

Town of Boston

Zoning Board of Appeals



Town Hall
Phone: (716) 941-6113

8500 Boston State Road
Boston, New York 14025

Zoning Board of Appeals AGENDA Thursday, March 7, 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, 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 petition:

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).

PUBLIC NOTICE
TOWN OF BOSTON
ZONING BOARD OF APPEALS

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Jennifer Cavarello, Clerk
Zoning Board of Appeals

Dated: February 18, 2024

Published:

An Equal Opportunity Provider & Employer

Zoning Board of Appeals
Meeting minutes – 02.01.2024

Attendees: Lisa Rood, Beth Pryor, Dave May, Robert Ballard, Tony Rosati,
COE/Tom Murphy, Attorney Laurie Baker
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 733pm.

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

ALL PRESENT

3. Pledge of Allegiance – Lead by Ms. Rood

4. ZBA Responsibility Reading –

Not read for this meeting due to the applicant being the one person in the audience.

5. Minutes

Motion to accept November 2023 minutes with corrections made by Ms. Pryor

2nd by Mr. Ballard

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

Ms. Rood explained that Mr. Rosati was filling in for Mr. Flattery and has all voting rights.

Letter from Mr. Winnicki read:

We (Joseph and Nicole Winnicki) would like to build a 40x62 storage building adjacent to our home at 6212 Rice Road. (the complete letter in the applicant's packet)

Ms. Rood read the public notice:

The ZBA will meet at the Town of Boston Town Hall on **Thursday, February 1, 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 #618 – Joseph & Nicole Winnicki, 6212 Rice Hill Rd, seeking an **AREA** variance of 15ft to construct a 40x62 pole barn, Town Code section 123-51 B (2).

Ms. Rood read the letter from the Code Enforcement Officer Tom Murphy. Copy of letter in the applicant's packet. (recording-03:19)

Ms. Rood read the SEQR letter:

TO: ZBA Chairman and Board members

FROM: Sarah desJardins, Planning Consultant

RE: February 2024 ZBA petition

Chairman and Board members:

Regarding Petition # 618, Joseph & Nicole Winnicki, 6212 Rice Hill Road, they are requesting an area variance of 15 feet in order to construct a 40 x 62 pole barn.

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

6. Public hearings

Motion made by Ms. Rood to open the public hearing to hear petition #618

Applicant, Joseph Winnicki, spoke to the board. What questions does the board have.

Mr. Rosati asked if there will be electric. RESPONSE: Yes, will probably want to put in electric for lights.

The building will be storage and other personal types of work, like changing oil on owned vehicles.

Everyone should have a pole barn. Never big enough.

Mr. May asked if there will be any water or plumbing? RESPONSE: No.

Ms. Rood commented that she visited the property and saw the gate. RESPONSE: would have been opened.

Ms. Pryor confirmed that the building is for storage. RESPONSE: Yes – tractor, lawn mower, etc.

Mr. Ballard commented that there was plenty of drainage.

Motion made to close the public hearing by Ms. Rood.

2nd by Mr. May

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

Motion made to approve Petition #618 by Ms. Pryor

Conditions for approval:

Approve x Deny Reserve Decision

Table Time Frame

Conditions to approval:

(1) Does it create an **undesirable change to the character of the neighborhood?**

Yes [] No [x]

(2) **Can the benefit sought by the applicant be achieved if the variance is not granted?**

Yes [] No [x]

(3) Is the requested variance **substantial?** Yes [] No [X]

(4) Will the variance have an **adverse effect on the physical impact or environmental conditions of the neighborhood?** Yes [] No [X]

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

2nd by Ms. Rood

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

APPROVED

Applicant advised to see CEO/Murphy within 6 months by Mr. Ballard. RESPONSE: Yes.

7. New business

none

8. Old business

None

9. Motion to Adjourn

Motion to adjourn made by Ms. Rood at 741pm

2nd by Ms. Pryor

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

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

Petition #619

APPLICATION FOR PERMIT

Town of Boston; New York

OFFICE USE ONLY

Single Family Dwellings, Farm Buildings, Accessory Building, Additions

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

Owner GARY STISSER
Address 9345 BOSTON STATE ROAD

Contractor
Address
Day Phone
Eve.

CONSTRUCTED WITH:

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

REQUIRES 15' AREA VARIANCE TO MEET 75' REQ'D 123-49C.
Address of Premises for Which Application is Made:
Section, Block, Lot 258.06-3-1.112 Current Zoning RA
Tax I.D. Number

() North () South () East () West
Side of SIMOLINSKI Street Name
Size of Lot 60' Frontage
Dept 11.4 Acreage

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

Deed Restrictions
Type of Sewage Disposal
Type of Water Supply

NOTE: Approval of proposed system by County Health Dept. must be presented with application.

NOTE: Permit for Driveway Culvert must be presented with this application before Driveway Culvert is installed. Permit must be obtained from the Highway Department having jurisdiction (Town)(County)(State)

Attach Survey bearing the stamp of a licensed survey or engineer showing the location of all buildings with references to said lot including both existing structures and proposed structures, giving dimensions in feet.

PLANS FOR THE BUILDING INSPECTOR MUST BE SUBMITTED WITH THIS APPLICATION. THEY MUST COMPLY WITH STATE UNIFORM BUILDING CONSTRUCTION CODE AND THE STATE ENERGY CONSERVATION CODE.

No person shall make any change in plans herewith submitted for specifications herein contained, or in the structural part of the building without written consent of the Building Inspector.

Sketch on reverse side of this application must be completed

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

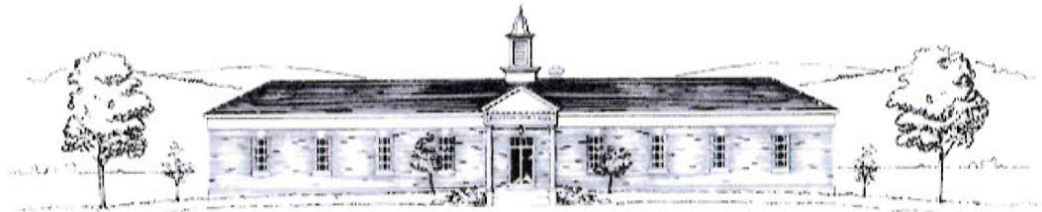
Applicant/Owner
Date 1-25-24

() Approved (X) Disapproved

Reason 75' FRONTAGE REQ'D FOR BUILDING LOT IN RA ZONING DISTRICT

Applicant/Owner
Date JANUARY 25, 2024

Building Inspector
Town of Boston



TOWN OF BOSTON

January 25, 2024

PETITION #619

Zoning Board Chairman Rood,
Honorable Board Members,

Mr. Gary Stisser, the owner an 11.7-acre parcel (sbl: 258.06-3-1.112) situated at the northern terminus of Smolinski Drive seeks to make the parcel code compliant (buildable). The present configuration shows 60' of frontage, the width of Smolinski Drive, on the southern lot line. The parcel lies in a Residential Agricultural district.

Town of Boston code 123-49C.[referring to 123-49B.(1)] requires a lot width at the front lot line of 75' in this zoning district. Although his lot dimensions are 415'x 1220' (prox.), only 60' fronts a street. To be clear and correct and avoid any future issues Mr. Stisser requests a 15' area variance to become fully code compliant.

Code: 75 feet
Actual: 60 feet
Variance: 15 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.

Town of Boston
8500 Boston State Rd
Boston, NY 14025

Letter of Intent for Zoning Variance For:

Gary and Linda Stisser
9310 Smolinski Dr
Boston NY 14025

Zoning: RA Parcel SBL. 258.06-3-1.112

Letter of Intent for Zoning Variances/Special Exception

Dear Zoning Members,

We are requesting a variance for the above address to seek relief of the required Seventy Five foot frontage. For the reasons listed below, the proposed reduction in the reduced frontage would allow us to build a family home.

1. The property has a unique condition, one not typically found in the same zoning district, relating to the width, depth, or shape of the lot, or other exceptional circumstance not created by the owners.
2. Strict application of the Zoning Ordinance would result in practical difficulties, as distinguished from the mere inconvenience, which would deprive an owner of the reasonable use of the property.
3. The variance would not unreasonably affect adjacent properties.
4. The requested variance would be consistent with the spirit and purpose of this board and to the Town of Boston Comprehensive Plan as the new home built in the neighborhood will blend with the new homes in the neighborhood and will be in the spirit of the street ad community.

Thank you for your consideration,

Sincerely,

Gary and Linda Stisser

Short Environmental Assessment Form

Part 1 - Project Information

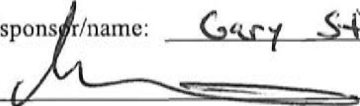
Instructions for Completing

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.

