

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, April 11, 2024 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, April 11, 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:

Open Petition #620 – Nick P Nicholas, 8021 Zimmerman Rd, seeking an **AREA** variance of 472sqft to erect a 1200sqft private detached garage, as per Town Code 123-136B.(4).

Petition #621 – Vincent Costello, 7131 Omphalius Rd, seeking an **AREA** variance of 680sqft to erect a 1520sqft private detached garage, as per Town Code 123-136B.(4).

PUBLIC NOTICE
TOWN OF BOSTON
ZONING BOARD OF APPEALS

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Jennifer Cavarello, Clerk
Zoning Board of Appeals

Dated: March 25, 2024

Published:

An Equal Opportunity Provider & Employer

APPLICATION FOR PERMIT

OFFICE USE ONLY

Town of Boston, New York

Approved () Disapproved ()

Permit No. _____

Address _____

Date Issued _____

Permit Fee _____

Issued By _____

Single Family Dwellings, Farm Buildings,
Accessory Building, Additions

Owner Vincent Costello
Address 4131 OMPHALCUS
Calden NY 14033

Contractor _____
Address _____

Day Phone _____ Eve. _____

CONSTRUCTED WITH:

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

Address of Premises for Which Application is Made:
Section, Block, Lot 227-00-2-12 Current Zoning R2
Tax I.D. Number _____

() North
 () South Side of OMPHALCUS Size of Lot 150 400 1.3
 () East Street Name Frontage Dept Acreage
 () West

Distance of Building from lot lines. Front: 490', Rt. Side 22', Lt. Side 95', Rear 110'
 Size of completed () Building, () Addition, feet wide 38, feet long 40, feet high 18
 Sq. Ft. of: Basement _____, First Floor 1520, Second Floor _____, Garage _____, Other _____
 The estimated value of Structure exclusive of land is \$ 35,000
 Total Square Footage of Lot 60,000 Percentage of Lot Coverage (All Bldgs) 6 %

Deed Restrictions _____
Type of Sewage Disposal SEPTIC
Type of Water Supply ECWA

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
Vincent A Costello
Date 3/5/24

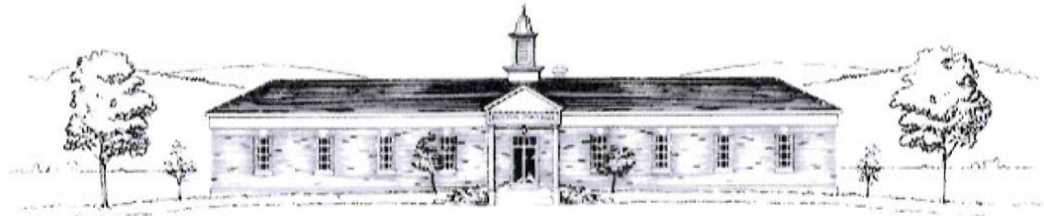
() Approved () Disapproved

Reason EXCEEDS 123-136 B(4) For 1-2 Acs

Applicant/Owner _____
Date _____

Date MARCH 5, 2024

Thomas C Zuply
Building Inspector
Town of Boston



TOWN OF BOSTON

March 5, 2024

PETITION #621

Distinguished Chairwoman Rood,
Honorable Board Members,

Mr. Vincent Costello would like to erect a 1520 square foot private garage (pole barn style; 38'x 40'x 18') on his 1.38-acre parcel containing his residence at **7131** Omphalius Road.

Town of Boston code section 123-136B.(4) limits the aggregate square footage of accessory buildings to 840 square feet for a parcel of this size. To pursue this project he requires a 680 square foot area variance from the zoning board.

Code: 840 square feet
Actual: 1520 square feet
Variance: 680 square feet

Respectfully,

Thomas C. Murphy
Town of Boston
Code Enforcement Department
Zoning Officer
NYS0360547

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

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

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

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

NUTRITION PROGRAM
(716) 941-5773

8500 Boston State Road Boston, New York 14025-9848

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

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

Chapter 123. ZONING

Article XXV. Supplemental Lot Size and Open Space Requirements

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

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

B. In R Districts:

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

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

TO: ZBA Chairman and Board members
FROM: Sarah desJardins, Planning Consultant
RE: April 2024 ZBA petitions

Chairman and Board members:

Regarding Petition #620, Nick P Nicholas is requesting an area variance of 472 sq.ft. in order to construct a detached garage. The proposed Action is classified as a Type II Action and therefore not subject to review under SEQR.

Regarding Petition #621, Vincent Costello is requesting an area variance of 680 sq.ft. in order to construct a detached garage. The proposed Action is classified as a Type II Action and therefore not subject to review under SEQR.

Respectfully submitted,

Sarah desJardins, Planning Consultant

To: Town of Boston
From: Vincent and Julie Costello
Date. 3/11/24
Subject: Accessory Bldg.

The following reasons of applying for a variance at 7131 Omphalius Rd., Colden N.Y 14033 are significant in order to protect my personal property, and add appeal to my residence.

I have several owned personal belongings such as a boat, tractor with implements, riding lawn mower, snowmobiles, trailers, tools, household belongings etc... that we need to protect during the year. Storage of these units is a necessary to protect their value. We have outgrown our current capacity.

I have kept my property at a very high level which is appreciated by all surrounding neighbors. The bldg. that is being applied for will be very aesthetic with a high degree of craftsmanship and appeal.

If any information on the above topic is necessary, please contact me. It will be furnished promptly upon your request.

