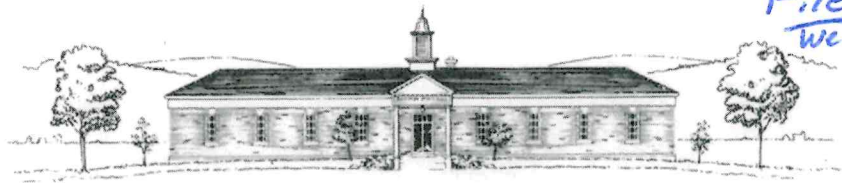


Town of Boston

Zoning Board of Appeals



Town Hall
Phone: (716) 941-6113

8500 Boston State Road
Boston, New York 14025

Zoning Board of Appeals AGENDA Thursday, May 4, 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, May 4, 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 #612 – The Genzel Land Co, LLC of 7033 Cole Rd, seeking **AREA** variance for a lot with reduced frontage of 30ft on Wildwood Drive. This does not meet Town of Boston Code 123-19C of 100ft frontage.

Petition #613 – Horseshoe Hill, LLC of 7588 Lower East Hill Rd, seeking **AREA** variance for large accessory structure, Town of Boston Code 123-136B(4) and **USE** variance for Commercial Horse Boarding, Town of Boston Code 123-25B(6).

Petition #614 – Tim Lynch of 7313 Heinrich Rd, seeking **AREA** variance for large accessory structure, Town of Boston Code 123-136B(4).

PUBLIC NOTICE
TOWN OF BOSTON
ZONING BOARD OF APPEALS

The ZBA will meet at the Town of Boston Town Hall on **Thursday, May 4, 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 #612 – The Genzel Land Co, LLC of 7033 Cole Rd, seeking **AREA** variance for a lot with reduced frontage of 30ft on Wildwood Drive. This does not meet Town of Boston Code 123-19C of 100ft frontage.

Petition #613 – Horseshoe Hill, LLC of 7588 Lower East Hill Rd, seeking **AREA** variance for large accessory structure, Town of Boston Code 123-136B(4) and **USE** variance for Commercial Horse Boarding, Town of Boston Code 123-25B(6).

Petition #614 – Tim Lynch of 7313 Heinrich Rd, seeking **AREA** variance for large accessory structure, Town of Boston Code 123-136B(4).

Jennifer Cavarello, Clerk
Zoning Board of Appeals

Dated: April 16, 2023

Published:

An Equal Opportunity Provider & Employer

TO: ZBA Chairman and Board members
FROM: Sarah desJardins, Planning Consultant
RE: May 4, 2023 ZBA petitions

Chairman and Board members:

Regarding **Petition # 612**, the Genzel Land Co. is requesting an area variance for a new building lot that would have 30 feet of frontage along Wildwood Drive instead of the required 100 feet.

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

Regarding **Petition # 613**, Horseshoe Hill, LLC, 7588 Lower East Hill Rd, is requesting several area variances and a use variance in order to construct a 7,200 sq.ft. accessory structure for a commercial horse boarding operation. The square footage of the structure, combined with an existing accessory structure on the property, exceeds the total square footage allowed for accessory structures per Code. Additionally, the structure would be too close to both north and south property lines, requiring variances, and the same goes for the manure pile.

The requested area variances are classified as Type II Actions and therefore are not subject to review under SEQR

However, the use variance is required because commercial businesses are not allowed in that zoning district. A Special Use Permit can be requested for a private horse stable to be used by the property owner and occasional guest without compensation, but that is not what the applicant proposes to use the stable for.

The use variance **IS** subject to review under SEQR and if the Board decides to approve it, a Negative SEQR Declaration must be issued before the vote is held.

Regarding **Petition # 614**, the applicant is requesting an area variance to allow the construction of an accessory structure that is larger than what the Code allows at 7313 Heinrich Road.

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

Respectfully submitted,

Sarah desJardins, Planning Consultant



File/web
copy

TOWN OF BOSTON

April 12, 2023

PETITION #612

Honorable Chairman Rood,
Distinguished Board Members,

The Genzel Land Company, LLC. of 7033 Cole Road would like to divide sbl. 226-02-5-29, a 60'x 400' parcel originally created to be a town road, into two 30'x 400' parcels. These would serve as 30' wide driveways as well as frontage, for two future building lots in this R-1 zoning district on the south side of Wildwood Drive.

This is contrary to Town of Boston Code 123-19C. which stipulates that the minimum frontage for a single-family residence in an R-1 district be 100', therefore requiring an area variance.

I have exported some maps from the county GIS for your convenience.

CODE: 100 square feet
ACTUAL: 30 square feet
VARIANCE: 70 square feet

Respectfully,

Thomas C. Murphy
Town of Boston
Code Enforcement
NYS0360547

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

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

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 Building, Additions

Owner GENZEL LAND COMPANY LLC
Address 7033 COLE ROAD

Contractor SAME
Address

Day Phor

Day Phone Eve.

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

CONSTRUCTED WITH:

SUBDIVISION TO CREATE R-1 FRONTAGE

Address of Premises for Which Application is Made:

Section, Block, Lot 226-02-5-29 Current Zoning R-1
Tax I.D. Number
() North 30' 399.01' 0.275
() South Side of WILLOW DRIVE, Size of Lot 30' 399.01' 1.66
() 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 1.66 Acres 119,70.3 Percentage of Lot Coverage (All Bldgs) %
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
Date 4/11/23

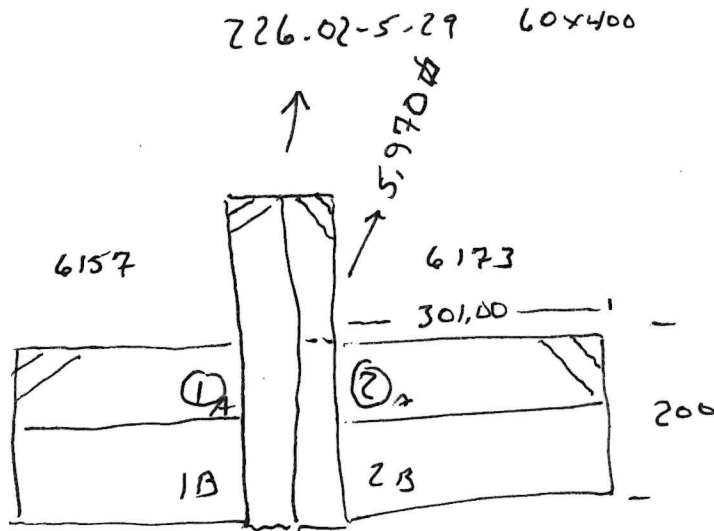
Applicant/Owner
Date

() Approved (X) Disapproved

Date APRIL 11, 2023

Reason 123-19 C. LOT WIDTH AT THE FRONT LINE SHALL EQUAL 100'

Building Inspector Thomas C. ...
Town of Boston



$$\begin{array}{r}
 60,200 \\
 5,970 \\
 \hline
 66,170.3 \div 43,560 \\
 1.52 \text{ Acres}
 \end{array}$$

1A: 226.02-5-28 - 100x300
 1B: 226.02-5-27 - 100x300

2A: 226.02-5-25.1 100x300
 2B 226.02-5-26.1 100x300

VIOLATIONS 123-19 C,

Variance Request:

Zoning R-1

SBL No. 226.02-5-29, 226.02-5-28, 226.02-5-25.1, 226.02-5-26.1, 226.02-5-27

Town Code Section 123-19C

Reduce minimum lot width at front lot line from 100 feet to 30 feet for two lots as shown on submitted survey map.

Currently the property is subdivided under Map Cover 2359 into four lots along with a 60 feet wide lot for future public road as shown on current tax map. The 60 foot wide lot was intended to connect to a future subdivision to the south. The Town of Boston planning board denied several applications for a subdivision on the lands to the south over the last several years. The property to the south has been sold to a private individual who plans to build a single family home. The denial of a subdivision to the south created a hardship to develop the four lots as configured. The cost to build a road to Town of Boston requirements to service the current four lots is not economically feasible. One estimate was for \$100,000 would require the cost per lot to be extremely higher than the current market rate. The requested variance will divide the 60 foot wide lot for future public road into two 30 foot wide lots each connecting to the back lots. Creating two lots approximately 1.65 acre each. Currently the neighborhood is all single family homes on lots varying from half acre to 1 acre in size and varying in value from \$250,000 to \$500,000. The proposed variance will create two slightly larger lots to accommodate two single family homes with approximate value of \$400,000 each and will not change the character of the neighborhood. The proposed single family houses will only impact approximately 5% of each lot which will have a minimum effect on the physical and environmental conditions of the neighborhood.

Chapter 123. ZONING

Article VII. ~~R-1~~ Single-Family Residence District

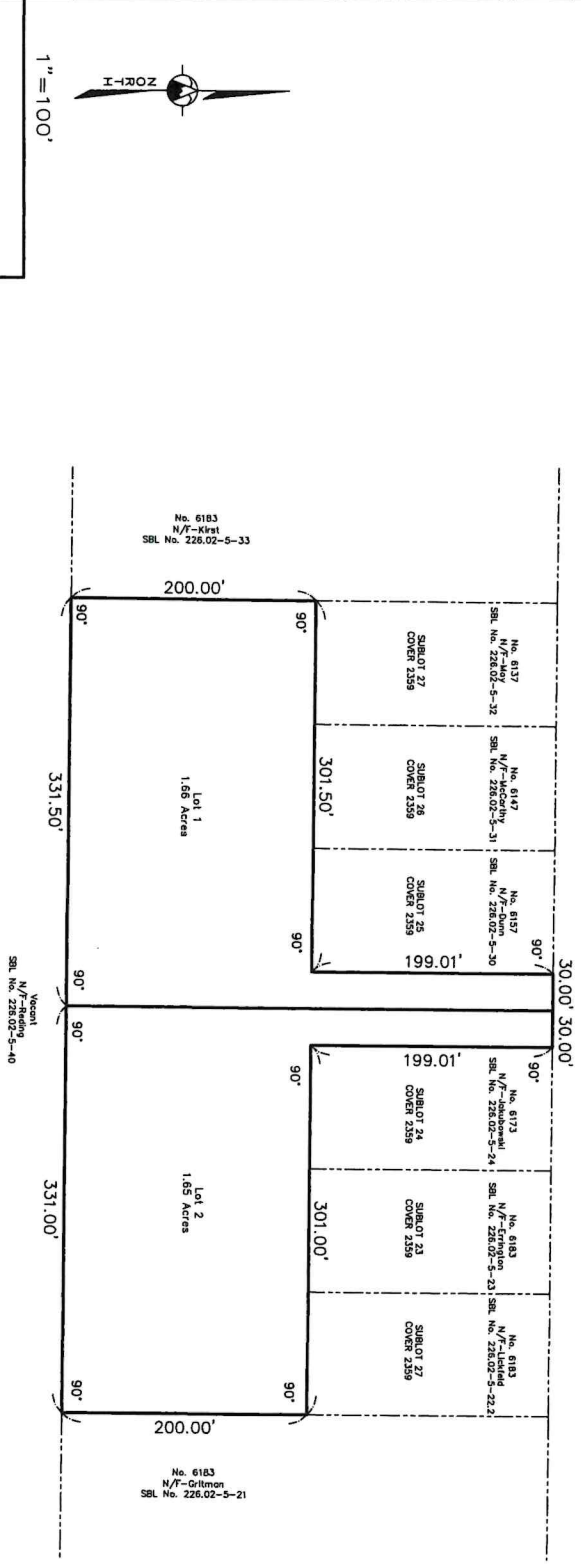
~~§ 123-19.~~ Minimum lot size.

Unless otherwise provided, the minimum lot size in the R-1 District shall be as specified in this section.