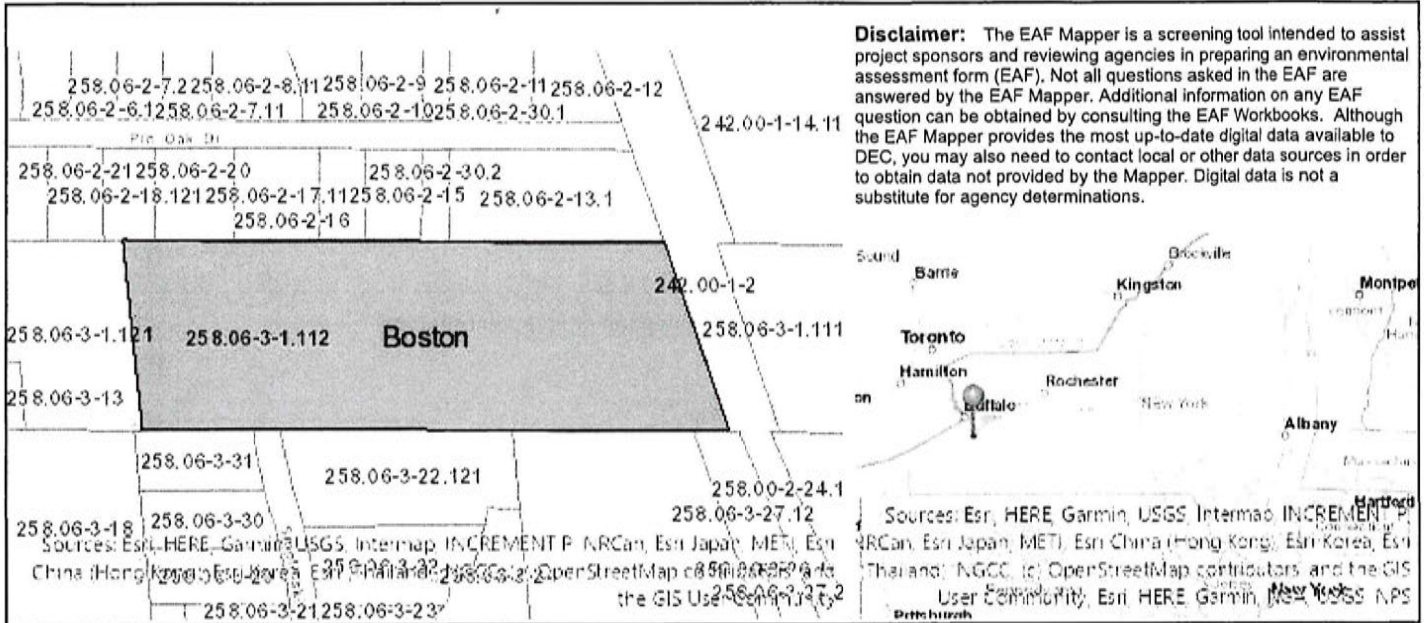
Part 1 – Project and Sponsor Information			
Name of Action or Project: <i>Gary Stisser</i>			
Project Location (describe, and attach a location map): <i>Create a buildable lot</i>			
Project Location (describe, and attach a location map): <i>North end of Smolinski Drive</i>			
Brief Description of Proposed Action: <i>Requesting additional frontage to create a buildable lot in a RA zoning district.</i>			
Name of Applicant or Sponsor: <i>Gary Stisser</i>			
Address: <i>9345 Boston State Rd</i>			
City/PO: <i>Boston</i>	State: <i>NY</i>	Zip Code: <i>14025</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	YES
		<input checked="" type="checkbox"/>	<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	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<u>11.7</u>	acres
b. Total acreage to be physically disturbed?		<u>0</u>	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>11.7</u>	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			

	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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ <u>After consulting the EC GIS No wetlands are</u> <u>noted on this parcel. TCM</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" 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? If Yes,	NO	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)? 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"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Gary Stisser</u> Date: <u>1-25-24</u></p> <p>Signature:  Title: <u>owner</u></p>		

EAF Mapper Summary Report

Thursday, January 25, 2024 1:56 PM



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

ERIE COUNTY CLERK'S OFFICE



County Clerk's Recording Page

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GARY W & LINDA L STISSER
9345 BOSTON STATE RD
BOSTON, NY 14025

Book Type: D Book: 11335 Page: 3726

Page Count: 3
Doc Type: DEED
Rec Date: 10/03/2018
Rec Time: 03:51:37 PM
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UserID: Kim F
Trans #: 18177683
Document Sequence Number
TT2018004979

Party 1:
WURTZ ANN E EX

Party 2:
STISSER GARY W

Recording Fees:

RECORDING	\$35.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
RP5217 CNTY \$9	\$9.00
RP5217 ST-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: \$855.00

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

Michael P. Kearns
Erie County Clerk

11A

Executor's Deed

This Indenture, made the 18TH day of September, Two Thousand Eighteen (2018),

Between Grant T. Wurtz, residing at 8778 Lovers Lane Road, Corfu, New York 14036,
as Executor of the Last Will and Testament of Ann E. Wurtz,
Cattaraugus County Surrogate's Court file #2018-37083, Grantor
and

Gary W. Stisser and Linda L. Stisser, his wife, residing at 9345 Boston State Road, Boston, New York 14025, Grantees

Witnesseth, that the Grantor, by virtue of the power and authority given in and by the said Last Will and Testament and in consideration of **Sixty Thousand Dollars (\$60,000.00)** received by the Grantor, hereby grants and releases unto the Grantees, their distributees, 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. 3, Township 8, Range 7 of the Holland Land Company's survey, bounded and described as follows:

Beginning at a point in the southerly line of Lot No. 3 distant 1292.54 feet easterly from its intersection with the center line of Boston State Road as measured along the southerly line of Lot No. 3;

Thence northerly at an interior angle of 96 degrees 04 minutes 18 seconds a measured distance of 418 feet and a record distance of 420.85 feet;

Thence easterly at an interior angle of 83 degrees 55 minutes 42 seconds a distance of 1163.41 feet to a point on the westerly line of lands described in a deed to the Buffalo & Susquehanna Railway Company by deed recorded in the Erie County Clerk's office in Liber 997 of Deeds at page 165;

Thence southerly and along the westerly line of the Buffalo & Susquehanna Railway Company's lands a distance of 449.18 feet to a point on the southerly line of Lot No. 3;

Thence westerly along the said southerly line of Lot No. 3 a distance of 1289.16 feet to the point or place of beginning.

Excepting and Reserving a non-exclusive easement and right-of-way ten feet in width along the southerly bounds of the property extending from the west bounds of Smolinski Drive as extended northerly to the easterly bounds of the above-described property, which easement shall be for all purposes of ingress and egress to lands lying easterly of the above-described premises.

Together With and Granting To Gary W. Stisser and Linda Stisser, individually and so long as they are the owners of the above-described premises the following: The grantor, the Estate of Ann E. Wurtz, hereby grants to the grantees, Gary W. Stisser and Linda Stisser, the Right of First Refusal with respect to all bona fide offers from third parties to purchase property now owned by the Estate of Ann E. Wurtz lying easterly of the above described premises being that portion of the premises conveyed by Francis A. Wurtz to Francis A. Wurtz and Ann Elaine Wurtz by deed dated March 29, 1985 and recorded in Liber 9434 of Deeds at page 88 on March 29, 1985 not heretofore conveyed or conveyed by this deed. Said Right of First Refusal shall be valid only so long as Gary W. Stisser and Linda Stisser or either of them are owners of the above-described premises. Within a reasonable time after the Estate of Ann E. Wurtz or its grantees (as hereinafter described) receive an offer for the premises covered by this Right of First Refusal, the Estate or its grantees shall simultaneously notify the Stissers of the same and deliver a copy of the offer to the Stissers for their review. The Stissers, within ten days after notice from the Estate or its grantees, shall in writing deliver to them a notice either declining to exercise their Right of First Refusal or notify the Estate or its grantees of their intention to enter into a contract for the purchase of the property with the Estate or its grantees containing the same terms contained in the offer. If the Stissers shall not so notify the Estate or its grantees, the Stissers shall have been deemed to have waived the Right of First Refusal granted herein with respect to said offer. If the Stissers shall

DEED - 2 178468

BOS

excise the Right of First Refusal as provided herein, the Estate or its grantees and the Stissers shall enter into a contract for the purchase of the property containing the terms set forth in the offer, including the same purchase price. A transfer of the property which is the subject of this Right of First Refusal to an ancestor or descendant of Ann E. Wurtz will not be subject to this Right of First Refusal but will be binding upon the grantees unless they in turn convey to an ancestor or descendant. It is intended that this Right of First Refusal apply only to an advertised sale to an interested third party who are not ancestors or descendants of Ann E. Wurtz.

Together with the appurtenances to and all the estate and rights which said Testator had, at the time of decease, in said premises,

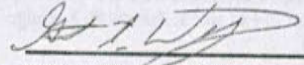
And Also, the estate therein which the Grantor has the power to convey or dispose of by virtue of said Will, whether individually or otherwise.

To have and to hold, the premises herein granted unto the Grantees, their heirs and assigns forever,

And the Grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

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

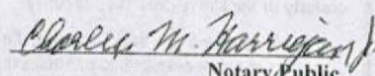
In Witness Whereof, the Grantor hereunto set his hand and seal the ____ day of September, 2018.

 _____ Is
Grant T. Wurtz, Executor

Is

State of New York)
County of Cattaraugus) ss.

On this 25th day of September in the year 2018, before me, the undersigned, a Notary Public in and for said state, personally appeared **Grant T. Wurtz**, 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 individual acted, executed the instrument.

 _____
Notary Public
CHARLES M. HARRIGAN, JR.
Notary Public, State of New York
Qualified in Cattaraugus County
My Commission Expires October 31, 2018

Prepared By:
Charles M. Harrigan, Jr.
Attorney at Law
10180 Route 140
West Valley, NY 14177
(716) 942-3631

Mail To:
Kelly O'Neal Adams
Attorney at Law
6861 Seneca Street
P.O. Box 399
Elma, NY 14059-0399

Chapter 123. ZONING

Article XI. R-A Residential-Agricultural District

§ 123-49. Minimum lot size.

