

TOWN OF BOSTON

August 24, 2012

TO: Zoning Board of Appeals members
 Supervisor Ballowe
 Town Clerk Mulé
 Town Board members
 Highway Superintendent Telaak
 Town Attorney Kobiolka
 Deputy Town Attorney Vacco
 Code Enforcement Officer Ferguson
 Assessor McSkimming
 Town Engineer Hannon

DRAFT

FROM: Dennis Mead
 Chairman, Zoning Board of Appeals

The Zoning Board of Appeals will conduct the following on Thursday, September 6, 2012 as follows:

Work Session for Zoning Board members 7:00 PM

1. Discussion – Michael & Sandra Grimmer
2. Minutes of August 2, 2012
 - a. Work Session
 - b. Neil Lipke

Michael & Sandra Grimmer 9081 Cole Road SBL# 242.00-2-15.141 7:15 P.M.

Proposing to construct a 48' by 60' foot accessory building.

Request for variance from Town Code Section 123- 136 B (4) which permits:

2500 square feet of accessory use on property with 5+ acres:

Existing	200 s.f.
Proposed	2880 s.f.
Total	3080 s.f.
Variance of	580 square feet

Enclosed for your review are copies of the following:

- 1.) Letter of request
- 2.) Survey Proposal
- 3.) Copy of the Tax Map
- 4.) Completed EAF

The Public Hearing Notice will be published in the *Hamburg Sun* on August 24, 2012.

Zoning Board of Appeals Members: Please call Chairman Dennis Mead at 941-5867 or Secretary Thelma Faulring at 941-5470 (home) or 941-6113 ext. 15 (office) prior to the meeting if you are unable to attend or participate.

PRESENT: Dennis Mead, Chairman
Joanne Bonsack
Tracy Hirsch
Kathy Praczkajlo

ABSENT: Bethany Pryor

ALSO PRESENT Kelly Vacco Deputy Town Attorney
Thelma Faulring Secretary to the Boards and Committees
Beverly Kent Prospective member

DRAFT

Mr. Mead called the meeting to order at 7:00 PM and asked for a roll call of the members. Attendance is noted above.

Interview with Beverly Kent:

Beverly Kent

- I have Bachelor's Degree in Oral Biology from the University of Maryland
- I have a Master's Degree in Geography from the State University of New York at Buffalo with a minor in International Trade
- I have been employed with the Federal Government for over 30 years and in that position I write policy guidance and also interpret and make decisions based on policy guidance's
- I think I'm a very good fit for the Zoning Board
- I will be very objective
- And I also work on many, many committees in my current position and I am certain I will work well with all of you
- Thank you

Mrs. Praczkajlo: Being interested in this position are you aware that there is training hours that need to be in on an annual basis?

Mrs. Kent: Yes I am.

Mrs. Praczkajlo: And you're prepared to..

Mrs. Kent: Yes I am and I also have a license in Dental Hygiene and am familiar with training requirements.

Mr. Mead: Why this Board instead of the Planning Board or the Conservation Advisory or any other Board.

Mrs. Kent: I think it's a very good fit for my background in geography and I'm certainly interested maintaining the both the Town of Boston an environmental. Also I'm very interested in seeing the growth in Boston and I'd like to be part of that.

Mr. Mead: We have found that we have a concern with our meetings and attendance; it's the first Thursday of every month, would that...you be able to attend pretty much every meeting?

Mrs. Kent: Yes, I would be and I would work my schedule out so that I can and I have that flexibility in my current position.

Mr. Mead: Thank you. We now have the discussion regarding the Lipke petition for the 8-foot fence on the property.

Concerns of the Board members were to be addressed to Mr. Lipke: positioning of the fence.

Mrs. Praczkajlo: Mr. Chairman at this time I would like to make a motion that we accept the minutes in total for the Work Session, the Bailey's, Dobson and Mulawka.