- A. Lot area: 20,000 square feet.
- B. Lot width at the building line: 100 feet.
- C. ~~Lot width at the front lot line shall be equal to the minimum required lot width at the building line.~~
- D. Minimum lot depth:
 - (1) Dwellings: 200 feet.
 - (2) Other uses: by yard requirements.

SURVEY
 VACANT WILDWOOD DRIVE
 BOSTON, NEW YORK

WILDWOOD DRIVE
 (60' WIDE)



Jeff C. JAG

GENZEL LAND SURVEYING, P. C. @ 2023
 7033 COLE ROAD COLDEN, NEW YORK 14033
 PH: (716) 667-9733 EMAIL: JEFF@GENZELSURVEY.COM
 JOB NO. 7514 DATE: 04/11/23 DWN. BY: JAG

ADDRESS: VACANT WILDWOOD DRIVE, BOSTON NEW YORK
 DATE OF SURVEY: 04/11/23 DATE OF MAP: 04/11/23
 SURVEY REFERENCE: MAP COVER 2359

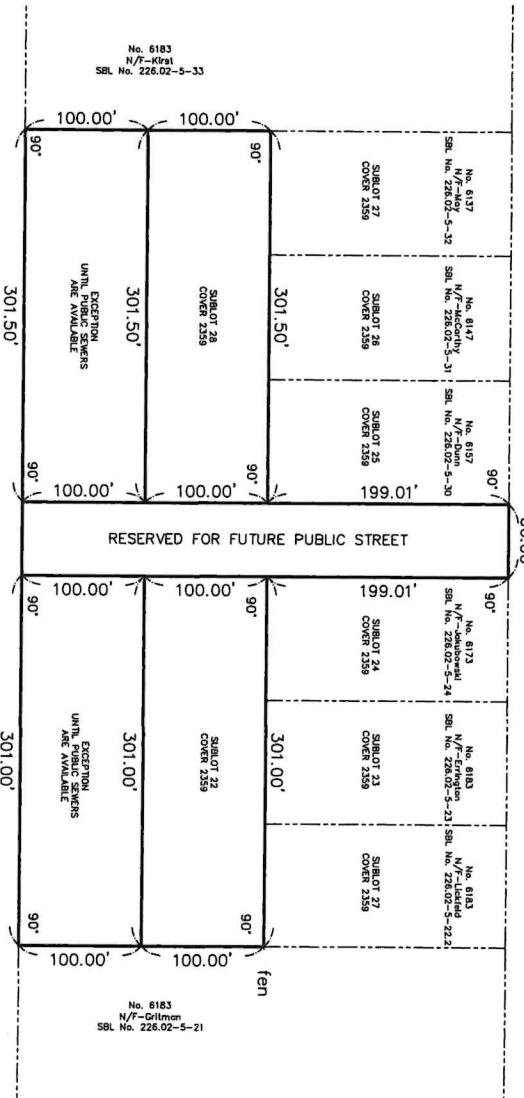
LEGAL: PART OF LOTS 14, 15, 8, 6-7 OF THE HOLLAND LAND
 RECORDS IS SUPERSEDED BY PART OF MAP COVER 2359, TOWN OF
 COLDEN, NEW YORK. ALL OTHER UNRECORDED RIGHTS AND
 NO PROPERTY CORNERS WERE SET AS PART OF THIS SURVEY.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP
 IS PROHIBITED. ANY SUCH ALTERATION OR ADDITION IS
 VOID AND SHALL BE CONSIDERED NULL AND VOID. THIS SURVEY
 WAS MADE IN ACCORDANCE WITH SECTION 7200, SUB-DIVISION 2, OF NEW YORK STATE FOUNDATION
 LAW.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF ALL
 RECORDS AND WITHOUT THE BENEFIT OF A FIELD EXAMINATION OF SUCH
 RECORDS AND WITHOUT THE BENEFIT OF A FIELD EXAMINATION OF SUCH
 RECORDS. THE SURVEYOR MAKES NO WARRANTY OF ANY KIND FOR THE
 ACCURACY OF THIS SURVEY.

SURVEY

WILDWOOD DRIVE
(60' WIDE)



1" = 100'



Jeff A. Genzel

GENZEL LAND SURVEYING, P.C. @2023
7033 COLE ROAD COLDEN, NEW YORK 14033
PH: (716) 667-9733 EMAIL: JEFF@GENZELSURVEY.COM
JOB NO. 7514 DATE: 04/11/23 DWN. BY: JAG

ADDRESS: VACANT WILDWOOD DRIVE, BOSTON NEW YORK
DATE OF SURVEY: 04/11/23 DATE OF MAP: 04/11/23
SURVEY REFERENCE: LAW COVER 2359

LEGAL: PART OF LOTS 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 OF THE WILDWOOD DRIVE
CADDEN'S ESTABLISHED AS PART OF MAP COVER 2359, TOWN OF
BOSTON, DICK COUNTY, NEW YORK STATE.
NO IMPROVEMENTS WERE SET AS PART OF THIS SURVEY

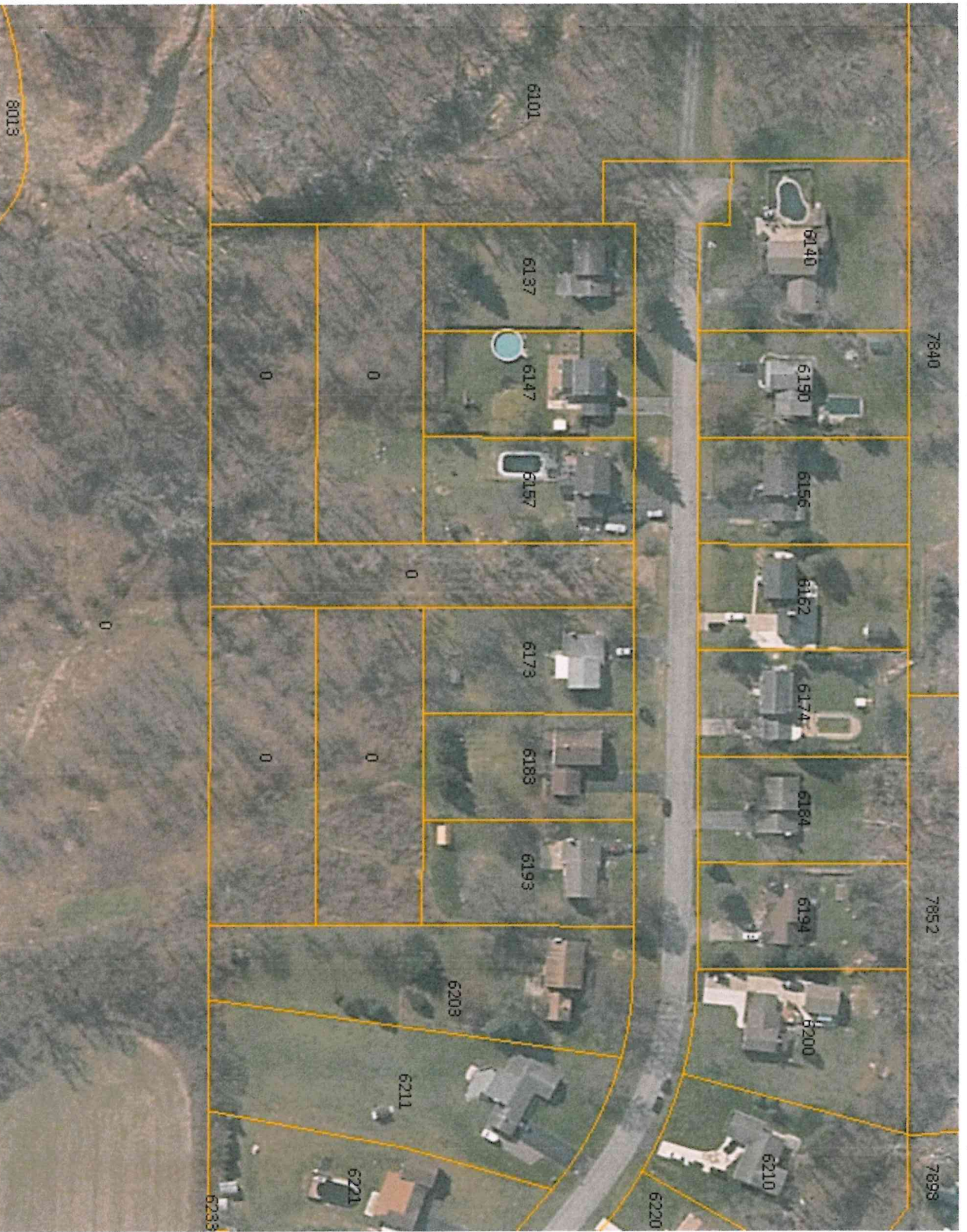
UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP
BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF
SECTION 1209, SUB-DIVISION 2, OF NEW YORK STATE EMBLEM
LAW

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN
ASSURANCE OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS
WHICH MAY BE REVEALED BY AN EXAMINATION OF RECORD

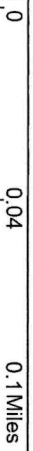
THE NEW YORK LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF
SECTION 1209, SUB-DIVISION 2, OF NEW YORK STATE EMBLEM
LAW



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: 2,257



HIDDEN ACRES SUBDIVISION

416.01

78.7

68.84

289.01

169.01

60

160.5

120

12

110

100

90

80

70

60

50

40

95.28

100.5

100.5

100.5

100.5

100.5

100.5

100.5

100.5

100

100

1.1

2

3

4

5

6

7

8

9

60

MC 2359

WILDWOOD DR

MC 2359

60

100.5

27

26

25

60

24

23

21

20

19

18

32

31

30

29

24

23

22

21

20

19

100.5

100.5

100.5

100.5

100.5

100.5

100

100

100

100

199.01

199.01

199.01

199.01

199.01

199.01

199.01

392.42

141.99

87.72

369.01
MC 2359

100

301.5

28

100

301

22

100

399.01

144

19.8

100

301.5

28

100

301

22

100

399.01

144

19.8

100

301.5

27

60

301

26.1

100

70

187.55

112

100

301.5

27

60

301

26.1

100

70

187.55

112

2358.84

HIDDEN ACRES SUBDIVISION

MC 2359



Applicant - Genzel Land Co

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			
Genzel Land Company, LLC.			
Name of Action or Project: Variance request			
Project Location (describe, and attach a location map): Wildwood Drive, Boston New york			
Brief Description of Proposed Action: Reduce minimum lot width at front lot line from 100 feet to 30 feet			
Name of Applicant or Sponsor: Genzel Land Company, LLC.		Telephone:	
		E-Mail:	
Address: 7033 Cole Road			
City/PO: Colden		State: NY	Zip Code: 14033
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 type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 3.3 acres	
b. Total acreage to be physically disturbed?		_____ .05 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 3.3 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<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, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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? 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 type="checkbox"/>	<input checked="" 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 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? 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"/>	
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 checked="" type="checkbox"/>	<input 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 type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input 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?	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: Genzel Land Company LLC Date: 4/11/23

Signature: [Handwritten Signature] Title: owner

ERIE COUNTY CLERK'S OFFICE



County Clerk's Recording Page

Return to:
BOX 269

Party 1:
GENZEL DONALD W

Party 2:
GENZEL LAND COMPANY LLC

Book Type: D Book: 11382 Page: 4278
Page Count: 5
Doc Type: DEED
Rec Date: 06/28/2021
Rec Time: 09:29:31 AM
Control #: 2021124051
UserID: David M
Trans #: 21105756
Document Sequence Number
TT2020024239

Recording Fees:

RECORDING	\$45.00
COE CO S1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
RP5217 CNTY \$9	\$9.00
RP5217 ST-NON RES \$241	\$241.00
TP584	\$10.00

Consideration Amount: 60000.00

BASIC MT	\$0.00
SONYMA MT	\$0.00
ADDL MT/NFTA	\$0.00
SP MT/M-RAIL	\$0.00
NY STATE TT	\$240.00
ROAD FUND TT	\$300.00

Total: \$865.00

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. Keams
Erie County Clerk

Warranty Deed

This Indenture, made the 15th day of June, 2021.
Between

DONALD W. GENZEL, Individually and as sole surviving partner of
South Town Emergency Enclosures
6761 Omphalius Rd.
Colden, NY 14033

And

PATRICIA M. DRAUDT, Individually and as sole surviving spouse of
Duane A. Draudt
4725 Lilydale St.
Hamburg, NY 14075

Grantors, and

GENZEL LAND COMPANY, LLC
7033 Cole Rd.
Colden, NY 14033

Grantee.

