

BOARD OF ASSESSMENT REVIEW HEARING 2020

PRESENT: JAMES RYKOWSKI, CHAIRMAN
MICHELLE BOUTON
COLLEEN BRUNELLE
JON PIEROWICZ

DANIEL STANFORD, TOWN OF ORCHARD PARK ASSESSOR
NANCY KENLON, TOWN OF ORCHARD PARK, ASSISTANT TO THE ASSESSOR

The Chair welcomed the new Town Assessor, Daniel Stanford to the meeting. He also welcomed their new Board Member, Jon Pierowicz.

OWNER'S NAME & PROPERTY ADDRESS:

MARK MC NAMARA, Attorney, Barclay Daemon Law Firm - representing the property owner
60 GRANDVIEW TRAIL
ORCHARD PARK, NEW YORK 14127

SBL#185.17-1-50

(James Rykowski, Chair) The Chair swore-in Mr. Stanford, noting that for the duration of the meeting, regarding information provided, he will tell the truth, and nothing but the truth; to which Mr. Stanford responded, "That he would do so to the best of his ability."

(Chairman) "Thank you, Sir." Our first review is "**60 GRANDVIEW TRAIL**", MARK MC NAMARA, of Barclay Daemon Law Firm, representing the Property Owner."

(Chairman) "The Chair swore-in Mr. McNamara, noting that for the duration of the meeting, regarding information provided, we are recording the proceedings for the record purposes, and for our deliberations."

(McNamara) "I swear I will answer questions truthfully, and to the best of my ability, sir."

(Chairman) "The form authorizing Mr. McNamara to represent the Owner(s) of the property is attached to the grievance form contained in the file."

(Chairman) "That you are about the assessment on this property is \$330,000. The request is to reduce the assessment to \$269,700. There are documents in our files that support. I will leave that to you Mr. McNamara, walk us through those documents."

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(McNamara) "Sure, this is, as I would say a straight forward case as you have the benefit here of a recent arm's length sale of the subject property. Certainly the Assessor's office knows; and congratulations to Mr. Stanford for taking over for Milt. Is the best evidence of value. This property sold in July of 2019 for \$580,000; it was a negotiated purchase, the property had been on the market for a period of time. It's a home, the documents that are attached to it are the Closing Statement, the Deed (with deed stamps on it), a Contract of Sale and the Assignment of the Contract of Sale; it was originally to Mr. Carl Armstrong and then assigned to an LLC. The LLC ultimately purchased the property. There is one discrepancy between the contract and the purchase price, which was \$590,000, and that was adjusted at the closing to \$580,000, based on some condition issue when they did their last inspection that was negotiated after that. But the documents are inclusively with respect to what the purchase price was and the only other request that the Assessor's Office had made was for a copy of an appraisal; and as I explained by letter or an email, there is no appraisal because of the type of deal. There was no bank involved. We have no appraisal, what we have is the actual purchase price within a year of the subject property."

(Chairman) "Okay, do you know if any of the realtor's involved did a comp study? Or a comp listing?"

(McNamara) "No, it was an "ML Listing; an ML Listed property. Did they do a comp study of it? I am sure they do. They always do. I cannot testify to that in this particular case, but it would be astonishing if they didn't for properties particularly up on Grandview Trail; but then, again, this was a property that was substantially listed for sale (I cannot remember what it was listed for) but it was substantially listed for more than \$590,000, and there weren't any offers. This is the one they finally accepted."

(Chairman) "And, the seller Carl Armstrong, to Mr. Cook, there's no relationship?"

(McNamara) "Absolutely none."

(Chairman) "Okay. Pardon me while I am browsing here, through the various documents, for support."

(McNamara) "Let me just reference those documents quickly, because there's are a lot of pages. The key ones are: the first page right after the designation, and that is the closing statement and that shows the sale price; the next one is the first page of the deed that shows what the recording fees were and what the actual consideration would be - what the sale/purchase price is. Then you go through all the pages with respect to the deed, two or three pages, then you get to the contract, and the contract, again, is dated June 5, 2019, and it shows the purchase price as I said of \$590,000, and that's it. I am sorry, the last document is the assignment of contract. But the LLC is a wholly owned. That's Mr. Cook just transferring it to himself, or to another entity that he controls."

(Chairman) "The next forward assessment is \$269,000 which is .465% of the sale price?"

(McNamara) "Exactly."

(Chairman) "Mr. Stanford do you have anything?"

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- (Stanford) "Yes, I do. I would like Mr. McNamara if he can provide me with the MLS. This is a pretty exhaustive search looking for a MLS listing on this, approaching the Rochester area, approaching the Buffalo area, as well as on some of the lesser known. I was not able to find it; that does not mean, as I have a Political Science degree, and I make mistakes."
- (Brunelle) "I have it in front of me. It was listed for \$626,800."
- (Stanford) "What is your MLS number?"
- (Brunelle) "It is B1177451."
- (Stanford) "Okay. That is the only question I have at the current time. Milt really felt that the sales price on this was something that was questionable because of the dollar amount. Obviously, attached to that, well it speaks a little bit more in volumes, than a contingency status. But whatever the Board of Assessment Review wants."
- (McNamara) "My only argument would be that first of all you may have a Political Science Degree, but I have an English Degree and I am a Lawyer. So that give me two reasons to make frequent mistakes. On this one, on this one, though, I am pretty comfortable with because you know Mr. Stanford, if you can show it is an arm's length sale and it is subject property itself, then there isn't any better evidence than what the fair market value of the property really is, other than its recent sale, and that is exactly what we have here, and it is well-documented in terms of what the purchase price was, based on the closing statement, the deed, and the contract."
- (Stanford) "And I certainly appreciate that, but as I am sure you know is, sometimes things happen in a contract and in the sale that both the Attorney and the Political Science Assessor is not privy to. That is why we are looking to the arm's length sale."
- (McNamara) "Right."
- (Stanford) "I was unable to find the MLS." We will leave it up to the Board of Assessment Review to make a determination."
- (Chairman) "Mr. McNamara is Mr. Cook living in the residence?"
- (McNamara) "No, his son is."
- (Stanford) "I guess the other question is, is he adopting?" (jokingly)
- (McNamara) "I am, also, an orphan." (jokingly)
- (Chairman) "Since this was transferred to an LLC, is the son paying rent?"

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(McNamara) "The relationship is that the son is going through a divorce; and I think that is the genesis of this. This is really ultimately going to be the sons' property, but to the degree that he is paying rent it is going to be whatever the hearing costs are, and at some point this is going to be his house, either he will pay his father for it, or..... I am speculating on that, but the matrimonial problem I am not speculating on. And the other thing is (and this is second hand) I did talk to them about the arms' length nature of the sale. It was quite clear that it was no connection with the buyer, there were no special considerations, other than this final \$10,000 condition that just came up between the contract and the closing. In fact, it was the son who was looking for the house because of his personal situation, and his father just helped finance it."

(Bouton) "I have a question; this is Michelle. Do we have any comps?"

(Stanford) "Are you asking me?"

(Bouton) "Yes."

(Stanford) "I did not provide any comps."

(Bouton) "So let's just do that now."

(Chairman) "So that means we need to look into the file so when we deliberate it's"

(Bouton) "Nancy?"

(Stanford) "That means we can get that from the"

(Kenlon) "Sorry, I have got you on mute. I am just running things now. What I can do is I can send you the comp sheet and send a screen shot."

(Stanford) "We don't need to do that today, as long as it is in there. Anyone else, and quick questions?" There being none, Mr. McNamara, we will meet in separate deliberations to review, your presentation and the data and you will be informed of the Board's decision later tomorrow."

(McNamara) "Alright, and if you need any additional information, please don't hesitate to have Nancy to reach out to me."

(Stanford) "Very good, so noted."

Conclusion of this case.

