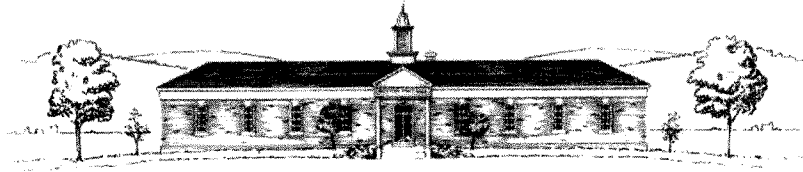


Town of Boston

Zoning Board of Appeals



Town Hall
Phone: (716) 941-6113

8500 Boston State Road
Boston, New York 14025

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

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

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

Petition #617 – Bryan Papaj, 0 Crestwood (sbl 212.03-2-16.1), seeking an **AREA** variance for 75ft. on a lot with no frontage on a street. This violates Town of Boston Code 123.122.

Zoning Board of Appeals
Meeting minutes – 10.05.2023

Attendees: Lisa Rood, Beth Pryor, Mike Flattery, Dave May, Robert Ballard, Tony Rosati,
COE/Tom Murphy

Absent: Kelly Martin/Town Liaison, Attorney Laurie Baker

1. Work Session – Planning Board – 7pm

2. Call Meeting to Order

Meeting called to order by Ms. Rood at 735pm

ROLL CALL

Ms. Pryor

Mr. Flattery

Mr. May

Mr. Ballard

Ms. Rood

ALL PRESENT

3. Pledge of Allegiance – Lead by Mr. Flattery

4. ZBA Responsibility Reading – read by Ms. Pryor

5. Minutes

Motion to accept August 3, 2023 minutes made by Ms. Rood

2nd by Mr. Flattery

ROLL CALL

Ms. Pryor

Mr. Flattery

Mr. May

Mr. Ballard

Ms. Rood

APPROVED

6. Public hearings

Motion made by Ms. Rood to open the public hearing to hear petition #617

ROLL CALL

Ms. Pryor

Mr. Flattery

Mr. May

Mr. Ballard

Ms. Rood

Ms. Rood

Ms. Rood read the public notice:

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

Petition #617 – Bryan Papaj, 0 Crestwood (sbl 212.03-2-16.1), seeking an **AREA** variance for 75ft. on a lot with no frontage on a street. This violates Town of Boston Code: 123.122.

Ms. Rood read the SEQR letter:

TO: ZBA Chairman and Board members
FROM: Sarah desJardins, Planning Consultant
RE: October 2023 ZBA petition

Chairman and Board members:

Regarding Petition #617 – Bryan Papaj, 0 Crestwood (SBL# 212.03-2-16.1), the applicant is seeking an area variance for 75ft. on a lot with no frontage on a street. 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

Letter from applicant, Mr. Papaj, read into the minute by Ms. Rood. (copy in file)

Letter from neighbor, Ms. Brownback, read into the minutes by Ms. Rood. (copy in file)

Ms. Rood asked for Mr. Papaj. Not present.

Mrs. Michelle Papaj – parent of applicant – spoke to the board asking why this was denied.

Ms. Rood relayed that nothing has been denied yet.

Mrs. Papaj: What is needed? This has been going on for a long time.

Ms. Rood: The Board just received additional information and has not been fully reviewed yet.

Mrs. Papaj: The variance would be beneficial for all parties concerned; the town, Orchard Park schools, tax, levy benefits, neighbors by increasing property value. (recording 7:15). Son (applicant) was given financial hardship which means he cannot sell the property.

Ms. Rood: Explained why the variance is needed. It is not a buildable lot because it is not on a dedicated Town highway but on a dirt road.

Mrs. Papaj: Talked about the other properties on the road and Erie County has a water tower.

Ms. Rood: The road is for the water tower for the Town. Not a dedicated highway. The road is specifically there to allow maintenance on the water tower.

Mrs. Papaj: Have lost several buyers because of the lack of variance. The property was bought with the intention of building a home.

Ms. Rood: There is no seasonal cabin there as stated anymore.

Mrs. Papaj: There was but it was removed to get it ready to sell.

Ms. Rood: This info was dated August 6th when he(applicant) referenced it.

Ms. Pryor: What other options have been pursued besides the Zoning Board of Appeals?

Mrs. Papaj: He has been writing letters.

Mr. Papaj (parent): He made some phone calls (did not speak at the mic) and he is trying to do the right process.

Ms. Pryor: Did you reach out to any neighbors regarding purchasing land to gain access from a different driveway?

Mrs. Papaj: Was not aware that that was an option.

Mr. Papaj: Were not informed of any of this.

Ms. Pryor: This something creative from you.

Ms. Rood: Problem solving. Looked at the map while talking with Mr. and Mrs. Papaj and discussion about the other properties and deeds. (recording 10:20)

Code Enforcement Officer Murphy: Commented about the other properties.