Witnesseth, that the Grantors, in consideration of ---One & More---Dollars (\$1 & More), lawful money of the United States, paid by the Grantee, does hereby grant and release unto the Grantee, his heirs, distributees and assigns forever.

See Attached Schedule "A"

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

To have and to hold, the above granted premises unto the Grantee, his heirs, distributees and assigns forever.

And said Grantors covenants as follows:

First, that said Grantee shall quietly enjoy the said premises;

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

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

In Witness Whereof, the Grantors have hereunto set their hands on the date respective of the acknowledgments for each below.

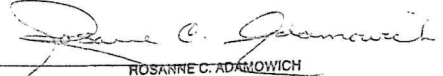
Donald W. Genzel is
Donald W. Genzel

Patricia M. Draudt is
Patricia M. Draudt

SF Box
Deed-1 124051

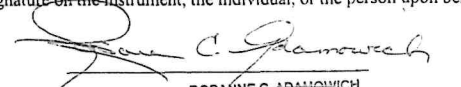
State of New York)
County of Erie) ss:

On the 15th day of June, 2021, before me, the undersigned, a notary public in and for the State of New York, personally appeared Donald W. Genzel personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


ROSANNE G. ADAMOWICH
Notary Public, State of New York
Qualified in Erie County
My Commission Expires January 31, 2022

State of New York)
County of Erie) ss:

On the 15th day of June, 2021, before me, the undersigned, a notary public in and for the State of New York, personally appeared Patricia M. Draudt personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


ROSANNE G. ADAMOWICH
Notary Public, State of New York
Qualified in Erie County
My Commission Expires January 31, 2022

Exception West Side
Map Cover 2359
Boston, NY

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York and being part of Lot number 14, Township 8, Range 7 and further distinguished as an exception as shown on map filed in the Erie County Clerk's Office under Cover No. 2359 and more particularly described as follows:
BEGINNING at a point on the west line of lands reserved for future street being the southeast corner of Sublot 28, said point being 299.01 feet south of south line of Wildwood Drive:

THENCE continuing along said west line a distance of 100.00 feet to the south line of Map Cover 2359;

THENCE west forming an interior angle of 90° along said south line a distance of 301.50 feet to the west line of Map Cover 2359;

THENCE north forming an interior angle of 90° along said west line a distance of 100.00 feet to the south west corner of Sublot 28;

THENCE east forming an interior angle of 90° along the south line of Sublot 28 a distance of 301.50 feet to the point of beginning.

Sublot 28
Map Cover 2359
Boston, NY

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York and being part of Lot number 14, Township 8, Range 7 and further distinguished as Subdivision Lot No. 28 as shown on map filed in the Erie County Clerk's Office under Cover No. 2359.

Sublot 22
Map Cover 2359
Boston, NY

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York and being part of Lot number 14, Township 8, Range 7 and further distinguished as Subdivision Lot No. 22 as shown on map filed in the Erie County Clerk's Office under Cover No. 2359.

Exception East Side
Map Cover 2359
Boston, NY

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York and being part of Lot number 14, Township 8, Range 7 and further distinguished as an exception as shown on map filed in the Erie County Clerk's Office under Cover No. 2359 and more particularly described as follows:
BEGINNING at a point on the east line of lands reserved for future street being the southwest corner of Sublot 22, said point being 299.01 feet south of south line of Wildwood Drive:

THENCE east forming an interior angle of 90° along the south line of Sublot 22 a distance of 301.50 feet to the west line of Sublot 20;

THENCE south forming an interior angle of 90° along said west line a distance of 100.00 feet to the south line of Map Cover No. 2359;

THENCE west forming an interior angle of 90° along the south line of said Map Cover a distance of 301.50 feet to the east line of said lands reserved for future street;

THENCE north forming an interior angle of 90° along said east line a distance of 100.00 feet to the point of beginning.

Future Street
Map Cover 2359
Boston, NY

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York and being part of Lot number 14, Township 8, Range 7 and further distinguished as lands for future public street as shown on map filed in the Erie County Clerk's Office under Cover No. 2359 and more particularly described as follows: BEGINNING at a point on the south line of Wildwood Drive said point being the northwest corner of Sublot 24;
THENCE south forming an interior angle of 90° along the west line of Sublot 24 and Sublot 22 extended a distance of 399.01 feet to the south line of Map Cover 2359;
THENCE west forming an interior angle of 90° along said south line a distance of 60.00 feet;
THENCE north forming an interior angle of 90° along the east line of Sublot 28 and Sublot 25 extended a distance of 399.01 feet to the south line of Wildwood Drive;
THENCE east forming an interior angle of 90° along said south line a distance of 60.00 feet to the point of beginning.



File/web
Copy

TOWN OF BOSTON

April 14, 2023

PETITION #613

Respectable Chairman Rood and the Conscientious Board
Members of the Town of Boston Zoning Board of Appeals,

Mr. Jeffrey Fisher and Ms. Chelsea Benning of Horseshoe Hill, LLC located at 7588 Lower East Hill Road, Colden, New York wish to erect a 7200 square foot building for the "sole intent and use of their commercial horse boarding operation".

They require several variances from the Town of Boston code in order to accomplish this.

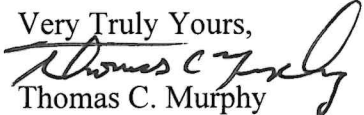
Section 123-136B.(4) of the town code stipulates that the maximum aggregate detached accessory structure be limited to 2,500 square feet for their 7.5 acre parcel. This total, when coupled with their existing pole barn of 864 square feet, would become 8,064 square feet, requiring an area variance of 5,564 square feet.

CODE: 2,500 square feet
ACTUAL: 8,064 square feet
VARIANCE: 5,564 square feet

They also require a special use permit under town code 123-25B.(6). This would allow them a "private horse stable for the use of the occupant and his occasional guests, without compensation.

Their survey shows a parcel of a maximum 135' in width. Code section 123-25B.(6)(c) states that no stable shall be located closer than 100' from any property line in an R district (they are split zoned R-2/R-A). A 60' wide building on that width lot would require two more variances of 62.5', one for the north side yard and one for the south side yard. $[135-60]/2$ would leave you with 2 side yards of 37.5'. The same would be true for the manure pile (123-25B.(6)(d).

Corrals (exercise areas) and grazing areas present another problem, requiring setbacks of 50' and 15' respectively under 123-25B.(6)(e).

Very Truly Yours,

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

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

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

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 Building, Additions

Owner Jeffrey Fisher
Address 7588 Lower East Hill Rd
Colden NY 14033

Contractor Elite Barn Construction LLC
Address 1339 Willowbrook Dr
Lockport NY 14094
Day Phone
Eve.

CONSTRUCTED WITH:

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

Address of Premises for Which Application is Made:
Section, Block, Lot 212.00-3-19.12 Current Zoning RA
Tax I.D. Number

() North
() South Side of Lower East Hill Rd, Size of Lot 135', 2,462', 7.53
() East Street Name Frontage Dept Acreage
(X) West

Distance of Building from lot lines. Front 1,096, Rt. Side 30', Lt. Side 45', Rear 1,246
Size of completed Building, () Addition, feet wide 60', feet long 120', feet high 18'
Sq. Ft. of: Basement, First Floor, Second Floor, Garage, Other
The estimated value of Structure exclusive of land is \$ 80,000
Total Square Footage of Lot 332,370 Percentage of Lot Coverage (All Bldgs) 3 %
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

Applicant/Owner

04/17/2023

Date

Date

() Approved

(X) Disapproved

Date April 17, 2023

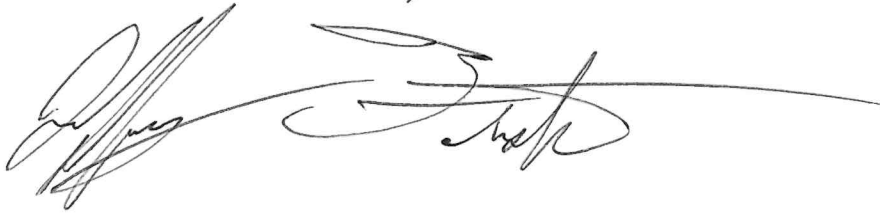
Building Inspector
Town of Boston

Reason

I am looking to construct a 60'x120' accessory pole barn storage building for the sole intent and use for my commercial horse boarding operation. The overall square footage of the structure exceeds the town guidelines for accessory buildings and this applications intent is to obtain a variance for the additional square footage that is not within the town's current guidelines.

03/29/2023

Jeffrey Fisher

A handwritten signature in black ink, appearing to be 'Jeffrey Fisher', written in a cursive style. The signature is positioned below the typed name and extends across the width of the page.

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

RA District

§ 123-48 Permitted uses and structures.

Uses and structures permitted in the R-A District are as follows:

A. Permitted uses and structures:

(1) Principal uses and structures permitted in the R-2 District.

(2) Two-family dwellings.

(3) Agricultural, floricultural and horticultural pursuits, including but not limited to, general farms, greenhouses, plant nurseries, truck gardens, dairy husbandry, animal husbandry and poultry and livestock, together with all customary buildings and other structures necessary for the production and storage of the products of such pursuits, provided that buildings, pens and runways for the confinement of livestock or poultry shall be at least 100 feet from any property line of an R District and no manure or other odor- or dust-producing substances shall be stored within 100 feet of any lot line.

(4) Veterinarians, small-animal hospitals and dog kennels; provided, however, that buildings, pens or runways for the confinement of animals shall be at least 100 feet from the property line of an R District and no manure or other odor- or dust-producing substances shall be stored within 100 feet of any lot line.

(5) Private wildlife reservations or conservation projects, including the customary buildings and structures therefor.

R2 District

§ 123-25 Permitted uses and structures.

Uses and structures permitted in the R-2 District are as follows:

A. Principal uses and structures:

(1) Principal uses and structures permitted in the R-1 District, except those requiring a special use permit.

(2) Cluster housing, subject to regulations set forth in Article **XXVI** and subject to a site plan approved by the Town Planning Board.

(3) Hospitals or institutions of a religious, charitable or philanthropic nature, provided that they are not used for penal or correctional purposes. Such principal buildings shall be at least 50 feet from any other lot in any R-District.

B. The following uses, subject to special use permit:

(1) All uses subject to special use permit in the R-1 Single-Family Residence District and in Article **VIII** of this chapter.

(2) Bed-and-breakfast establishments shall be permitted as an accessory use in the R-2 Single-Family Residence District, subject to the issuance of a special use permit by the Town Board and to the following conditions and limitations:

(a) The applicant shall be the owner of the premises and a full-time resident of the premises.

(b) The bedrooms and bathrooms of the dwelling used for paying guest accommodations shall not exceed 33.3% of the existing habitable floor area of the dwelling, and no more than three rooms shall be used as bedrooms for paying guests.

(c) No more than six guests per night shall be permitted in any bed-and-breakfast establishment. No paying guest shall stay on any one visit for more than 15 days.

(d) The residence in which a bed-and-breakfast establishment is operated shall not contain an accessory apartment.