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Case #2:

OWNER'S NAME & PROPERTY ADDRESS:

PAUL STEIMLE, PROPERTY ASSESSOR, Representing the Property Owner
FLINT D. BESECKER & WOODS
26 EDSWOOD COURT
ORCHARD PARK, NEW YORK 14127

SBL#185.17-1-25.11

- (Chairman) "The Chair affirmed with Mr. Paul Steimle, that for the duration of the meeting, we are recording the proceedings for the record purposes, and for our deliberations. You are representing the Owner(s) of "**26 EDSWOOD COURT**", FLINT D. BESECKER & WOODS. The form authorizing you to represent the Owner(s) of the property is attached to the grievance form contained in the file. I would like to know that the information that you are about to put forth is the truth, and nothing but the truth."
- (Steimle) "It is."
- (Chairman) "Very good. We are taking about the property at *26 Edswood Court*. Their assessment is \$588,000. The request is to reduce the assessment to \$476,160. With that being said, Mr. Paul take it away."
- (Steimle) "We submitted an appraisal with this, which I believe I sent in to you, which has a valuation of (\$1,024,000) one million, twenty-four thousand. So, I think that the appraisal kind of pretty much speaks for itself. It describes the property and there are pictures in there, and that is what we are looking for. So the appraised full-value."
- (Chairman) "The purposed for the appraisal was for?"
- (Steimle) "For this purpose, for assessment purposes."
- (Chairman) "Assessment purposes. So, there were no sales tax back, there was no financing. It was strictly to have the property appraised in presentation to us."
- (Steimle) "Correct, the Home Owner thought it was over assessed; I thought it was because of the size of the home and what have you. I just thought it was best to have an appraisal done, so they hired an appraiser to have one done. It is all based on sales in the market; they went out and did an interior inspection. So it was not a drive-by."

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(Chairman) "The comps, Hillsborough, Birdsong, Grandview, would you say that those are comparable locations?"

(Steimle) "I say that when you get into this upper-end market, yes. I tend to be a little more familiar now on this upper-end market because of our last one on the list here today, so... I do see you know a little bit more of where they all fall and really, unfortunately, there is no consistency to where all these assessments flow in these upper-end homes. So, the sales are the sales in the market. There really isn't like this one sale that is this needy mallei. I think the ones she used were good. She did it. I did not have any influence over it. I just asked her to do it, and it came in at what it came in at. I found out about it after it was done, so..."

(Chairman) "Do you know how long they have been a resident or have been living at this property?"

(Steimle) "Since it was built, 1999."

(Chairman) "Okay."

(Steimle) "They are the original owners."

(Chairman) "Dan? Are there questions from the Board?"

(Brunelle) "Can we draw up a comp sheet real quick?"

(Chairman) "57 Grandview, Woodstream Trail, 50 Grandview, which is one that the appraiser used, 10 Rock Dove."

(Steimle) "Okay, look at all the raw sales prices there. Not one of them is over a million dollars."

(Brunelle) "Thanks Nancy."

(Chairman) "Thank you." Mr. Stanford, any comments?"

(Stanford) "Well, yes. I realize Paul has given us an appraisal; the appraisal is incomplete. There should be a Cover Sheet. My first question is, why are there things blacked-out? Specifically, the *gross area*, with what *gross investments* are."

(Steimle) "There is nothing blacked-out on my end." I mean, I did not give it to you blacked-out."

(Stanford) "Edify me here, in the intent where it has *adjusted sales price*, to the left of it which is normally where we would put a percentage, everything is blacked-out."

(Chairman) "Same thing with *proximity to subject* in some of them."

(Stanford) "The main purpose is I guess is on a unique home, where you are indicating this is a unique house

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that normally there would be a cost analysis done, and there would be some reconciliation as to the comparables and the cost analysis is done in, unless I am trolling too fast, I am not seeing the cost analysis.”

(Steimle) “Dan, I hate to tell you, cost analysis in these types of things are never done. I mean if we have to go...whether you have to go to a Star, or if you go to an Article 7, the courts will never recognize the cost approach. They just won’t. They are not recognized.”

(Stanford) “I am not going to arguing with you; I would like to be able to present my side without being interrupted.”

(Steimle) “I am sorry.”

(Stanford) “Is there anything else that you want to add?”

(Steimle) “No, I think the appraisal speaks for itself.”

(Stanford) “The Universal Standard of Professional Assessing Practices calls for (you must have missed or mention of all three methodologies) as to why you would not use that. Okay, one of the factors, of the cost analysis is that for a unique home that, the cost analysis that you mention should be indicated as to why it is not used. Paul, I am sorry but, is it in here? Where is the purpose of the appraisal? Where is the Cover Sheet? I am not seeing it. So in my opinion the appraisal, which is the basis for the complaint, is lacking supporting documentation within itself and is defective.”

(Chairman) “Paul do we have a day term letter with Susan?”

(Steimle) “No.”

(Chairman) “So how was the appraisal assigned?”

(Steimle) “We had just emailed and asked her to go out and do it, and that was it. She went out; we weren’t present. She went out, met with the owners, did it and sent it to us.”

(Chairman) “But you had to tell her in that email the purpose of the appraisal?”

(Steimle) “Oh yeah, no, she was very aware of the purpose of the appraisal was.” But I did not ask her anything about value so... It is what it is, I am not fighting faces that have to be pushed, so... I normally don’t do residential; this is because the gentlemen happens to be a client. So I am not pushing it. I am not in the residential, you know, assessment challenge business. It just happens I have two here today and they are both for, because the gentlemen are clients for other things.”

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- (Chairman) "Yes, understood. But, I do agree with Mr. Stanford's comments, though. Susan should have included that information within her report; but, that's neither here nor there. Any other questions from the Board on this one?"
- (Steimle) "I don't think it makes the analysis any less in her appraisal because there is no Cover Letter stating the intention of the appraisal."
- (Chairman) "It's the trouble with the information that is not appearing on the form that we cannot see."
- (Steimle) "What you see, is what I see. There is nothing more. I can email it to you, which I think if I emailed it instead of even just sending in a photo copy to Mr. Stanford and that is just how it comes. There is nothing being blacked out, hidden, whatever. I am happy to resend it so you can see exactly what was emailed to us."
- (Chairman) "Please send that to Dan."
- (Steimle) "I can."
- (Chairman) "The only comment, if it is the same, with that information missing, the appraisal never should have been sent out. But anyway, that's neither here nor there."
- (Stanford) "Paul, was this sent directly to the home owner?"
- (Steimle) "Yes to the home owner. I mean they dealt with it and I got. I arranged it and I asked Suzy (I know her as a real estate appraiser) asked her to go out and do it. Asked her if she covered Orchard Park. Asked her to go out and she coordinated with the home owner, went out there and all that, so... I was not even around for it."
- (Stanford) "How do you use this software? It has indications where the adjustment percentages are and interesting, but I should point out is black."
- (Chairman) "Okay, any other questions?"
- (Pierowicz) "Well, this is Jon. Two questions; Dan I am looking at the appraisal, and I am familiar with these appraisal sheets, but not an expert. What information do you think has been blacked out on this specific appraisal?"
- (Stanford) "First of all it lacks a Cover Page, and I think that is important. But, okay, go down to the *Adjustment of Sale Price*, by comparison, which you have these adjusted dollar amounts, normally there is a percentage there, and there is some information regarding... up on the top here. Are you seeing Jon, are you seeing the black boxes?"

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- (Pierowicz) "Yes I do. They are next to *Sales Price*. I am wondering if that could be the date of the sales price, I don't know what else would be there. Because the sales price does seem to be displayed. Maybe that is supposed to be the dated of the comparable sale? I don't know."
- (Steimle) "I think it is just shading in empty boxes, to be honest with you, because the adjustment total is shown at the bottom of the comps. I just resent the appraisal to you Dan so you can send it out. It's just natural grey shading, I mean it is not a blacked-out thing; I think it is probably a decorative thing, like the box isn't being used so they put the grey shading in it."
- (Chairman) "That might be."
- (Stanford) "Paul I am just telling you that what you had sent us it looks like the information, whether it is blank, okay, or whether there is something in it, we are unable to decipher it with these copies that you gave us."
- (Steimle) "Well, I just sent you an email, so hopefully it is a better read."
- (Chairman) "Any other questions?"
- (Pierowicz) "No, that's it. Again, if those sales are comparable sales, then they are applicable. I did not see a date on them, but that should be pretty easy to find, and then we can go from there."
- (Chairman) "All right. We will deliberate at a later date and you will be notified in the mail of our lower results."
- (Steimle) "Okay."