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

A. Lot area:

- (1) Minimum; three acres.
- (2) Two-family dwellings: five acres.

B. Lot width at the building line:

- (1) Seventy-five feet for a single-family dwelling.
- (2) One hundred feet for a two-family dwelling or any other building.

C. Lot width at the front lot line shall be equal to the minimum required lot width at the building line.



Parcel Owner Mailing Addresses

Report generated: 2/18/2024 5:47:58 PM

KESTER DAVID
7042 BOSTON CROSS
BOSTON NY, 14025 9603

DELLAMORE LISA
9313 SMOLINSKI DR
BOSTON NY, 14025 9643

ST JOHN THE BAPTIST R C
6889 BOSTON CROSS RD
BOSTON NY, 14025 9601

WURTZ ELIZABETH A
9287 BOSTON STATE RD
BOSTON NY, 14025 9604

HORNBERGER CHARLES
PO BOX 11
BOSTON NY, 14025 0011

*-6966
Pin Oak Dr*

SHERRY LINDA M REMAINDERM
6910 PIN OAK DR
BOSTON NY, 14025

HAWKINS RICHARD K LIFE USE
6892 PIN OAK DR
BOSTON NY, 14025 9608

HOELSCHER RAYMOND J
6874 PIN OAK DR
BOSTON NY, 14025 9608

BACO MARCIA L
6834 PIN OAK DR
BOSTON NY, 14025 9608

YUHAS PETER JR - *6824
Pin Oak Dr.*
8870 FEDDICK RD
HAMBURG NY, 14075

CHESTNUT TODD C
6818 PIN OAK DR
BOSTON NY, 14025

ROTHENBERGER MICHAEL
9349 SMOLINSKI DR
BOSTON NY, 14025

ORLANDO CHARLES V
9354 SMOLINSKI DR
BOSTON NY, 14025

GEIGER JOHN W
6941 BOSTON CROSS RD
BOSTON NY, 14025 9601

KRZYSIAK STANLEY E III
9338 SMOLINSKI DR
BOSTON NY, 14025

MORGAN KEVIN J
9322 SMOLINSKI DR
BOSTON NY, 14025

STISSER GARY W
9345 BOSTON STATE RD
BOSTON NY, 14025

SHERRY LINDA
6910 PIN OAK DR
BOSTON NY, 14025

Town of Boston

Zoning Board of Appeals



Town Hall
Phone: (716) 941-6113

8500 Boston State Road
Boston, New York 14025

Zoning Board of Appeals AGENDA Thursday, March 7, 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, 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 petition:

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).

PUBLIC NOTICE
TOWN OF BOSTON
ZONING BOARD OF APPEALS

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Jennifer Cavarello, Clerk
Zoning Board of Appeals

Dated: February 18, 2024

Published:

An Equal Opportunity Provider & Employer

Zoning Board of Appeals
Meeting minutes – 02.01.2024

Attendees: Lisa Rood, Beth Pryor, Dave May, Robert Ballard, Tony Rosati,
COE/Tom Murphy, Attorney Laurie Baker
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 733pm.

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

ALL PRESENT

3. Pledge of Allegiance – Lead by Ms. Rood

4. ZBA Responsibility Reading –

Not read for this meeting due to the applicant being the one person in the audience.

5. Minutes

Motion to accept November 2023 minutes with corrections made by Ms. Pryor

2nd by Mr. Ballard

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

Ms. Rood explained that Mr. Rosati was filling in for Mr. Flattery and has all voting rights.

Letter from Mr. Winnicki read:

We (Joseph and Nicole Winnicki) would like to build a 40x62 storage building adjacent to our home at 6212 Rice Road. (the complete letter in the applicant's packet)

Ms. Rood read the public notice:

The ZBA will meet at the Town of Boston Town Hall on **Thursday, February 1, 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 #618 – Joseph & Nicole Winnicki, 6212 Rice Hill Rd, seeking an **AREA** variance of 15ft to construct a 40x62 pole barn, Town Code section 123-51 B (2).

Ms. Rood read the letter from the Code Enforcement Officer Tom Murphy. Copy of letter in the applicant's packet. (recording-03:19)

Ms. Rood read the SEQR letter:

TO: ZBA Chairman and Board members

FROM: Sarah desJardins, Planning Consultant

RE: February 2024 ZBA petition

Chairman and Board members:

Regarding Petition # 618, Joseph & Nicole Winnicki, 6212 Rice Hill Road, they are requesting an area variance of 15 feet in order to construct a 40 x 62 pole barn.

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

6. Public hearings

Motion made by Ms. Rood to open the public hearing to hear petition #618

Applicant, Joseph Winnicki, spoke to the board. What questions does the board have.

Mr. Rosati asked if there will be electric. RESPONSE: Yes, will probably want to put in electric for lights.

The building will be storage and other personal types of work, like changing oil on owned vehicles.

Everyone should have a pole barn. Never big enough.

Mr. May asked if there will be any water or plumbing? RESPONSE: No.

Ms. Rood commented that she visited the property and saw the gate. RESPONSE: would have been opened.

Ms. Pryor confirmed that the building is for storage. RESPONSE: Yes – tractor, lawn mower, etc.

Mr. Ballard commented that there was plenty of drainage.

Motion made to close the public hearing by Ms. Rood.

2nd by Mr. May

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

Motion made to approve Petition #618 by Ms. Pryor

Conditions for approval:

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

Table _____ **Time Frame** _____

Conditions to approval:

(1) Does it create an **undesirable change to the character of the neighborhood?**

Yes [] No [x]

(2) **Can the benefit sought by the applicant be achieved if the variance is not granted?**

Yes [] No [x]

(3) Is the requested variance **substantial?** Yes [] No [X]

(4) Will the variance have an **adverse effect on the physical impact or environmental conditions of the neighborhood**? Yes [] No [X]

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

2nd by Ms. Rood

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

APPROVED

Applicant advised to see CEO/Murphy within 6 months by Mr. Ballard. RESPONSE: Yes.

7. New business

none

8. Old business

None

9. Motion to Adjourn

Motion to adjourn made by Ms. Rood at 741pm

2nd by Ms. Pryor

ROLL CALL

Ms. Pryor

Mr. May

Mr. Ballard

Mr. Rosati

Ms. Rood

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

APPLICATION FOR PERMIT

Town of Boston; New York

Petition #620
OFFICE USE ONLY

Single Family Dwellings, Farm Buildings,
Accessory Building, Additions

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

Owner Nick P. Nicholas
Address 8021 Zimmerman Rd.

Contractor _____
Address _____
Day Phone _____ Eve. _____

CONSTRUCTED WITH:

Application is hereby made for permission to: Erect Alter Repair Addition Move Single Dwelling Farm Building Barn Solid-Fuel Burning Private Garage Swimming Pool Accessory Building

Address of Premises for Which Application is Made:
Section, Block, Lot 226, 03-1-25.2 Current Zoning R2
Tax I.D. Number _____

North South East West
Side of _____, Size of Lot 470.61, .916
Street Name _____ Frontage _____ Dept _____ Acreage _____

Distance of Building from lot lines. Front _____, Rt. Side _____, Lt. Side _____, Rear _____
Size of completed Building, Addition, feet wide 30, feet long 40, feet high 17
Sq. Ft. of: Basement _____, First Floor _____, Second Floor _____, Garage _____, Other _____
The estimated value of Structure exclusive of land is \$ 25,000
Total Square Footage of Lot _____ Percentage of Lot Coverage (All Bldgs) _____ %

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

NOTE: Approval of proposed system by County Health Dept. must be presented with application.

NOTE: Permit for Driveway Culvert must be presented with this application before Driveway Culvert is installed. Permit must be obtained from the Highway Department having jurisdiction (Town)(County)(State)

Attach Survey bearing the stamp of a licensed survey or engineer showing the location of all buildings with references to said lot including both existing structures and proposed structures, giving dimensions in feet.

PLANS FOR THE BUILDING INSPECTOR MUST BE SUBMITTED WITH THIS APPLICATION. THEY MUST COMPLY WITH STATE UNIFORM BUILDING CONSTRUCTION CODE AND THE STATE ENERGY CONSERVATION CODE.

No person shall make any change in plans herewith submitted for specifications herein contained, or in the structural part of the building without written consent of the Building Inspector.

Sketch on reverse side of this application must be completed

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

Nick P. Nicholas
Applicant/Owner

Applicant/Owner

Date 01/29/24

Date

() Approved (x) Disapproved

Date January 29, 2024

123-136B.4 c 228
Reason A 1200
v 472

Thomas C. [Signature]
Building Inspector
Town of Boston



TOWN OF BOSTON

February 12, 2024

PETITION #620

Distinguished Chairman Rood,
Honorable Board Members,

Mr. Nick P. Nicholas would like to erect a 1200 square foot private garage (pole barn style) at his residence at 8021 Zimmerman Road, a parcel 9/10ths of an acre in size.

Town of Boston code section 123-136B.(4) limits the aggregate square footage of accessory buildings to 728 square feet for a parcel of this size. For this project to move forward he requires an area variance from your zoning board.

Code: 728 square feet
Actual: 1200 square feet
Variance: 472 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

Short Environmental Assessment Form

Part 1 - Project Information

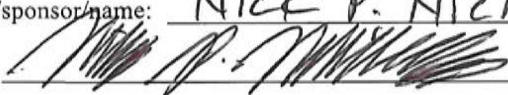
Instructions for Completing

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.