Respectfully Submitted,

Vincent Costello

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

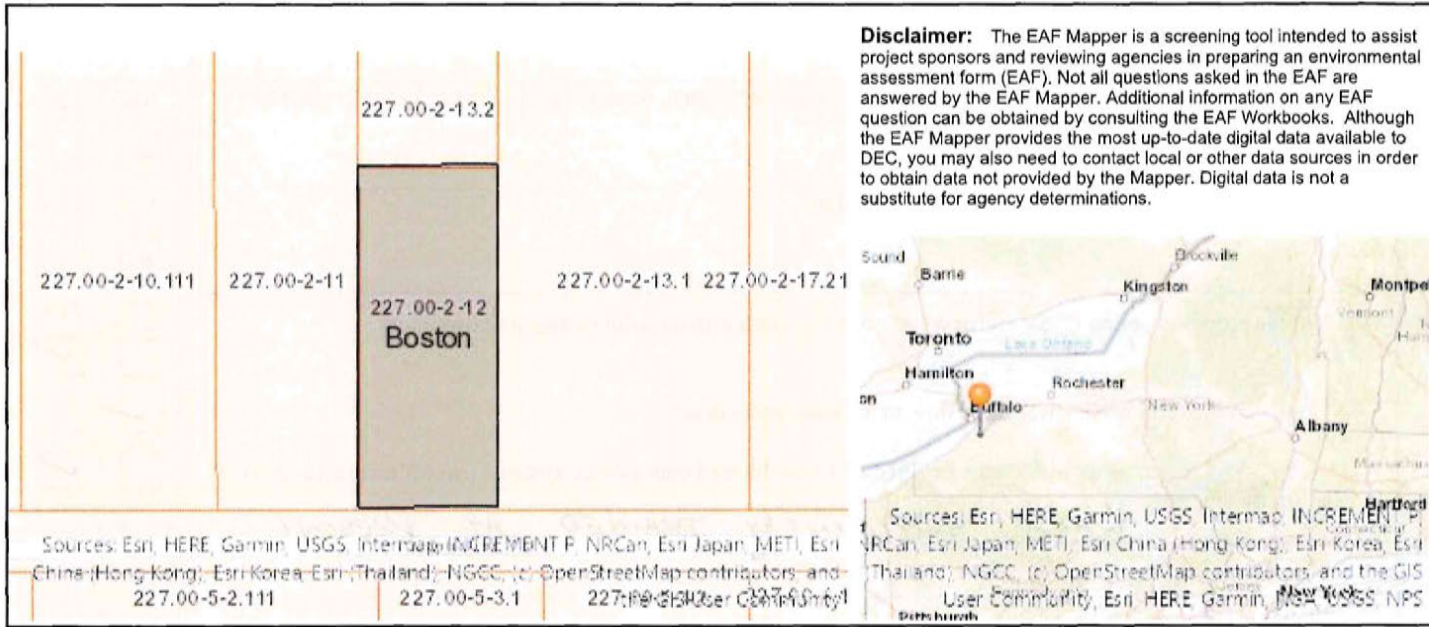
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
VINCENT COSTELLO			
Name of Action or Project: ACCESSORY BUILDING			
Project Location (describe, and attach a location map): 7131 OMPHALIUS RD COLDEN, N.Y. 14033			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor: VINCENT COSTELLO			
Address: 7131 OMPHALIUS 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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.38	acres
b. Total acreage to be physically disturbed?		.03	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.08	acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: <u>A CHECK OF THE ERIE COUNTY GIS INDICATES NO PRESENCE OF WETLANDS INVOLVING THIS PROJECT</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 checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: <u>LAND SUFFICIENTLY DRAINED AT PRESENT</u>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>VINCENT COSTELLO</u> Date: <u>3/5/21</u> Signature: <u>Vincent A Costello</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] No
- Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
- Part 1 / Question 15 [Threatened or Endangered Animal] No
- Part 1 / Question 16 [100 Year Flood Plain] No
- Part 1 / Question 20 [Remediation Site] No

200 11 26
FOR COUNTY USE ONLY
C1. SWIS Code 142600
C2. Date Deed Recorded 5/8/97
C3. Book 10915 Cl. Page 9042

227.00-2-12
REAL PROPERTY TRANSFER REPORT
STATE OF NEW YORK
STATE BOARD OF REAL PROPERTY SERVICES
RP - 5217
RP-5217 Rev 1995



PROPERTY INFORMATION

1. Property Location 7131 OMPHALIUS ROAD
COLDEN BOSTON 14033
2. Buyer Name COSTELLO VINCENT A. & JULIE A.
3. Tax Billing Address
4. Indicate the number of Assessment Roll parcels transferred on the deed 1 # of Parcels OR Part of a Parcel
5. Deed Property Size 150 x 400 ON ACRES
6. Seller Name COSTELLO THE ESTATE OF ALEXANDER J. COSTELLO
ALEXANDER J. III, EXECUTOR OF

7. Check the box below which most accurately describes the use of the property at the time of sale:
A One Family Residential
B 2 or 3 Family Residential
C Residential Vacant Land
D Non-Residential Vacant Land
E Agricultural
F Commercial
G Apartment
H Entertainment / Amusement
I Community Service
J Industrial
K Public Service
L Forest
8. Ownership Type is Condominium
9. New Construction on Vacant Land
10A. Property Located within an Agricultural District
10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

11. Sale Contract Date 02/10/97
12. Date of Sale / Transfer 05/08/97
13. Full Sale Price 122,000.00
14. Indicate the value of personal property included in the sale 0.00
15. Check one or more of these conditions as applicable to transfer:
A Sale Between Relatives or Former Relatives
B Sale Between Related Companies or Partners in Business
C One of the Buyers is also a Seller
D Buyer or Seller is Government Agency or Lending Institution
E Deed Type not Warranty or Bargain and Sale (Specify Below)
F Sale of Fractional or Less than Fee Interest (Specify Below)
G Significant Change in Property Between Taxable Status and Sale Dates
H Sale of Business is Included in Sale Price
I Other Unusual Factors Affecting Sale Price (Specify Below)
J None

16. Year of Assessment Roll from which information taken 97
17. Total Assessed Value of (all parcels in transfer) 118,000
18. Property Class 210
19. School District Name ORCHARD PARK CENTRAL
20. Tax Map Identifier(s) / Roll Identifier(s) (if more than four, attach sheet with additional identifier(s))
227.00-2-12

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER
[Signature] 5/9/97
7131 Omphalius Road
COLDEN NY 14033
SELLER
[Signature] 4/23/97

BUYER'S ATTORNEY
Le Blanc Norman
[Redacted]



This Indenture,

Made the 10 day of April, Nineteen Hundred and Ninety-seven

Between

ALEXANDER J. COSTELLO, III
as Executor of the Last Will and Testament of **ALEXANDER J. COSTELLO**
(Surrogate's File No. 95-0984), late of the Town of Colden, deceased, party of the first part, and

VINCENT A. COSTELLO and JULIE A. COSTELLO, Husband and Wife
7131 Omphalius Road, Colden, New York 14033
parties of the second part:

Witnesseth, That the party of the first part, by virtue of the power and authority to him given in and by the said last Will and Testament, and on consideration of **ONE HUNDRED TWENTY-TWO THOUSAND AND 00/100 Dollars, (\$ 122,000.00)** lawful money of the United States, paid by the parties of the second part, do hereby grant and release unto the parties of the second part, their Successors 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. 6, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of Omphalius Road, distant 273.4 feet westerly from its intersection with the east line of Lot No. 6, running thence westerly along the center line of Omphalius Road, 150 feet, running thence northerly parallel with the east line of Lot No. 6, 400 feet; running thence easterly parallel with the center line of Omphalius Road, 150 feet; running thence southerly parallel with the east line of said Lot No. 6, 400 feet to the place of beginning.