Case #3:

OWNER'S NAME & PROPERTY ADDRESS:

PAUL STEIMLE, PROPERTY ASSESSOR, Representing the Property Owner
CARLETON TECHNOLOGIES
10 COBHAM DRIVE
ORCHARD PARK, NEW YORK 14127

SBL#161.18-2-5.2

- (Chairman) "The Chair affirmed with Mr. Paul Steimle, that for the duration of the meeting, we are recording the proceedings for the record purposes, and for our deliberations. You are representing the Owner(s) of "***10 COBHAM DRIVE***", CARLETON TECHNOLOGIES. The form authorizing you to represent the Owner(s) of the property is attached to the grievance form contained in the file. I would like to know that the information that you are about to put forth is the truth, and nothing but the truth."

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(Steimle) "I do."

(Chairman) "Thank you. On this particular file the current assessment is \$2,061,150. The Applicant wants a reduction, quite heftily, to \$1,162,500. With that Paul take it away."

(Steimle) "We settled this case back in 2013. We had agreed to a value per square foot to just under \$37 a square foot. Back then the property had 90,034-sq. ft. Since then they put a small addition on it. It is now 97,163-sq.ft. The value per square foot has crept up to about almost \$46 per square foot- Full Value. The building isn't really much different. It has 38% office, the rest is assembly storage area. It was built back in 1988. I think that one of the things to notice is that this park for some reason does not command my prices in Western New York. The sales that you see in this park, such as the old "Gaymar" facility at the corner, or down further at 100 Centre Drive, the old "Buffalo Envelope" facility. Those are two things that I attached in the sales in the area. They are on the lower side of things in the area for this park. The buildings are fine. Why are they going so low out here? Is it location? I saw some other sales on the sheet here that we sent in that seem to support. Back then we had an appraisal done back in 2012 with a value of \$30 a sq. ft. on this. It was done by "Gail W" back then. We are at almost \$46 per sq. ft. We had settled with the former assessor at almost \$37. And here we are at \$46 again. Just from ink create issues and it is creeping up again."

(Chairman) "The comps that you are using in this presentation are pretty "moldy and oldie". Anything more recent?"

(Steimle) "The only really old one is the old Gaymar Industry. I wouldn't think that 2016 is "old" at this point. You have September of 2017, and October of 2019 even. I am trying to find properties like this; I mean, there just is not a ton of sales out there."

(Chairman) "And this is an Owner Occupied Building, correct?"

(Steimle) "That is correct."

(Chairman) "And the Owner of Record is the manufacturing company?"

(Steimle) "That is correct; but, they have since changed their name, but they are still the Owner. They now go by Cobham Mission Systems, instead of Carleton Technologies."

(Chairman) "They take the whole building."

(Steimle) "That is correct."

(Chairman) "So it is your determination that based on these comparables, times 46-1/2, comes up with your million one- number?"

(Steimle) "The million and one number is really; I like to talk Full-Value, it is hard to talk when you are talking assessment. With the square footage here, you're talking \$26 a square foot."

(Chairman) "And you're wanting?"

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- (Steimle) "The last appraisal we had on this was in 2012. It was at \$30 a square foot. We've left a little room among the form in case we have to go to Article 7 again, as we did before. The appraisal here was at \$30. I am giving you comps, we settled the last time in \$37."
- (Chairman) "So let me ask you, what was the square footage, again?"
- (Steimle) "97,163."
- (Bouton) "What was the increase; he said there was an increase not that long ago?"
- (Steimle) "No, I said there was an addition put on."
- (Bouton) "So what was the size of the addition?"
- (Steimle) "About 7,000 sq. ft."
- (Bouton) "So that's where I got to the 97..."
- (Steimle) "Correct."
- (Bouton) "So the square footage did increase?"
- (Steimle) "Yes, back then it use to be a little over 90,000-sq.ft. and now it is a little over 97,000-sq.ft."
- (Bouton) "Thank you."
- (Chairman) "So, the complaint states that the assessed value exceeds the full value of the property, at \$21 a square foot. "We truly believe the property is not worth \$2 million now."
- (Steimle) "Wait, you're looking at Assessment versus Full-Value. Your assessment is not at Full-Value."
- (Chairman) "I understand."
- (Steimle) "It's only 46-1/2%. Full Value is \$4,432,581."
- (Chairman) "Okay."
- (Steimle) "Number 7 on the front page is asking you for Value, not assessment."
- (Chairman) "Got it. We all understand."
- (Steimle) "I think the form is confusing and it mixes the numbers around too much, but..."

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(Stanford) "Paul how can you say that a state form is confusion?" Paul, Paul, Paul ..."

(Laughter by all)

(Steimle) "If you look at Part B, and it says, *assessed by your property, then what do you think the value is;* the numbers can be so vastly different, depending on ratio. It is just confusing, I think."

(Chairman) So, if Full-Value is 4million four, that is roughly \$45 per foot."

(Steimle) "\$46, yes."

(Chairman) "Okay, given the data you have presented, I will just say it, I considerate it *old*, why aren't you right?"

(Steimle) "Well, first of all you don't see buildings like this appreciating over time. They are getting dragged in with your assessment ratio going down. And assessment ratios are being driven by mostly with residential sales. To say this property is appreciating at the same rate as ever other property in the Town, obviously is one of the problems with the way the system is set-up."

(Chairman) "Would you equate the value of the property to the performance of the company?"

(Steimle) "Not at all."

(Chairman) "Okay, so other than the comps you've given us do you have any other substantiation for your request?"

(Steimle) "Not unless you want to see a copy of the 8-year old appraisal. I can tell by your comments you would not care to see anyways so..."

(Chairman) "You've got that right. Mr. Stanford, comments?"

(Stanford) "Well I think Paul kinda made my case. We have not touched this value wise. So on the form there, Nancy notes, I don't think it's been touched since 2013, and there's been a 7,000 small addition put on the building. We can argue regrades all day long but understanding the form from Erie County Board of Realtors for new construction, the least amount that I have seen, 120,000-sq.ft., but those sales are at 143 a square foot for all types of property. I guess with what Paul said, I go along with. He proved his case it is difficult with regrades, but it is what it is."

(Chairman) "Thank you. Any other questions from the Board?"

(Brunelle) "I have nothing."

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(Chairman) "That being said, as in the past case, Paul we will deliberate at another time and inform you of our decision via mail."

(Steimle) "Okay."

(Chairman) "If you don't mind, we would like to move along with your next case."

(Steimle) "That would be fine."

Case #4:

OWNER'S NAME & PROPERTY ADDRESS:

PAUL STEIMLE, PROPERTY ASSESSOR, Representing the Property Owner
RNM EMERALD - RICHARD FERRANTI
5899 SCHERFF ROAD
ORCHARD PARK, NEW YORK 14127

SBL#185.03-6-1.1

(Chairman) "The Chair affirmed with Mr. Paul Steimle, that for the duration of the meeting, we are recording the proceedings for the record purposes, and for our deliberations. You are representing the Owner(s) of "**5899 SCHERFF ROAD**", RICHARD FERRANTI. The form authorizing you to represent the Owner(s) of the property is attached to the grievance form contained in the file. I would like to know that the information that you are about to put forth is the truth, and nothing but the truth."

(Steimle) "Yes sir, I do."

(Chairman) "Thank you."

(Stanford) "Mr. Chairman, may I interrupt? Paul, may I interrupt?"

(The Chairman and Mr. Steimle did not have an issue with this request.)

(Stanford) "Just so I understand, you are arguing the percentage of the building being completed? Is that what I understand? Or am I way off base?"

(Steimle) "Probably both, I guess. I am told by your office that it is down as 50%. Which started to drive some of the conversation."

Mr. Stanford and Mr. Steimle discussed the interruption. Mr. Steimle stated, to "jump-in anytime; this is an open dialogue as far as he is concerned."

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(Chairman) "Regarding 5899 Scherff Road, the current assessment value of \$490,500, and the complaint is to have it reduced to \$232,500. Paul?"