(e) The only meals to be furnished shall be one daily morning meal per paying guest.

(f) Any new owner of the residence in which a bed-and-breakfast establishment is operated must apply to the Town Board for a special use permit to continue a bed-and-breakfast use.

(6) Private horse stables for use by the occupant of the premises and his occasional guests, without compensation, subject to the following conditions and limitations:

(a) Minimum lot area to be four acres.

(b) The number of horses permitted is five, except that the number of horses permitted may be increased by one for each additional acre of lot area in excess of four acres.

(c) No stable shall be located closer than 100 feet to the front lot line and shall be at least 100 feet from any property line in an R District.

(d) No manure or other odor- or dust-producing substance shall be stored within 100 feet of any lot line.

(e) A corral (exercise area) shall not be less than 50 feet from any property line in an R District, and a grazing area shall not be less than 15 feet from any property line in an R District.

C. Accessory uses and structures:

(1) Accessory uses and structures permitted and as regulated in the R-1 District.

(2) Accessory uses and structures as customarily incidental to permitted principal uses.

(3) Parking of commercial vehicles, provided that the vehicles are used by the occupant of the premises and do not exceed a rated capacity of one ton.

(3) Accessory apartments shall be permitted, subject to the following conditions and limitations:

(a) The accessory apartment must be located within the area of the lot allowed for principal dwellings by the Zoning Local Law. The apartment may be established through:

[1] Conversion of existing floor space in a single-family structure.

[2] An addition to an existing single-family structure.

(b) At the time of application for a permit for an accessory apartment the property owner shall reside in one of the two dwelling units, which shall be his/her principal residence.

(c) An accessory apartment shall have separate access not observable from the street, unless there is a single access from the front of the building with a split access inside the building.

(d) The total floor area of the accessory apartment shall be no less than 640 square feet nor more than 800 square feet. The total floor area of the main unit shall not be less than the minimum floor area required in the zoning district as set forth in the Table of Regulations.

Editor's Note: The Table of Regulations is on file in the Town offices.

(e) A residence containing an accessory apartment shall have a minimum of three off-street parking spaces.

(f) The building shall, to the degree reasonably feasible, maintain the character and appearance of a single-family dwelling.

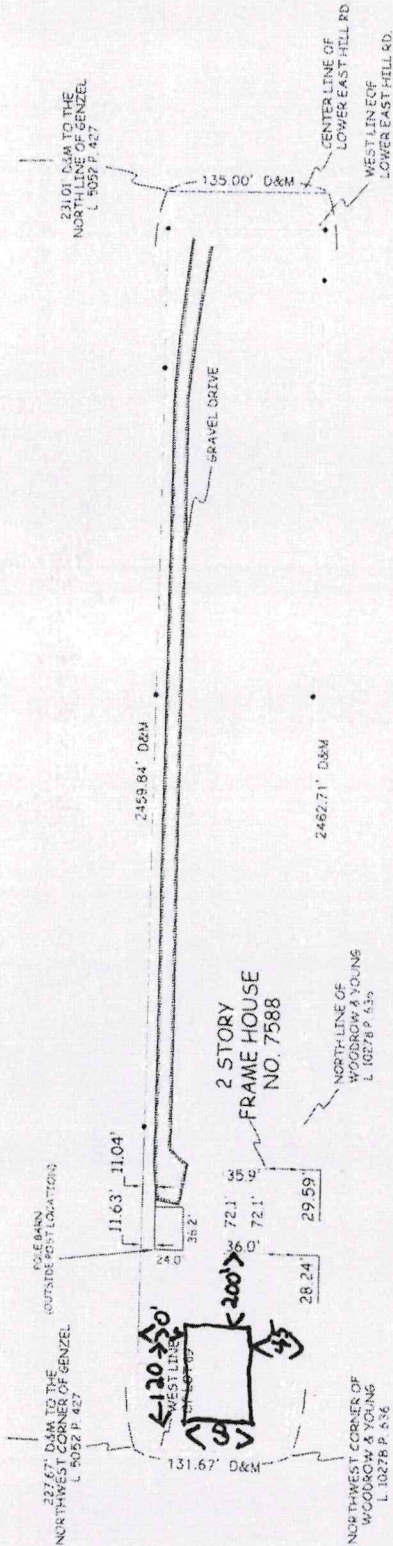
(g) Only one accessory apartment for a total of two dwelling units per lot shall be permitted.

(4) Nursery schools or day nurseries, subject to side yard requirements for other principal buildings.

(5) Nursing or convalescent homes, subject to side yard requirements for other principal buildings.



LOWER EAST HILL ROAD (66' WIDE)



SURVEY NOTES

- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING EXEMPTED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 209, CHAPTER 266B OF THE NEW YORK STATE EDUCATION LAW.
- THE SURVEYOR'S SEAL IS A REQUIREMENT OF SECTION 209, CHAPTER 266B OF THE NEW YORK STATE EDUCATION LAW.
- THE SURVEYOR'S SEAL IS A REQUIREMENT OF SECTION 209, CHAPTER 266B OF THE NEW YORK STATE EDUCATION LAW.
- ONLY BOUNDARY SURVEY MAPS WITH THE SURVEYOR'S EXEMPTED SEAL ARE GENERALLY HELD TO BE CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK.
- A COPY OF THIS EXEMPTED SEAL SHOULD BE ASSIGNED TO BE AN UNAUTHORIZED COPY.
- ONLY TITLE SURVEYS BEARING THE SURVEYOR'S EXEMPTED SEAL SHOULD BE USED FOR PURPOSES OTHER THAN EMPOWERED FUNCTIONS. ANY UNLAWFUL ALTERATIONS OR CHANGES TO THE ORIGINAL SURVEY MAPS SHALL BE THE RESPONSIBILITY OF THE USER. ANY ALTERATIONS TO THE ORIGINAL SURVEY MAPS SHALL BE THE RESPONSIBILITY OF THE USER.
- THE LOCATION OF UNDERGROUND UTILITIES OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND OFTEN MUST BE ESTIMATED. IF ANY UNDERGROUND UTILITIES OR ENCROACHMENTS ARE SHOWN, THE SURVEYOR'S EXEMPTED SEAL IS NOT CONSIDERED TO BE A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN.
- THE SURVEYOR'S EXEMPTED SEAL IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN.
- THE SURVEYOR'S EXEMPTED SEAL IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN.
- THE SURVEYOR'S EXEMPTED SEAL IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN.

LEGEND

- These standard symbols will be found in the drawing.
- EXISTING IRON PIPE
 - SET IRON PIPE
 - UTILITY POLE
 - BOUNDARY
 - CENTERLINE OF ROAD
 - FENCE
 - DRIVE
 - OVERHEAD UTILITY LINE



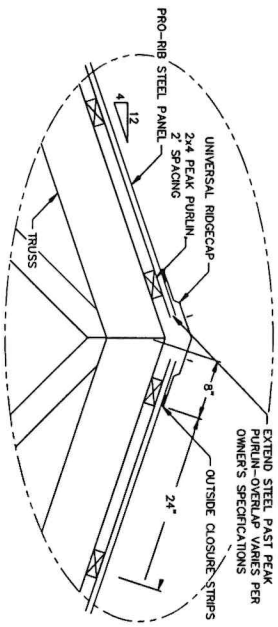
MANGUSO LAND SURVEYING, P.C.
 FREDERICK M. MANGUSO, 049775-1
 TRACY A. SPADA, 050806

572 TUSCARORA RD
 ANGOLA, NY 14006
 PHONE & FAX 716 549 4717
 EMAIL OFFICE EM@MangusoLandSurveying.com
 MANGUSO TO THE RECORDS
 WILLIAM C. BUCKLAND
 NORMAN B. JENNINGS
 WILSON B. HUSTLER

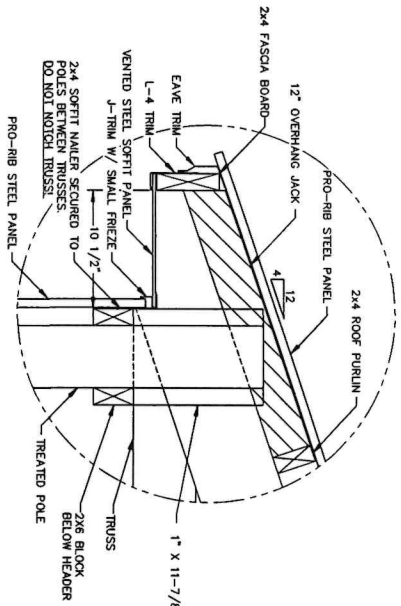
7588 LOWER EAST HILL ROAD	
DRAWN BAB	DATE 05/14/19
APPROVED FMM	DATE 05/14/19
SCALE 1" = 100'	SHEET PROJECT NO. 20190412

COPYRIGHT © 2019, MANGUSO LAND SURVEYING, PC

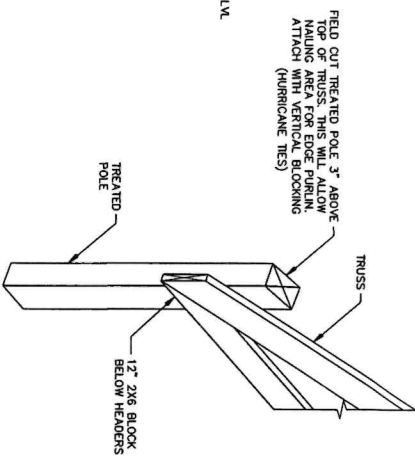
NOTE: PEAK PURLINS BUTTED END TO END AND ALL OTHER PURLINS WILL OVERLAP 6" MIN.



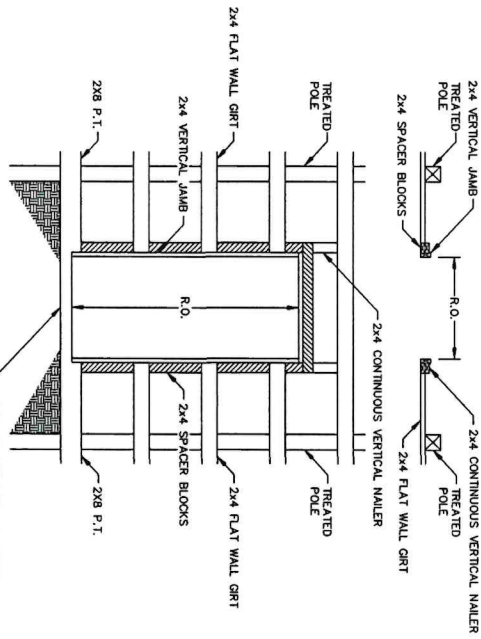
UNIVERSAL RIDGECAP DETAIL
SCALE: 1"=1'-0"



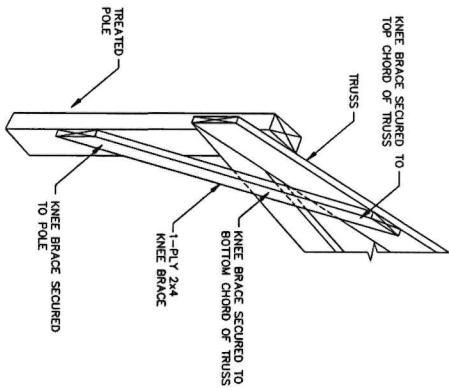
12" BOXED EAVE DETAIL
SCALE: 1 1/2"=1'-0"



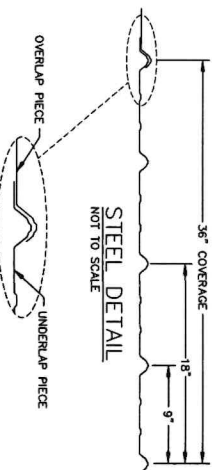
TRUSS INSTALLATION DETAIL
NOT TO SCALE



SERVICE DOOR FRAME-OUT DETAIL
SCALE: 3/8"=1'-0"

