



TOWN OF BOSTON

Zoning Board of Appeals

Zoning Board of Appeals

AGENDA

Thursday, July 2, 2026

7:00 PM

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

1. Executive Session – Planning Board Room
2. Call Meeting to Order
3. Pledge of Allegiance
4. ZBA Responsibility Reading
5. Minutes
6. Public Hearing(s)
7. New Business
8. Old Business
9. Motion To Adjourn

The ZBA will meet at the Town of Boston Town Hall on Thursday July 2, 2026 at 7:00 PM for a work session in the Planning Board room, followed by the Public Hearing(s) in the Court Room to hear the following petitions:

Petition #656 – Paul Ziokowski, 9110 Zimmerman, Boston seeking an area variance per Town of Boston Code 123-48 to erect an accessory structure at SBL 241.00-2-14.14 vacant lot in violation of requirement to have a primary residence on the parcel first

Petition #658 – Nick and Amber Chuba, 7300 Boston State Rd requests a Use variance for a use variance per Town of Boston Code 123-25 B 3 (a) for a detached in law apartment in violation of C-1 zoning and an area variance per Town of Boston Code 123-136 B (4) for a detached accessory building in violation of maximum square footage and height allowed per lot size

Petition #660 – James Staub, 6970 Liebler, Boston requests an area variance per Town of Boston Code 123-136 B (4) to erect a pole barn in violation of maximum square footage allowed per lot size

Petition #661 – Todd Gallagher, Foxhole Farm Winery, 8325 Cole rd, Colden requests a Use variance per Town of Boston Code 123-78 A 5 to allow a use as a tavern eating and drinking establishment, and an area variance per Town of Boston Code 123-136 B (4) for size and height for a (2) detached accessory buildings in violation of maximum square footage and height allowed per lot size

8500 Boston State Road Boston, New York 14025-9848

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Public Notice
Town of Boston
Zoning Board of Appeals

The ZBA will meet at the Town of Boston Town Hall, 8500 Boston State Road, Boston on **Thursday, July 2, 2026 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:

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Petition #658 – continued Nick and Amber Chuba, 7300 Boston State Rd requests a Use variance for a use variance per Town of Boston Code 123-25 B 3 (a) for a detached in law apartment in violation of C-1 zoning and an area variance per Town of Boston Code 123-136 B (4) for a detached accessory building in violation of maximum square footage and height allowed per lot size

Petition #660 – James Staub, 6970 Liebler, Boston requests an area variance per Town of Boston Code 123-136 B (4) to erect a pole barn in violation of maximum square footage allowed per lot size

Petition #661 – Todd Gallagher, Foxhole Farm Winery, 8325 Cole rd, Colden requests a Use and an Area variances per Town of Boston Code 123-78 A 5 to allow a use as a tavern eating and drinking establishment, and per Town of Boston Code 123-136 B (4) for size and height for a detached accessory building extension in violation of maximum square footage and height allowed per lot size

Robert Reed
Code Enforcement Officer
Town of Boston

Dated June 18, 2026

Published:

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Zoning Board of Appeals
July 2, 2026

Attendees: Chairman Ms. Lisa Rood, Ms. Bethany Pryor, Mr. David May, Ms. Pamela Zylinski, Attorney Ms. Laurie Baker, Code Enforcement Officer Mr. Shawn Vanderdoes, Councilman Mr. Robert Penders/Town Board Liaison.

Absent: Mr. Robert Ballard

Chairman Ms. Rood called the Board of Zoning of Appeals meeting to order at 7:39 PM.

The Pledge of Allegiance was recited.

Ms. Pryor read the ZBA responsibility statement, explaining the difference between use variances and area variances and what the Board must consider when reviewing each type of request.

Chairman Ms. Rood: I would like Ms. Zylinski as a full voting member this evening.