(Steimle) "So attached to your grievance I put together a summary sheet to walk you through some of this. So there will be a summary sheet and then a few spread sheets you know that tie in to it. Essentially this is just a new build home that is still currently under construction. It is just under 6,100-sq. ft., 4-bedroom, 5-1/2 bath. As of March 1, pretty much the outside is complete, but the inside is still being worked on. There is really no finish so to speak inside. We were told that this new assessment they got this year is at 50%. Which leads into a few issues; (1) If this is at 50% you are will be looking at what will be the highest assessed home in all of Orchard Park, if this is at 50%. It's not the biggest, but it's going to be the highest assessed. I have given you a spread sheet of every house assessed in Orchard Park above where this is right now, and it is finished. So you can see on just an assessment basis, on a per square foot basis, where is everything going at? In some cases you will see some of the sales and stuff next to it. But then we broke it down so you can see a range of sales, the medium, the average. We have also done the same with the sales in the Town of these larger homes, of which we have attached, and have done the same thing."

(Brunelle) "So what percentage of this is complete?"

(Steimle) "I don't know what you would percentage wise; I mean if it wasn't for COVID they probably would have been moving in sometime next month, had it not come into play in March and shut things down."

(Brunelle) "Has the assessors' office been in here?"

(Stanford) "No, I cannot speak that I have been in here." The interesting part, as Paul well knows, this permit is well over a year old. Except for Orchard Park, that permit would have been closed out with a possible extension. So you are going on the second year of quote, unquote "completing" this; and Nancy has said that the purchase of the lot was \$275,000. Is that correct?"

Others chimed in "yes".

(Bouton) "Is there a contract for the construction?"

(Steimle) "Tom Johnson is doing the construction."

(Bouton) "I could tell."

(Brunelle) "Yes, the comps have been coming in on Wildwood, and ..."

(Bouton) "I am sure there is a contact for the construction; that would be helpful."

Continued on Page 15, attached.

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(Brunelle) "Yes."

(Chairman) "Do you think you might be able to receive that Paul?"

(Steimle) "I can certainly ask for it."

(Chairman) "So no one is living in the home?"

(Steimle) "No one is living in the home, no. But, this 6,000-sq.ft. home is apparently going to be worth more than things with far more square footage in the Town, or comparable square footage at the end of the day."

(Brunelle) "We, it has a lot to do with the year of construction, as well."

(Steimle) "I would argue that these types of homes, you never get what you put into them. If you're going to go buy a million dollar or two million dollar custom-built home you are not paying dollar for dollar for the home. Because then why don't you just build your own, and get what you want. These things tend to be devalued. You never get out of them. And everyone who is building one will tell you they never expect to."

(Chairman) "Mr. Stanford?"

(Stanford) "Well, I haven't had an opportunity to talk with everybody that has million dollar homes. However, I come from a community that we had a few in a town called *Skaneateles*; and I can tell you that there are people, as Paul says, that kind of over-develop. On the other hand, there's that *cost analysis* again, Paul, okay, which says that no one should spend more to build a home than it would cost them to buy a home that is in the market. These are unique markets. They are not localized to Buffalo; they are not localized to Western New York. Multi-million dollar homes are a unique market. When push comes to shove, I am sure that will come out."

(Steimle) "I think your statement about cost might be true for your average person like you or I, Dan. But for people with money, it doesn't tend to be a big factor that they are putting all this money into these houses. I am sure in *Skaneateles* (we have some around here too) where people are building these overelaborate homes, and they will *NEVER* get their money out of them, *ever, ever ever!*"

(Chairman) "Hey Paul, can you described your client for a minute. I mean does he have a company?"

(Steimle) "He is the Chief Executive Officer and President of Rich Products."

(Chairman) "Enough said. If you can get a construction contract, it would be very helpful to us." Does the Board have any other questions regarding this one? You know will be deliberating and send you

Continued on Page 16, attached.

the results in the mail. It's been a pleasure, Paul."

(Steimle) "Great!" Thank you sir, I appreciate it."

Other said goodbye.

(Stanford) "Paul, I haven't forgot about the comps for the Great Lakes Mill."

(Steimle) "Ok, you take care, sir. Enjoy the rest of your evening."

Case #5:

OWNER'S NAME & PROPERTY ADDRESS:

PAUL NOTARO, ATTORNEY Representing the Property Owner
DEAN & TINA MESI
384 STONEHENGE DRIVE
ORCHARD PARK, NEW YORK 14127

SBL#173.07-3-10

(Chairman) "The Chair affirmed with Mr. Paul Notaro, that for the duration of the meeting, we are recording the proceedings for the record purposes, and for our deliberations. You are representing the Owner(s) of "**384 STONEHENGE DRIVE**", DEAN & TINA MESI. The form authorizing you to represent the Owner(s) of the property is attached to the grievance form contained in the file. I would like to know that the information that you are about to put forth is the truth, and nothing but the truth."

(Notaro) "Absolutely, that's correct."

(Chairman) "Thank you very much. I am seeing that for 384 Stonehenge the total assessment is apparently \$205,200. The Complainant wants the assessment reduced, \$197,625. In your files, there is a contract of sale and additional information there. Paul, I will let you run with it."

(Notaro) "Okay, briefly, the Clients, the Mesi's purchased this property last February, of 2019. We asked at that time that the property be reduced as far as its assessment to the purchase price, of total value, market value of \$422,500, which the Town did last May. Since then, the only change that I understand with the property is that Mr. Mesi went to the Town and applied for a Building Permit and built a shed. It is approximately 10 x 18. According to the figures that I have it was

Continued on Page 17, attached.

approximately \$4,000. He received a notice, I am going to say in early May (I don't remember the exact date) showing a change of \$300. And my first response to him was, that is normal you added a shed and that happens. They have change your assessed value and I explained some other similar cases to him where I have seen this. When we looked (I am going to say) into the market value dollar figures, I think the concern became the assessment changed by \$18,000, and the actual shed improvement was approximately a little over \$4,000, from what I was led to believe. So, that's where I put a number in there of \$425 and then I worked backwards using the percentage of level of assessment to come up with the \$197, I think it is 500 figure? So that is the basis of the case. I know, since I have been doing real estate in the South Towns for twenty-five years now that it has been a very strong market, up until February of this year. And I guess I am going to say I hope that it continues to be strong, as we get back into the normal course of things. But I don't think that property, in and of itself, increased by \$15,000 in value. So that's why we have made this challenge. Based on when Mr. Mesi brought this to me, and when I was able to prepare it, I did not get any comparables from the street on Stonehenge to see, one way or the other where that may fall with other assessments on the street. I am just using (a) the historical figure, because it is a recent sale, and then the addition of the shed. I don't have anything further."

(Chairman) "You are aware that they have received a reduction?"

(Notaro) "I stated that when I began. We received that reduction last May because that was the purchase price that they bought the property at, and it was assessed significantly higher than the purchase price."

(Chairman) "So, you are using the shed as the basis for opening up the assessment issue, but yet we have no data indicating that the assessment of \$205,200 is completely out of line."

(Notaro) "Well, I guess if I use your assessment figures you have increased the market value by \$18,000, and the addition of the structure isn't increased by a shed by \$18,000."

(Chairman) "I understand, but my point is that there is nothing in the file here other than what you are saying indicating that the \$205,200 assessment on Stonehenge is out-of-line."

(Notaro) "Well I believe the assessment change last year to \$422, plus what the Town has in the Building Department for the shed showing that the shed did not cost more than \$4,400 or \$4,500 dollars leads us to a figure that is less than the \$205."

(Chairman) "Okay, so again I go back to my question, can you provide us with comps that would justify your case?"

(Notaro) "Yes I can. I would have to do a little bit of research and provide those in the next few days to you. And that is where that would be; I have to do."

Continued on Page 18, attached.

(Chairman) "Okay."

(Stanford) "Well, the first thing I would like to clarify are the semantics, is you pay taxes on your *assessed value*."

(Notaro) "I understand that, yes."

(Stanford) "In Erie County, since the purchase of your clients' property we have seen, compounded, 8.65% increase in the value of property; which is not reflected here. Your client pulled a permit, not for \$4,000, I know it is only a couple thousand dollars, but it was \$6,000."

(Notaro) "Okay."

