

Town of Boston

Zoning Board of Appeals



Town Hall
Phone: (716) 941-6113

8500 Boston State Road
Boston, New York 14025

Zoning Board of Appeals AGENDA Thursday, March 2, 2023 7:00 PM

1. Work Session – Planning Board Room
2. Call Meeting to Order – Town Court Room
3. Pledge of Allegiance
4. ZBA Responsibility Reading
5. Minutes
6. Public Hearing
7. New Business
8. Old Business
9. Motion to adjourn

The ZBA will meet at the Town of Boston Town Hall on **Thursday, March 2, 2023, at 7:00 PM** for the Work Session in the Planning Board Room followed by the Public Hearing in the Court Room to hear the following petitions:

Petition #606 – Glenn & Susan Pratt – Brown Hill Road, request a 2 lot sub-division creating a non-confirming lot less than 3 acres and zero frontage per Town of Boston Code Section 123-49(A & C).

Petition #608 – Anthony Staub, 5938 Old Orchard Dr, requesting 1090 sqft area variance and 3' height variance per Town of Boston Code section 123-136B(4) for a two-story accessory building.

Petition #609 – Nicholas Powers, 4604 Eckhardt Rd, requesting 40 sqft area variance per Town of Boston Code section 123-136B(4) for a detached garage.

Petition #610 – Burdette Latimore, 6667 Holiday Dr, requesting 384 sqft area variance per Town of Boston Code section 123-136B(4) for a detached garage.

PUBLIC NOTICE
TOWN OF BOSTON
ZONING BOARD OF APPEALS

The ZBA will meet at the Town of Boston Town Hall on **Thursday, March 2, 2023, at 7:00 PM** for the Work Session in the Planning Board Room followed by the Public Hearing in the Court Room to hear the following petitions:

Petition #606 – Glenn & Susan Pratt – Brown Hill Road, request a 2 lot sub-division creating a non-confirming lot less than 3 acres and zero frontage per Town of Boston Code Section 123-49(A & C).

Petition #608 – Anthony Staub, 5938 Old Orchard Dr, requesting 1090 sqft area variance and 3' height variance per Town of Boston Code section 123-136B(4) for a two-story accessory building.

Petition #609 – Nicholas Powers, 4604 Eckhardt Rd, requesting 40 sqft area variance per Town of Boston Code section 123-136B(4) for a detached garage.

Petition #610 – Burdette Latimore, 6667 Holiday Dr, requesting 384 sqft area variance per Town of Boston Code section 123-136B(4) for a detached garage.

Jennifer Cavarello, Clerk
Zoning Board of Appeals

Dated: February 12, 2023

Published:

An Equal Opportunity Provider & Employer

TO: ZBA Chairman and Board members
FROM: Sarah desJardins, Planning Consultant
RE: October 6, 2022 ZBA petitions

Chairman and Board members:

Regarding **Petition #606**, Glenn & Susan Pratt are requesting two (2) area variances in order to create a non-confirming lot that would not be the required three (3) acres in area and would have no frontage on a public road.

The proposed Action under SEQR is classified as a Type II Action and therefore is not subject to review under SEQR.

***** Please advise the applicant, if the variances are approved, that minor subdivision approval will be required by the Planning Board before the new lot is created *****

Regarding **Petition #608**, Anthony Staub is requesting two (2) area variances in order to construct an accessory building that would be larger and higher than what is allowed per Code.

The proposed Action under SEQR is classified as a Type II Action and therefore is not subject to review under SEQR.

Regarding **Petition #609**, Nicholas Powers is requesting an area variance in order to construct a detached garage that would be 40 sq.ft. larger than what is allowed per Code.

The proposed Action under SEQR is classified as a Type II Action and therefore is not subject to review under SEQR.

Regarding **Petition #610**, Burdette Latimore is requesting an area variance in order to construct a detached garage that would be 384 sq.ft. larger than what is allowed per Code.

The proposed Action under SEQR is classified as a Type II Action and therefore is not subject to review under SEQR.

Respectfully submitted,

Sarah desJardins, Planning Consultant

Zoning Board of Appeals
Meeting minutes – 01.05.2023_draft

Attendees: Lisa Rood, Beth Pryor, Dave May, Robert Ballard, Tony Rosati, COE/Tom Murphy
Absent: Kelly Martin/Town Liaison, Mike Flattery

1. Work Session – Planning Board – 7pm

2. Call Meeting to Order

Meeting called to order by Ms. Rood at 7:16pm

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

ALL PRESENT

Mr. Rosati is a full voting member due to Mr. Flattery not being present

3. Pledge of Allegiance – Lead by Mr. Ballard

4. ZBA Responsibility Reading – Read by Mr. Rosati

5. Minutes

Motion to accept August minutes made by Ms. Rood with the necessary corrections and accept the October minutes as provided.

2nd by Ms. Pryor

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

APPROVED

Motion to accept October minutes made by Ms. Rood

2nd by Ms. Pryor

6. Public hearings

Ms. Rood read public hearing notice

The ZBA will meet at the Town of Boston Town Hall on **Thursday, January 5, 2023 at 7:00 PM** for the Work Session in the Planning Board Room followed by the Public Hearing in the Court Room to hear the following petitions:

Petition #607 – Michael Monin of 6440 Hillcroft Drive, Boston, seeking a 596 sqft Area variance for a gazebo and cabana. Exceeds limits on obstructions in required open space. Violates Town Code 123-136b(4).

Motion made to Open public hearing made by Ms. Rood
2nd by Mr. Ballard

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

APPROVED

SEQR letter read by Ms. Rood

TO: ZBA Chairman and Board members

FROM: Sarah desJardins, Planning Consultant

RE: January 5, 2023 ZBA petitions

Chairman and Board members:

Regarding Petition #607, Michael Monin, 6440 Hillcroft Drive, the applicant is seeking an area variance to construct a gazebo and cabana that would be 596 sq.ft. larger than what is allowed.

The proposed Action under SEQR is classified as a Type II Action and therefore is not subject to review under SEQR.

Respectfully submitted,

Sarah desJardins, Planning Consultant

Petition #607 – Michael Monin of 6440 Hillcroft Drive, Boston, seeking a 596 sqft Area variance for a gazebo and cabana. Exceeds limits on obstructions in required open space. Violates Town Code 123-136b(4).

Mr. Monin, applicant, spoke to the Board. Described the project: It's a little gazebo next to the poo and a bathroom and changing area next to the pool.

Ms. Pryor asked if any neighbors? RESPONSE: Yes, one neighbor, applicant provided letter to Board.

Ms. Rood read for the minutes with no issues.

Ms. Pryor talked about the tax map. Ms. Rood asked the applicant to show on the tax map the neighbor that the letter was read. Applicant pointed to where the buildings were going to be located.

Mr. Ballard talked about the bathroom and connecting to the existing septic. RESPONSE: Yes.

Mr. May asked if there will be electric. RESPONSE: Yes but no Heat. The building will not have walls.

Ms. Rood talked more about the structure being more like a pavilion.

Ms. Rood talked about the slope on the roof. Snow guards? RESPONSE: Not sure yet but don't feel it's needed. There are not going to be any walls on the gazebo but will be for the bathroom.

Ms. Rood ask if there will there be gutters? RESPONSE: YES, drain tile and gutters

Ms. Rood had a question in the – Environmental form –#12 pg 2 – checked yes, but the question should have been 'no'. Applicant asked to look at the form.

Mr. Rosati asked the applicant if he had the page, on the back.

Ms. Rood mentioned the EAF reported 'wetlands'. RESPONSE: There are no wetlands.

Mr. Rosati added some comments.

Ms. Rood mentioned on the initial application that the cost was blank. RESPONSE: approx. \$20,000.

More discussion about the EAF form which is several pages. Ms. Rood gave applicant her copy.

Questions? None

Motion to close public hearing made by Ms. Pryor

2nd by Mr. May

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

APPROVED

Motion made by Ms. Pryor to approve Petition #607

Approve x **Deny** **Reserve Decision**

Table **Time Frame**

Conditions to approval:

(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 on the physical impact or environmental conditions of the neighborhood?** Yes [] No [x]

(5) Is the alleged difficulty **self-created?** Yes [x] No []

2nd by Ms. Rood

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

APPROVED

7. New business

none

8. Old business

none

Ms. Rood mentioned that all the new training will be needed for this year.

Reminder to give applicants a heads up when visiting the site.

Mr. Rosati mentioned about online webinars.

Ms. Rood talked about training and the budget.

9. Motion to Adjourn

Motion to adjourn made by Mr. Ballard

2nd by Ms. Pryor

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

APPROVED



TOWN OF BOSTON

February 10, 2023

PETITION # 606

JASON A. KEDING
Supervisor

MICHAEL A. CARTECHINE
JENNIFER L. LUCACHIK
KELLY L. MARTIN
KATHLEEN SELBY
Town Board

SANDRA L. QUINLAN
Town Clerk -Tax Collector

ROBERT J. TELAAK
Highway Supt.

DEBRA K. BENDER
KYLE CALABRESE
Town Justice

SEAN W. COSTELLO
Town Attorney

LAURIE BAKER
Prosecutor

SUE FITZNER
Assessor

THOMAS C. MURPHY
Code Enforcement Officer

Chairwoman Rood and Distinguished Board Members,

Mr. & Mrs. Glenn & Susan Pratt would like to sell their property on Brown Hill Road. It is a 51.19 acre parcel identified by tax number sbl. 258.00-1-51. It is the last property on the north side of Brown Hill Road in the Town of Boston.

In the process of having the property surveyed prior to the transfer it was discovered that the domestic water well for the Zwack residence at 6718 Brown Hill Road Concord, a well that was hand-dug circa 1947, lies 9.6" over the property line and on the Pratt's property.

The purchaser is unwilling to accept this detail. In order to placate their purchaser, the Pratt's are proposing a two-lot subdivision. They propose to remove a 25' x 50' rectangle containing the well and transfer it to Mrs. Pat Zwack. This 1250 square foot lot is a non-conforming lot in the Town of Boston. They require two area variances for this lot in a residential agricultural district.

- 1) 123-49A.Lot Area (1) 3 acres Code: 3 acres (130,680 sq. ft.)
Actual: 0.028 acres (1250 sq. ft.)
Variance:2.97 acres (129,460 sq. ft.)
- 2) 123-49C. Lot width at the front-line Code: 75 feet
Actual: 0 feet
Variance: 75 feet

TOWN HALL
(716) 941-6113
Fax (716) 941-6116

TOWN SUPERVISOR
(716) 941-6518
Fax (716) 941-9264

TOWN COURT
(716) 941-6115
Fax (716) 941-5169

HIGHWAY GARAGE
(716) 941-5869
Fax (716) 941-3677

NUTRITION PROGRAM
(716) 941-5773

Sincerely,

Thomas C. Murphy
Town of Boston, New York
Code Enforcement Officer

8500 Boston State Road Boston, New York 14025-9848

The Town of Boston is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 1-866-632-9992 to request the form. You may also write a letter containing all the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or fax

Chapter 123. ZONING

Article XI. R-A Residential-Agricultural District

§ 123-49. Minimum lot size.

Unless otherwise provided, the minimum lot size in the R-A District shall be as specified in this section.

- A. Lot area:
 - (1) Minimum; three acres.
 - (2) Two-family dwellings: five acres.
- B. Lot width at the building line:
 - (1) Seventy-five feet for a single-family dwelling.
 - (2) One hundred feet for a two-family dwelling or any other building.
- C. Lot width at the front lot line shall be equal to the minimum required lot width at the building line.

APPLICATION FOR PERMIT

Town of Boston; New York

Petition # 606

OFFICE USE ONLY

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

Single Family Dwellings, Farm Buildings,
Accessory Building, Additions

Owner Glenn + Susan Pratt
Address 3299 Wepax Rd., Eden, NY 14057

Contractor
Address
Day Phone
Eve

CONSTRUCTED WITH:
Application () Erect () Frame () Concrete Block
is hereby () Alter () Brick () Concrete Reinforced
made for () Repair () Brick Veneer () Steel
permission () Addition () Tile () Other
to: () Move () Stone
To be used as: () Single Dwelling () Farm Building () Barn () Solid-Fuel Burning
() Private Garage () Swimming Pool () Accessory Building

Address of Premises for Which Application is Made:
Section, Block, Lot 258.00-1-54 Current Zoning RA
Tax I.D. Number

(X) North
() South Side of Brown Hill Rd., Size of Lot 295.50, 1977.15, 51.53
() East Street Name Frontage Dept Acreage
() West

Distance of Building from lot lines. Front, Rt. Side, Lt. Side, Rear
Size of completed () Building, () Addition, feet wide, feet long, feet high
Sq. Ft. of: Basement, First Floor, Second Floor, Garage, Other

The estimated value of Structure exclusive of land is \$
Total Square Footage of Lot Percentage of Lot Coverage (All Bldgs) %

Deed Restrictions
Type of Sewage Disposal
Type of Water Supply

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

The undersigned applicants do hereby affirm that the information herein supplied is true and correct.

Applicant/Owner Glenn + Susan Pratt
Date 1/30/23

() Approved (X) Disapproved Date FEBRUARY 1, 2023

Reason 123-49 Minimum Lot Size in an R-A District
Building Inspector Thomas J. [Signature]
Town of Boston

VARIANCE REQUEST

February 15, 2023

Glenn and Susan Pratt
3299 Wepax Rd.
Eden, NY 14057

Dear Planning Board Members,

We are writing this letter to request a variance to clear up the issue of the neighbors water well being on the property line.

The two properties are:


SBL 258.00-1-54 owned by Glenn and Susan Pratt, 3299 Wepax Rd., Eden, NY 14057 (ph: and,

SBL 273.00-1-36.2 owned by Paulette Zwack, 6718 Brown Hill Rd., Concord, NY 14141 (ph:

Glenn J. and Susan D. Pratt, would like to gift a 25ft. x 50ft. parcel to Paulette Zwack, in order to secure the future of Mrs. Zwack's well and only water source. (See details on included Survey)

Thank you for your time and consideration.

Sincerely,

 2/15/23
Glenn J. Pratt

 2-15-23
Susan D. Pratt

Returns to Glenn + Susan Pratt
3299 Wepax Rd
Eden NY 14057

This Indenture, Made the 21ST day of December, 2015.

Between QUAKER ESTATES II, LP, ^{19000 BOSTON STATE ROAD,} P.O. Box 204, Boston, New York 14025, party of the first part, and

GLENN J. PRATT and SUSAN D. PRATT, husband and wife, 3299 Wepax Road, Eden, New York 14057, parties of the second part,

Witnesseth that the party of the first part, in consideration of One and more Dollars (\$1.00 & more) lawful money of the United States, paid by the parties of the second part, does hereby grant and release unto the parties of the second part, their heirs and assigns forever:

ALL THAT TRACT OR PARCEL OF LAND

ATTACHED HERETO AS SCHEDULE "A"

The described parcel contains 51.76 acres more or less and is subject to all easements, right of ways and restrictions of legal record.

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever.

And said party of the first part covenants as follows:

19560
Need - 3
BOS

First, that the parties of the second part shall quietly enjoy the said premises;

Second, That said party of the first part will forever Warrant the title to said premises.

Third, That, in Compliance with Sec. 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the party of the first part have hereunto set his hand and seal the day and year first above written.

IN PRESENCE OF



(L.S.)
ROY L. EMERLING, Limited Partner

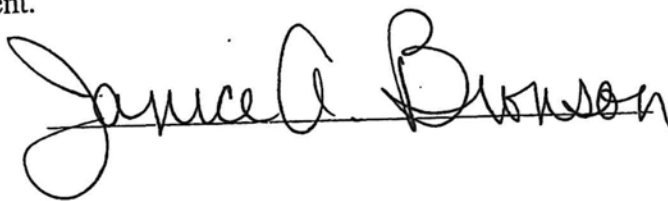
State of New York)

SS:

County of Cattaraugus)

On this 21st day of December, 2015, before me, the undersigned, a notary public in and for said state, personally appeared **ROY L. EMERLING**, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals executed the instrument.