Roll call was taken as follows:

Ms. Zylinski: Present	Mr. May: Present	Chairman Ms. Rood: Present
Ms. Pryor: Present	Mr. Ballard: Absent	

Chairman Ms. Rood read the Public Hearing the ZBA will meet at the Town of Boston Town Hall, 8500 Boston State Road, Boston, NY on Thursday, July 2, 2026 at 7:39 PM for the work, followed by the Public Hearing in the Court Room to hear the following petitions:

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Chairman Ms. Rood: Reported that the Petition # 56 is off the agenda tonight. We will be moving on to Nick and Amber Chuba Petition #658 at 7300 Boston State Road. We opened this hearing last month and we left it open. Mr. Chuba if you would like to come forward.

Chairman Ms. Rood: One of the things we are looking for this use variance. We were looking for financials for the property as Bethany described in the ZBA responsibility. We did not get anything new in our packet.

Mr. Chuba: I sent something to Shawn almost a month ago regarding all the finances and things. I assumed that he made copies for all the board. I do have a copy that I can give you that discusses all the financial as well as each of the factors on the very last page regarding the use variance. May I come and show you the papers?

Chairman Ms. Rood: Okay.

Mr. Chuba: I also have a letter from a realtor discussing the use variance and the zoning of commercial versus residential as well. If that would be helpful.

Chairman Ms. Rood: We do not have those papers.

Mr. Chuba: I can provide a copy.

Chairman Ms. Rood: Sure, if you bring it up. I do not know if we have enough time to read all the papers tonight though and hold everything up.

Mr. Chuba: I provided them almost a month ago. I provided it on June 16th.

Chairman Ms. Rood: Did you get this Shawn?

Code Enforcement Officer Mr. Shawn Vanderdoes: Is this the one you texted me.

Mr. Chuba: I sent it to you in email and texted it to you.

Code Enforcement Officer Mr. Shawn Vanderdoes: I do not know why it is not in your packet. I guess I did not do something. I do not know why it is not in your packet.

Ms. Pryor: I do not think it looks like it is four or five pages.

Chairman Ms. Rood: Please leave it with Margaret and she give it to us in our packets next month. Honestly, we do not have enough time to go through it tonight.

Mr. Chuba: I can go briefly over them if it would be helpful regarding all this stuff.

Chairman Ms. Rood: It is a lot to digest. I will be honest. We honestly do not have time to go through it tonight here.

Mr. Chuba: I can help you go over the last few pages that go over the factors. It is a brief overview of it all.

Chairman Ms. Rood: I cannot offer you legal advice. I think that more than this is required. I will be honest just perusing the papers.

Mr. Chuba: The hardship is just being commercial.

Chairman Ms. Rood: But could you turn around and sell that property and realize a reasonable return for it? This is the first prong for a Use variance. Right now, if you have a realtor come in there now and look at it and give you an appraisal. Could you get a reasonable return for the property?

Mr. Chuba: Just based on inflation market.

Ms. Pryor: That is a question you could probably ask somebody to get some information.

Mr. Chuba: I have an appraisal from a realtor.

Ms Pryor: I do not think we have any other choice but to push it to August.

Chairman Ms. Rood: I want to give you your fair due. I do not want to rush through things. All of us need to read it and digest it, maybe do some research on it. I do not want to rush you, and I apologize but we did not have it. There are two more people behind you, and I do not want to hold up everybody.

Mr. Chuba: It is frustrating. I thought it was reasonable enough for everything with my stuff.

Chairman Ms. Rood: I am sorry.

Mr. Chuba: It is not to blame.

Chairman Ms. Rood: Yes, I know.

Ms. Pryor: We understand your frustration. It was an unfortunate oversight.

Chairman Ms. Rood: I hate tabling things and it is not tabled; it is left open.

Mr. Chuba: I am not asking for anything unreasonable.

Chairman Ms. Rood: you are asking for a use permit which is large. They do not give them out easily. It is very difficult to achieve.

Chairman Ms. Rood: Anything that you read in your research.

Mr. Chuba: One question for you is going through all this, is it worth my time should I be seeking advice.

Chairman Ms. Rood: I cannot answer that question for you.

Mr. Chuba: The longer I push this back, the harder it is to construct considering the weather and all that stuff as well.

Chairman Ms. Rood: Trust me I understand that, too.