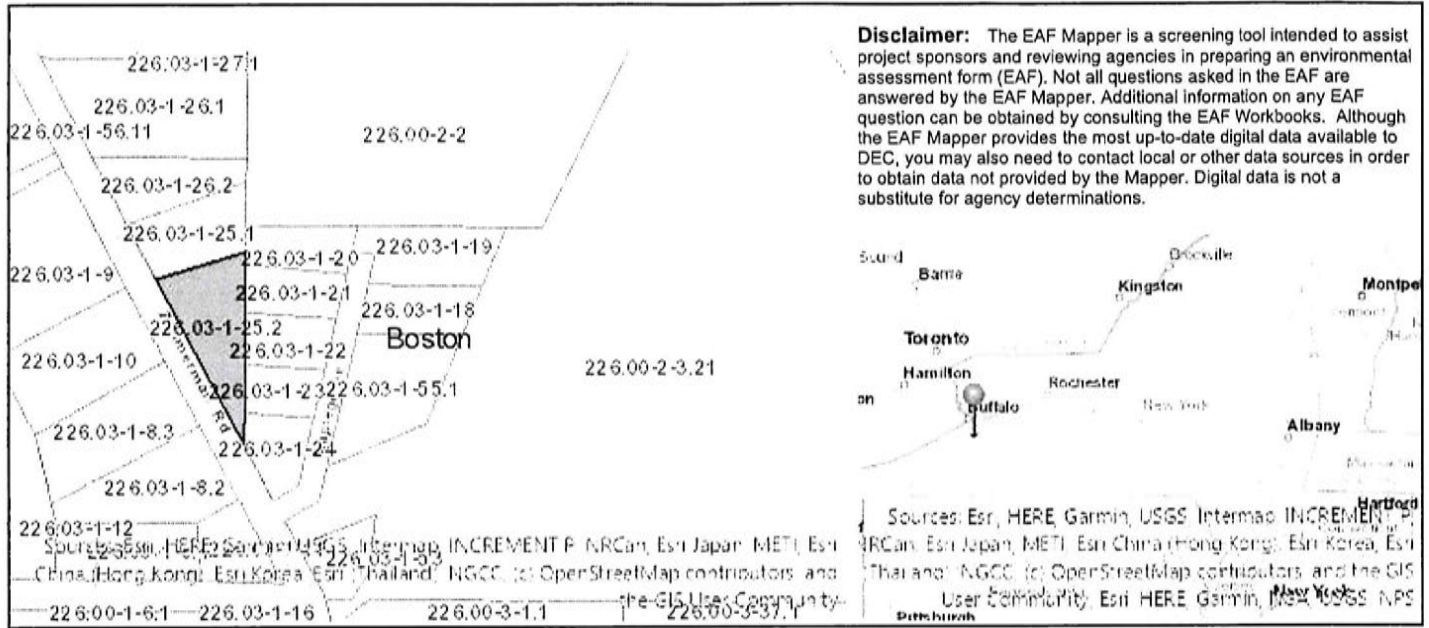
Part 1 – Project and Sponsor Information			
Name of Action or Project: Private garage			
Project Location (describe, and attach a location map): 8021 Zimmerman Rd. Hamburg, N.Y. 14075			
Brief Description of Proposed Action: Construction of 30' x 40' x 17' pole barn.			
Name of Applicant or Sponsor: Nick P. Nicholas [REDACTED]			
Address: 8021 Zimmerman Rd. [REDACTED]			
City/PO: Hamburg	State: N.Y.	Zip Code: 14075	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Boston		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		.0275 acres	
b. Total acreage to be physically disturbed?		.0275 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.9 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			

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>N/A</p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>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?</p> <p>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?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p>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? <i>THE ERIE COUNTY GIS MAP DOES NOT INDICATE THE PRESENCE OF WETLANDS</i></p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	

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"/> 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>Erie County Culvert @ Road.</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>Nick P. Nicholas</u>	Date: <u>02/12/24</u>
Signature:		Title: <u>owner</u>

EAF Mapper Summary Report

Monday, February 12, 2024 3:46 PM



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

Nick P. Nicholas

I am requesting this Variance for a pole barn because of the size restriction. My family has a small collection of vehicles that we like to work on ourselves whenever possible. No real heavy maintenance, but we enjoy fixing them up & doing the preventative stuff when we can.

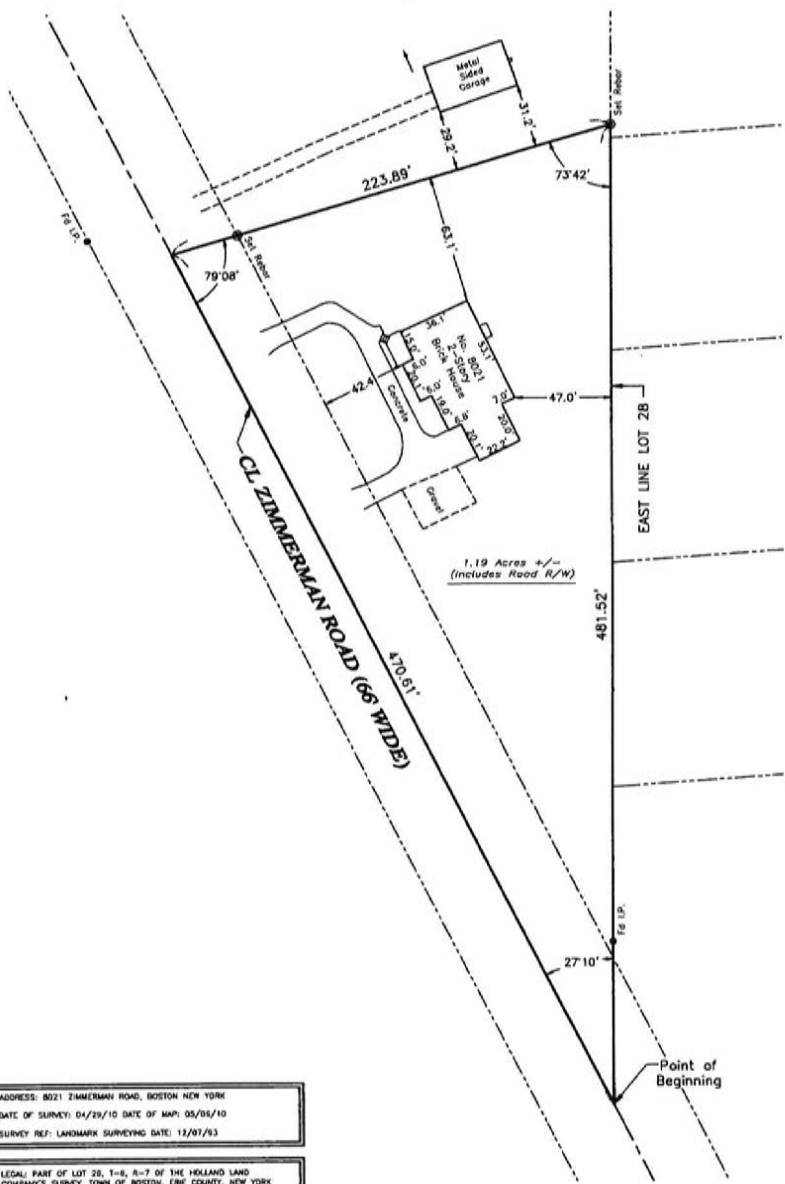
The Dodge Stealth & Chrysler 300 we own are for summer use only & it would be nice to store them indoors and save a few dollars on insurance vs. keeping them fully "on the road" all year.

Our plan is to make the exterior of the building as tasteful and residential looking as we can so it is not an eyesore to our neighbors.

Thank you,



SURVEY
 8021 ZIMMERMAN ROAD
 BOSTON, NEW YORK



1" = 60'

ADDRESS: 8021 ZIMMERMAN ROAD, BOSTON NEW YORK
 DATE OF SURVEY: 04/29/10 DATE OF MAP: 05/06/10
 SURVEY REF: LANDMARK SURVEYING DATE: 11/07/93

LEGAL PART OF LOT 28, 1-8, 8-7 OF THE HOLLAND LAND COMPANY'S SURVEY, TOWN OF BOSTON, LIRE COUNTY, NEW YORK
 NO PROPERTY CORNERS WERE SET AS PART OF THIS SURVEY EXCEPT AS SHOWN.

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

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

REQUESTED BY: Attea & Attea - Attorneys at Law

J. A. Attea

GENZEL LAND SURVEYING, P.C. © 2010
 7033 COLE ROAD COLDEN, NEW YORK 14033
 PH: (716) 667-9733 FAX: (716) 667-9735
 JOB NO. 1885 DATE: 05/06/10 DWN. BY: JAG

THIS MAP WAS PREPARED BY THE SURVEYOR WHO HAS THE ORIGINAL SURVEYOR'S SEAL TO BE SEEN

This Indenture, made the 13th day of August, 2010.

Between

GERARD M. WITTMAYER and
JEAN M. WITTMAYER, his wife
8021 Zimmerman Road
Hamburg, New York 14075

Grantors, and

NICK P. NICHOLAS and
CHERYL NICHOLAS, his wife
210 Abbott Road
Buffalo, New York 14220

Grantees

Witnesseth, that the Grantors, in consideration of
-----One & More-----Dollars (\$1 & More),
lawful money of the United States, paid by the Grantees, do hereby grant and release unto the
Grantees, their heirs, distributees 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. 28, Township 8, Range 7 of the Holland Land
Company's Survey, described as follows:

BEGINNING at the intersection of the east line of Lot No. 28 with the
center line of Zimmerman Road; thence northerly along the east line of Lot No. 28, 481.52 feet to
a point thence westerly at an interior angle of 73° 42', 223.89 feet to a point in the center line of
Zimmerman Road, which point is 470.61 feet north of the point of beginning, as measured along
said center line of Zimmerman Road; thence southeasterly along said center line of Zimmerman
Road 470.61 feet to the point or place of beginning.