JANICE A. BRONSON
Notary Public, State of New York
No. 01BR6215908
Qualified in Cattaraugus County
Commission Expires 1/04/20 18



Short Environmental Assessment Form
Part 1 - Project Information

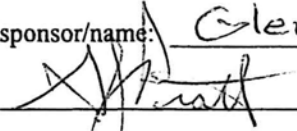
Instructions for Completing

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: Brown Hill Rd. variance		
Project Location (describe, and attach a location map): Brown Hill Rd near Concord Town line		
Brief Description of Proposed Action: gift a 25ft. x 50ft. parcel from SBL 258.00-1-54 to SBL 273.00-1-36.2 to secure access to water well		
Name of Applicant or Sponsor: Glenn J. Pratt		
Address: 3299 Wepax Rd.		
City/PO: Eden	State: NY	Zip Code: 14057
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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
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:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	51.53 acres .029 acres 51.53 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland		

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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? 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

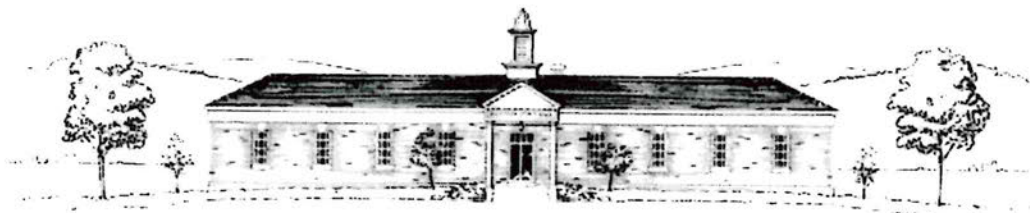
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Glenn J. Pratt</u> Date: <u>2/15/23</u>		
Signature: <u></u> Title: <u>owner</u>		

PRINT FORM

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Garmin, USGS, Intermap, INCREMENTP, HRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

- 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 and federal wetlands and waterbodies is known to be incomplete. Refer to 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



TOWN OF BOSTON

February 10, 2023

PETITION # 608

JASON A. KEDING
Supervisor

MICHAEL A. CARTECHINE
JENNIFER L. LUCACHIK
KELLY L. MARTIN
KATHLEEN SELBY
Town Board

SANDRA L. QUINLAN
Town Clerk -Tax Collector

ROBERT J. TELAAK
Highway Supt.

DEBRA K. BENDER
KYLE CALABRESE
Town Justice

SEAN W. COSTELLO
Town Attorney

LAURIE BAKER
Prosecutor

SUE FITZNER
Assessor

THOMAS C. MURPHY
Code Enforcement Officer

Chairwoman Rood and Distinguished Board Members,

Mr. Anthony Staub of 5938 Old Orchard Drive desires to construct a 27' x 40' x 24' 1 1/2 story accessory building on his 1.13 acre lot in an R-1 zoning district.

The first floor would be 1080 square feet and the 1/2 floor above, because of roof lines and knee walls would be 850 square feet for a total of 1930 square feet.

This violates Town of Boston code section 123-136B.(4) which allows 840 square foot of aggregate accessory (this would be his only detached accessory) at a maximum height of 21'.

Mr. Staub requires two area variances:

- | | |
|------------------------|--------------|
| 1) Square footage: | 2) Height: |
| Code: 840 sq. ft. | Code: 21' |
| Actual: 1930 sq. ft. | Actual: 24' |
| Variance: 1090 sq. ft. | Variance: 3' |

Sincerely,

Thomas C. Murphy
Town of Boston, New York
Code Enforcement Officer

TOWN HALL
(716) 941-6113
Fax (716) 941-6116

TOWN SUPERVISOR
(716) 941-6518
Fax (716) 941-9264

TOWN COURT
(716) 941-6115
Fax (716) 941-5169

HIGHWAY GARAGE
(716) 941-5869
Fax (716) 941-3677

NUTRITION PROGRAM
(716) 941-5773

8500 Boston State Road Boston, New York 14025-9848

The Town of Boston is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 1-866-632-9992 to request the form. You may also write a letter containing all the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or fax 202-690-7447 or e-mail at program.intake@usda.gov

Chapter 123. ZONING

Article XXV. Supplemental Lot Size and Open Space Requirements

§ 123-136. Limitations on obstructions in required open space.

A. In C or M Districts: No storage, truck parking, loading or unloading or processing of any kind shall be permitted in any required yard in any C or M District. This provision shall not apply to uses accessory to a permitted dwelling, but such accessory uses shall be subject to the following limitations on obstructions in required open spaces in R Districts.

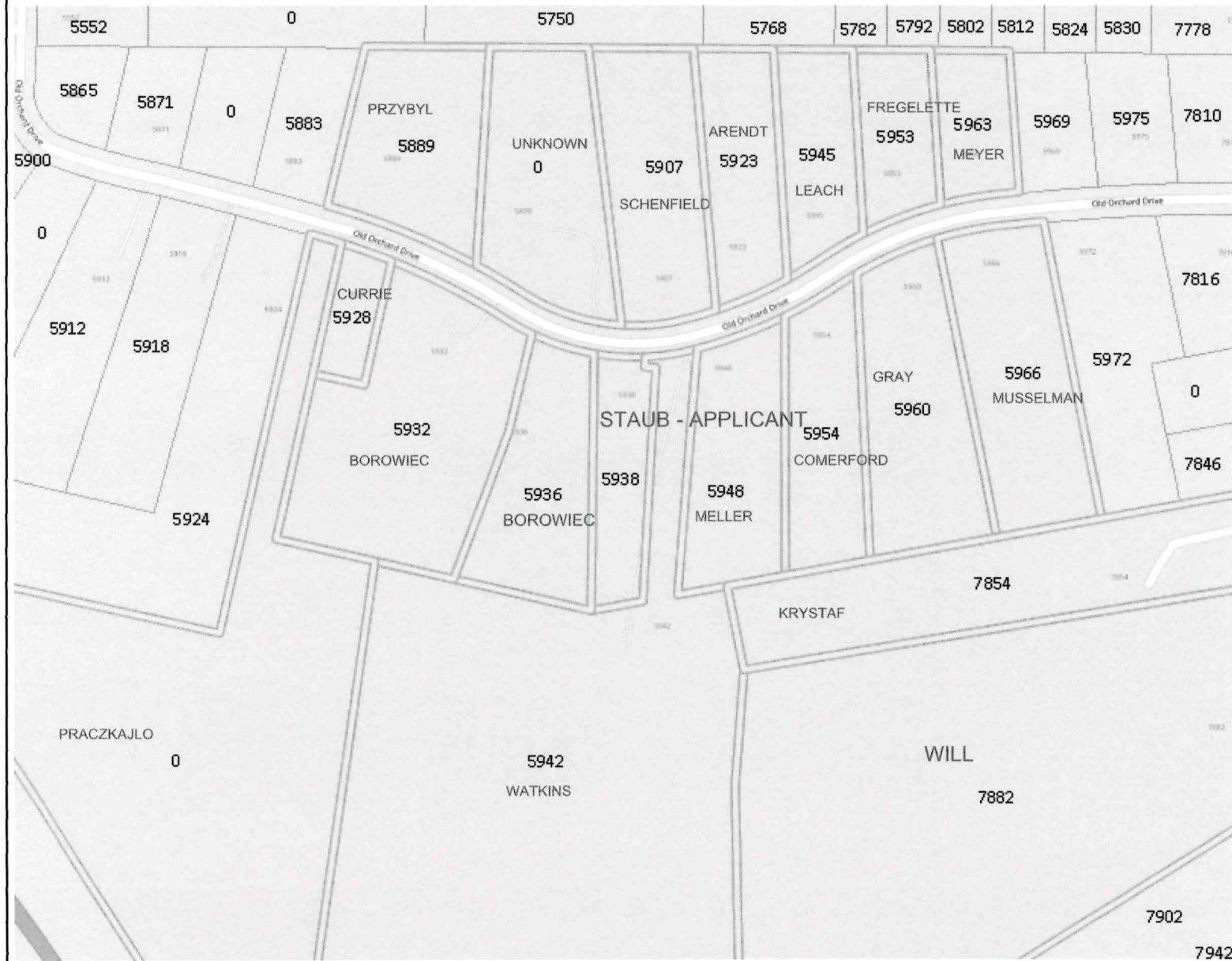
B. In R Districts:

- (1) Accessory buildings and roofed projections shall not occupy more than 25% of the actual rear yard.
[Amended 7-16-1997 by L.L. No. 5-1997; 2-4-2004 by L.L. No. 3-2004]
- (2) No part of an accessory building shall be nearer than three feet to a rear lot line or 10 feet to a side lot line.
- (3) Detached accessory buildings shall be at least 10 feet from any dwelling and five feet from any other building.
- (4) Maximum allowable height and square footage of lot coverage, for one-and-one-half-story accessory buildings is as follows:
[Added 2-4-2004 by L.L. No. 3-2004]

Lot Area (acres)	Accessory Use Square Footage Not to Exceed (square feet)	Height for One-and-One-Half-Story Accessory Building (top of floor to top or ridge) (feet)
Less than 1	728	18
1 plus to 2	840	21
2 plus to 3	1,020	21
3 plus to 5	2,000	23
5 plus	2,500	25

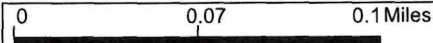


Erie County On-Line Mapping Application



Legend

- Parcels



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



longstaub@gmail.com

APPLICATION FOR PERMIT

Town of Boston; New York

OFFICE USE ONLY

Approved () Disapproved ()

Permit No.

Address 5758 OLD ORCHARD

Date Issued

Permit Fee

Issued By

Single Family Dwellings, Farm Buildings, Accessory Building, Additions

Owner Anthony Staub
Address 5936 Old Orchard Dr
Hamburg NY 14075

Contractor Rock Works Masonry
Address 637 Wagner Rd
Springville, NY 14141

CONSTRUCTED WITH:

Application is hereby made for permission to: () Erect () Alter () Repair () Addition () Move () Single Dwelling () Private Garage () Frame () Brick () Brick Veneer () Tile () Stone () Concrete Block () Concrete Reinforced () Steel () Other () Farm Building () Barn () Solid-Fuel Burning () Swimming Pool () Accessory Building

Address of Premises for Which Application is Made:

Section, Block, Lot 226.01-4-3.2 Current Zoning R1

Tax I.D. Number

() North

(x) South

() East

() West

Side of Old Orchard Dr, Size of Lot 100', 491, 1.13

Street Name

Frontage

Dept

Acreage

Distance of Building from lot lines. Front 234', Rt. Side 50', Lt. Side 23', Rear 200'

Size of completed Building, () Addition, feel wide 27', feel long 40', feel high 24'

Sq. Ft. of: Basement, First Floor 1080, Second Floor 850, Garage, Other

The estimated value of Structure exclusive of land is \$ 70,000.

Total Square Footage of Lot 49,100 Percentage of Lot Coverage (All Bldgs) 6%

Deed Restrictions

Type of Sewage Disposal Erie County Sewer

Type of Water Supply Public

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

The undersigned applicants do hereby affirm that the information herein supplied is true and correct.

Applicant/Owner

Anthony Staub

Applicant/Owner

2/2/23 Date

Date

() Approved (x) Disapproved

Date FEBRUARY 2, 2023

123-136B. (4) Max sq ft 840 (1090 v)
Reason Max height 21 (3' v)

Building Inspector
Town of Boston

Thomas C. [Signature]

Short Environmental Assessment Form
Part 1 - Project Information

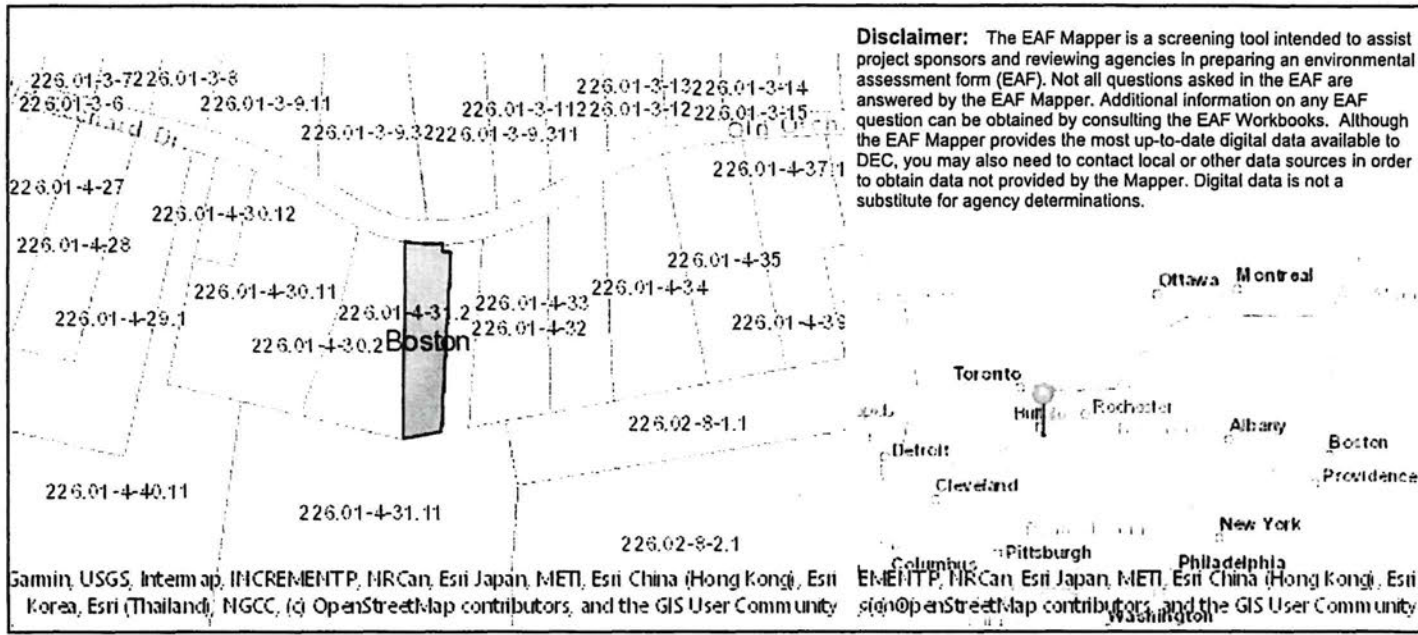
Instructions for Completing

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: <i>Anthony Staub</i>		
Project Location (describe, and attach a location map): <i>Pole Barn</i>		
Project Location (describe, and attach a location map): <i>5938 Old Orchard Dr Hamburg NY 14075</i>		
Brief Description of Proposed Action: <i>2 story structure for storage + socializing</i>		
Name of Applicant or Sponsor: <i>ANTHONY STAUB</i>		
Address: <i>5938 Old Orchard Dr</i>		
City/PO: <i>Hamburg</i>	State: <i>NY</i>	Zip Code: <i>14075</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.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
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: <i>TOWN OF BOSTON</i>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<i>1.13</i> acres <i>.04</i> acres <i>1.13</i> acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland		

5. Is the proposed action,	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ <i>ALTHOUGH THIS EAF LISTS WETLANDS, NONE ARE SHOWN ON THE FREE COUNTY G.I.S MAPPING SYSTEM</i>			



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]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to 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



County Clerk's Recording Page

Return to:

RICHARD C POHLMAN ESQ
4474 GRANDVIEW AVE
HAMBURG, NY 14075

Book Type: D Book: 11392 Page: 3509

Page Count: 4
Doc Type: EASEMENT/RTWY
Rec Date: 12/08/2021
Rec Time: 11:41:22 AM
Control #: 2021244751
UserID: Mary
Trans #: 21201016
Document Sequence Number
TT2021010188

Party 1:

WATKINS RICHARD N

Party 2:

Recording Fees:

RECORDING	\$40.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
TP584	\$10.00
MARKOFF FEE	\$1.00

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: \$71.00

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

RIGHT OF WAY AND MAINTENANCE AGREEMENT

Richard N. Watkins and Kathleen A. Watkins, as husband and wife, of 5942 Old Orchard Dr, Hamburg, NY. 14075, parties of the first part and Jennifer Jmieff, Trustee of the Anthony Staub Irrevocable Trust, 802 Joseph Circle, Golden, CO. 80403, party of the second part agree that Richard N. Watkins and Kathleen A. Watkins ^{THEIR HEIRS AND SECCUSSOR, AND ASSIGNEES} are giving ^{RW. KW} access to the Anthony Staub Irrevocable Trust to be able to go in and out of property ^{JP} along an existing driveway

Richard N. Watkins and Kathleen A. Watkins, as the owner of the property recorded in the Erie County Clerk's Office on 10/26/2016, in deed liber 11303 page 9603, party of the first part, do hereby convey to Jennifer Jmieff, Trustee of the Anthony Staub Irrevocable Trust, 802 Joseph Circle, Golden, CO. 80403, party of the second part, a right of way across the lands of Richard N. Watkins and Kathleen A. Watkins, as set for in liber 11303 of deeds at page 9603 and along an existing driveway the following courses and distances: ✓

BEGINNING AT THE northeast corner of lands of Richard N. & Kathleen A. Watkins, thence west 24.54 feet to a point at the centerline of existing driveway; thence southerly along the centerline of said driveway, forming an angle in the southeast quadrant of $105^{\circ}21'32''$, a distance of 175.86 feet to a point; thence westerly along the centerline of a driveway leading to a frame garage located on lands of the Anthony Staub Irrevocable Trust, by deed filed in the Erie County Clerk's Office in Liber 11373 of Deeds at Page 4608, forming an angle in the northwest quadrant of $125^{\circ}57'32''$, a distance , a distance of 17.41 feet to the proposed new property line. ✓

(See attached survey copy)

785-3-2

244751

Richard N. Watkins and Kathleen A. Watkins do hereby agree and make part of this Use Agreement that they convey the right to Anthony Staub whose ownership is under the name, "The Anthony Staub Irrevocable Trust", the right to maintain the properties along the existing driveway and easement.

This right to maintain shall be exclusive to Anthony Staub and shall run with the land as long as Anthony Staub is able and willing to maintain said properties.

Dated: 10/20/21

Richard N. Watkins
Richard N. Watkins

Kathleen A. Watkins
Kathleen A. Watkins

State of New York }
County of Erie } SS.:

On the 20th day of OCTOBER, 2021, before me, the undersigned, a Notary Public in and for the State, personally appeared, Richard N. Watkins and Kathleen A. Watkins, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is subscribed to the within/attached instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signatures(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

Richard C. Pohlman
Notary Public

RICHARD C. POHLMAN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 4/30/2023

Dated: 11/4/2021

Jennifer Jmieff
Jennifer Jmieff, Trustee, Anthony Staub Irrevocable Trust

State of Colorado }
County of Jefferson } SS.:

On the 4 day of November, 2021, before me, the undersigned, a Notary Public in and for the State, personally appeared, Jennifer Jmieff, Trustee personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is subscribed to the within/attached instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signatures(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument, and that such individual(s) made such appearance before the undersigned in the city of Golden and state of Colorado.

JESSICA ROSE BISHOP
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20214041794
MY COMMISSION EXPIRES OCT 22, 2025

Jessica Rose Bishop
Notary Public



County Clerk's Recording Page

Return to:

RICHARD C POHLMAN ESQ
4474 GRANDVIEW AVE
HAMBURG, NY 14075

Book Type: D Book: 11392 Page: 3503

Page Count: 3
Doc Type: DEED
Rec Date: 12/08/2021
Rec Time: 11:41:22 AM
Control #: 2021244749
UserID: Mary
Trans #: 21201016
Document Sequence Number
TT2021010186

Party 1:

WATKINS RICHARD N

Party 2:

ANTHONY STAUB IRREVOCABLE TRUST
(THE) TR

Consideration Amount: 1.00

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

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

Please return to:
Richard C. Pohlman, Esq.
.4474 Grandview Ave
Hamburg, NY 14075

Warranty Deed

NOVEMBER
THIS INDENTURE, made the *4th* day of ~~October~~, Two Thousand and Twenty-one

Between Richard N. Watkins and Kathleen A. Watkins
5942 Old Orchard Drive, Hamburg, NY 14075 *Grantors*

The Anthony Staub Irrevocable Trust, Jennifer Jmieff, Trustee
5938 Old Orchard Drive, Hamburg, NY 14075 *Grantee*

WITNESSETH, that the parties of the first part, in consideration of the sum of ONE AND NO MORE DOLLARS (\$1.00 and no more) lawful money of the United States, and other good and valuable consideration paid by the party of the second part, do hereby grant and release unto the party of the second part, its heirs, successors and assigns forever,

Attached Description Schedule "A"

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) does 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 party of the first part has duly executed this Deed the day and year first written above.

IN PRESENCE OF

Richard N. Watkins (L.S.)
Richard N. Watkins

Kathleen A. Watkins (L.S.)
Kathleen A. Watkins

STATE OF NEW YORK)
COUNTY OF ERIE)SS:

On this *4th* day of ~~October~~, 2021, before me, the undersigned, a Notary Public in and for the State, personally appeared Richard N. Watkins and Kathleen A. Watkins, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signatures on the instrument, the individual, or the person on behalf of which the individuals acted, executed the instrument.

Richard C. Pohlman Notary Public

RICHARD C. POHLMAN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 4/30/2023 *13*
4-30-23

BOS
DEED-2
1-2

244749

SCHEDULE "A"

ALL THAT PIECE OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 21, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING AT A POINT at the southeast corner of lands of The Anthony Staub Irrevocable Trust, by deed filed in the Erie County Clerk's Office in Liber 11373 of Deeds at Page 4608;

Thence northerly along the east line of said lands of The Anthony Staub Irrevocable Trust, also being the west line of lands of Richard N. & Kathleen A. Watkins, by deed filed in the Erie County Clerk's Office in Liber 11303 of Deeds at Page 9603, a distance of 220.95 feet to the POINT OR PLACE OF BEGINNING;

Thence continuing northerly along the east line of said lands of The Anthony Staub Irrevocable Trust and the west line of said lands of Richard N. & Kathleen A. Watkins a distance of 229.17 feet to a point at the northeast corner of said lands of The Anthony Staub Irrevocable Trust;

Thence northeasterly through the said lands of Richard N. & Kathleen A. Watkins, an interior angle of $96^{\circ}40'19''$, a distance of 20.00 feet to a point;

Thence southwesterly through the said lands of Richard N. & Kathleen A. Watkins, an interior angle of $78^{\circ}25'24''$, a distance of 232.34 feet to the point or place of beginning, forming a closing angle of $04^{\circ}54'17''$ and containing 0.05 acres of land.

Anthony Staub
5938 Old Orchard Dr.
Hamburg, NY 14075

Town of Boston
8500 Boston State Road
Boston, NY 14025
February 1, 2023

Ladies and Gentlemen:

This letter is to serve as a **Letter of Request** for a variance for a 27' x 40' pole barn to be constructed at the above address.

The barn is a 2 story design. The lower section will serve as storage for various pieces of lawn and yard equipment. It will also provide a spot for me and my neighbors to produce maple syrup as a hobby. The building will eliminate any need for outdoor storage on the property. There will be an internal staircase leading to the second level.

The second story will serve as a gathering area for friends and family using the backyard. It will provide both an indoor and outdoor seating (patio) area. Inside, it will house furniture to sit, in addition to a stove, small refrigerator, sink and bathroom. The outdoor patio area will be used for lawn chairs with an opportunity to watch and participate in Pickle ball games.

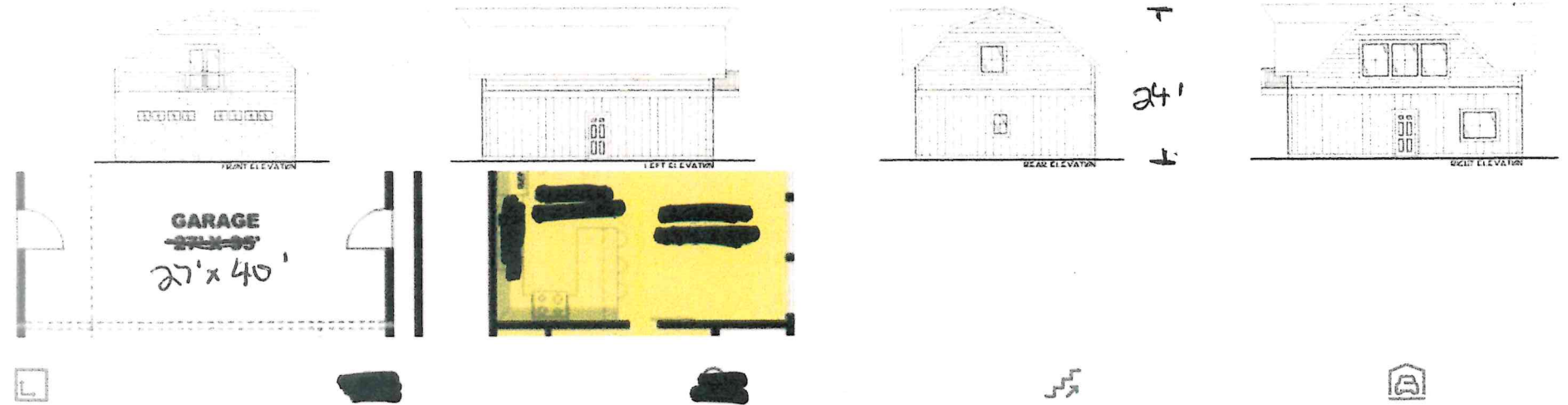
The building will be modeled after the pole building design included in this packet. The intent is to erect an aesthetically pleasing structure, appropriately sized and located. It will have an overhead door and window facing the road. The right side will contain a man door and window(s) as deemed appropriate. There will be a patio area off the second story with a sliding glass door to provide a seating opportunity. There will be a drive up area (tractor only) to provide a safe and efficient method of delivering supplies w/o having to carry things up the staircase. Skylights will be installed to provide daylight.

The building will be detailed with rockwork on the front/side to match and compliment the property. Landscaping will be planted to soften the building and to blend into the neighborhood.

Respectfully submitted,


Anthony Staub

■ Square Foot Barn-like ADU with Gambrel Roof

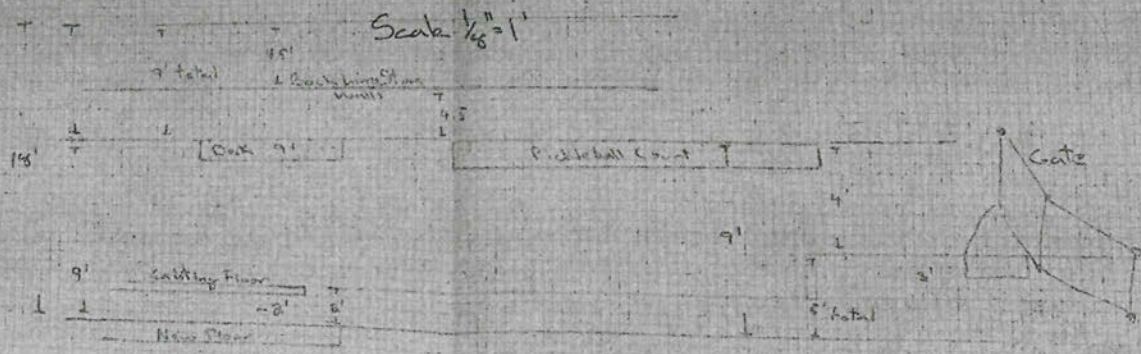
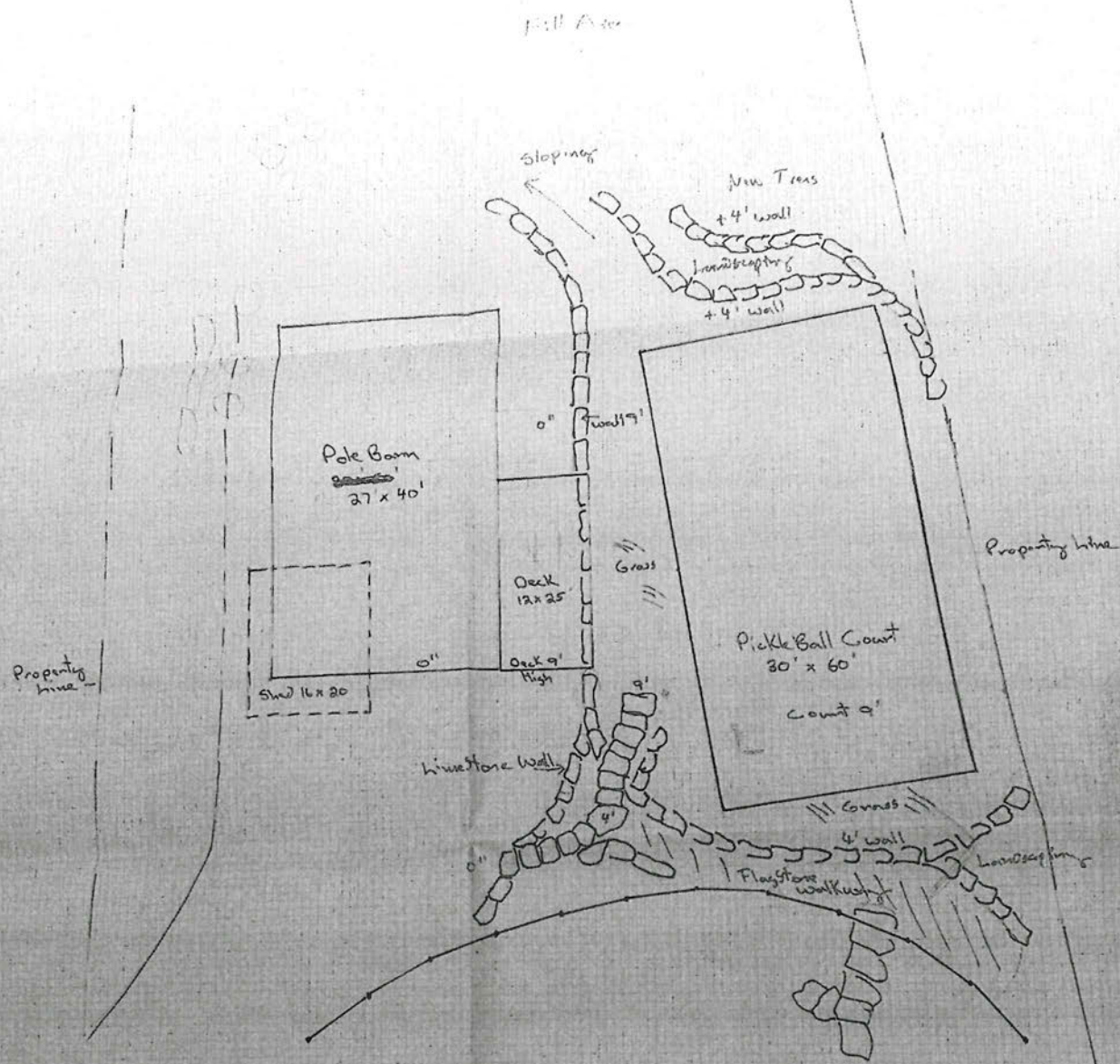


