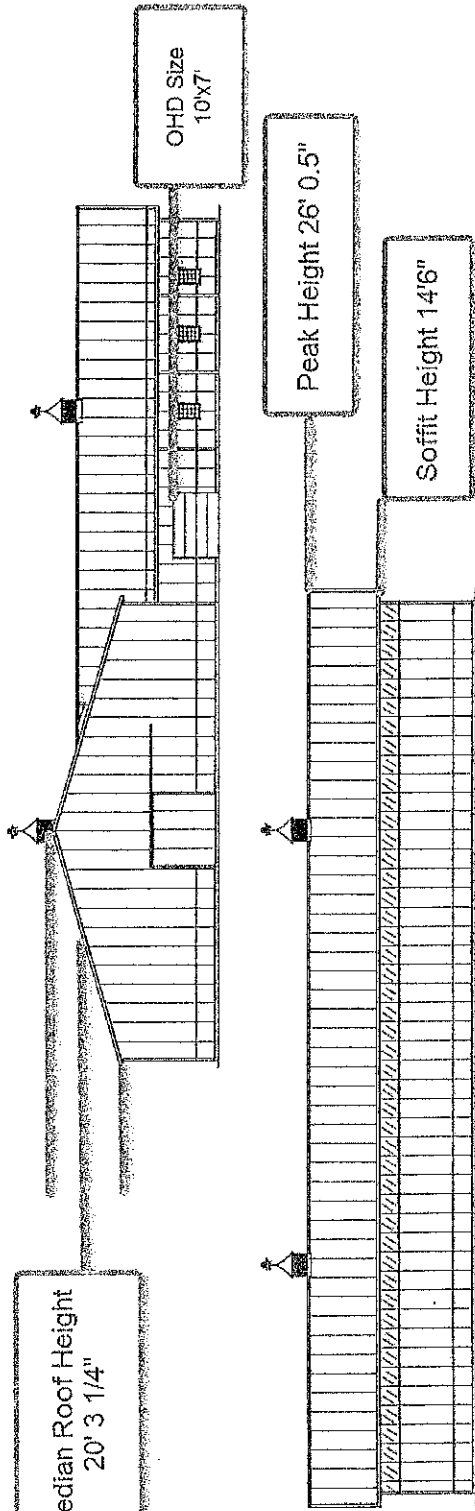
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information																		
<i>James & Rebecca Desiderio</i> Name of Action or Project:																		
<i>290 Behm Rd, West Falls, NY 14170</i> Project Location (describe, and attach a location map):																		
Brief Description of Proposed Action: <i>SEE ATTACHED NARRATIVE.</i>																		
Name of Applicant or Sponsor: <i>James & Rebecca Desiderio</i> <i>290 Behm Rd.</i>		Telephone: <i>716</i> E-Mail:																
Address: <i>West Falls,</i>																		
City/PO:		State: <i>NY</i>	Zip Code: <i>14170</i>															
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☒</td> <td>☐</td> </tr> </table>	NO	YES	☒	☐											
NO	YES																	
☒	☐																	
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☒</td> <td>☐</td> </tr> </table>	NO	YES	☒	☐											
NO	YES																	
☒	☐																	
3. a. Total acreage of the site of the proposed action?		<i>42.07</i> acres																
b. Total acreage to be physically disturbed?		<i>.29</i> acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>42.07</i> acres																
4. Check all land uses that occur on, are adjoining or near the proposed action: <table style="width: 100%;"> <tr> <td>☐ Urban</td> <td>☒ Rural (non-agriculture)</td> <td>☐ Industrial</td> <td>☐ Commercial</td> <td>☒ Residential (suburban)</td> </tr> <tr> <td>☐ Forest</td> <td>☐ Agriculture</td> <td>☐ Aquatic</td> <td colspan="2">☐ Other(Specify):</td> </tr> <tr> <td>☐ Parkland</td> <td colspan="4"></td> </tr> </table>				☐ Urban	☒ Rural (non-agriculture)	☐ Industrial	☐ Commercial	☒ Residential (suburban)	☐ Forest	☐ Agriculture	☐ Aquatic	☐ Other(Specify):		☐ Parkland				
☐ 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: _____ _____ _____			