FILED
AUG 17 2010
ERIE COUNTY
CLERK'S OFFICE

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 Grantees, their heirs, distributees and assigns forever.

And said Grantors covenant as follows:

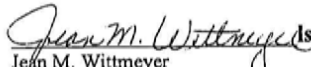
First, that said Grantees shall quietly enjoy the said premises;

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.

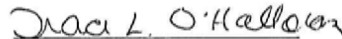
In Witness Whereof, the Grantors have hereunto set their hands on the date respective of the acknowledgments for each below.


Gerard M. Wittmeyer


Jean M. Wittmeyer

State of New York)
County of Erie) ss:

On the 13th day of August, 2010, before me, the undersigned, a notary public in and for the State of New York, personally appeared GERARD M. WITTMAYER and JEAN M. WITTMAYER 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 they executed the same in their capacity, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.

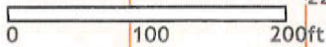
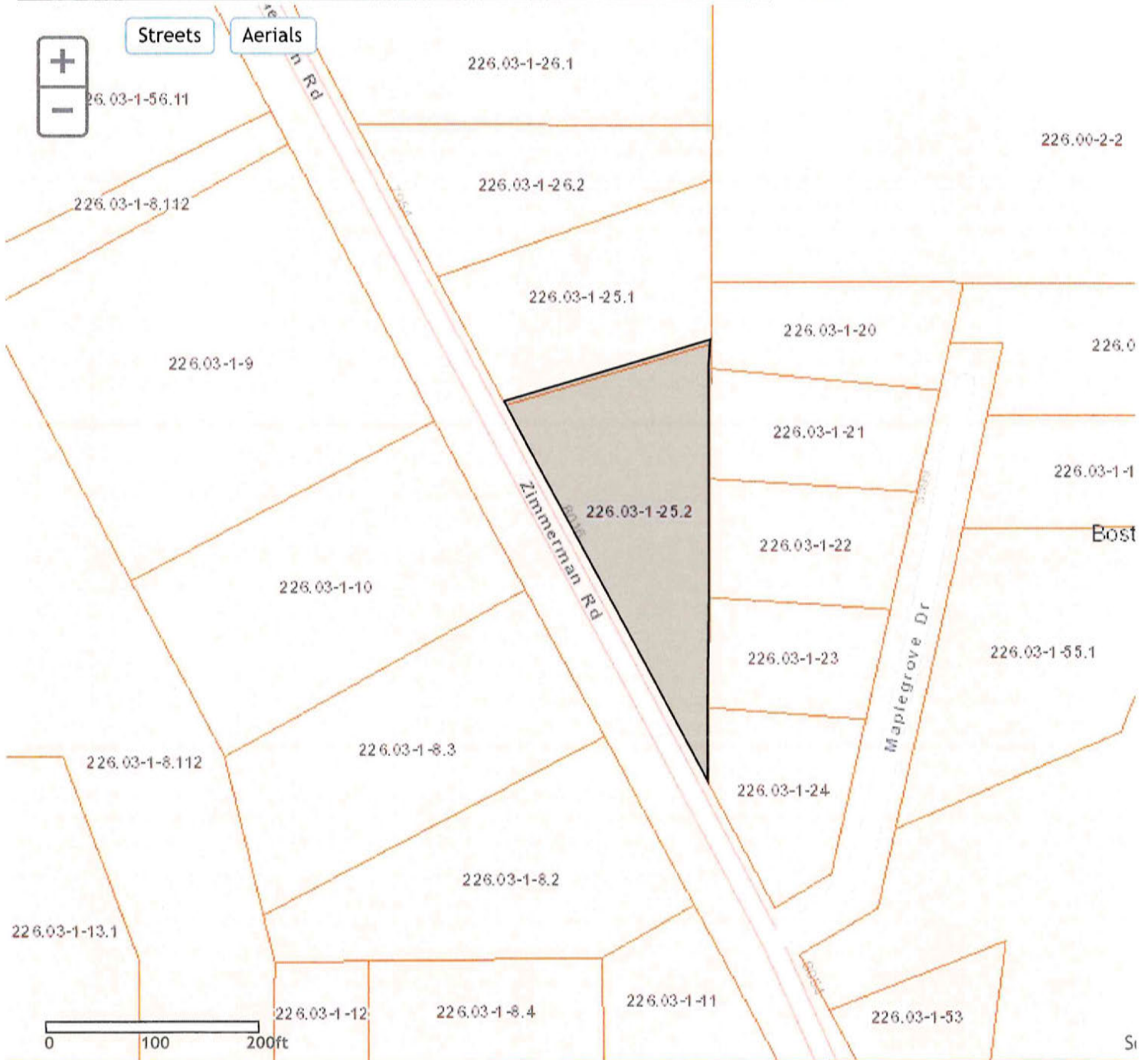