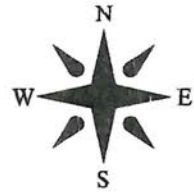
View this and more for this plan by visiting
www.architecturaldesigns.com/35205GH

Need Help?
800-854-7852

Plan
35205G

SITE PLAN

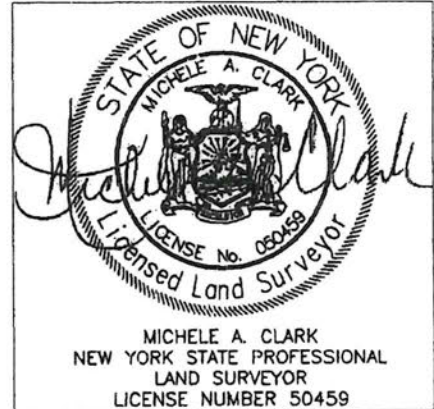




OLD ORCHARD ROAD

LANDS TO BE CONVEYED BY RICHARD N. & KATHLEEN A. WATKINS TO THE ANTHONY STAUB IRREVOCABLE TRUST A PORTION OF L.11303 P.9603 A PORTION OF TAX MAP NO. 226.01-4-31.11 0.05 ACRES

LANDS OF EVE D. WALSH & PAUL E. MELLER



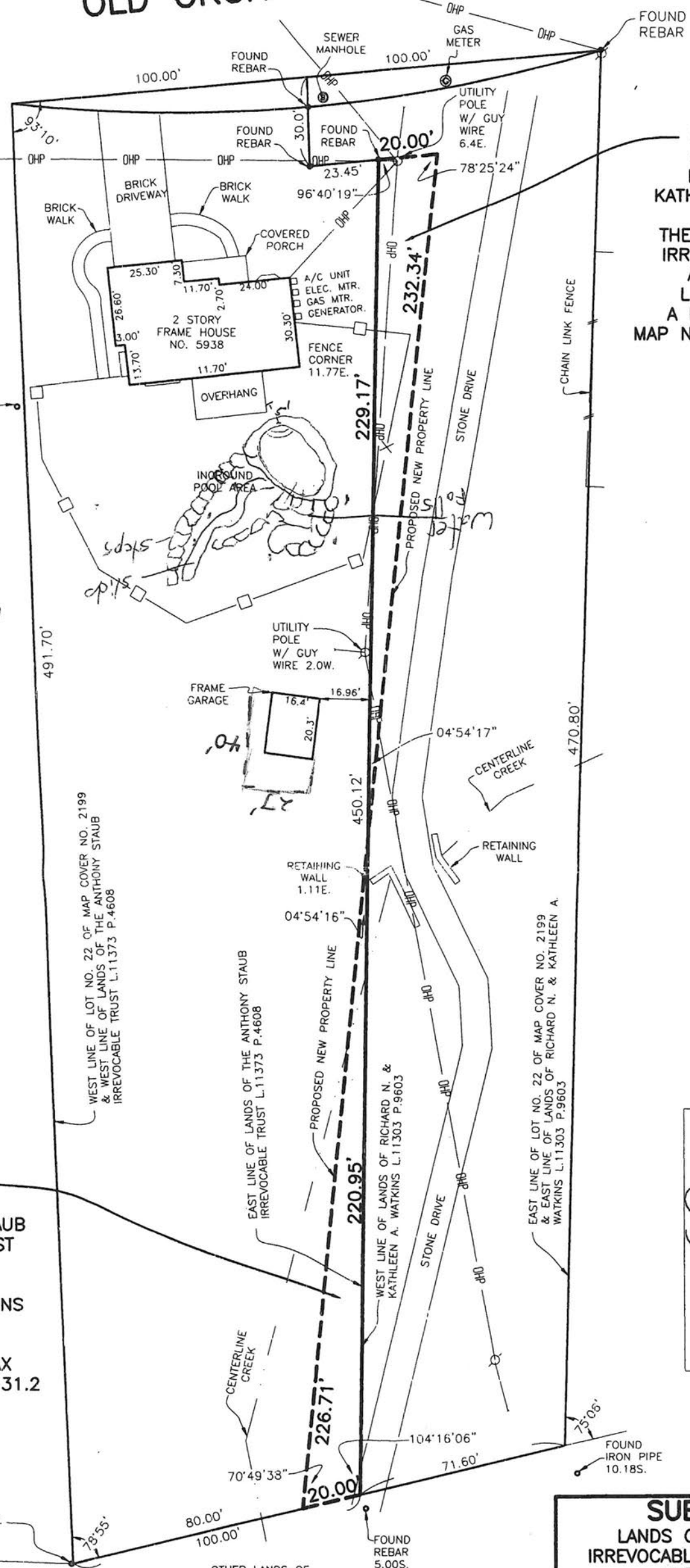
LANDS TO BE CONVEYED BY THE ANTHONY STAUB IRREVOCABLE TRUST TO RICHARD N. & KATHLEEN A. WATKINS A PORTION OF L.11373 P.4608 A PORTION OF TAX MAP NO. 226.01-4-31.2 0.05 ACRES

SUBDIVISION MAP
LANDS OF THE ANTHONY STAUB IRREVOCABLE TRUST & RICHARD N. & KATHLEEN A. WATKINS
PART OF LOT NO. 21, TOWNSHIP 8, RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY
SUBDIVISION LOT NO. 22 ~ MAP COVER NO. 2199
TOWN OF BOSTON ~ COUNTY OF ERIE ~ STATE OF NEW YORK

CREEKSIDE BOUNDARY LAND SURVEYING, PLLC

1746 HIGGINS ROAD
WARSAW, NEW YORK 14569
PHONE: 585-786-5640 EMAIL: mclark@creeksideboundary.com

SCALE: 1" = 40'	DATE: 8/13/21
DWN BY: MAC	CKD BY: MAC
JOB NO.: 226.01-4	



Landscaping Gas hoses & stone steps & stone walls with side waterfalls

LANDS OF STEVEN D. BOROWIEC

WEST LINE OF LOT NO. 22 OF MAP COVER NO. 2199 & WEST LINE OF LANDS OF THE ANTHONY STAUB IRREVOCABLE TRUST L.11373 P.4608

EAST LINE OF LANDS OF THE ANTHONY STAUB IRREVOCABLE TRUST L.11373 P.4608

WEST LINE OF LANDS OF RICHARD N. & KATHLEEN A. WATKINS L.11303 P.9603

EAST LINE OF LOT NO. 22 OF MAP COVER NO. 2199 & EAST LINE OF LANDS OF RICHARD N. & KATHLEEN A. WATKINS L.11303 P.9603

OTHER LANDS OF RICHARD N. & KATHLEEN A. WATKINS A PORTION OF L.11303 P.9603 A PORTION OF TAX MAP NO. 226.01-4-31.11

OHP = OVERHEAD WIRES

ALTERING THIS DOCUMENT IS IN VIOLATION OF THE LAW EXCEPTING AS PROVIDED IN SECTION 7209, PART 2 OF THE NEW YORK STATE EDUCATION LAW.

THE ALTERATION OF BOUNDARY SURVEY MAPS BY ANYONE OTHER THAN THE ORIGINAL PREPARER IS MISLEADING, CONFUSING, AND NOT IN THE GENERAL WELFARE AND BENEFIT OF THE PUBLIC.

ONLY VISIBLE UTILITY SERVICES AND/OR ENCUMBRANCES WERE LOCATED AND ARE SHOWN.

ONLY BOUNDARY SURVEY MAPS WITH THE SURVEYOR'S EMBOSSED SEAL ARE GENUINE, TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.



TOWN OF BOSTON

February 10, 2023

PETITION #609

JASON A. KEDING
Supervisor

MICHAEL A. CARTECHINE
JENNIFER L. LUCACHIK
KELLY L. MARTIN
KATHLEEN SELBY
Town Board

SANDRA L. QUINLAN
Town Clerk - Tax Collector

ROBERT J. TELAAK
Highway Supt.

DEBRA K. BENDER
KYLE CALABRESE
Town Justice

SEAN W. COSTELLO
Town Attorney

LAURIE BAKER
Prosecutor

SUE FITZNER
Assessor

THOMAS C. MURPHY
Code Enforcement Officer

Distinguished Chairman Rood,
Honorable Board Members,

Nicholas Powers of 4604 Eckhardt Road currently has three detached accessories in his rear yard. He proposes to sell his 6' x 10' tool shed and demolish and properly dispose of his well-worn 12' x 22' shed, leaving one 10' x 16' tool shed. This shed was properly permitted and inspected under Town of Boston building permit B22-100 in November of 2022.

Now he would like to erect a 24' x 30' (720 square foot) private garage. This would bring his aggregate square footage of detached accessory to 880, thus requiring a 40 square foot area variance on his 1.2 acre lot in an R-1 zoning district.

It may be of note that Mr. Power's property lies directly north of Zittel's 125 acre dairy farm. Immediately bordering Mr. Power's southern property line is a 9-acre National Wetland. Drainage will not be an issue for this project.

Code: 840 square feet
Actual: 880 square feet
Variance: 40 square feet

Respectfully,

Thomas C. Murphy
Town of Boston
Code Enforcement
NYS0360547

TOWN HALL
(716) 941-6113
Fax (716) 941-6116

TOWN SUPERVISOR
(716) 941-6518
Fax (716) 941-9264

TOWN COURT
(716) 941-6115
Fax (716) 941-5169

HIGHWAY GARAGE
(716) 941-5869
Fax (716) 941-3677

NUTRITION PROGRAM
(716) 941-5773

Chapter 123. ZONING

Article XXV. Supplemental Lot Size and Open Space Requirements

§ 123-136. Limitations on obstructions in required open space.

A. In C or M Districts: No storage, truck parking, loading or unloading or processing of any kind shall be permitted in any required yard in any C or M District. This provision shall not apply to uses accessory to a permitted dwelling, but such accessory uses shall be subject to the following limitations on obstructions in required open spaces in R Districts.

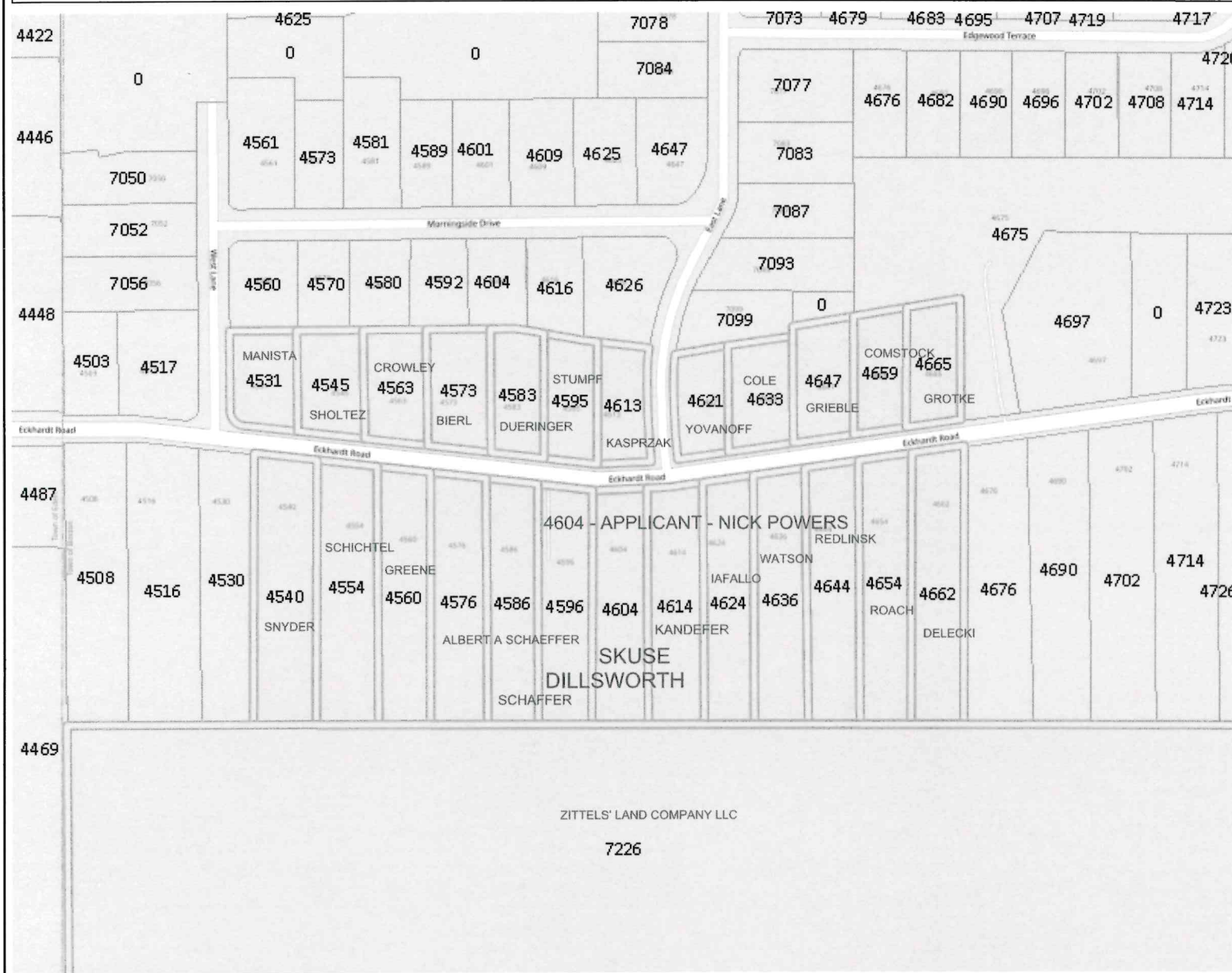
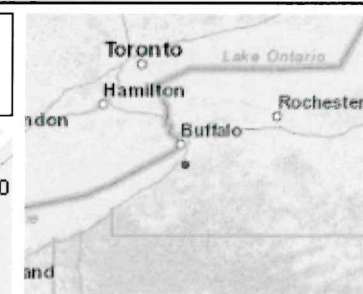
B. In R Districts:

- (1) Accessory buildings and roofed projections shall not occupy more than 25% of the actual rear yard.
[Amended 7-16-1997 by L.L. No. 5-1997; 2-4-2004 by L.L. No. 3-2004]
- (2) No part of an accessory building shall be nearer than three feet to a rear lot line or 10 feet to a side lot line.
- (3) Detached accessory buildings shall be at least 10 feet from any dwelling and five feet from any other building.
- (4) **Maximum allowable height and square footage of lot coverage, for one-and-one-half-story accessory buildings is as follows:**
[Added 2-4-2004 by L.L. No. 3-2004]

Lot Area (acres)	Accessory Use Square Footage Not to Exceed (square feet)	Height for One-and-One-Half-Story Accessory Building (top of floor to top or ridge) (feet)
Less than 1	728	18
1 plus to 2	840	21
2 plus to 3	1,020	21
3 plus to 5	2,000	23
5 plus	2,500	25



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

APPLICATION FOR PERMIT

Town of Boston; New York

OFFICE USE ONLY

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

Single Family Dwellings, Farm Buildings,
Accessory Buildings Additions

Owner Nicholas Powers
Address 4604 Eckhardt Rd
EDEN NY 14057

Contractor KCM CUSTOM GARAGES
Address 15 RIDGE DALE CIR

CONSTRUCTED WITH:

Application (X) Erect (X) Frame () Concrete Block
is hereby () Alter () Brick () Concrete Reinforced
made for () Repair () Brick Veneer () Steel
permission () Addition () Tile () Other
to: () Move () Stone
To be used as: () Single Dwelling () Farm Building () Barn () Solid-Fuel Burning
(X) Private Garage () Swimming Pool () Accessory Building

Address of Premises for Which Application is Made:
Section, Block, Lot 210.02-4-10 Current Zoning R-1
Tax I.D. Number _____

() North
(X) South Side of Eckhardt Rd Size of Lot 101' 466' 1.2
() East Street Name Frontage Dept Acreage
() West

Distance of Building from lot lines. Front 308' Rt. Side 25' Lt. Side 51' Rear 122'
Size of completed Building, () Addition, feet wide 24, feet long 30, feet high 14'
Sq. Ft. of: Basement _____, First Floor _____, Second Floor _____, Garage 120, Other _____

The estimated value of Structure exclusive of land is \$ 30,000
Total Square Footage of Lot 46,700 Percentage of Lot Coverage (All Bldgs) _____ %
Deed Restrictions _____

Type of Sewage Disposal _____
Type of Water Supply _____

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

The undersigned applicants do hereby affirm that the information herein supplied is true and correct.