Mrs. Papaj: A culvert was put in and there are other driveways that come off the road. Why do some have variances and some don't?

Ms. Rood: Responded – Every variance is reviewed on its own. Further explanation given to Mrs. Papaj about codes at different times.

Mrs. Papaj brought up older petitions to the Board Members. (recording: 12:10)

Ms. Rood: Talked about the agreement between the Town and Erie County regarding the maintenance of the driveway for the water tanks.

Further discussion between Mrs. Papaj and Ms. Rood about the property that was purchased from the realtor.

Attorney Baker commented more about the sale of the property and that it is up to the purchaser to make sure it can be used as intended. The person buying the property must see if it is buildable. It is on the buyer. Ms. Pryor made comments too.

Mr. Edward Papaj/parent: The driveway being on a Boston Road.

Ms. Rood: Correction – this is not on a Boston Road but a private driveway. It would be a shared driveway. Would have to have agreement with the other owners.

Ms. Rood: If bought property from Lillian, how much frontage would be needed.

Mr. Murphy: This would be a question for Attorney Baker

Ms. Pryor: Would this take care of the frontage? RESPONSE from COE Murphy: No. Any easements would have to be on a deed. This would need further discussion with an attorney.

Board Members discussed how property deeds would need to be updated.

Ms. Rood: Commented about other documents to go over – previous minutes.

Attorney Baker: Keep the meeting open or re-publish? RESPONSE: Ms. Rood -keep the meeting open.

Ms. Rood: Sold sign on the property.

Mrs. Papaj: Did not know that.

Petition #617

Motion made to open public hearing made by Not Made by Lisa.

OPEN to the PUBLIC

Sandy McGill and Dave McGill: What is the 75ft variance that is needed?

Ms. Rood: The location does not have frontage; has none. COE Murphy: This applicant has zero. Need 75ft of frontage to build on a town road and this is not a town road.

Mr. McGill: If a home is built, how many feet to the dirt road? COE RESPONSE: 50ft from the road.

McGill: What is the largest home that can be built?

COE Murphy: Would have to check. Property on 1.9 acres.

Mr. McGill: Will there be another meeting due to no decision tonight?

Ms. Rood: Yes – first Thursday of the month. Nov 2.

Ms. McGill: If the property is sold, can a home be built and then rented?

Ms. Rood: Unknown. They would need to get a permit to build.

Donna Valecki - Property behind this applicant. It was mentioned that he had to be 30ft back. The frontage on her property to the street.

Ms. Rood: talked about setbacks with that jurisdiction.

Ms. Valecki: If this doesn't pass – this property value is very high – what happens?

Ms. Pryor: The value is up to the realtors.

Ms. Rood: This does not have any bearing on this issue. The applicant bought an unbuildable property.

Ms. Rood: Mentioned that the board have several questions. Referenced Brian Papaj's letter to the town about the maintenance of the road. However, the neighbors were shaking their heads – there was no discussion. Suggestion that Brian Papaj talk to the neighbors regarding the driveway.

It is the applicant's responsibility to provide documentation.

Mrs. Papaj: Talked more to the board about the maintenance of the road.

Ms. Rood: This is what needs to be further reviewed by the board with the new documentation received. Repeated: Need to review. Cannot give an answer.

COE Murphy: Gave card to Mrs. Papaj.

Ms. Valecki: Can a mobile home be put up? RESPONSE: No. Mentioned the Home Listing.

COE Murphy: Advised that Brian Papaj provided all the information that was provided to the ZBA Members. Wanted the agreement between the county and the town but this document does not exist.

Mr. Rosati: Talked about the road being an abandoned road. No school buses, etc.

Ms. Rood: Read a notice from 2001 regarding Mr. McGill's request for a variance. It was approved with stipulations: Understanding that this is a private road to be maintained by the residence, not the Town of Boston. Failure to do so may hinder access to residence by emergency vehicles and all future owners must be made aware of this stipulation.

There was another letter that mentioned that there would be no garbage pickup or mail service.

Ms. Pryor: Is there a recording from Mr. McGill? RESPONSE: No.

Mrs. Papaj: Talked more about the property.

Motion to keep this public hearing open to allow board members to read additional information provided made by: Ms. Rood

2nd by Mr. Flattery

ROLL CALL

Ms. Pryor

Mr. Flattery

Mr. May

Mr. Ballard

Ms. Rood

APPROVED

7. New business

none

8. Old business

None

Ms. Rood talked about board training

9. Motion to Adjourn

Motion to adjourn made by Ms. Rood at 826pm

2nd by Mr. Flattery

ROLL CALL

Ms. Pryor

Mr. Flattery

Mr. May

Mr. Ballard

Ms. Rood

APPROVED