PH79
JTH22 122,000.-
DIB-2

TOGETHER with the appurtenances, AND ALSO all the estate which the said Testator had at the time of his decease, in said premises, AND ALSO the estate therein, which the party of the first part had or has power to convey or dispose of, whether individually, or by virtue of said Will or otherwise.

This conveyance is made subject to the trust fund provisions of Section 13 of the Lien Law.

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

AND the party of the first part covenants that he has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

IN PRESENCE OF

 [L.S.]
ALEXANDER J. COSTELLO, III

STATE OF NEW YORK) On this 10 day of April
) SS.
COUNTY OF ERIE) Nineteen Hundred and Ninety-seven

before me, the subscriber(s), personally appeared ALEXANDER J. COSTELLO, III the Executor of the last Will and Testament of ALEXANDER J. COSTELLO 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 as such Executor as aforesaid for the purposes therein mentioned.

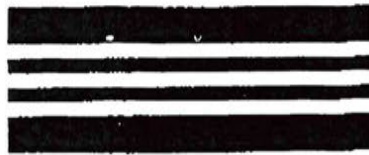

NOTARY PUBLIC
Natalie M. Kreppel
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 28, 1998

Norman A. LeSang, Jr.
162 MAIN STREET
HAMBOUR, NEW YORK 14075

Return Deed to:

/g/003/COSTELLO.770

THIS IS NOT
A BILL



Erie County Clerk's Office
County Clerk's Recording Page

Control # 199705080479

Index DEED LIBER

Book 10915 Page 9042

No. Pages 0003

Instrument DEED
Date : 5/08/1997
Time : 11:42:39

Return To:

NORMAN A LEBLANC JR
162 MAIN ST
HAMBURG NY 14075

COSTELLO J EX
ALEXANDER
COSTELLO A
VINCENT
COSTELLO A
JULIE

MORTGAGE TAX

Serial #
City/Town \$.00
S.M.A. \$.00
Trans. Auth. \$.00
Total \$.00

COUNTY \$ 24.00
STATE \$ 25.00
COE \$ 5.00
TRANSFER \$ 488.00
NFTA TT \$ 610.00
\$.00
\$.00
\$.00
Total: \$ 1,152.00

TRANSFER TAX

Transfer Tax \$ 1,098.00
Amount \$ 122,000.00
Transfer Tax # TT1996019197

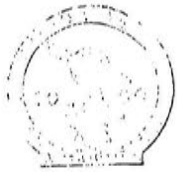
STATE OF NEW YORK
Erie County Clerk's Office

**WARNING - THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 316-A(5) OF
THE REAL PROPERTY LAW OF THE STATE OF NEW YORK
DO NOT DETACH**

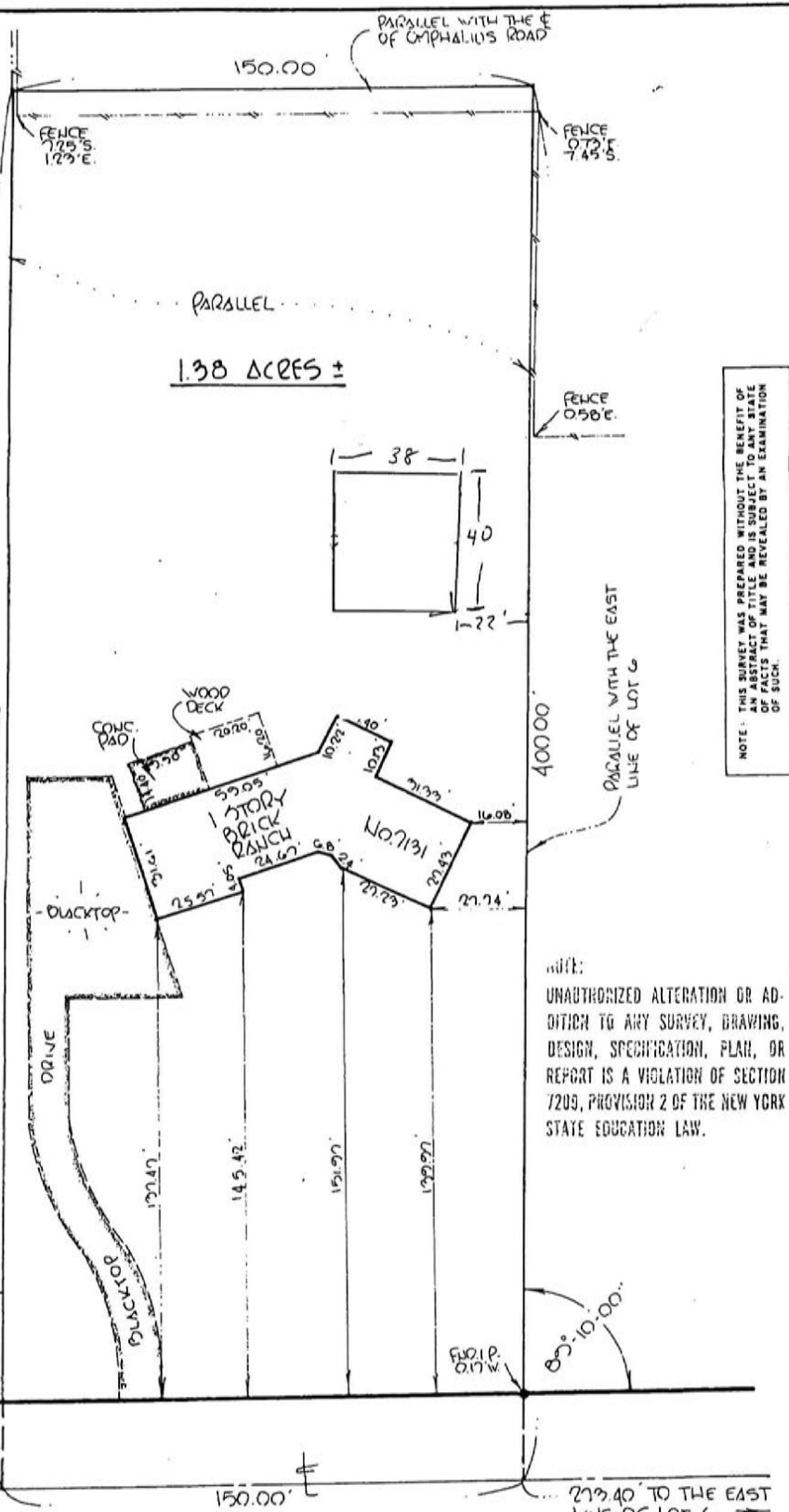
DAVID J SWARTS
County Clerk



D109159042



Marilyn J. Smith, P.L.S.



NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A RECENT RECONSTRUCTION TO ALL OF THE FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN, SPECIFICATION, PLAN, OR REPORT IS A VIOLATION OF SECTION 7203, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

OMPHALIUS (49.5' WIDE) ROAD

PART OF LOT 6, TOWNSHIP 8, RANGE 7.

LOCATION TOWN OF BOSTON, COUNTY OF ERIE, STATE OF NEW YORK.

SCALE: 1 IN. = 40' FT

NUSSBAUMER & CLARKE INC. ENGINEERS AND SURVEYORS 310 DELAWARE AVENUE BUFFALO, N. Y.	KIND	DATE	FOR	JOB NO.
	SURVEY	2-23-87	HILTON & HILTON - ATTORNEYS AT LAW	NC-25118
DRAWING NO. 25118				



5167 BAYVIEW ROAD
HAMBURG, NY 14075
Phone: (716) 402-7740
email: cv3@cv3arch.com
WEB SITE: WWW.CV3ARCH.COM



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addition to this drawing/document
is a violation of section 7307 of the
New York State education law,
article 147-architecture

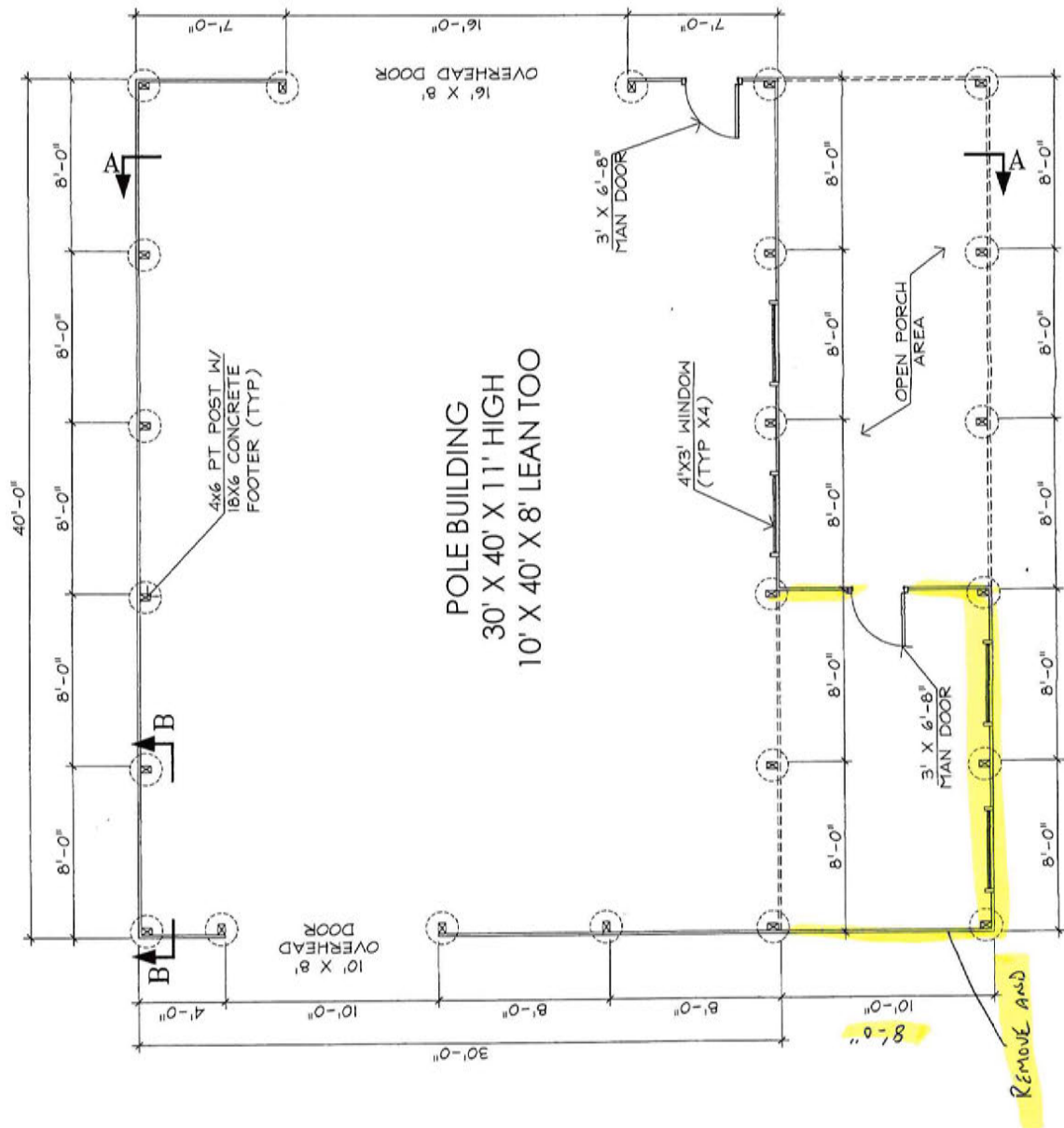


NEW POLE BUILDING FOR
VINCE COSTELLO
7131 OPHALUIS ROAD
COLDEN, NY, 14033

ISSUE	
ISSUE DATE:	2/20/24
FILE NAME:	2024-105-Vince Corralo
PROJECT NUMBER:	24023
SCALE:	3/8"=1'-0"
DRAWN BY:	AMV
CHECKED BY:	ALL

FLOOR PLANS

A-100





51.67 BAYVIEW ROAD
HAMBURG, NY 14075

Phone: (716) 460-7740
email: cv3@cv3arch.com
WEB SITE: WWW.CV3ARCH.COM

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addition to this drawing/document
is a violation of section 7300 of the
New York State education law,
article 147-architecture