Mr. Mead: I'll second that. All those in favor.

Mr. Hirsch: Aye.

Mrs. Praczkajlo: Aye.

Mr. Mead: Aye.

Mr. Mead: Opposed?

Mrs. Bonsack: Me. There's a section in the Work Session regarding the Bailey property. There's a paragraph attributed to me that makes no sense in how it was put in there, it doesn't make sense, the whole paragraph doesn't make sense.

Secretary Faulring: I'll have to go back to the tape and listen you'll have to...

Mrs. Bonsack: Okay, I've circled it because this one section it's kind of jibberish and it doesn't really...;it's not part even of that particular section.

Mr. Hirsch: This one on the first page, is that the one you're talking about?

Mrs. Bonsack: Yeah, 'there wouldn't need to be a variance, drop the ball, suckered up the 15-Mile Creek,' I'm not sure what that means. I don't know where that came from that whole paragraph. It doesn't belong...

Mr. Mead: Sorry, is it the one that starts 'well'?

Mrs. Bonsack: Yes. That's just not...

Secretary Faulring: I'll have to go back and listen to the tape, I don't recall...

Mrs. Bonsack: Now in previous discussions have we discussed you getting another tape recorder? I don't remember? I thought we did or is this one working fine or do we need to...

Secretary Faulring: This one works fine.

Mrs. Bonsack: So do we need to speak up more or use a...

Secretary Faulring: Sometimes yes, especially sometimes our Deputy Town Attorney doesn't like to speak into the microphone.

Mrs. Vacco: I'll work on that.

Secretary Faulring: And there were times at the last meeting I couldn't hear you...

Mrs. Bonsack: Okay so if we spoke into the microphone it would be better for you?

Secretary Faulring: Very helpful, yes.

Mrs. Bonsack: We'll make note of that. Thanks Thelma.

Mrs. Praczkajlo: One question for the budget.

Mr. Mead: They're in my folder.

Mrs. Praczkajlo: I was wondering if it would possible that for the members on the Board if we could get gas reimbursement?

Mrs. Bonsack: I whole heartedly agree; that being a volunteer Board it would be appropriate to get a gas stipend. I know that our past Chairman Ralph Gibson put in a request that was denied, last year or the year before, for our gas.

Mr. Mead: Okay. Any other concerns?

Mrs. Praczkajlo: I was just going to pass this one to you...

Mr. Mead: Anything else?

Secretary Faulring: That's for?

Mr. Mead: I'm going to approach the Town Board for that.

Mrs. Praczkajlo: for the Southtowns in February, in New York City.

Secretary Faulring: The Association of Towns meetings?

Mrs. Praczkajlo: Yes. We missed the deadline last year so I just thought...

Mr. Mead: I'll have a meeting with them and put in a request.

Mrs. Praczkajlo: Okay.

Mrs. Bonsack: Will you notify us of that?

Mr. Mead: Yes, I certainly will.

Mr. Mead: Is there anything else?

Mrs. Praczkajlo: I make a motion to adjourn the Work Session with exception of coming back to discuss our interest in Beverly joining the Board.

Mrs. Vacco: You never approved; did you table the minutes; the motion to accept them?

Mrs. Praczkajlo: We accepted.

Mrs. Vacco: You did accept?

Mrs. Bonsack: I had an objection, I said nay but there was enough to accept them.

Mrs. Praczkajlo: I'd like to table that...

Secretary Faulring: There should be a copy of an agenda. I believe that was in the second mailing. Did anyone else not get the original mailing that included the Tax Map and the survey, did everybody get that.

Mrs. Bonsack, Mr. Hirsch and Mr. Mead all replied that they had received that package.

Mr. Mead: We can close the Work session and after the Public Hearing we go into Executive session.