(Stanford) "Having been in the construction business for 20-some years, I have got to believe that they probably prepared the site, as an improvement, probably because it's mandated by New York State, they probably put some hair pin straps in, which is an improvement. So you are looking at on a retail basis normally twice the amount of what you paid the \$6,000 off of the construction quick estimate. The other thing that concerns me here is, on at least one occasion we have asked your client for access to the finished basement. I understand that you don't have to; but, any time that happens, I individually, it gives a flag, okay, that something is being hidden there. So, I am perfectly good with the values that you have here; a \$300 assessment, and that is what you are paying taxes on, was the increase of your property."

(Notaro) "I guess my only counter to that is a few years ago, my garage was destroyed in an accident, and I built a 2-1/2 car garage for \$12,000. I am not going to argue with you for the sake of ... "

(Stanford) "Well then Paul you need to get me, as soon as possible, because I am trying to help you..."

(Notaro) "Okay."

(Stanford) "That contractor; because I doubt he is in business, because the garage, plus the garage doors, plus the concrete, plus the piling, is going to run around \$28.00/sq. ft. on the retail end of it."

(Notaro) "Okay."

(Stanford) "But we are talking such a small amount of... the long and short of it, since the purchase of your client's property, you're absolutely correct in that the values of property has gone up in this area. And I guess the good news, also, for you is that the research is also showing that it will continue right along. There is as shortage of supply, and we have some phenomenal interest rates out there; but that is my take on it."

(Brunelle) "Can you bring out that note again about the basement that you had out on the screen?"

Continued on Page 19, attached.

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(Pierowicz) "Is that the Permit Section?"

(Brunelle) "Okay, alright. Thank you. Paul, can you see that?"

(Notaro) "Yes I do. And I didn't know about that. But, I am going to address that."

(Bouton) "I was just wondering if you can repeat that increase in the property values in Erie County."

(Stanford) "Well if you have an opportunity go onto the *"realSTATS"* and I can send you the statistics, but we have had, compounded, since the first purchase of this almost an 8% increase in the values of properties. An interesting side note is that the biggest increase has been on what I would consider starter homes."

(Chairman) "The Chairman established that there were no further questions." He told Mr. Notaro that the Board will be deliberating at another date and we will inform you of our decision in the mail."

(Notaro) "Thank you very much."

Case #6:

OWNER'S NAME & PROPERTY ADDRESS:

BRIAN O'CONNOR & JONATHAN (JON) LILLEY, "BRASS"
REPRESENTING:
THOMAS WASIAK, OWNER
17 GRAYSTONE
ORCHARD PARK, NEW YORK 14127

SBL#162.07-3-33

(Chairman) "The Chair affirmed with Mr. Brian O'Connor & Jon Lilley that for the duration of the meeting, we are recording the proceedings for the record purposes, and for our deliberations. You are representing the Owner(s) of **"17 GRAYSTONE"**, THOMAS WASIAK. The form authorizing you to represent the Owner(s) of the property is attached to the grievance form contained in the file. I would like to know that the information that you are about to put forth is the truth, and nothing but the truth."

(O'Connor) "Yes sir".

(Lilley) "Yes sir."

Continued on Page 20, attached.

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Page 20

(Chairman) "Thank you very much. So we are talking about the property at *17 Graystone Lane*, the current assessment is \$232,300. The Client wants it reduced to \$202,275. And with that, I will let you figure away."

(O'Connor) "Well, the first part of this one was mentioned and talked to us about his sale price at March 1st, 2019 for \$435,000. And that is where he was asking us why is his sale price not reflective of the high assessment value. And, then also, with providing the comps that we found in his neighborhood. It matched-up that he has a good case to be lowered. With the sale price and the comps of; *95 Graystone Lane, 25 Graystone Lane, 26 Templeton Trail*, it provides a pretty good case on his part that it should be lowered. Especially with the recent sales price of the property."

(Chairman) "So let's see, you have got sales prices, \$420, \$452, \$420, \$434. Am I right about that?"

(O'Connor) "Yes, the subject is \$434, I believe. Yes."

(Chairman) "And you feel that these comps are similar, to the subject?"

(O'Connor) "Yes, we do."

(Chairman) "And similar age and condition?"

(O'Connor) "Yes, all built in 2004 as the subject, comp 2004, comp 2003, 2004 comp as well. All similar bed counts. Pointing to #1; this has an extra bedroom and an extra bath, sold at an arms' length 2019, \$420, which is still below the subject's purchase price. Only about \$14,000 but..."

(Chairman) "Has the property been appraised formerly?"

(O'Connor) "Not that we were provided, no."

(Chairman) "No."

(O'Connor) "Purchased March 1st of 2019, \$434,000."

(Chairman) "And with that purchase, did they do mortgage financing?"

(O'Connor) "Yes I believe it's conventional."

(Chairman) "Any chance of getting the residential appraisal that was done?"

(O'Connor) "Requested, but not provided. I don't think; sometimes we are running into the same page we would on the commercial end of the appraisal world. Where we request, they didn't know they had it, or they never provide it."

Continued on Page 21, attached.

(Chairman) "Okay"

(Bouton) "Well if they do plans they have to be provided with it."

(O'Connor) "Yes, or they just didn't know where they kept it. We run into that quite often. I know that recently when I did my "refi", two years ago, I had to call the bank to get the copy sent to me, digitally. I know that looking back at the closing, sometimes it is provided. So I can't answer directly for them, but they did not have one for us."

(Chairman) "Okay. Mr. Stanford?"

(Stanford) "Well, I think you are wrong; I am not a commercial appraiser, but I always thought that the Universal Standard of Assessing Practices required comparables sales if those were to be used within a certain time line. Not two, not three years old. I also thought that using just a square footage analysis to come up with a valuation was not a recommended methodology, under USAP. But, I am not a commercial appraiser. I know under residential they seem to not want comps that are three years old and use just square footage and not make any adjustments. I would have thought that the best comparable would be using the appraisal that was used for financing. Especially if there was a recent sale."

(O'Connor) "Sure. Would I be able to ask you if we had an appraisal at the full market value purchase price of \$434,000, and the full assessed value of \$478,000 – the difference between the two being \$44,000 would seem to indicate a good case for that being over...?"

(Stanford) "Are you asking me?"

(O'Connor) "I am just asking you a general question if that I am sorry I didn't catch that."

(Stanford) "I believe that it would be the Board of Assessment Review that would want to ask the question to."

(O'Connor) "Yes, our indication is simply put, that when you take the purchase price of \$434,000 at the current assessed value, at the current rate, the full value of \$478,000 being \$44,000 over the sale price would indicate that there is a disconnect there."

(Chairman) "We don't know that because we don't have the appraisal."

(Lilley) "Is an appraisal needed on every one?"

(Chairman) "It is easier to know where to start."

(Lilley) "I have an appraisal on *Morning Dove*."

Continued on Page 22, attached.

- (Bouton) "It certainly can help, I mean the contract of sale is not necessarily going to be determinative. Right. There is a lot going on that we won't be able to see in the sales price."
- (O'Connor) "Yes... I don't know, I can only speak from my experience, but a closed bill, an arm's length public record, and several different sources of \$434. I can understand why the appraisal I would want it anytime I could get it, as well. In this case, it is a closed sale at \$434. I don't have the appraisal in front of me but I would assume that the appraisal would be the exact same as the indicated public record of the sale. An arm's length at \$434."
- (Chairman) "I think if you did get the appraisal the one thing it would do is bring the data supporting a value into a realistic time frame."
- (O'Connor) "Okay." We don't feel as though these comps do that. Even with the slight differential in ages."
- (Stanford) "Who is the appraiser in your organization? Is it Brian, or you Jon?"
- (O'Connor) "Both Jon and I both come from appraiser backgrounds."
- (Stanford) "That is not what I asked. Who is the appraiser in the organization?"
- (O'Connor) "Both Jon and I are licensed appraisal assistants in New York State."
- (Stanford) "Appraisal assistants."
- (O'Connor) "Yes."
- (Stanford) "Are you a certified, licensed, commercial, residential appraiser in New York State?"
- (O'Connor) "No."
- (Stanford) "Okay."
- (O'Connor) "Not required, but no."
- (Stanford) "Anybody giving an opinion of value, being in front of the Board of Review, and the Assessor is assumed right; the burden is your responsibility to overcome that. And I believe the Board of Assessment Review, trying to help you out said, "Geez, if you get that appraisal from your client, you might be able to substantiate your claim."
- (O'Connor) "Okay, well we can certainly try to do that, if that is going to be the feeling on the Board's behalf for every one of these. We could jump right down the line to *9 Mourning Dove*, because we have the appraisal on that one."