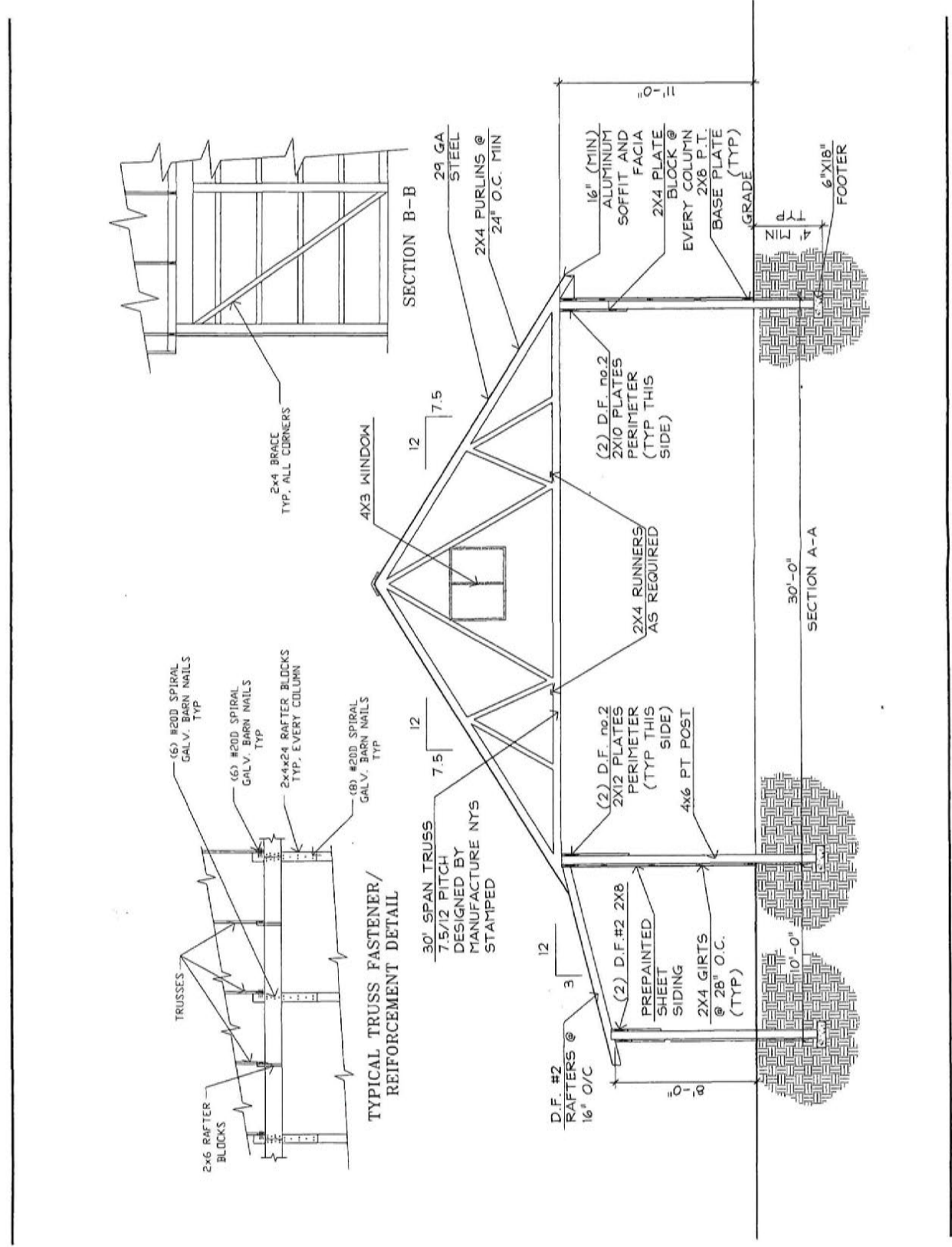


NEW POLE BUILDING FOR
VINCE COSTELLO
7131 OPHALUIS ROAD
COLDEN, NY, 14033

ISSUE	
ISSUE DATE	2/27/2024
FILE NAME	24018-HOS-Vince Costello
PROJECT NUMBER	24018
SCALE	3/16"=1'-0"
DRAWN BY:	AMV
CHECKED BY:	ALL

BUILDING SECTION

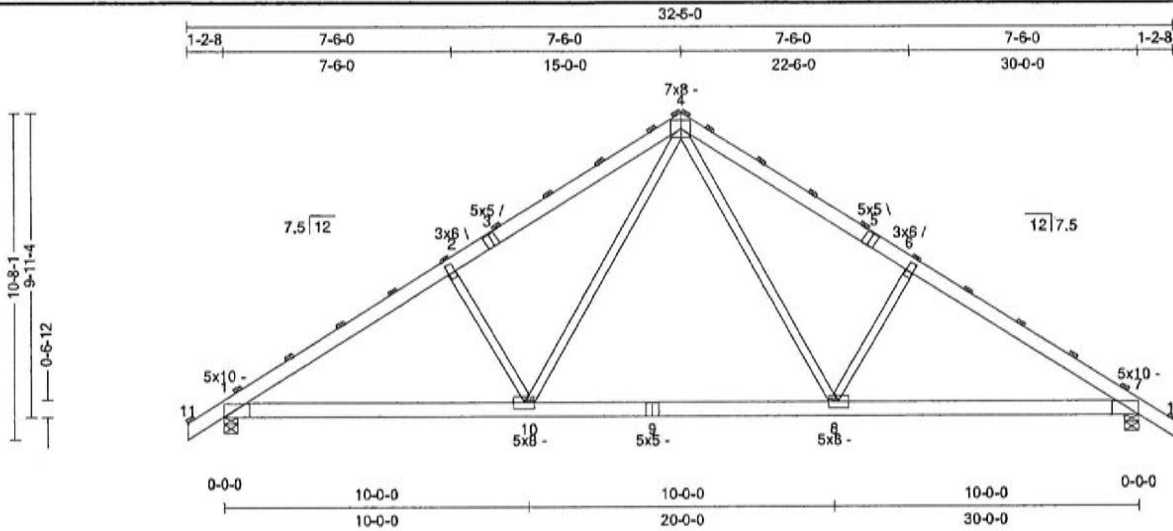
A-101



Snow Hill Truss
11264 Snow Hill Rd
Randolph, NY 14772

Truss: 166713-T1
Job: SHT0229JS-COSTELLO
Date: 02/29/24 10:25:15
Page: 1 of 1

SPAN 30-0-0	PITCH 7.5/12	QTY 11	OHL 1-2-8	OHR 1-2-8	CANT L 0-0-0	CANT R 0-0-0	PLYS 1	SPACING 48 in	WGT/PLY 188 lbs
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All plates shown to be Eagle 20 unless otherwise noted.