Nicholas Powers 2-3-2023 Applicant/Owner
Applicant/Owner

Date _____ Date _____
() Approved (X) Disapproved Date 2-3-2023

EXCEEDS AGGREGATE SQUARE FOOTAGE
Reason 123-136 B(4)
C 840
A 880
V 40

Thomas C. [Signature]
Building Inspector
Town of Boston

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: Nicholas R Powers DETACHED GARAGE			
Project Location (describe, and attach a location map): 4604 Eckhardt Rd Eden NY 14057			
Brief Description of Proposed Action: - ERECT 2 CAR GARAGE			
Name of Applicant or Sponsor: NICK POWERS		Telephone:	
		E-Mail:	
Address: 4604 ECKHARDT ROAD			
City/PO: EDEN 14057	State:	Zip Code:	
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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
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: TOWN OF BOSTON		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? 1.1 acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
<u>EDGE COUNTY INTERACTIVE MAPPING VIEWER DOES NOT SHOW THE PRESENCE OF ANY FEDERAL OR STATE WETLANDS</u>			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Nicholas R Powers</u> Date: <u>2-3-2023</u> Signature: <u></u> Title: <u>OWNER</u>		

PRINT FORM

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Samir, USGS, Intermap, INCREMENTP, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

- 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 and federal wetlands and waterbodies is known to be incomplete. Refer to 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

Nicholas R Powers
4604 Eckhardt Rd
Eden, NY 14057

January 23, 2023

Town of Boston Zoning Board
8500 Boston State Rd
Boston, NY 14025
716-941-6113

To whom it does concern,

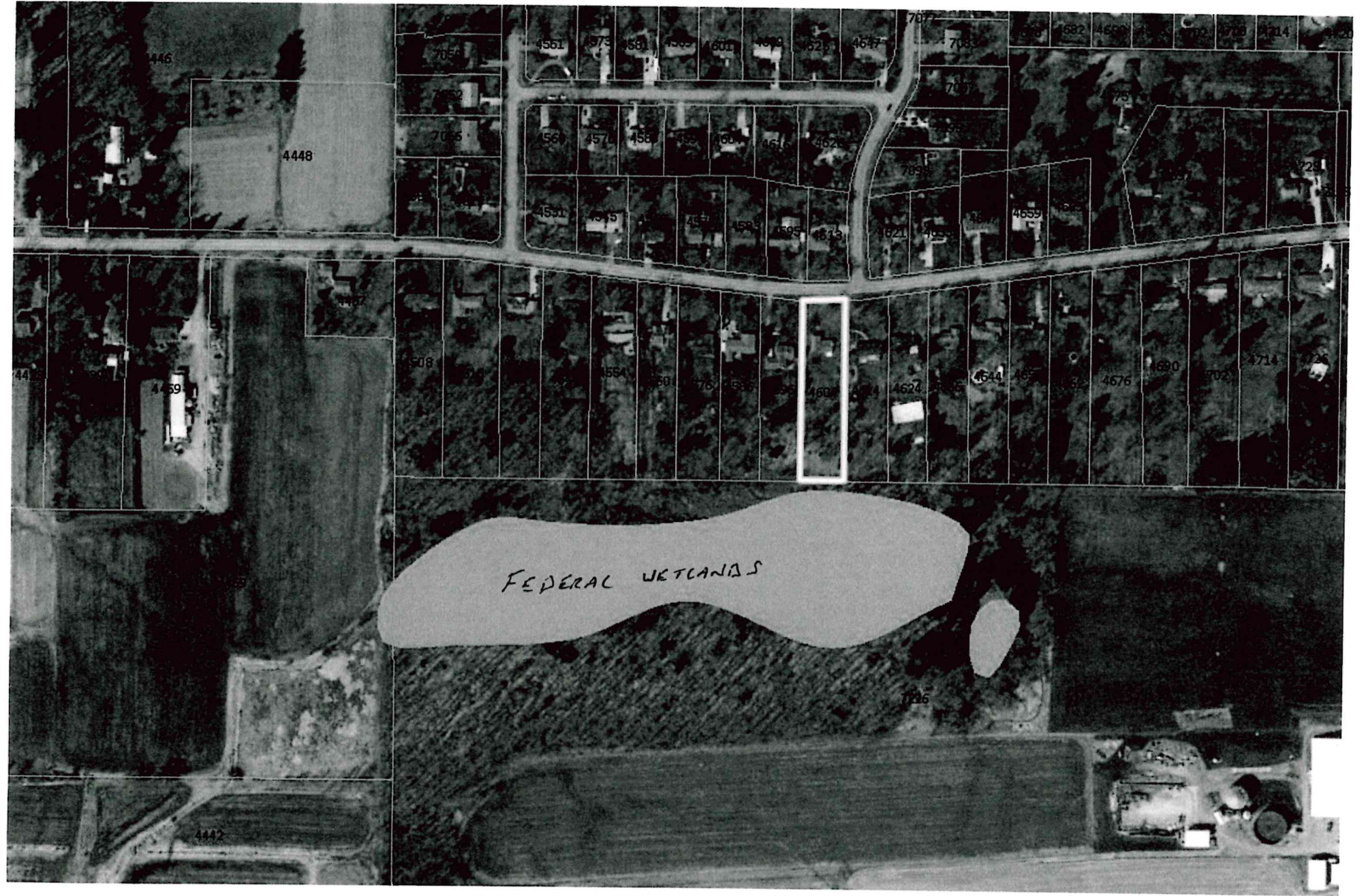
I am writing to request an area variance, to put up a garage on my property located at 4604 Eckhardt Rd. The variance requested is 100 square feet for the 24'x36' garage. The garage will be used to store my vehicles and get them out of the weather during the winter.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'NRP', written over a horizontal line.

Nicholas R Powers



FEDERAL WETLANDS

THIS INDENTURE, made the ^{22nd} day of June, 2022

BETWEEN Hal B. Skuse and Alice J. Skuse, his wife
4604 Eckhardt Road, Eden, New York 14057

Grantor,

and

Elizabeth M. Powers and Nicholas R. Powers
37 Collins Avenue, West Seneca, New York 14224

Grantee,

WITNESSETH that the parties of the first part, in consideration of One and more dollars (\$1.00 and more) lawful money of the United States, paid by the party of the second part, do hereby grant and release unto the party of the second part, and assigns forever,

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. 46, Township 8, Range 7 of the Holland Land Company's Survey and further distinguished as Subdivision Lot No. 18 as shown on map filed in the Erie County Clerk's Office under Cover No. 1884.

TOGETHER with the appurtenances and all the estate and rights of the grantor in and to the said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, and assigns forever.

AND the party of the first part covenants as follows:

FIRST, that the party of the second part shall quietly enjoy the said premises;

SECOND, that said party of the first part will forever WARRANT the title to said premises;

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

IN WITNESS WHEREOF, the said grantor has hereunto set their hands and seals the day and year first above written.

In presence of

Hal B. Skuse
Hal B. Skuse

Alice J. Skuse
Alice J. Skuse

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the 22nd day of June, in the year 2022, before me, the undersigned, personally appeared Hal B. Skuse, 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.

KENNETH J. FARRELL
Notary Public, State of New York
Qualified in Erie County
Commission Expires Nov. 28, 2020

[Signature]
Notary Public

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the 22nd day of June, in the year 2022, before me, the undersigned, personally appeared Alice J. Skuse, 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.

KENNETH J. FARRELL
Notary Public, State of New York
Qualified in Erie County
Commission Expires Nov. 28, 2020

[Signature]
Notary Public

K · C · M Custom Built Garages, Inc.

15 Ridgedale Circle · Tonawanda, NY 14150-4228 · (716) 694-9822

LICENSE NO. _____

This contract made the 19 day of Jan, 20 23 between KCM and the
Owner (name) Nick Powers Address 4604 Eckhardt Rd.
City of Eden State NY Zip 14057 hone _____

Includes: Job Location Same

Owner is the Homeowner Cooperative Shareholder Owner Residential Tenant of the property (with the authorization of the legal owner to enter into this contract). The Contractor agrees that it will furnish at the Owner's address the material and labor described below in exchange for payment by the Owner as indicated below.

Starting date _____ Substantial completion date _____ Completion date _____ : of the essence not of the essence.

Work description (include make and model of materials, and necessary labor, and state anticipated contingencies that would materially alter the completion date stated above):

Building new garage 30'x24'10" wall
4/12 roof pitch, 2x4 studs 16" O.C., 2x8 rafters 16" O.C.
2x6 cross-ties, 2x4 collars, 10" overhang front Gable.
32" Man door, 16x9 white overhead door, 2 Double Hung
windows, Architectural shingles (Two Tone Brown)
Vinyl siding (Dark Drift), white Aluminum Trim
+ Gutters, 4" to 6" Haunched Concrete
Pad, steel reinforced, stone base, 1/2" Anchor Bolts

(If necessary - attach addendum)

PAYMENT Owner agrees to pay Contractor \$ 37,000 (contract price) for the materials, labor, and expenses to be provided as described above.

DOWN PAYMENT \$ 3,000 * upon signing of this agreement.

PROGRESS PAYMENTS: The Contractor shall be entitled to receive payment from Owner for the reasonable value of materials and labor to be provided and expenses incurred, upon the contract in accordance with the following schedule:

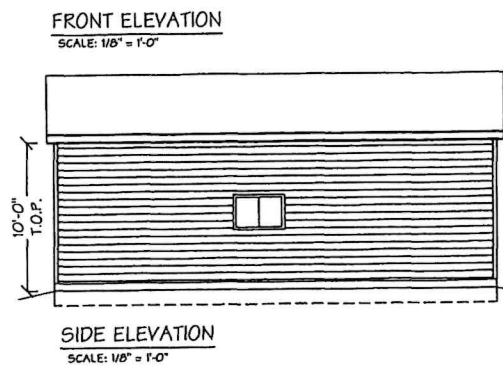
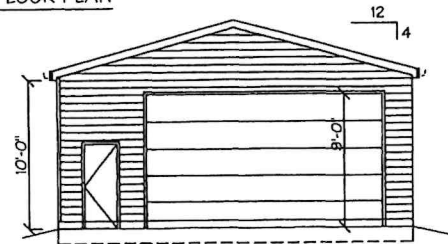
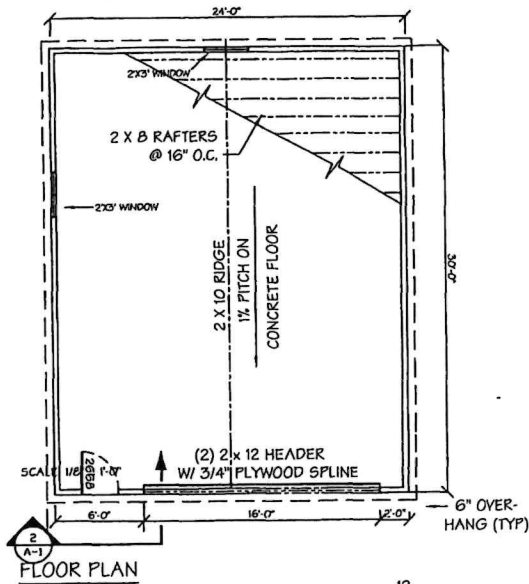
* NOTE: DOWN PAYMENTS DEPOSITED AT \$17,000 due on Concrete \$17,000 on Completion (BANK)

• NOTICES •

1. Owner's failure to tender payment to a performing Contractor or Subcontractor may subject the Owner's property to applicable liens by the Contractor or Subcontractor in order to enforce payments.
2. Payments received from Owner under this contract, prior to substantial completion of the work under this contract, shall be deposited within five (5) business days of receipt in an escrow account in a bank, trust company or savings and loan association located in this state; and Owner shall be notified of the name of the depository where the funds have been placed within ten (10) days of deposit of them. In the alternative, Contractor may post a bond or contract of Indemnity with Owner guaranteeing the return of proper application of such payments to the purposes of the contract. Monies used in escrow become the property of the Contractor when (a) they are applied and transferred according to the contract payment schedule; or (b) a breach of contract by the Owner occurs and the Owner is given seven (7) days written notice of the breach by the Contractor; or (c) the contract has been substantially performed.
3. This Contract is subject to the terms and conditions stated on the front and back of this Agreement.

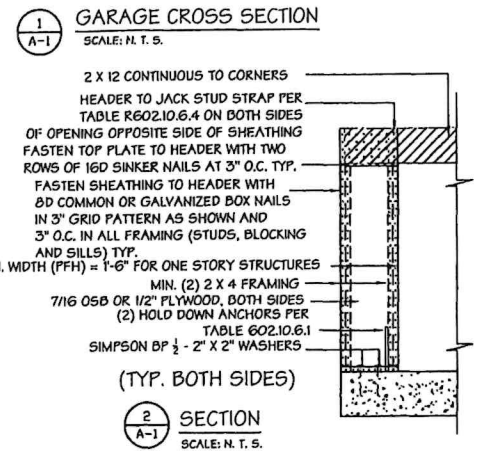
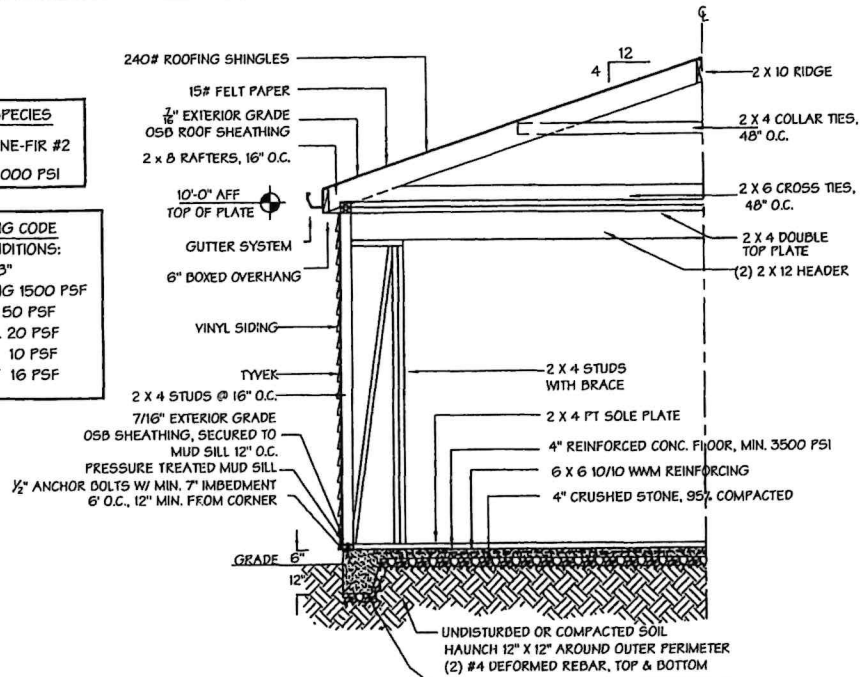
OWNER MAY CANCEL THIS TRANSACTION at any time prior to midnight on the third business day after the date of this agreement. See the attached notice of cancellation form for an explanation of this right.