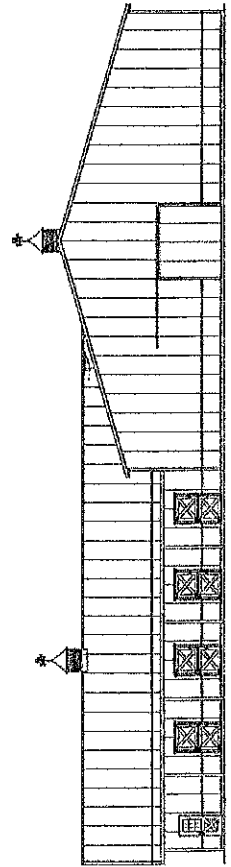
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☒ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or 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,	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)?	☒	☐
If Yes, briefly describe: _____ _____		
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>Rebecca Desiderio</u> Date: <u>6/10/25</u> Signature: <u>Rebecca Desiderio</u> Title: <u>Owner</u>		

Median Roof Height
20' 3 1/4"



Peak Height 26' 0.5"

Soffit Height 14'6"



PRELIMINARY DRAWING
FOR OWNER'S APPROVAL
000
MORION BUILDINGS, INC.

THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE OWNER TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS. THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE DESIGNER'S WORK IS LIMITED TO THE DESIGN OF THE BUILDING AND DOES NOT INCLUDE ANY OTHER SERVICES. THE DESIGNER'S WORK IS LIMITED TO THE DESIGN OF THE BUILDING AND DOES NOT INCLUDE ANY OTHER SERVICES.

SITE PLAN



25'

35'

AS 1700
AL 1800

PT 1801

City of New York
Department of City Planning
Office of the City Planner
100 West Street, New York, N.Y. 10038

FOR COUNTY USE ONLY

INSTRUCTIONS(RP-5217-PDF-INS): v23w.orps.state.ny.us

C1. SWIS Code

14248.9

C2. Date Deed Recorded

FEB 21 2019

C3. Book

11341

C4. Page

2392

New York State Department of
Taxation and Finance

Office of Real Property Tax Services

RP- 5217-PDF

Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property
Location

V/L

*STREET NUMBER

AURORA

*CITY OR TOWN

BEHM ROAD

*STREET NAME

VILLAGE

14170

*ZIP CODE

2. Buyer
Name

DESIDERIO

*LAST NAME/COMPANY

JAMES

FIRST NAME

DESIDERIO

*LAST NAME/COMPANY

REBECCA

FIRST NAME

AURORA ASSESSOR'S

3. Tax
Billing
AddressIndicate where future Tax Bills are to be sent
if other than buyer address(at bottom of form)

6558 Taylor Rd

*STREET NUMBER AND NAME

Hamburg NY

*CITY OR TOWN

FIRST NAME

14075

*STATE

MAR 14 2019

RECEIVED

4. Indicate the number of Assessment
Roll parcels transferred on the deed

1

of Parcels

OR

☐ Part of a Parcel

(Only if Part of a Parcel) Check as they apply:

4A. Planning Board with Subdivision Authority Exists

4B. Subdivision Approval was Required for Transfer

4C. Parcel Approved for Subdivision with Map Provided

5. Deed
Property
Size

588

*FRONT FEET

X 2,644

*DEPTH

OR 44.90

*ACRES

6. Seller
Name

DESIDERIO

*LAST NAME/COMPANY

JAMES

FIRST NAME

*LAST NAME/COMPANY

FIRST NAME

*7. Select the description which most accurately describes the
use of the property at the time of sale:

C. Residential Vacant Land

Check the boxes below as they apply:

8. Ownership Type is Condominium

9. New Construction on a Vacant Land

10A. Property Located within an Agricultural District

10B. Buyer received a disclosure notice indicating that the property is in an
Agricultural District