Continued on Page 23, attached.

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(Chairman) "Let's not do that yet; let's move on Graystone. Any other questions from our Board?"

(Brunelle) "Maybe a contract of sale will help in this one too."

(Bouton) "Agreed."

(Brunelle) "If there were any adjustments made and why."

(Bouton) "This house was on the market for a very long time."

(Chairman) "If you could get that requested information to Mr. Stanford at the office, it would be greatly appreciated. We will be deliberating at another point-in-time, so the information will be greatly appreciated. And you will be notified in the mail of our deliberation results."

(O'Connor) "Will do."

Case #7:

OWNER'S NAME & PROPERTY ADDRESS:

BRIAN O'CONNOR & JONATHAN (JON) LILLEY, "BRASS", REPRESENTING:
MARCIA RAUCH
160 BRIDLE PATH
ORCHARD PARK, NEW YORK 14127

SBL#171.46-1-24

(Chairman) "The Chair affirmed with Mr. Brian O'Connor & Jon Lilley that for the duration of the meeting, we are recording the proceedings for the record purposes, and for our deliberations. You are representing the Complainant at "**160 BRIDLE PATH**", MARCIA RAUCH. The form authorizing you to represent the Owner(s) of the property is attached to the grievance form contained in the file. I would like to know that the information provided us, and what you are about to tell us, is the truth, and nothing but the truth."

(O'Connor) "Yes sir".

(Lilley) "Yes sir."

(Chairman) "Thank you very much. So we are talking about the property at *160 Bridle Path*, is assessed for \$109,900 currently, and wants a reduction to \$84,862. Am I right with that?"

Continued on Page 24, attached.

(O'Connor) "Yes"

(Chairman) "All righty; whoever has the information on this file, take it away. Sway us with your wily wisdom."

(Lilley) "No appraisal; compared to two-bedroom, one bath condos in the same area. It sold, but it's over assessed compared to her property. Pretty straight forward with the comps provided that are right in the area. I know that they are a little older. Plus we are trying to go with the closest ones, compared to the newer ones that are in different areas. Same square footage, year built..."

(Chairman) "Where there comps submitted to the Assessor's office?"

(O'Connor) "There was; with the report." All comps are on Bridle Path, the comping range is between 2017 and 2019. Most recent sale is 44 Bridle Path at \$195. All very similar, like he said, all two-bedroom and one bath. All located within that same Bridle Path area."

(Chairman) "Dan do you have a copy of that appraisal?"

(Stanford) "It is the same format as the faxed one and I thought I attached it. This is the one that Nancy let me do, so I must have screwed it up."

(Chairman) "Congratulations, yes! Do we have it in the office though?"

(Stanford) "Yes, we do."

(Kenlon) "Yes, I am looking."

(Lilley) "Can I ask a general question just right off the bat?"

(Chairman) "Yes."

(Lilley) "Just out of curiosity, is it the Boards' ... is it their feeling that no matter what type of appeal you have, that because we are in front of the Board that an appraisal is necessary, or is it more... I am not sure what the right word is that I am looking for here; but, you know a lot of these existing homes have not sold or been refinanced in recent history and don't have appraisals ever done."

(Chairman) "Understood. I can only respond, in the length of time that I have been on the Board, and as a fellow appraiser, what I look at is that if I have a competently completed appraisal of a property that is being challenged, that significantly reduces the amount of analysis we do, because if the appraisal is worth its weight, it speaks for itself."

(Lilley) "Sure."

Continued on Page 25, attached.

- (Chairman) "And the listing of comps, is an effort in statistical analysis. You can always manipulate the data to do what you want it to do."
- (Lilley) "Correct."
- (Chairman) "As an appraiser, and you know getting an appraisal that is competently done, in my mind it really helps in tremendous volumes in getting the case; either one, or none of them."
- (Lilley) "Sure, in a lot of circumstances obviously we're asking for it all the time. But they are not necessarily given. Just a general question, making sure I understood."
- (Bouton) "What Dan said is right; I mean the tax payer has the burden of proof. So, the more information you can bring to show that the assessment is incorrect, the better it is for your case and your claim. So it's not to say that it has to be an appraisal, but certainly that is helpful data, and the more data the easier it is for us to make a decision."
- (Brunelle) "It says she paid \$204,000 for this in 2016."
- (Stanford) "The first comparable is a 2017 sale, the second is a 2018 sale, the third one is a 2018 sale, we got up to a 2019 sale which is using the square footage analysis, which is, hey that's in to stay; \$165 a sq. ft. The next sale we have is a 2018 sale. I am not seeing... you did a great job guys as far picking the number of bed and bathrooms; tried to stay in the same area, that's great. Square footage, you're within 200 sq. ft. I would not have any issues there but, these sales, just aren't there."
- (Kenlon) "The comparables are in the google drive for you guys now."
- (Stanford) "I apologize Nancy."
- (Chairman) "So Dan over and above everything, any further commentary?"
- (Stanford) "I am good, yes."
- (Chairman) "Any other questions from the Board?"
- (Brunelle) "I think by providing that appraisal we are going to see that her purchase price was \$204, which is more than what you are requesting for the assessment being reduced to."
- (Stanford) "Nancy if you have anything, go ahead and chime-in."
- (Kenlon) "Yes, you can tell that this one was also remodeled; not all of them were remodeled. As you see from the picture this one was definitely remodeled."

Continued on Page 26, attached.

(Chairman) "Okay, all righty. That being said we will be deliberating on another date and you will be notified in the mail of the results."

(Lilley) "Sure."

Case #8:

OWNER'S NAME & PROPERTY ADDRESS:

BRIAN O'CONNOR & JONATHAN (JON) LILLEY, "BRASS", REPRESENTING:
MELODY & LOUIS DIETRICH
120 BREEZEWOOD
ORCHARD PARK, NEW YORK 14127

SBL#172.19-2-10

(Chairman) "The Chair affirmed with Mr. Brian O'Connor & Jon Lilley that for the duration of the meeting, we are recording the proceedings for the record purposes, and for our deliberations. You are representing the Complainant at "**120 BREEZEWOOD**", MELODY & LOUIS DIETRICH. The form authorizing you to represent the Owner(s) of the property is attached to the grievance form contained in the file. I would like to know that the information provided us, and what you are about to tell us, is the truth, and nothing but the truth."

(O'Connor) "It is".

(Lilley) "It is."

(Bouton) "Ms. Bouton asked for clarification of who the property owner(s) were and this record is adjusted to reflect the correct, joint, property owners."

(Chairman) "Thank you very much. So this is for the property at *120 Breezewood*, with an assessment of \$202,300, and the complainant would like it reduced to \$169,958. And with that, we would like for you to go through your information."

(Lilley) "Okay, similar to the others that we have here we presented all within a short distance of the subjects; subject built 2016, 2,150 sq. ft. , two bed, 2 bath. Sales, year built, first one it occurred 2017, 2018, 2018, 2018, so not within the Board's time frame that they would like, but, all which sold fairly recently. All within... a similar square footage, similar bedroom count, a couple built-outs with one more bedroom, which we felt as though there was a good case for consideration for this one, but, considering the age of the sales I am assuming an appraisal is needed, or a contract."

Continued on Page 27, attached.

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(Chairman) "That would be helpful."

(Lilley) "Sure." Trying to cut down (you guys) time-frame here."

(Chairman) "No, no, that's quite all right. I was just looking at the comps themselves; and then again, I just go back to the data already provided. The comps are nothing more than really information on a sheet of paper because it is so old. Really it is difficult to consider them as you present them; but, they're the basis of your complaint or representing your client is, and we have to accept that. If you have additional information (as requested in the past cases), additional information to support your case we would be more than happy to consider it, provided that it is in by the time we do our deliberations."

(Brunelle) "The contract with "Essex" would be helpful as well."

(Kenlon) "Yes, because they sold the land on this, just raw land, and then did the contract with the builder."