Owner _____ Date _____ Contractor KCM Date 1/19/23



LUMBER SPECIES
SPRUCE-PINE-FIR #2
MIN. Fb = 1000 PSI

**NYS BUILDING CODE
DESIGN CONDITIONS:**
EXPOSURE "B"
SOIL BEARING 1500 PSF
SNOW LOAD 50 PSF
WIND: HORIZ. 20 PSF
VERT. 10 PSF
UPLIFT 16 PSF



THIS DOCUMENT IS THE EXCLUSIVE PROPERTY OF F. J. WAILAND ASSOCIATES, INC. NO PART IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF F. J. WAILAND ASSOCIATES, INC.

ITEM	DATE	REVISION

POWERS GARAGE
4606 ECKHARDT RD.
EDEN, NY 14057

FLOOR PLAN & SECTION

24 x 30 x 14

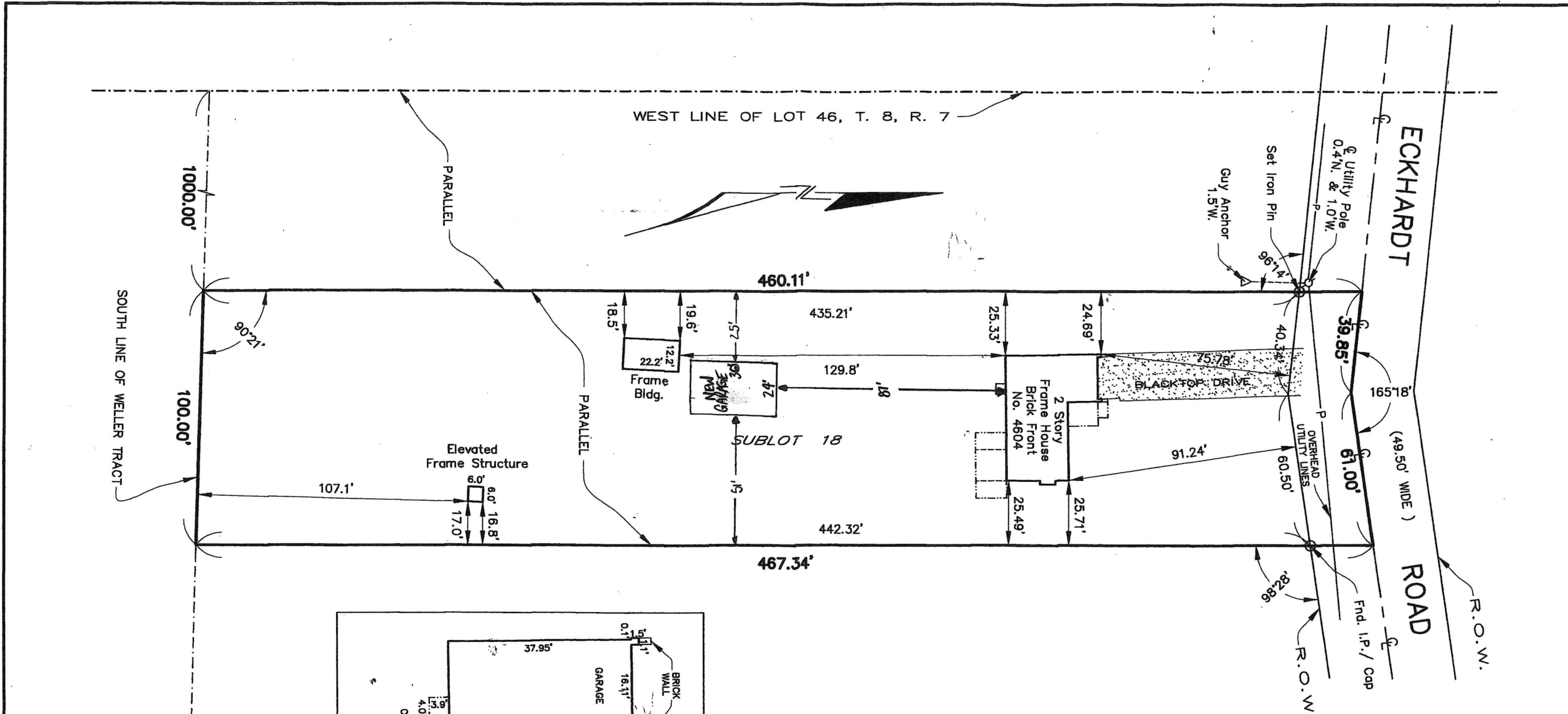
JAMES A. RUMSEY ARCHITECT
322 EAST RIVER ST.
GENESEE, NY 14456

REGISTERED ARCHITECT
JAMES ALLEN RUMSEY
No. 19703
STATE OF NEW YORK
1.23.23

PREPARED FOR:
F. J. WAILAND ASSOCIATES INC.
Construction Management
312 Geneva Street
West Seneca, New York 14224
(716) 674-9111

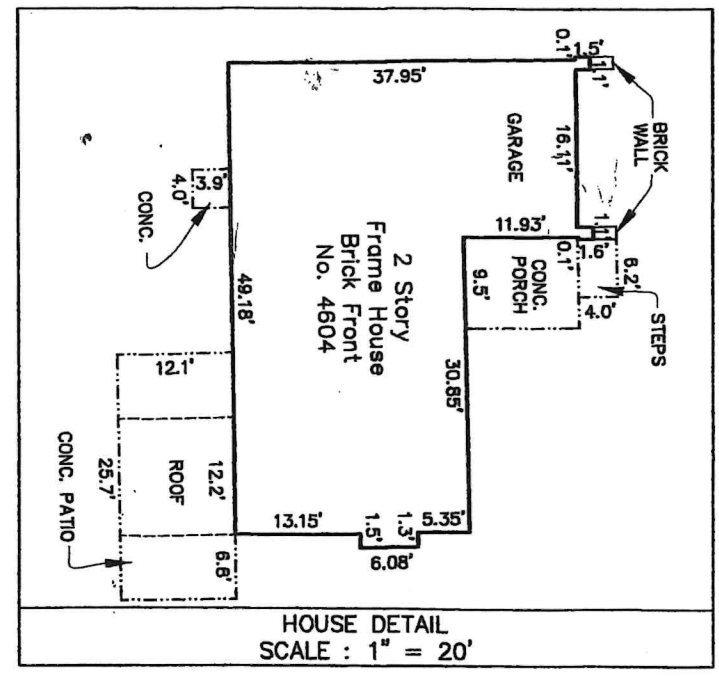
PROJECT NO.	0000	SHEET NO.	
DRAWN BY:			
DATE	21 JAN. 2023		
SCALE	1/8" = 1'-0" OR AS INDICATED		


A-1



NOTE : PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY

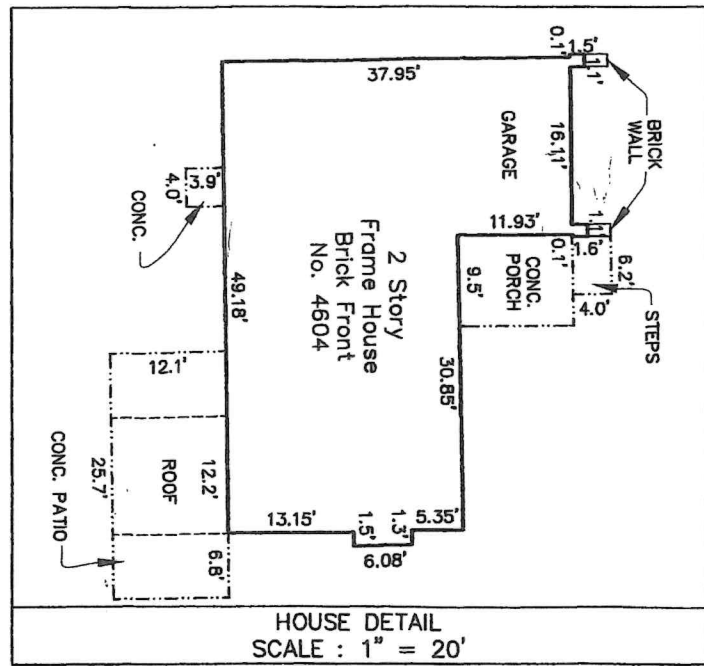
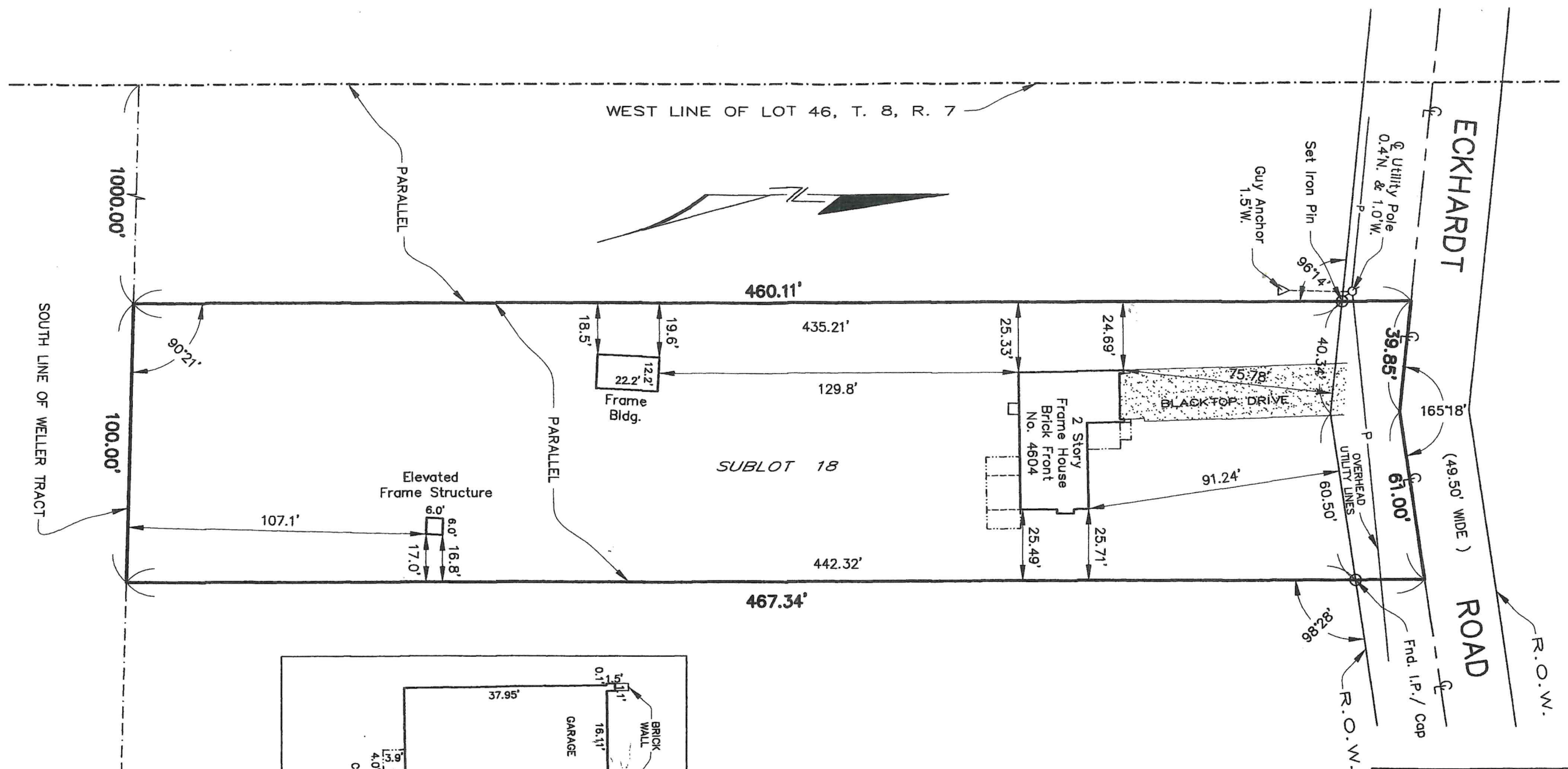
NOTE : THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.



RESURVEYED	JOB No.		KENNETH D. WITSCHI	
PART OF LOT 46; HOLLAND LAND COMPANY'S SURVEY			PROFESSIONAL LAND SURVEYOR	
SECTION	TOWNSHIP 8	RANGE 7	LICENSE NUMBER 49944	
SUBLOT 18	97 JEFFREY DRIVE AMHERST NEW YORK 14228			
BLOCK	PHONE (716) 691-2868			
MAP COVER 1884; WELER TRACT;	SURVEY MAP OF 4604 ECKHARDT ROAD		CITY OF	
SUBDIVISION PLAT PART No. 1 - BLK. "A"	TOWN OF BOSTON		VILLAGE OF	
BK. OF MAPS	PAGE		COUNTY OF ERIE	
BK. OF MICROFILMED MAPS	PAGE		STATE OF NEW YORK	
DATE MAY 9, 2022		SCALE : 1" = 40 FEET	JOB No. 222-133	
UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS IN VIOLATION OF SECTION 7208, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.				
THIS DOCUMENT VOID UNLESS EMBOSSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL No. 49944.				

Handwritten signature

Project Plot

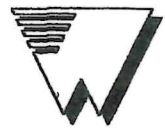


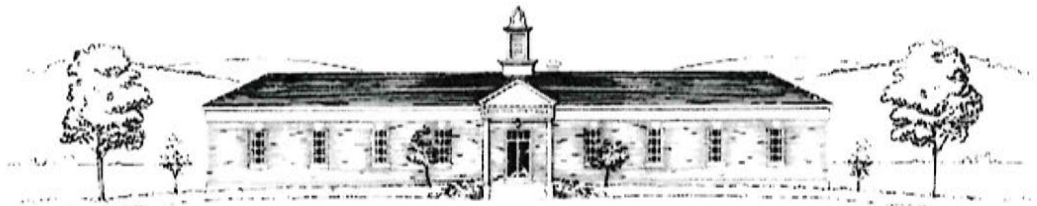
NOTE : PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY

NOTE : THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

Kenneth D. Witschi

Survey

RESURVEYED	JOB No.		KENNETH D. WITSCHI	
PART OF LOT 46; HOLLAND LAND COMPANY'S SURVEY			PROFESSIONAL LAND SURVEYOR	
SECTION	TOWNSHIP 8 RANGE 7	LICENSE NUMBER 49944		
SUBLOT 18		97 JEFFREY DRIVE AMHERST NEW YORK 14228		
BLOCK		PHONE (716) 691-2868		
MAP COVER	1884; WELLER TRACT;	SURVEY MAP OF 4604 ECKHARDT ROAD		
	SUBDIVISION PLAT PART No. 1 - BLK. "A"	CITY OF VILLAGE OF		
BK. OF MAPS	PAGE	TOWN OF BOSTON		
BK. OF MICROFILMED MAPS	PAGE	COUNTY OF ERIE STATE OF NEW YORK		
		DATE MAY 9, 2022	SCALE : 1" = 40 FEET	JOB No. 222-133
UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS IN VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.				
THIS DOCUMENT VOID UNLESS EMBOSSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL No. 49944.				