TRACI L. O'HALLORAN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 1, 2014



Streets

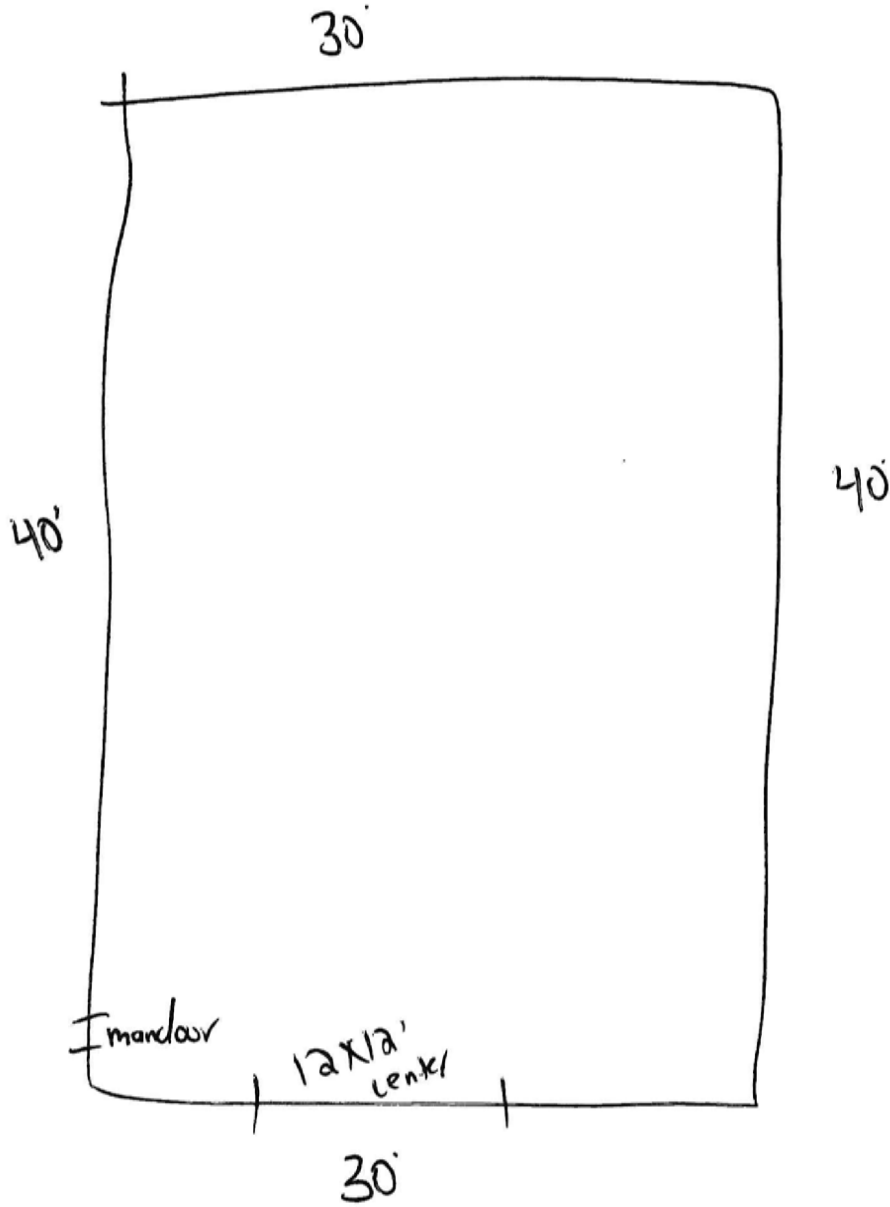
Aerials



Initial Extent Zoom In Zoom Out Show Overview Map

Nick Nickolaas
8021 Zimmerman Rd
Hamburg, NY 14075

14' sidewalk
3 windows
4/12 pitch
1' overhang



CAD Drawing

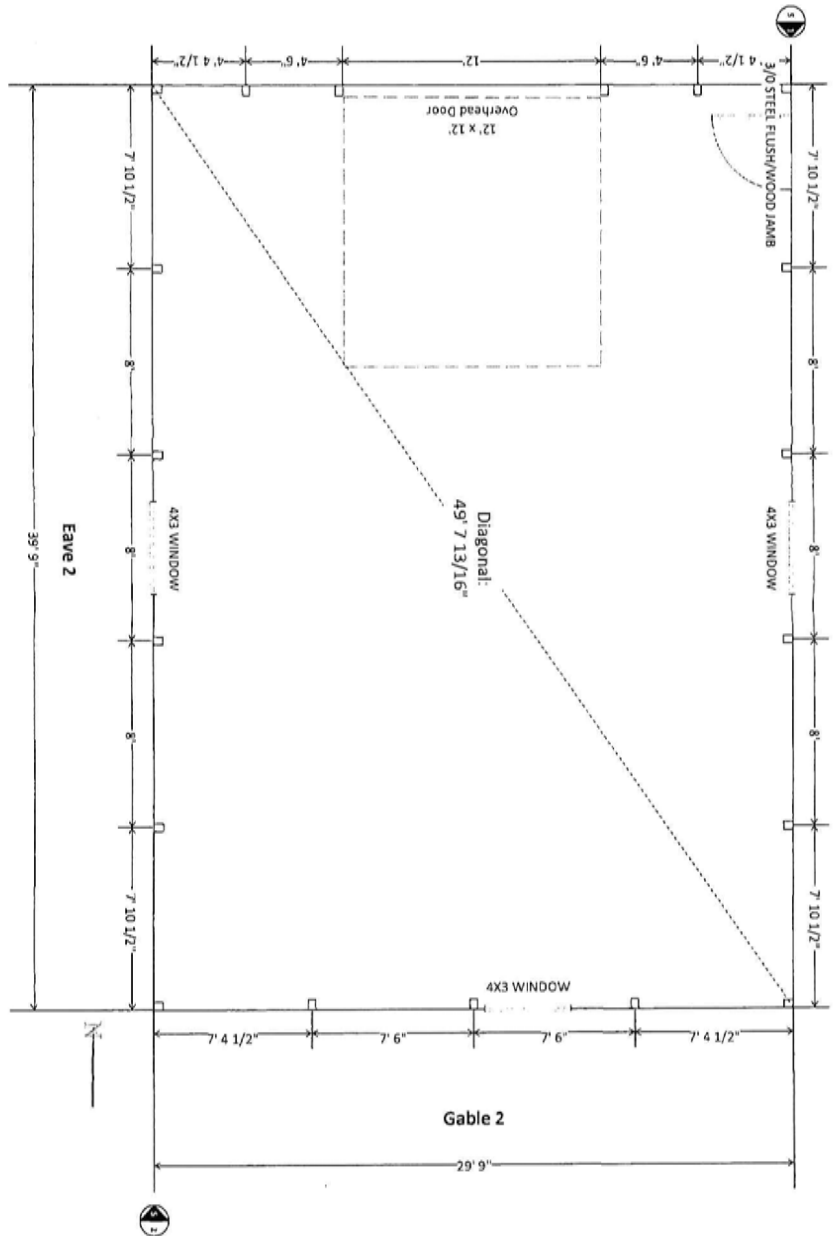
YOUR LOGO

POLE LAYOUT
Personal Use, 1200 sq. ft.