Loading (psf)	General	CSI	Deflection	L/	(loc)	Allowed
TCLL: 33.2	Bldg Code: IBC 2018/	TC: 0.71 (4-6)	Vert TL: 0.29 in	L/999	(8-9)	L/240
TCDL: 5(rake)	TPI 1-2014	BC: 0.49 (10-1)	Vert LL: 0.13 in	L/999	(9-10)	L/360
BCLL: 0	Rep Mbr: No	Web: 0.45 (2-10)	Horz TL: 0.08 in		7	
BCDL: 5	Lumber D.O.L.: 115 %					

Reaction

JT	Brg Combo	Brg Width	Rqd Brg Width	Max React	Max Grav Uplift	Max MWFRS Uplift	Max C&C Uplift	Max Uplift	Max Horiz
1	1	5.5 in	3.00 in	3,627 lbs	.	-586 lbs	-629 lbs	-629 lbs	-175 lbs
7	1	5.5 in	3.00 in	3,627 lbs	.	-586 lbs	-629 lbs	-629 lbs	.

Material

TC: SP2400/1.8 2 x 6
BC: SP2400/1.8 2 x 6
Web: SPF1650/1.5 2 x 4

Bracing

TC: Purlins at 24" OC, Purlin design by Others.
BC: Sheathed or Purlins at 10-0-0, Purlin design by Others.

Loads

- 1) This truss has been designed for the effects due to concurrent 10 psf bottom chord live load plus dead loads.
- 2) This truss has been designed for the effects of balanced (33.2 psf) and unbalanced sloped roof snow loads in accordance with ASCE7 - 16 with the following user defined input: 50 psf GSL, Terrain C, Exposure (Ce = 1.0), Thermal (Ct = 1.00), DOL = 1.15. Unobstructed slippery surface. If the roof configuration differs from hip/gable, Building Designer shall verify snow loads.
- 3) This truss has been designed to account for the effects of ice dams forming at the eaves.
- 4) This truss has been designed for the effects of wind loads in accordance with ASCE7 - 16 with the following user defined input: 115 mph (Factored), Exposure C, Enclosed, Gable, Risk Category II, Overall Bldg Dims 30 ft x 60 ft, h = 25 ft, End Zone Truss, Both end webs considered. DOL = 1.60
- 5) This truss has been designed for the effects of a 16.5 psf live load computed in accordance with IBC 2018 assuming slope = 7.5/12 and area supported = 129.67 ft², DOL = 115 %.
- 6) Minimum storage attic loading has not been applied in accordance with IBC 1607.1

Member Forces

Table indicates: Member ID, max CSI, max axial force, (max compr. force if different from max axial force). Only forces greater than 300lbs are shown in this table.

TC	1-2	0.559	-5,333 lbs	4-6	0.709	-4,865 lbs					
	2-4	0.709	-4,865 lbs	6-7	0.559	-5,333 lbs					
BC	7-8	0.486	4,358 lbs	8-10	0.418	2,629 lbs	(-36 lbs)	10-1	0.486	4,358 lbs	(-444 lbs)
Web	2-10	0.446	-1,461 lbs	4-10	0.430	2,185 lbs	(-326 lbs)	4-8	0.430	2,185 lbs	(-326 lbs)
								6-8	0.446	-1,461 lbs	

Notes

- 1) Unless noted otherwise, do not cut or alter any truss member or plate without prior approval from a Professional Engineer.
- 2) The fabrication tolerance for this roof truss is 20% (Cq = 0.80).
- 3) Building Designer shall verify self weight of the truss and other dead load materials do not exceed TCDL 5 psf.
- 4) Building Designer shall verify self weight of the truss and other dead load materials do not exceed BCDL 5 psf.
- 5) Design assumes minimum x2 (flat orientation, visually graded) purlins attached to the top of the TC at purlin spacing shown with at least 2-10d nails.
- 6) Brace bottom chord with approved sheathing or purlins per Bracing Summary.
- 7) Lateral bracing shown is for illustration purposes only and may be placed on either edge of truss member.
- 8) A creep factor of 1.50 has been applied for this truss analysis.
- 9) Listed wind uplift reactions based on MWFRS & C&C loading.



ALL PERSONS FABRICATING, HANDLING, ERECTING OR INSTALLING ANY TRUSS BASED UPON THIS TRUSS DESIGN DRAWING ARE INSTRUCTED TO REFER TO ALL OF THE INSTRUCTIONS, LIMITATIONS AND QUALIFICATIONS SET FORTH IN THE EAGLE METAL PRODUCTS DESIGN NOTES ISSUED WITH THIS DESIGN AND AVAILABLE FROM EAGLE UPON REQUEST. DESIGN VALID ONLY WHEN EAGLE METAL CONNECTORS ARE USED.

TrueBuild® Truss Software v5.6.437
Eagle Metal Products

1204804 0003/0003

Zoning Board of Appeals
Meeting minutes – 03.07.2024

Attendees: Lisa Rood, Beth Pryor, Dave May, Robert Ballard, Tony Rosati, Attorney Laurie Baker,
Code Enforcement Officer/Tom Murphy
Absent: Kelly Martin/Town Liaison, Mike Flattery

1. Work Session – Planning Board – 7pm

2. Call Meeting to Order

Meeting called to order by Ms. Rood at 736pm

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

ALL PRESENT

3. Pledge of Allegiance – Lead by Mr. Ballard

4. ZBA Responsibility Reading – Read by Ms. Pryor

5. Minutes

Motion to accept February 2024 minutes made by Ms. Pryor

2nd by Mr. Ballard

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

APPROVED

6. Public hearings

Ms. Rood read the public hearing notice:

The ZBA will meet at the Town of Boston Town Hall on **Thursday, March 7, 2024 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 #619 – Gary Stisser, North End of Smolinski Dr, seeking an **AREA** variance of **15ft** to comply with code of the required 75ft frontage to create a buildable lot, as per Town Code 123-49C, 123-49B.(1).