:

Dennis Mead, Chairman

August 2, 2012

August 2, 2012
7:15 PM

Petition #445

Lipke, Neil
5885 Woodlee Court

PRESENT: Dennis Mead, Chairman
Joanne Bonsack
Tracy Hirsch
Kathy Praczakjlo

ABSENT: Bethany Pryor

ALSO PRESENT: Kelly Vacco Deputy Town Attorney
William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees
Neil Lipke Applicant for 5885 Woodlee Court
Mrs. Lipke did not sign in

DRAFT

Mr. Mead opened the meeting at 7:15 PM and asked for a roll call of the members. Attendance is noted above.

Mr. Mead introduced Mrs. Vacco, Mr. Ferguson and Miss Faulring to those in attendance.

Mr. Mead opened the Public Hearing at 7:16 PM.

Mr. Mead read the Public Hearing Notice and the SEQR review received from Town Engineer James Hannon – ‘there is no significant impact to the environment; and no further action with respect to SEQRA is necessary or recommended.’

Mr. Mead asked the applicant to come forward and state his reasons for requesting a variance.

Neil Lipke

- Basically two reasons the elevation between my neighbor and our property has a bit of a drop to it and we have considerable open area between our house and theirs
- I have some photos that might help I know there’s a question about the berm, but that’s actually well inside the property line; I’m looking to go out to the property line approximately two feet in from it towards my property; the back berm is probably 20 feet inside the property line, I can show you that on some photographs
- The main purpose is for the privacy issue
- And second we will probably have a couple of dogs out there and I don’t want to create an issue with that
- Good fences make for good neighbors and I’d really like to do that
- The main need is really for the change, every time we’re on the front porch we’re looking into their yard and it would make it so that it would be the same the other way around

Mrs. Bonsack: I tried looking on your property; I ‘m trying to figure out where your fence is going to be because there was a fire pit on your, by your neighbors, so it would come right behind them? The fire pit?

Mr. Lipke: It’ll be, the pit is bout here and this fence will go up along here like this and follow the pit.

Mrs. Bonsack: how many feet from the fire pit?

Mr. Lipke: That could be an issue for them. I didn’t measure it, that was something that came to mind today and I wasn’t able to get out there and measure it; but I’m guessing it’s about 15 feet from the fence.

Mrs. Bonsack: The fire pit is?

Mr. Lipke: Right.

Mrs. Bonsack: How much of the fence will be on the berm? Could you extend that berm further?

Mr. Lipke: Sure, I could all I was trying to d was follow the property line, come in two feet from it and follow it right along, just go right up the edge there; if you noticed it’s a wooded area; partly because if you were there today it’s green and full, in the fall it’s like there’s nothing there, that’s the reason I asked for it for so far because I have my one-inch saplings except for, the confusion too might have been that the big trees with the pink ribbons are the ones we told the lumber people ‘don’t cut.’ That’s not a property line that’s where the last big trees were.

Mrs. Bonsack: Also when you erect the fence, part of it is not on the berm and part of it is on the berm?

Mr. Lipke: Not really there’s a portion where that berm ended and the garage, the portion that would parallel that garage is really technically I guess not on that berm, it would just follow that the property line and then the property line jogs over a little which them parallels that berm outside that tree line.

Mrs. Bonsack: So the fence is going to be not on the berm, but be...
Mr. Lipke: Outside the berm. Away from the house that's being built.
Mrs. Bonsack: I guess when I was looking at it, it looked like almost the fence was going to be almost like, if it was an 8-foot fence, it would almost be like 10, 12 feet because of the height.
Mr. Lipke: Right but it's not on that berm.
Mrs. Bonsack: But the property swells up, right?
Mr. Lipke: No really... could I just show you a couple of pictures? It might make it really easy for you.
Mr. Lipke came forward and explained the pictures to the Board members.
NOTE: Mr. Lipke's part of the discussion was not entirely understood and so not in these minutes.