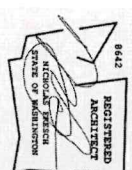


KNEE BRACE INSTALLATION DETAIL
NOT TO SCALE



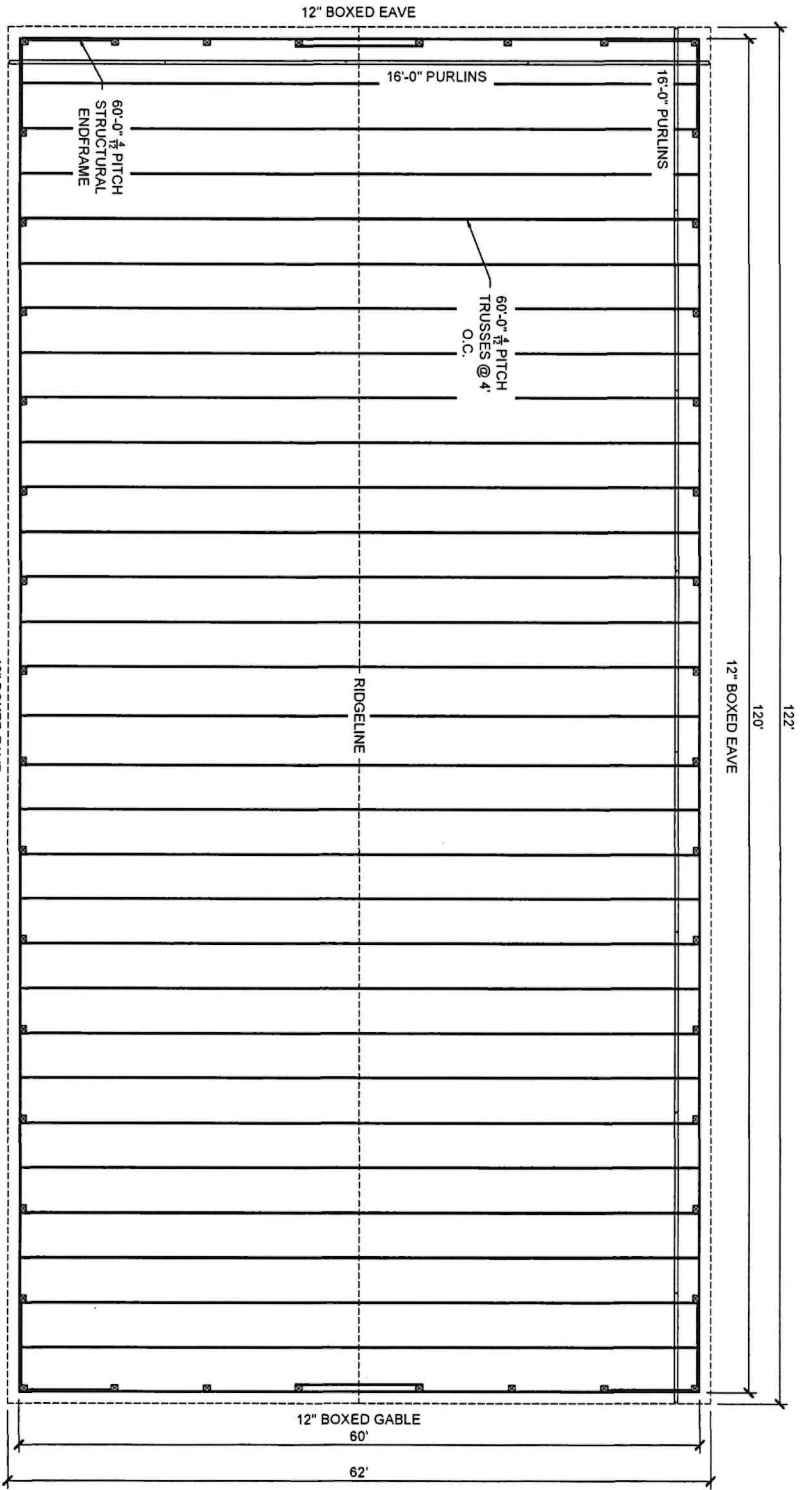
STEEL LAP DETAIL
NOT TO SCALE

THESE PLANS HAVE BEEN ADAPTED TO CONFORM TO APPLICABLE REGULATIONS / 2022 NYS BUILDING CODE.

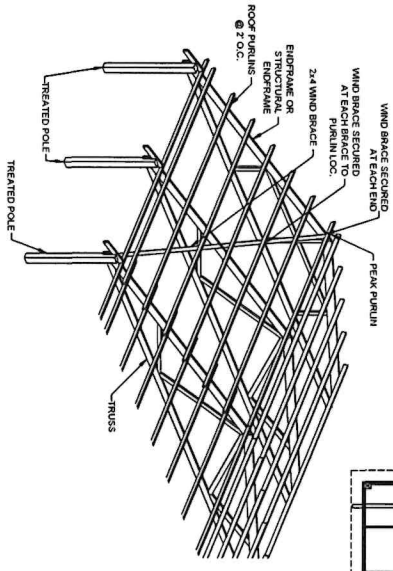


PROJECT TITLE: JENNIFER BENNING
7888 LOWER EAST HILL ROAD
COLDEN, NY 14033
FILE NAME: 187-574537X-08.26.2022

ADAPTING & MODIFYING OF THIS PLAN
THESE PLANS HAVE BEEN PROFESSIONALLY PREPARED TO CONFORM TO MOST GENERALLY ACCEPTED REGULATIONS AND BUILDING PRACTICES AND/OR BECAUSE OF SPECIAL SITE CONDITIONS, THESE DRAWINGS CONSTITUTE A PROFESSIONAL DESIGN. THESE DRAWINGS ARE NOT TO BE USED AS A GUIDE FOR CONSTRUCTION UNLESS THE BUILDER HAS COMPLETED A PROFESSIONAL ENGINEERING DESIGN REVIEW AND OBTAINED THE NECESSARY PERMITS AND APPROVALS FROM ALL LOCAL JURISDICTIONS. THE BUILDER SHALL BE RESPONSIBLE FOR OBTAINING ALL LOCAL REQUIREMENTS AND PERMITS.



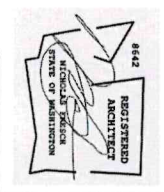
1 ROOF FRAMING PLAN
1.0 3/32" = 1'-0"



WIND BRACE DETAIL
NOT TO SCALE

NOTE:
THIS IS A TYPICAL WIND BRACE DETAIL. THE NUMBER OF PURLINS AND BAYS ON THIS DETAIL MAY NOT APPLY TO YOUR BUILDING. SEE ROOF FRAMING PLAN FOR WIND BRACE LOCATIONS.

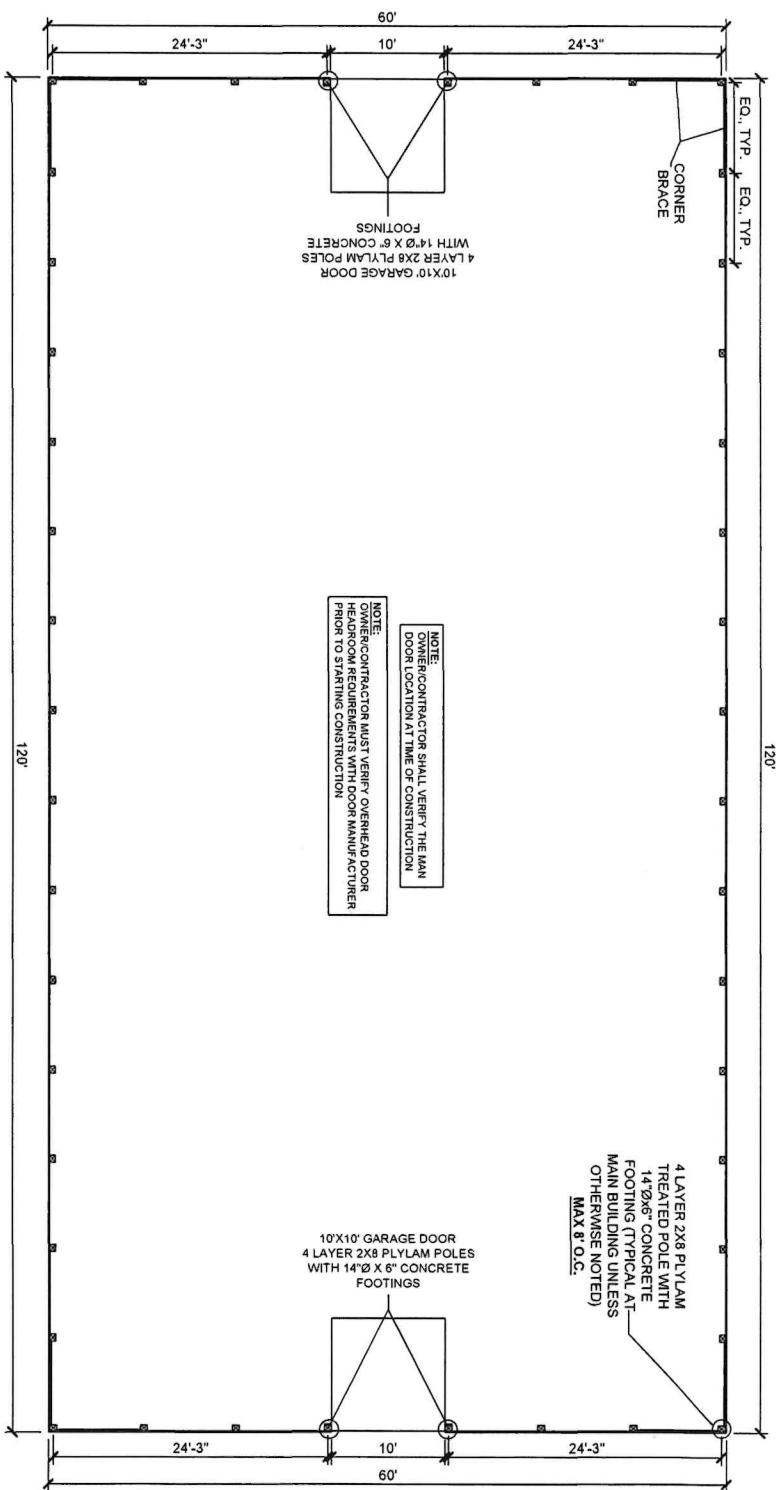
ADDITIONAL INFORMATION: THESE PLANS HAVE BEEN APPROVED BY THE LOCAL BUILDING DEPARTMENT AND DO NOT REQUIRE ANY CHANGES TO THE LOCAL CODES. THESE PLANS HAVE BEEN APPROVED BY THE LOCAL BUILDING DEPARTMENT AND DO NOT REQUIRE ANY CHANGES TO THE LOCAL CODES. THESE PLANS HAVE BEEN APPROVED BY THE LOCAL BUILDING DEPARTMENT AND DO NOT REQUIRE ANY CHANGES TO THE LOCAL CODES.



THESE PLANS HAVE BEEN ADAPTED TO CONFORM TO APPLICABLE REGULATIONS / 2022 NYS BUILDING CODE.