Ms. Pryor: Our hands are very much tied by these four factors. If they are not met fully to the capacity that they need to be, there is no re-chance of this either. So, we want to give you every opportunity that you can. We cannot give you legal advice or anything. Perhaps that is something you would like to seek on your own. I have been on board for many years, and we have given out two use variances.

Mr. Chuba: Based on that what did they need to show? I get the four factors, but what did they show to you specifically?

Chairman Ms. Rood: They bought in adds for the property that they were trying to sell for the past four years. Each year they reduced it and nobody was interested. Nobody wanted to buy the property. They could not realize a reasonable return for it. It was a parcel that was behind a group home. It was a weirdly shaped property too. It was like there was a driveway running through it and an easement.

Mr. Chuba: I have that in the letter because it is so narrow it is not commercially viable as a property.

Chairman Ms. Rood: But you bought it.

Mr. Chuba: Right. I bought it as a bankruptcy to the town.

Chairman Ms. Rood: The other Use Permit was given to the car wash. Because there was a car wash there that was running and then it ran into disrepair. It sat there vacant. The person that owned it passed away. They were trying to close out the estate. Nobody wanted it because it had a car wash on it. The zoning was changed up from when it was running to what it was now. Who wants a triangular piece of property? Surrounded by roads with a car wash on it.

Ms. Pryor: In all the Use Variances that we have granted, it had to do with the property. The land itself. So, keep that in mind.

Mr. Chuba: What I feel I have written in there doesn't really discuss any of that. It discusses, I feel, the factors of the Use Variance.

Chairman Ms. Rood: Did you look up the use permit and the four prongs that you must meet?

Mr. Chuba: Yes, as much as I could. You know regarding all those prongs and this and that and then just talking with Bob and Shawn as well. They gave me added information which I put all together for tonight.

Ms. Pryor: Do you have any history on the property? What did you buy it for?

Mr. Chuba: I do.

Ms. Pryor: That is the information that is evidence that we need to see. To see that reasonable rate of return.

Mr. Chuba: Okay.

Chairman Ms. Rood: I am looking forward to seeing what you come up with. I appreciate it.

Mr. Chuba: When is the next meeting in August.

Chairman Ms. Rood: The first Thursday in August.

Ms. Pryor: It will be August 6th at 7:30 PM.

Chairman Ms. Rood: We will need copies the papers and the letter. Whatever you must give us. Make sure you hang on to the original to make your own copies, digital copies.

Mr. Chuba: I have six copies for you.

Chairman Ms. Rood: I hate to push things out, too. All right, so we will leave this open till August.

Mr. Chuba: Okay.

Chairman Ms. Rood: Petition #660 – James Staub, 6970 Liebler, Boston requests an area variance per Town of Boston Code 123-136 B (4) to erect a pole barn in violation of maximum square footage allowed per lot size.

Chairman Ms. Rood made a motion to open the public hearing, and Ms. Pryor seconded the motion.

Vote Taken:

Ms. Zylinski	Yes [X]	No []	Mr. Ballard	Absent	Mr. May	Yes [X]	No []
Ms. Pryor	Yes [X]	No []	Chairman Ms. Rood	Yes [X]	No []		

Chairman Ms. Rood: She read a letter from Mr. Staub request for area variances proposed 40 by 32 structure. Dear members of the zoning board, I am respectfully requesting area variance approval for a proposed 40 by 32 structures on my property located at 6970 Liebler Road. Originally the structure was planned to be smaller and within the allowable dimensions. However, during discussion with the builder and while reviewing the project layout on site, I decided at the last minute to slightly increase the size to better accommodate our needs and improve the long-term functionality of the building. The requested variance is minimal in nature and will not create any undesirable change to the character of the neighborhood, interfere with neighboring properties, or negatively impact public health or safety. The structure will remain well-maintained and consistent with the surrounding area. Granting this variance would allow us to complete the project appropriately without creating any hardship for nearby residents or the community. We are simply seeking reasonable relief due to the increased dimensions of the structure. I appreciate your time and consideration of this request and respectfully ask for your approval of the area variances.