TOWN OF BOSTON

February 10, 2023

JASON A. KEDING
Supervisor

MICHAEL A. CARTECHINE
JENNIFER L. LUCACHIK
KELLY L. MARTIN
KATHLEEN SELBY
Town Board

SANDRA L. QUINLAN
Town Clerk -Tax Collector

ROBERT J. TELAAK
Highway Supt.

DEBRA K. BENDER
KYLE CALABRESE
Town Justice

SEAN W. COSTELLO
Town Attorney

LAURIE BAKER
Prosecutor

SUE FITZNER
Assessor

THOMAS C. MURPHY
Code Enforcement Officer

Chairman Rood and Distinguished Zoning Board Members,

Petition #610, Burdette (aka BR) Latimore of 6667 Holiday Drive would like to put a 16'x 24' (384 sq. ft.) addition on his existing 28'x 30' (840 sq. ft.) detached private garage. This violates town code 123-136B. (4), which states the maximum aggregate of detached accessory structure(s) for his 1.0 acre parcel is 840 sq. ft.

He requires a 384 square foot area variance.

There are no other zoning issues with this project.

Code: 840 square feet
Actual: 1224 square feet
Variance: 384 square feet

Respectfully,

Thomas C. Murphy
Town of Boston
Code Enforcement
NYS0360547

TOWN HALL
(716) 941-6113
Fax (716) 941-6116

TOWN SUPERVISOR
(716) 941-6518
Fax (716) 941-9264

TOWN COURT
(716) 941-6115
Fax (716) 941-5169

HIGHWAY GARAGE
(716) 941-5869
Fax (716) 941-3677

NUTRITION PROGRAM
(716) 941-5773

8500 Boston State Road Boston, New York 14025-9848

The Town of Boston is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 1-866-632-9992 to request the form. You may also write a letter containing all the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or fax 202-690-7442 or e-mail at program.intake@usda.gov.

Chapter 123. ZONING

Article XXV. Supplemental Lot Size and Open Space Requirements

§ 123-136. Limitations on obstructions in required open space.

A. In C or M Districts: No storage, truck parking, loading or unloading or processing of any kind shall be permitted in any required yard in any C or M District. This provision shall not apply to uses accessory to a permitted dwelling, but such accessory uses shall be subject to the following limitations on obstructions in required open spaces in R Districts.

B. In R Districts:

- (1) Accessory buildings and roofed projections shall not occupy more than 25% of the actual rear yard.
[Amended 7-16-1997 by L.L. No. 5-1997; 2-4-2004 by L.L. No. 3-2004]
- (2) No part of an accessory building shall be nearer than three feet to a rear lot line or 10 feet to a side lot line.
- (3) Detached accessory buildings shall be at least 10 feet from any dwelling and five feet from any other building.
- (4) Maximum allowable height and square footage of lot coverage, for one-and-one-half-story accessory buildings is as follows:
[Added 2-4-2004 by L.L. No. 3-2004]

Lot Area (acres)	Accessory Use Square Footage Not to Exceed (square feet)	Height for One-and-One-Half-Story Accessory Building (top of floor to top or ridge) (feet)
Less than 1	728	18
1 plus to 2	840	21
2 plus to 3	1,020	21
3 plus to 5	2,000	23
5 plus	2,500	25

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 Burdette Latimore
Address 12667 Holiday Dr

Contractor Self
Address _____
Day Phone _____ Eve. _____

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

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

CONSTRUCTED WITH:

Frame Concrete Block Brick Concrete Reinforced Brick Veneer Steel Tile Other Stone

Address of Premises for Which Application is Made:
Section, Block, Lot 242.00-1-29 Current Zoning R1
Tax I.D. Number _____

North South East West
Side of Holiday Dr, Size of Lot 317, 200, 1
Street Name Frontage Dept Acreage

Distance of Building from lot lines. Front 133, Rt. Side 151, Lt. Side 42, Rear 48
Size of completed () Building, () Addition, feet wide 24, feet long 16, feet high 13
Sq. Ft. of: Basement _____, First Floor _____, Second Floor _____, Garage _____, Other 384
The estimated value of Structure exclusive of land is \$ 6000
Total Square Footage of Lot 43400 Percentage of Lot Coverage (All Bldgs) 8 %

Deed Restrictions _____
Type of Sewage Disposal Public
Type of Water Supply Public

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

The undersigned applicants do hereby affirm that the information herein supplied is true and correct.

Applicant/Owner
Burdette Latimore
Date 2/8/2023

Applicant/Owner
Burdette Latimore
Date 2/8/2023

() Approved Disapproved

Date FEBRUARY 10, 2023

Exceeds Maximum Square Footage AS
Reason OUTLINED IN 123-136 B.(4) FOR
DETACHED ACCESSORIES

Thomas C. [Signature]
Building Inspector
Town of Boston

Zoning Variance Request for 6667
Holiday dr. Boston NY 14025.

I Burdette Latimore property owner
am requesting a area variance request
to build a addition to current garage.
addition will be for personal use to store
yard and garden tools & equipment. Structure
will be at rear of current garage and will
not be seen from road. This will allow for
inside storage which will improve appearance
of property and neighborhood. Thank you for
your consideration.

Burdette Latimore

Building permit request for
Garage addition 6667 Holiday Dr. Boston NY

Construction will be post frame construction using 6x6 laminated posts of ground contact treated lumber. Posts to be set on 6" concrete footing pads at depth of 48". Roof construction will be 2x12 ridge board with 2x8 rafters spaced 16" OC. Collar ties to be placed on every rafter using 2x4 material. Rafter ties to be placed 4' O.C. using 2x6 material. Skirt board to be 2x10 ground contact treated lumber. Wall girts to be 2x4 spaced at 24" OC wall girders will be 2x10 with rafter ties. Walls and roof to be sheathed with 7/16 Zip Wall OSB sheathing. Roof will be shingled with asphalt shingles to match existing structure w/ 30" ice shield. Walls will be finished with vinyl siding to match current structure. Rear overhead door 8'x7' with access from current garage through current 8'x7' overhead door.



Erie County On-Line Mapping Application



Legend

Parcels

0 0.04 0.1 Miles
 WGS_1984_Web_Mercator_Auxiliary_Sphere
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

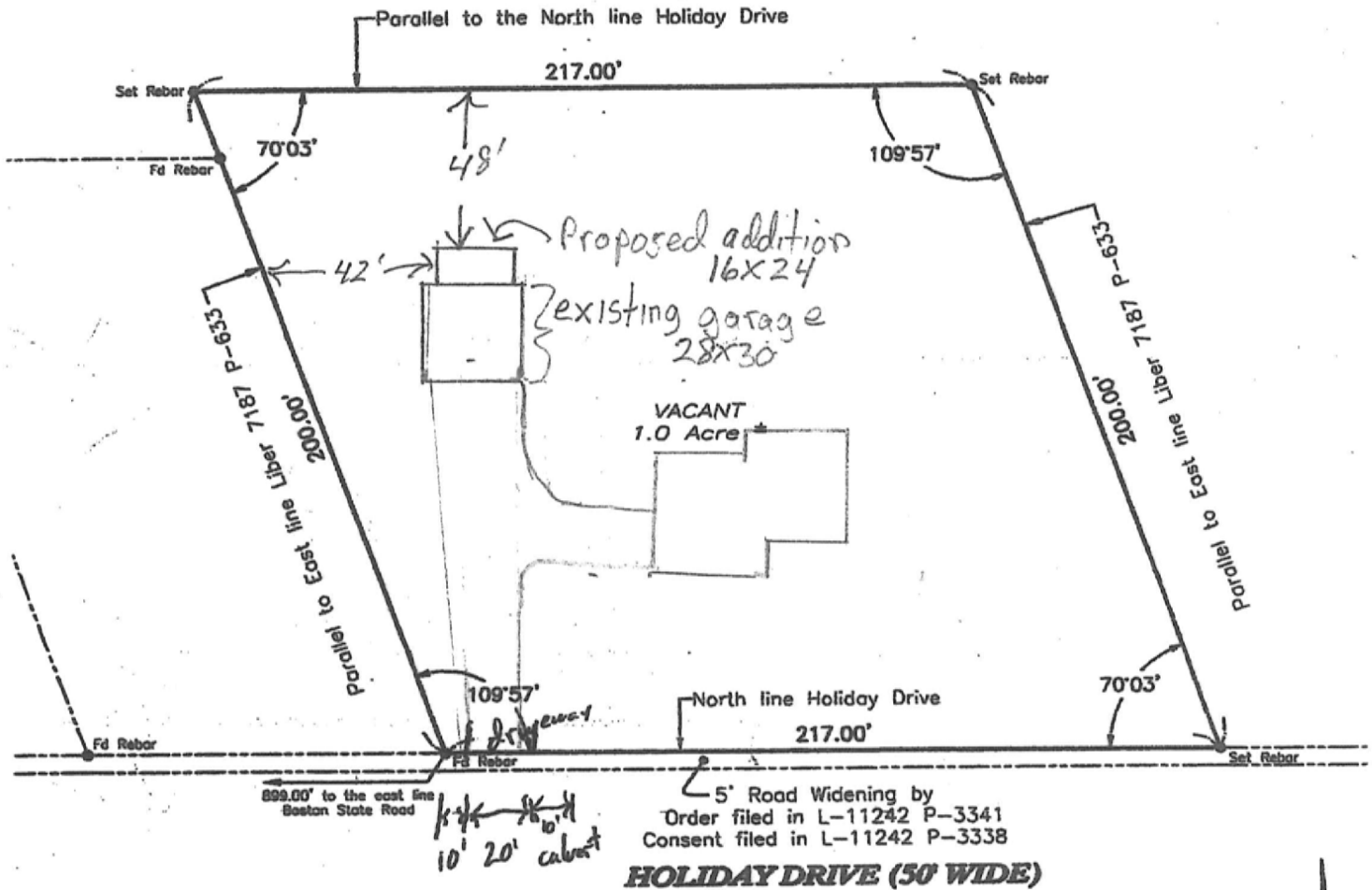
**ERIE COUNTY
 DEPARTMENT OF ENVIRONMENT & PLANNING
 OFFICE OF GIS**

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: 2,257



VL HOLIDAY DRIVE
BOSTON, NEW YORK



HOLIDAY DRIVE (50' WIDE)



1"=50'

ADDRESS: VL HOLIDAY DRIVE, BOSTON NEW YORK
DATE OF SURVEY: 11/12/12 DATE OF MAP: 04/02/13
SURVEY REF: MILLARD & MACKAY DATE: 05/09/86

LEGAL: PART OF LOT-4, T-8, R-7 OF THE HOLLAND LAND COMPANY'S SURVEY, TOWN OF BOSTON, ERIE COUNTY, NEW YORK
NO PROPERTY CORNER WERE SET AS PART OF THIS SURVEY EXCEPT AS SHOWN

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH

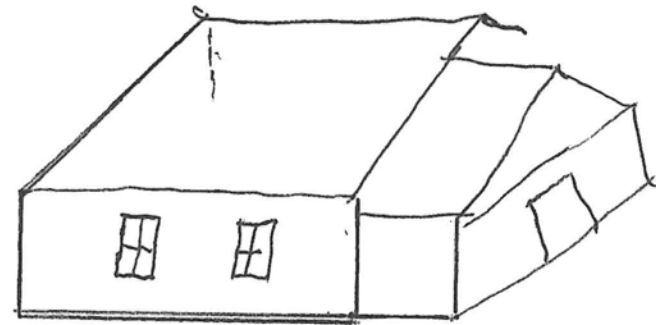
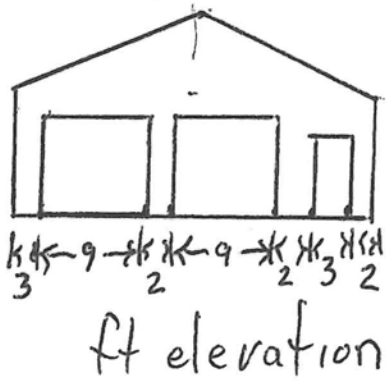
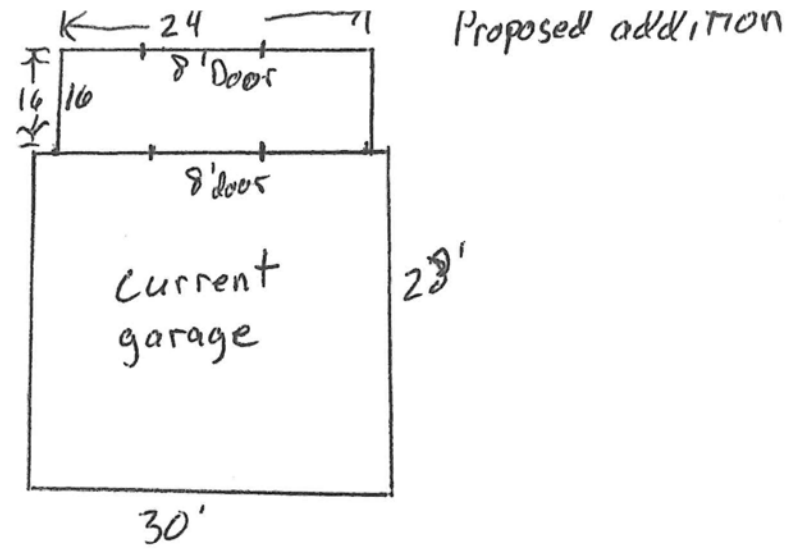
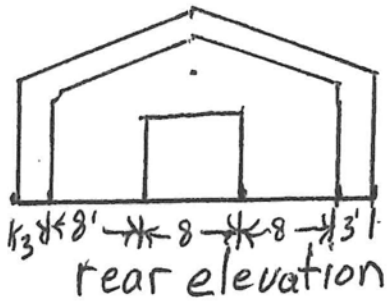
UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF NEW YORK STATE EDUCATION LAW

REQUESTED BY: Bennett, Difilippo & Kurtzhaltz, LLP.