PROJECT TITLE:
JENNIFER BENNING
7588 LOWER EAST HILL ROAD
COLDEN, NY 14033

FILE NAME: 187-574537X-08.26.2022



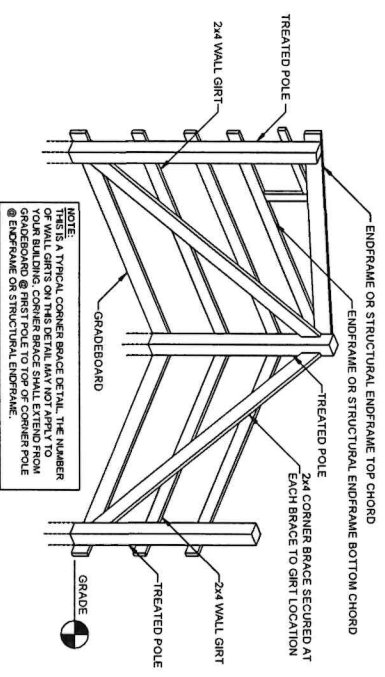
NOTE:
OWNER/CONTRACTOR SHALL VERIFY THE MAIN DOOR LOCATION AT TIME OF CONSTRUCTION

NOTE:
OWNER/CONTRACTOR MUST VERIFY OVERHEAD DOOR HEADROOM REQUIREMENTS WITH DOOR MANUFACTURER PRIOR TO STARTING CONSTRUCTION

4 LAYER 2X8 PLYLAM TREATED POLE WITH 14'X6" CONCRETE FOOTING (TYPICAL AT MAIN BUILDING UNLESS OTHERWISE NOTED) MAX 8' O.C.

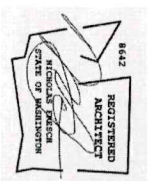
10'X10' GARAGE DOOR 4 LAYER 2X8 PLYLAM POLES WITH 14'X6" X 6" CONCRETE FOOTINGS

1 FLOOR PLAN
0.0 3/32" = 1'-0"



NOTE:
THIS IS A TYPICAL CORNER BRACE DETAIL. THE NUMBER OF WALL GIRTS ON THIS DETAIL MAY NOT APPLY TO ALL WALL GIRTS. THIS DETAIL MAY NOT APPLY TO ALL GRADEBOARDS @ BRACE TO TOP OF CORNER POLE @ ENDFRAME OR STRUCTURAL ENDFRAME.

CORNER BRACE DETAIL
NOT TO SCALE



ADAPTED FROM A UNLICENSED COPY OF THIS PLAN
THESE PLANS HAVE BEEN PROFESSIONALLY PREPARED TO CONFORM TO MOST GENERAL & ACCEPTED CONSTRUCTION REQUIREMENTS THROUGHOUT NORTH AMERICA, HOWEVER, DUE TO LOCAL CODES VARIATIONS, THESE PLANS MAY NOT BE SUITABLE FOR USE IN THE CONSTRUCTION OF THIS BUILDING IN ALL LOCALITIES. OWNER/CONTRACTOR SHALL VERIFY ALL LOCAL REQUIREMENTS AND OBTAIN ALL NECESSARY PERMITS AND APPROVALS PRIOR TO CONSTRUCTION.

PROJECT TITLE:
JENNIFER BENNING
7588 LOWER EAST HILL ROAD
COLDEN, NY 14033
FILE NAME: 187-574537X-06.26.2022

THESE PLANS HAVE BEEN ADAPTED TO CONFORM TO APPLICABLE REGULATIONS / 2022 NYS BUILDING CODE.

**NEW YORK STATE DEPARTMENT OF STATE
DIVISION OF CORPORATIONS, STATE RECORDS AND UNIFORM COMMERCIAL CODE
FILING RECEIPT**

ENTITY NAME : HORSESHOE HILL LLC
DOCUMENT TYPE : ARTICLES OF ORGANIZATION
ENTITY TYPE : DOMESTIC LIMITED LIABILITY COMPANY

DOS ID : 6728371
FILE DATE : 02/09/2023
FILE NUMBER : 230209003904
TRANSACTION NUMBER : 202302090003870-1692896
EXISTENCE DATE : 02/09/2023
DURATION/DISSOLUTION : PERPETUAL
COUNTY : ERIE



SERVICE OF PROCESS ADDRESS : THE LIMITED LIABILITY COMPANY
7588 LOWER EAST HILL RD,
COLDEN, NY, 14033, USA

**ELECTRONIC SERVICE OF PROCESS
EMAIL ADDRESS :** N/A

REGISTERED AGENT : UNITED STATES CORPORATION AGENTS, INC.
7014 13TH AVENUE , SUITE 202
BROOKLYN, NY, 11228, USA

FILER : CHEYENNE MOSELEY, ASST. SECRETARY OF
LEGALZOOM.COM, INC.
9900 SPECTRUM DR.,
AUSTIN, TX, 78717, USA

SERVICE COMPANY : LEGALZOOM.COM, INC.

SERVICE COMPANY ACCOUNT : AF

CUSTOMER REFERENCE : 562155552

You may verify this document online at : <http://ecorp.dos.ny.gov>
AUTHENTICATION NUMBER : 100002953372

TOTAL FEES:	\$210.00	TOTAL PAYMENTS RECEIVED:	\$210.00
FILING FEE:	\$200.00	CASH:	\$0.00
CERTIFICATE OF STATUS:	\$0.00	CHECK/MONEY ORDER:	\$0.00
CERTIFIED COPY:	\$10.00	CREDIT CARD:	\$0.00
COPY REQUEST:	\$0.00	DRAWDOWN ACCOUNT:	\$210.00
EXPEDITED HANDLING:	\$0.00	REFUND DUE:	\$0.00

**STATE OF NEW YORK
DEPARTMENT OF STATE**

I hereby certify that the annexed copy for HORSESHOE HILL LLC, File Number 230209003904 has been compared with the original document in the custody of the Secretary of State and that the same is true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on February 09, 2023.

Brendan C. Hughes

Brendan C. Hughes
Executive Deputy Secretary of State

**ARTICLES OF ORGANIZATION
OF
HORSESHOE HILL LLC
Under Section 203 of the Limited Liability Company Law**

- FIRST: The Name of the limited liability company is: **HORSESHOE HILL LLC**
- SECOND: The county, within this state, in which the office of the limited liability company is to be located is **ERIE**
- THIRD: The Secretary of State is designated as agent of the limited liability company upon whom process against the limited liability company may be served. The post office address to which the Secretary of State shall mail a copy of any process against the limited liability company served upon the Secretary of State by personal delivery is:
**THE LIMITED LIABILITY COMPANY
7588 LOWER EAST HILL RD
COLDEN, NY 14033**
- FOURTH: The limited liability company designates the following as its registered agent upon whom process against it may be served within the State of New York is:
**UNITED STATES CORPORATION AGENTS, INC.
7014 13TH AVENUE
SUITE 202
BROOKLYN, NY 11228**
- FIFTH: The existence of the limited liability company shall begin **upon filing of these Articles of Organization with the Department of State.**

I certify that I have read the above statements, I am authorized to sign these Articles of Organization, that the above statements are true and correct to the best of my knowledge and belief and that my signature typed below constitutes my signature.

CHEYENNE MOSELEY, ASST. SECRETARY OF LEGALZOOM.COM, INC. (Signature)

**LEGALZOOM.COM, INC., ORGANIZER
9900 SPECTRUM DR.
AUSTIN, TX 78717**

Filed by:

This Indenture, made the *5th* day of *December*, 2017.

Between

DANIEL W. GENZEL
7580 Lower East Hill Road
Colden, New York 14033

Grantor, and

JEFFREY M. FISHER and
CHELSEA L. BENNING,
104 Caleb's Trail
Brockport, New York 14420

as joint tenants

Grantee.

Witnesseth, that the Grantor, in consideration of
-----One & More-----Dollars (\$1 & More),
lawful money of the United States, paid by the Grantee, does hereby grant and release unto the
Grantee, his heirs, distributees and assigns forever.

See Attached Schedule "A"

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

To have and to hold, the above granted premises unto the Grantee, his heirs, distributees and assigns forever.

And said Grantor covenants as follows:

First, that said Grantee shall quietly enjoy the said premises;

Second, that said Grantor will forever Warrant title to the said premises;

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

In Witness Whereof, the Grantor has hereunto set his hand on the date respective of the acknowledgments for each below.

Daniel W. Genzel ls
Daniel W. Genzel

Grantor, and

JEFFREY M. FISHER and
CHELSEA L. BENNING,
104 Caleb's Trail
Brockport, New York 14420

as joint tenants

Grantee.

Witnesseth, that the Grantor, in consideration of
-----One & More-----Dollars (\$1 & More),
lawful money of the United States, paid by the Grantee, does hereby grant and release unto the
Grantee, his heirs, distributees and assigns forever.

See Attached Schedule "A"

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

To have and to hold, the above granted premises unto the Grantee, his heirs, distributees and assigns forever.

And said Grantor covenants as follows:

First, that said Grantee shall quietly enjoy the said premises;

Second, that said Grantor will forever Warrant title to the said premises;

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

In Witness Whereof, the Grantor has hereunto set his hand on the date respective of the acknowledgments for each below.

Daniel W. Genzel Is
Daniel W. Genzel

State of New York)
County of Erie) ss:

On the ^{5th} day of *December*, 2017, before me, the undersigned, a notary public in and for the State of New York, personally appeared Daniel W. Genzel, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

TRACI L. O'HALLORAN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 1, 2018

Traci L. O'Halloran

80000
Need-2

BOS

Schedule "A"

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

COMMENCING at a point in the center line of Lower East Hill Road, said point being 231.01 feet southerly from the intersection of the north line of lands conveyed to Wilfred Genzel and Eva Genzel, his wife by deed recorded in Erie County Clerk's Office in Liber 5052 of Deeds at page 427 with the center line of Lower East Hill Road; thence westerly a distance of 2459.84 feet to a point in the west line of Lot No. 69, said point being 227.67 feet southerly from the northwest corner of lands of Genzel by the aforementioned deed; thence southerly along the west line of Lot No. 69 a distance of 131.67 feet to the northwest corner of lands conveyed to Thomas Woodrow and Jo Ann R. Young by deed recorded in said Clerk's Office in Liber 10278 of Deeds at page 636; thence easterly along the north line of lands conveyed to Woodrow and Young by the aforementioned deed, a distance of 2462.71 feet to a point in the center line of Lower East Hill Road; thence northerly along the center line of Lower East Hill Road 135.00 feet to the point or place of beginning.

RECORD & RETURN:

Chelsea Benning
6821 Scherff Road
Richard Park, NY 14127

Short Environmental Assessment Form

Part 1 - Project Information

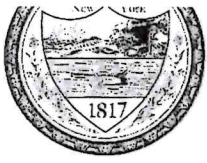
Instructions for Completing

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 I 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			
Farm Accessory Pole Barn			
Name of Action or Project:			
Project Location (describe, and attach a location map): 7588 Lower East Hill Rd Colden NY 14033			
Brief Description of Proposed Action: Construct a 60' x 120' pole barn structure for use of storage of farm equipment.			
Name of Applicant or Sponsor: Jeffrey Fisher		Telephone:	
		E-Mail:	
Address: 7588 Lower East Hill Rd			
City/PO: Colden		State: NY	Zip Code: 14033
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: The Town of Boston			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		7.3 acres	
b. Total acreage to be physically disturbed?		.16 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		7.3 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Rural (agriculture)			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, <ul style="list-style-type: none"> a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan? 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: _____	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input 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: _____ _____	<input type="checkbox"/>	<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: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input 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: _____ _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



TOWN OF BOSTON

April 12, 2023

PETITION #614

Distinguished Chairman Rood,
Honorable Board Members,

Tim Lynch of 7313 Heinrich Road would like to erect a 30'x 48'x 16' pole barn on his 2.6-acre lot. This 1440 square foot structure would exceed his allowable 1020 square foot accessory structure limit as outlined in Boston Town Code 123-136B.(4). He requires a 420 square foot area variance to accomplish his goal.