Mr. Mead: Is this your shed, Neil?
Mr. Lipke: That's a little bit of an issue, it's his shed but it's on my property. So we're getting that clarified

Mr. Mead: The fence itself is 8-foot all the way across?
Mr. Lipke: In height.
Mr. Mead: In height, from top to bottom 8-foot, the whole length?
Mr. Lipke: Right.

Mrs. Bonsack: What kind of fence?
Mr. Lipke described the type of fence as wooden, two-sided, staggered.

Mrs. Bonsack: Do you know your neighbors?
Mr. Lipke: We met them once.

Mr. Mead: This is a standard 4-foot?
Mr. Lipke's response was not understood.

Mrs. Bonsack: Now are you putting this in front of your property across the driveway?
Mr. Lipke: No it parallels the driveway.
Mrs. Bonsack: Parallels; so it's only on the side toward your neighbor.
Mr. Lipke: It divides our property and their property and the only place it will cut back is at the entry gate door, driveway, there's a slot in the woods where we cleared it out for the power lines and so that's where we would turn it over to our gate, because there's going to be a gate on our driveway.

Mrs. Bonsack: So you think 8 feet is going to be better than 6 feet or 4 feet?
Mr. Lipke: Definitely better than 4 feet. 8 is what I'm asking for, if it's a big issue, I mean I'm not asking for anything that doesn't exist on the street either. There's two houses away there's the same situation and so I'm not asking for something new, so that's the only reason I did that.

Mr. Mead: Two other houses have 8 foot...?
Mr. Lipke: Two driveways down on the opposite of this guy, there's a fence situation like this, same way.
Mrs. Bonsack: It's an 8 foot fence?
Mr. Lipke: I couldn't tell you it's 6 to 8, I don't know exactly.

Mr. Mead: Did we give a variance for that?
Secretary Faulring: In all my fourteen years, I don't recall one.
Mr. Lipke: It may have been there awhile, but I'm just saying there's one that exists, so I'm not asking for the moon.

Mr. Mead: Are there any more questions?
Mrs. Prackajlo asked if the picture could be kept for the file.
Mr. Lipke: Yes.

Mrs. Bonsack: I have a question could you live with a 6 foot fence?
Mr. Lipke: I would prefer the 8.

Mr. Mead: Are there any other questions?
There were no further questions at this time

Mr. Mead closed the public comment portion of the Public Hearing (7:28 PM).

Mr. Mead: Is there a motion on the decision?

Mr. Hirsch: I make a motion that it be granted.

- (1) Does it create an undesirable change to the character of the neighborhood? Yes [] No [X]
- (2) Can the benefit sought by the applicant be achieved if the variance is not granted? Yes [] No [X]
- (3) Is the requested variance substantial? Yes [] No [X]
- (4) Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? Yes [] No [X]
- (5) Is the alleged difficulty self-created? Yes [X] No []

DRAFT

Mrs. Praczkajlo: I'll second

Mr. Mead: Motion carried. At this point I'll make a motion that to close the Public Hearing.

Mr. Hirsch: Second.

All were in favor of the motion.

Mr. Mead: I'll make a motion to go into Executive Session to discuss the request for appointment made by Mrs. Kent.,

Mr. Hirsch: Second.

All were in favor of the motion.

Mr. Mead: I'll make the motion to return to Regular Session.

Mrs. Praczkajlo: Second;

Mr. Mead: Is there a motion on the appointment recommendation?

Mrs. Praczkajlo: I make a motion that we recommend, to the Town Board, the appointment of Beverly Kent as an Alternate Member of the Zoning Board of Appeals.

Mr. Mead: All in favor.

All were in favor the motion.

Mr. Mead: Is there any further business for this evening?

Mrs. Praczkajlo: Motion to adjourn.

Mr. Hirsch: Second.

All were in favor to adjourn.