SALE INFORMATION

11. Sale Contract Date

*12. Date of Sale/Transfer

July 2/15/19

*13. Full Sale Price

\$1 + no more .00

(Full Sale Price is the total amount paid for the property including personal property.
This payment may be in the form of cash, other property or goods, or the assumption of
mortgages or other obligations.) Please round to the nearest whole dollar amount.14. Indicate the value of personal
property included in the sale

.00

15. Check one or more of these conditions as applicable to transfer:

☒ A. Sale Between Relatives or Former Relatives☐ B. Sale between Related Companies or Partners in Business.☐ C. One of the Buyers is also a Seller☐ D. Buyer or Seller is Government Agency or Lending Institution☐ E. Deed Type not Warranty or Bargain and Sale (Specify Below)☐ F. Sale of Fractional or Less than Fee Interest (Specify Below)☐ G. Significant Change in Property Between Taxable Status and Sale Dates☐ H. Sale of Business is Included in Sale Price☐ I. Other Unusual Factors Affecting Sale Price (Specify Below)☒ J. None

Comment(s) on Condition:

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

*16. Year of Assessment Roll from which information taken(VV) 19

*17. Total Assessed Value

107,143

*18. Property Class

310

1

*19. School District Name

EAST AURORA UNION

*20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional Identifier(s))

199.000-1-1.11

CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful
false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE

James Desiderio

SELLER SIGNATURE

7/19/19

DATE

BUYER SIGNATURE

James Desiderio

BUYER SIGNATURE

7/19/19

DATE

BUYER CONTACT INFORMATION

(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or
entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible
party who can answer questions regarding the transfer must be entered. Type or print clearly.)

DESIDERIO

JAMES

*LAST NAME

FIRST NAME

716

818

6080

*AREA CODE

*TELEPHONE NUMBER (EC: 9999999)

6558

Taylor Rd

*STREET NUMBER

*STREET NAME

Hamburg NY

*CITY OR TOWN

14075

*STATE

*ZIP CODE

BUYER'S ATTORNEY

JOSEPH

GARY

LAST NAME

FIRST NAME

(716)

626-5200

*AREA CODE

*TELEPHONE NUMBER (EC: 9999999)

ERIE COUNTY CLERK'S OFFICE



County Clerk's Recording Page

Return to:
BOX 285

Party 1:
DESIDERIO JAMES

Party 2:
DESIDERIO JAMES

Book Type: D Book: 11341 Page: 2392
Page Count: 3
Doc Type: DEED
Rec Date: 02/21/2019
Rec Time: 01:07:17 PM
Control #: 2019034966
UserID: Faith
Trans #: 19024494
Document Sequence Number
TT2018015005

Recording Fees:

RECORDING	\$35.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
RP5217 CNTY \$9	\$9.00
RP5217 ST-RES \$116	\$116.00
TP584	\$10.00

Consideration Amount: 1.00

BASIC MT	\$0.00
SONYMA MT	\$0.00
ADDL MT/NFTA	\$0.00
SP MT/M-RAIL	\$0.00
NY STATE TT	\$0.00
ROAD FUND TT	\$0.00

Total: \$190.00

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

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

Michael P. Kearns
Erie County Clerk

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Aurora, County of Erie and State of New York, being part of Lot Number 58, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the centerline of Behm Road also being the south line of Lot 58, said point being 125.00 feet east of the southwest corner of Lot 58;

THENCE north forming an interior angle of $90^{\circ}58'$ and parallel with the west line of Lot 58 a distance of 3387.42 feet to a point;

THENCE east forming an interior angle of $89^{\circ}30'$ a distance of 587.50 feet;

THENCE south forming an interior angle of $90^{\circ}31'$ and parallel with the west Line of Lot 58 a distance of 3392.03 feet to a point in the centerline of Behm Road and the south line of said Lot 58;