CODE: 1020 square feet
ACTUAL: 1440 square feet
VARIANCE: 420 square feet

Respectfully,

Thomas C. Murphy
Town of Boston
Code Enforcement
NYS0360547

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

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

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 Timothy L Lynch
Address 7313 Henrik Rd Hamburg

Contractor owner

Address _____

Day Phone, _____ Eve. _____

Day Phone _____ Eve. _____

CONSTRUCTED WITH:

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

Address of Premises for Which Application is Made:
Section, Block, Lot 211-03-2-14 Current Zoning R1A
Tax I.D. Number _____

() North
() South Side of Henrik, Size of Lot 372, 389, 2.6
() 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 30, feet long 48, feet high 10
Sq. Ft. of: Basement _____, First Floor _____, Second Floor _____, Garage _____, Other _____
The estimated value of Structure exclusive of land is \$ 20K

Total Square Footage of Lot _____ Percentage of Lot Coverage (All Bldgs) _____ %

Deed Restrictions _____

Type of Sewage Disposal septic

Type of Water Supply Municipal

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 [Signature]

Applicant/Owner _____
Date _____

Date 12-APR-2023

() Approved () Disapproved

Date APRIL 12, 2023

Reason 123-1363.4) > 1020.21 / 2.3 acres

[Signature]
Building Inspector
Town of Boston

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

Timothy L. Lynch
7313 Heinrich rd
Hamburg NY 14075

12 April 2023

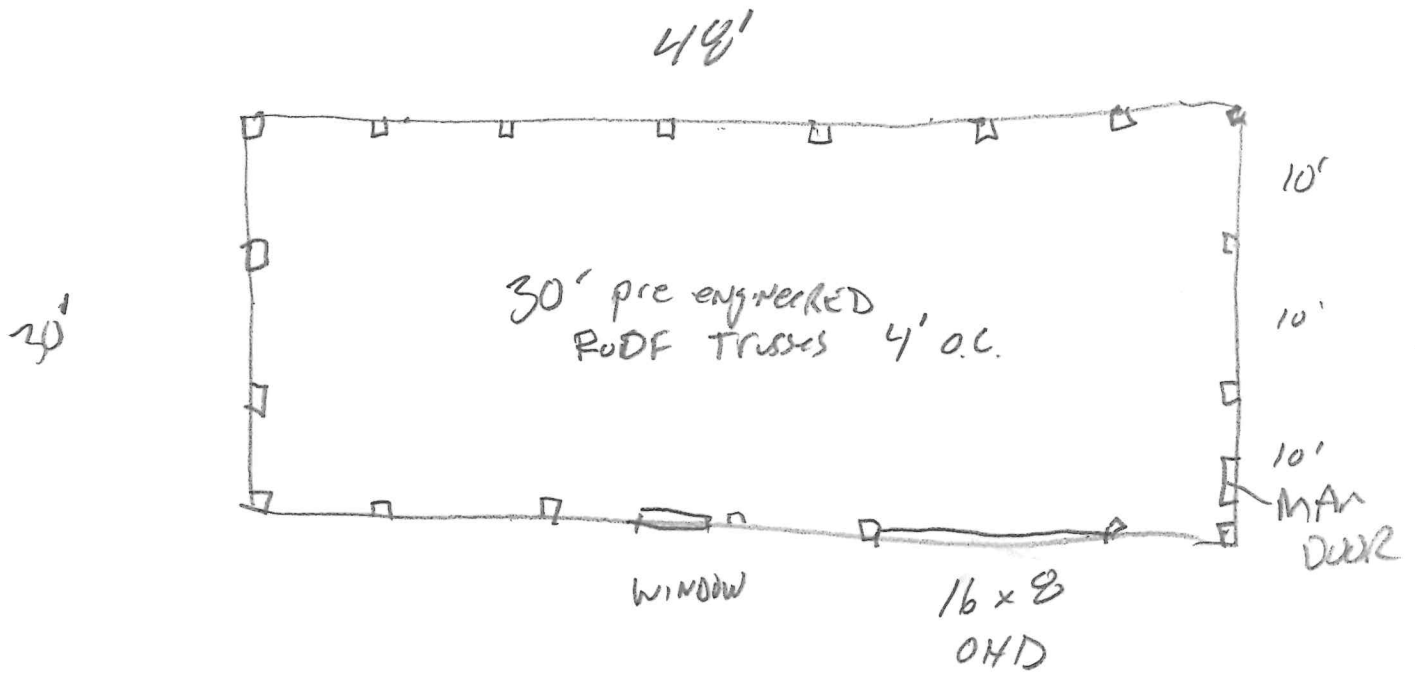
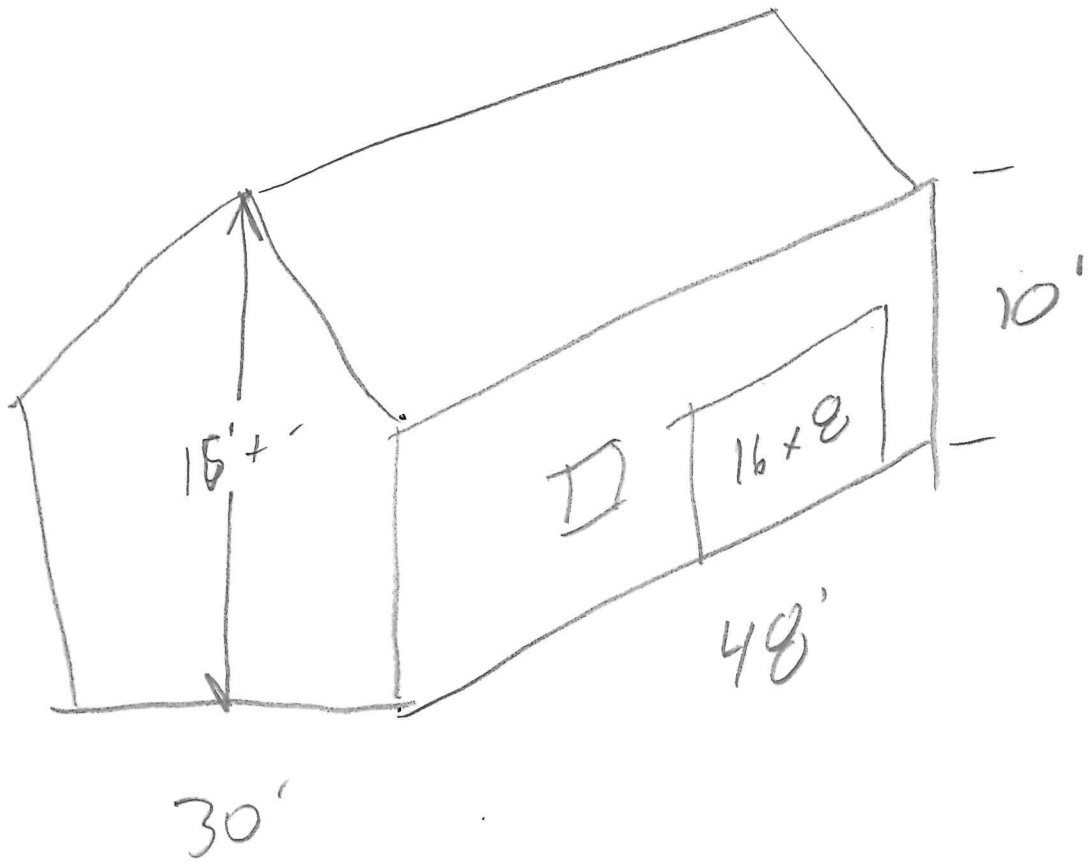
Town of Boston Zoning Board of Appeals

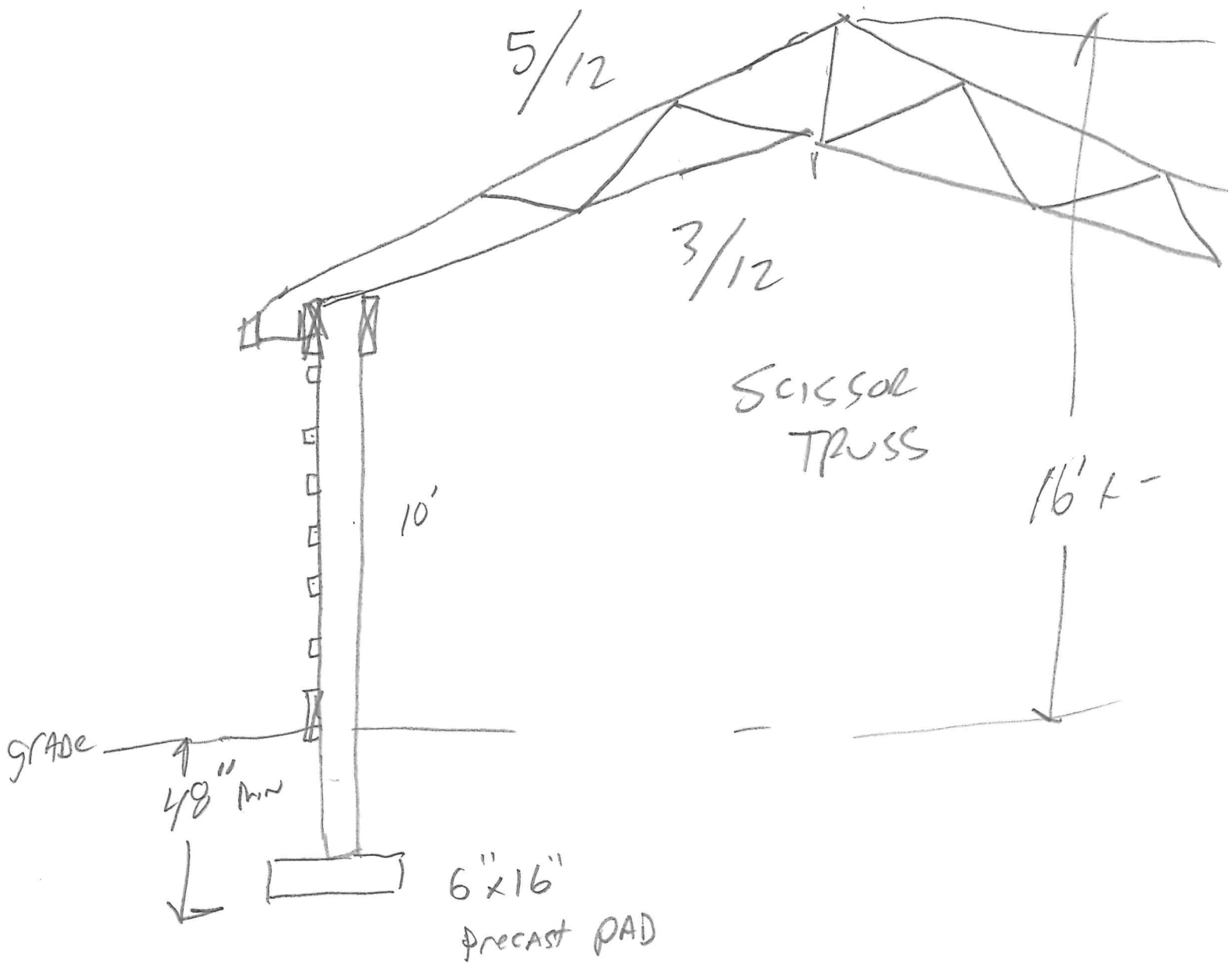
I would like to build a 30' x 48' x 10' pole barn for cold storage on my property at 7313 Heinrich rd. It will be 1440 sq ft, 420 sq ft larger than the currently allowed 1020 sq ft per section 123-136B.(4) of the town code as I understand. It will be cold storage for vehicles and equipment with stone floor, no heat/electric. I have no existing outbuildings or sheds on property.

Thank you

Timothy L. Lynch

A handwritten signature in cursive script, appearing to read "Timothy L. Lynch". The signature is written in black ink and is positioned below the typed name.