(Lilley) "Yes, there was a discrepancy, lower, with the purchase of the land from what we were told."

(Brunelle) "The land looks like it was \$95,000."

(Kenlon) "Yes, for just the lot."

(Lilley) "Yes, according to Mr. Dietrich that wasn't properly reflected. But, boy we can definitely try to drum up the appraisal and the contract prices as well."

(Brunelle) "That would be great."

(Chairman) "That would be great. Mr. Stanford any comments other than what you submitted?"

(Stanford) "Well, one thing is, looking at these comps that they gave is obviously (there are two things) is the age. Another one is your getting close gentlemen, to your square footage is not similar to your subject, and that really throws it... And right here at the bottom here, you have the adjusted and medium annual price increase for Erie County since 2017, 425%. I am not sure where you got that, because last year, last year alone, in some of the market it was 6.62%. So I mean are you saying that from 2017 to 2018 it increased 4.5%; and then from 2018 we're supposed to guess; and then from 2019 we guess again; and then from 2020 we guess again. I am not sure what that means."

(Lilley) "No, I believe there is an average. I believe that media was brought up from 2017, correct?"

(Stanford) "I would ask you to please go to the greater Board of Realtors and get the statistics that are free on line showing what the last five years what the increases have been as far as trending goes. It is a learning process gentlemen."

Continued on Page 28, attached.

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- (Lilley) "It seems that way." My only other question, obviously data sales; if we are limited on data sales with similar dates, what is our radius that we can go to? Do you guys have a "
- (Stanford) "Well I tell would tell you to go to the "Universal Standard of Assessing Practices."
- (Lilley) "Yes, I am familiar with "USPAP."
- (Stanford) "Okay. And they give you the guidelines."
- (Lilley) "Yes, I know."
- (Stanford) "And if you cannot stay in those guidelines, then you have to give us a narrative, as to why."
- (Lilley) "Okay".
- (Stanford) "It is nothing more than what your... which the Board is asking you for an appraisal, let the appraiser do it."
- (Lilley) "All right we are good to go on to Lake Ridge. Let's keep going here."
- (Chairman) "Any other questions from the Board?"
- (Brunelle) "No."
- (Chairman) "Okay, you will be informed of our deliberation in the mail."

Case #9:

OWNER'S NAME & PROPERTY ADDRESS:

BRIAN O'CONNOR & JONATHAN (JON) LILLEY, "BRASS", REPRESENTING:
LAURENCE & CARLA ROBERTS
36 LAKERIDGE DRIVE
ORCHARD PARK, NEW YORK 14127

SBL#185.05-1-15

- (Chairman) "The Chair affirmed with Mr. Brian O'Connor & Jon Lilley that for the duration of the meeting, we are recording the proceedings for the record purposes, and for our deliberations. You are representing the Complainant at "**36 LAKERIDGE**", LAURENCE & CARLA ROBERTS. The form

Continued on Page 29, attached.

authorizing you to represent the Owner(s) of the property is attached to the grievance form contained in the file. I would like to know that the information provided us, and what you are about to tell us, is the truth, and nothing but the truth.”

(O’Connor) “Yes correct.”

(Lilley) “Yes correct.”

(Chairman) “Thank you very much. So this is for the property at 36 *Lakeridge*, with an assessed value of \$300,000, and the complainant would like it reduced to \$226,223, and away we go.”

(Lilley) “Yes, I think obviously taking away comps, “2”, “3” I would draw attention to comp at “2 Lakeridge Drive”, “34 Lakeridge Drive”, and “6 Deer Run”. If you run up the street they are within the abrevicated distance. Comp at “2 Lakeridge Drive” was built in 2002; the subdivision was built in 1992. Comp at 2 Lakeridge is larger than ours has more bedrooms than ours, has a similar acreage to ours, sale price in 2019, \$479,000. I think that is a pretty indication for us. I believe that 34 Lakeridge, also, the comps are all within this; you know, Edge Water, Lakeridge, Lakeridge again, they are all within this subjects’ neighborhood. 2017 through 2019 sales, today they are not obviously through 2017 through 2018, all similar sizes.”

(Discussion that several members did not have comps in their file; however this was resolved.)

(Lilley) “We felt like this one was a strong case, personally. Based off what we’ve seen in the Lake Ridge Drive area. Obviously sales, if you are looking at trends or you have a 2018 sale at \$505,000; the most recent sale at \$479,000. Based off the subject’s full market value \$620,000, we found a difference of \$133,000, off of that. We felt like it was a good case. Obviously, no appraisal that I can give to you. No practical sale; it has not sold recently. But, we felt we had good comparables for this.”

(Chairman) “Any other questions from the Board?”

(Brunelle) “The subject looks like it is right on that lake which is a nicer location I think than some of these comps, but that is just my opinion.”

(Lilley) “Sorry, I think I could go either way on that. I don’t disagree if I was looking to live on the lake. I would disagree if I was not looking to live on the lake.”

(Chairman) “Does this property have access to the lake?”

(Lilley) “I believe everybody in Lake Ridge does.”

(Chairman) “Not if you live across the street.”

(Lilley) “Well, there is the trail system there that provides to the old gazebo that was there.”

Continued on Page 30, attached.

- (Chairman) "The way this is looking it looks like the lake is in his back yard."
- (Lilley) "I know you are not allowed to use power boats back there, so I can attest to that."
- (Brunelle) "They paid \$520,000 for this in 2005, and they want their values to go down..."
- (Lilley) "Yes, 2005 a long time ago for sure. The one that I am seeing people and listing and buying in this area, I don't see tons. If that was the case I think the subject would have appreciated pretty higher up. But a 2019 sale, built in 2002 with larger square footage, more bedrooms, more bathrooms, 2 Lakeridge Drive that I pointed out would indicate that they are trending lower, but again, I don't have an appraisal to give to you or a contract of sale or anything like that."
- (Brunelle) "Location, location, location. All right."
- (Chairman) "All righty. Dan commentary? No? Yes?"
- (Stanford) "Well, I had the same critique about the comparables. But, I am going to ask Nancy."
- (Kenlon) "Lake Ridge has been a problem child neighborhood for us. It's because it's at that expecting age of whether people have done updating or not. So what I am going to do, is, I am going to run comps for it and put it inside the google drive tomorrow, if that's okay. That way you guys can get a better picture of what we are looking at. We don't necessarily look at these on a year-to-year basis. So I definitely would give it a fresh set of eyes and see what our numbers come up with."
- (Lilley) "Sure."
- (Stanford) "I guess then I would ask the Board of Assessment Review for, on this particular, is an adjournment for doing a possible stipulation with Brian and Jon? Can I get an adjournment to Tuesday of next week?"

The Board members and the "Brass" Representatives agreed to adjourn this case review until Tuesday.

Case #10:

OWNER'S NAME & PROPERTY ADDRESS:

BRIAN O'CONNOR & JONATHAN (JON) LILLEY, "BRASS", REPRESENTING:
SEAN METZ
50 KNOB HILL ROAD
ORCHARD PARK, NEW YORK 14127

Continued on Page 31, attached.

SBL#186.05-1-18

(Chairman) "The Chair affirmed with Mr. Brian O'Connor & Jon Lilley that for the duration of the meeting, we are recording the proceedings for the record purposes, and for our deliberations. You are representing the Complainant at "**50 KNOB HILL ROAD**", SEAN METZ. The form authorizing you to represent the Owner(s) of the property is attached to the grievance form contained in the file. I would like to know that the information provided us, and what you are about to tell us, is the truth, and nothing but the truth."

(O'Connor) "It is, yes."

(Lilley) "Yes."

(Chairman) "This property at *50 Knob Hill Road*, is assessed for \$163,800, and the complainant would like it reduced to \$148,895, and I will let you run."

(Lilley) As with the previous properties, we pulled within a short distance of the subject. We have *Briar Hill*, *Fox Meadow Drive*, and *another Briar Hill* in our report. These sales are a little more recent than some have been. We have provided one 2017 sale, but knocking that one out, using the *19 Fox Meadow*, built in the 1970's, all sales built, with the most recent being in 1980. All within a gross building area that is so much of the subject. Based off the comps we felt like we would need to present a good case for it being reduced. Obviously not giving much credit to the *24 Briar Hill*, 2017; all similar bedrooms, all similar bath count, all similar acreage, and pointing out the most recent sale at *105 Fox Meadow Drive*, 7/2019."