THENCE west forming an interior angle of $89^{\circ}02'$ and along said centerline and the south line of Lot 58 a distance of 125.00 feet;

THENCE north forming an interior angle of $90^{\circ}58'$ and parallel with the west line of Lot 58 a distance of 83.00 feet;

THENCE east forming an exterior angle of $89^{\circ}02'$ and parallel with the south line of Lot 58 a distance of 35.00 feet;

THENCE north forming an interior angle of $89^{\circ}02'$ and parallel with the west line of Lot 58 a distance of 300.00 feet;

THENCE west forming an interior angle of $89^{\circ}02'$ and parallel with the south line of Lot 58 a distance of 197.80 feet;

THENCE south forming an interior angle of $90^{\circ}58'$ and parallel with the west line of Lot 58 a distance of 383.00 feet to a point in the centerline of Behm Road and the south line of Lot 58;

THENCE west forming an interior angle of $89^{\circ}02'$ and along said centerline and the south line of Lot 58 a distance of 300.00 feet to the point of beginning.

Described parcel contains 44.02 acres more or less and is subject to all easements, Right of Ways and legal restrictions of record.

608
285

THIS INDENTURE

Made the 15th day of February, 2019

Between JAMES DESIDERIO
6458 Taylor Road, Hamburg, NY 14075

Grantor(s), and

JAMES DESIDERIO and REBECCA DESIDERIO, husband and wife
6458 Taylor Road, Hamburg, New York 14075

Grantee(s)

Witnesseth, that the said Grantor(s), in consideration of one and no more Dollars (\$1.00 & No More) lawful money of the United States, paid by the Grantee(s), do hereby grant and release unto the Grantee(s), their heirs and assigns forever.

ALL THAT TRACT OR PARCEL OF LAND, situate in

SEE ATTACHED DESCRIPTION

THIS CONVEYANCE IS NOT INTENDED TO DEFRAUD CREDITORS NOR DOES IT RENDER THE GRANTOR INSOLVENT.

TOGETHER with the appurtenances and all the estate and rights of the Grantor(s) in and to the said premises.

TO HAVE AND TO HOLD, the above granted premises unto the said Grantee(s).

AND the said Grantor(s) do covenant with said Grantee(s) as follows:

FIRST. That the Grantee(s) shall quietly enjoy the said premises.

SECOND. That the Grantor(s) will forever WARRANT the title to said premises.

THIRD. Subject to the trust fund provisions of section thirteen of the lien law.

IN WITNESS WHEREOF, the said Grantor(s) has hereunto set their hands and seals the day and year first above written.

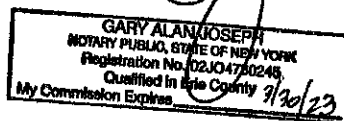
IN PRESENCE OF

James Desiderio
JAMES DESIDERIO

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the 15th day of February, in the year 2019, before me, the undersigned, a notary public in and for said State, personally appeared JAMES DESIDERIO, personally known to me or proved 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