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>TIM LYNCH</i>				
Project Location (describe, and attach a location map): <i>PRIVATE GARAGE</i>				
Brief Description of Proposed Action: <i>NORTH SIDE OF HOUSE</i>				
Brief Description of Proposed Action: <i>ERECT 30 x 48 POLE BARN</i>				
Name of Applicant or Sponsor: <i>TIM LYNCH</i>				
Address: <i>7313 HEINRICH RD</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>BOSTON</i>			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?			<i>.03</i>	acres
b. Total acreage to be physically disturbed?			<i>.03</i>	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			<i>2.6</i>	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				

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: _____	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input 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: _____ _____	<input checked="" type="checkbox"/>	<input 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: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ <u>ERIE COUNTY GIS.PIC.GOV MAPPING DOES NOT AGREE WITH</u> <u>EAF MAPPER WEBSITE</u>			

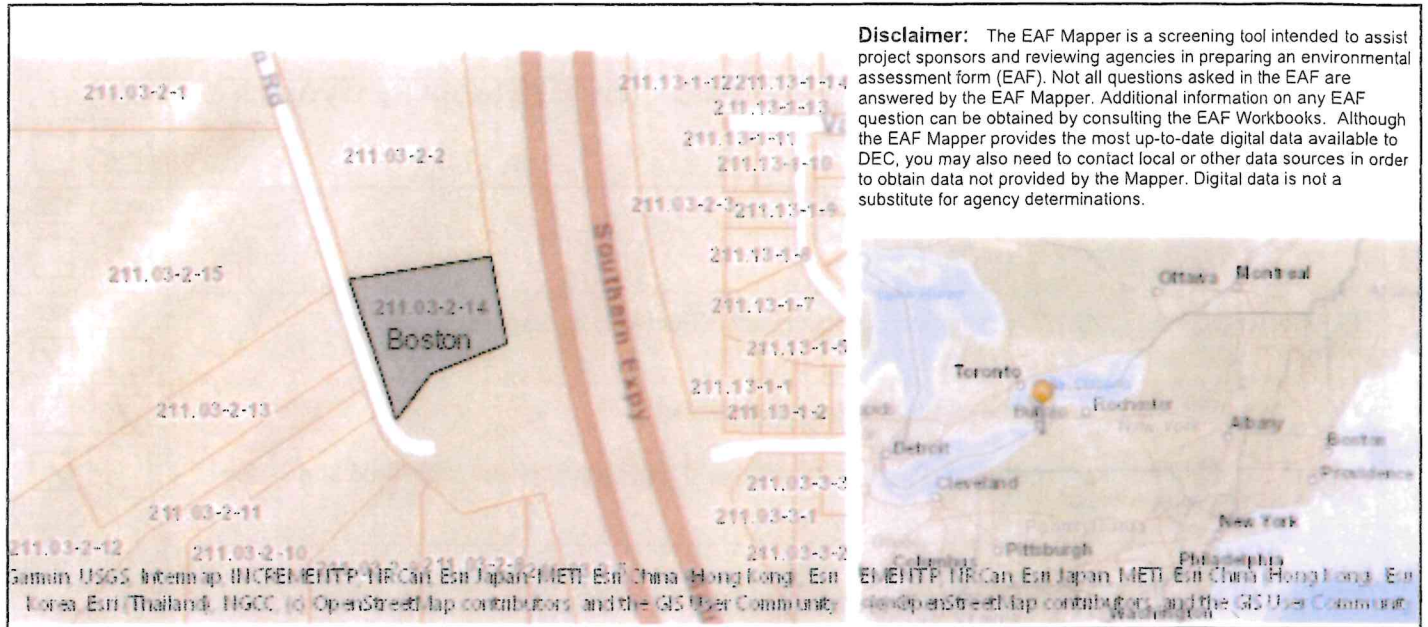
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input 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)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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>Timothy L. Lynch</u>	Date: <u>12 APR 2023</u>	
Signature: <u>TIMOTHY L LYNCH</u>	Title: <u>OWNER</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 22nd day of December, Nineteen Hundred and Ninety-four

Between TIMOTHY LYNCH
7313 Heinrich Road, Hamburg, New York

Grantor(s), and

TIMOTHY LYNCH and CONNIE F. LYNCH, his wife
7313 Heinrich Road, Hamburg, New York

Grantee(s).

Witnesseth, that the said Grantor(s), in consideration of
One and no more ----- Dollars (\$1.00 and no more)
lawful money of the United States, paid by the Grantee(s), do hereby grant and release unto the Grantee(s),
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. 29, Township 8, Range 7 of the Holland Land Company's
Survey, described as follows:

BEGINNING at a point in the center line of Heinrich Road
distant six hundred sixteen and seventy-five hundredths (616.75)
feet southerly from the north line of Lot No. 29; thence southerly
along the center line of Heinrich Road three hundred seventy-two
and sixty hundredths (372.60) feet to the northerly line of lands
appropriated by The People of the State of New York for the South-
ern Expressway being Map No. 356, Parcel No. 408; thence easterly
at right angles thirty-three (33) feet; thence north 38° 37' 28"
E a distance of one hundred thirty-three and two hundredths
(133.02) feet; thence north 78° 09' 06" E a distance of two hundred
(200) feet more or less to the west line of Map No. 356, Parcel
No. 406; thence northerly along the west line of said Parcel
No. 406, two hundred twenty-one and sixty-seven hundredths (221.67)
feet to the south line of lands conveyed to Edward K. Wojakowski
and wife by deed recorded in Erie County Clerk's Office in Liber
9902 of Deeds page 448; thence westerly along the south line
of lands of said deed recorded in Erie County Clerk's Office,
in Liber 9902 of Deeds page 448, three hundred eighty-nine and
eighty-four hundredths (389.94) feet to the center line of Heinrich
Road at the point of beginning.

F 688
BOS-0
-19
DIB-2-0

* Mail to: Maxwell & Maxwell
P.O. Box 14
N. Boston, N.Y. 14110

用 用 用 用 用

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), their heirs, successors and assigns, forever.

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

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

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

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

IN WITNESS WHEREOF, The said Grantor(s) has hereunto set his hand and seal the day and year first above written.

IN PRESENCE OF

_____) ss. Timothy Lynch (U.S.)
_____) ss. _____ (U.S.)

STATE OF NEW YORK)
COUNTY OF ERIE) ss. On this 22nd day of December
Nineteen Hundred and Ninety-four

before me, the subscriber(s), personally appeared Timothy L. Lynch
to me personally known and known to me to be the same person described in and who executed the within instrument,
and he acknowledged to me that he executed the same.

Notary Public, State of New York
Qualified in Erie County
My Commission Expires 11/22/96
Ann M. Maxwell

STATE OF NEW YORK)
COUNTY OF) ss. On this _____ day of
Nineteen Hundred and _____

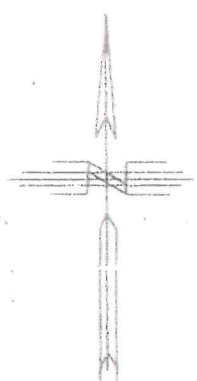
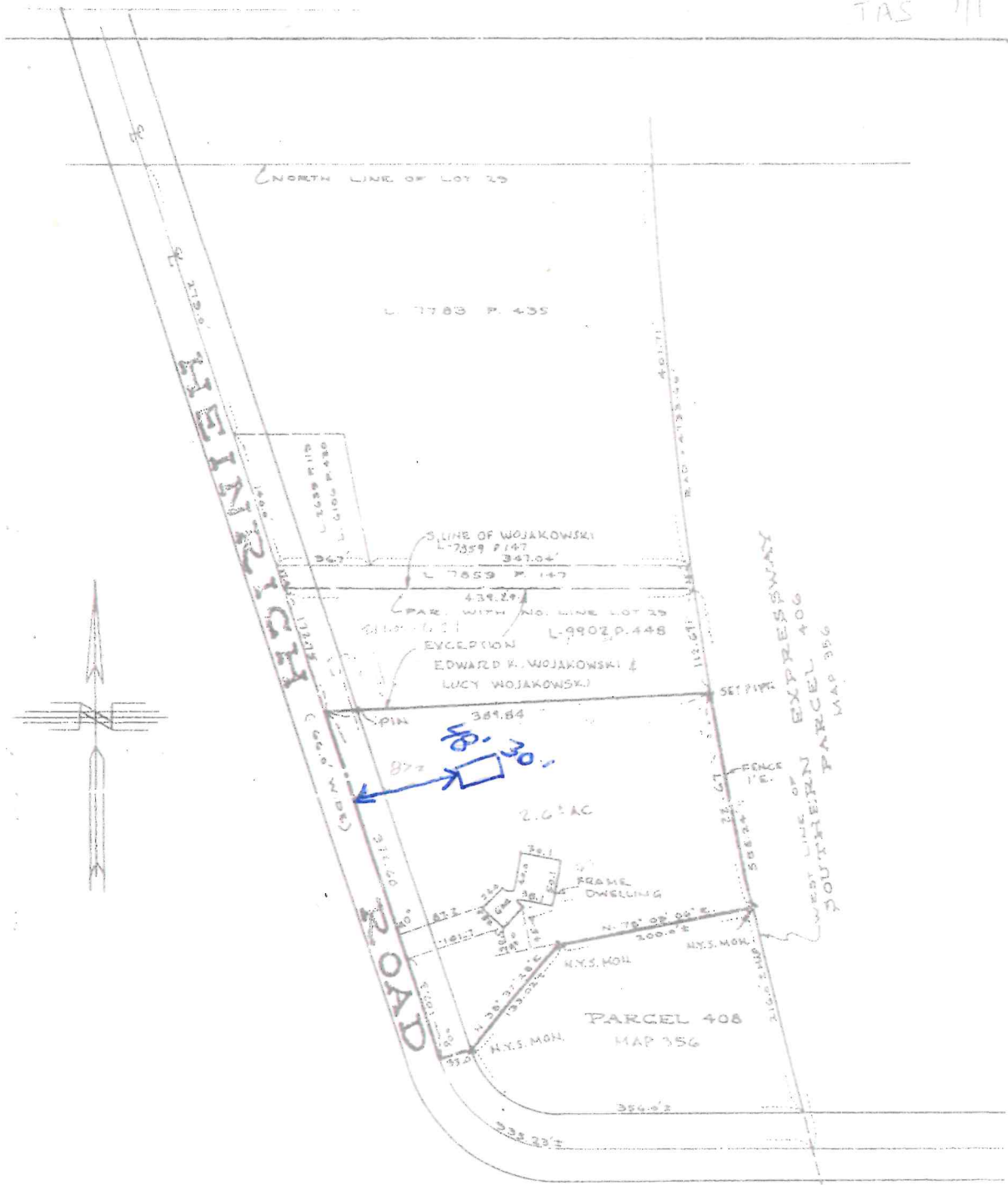
before me, the subscriber(s), personally appeared _____
to me personally known and known to me to be the same person described in and who executed the within instrument,
and he acknowledged to me that he executed the same.

TIMOTHY LYNCH

To

TIMOTHY LYNCH and
CONNIE F. LYNCH, his wife

DATED December 22, 1994



6-30-94 LOCATED DWELLING

ADDED MAP 356 1-6-94
RESURVEYED 9-26-93

SURVEY OF	
PART OF L. 1885 P. 506 WAUCK FARM	
BEING PART OF LOT	25
TOWNSHIP	8
RANGE	7
OF THE HOLLAND LAND COMPANY'S SURVEY AND LOCATED IN THE TOWN OF BOSTON	
COUNTY OF	ESSEX

Steph. Hints

WHITFORD and KOELMEL	
SURVEYORS - LAND SURVEYORS	
HAMBURG P.O. BOX 702 NEW YORK	
DRAWN BY	SCALE 1" = 100'
CHECKED BY	DATE 27 MAR 1973
REVISED 31 MAR 75	
NO. 72-1298	21,000-6-4