Petition #620 – Nick P Nicholas, 8021 Zimmerman Rd, seeking an **AREA** variance of **472sqft** to erect a 1200sqft detached private garage, as per Town Code 123-136B.(4).

Ms. Rood read the letter from the applicant, Mr. Stisser, read into the minutes. (copy in packet)

Ms. Rood read the letter from the Code Enforcement Officer into the minutes. (copy in packet)

Ms. Rood read the SEQR letter:

TO: ZBA Chairman and Board members
FROM: Sarah desJardins, Planning Consultant
RE: March 2024 ZBA petition

Chairman and Board members:

Regarding Petition #619, Gary Stisser is requesting an area variance of 15 feet in order to create a new building lot (75 feet of frontage along a public street is required; 60 feet is proposed). The proposed Action is classified as a Type II Action and therefore is not subject to review under SEQR.

Regarding Petition #620, Nick P Nicholas is requesting an area variance of 472 sq.ft. in order to construct a detached garage. 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

Motion made to Open public hearing by Ms. Rood

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

APPROVED

Petition #619

Ms. Rood read two emails received from neighbors into the minutes. (copy in packet)

Gary and Linda Stisser spoke to the board. Attempting to build future family home. Owned the property since 2018. Now paid off. Took longer than expected to build due to Covid and other reasons. Looking forward to getting started.

Ms. Rood spoke with Mr. Teelak/Highway Supervisor and he is on the same page with no problem paving and that it will work out fine. Wanted to make there were no concerns with this dead-end street.

Mr. Ballard: Building this home as your home? RESPONSE: YES. Currently live on Boston State Rd for 24 years and can walk up to the land.

Mr. Rosati: This is a very big property. Planning on putting up accessory building or something like that?

RESPONSE: Not sure. Depends on financing. Would like too, of some sort but cash is main concern.

Mr. Rosati: Not looking to split the property? REPOSE: No, would like to buy the rest except the funeral home. It's non-commercial. Can get in touch with Beth(Elizabeth) to put in a word.

Richard Hawkins, 6892 Pin Oak Dr. Live behind this applicant since they purchased the property. They have maintained the property. Talked on several occasions regarding the house and 2 car garage. Good addition to the neighborhood.

Charles and Pam Orlando, 9354 Smolinski Dr, and have met Gary and Linda. Very nice people. No issues and would not object.

Ms. Rood: Several seals of approval.

Motion made to close public hearing by Ms. Rood.

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard
Mr. Rosati
Ms. Rood
APPROVED

Motion made by Ms. Pryor to approve this petition#619 as follows:

Approve x **Deny** **Reserve Decision**
Table **Time Frame**

Conditions to approval:

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

2nd by Mr. Ballard
ROLL CALL
Ms. Pryor
Mr. May
Mr. Ballard
Mr. Rosati
Ms. Rood
APPROVED

Ms. Rood advised the applicant to see Code Enforcement Officer/Tom Murphy regarding six month requirement.

Petition #620

Nick P Nicholas, 8021 Zimmerman Rd, seeking an **AREA** variance of **472sqft** to erect a 1200sqft detached private garage, as per Town Code 123-136B.(4).

Ms. Rood read Code Enforcement Officer letter into the minutes. (copy in packet)
Ms. Rood read SEQR letter (listed above)
Ms. Rood read applicant letter into the minutes (copy in packet)

Motion made to open the public hearing by Mr. Rosati Rosati

2nd by Pryor
ROLL CALL
Ms. Pryor
Mr. May
Mr. Ballard
Mr. Rosati
Ms. Rood

Ms. Rood read email from neighbor, Rose and John Schmitt, into the minutes (copy in packet)

Ms. Rood commented that the Board members received an updated drawing of the building. The Code Enforcement Officer met with Mrs. Schmitt. COE has not seen the updated version.

Mr. Pryor gave copy to Ms. Schmitt.

Applicant, Nick Nicolas, spoke to the board.

Ms. Rood: stopped by the property and talked about drainage. Walked the property to see where the water could go from the roof. Mentioned the formula regarding the rainwater and if there was an inch of rain, the runoff would be 747.6 gallons of water, dumped on the ground from the roof. Talked about drainage tile around the building; bringing in more fill, raising the building. Just bringing everyone up to speed.

Mr. Nicholas: That was the biggest concern and want to be a responsible neighbor and make sure not flooding anyone by the extra water.

Ms. Rood: Looks like there used to be a drainage ditch at some time, but it is all filled in now. That happens over time. Must be continuously maintained.

Mr. Nicholas: Going to open that up (drainage ditch) to make sure the water can flow, if the project moves forward.

Ms. Rood: That brings up – where is the water flowing to? That was the reason for taking a walk to the back of the property. Looks like, when you get to the open field where there is a little shed against the tree line on the other side of the clearing, the drainage ditch used to run along the hedge row. That would need to be cleaned out to maintain clear drainage.

Mr. Ballard: Looking at 14ft side walls? RESPONSE: Yes. Was told that is standard.

Mr. Ballard: By the time you get the fill, its going to be a 'monster' up there.

Ms. Pryor: Would you go smaller? RESPONSE: No, not in the cards right now. If that is the only option, could take a look but probably not because of the needs. Would look at a different parcel that has a building that's similar to that and had his eyes on. Probably do that instead because it wouldn't be big enough.

Ms. Pryor: On .9 of an acre. It is a very large building to put into a neighborhood. As colleague pointed out, it is going to be very tall once you get the fill in there. How much of the eave is going to be sticking out, at the edge of the building? RESPONSE: Talked about that and not sure. Would be open to extending it a little bit because of some ice shedding. Would be open to changing the drawing.

Ms. Pryor: The only issue with extending the eave is, and feel you would want to given the amount of snow that can come off the building, your three feet from the property line, on the one side. Anything closer would-be dumping snow very close to the line or over the line. RESPONSE: Thinking snow breaks, maybe.

Mr. Rosati: The metal roof with blockage pieces would help. Or at least slow down the snow coming off; wouldn't get a full sheet all at once.

Ms. Pryor: This is something to think about. RESPONSE: Appreciate it. First time building anything like this. That's why calls were made to professionals for ideas and planning.

Ms. Rood: When up looking at the property and talking about the extended eaves and stuff like that, didn't realize that the building is three feet from the property line because the stakes were not accurate. RESPONSE: If you (board) recommend a different layout, knowing there is not a lot of wiggle room, would be open to turning the building, moving it slightly on the property.