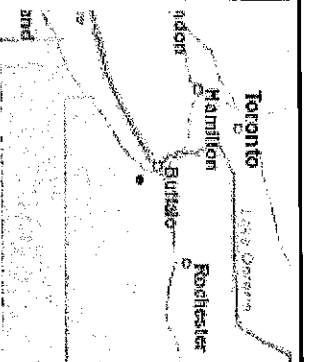


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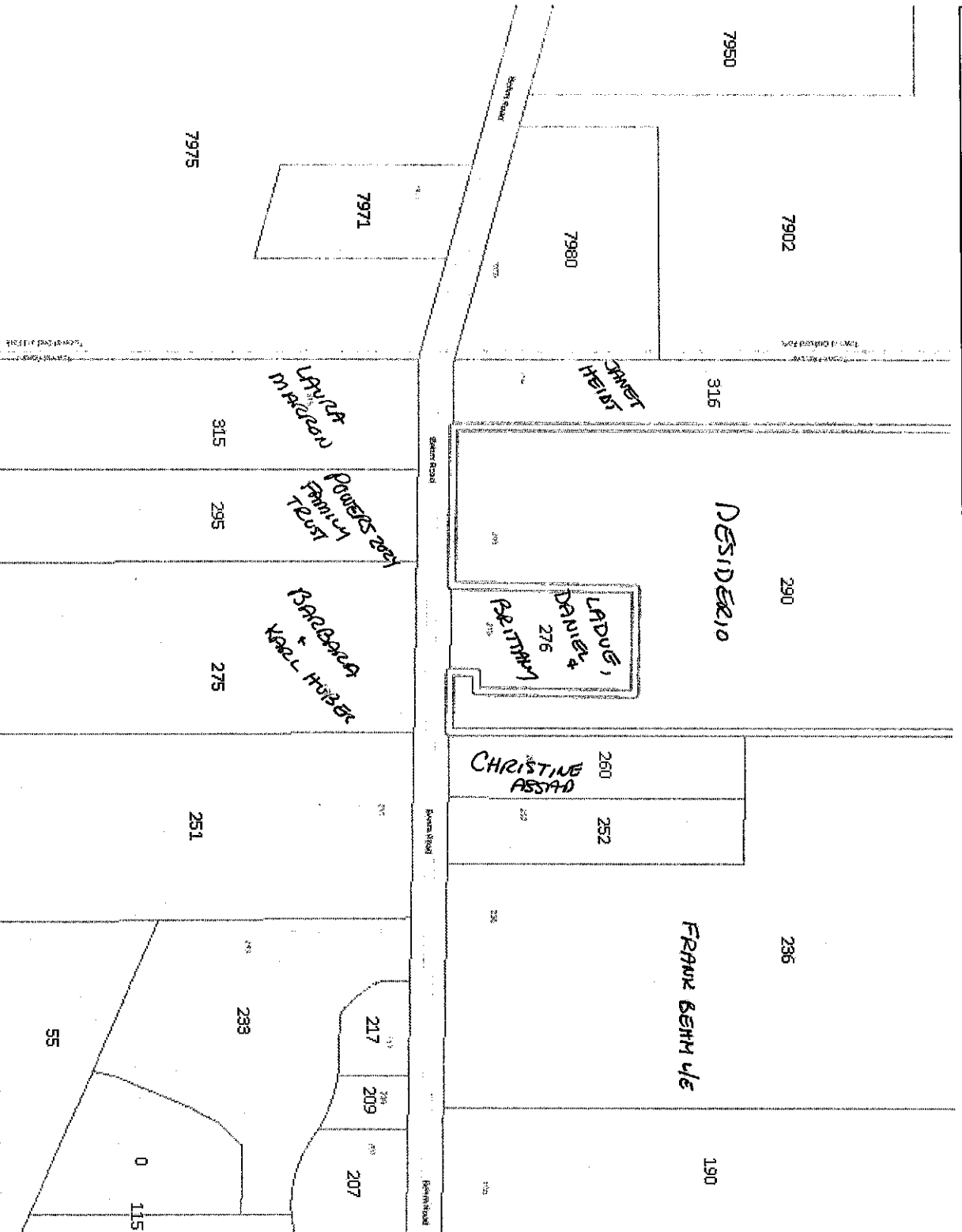