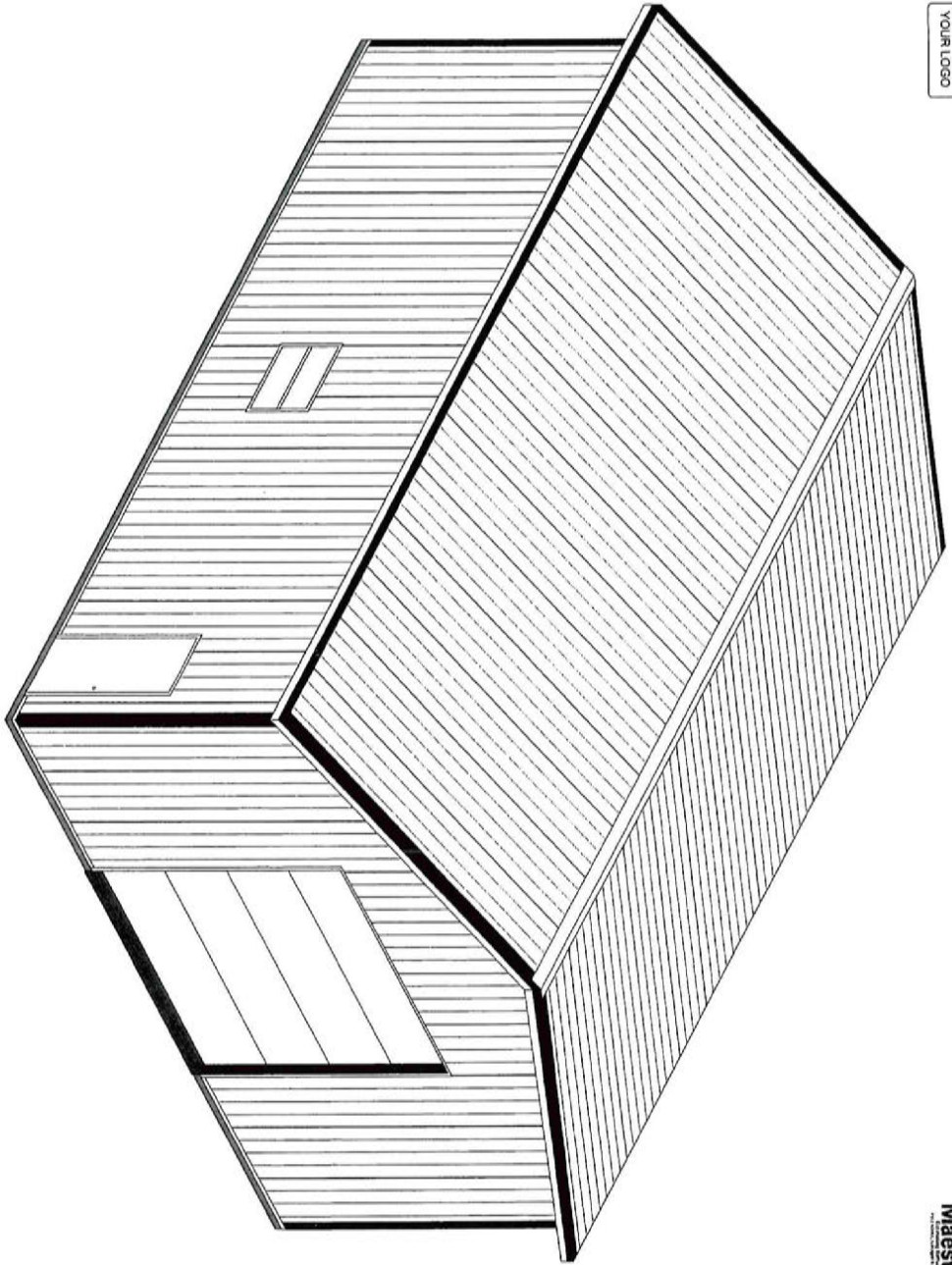
Construction
Maestro
Pole Buildings

Eave 1

Gable 1



Nick Nicholas
Estimate Number 1429
2/5/2024

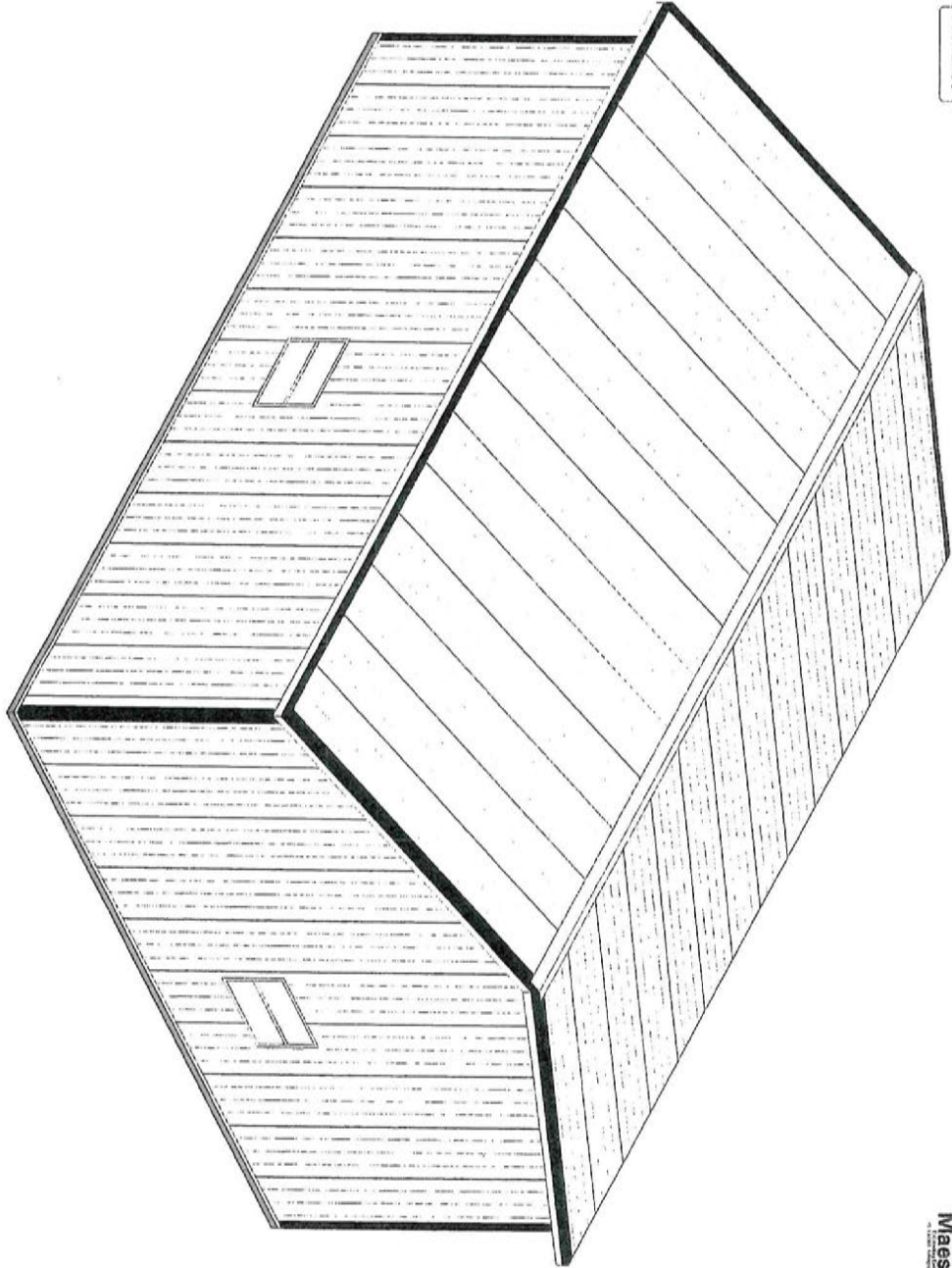


YOUR LOGO

Construction
Maestro
The Art of Building

7841 Woodbine
East York, Ontario M2N
2S6Y0K2

7804 HICKORY
SERIES NUMBER: 1722
© 2008

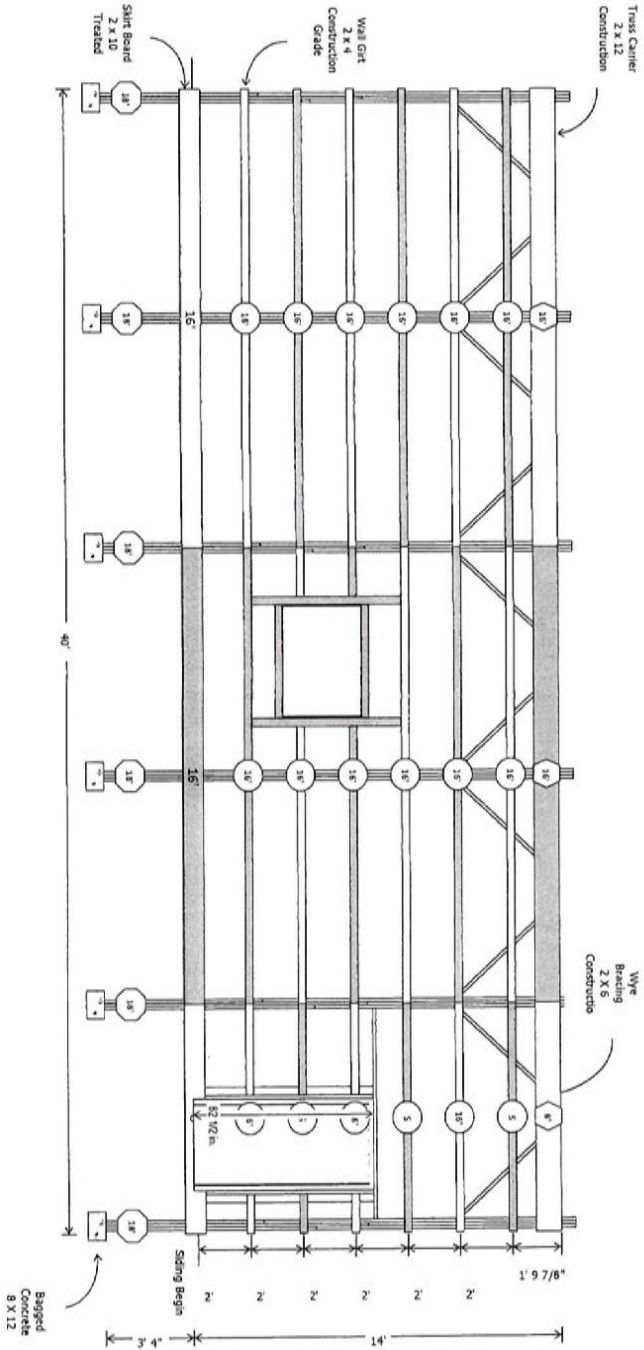


YOUR LOGO

MAESTRO
BY THE WOODWORKERS

YOUR LOGO

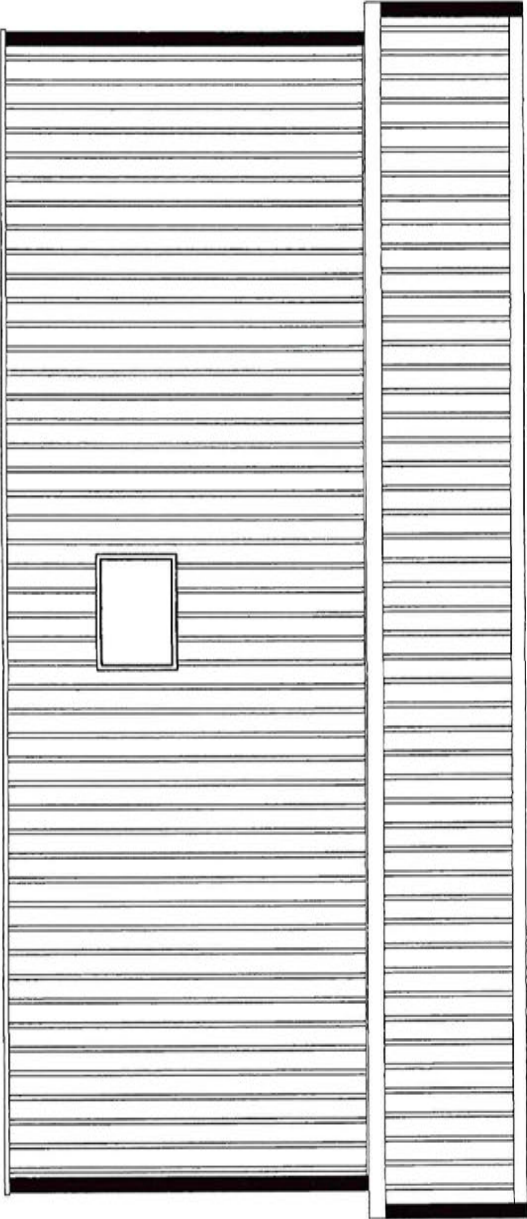
EAST SIDE-EAVE SIDE 1 WALL GIRT VIEW



"Nick Nickolaas
Estimate Number: 1429
2/5/2024"

YOUR LOGO

WEST SIDE-EAVE SIDE 2 ELEVATION

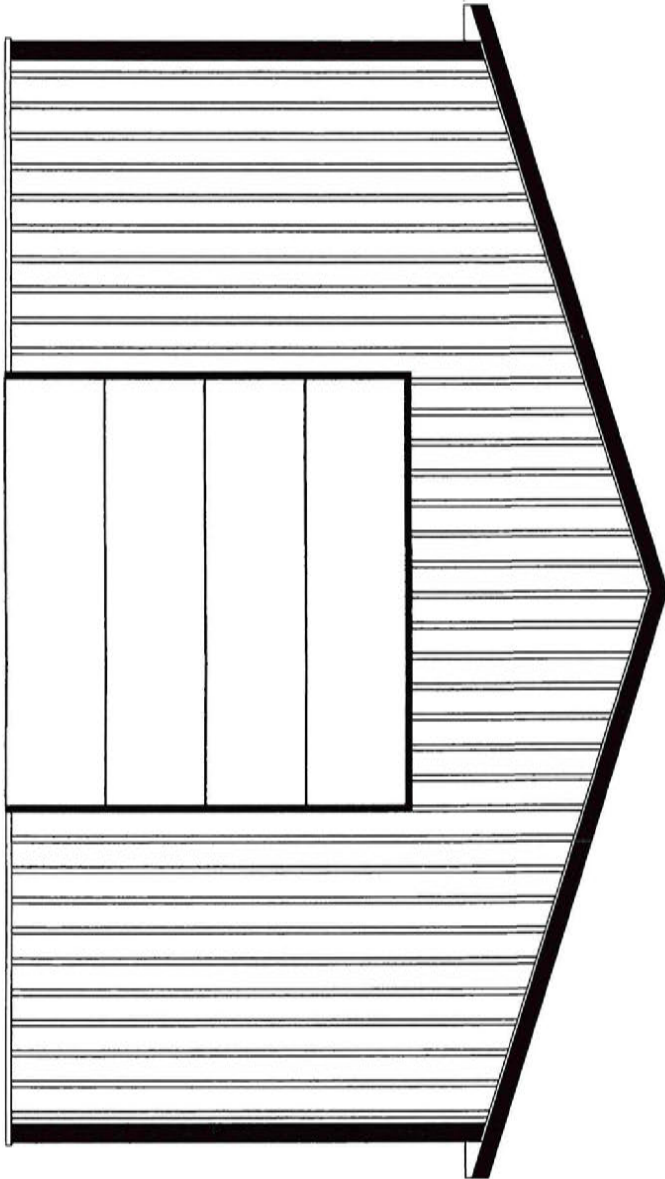


Construction
Maestro
Siding & Soffit
For More Colors & Details

"Nick Nickolaas
Estimate Number: 1429
2/5/2024"