Dennis Mead, Chairman

August 2, 2012

WARRANTY DEED

THIS INDENTURE is made the 27 day of September Two Thousand Eleven

Between Warren G. Ristine, Sr., 9081 Cole Road, Boston, NY 14025 Grantors, and
Michael J. & Sandra J. Grimmer as h/w, 6550 Chester Ridge Rd, Orchard Park, NY
14127
Grantees,

Witnesseth, that the Grantors, in consideration of One and More (\$1.00 and More)
Dollars lawful money of the United States, paid by the Grantees, do hereby grant and release unto
the Grantees, their heirs and assigns forever,

See Schedule A attached

Together with the appurtenances and all the estate and rights of the Grantors in said premises.

To have and to hold, the above granted premises unto Grantees, their heirs and assigns
forever.

And said Grantors covenant as follows:

First, that the Grantees shall quietly enjoy the said premises:

Second, that said Grantors will forever Warrant the title to said premises:

Third, that this conveyance is subject to the trust fund provisions of section thirteen of the lien
law.

In Witness Whereof, the Grantors have hereunto set their hand and seals the day and year
first above written.

In the Presence of


Warren G. Ristine, Sr.

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this 27 day of September in the year 2011, before me, the undersigned, a notary
public in and for said state, personally appeared Warren G. Ristine, Sr., personally known to me or proved
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 executed the same in his capacity, and that by his signature on
the instrument, the individual, or the person upon behalf of which the individual acted, executed the
instrument.


Notary Public

ALLTHEA E. KILLIEN
Notary Public, State of New York
No. 02KI4832700
Qualified in Erie County
Commission Expires December 29, 20
3/30/14

FILED

OCT 6 2011

ERIE COUNTY
CLERK'S OFFICE

CHICAGO TITLE INSURANCE COMPANY

SEARCH NO. 1113-02769

51. Affidavit

Affidavit

-of-

Sworn to September 27, 2011
Rec: October 6, 2011

Warren G. Ristine Sr.

Liber 11209 of Deeds, page 6693

Recites: that his representations herein will be relied upon with respect to all rights and title in his real estate located at 9081 Cole Road in the Town of Boston, New York: that the declarations herein are made knowing that a reasonable product purchaser will rely thereon: that he has been advised that various easements and/or utility leases or easements are recorded on this real estate: that specifically, those enumerated in Paragraphs 16-29 of the exceptions set forth in Schedule B of the Chicago Title Insurance Commitment No:113-41482 issued by Barone & Barone P.C.: that with respect to each and every one of these enumerated items, either he has no knowledge of any usage under such easement or he has no knowledge of any interference with his quiet enjoyment of his property located at 9081 Cole Road: that there has been no drilling, production or any other activity since he took title: that further, with respect to Exceptions at Paragraphs 32 and 33, he states that his wife, Joan E. Ristine passed away on February 6, 2005 and that at the time of her death, were legally married: that appended herewith is a Certified Copy of her Death Certificate: that finally, there are no Estate Taxes due and owing and there are no liens or encumbrances in any way affecting this property as a result of her death: that specifically, decedent's Estate is not subject to Federal or New York State Tax

Note:- We find no Surrogate Proceedings on the Estate of Joan E. Ristine on record in Erie County Clerk's Office.

52. Warren G. Ristine Sr.

Warranty Deed

-To-

Dated: September 27, 2011

Ack.: September 27, 2011

Rec.: October 6, 2011

Michael J. Grimmer and
Sandra J. Grimmer,
husband and wife
NO SEARCH VS GRANTEES

Liber 11209 of Deeds page 6697
Consideration:- \$1.00 and more

Conveys all that tract or parcel of land situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 57, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:- Beginning at a point in the center line of Cole Road, at a point 712.12 feet northerly from the intersection of the centers of Cole Road and Boston Cross Road, being the northwest corner of land conveyed to Leo Bowman by deed recorded in Erie County Clerk's Office in Liber 7116 of Deeds page 657: running thence northerly along the center line of Cole Road, a distance of 688.98 feet to the north line of lands conveyed to Oscar Rabus by deed recorded in Erie County Clerk's Office in Liber 5874 of Deeds page 473: running thence easterly at an interior angle of 90° 27' 10", a distance of 537.71 along the north line of lands conveyed to Rabus to the northwest corner of land conveyed to Mark Witmer by deed recorded in Erie County Clerk's Office in Liber 9331 of Deeds page 383: running thence southerly along the west bounds of said lands conveyed to Witmer, a distance of 693.23 feet to a point: running thence