Erie County On-Line Mapping Application



Legend

- ☐ Parcels



0 0.07 0.1 Miles

WGS, 1984, Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

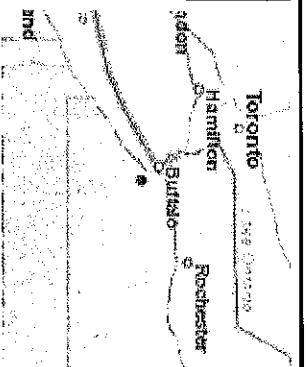
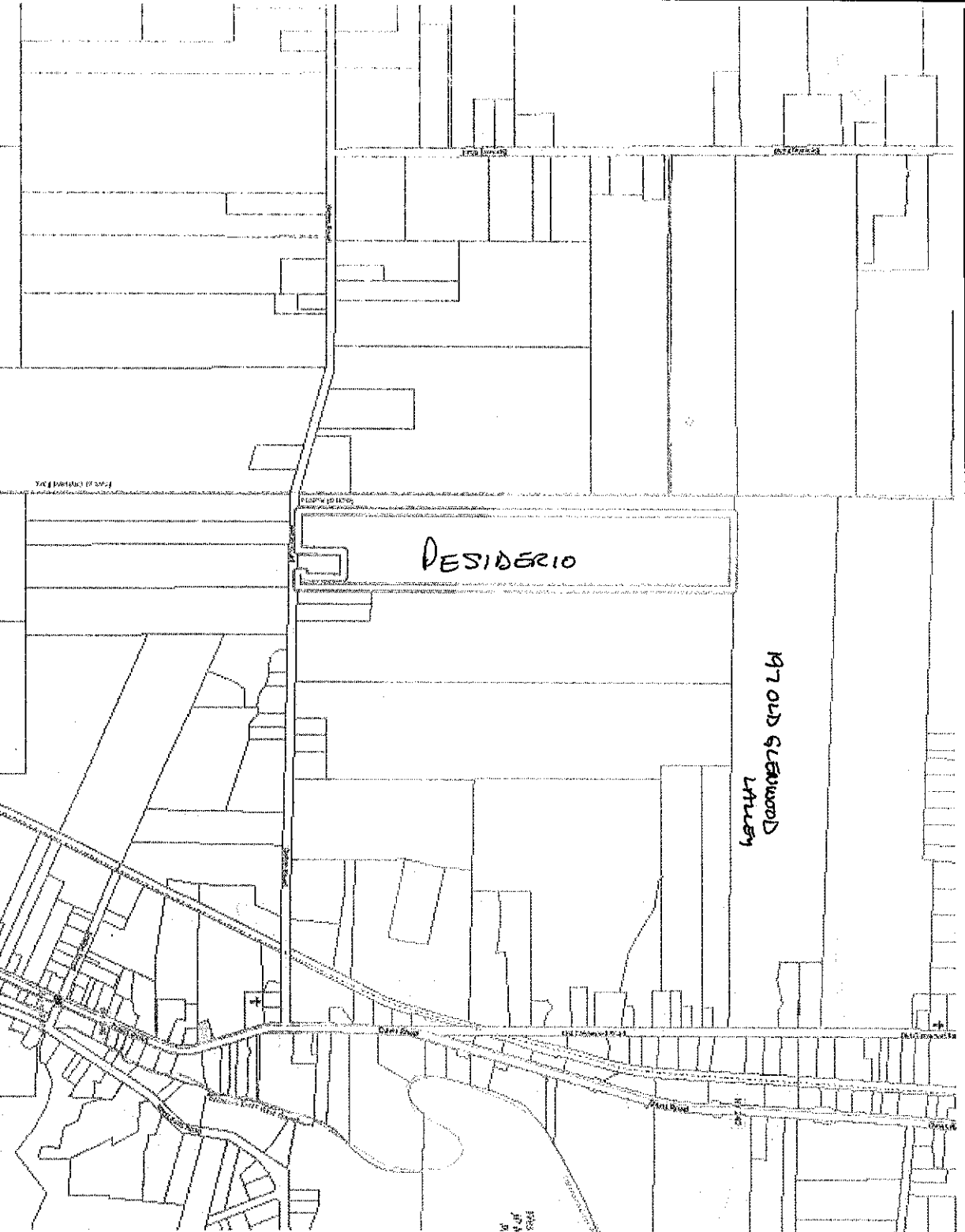
This map is a user generated static output from
an Internet mapping site and is for reference only.
Data layers that appear on this map may or may
not be accurate, current, or otherwise reliable.

1: 4,514





Erie County On-Line Mapping Application



Legend
☐ Parcels

0 0.28 0.6 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
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**ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS**

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

1: 18,056