YOUR LOGO

NORTH SIDE-GABLE SIDE 1 ELEVATION

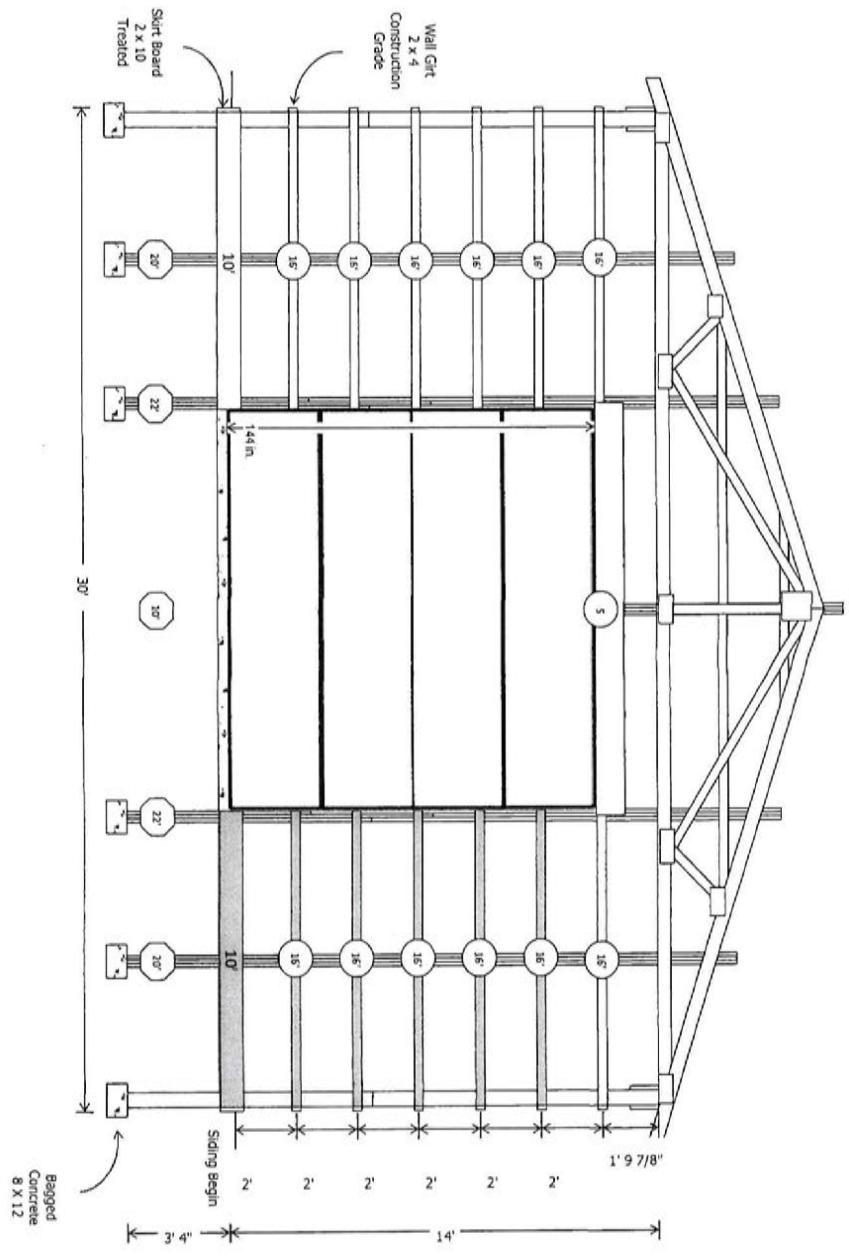


"Nick Nickolaas
Estimate Number: 1429
2/5/2024"

YOUR LOGO

NORTH SIDE-GABLE SIDE 1 WALL GIRT VIEW

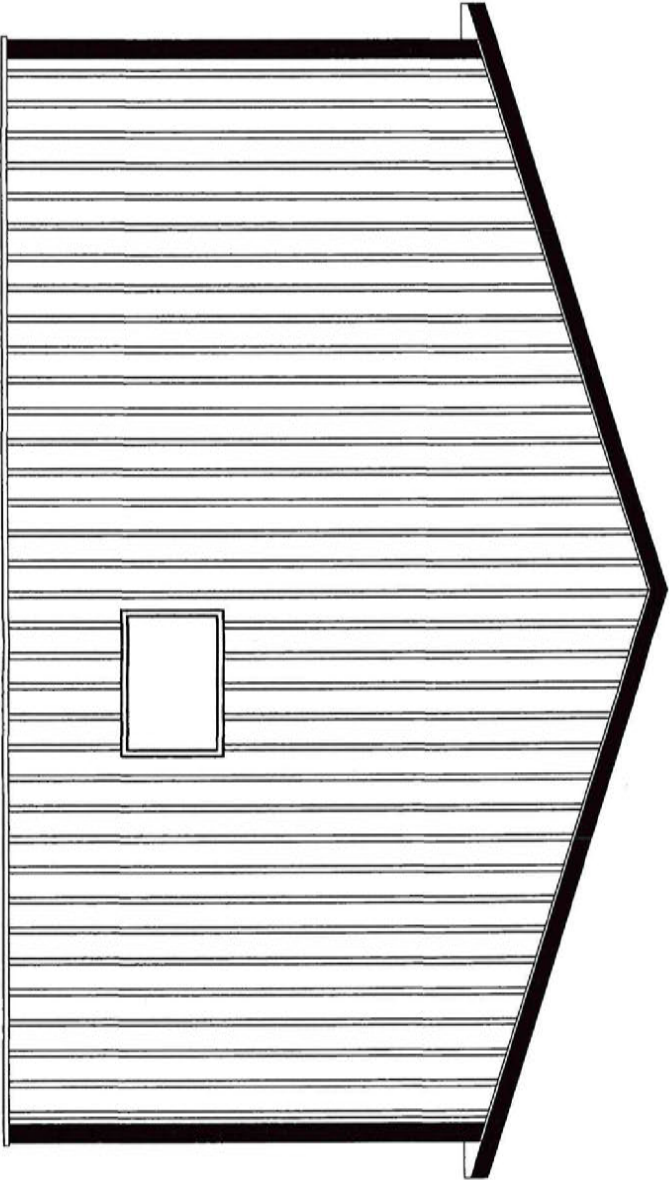
Construction
Maestro
The Experts in Building the Right Way



"Nick Nicolaas
Estimate Number: 1429
2/5/2024"

YOUR LOGO

SOUTH SIDE-GABLE SIDE 2 ELEVATION



Construction
Maestro
Estimating, Design & Docs
Proo Surin, Drijagers & Dicks

"Nick Nickolaas
Estimate Number: 1429
2/5/2024"

Parcel Owner Mailing Addresses

Report generated: 2/18/2024 6:10:47 PM

HOGAN CHRISTOPHER W JR
5489 KELLER RD ✓
HAMBURG NY, 14075

MISTRETTA PHILLIP
8062 ZIMMERMAN RD ✓
HAMBURG NY, 14075

YOCUM MALINDA ✓
8069 ZIMMERMAN RD
HAMBURG NY, 14075 7139

MISTRETTA PHILLIP J
8062 ZIMMERMAN RD
HAMBURG NY, 14075 7140

JAMES ALAN S - 5465 Keller Rd
7541 BEHM RD
WEST FALLS NY, 14170

RUZZINE DAVID ✓
8050 ZIMMERMAN RD
HAMBURG NY, 14075 7140

SCHWENK ROGER A & RHONDA
5533 MAPLE GROVE DR ✓
HAMBURG NY, 14075

SCHWENK ROGER & RHONDA
5533 MAPLE GROVE DR ✓
HAMBURG NY, 14075 7113

RUZZINE GARY ✓
8040 ZIMMERMAN RD
HAMBURG NY, 14075 7140

PACIOREK GERARD & SUSAN
5530 MAPLE GROVE DR ✓
HAMBURG NY, 14075 7113

STEWART KEVIN R
5537 MAPLEGROVE DR ✓
HAMBURG NY, 14075

PIKE JULIE
8014 ZIMMERMAN RD ✓
HAMBURG NY, 14075 7138

STEINAGLE THOMAS M
5540 MAPLE GROVE DR ✓
HAMBURG NY, 14075

SCHMITT JOHN J
5541 MAPLE GROVE DR ✓
HAMBURG NY, 14075 7113

NICHOLAS NICK P ✓ Applicant
8021 ZIMMERMAN RD
HAMBURG NY, 14075 7137

KASZUBIK KEITH A - 5550 Maple Grove Dr.
PO BOX 332
N BOSTON NY, 14110 0332

FRANZ ROBERT G SR - 5545 Maple Grove Dr.
PO BOX 370
NORTH BOSTON NY, 14110 0370

WITTMAYER GERARD M - 5009 Zimmerman Rd ✓
4255 ZENNER RD
EDEN NY, 14057

KRENCIK JOSHUA D JT TENANT
7998 ZIMMERMAN RD ✓
HAMBURG NY, 14075

WHITE PATRICK W & SUSAN J
7979 ZIMMERMAN RD ✓
HAMBURG NY, 14075

SPAULDING DAVID E LIFE USE ✓
5485 KELLER RD
HAMBURG NY, 14075 7054

WHITE PATRICK & SUSAN
7979 ZIMMERMAN RD
HAMBURG NY, 14075 7137

KASZUBOWSKI THOMAS M ✓
8115 ZIMMERMAN RD
HAMBURG NY, 14075 7141

RANALLETTA LISA A
5507 TANGLEWOOD DR
HAMBURG NY, 14075

GIBBON JAMES & ANIA ✓
7972 ZIMMERMAN RD
Hamburg 14075