Mr. Rosati: You understand about not being close to the road rather than in front of the house because the stakes were much closer. RESPONSE: Yes, it was a misunderstanding and discussed it with Code Enforcement Officer/Tom Murphy. Apologize for not laying it out properly. Was shooting for a larger dimension than what was on the drawing. Started moving it around to save a large pine tree. Thought it was right but was getting dark. Took the other guys word for it. Apologize for the confusion. Could

re-stake it with whatever recommendations. I like how the drawing came out. Seems really nice and symmetrical.

Mr. May: Is this going to have a concrete floor? RESPONSE: Yes.

Mr. May: Where is the drainage going to go? RESPONSE: Just raised drainage going into a tile on the outside of the building. Don't plan on putting in a floor drain. With speaking to the contractor and the way he is going to build it up, it should not need one.

Mr. May: Will there be gutters for drainage? REPSONSE: Originally said I was willing to put them on but he (contractor) said it was probably not the best way to handle it. Talking about some type of stone around the outside and then the drain tile that would route it to a responsible location. Gutters almost always end up falling down so thinking of leaning away from doing gutters. Originally, wanted to run the water to the front ditch because that would be a clean way to deal with it. But the pitch is not contusive and would require a lot more fill to do it that way.

Mr. May: Right, then it would be sticking up real high.

Mr. Rosati: One of the things we (board) get as part of the charter and coming from the State, is a request to grant the minimum, feasible variance. You're asking for an actual variance in the current condition of 472ft, so it is about a third-actually it is about 50% more than what's allowed. Have you thought about trying to, maybe, make it 30 by 30 or something along that line, an alternate configuration where we (board) could meet halfway on the amount of square footage for the variance being asked for? RESPONSE: Have not considered that yet. Was really hoping with T's crossed and I's dotted that it would be feasible. Have not considered it yet. Spoke with a few other people, not naming names, who said they were able to get variances for something similar. Not saying that means I deserve to get one. I did not think it was that huge of an ask comparing compared to other stories heard.

Mr. Rosati: Each property is unique. This one is very different due to the triangle shape and the fact that the property is very close to the other houses.

Mr. Ballard: Three feet off the line and putting a lot on the back neighbors no matter how it is done.

Mr. Nicholas: There is about 10-15 feet of woods between the lines and sometimes forget the neighborhood is even there when all the canopies are filled in on the trees. Didn't realize the line was that close and don't believe the building can be brought any closer to the street. Snow breaks and whatever can be done to mitigate any problems that would be caused for the neighbors. The Board are the professionals.

Mr. Rosati: with looking at the drawing, could go 55ft off the house, get a little more space on the rear set back. RESPONSE: I like that idea. Sinking it deeper in the 'pizza slice', triangle. Would be wide open to that.

Mr. Ballard: Actually, talking about bringing it closer to the house to get it away from the property line.

RESPONSE: oh – the opposite direction. It is a unique shape. Mr. Ballard: So big right up against the house and the side walls being so tall on that lot.

Mr. Nicholas: So the dimensions being proposed is a 30x30, maybe making it more feasible?

RESPONSE from Mr. Rosati: It would help mitigate the percentage increase that is being requested.

Ms. Rood: And closer to the house.

Mr. Rosati: Yes, and closer to the house would help make. Again, you increase the amount of clearance on the rear lot line, assuming it is still 42 feet off the roadway.

Mr. Nicholas: These are all things to be considered but I don't make snap decisions and want to say I don't want to right now.

Mr. Rosati: We can hold the hearing open so that a different drawing can be provided and consider that for the next meeting. Would that help? RESPONSE: It wouldn't hurt being so early in the construction season. Don't think the builders want to get in too soon anyway with the wet ground. I want to do it right. Not a pushy, argumentative guy especially when the Board is considering the variance.

Understand this is not a standard size.

Ms. Rood open to the public.

Ms. Rose Schmitt spoke to the board – 5541 Maple Grove Drive. If you are wondering where the water goes, it goes into my backyard. Purchased our house in 2016 and the ditch has never been maintained. Tried to put up a berm to channel the water. The water flows through our property and into our neighbors, who ends up having a lake. He is not here tonight. If you do grant any type of variance for the structure, want to be sure it is built exactly as the plans say it is and to the specifications the Board permit. And that it is going to be used for the sole purpose as outlined by Mr. Nicholas's request, that it is for storage. That it is never going to be housed for any type of animals or poultry. That's all.

Ms. Rood: The drainage is the main concern and the size of the building. Walked the yard to see where the water would go. Went to garage in the back. Could see a very shallow swale left that wouldn't really do anything. The garage on the property also has a drain tile shooting water into the same direction. Walking further, there was standing water, which is a concern for mosquito's breeding, etc. Stepped out into the field and you can see there used to be drainage. All of that would have to be discussed with who owns that property and putting in a drainage ditch to divert the water. Cant dump water on the neighbors property. What is going to happen to all that water coming off the roof.

Mr. Ballard: If we go forward, should asked for a proposal about a drainage plan to show that the water is not going anywhere else. If this could be written out by a site manager with a proposal showing where the water is going to go. Get it to the ditch, great.

Ms. Rood: There are other options like a bubbler pit and if a drain ditch was put in, it would benefit all the neighbors along the property. Wouldn't have to build own berms. Could be a good thing to have this drainage addressed.

Mr. Nicholas: I want to be a responsible neighbor and do whatever I can to take care of the drainage of water the right way.

Ms. Pryor: One thing that could help with the Board's consideration is to think about going smaller, like 30x30, whatever, really thinking about what is absolutely needed to live with. Also, potentially moving the building closer to the structure/home that is already on the property. That could help with drainage issue as well as how close it is to the property line.

Ms. Rood: This could also help preserve the tree. Have to think about the root system.

RESPONSE: as close as it is to the building, pretty much thinking about removing the pine tree. Thank you for the ideas for the drainage. Will do some research online and talk to some contractors. Talk to the owner of the other property. *further discussion of the neighbors listed.

Ms. Rood: Could be a huge improvement to the neighborhood with having new drainage.

Motion to keep the public hearing open made by Ms. Rood

2nd by Ms. Pryor

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

To be placed on April's agenda.

Mr. Rosati filled in for Mr. Flattery

Mr. Nicholas: Will keep in touch with new ideas.

7. New business

none

8. Old business
none

9. Motion to Adjourn
Motion to adjourn at made by Mr. Ballard
2nd by Mr. Rosati

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

DRAFT COPY