(Chairman) "Do you consider *Fox Meadow* and *Briar Hill* the same neighborhood?"

(Kenlon) "*Briar Hill*, yes. That is in Eagle Heights, but *Fox Meadow* is not."

(Chairman) "All righty."

(Lilley) "Neighboring."

(Chairman) "Okay. So you haven't made any adjustments to the comps. They're just listed in your grid, basically?"

(Lilley) "Yes."

(Chairman) "Okay. All righty."

(Lilley) "The adjusted sale price based off of that, adjusted increase that we went over earlier from 2017."

(Chairman) "Okay, those are similar to the other ones "

Continued on Page 32, attached.

(Lilley) "No."

(Chairman) "Then I don't have any other questions."

(Lilley) "Yes, we don't have an appraisal we can provide unfortunately. And no contracts of sale, or anything like that."

(Chairman) "Questions from the Board?"

(Brunelle) "No. Mr. Stanford?"

(Stanford) "Same comment as before."

(Chairman) "As with the other files we will deliberate and you will be notified in the mail."

Case #11:

OWNER'S NAME & PROPERTY ADDRESS:

BRIAN O'CONNOR & JONATHAN (JON) LILLEY, "BRASS", REPRESENTING:
STEPHEN & LORRAINE HARRINGTON
9 MOURNING DOVE COURT
ORCHARD PARK, NEW YORK 14127

SBL#173.12-2-27

(Chairman) "The Chair affirmed with Mr. Brian O'Connor & Jon Lilley that for the duration of the meeting, we are recording the proceedings for the record purposes, and for our deliberations. You are representing the Complainant at "**9 MOURNING DOVE COURT**", STEPHEN & LORRAINE HARRINGTON. The form authorizing you to represent the Owner(s) of the property is attached to the grievance form contained in the file. I would like to know that the information provided us, and what you are about to tell us, is the truth, and so be it."

(O'Connor) "Correct."

(Lilley) "Correct."

(Chairman) "Thank you."

(Chairman) "So, let's see, this property is assessed for \$353,800, and the complainant would like it reduced to \$297,600. Take it away!"

Continued on Page 33, attached.

(Lilley) "We have an appraisal on this one. No I am only kidding."

After joking around the Board got back on track;

(Lilley) "I spoke with Kirshmeir about this one. This was a full market appraisal. This was not based off a percentage of value or anything suggested. I called him; I had never heard of anything like that, so I wanted to make sure that we weren't misguided here. This was based off of.... I am sorry; this was provided in I think a January 2019 appraisal. Just trying to find it here... "

(Chairman) "It was 2020, wasn't it?"

(Lilley) "Oh yes, I am sorry. I meant to say 2020. Yes, January 7, 2020. So we are within just a couple months here. The full open market value is \$640,000, done for refinancing as it was provided. We felt that the comps provided in that report, as I was reviewing it on my end, I thought it was acceptable. And we also provided sales in our report to back-up the original appraisal report provided in January 2020."

(Brunelle) "I can't see the value on the appraisal. What is it?"

(O'Connor) "\$640,000."

(Brunelle) "And this was done for a re-fi?"

(O'Connor) "Jon's got the notes; hold on one second. Yes, home equity, through *Community Bank*, for *Stephen and Lorraine Harrington*, the *Property Owners*."

(Lilley) "Next year they will be done with the appraisal; there is no interior photo. They just did exterior, but... "

(Chairman) "Yes, this is a *desk top appraisal*."

(O'Connor) "Correct Jon?"

(Lilley) "Yes."

(Kenlon) "That's because on the home equities, typically they won't loan the value out for more than 80% anyway. So you have got 20% to gain."

(Chairman) "Right, that's right."

(Lilley) "The other 20% based off the full-market value, correct? I am sorry, 80% based off the full market value?"

Continued on Page 34, attached.

- (Kenlon) "Depending on how much they are asking for."
- (Lilley) "Sure."
- (Kenlon) "If they were only asking for a \$100,000 loan, then... "
- (Lilley) "Yes, but in this circumstance the appraiser was contacted. This was not based off the percentage of market value."
- (Stanford) "How do you know that?"
- (Lilley) "I talked to the ..."
- (Stanford) "You have provided a portion of two things, if I may Mr. Chairman..."
- (Chairman) "Please, please..."
- (Stanford) "Two things, you have only provided a partial appraisal. Appraisals are complete. They have "Page 1" and they go to the end, not pick and choose. Two things; (as I mentioned) this appraisal was done for a specific client, which you are not. It was the bank. In order to use this appraisal you need to get approval from the bank, or from the appraising company to present it."
- (Lilley) "Sure."
- (Stanford) "I am just telling you, you know, we are pretty lax here. But that adds up to a pretty significant violation."
- (Lilley) "I spoke with the appraiser. He didn't indicate to me that he had any issues with the Home Owner providing me with this to be used."
- (Stanford) "I want this documented."
- (Chairman) "I think in the future documenting such actions will be important."
- (Lilley) "Okay; it is noted. So, just for our information getting the appraisal you have to get both and jump through a lot of hoops to get the actual appraisal from somebody, because a lot of people have to pay their own tax. So if it's not the case then how does the home owner then get one themselves?"
- (Stanford) "I didn't hear the question. Who was asking the question?"
- (Lilley) "Jon."
- (Stanford) "Jon ..."

Continued on Page 35, attached.

- (Lilley) "So in the future getting all these appraisals that you guys want; I get that it makes the job easier, but if you can't jump through all those hoops to get it, and I am just a home owner trying to do my assessment on my own... "
- (Stanford) "But you're not just a home owner. You're the company that's getting compensated to get a tax reduction for them. You have a little, in my opinion Mr. Chairman, you have a little higher litmus test. I think this Board would, in my ten-years on the Board of Assessment Review, when a home owner came in we bent over backwards to help them prove their case. But you guys are getting paid for this. You're professionals."
- (O'Connor) "Sure. Just out of curiosity, when we went back to the home owner and we asked him for the full report (there was nothing taken out of it by us obviously), it was a digital copy. We're not aware of any pages being redacted out of this report. It was an exterior only report, and this report goes through with the exterior photos to the subject, signature pages, and I am not sure I follow what is missing out of here. State Licensing is provided in there. So as far as the information is concerned in the report I deem it to be a good indication. I didn't see anything that I thought was missing out of the report, specifically."
- (Chairman) "Dan, this is a report that is specifically unsolidified. You may have seen them before, I am sure. I don't see anything missing from this document other than the normal engagement letters, the normal things like that that would be accompanying this document."
- (Stanford) "I think you answered it. Okay, there are other things that accompany this document."
- (Chairman) "Okay, any other commentary?"
- (O'Connor) "No."
- (Chairman) "Questions from the Board?"
- (Bouton) "None from me."
- (Chairman) "And there being none Gentlemen, we will deliberate at a later date, and we will inform you in the mail of our findings."
- (Lilley) "Very well. Just before we close out here there were several other things sent in on behalf, we have not heard back on those. I believe there are eight others."
- (Stanford) "What Town?"
- (Lilley) "Orchard Park."
- (Stanford) "Anything you that you email me, I printed out."

Continued on Page 36, attached.

BOARD OF ASSESSMENT REVIEW HEARING 2020

(Lilley) "We can re-send the email, need be it; *Tanglewood, Stonehenge, Independence, Lakeridge, Fox Chapel, Stoughton, Spruceledge, and Hillcorn* were all sent out late last week."

(Stanford) "Well I am going to ask you to send me the hard copies, because you guys have been emailing Orchard Park, Hamburg (you realize I am the Assessor there) I sent you a stipulation for a piece of property three times, and I believe you emailed me saying you haven't gotten it. So, give me one person to contact and give me the hard copies."

(Lilley) "Okay, we can get those directly over to you."

(Stanford) "All righty."

(Lilley) "Okay, we appreciate the Board's time."

End of virtual meeting.

Board discussion.

(Chairman) "The Orchard Park Board of Assessment Meeting is **CLOSED** for 2020."