CHICAGO TITLE INSURANCE COMPANY

104BSZ 5/10 KMS

SEARCH NO. 1113-02769

westerly at right angles to the last described course and along the north line of lands conveyed to Bowman by aforesaid deed, a distance of 537.69 feet to the point or place of beginning

53. Michael J. Grimmer and
Sandra J. Grimmer

Mortgage for \$247,713.00

-To-

Dated: October 6, 2011
Ack: October 6, 2011
Rec.: October 6, 2011

Mortgage Electronic
Registration Systems
Inc., acting solely
as Nominee for 1st
Priority Mortgage Inc.

Liber 13549 of Mortgages, page 6209

Covers same premises as conveyed by deed recorded in Liber 11209 of Deeds
page 6697

JMC
October 6, 2011, 2:22 P.M.
KJP

10ABSC 5/10 KM



CHICAGO TITLE INSURANCE COMPANY

Springville

1000 North LaSalle St., 14212
F.W. Wells Co. 44244

897-1560

APPLICATION FOR PERMIT

Town of Boston, New York

Single Family Dwellings, Farm Buildings,
Accessory Building, Additions

OFFICE USE ONLY

Approved () Disapproved ()
Permit No. _____
Address _____
Date Issued _____
Permit Fee _____
Issued By _____

Owner MICHAEL SANDRA COHNER
Address 9081 COLE RD.
BOSTON, NY
Day Phone [REDACTED] Eve [REDACTED]

Contractor OWNER
Address _____
Day Phone _____ Eve _____

Application is hereby made for permission to: Erect Alter Repair Addition Move

CONSTRUCTED WITH: Frame Brick Brick Veneer Tile Stone Concrete Block Concrete Reinforced Steel Other _____

To be used as: () Single Dwelling () Farm Building (X) Barn () Solid-Fuel Burning
() Private Garage () Swimming Pool () Accessory Building

Address of Premises for Which Application is Made:

Section, Block, Lot 242,00 - Z-15,141 Current Zoning RA
Tax I.D. Number _____

Side of COLE RD., Size of Lot 689, 537, 8.5
Street Name Frontage Depth Acreage
{ North }
{ South }
{ East }
{ West }

Distance of Building from lot lines. Front 240', Rt. side 640', Lt. side 11', Rear 258'
Size of completed (X) Building, () Addition, feet wide 48', feet long 60', feet high 24'
Sq. Ft. of: Basement _____, First Floor _____, Second Floor _____, Garage _____, Other 2880
The estimated value of Structure exclusive of land is \$ 18,000 Percentage of Lot Coverage (All Bldgs) _____ %
Total Square Footage of Lot _____
Need Restrictions NONE
Type of Sewage Disposal SEPTIC
Type of Water Supply WELL

NOTE: Approval of proposed system by County Health Dept. must be presented with application.

NOTE: Permit for Driveway Culvert must be presented with this application before Driveway Culvert is installed. Permit must be obtained from the Highway Department having jurisdiction (Town)(County)(State)
Attach Survey bearing the stamp of a licensed survey or engineer showing the location of all buildings with references to said lot including both existing structures and proposed structures, giving dimensions in feet.
PLANS FOR THE BUILDING INSPECTOR MUST BE SUBMITTED WITH THIS APPLICATION.
THEY MUST COMPLY WITH STATE UNIFORM BUILDING CONSTRUCTION CODE AND THE STATE ENERGY CONSERVATION CODE.