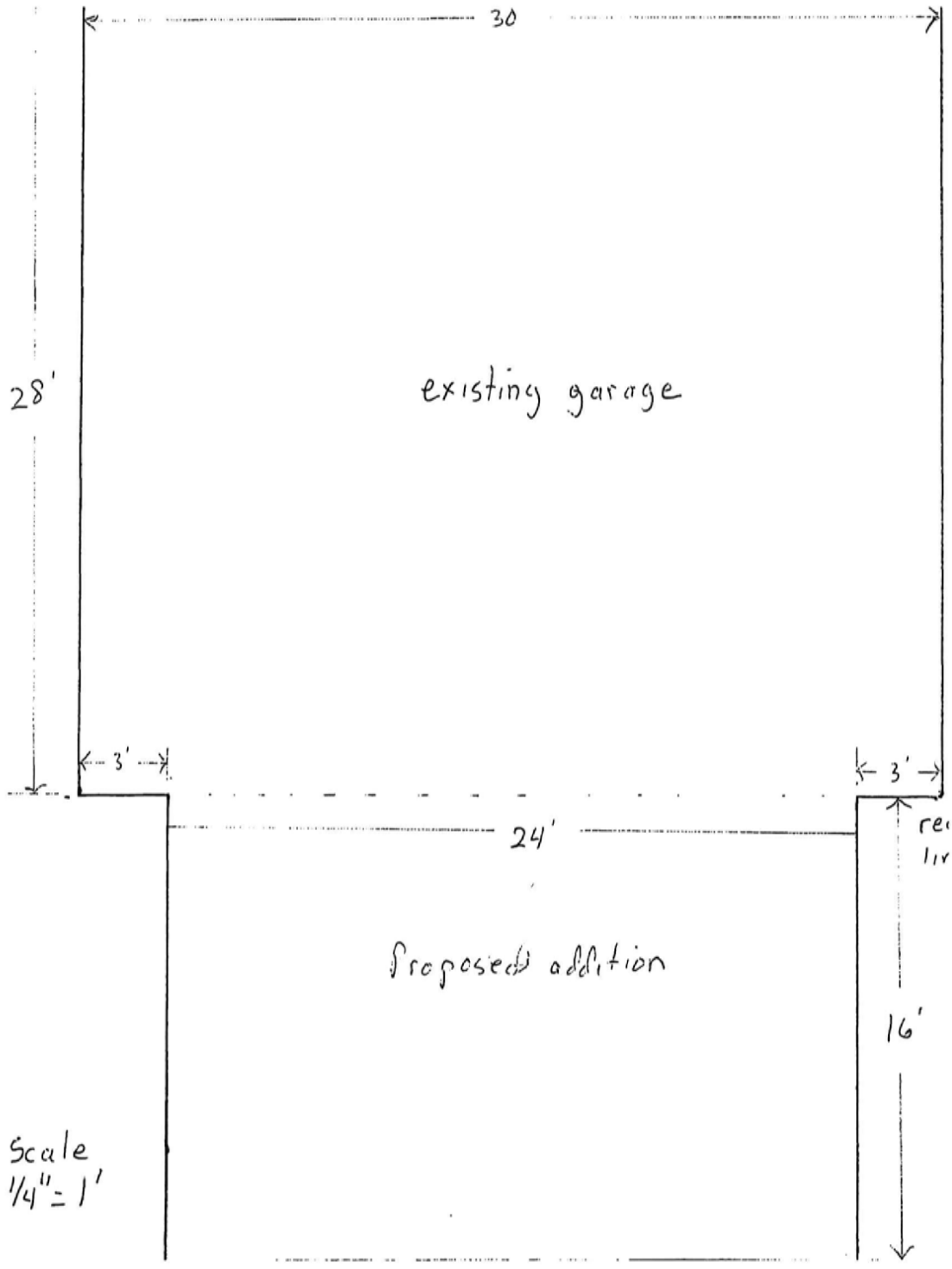
9/10 A. Dool

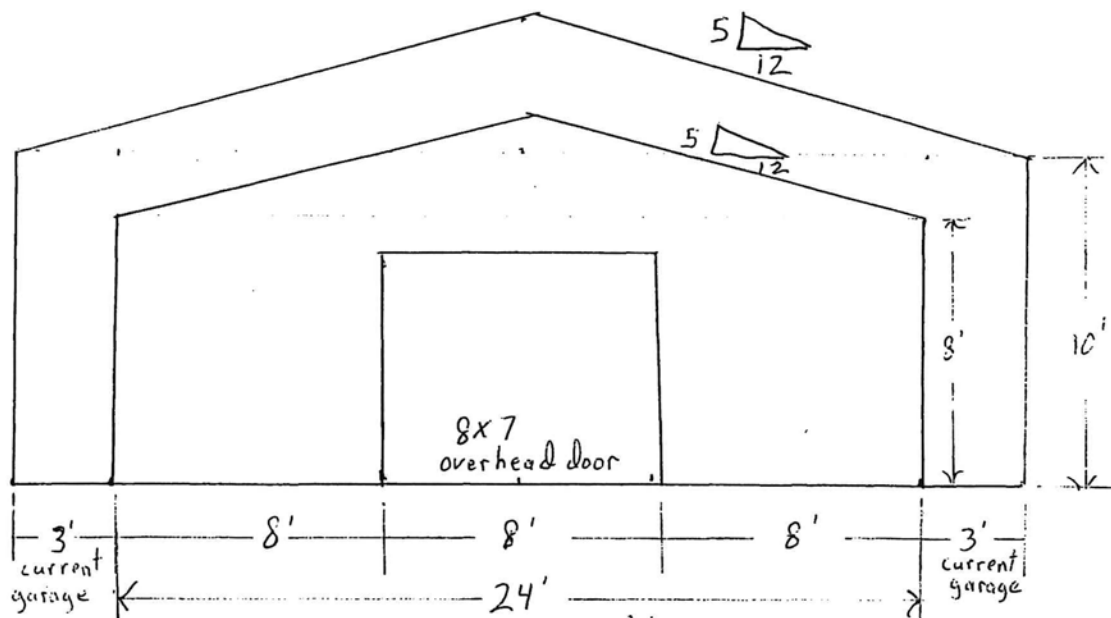
GENZEL LAND SURVEYING, P.C. ©2013
7033 COLE ROAD COLDEN, NEW YORK 14033
PH: (716) 667-9733 FAX: (716) 667-9735
JOB NO. 2788 DATE: 04/02/13 DWN. BY: JAG

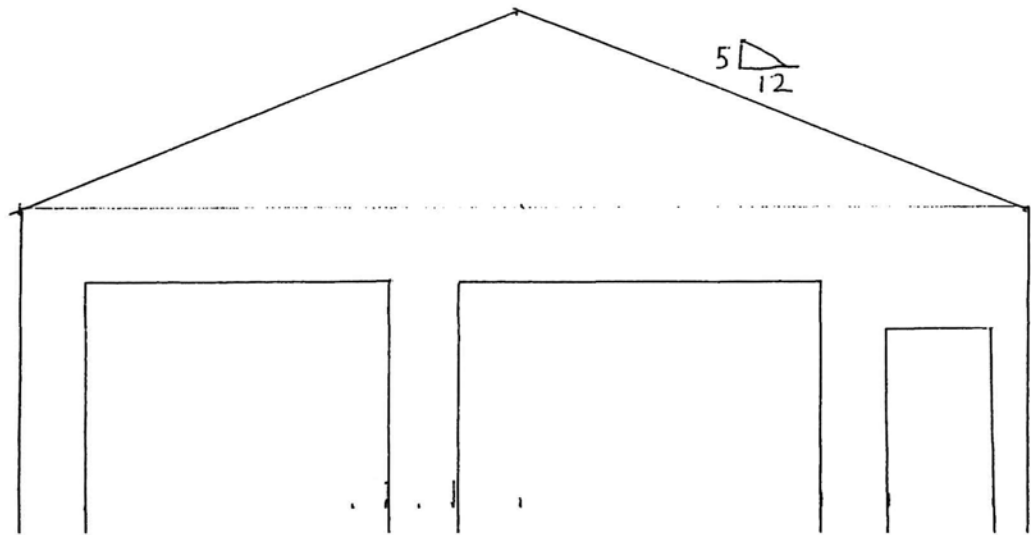
THIS MAP VOID UNLESS STAMPED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL AND NUMBER

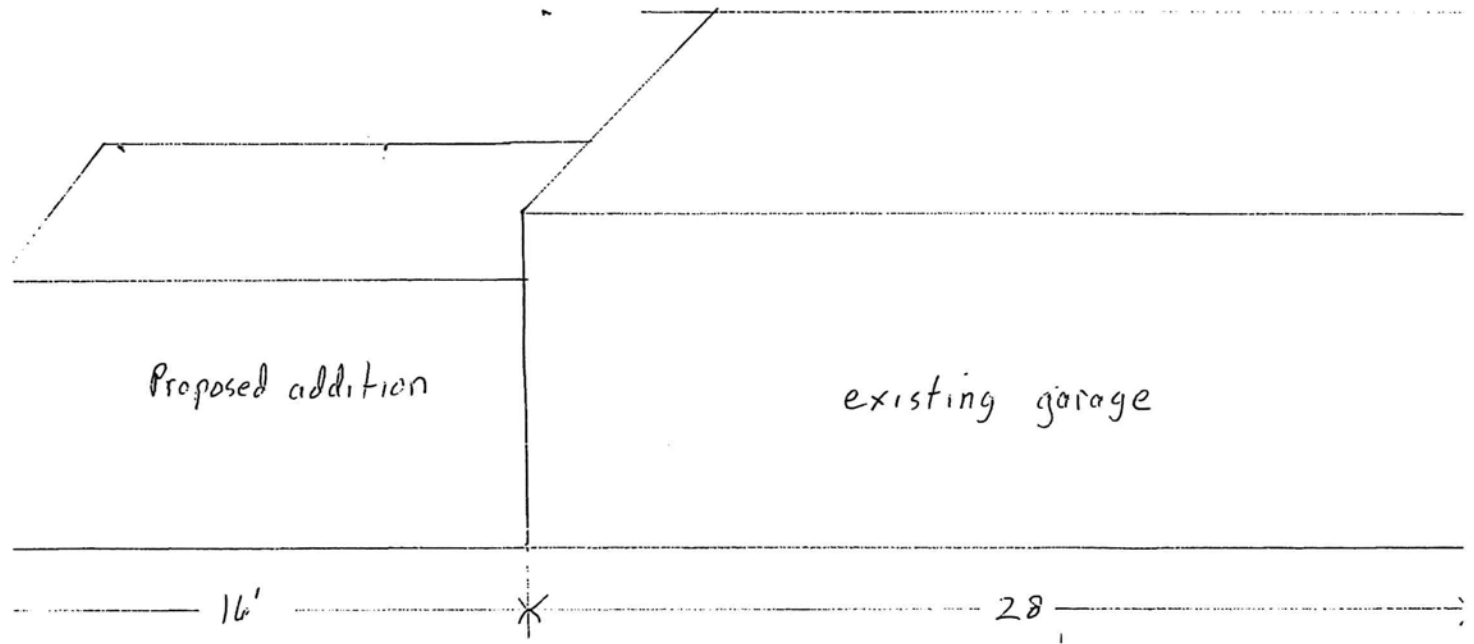


East side View
West side View is inverse









Short Environmental Assessment Form

Part 1 - Project Information

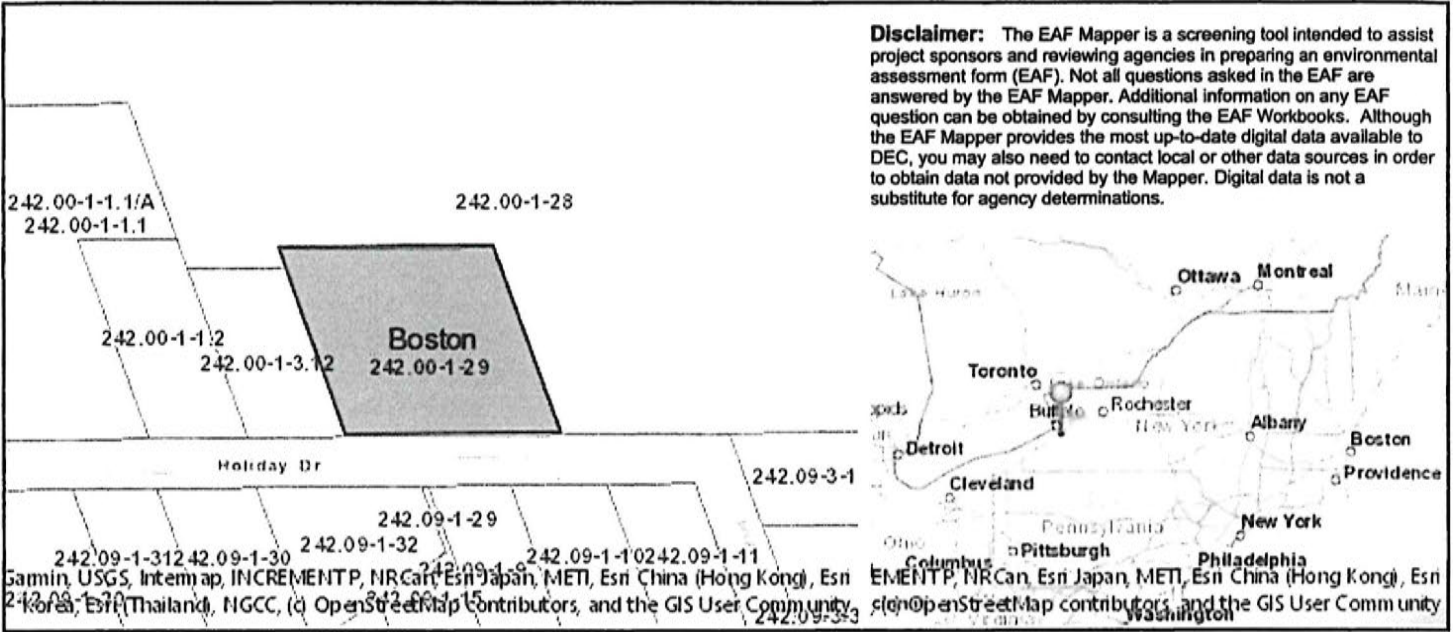
Instructions for Completing

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				
Burdette Latimore 6667 Holiday Drive Boston NY 14025 716-536-3588				
Name of Action or Project: Garage addition				
Project Location (describe, and attach a location map): 6667 Holiday Drive Boston NY				
Brief Description of Proposed Action: 16 x 24 garage addition to existing detached garage				
Name of Applicant or Sponsor: Burdette Latimore				
Address: 6667 Holiday Drive Boston NY 14025				
City/PO: Boston	State: NY	Zip Code: 14025		
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 <input type="checkbox"/>	YES <input type="checkbox"/>
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:			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?			_____ 1 acres	
b. Total acreage to be physically disturbed?			_____ .08 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			_____ 1 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):				
<input type="checkbox"/> Parkland				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Burdette Latimore</u> Date: <u>2/5/2023</u>		
Signature: <u><i>Burdette Latimore</i></u> Title: <u>Homeowner</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]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to 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

This Indenture

Made the 4th day of April, Two Thousand Thirteen (2013)

Between: **EDWARD C. CARY**
8626 Boston State Road
Boston, NY 14025

Grantor, and

BURDETTE LATIMORE and TINA LATIMORE, husband and wife
6365 Patchin Road
Boston, NY 14025

Grantees

Witness to, that the said Grantor in consideration of One and More dollars (\$1.00 & More) lawful money of the United States, paid by the Grantees does hereby grant and release unto the Grantees, their successors, heirs and assigns forever.

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. 4, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the north line of lands conveyed to the Town of Boston by deed recorded in the Erie County Clerk's Office in Liber 8307 of Deeds at page 69, being also the line established by Boundary Line Agreement recorded in said Clerk's Office in Liber 5671 of Deeds at page 104, distant 899.00 feet easterly from its intersection with the east line of Boston State Road; running thence northerly at an interior angle of 109° 57' and along the easterly line of lands conveyed to Kenneth D. Wilde and Elaine R. Wilde, his wife by deed recorded in said Clerk's Office in Liber 9608 of Deeds at page 342 and said line extended northerly a distance of 200.00 feet to a point; thence easterly at an interior angle of 70° 03' and parallel to the north line of said lands conveyed to the Town of Boston by first above mentioned deed 217.00 feet to a point; thence southerly at an interior angle of 109° 57' and parallel to the easterly line of said lands conveyed to Kenneth D. Wilde and wife and said line extended northerly a distance of 200.00 feet to a point in the north line of said lands conveyed to the Town of Boston, being also the said line established by Boundary Line Agreement; thence westerly along the north line of said lands conveyed to the Town of Boston a distance of 217.00 feet to the point or place of beginning.

FILED
APR 05 2013
ERIE COUNTY
CLERK'S OFFICE

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

TO HAVE AND TO HOLD, the above granted premises unto the said Grantees.

AND the said Grantor does covenant with the said Grantees as follows:

FIRST - That the Grantees shall quietly enjoy the said premises.

SECOND - That the Grantor 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 has hereunto set his hands and seals the day and year first above written.

IN THE PRESENCE OF

Edward C. Cary
Edward C. Cary

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

On the 17th day of April in the year 2013, before me, the undersigned, a Notary Public in and for the State, personally appeared EDWARD C. CARY, 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 attached 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 on behalf of which the individual acted, executed the instrument.

Andrea L. Muraco
NOTARY PUBLIC (affix stamp)
ANDREA L. MURACO
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01-LA6109528
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 05-10-20 16