No person shall make any change in plans herewith submitted for specifications herein contained, or in the structural part of the building without written consent of the Building Inspector.
Sketch on reverse side of this application must be completed
I, the undersigned applicants do hereby affirm that the information herein supplied is true and correct.

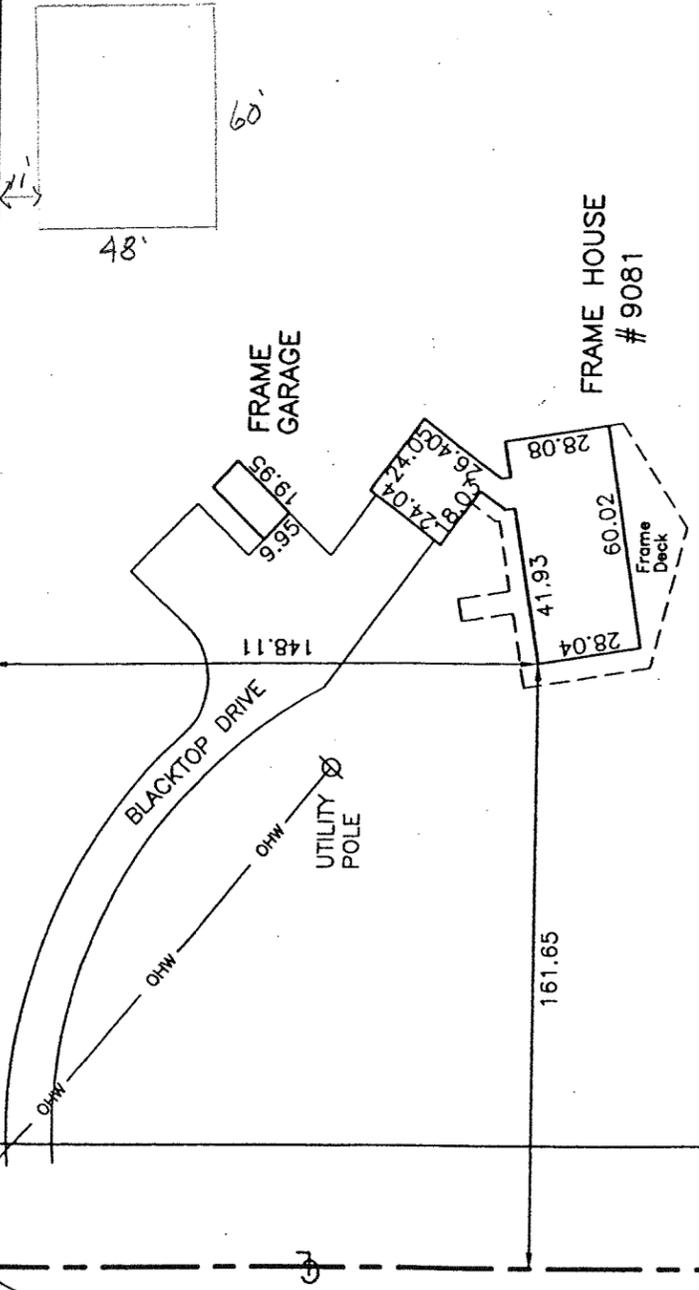
Applicant/Owner _____ Applicant/Owner _____
Date _____ Date _____

() Approved () Disapproved
Date _____

Reason _____
Building Inspector _____
Town of Boston

NORTHERLY, LINE OF
LIBER 5874 PAGE 473

537.71'



FRAME HOUSE
9081

FRAME
GARAGE

BLACKTOP DRIVE

UTILITY
POLE

161.65

148.11

19.95
19.95

28.08

41.93

28.04

60.02

28.04

60'

48'

THE CENTERLINE OF
SS ROAD

57

90.0'

FENCE
0.1S

FENCE
2.7S

537.69'

688.98'