A Letter from the Code Enforcement Officer from November 17th of 2022. Please find enclosed permit B22-104 for your private garage as well as permit B22-105 for your deck. Please note that the fee for your deck is

\$75.00 as it exceeds 100 sq. ft. See enclosed 2022 Schedule of Fees adopted of 2022. Please forward a check in the amount of \$25.00 for the balance due. I am concerned about the amount of time your manufactured trusses have been stored on the ground in the elements. Currently, I ask that you provide a letter from R&L Custom Truss of Randolph, New York, attesting to their soundness for inclusion in your project. Another letter from June 17, 2026, from Mr. Reed, the Enforcement Officer "Petition wishes to obtain a variance for an accessory building at 6970 Liebler Road, Boston, NY. The structure was originally permitted by Thomas Murphy for a 24 by 32 building with shed style storage to be added, but the structure has closed in walls on all sides except the carport on the right-hand side. Since a vehicle can be parked under the carport, it must be included in the sq. footage. The building was constructed due to lack of notes in the folder with no inspections until the Code Office tried to finalize the permit. Mr. Staub has agreed to seek an area variance for the size as well and meet our requirements to legally complete the permit process and issue a valid Certificate of occupancy. The variances are as follows per Article 25, supplemental lot size and open space requirements section 123-136 B4, maximum allowable height and square of lot coverage for 1 and ½ story accessory building as follows: For lots less than one acre in size, the maximum square footage is 728 square feet and 18 feet height to the peak. The building is built at 1,280 square feet. The building height is 18 above grade. The area of variance is one allowed is 728ft. Presently it is 1,280 square ft. The request is for 552 square feet.

Mr. Staub: Hello

Chairman Ms. Rood: You put up a garage and decided that you wanted it bigger and did not get permission for enlarging it.

Mr. Staub: Yes, I did.

Chairman Ms. Rood: Basically, enclosed it. So, I think everybody had a chance to look at it. We received a letter from our planning consultant Sarah Desjardins, she says regarding Petition #660 James Staub is requesting an area variance for a pole barn at 6970 Liebler Road, Boston, NY This action is classified as a type two action and therefore is not subject to review under SEQR.

Mr. Staub: I have had two neighbors stop by saying they have had no issues. So, the neighbors are fine with the pole barn.

Chairman Ms. Rood: Okay Good. Anyone have any questions for Mr. Staub?

Ms. Pryor: You say your neighbors stopped down and said they didn't have any problems with it. I do believe you because it is a beautiful building. But from our perspective, you have to see how that looks. You went kind of you know behind the backs and did something you were not supposed to do. So, it is kind of hard to believe. What I am saying is I feel like that statement that your neighbor stopped is somewhat compromised based on your previous actions. Does that make sense from the board's perspective.

Mr. Staub: When the building went up it was a last-minute thing and it is at the time I said this wasn't big enough and it was the building that was there. So, at the time that is when it happened and I did not know that it was a violation of the size at the time.

Chairman Ms. Rood: So, was the original permit for the wings on the side and then not being walled.

Mr. Staub: The original permit was for 24 by 32, without the wings on the side. There is a complete 8 ft. wing on one side and then there is a half 8 ft wing on the other side. Half of it is left open like a little seating area.

Mr. Ballard: So, the wings weren't on the original application though, were they?

Mr. Staub: They were not. At the time the time when the builder was there and I was looking at it and I said “wow”. I can only fit my truck and the wife’s car. Where is the kids’ toys going to be? Where is the tractor going? S there was an old, abandoned garage there and that probably would have fallen over by now. It was runed down on Libeler Hill. So, I improved the property tremendously. The property was delinquent for years. The amount of time and effort that our family put into that property to give back to the community is huge. I feel the garage is a big improvement. to the community.

Ms. Pryor: It is beautiful.

Mr. Staub: The property was delinquent for 10 years with no one living in the home. I mean it is I feel it made a natural improvement to the community. I know I outdid the size and I might not have done things the right way. I feel it improved the look of the neighborhood.

Chairman Ms. Rood: Were the trusses okay after all?

Mr. Staub: I did provide a letter to Shawn from the truss manufacturer. They are okay. He says no issues. I did provide everything that building code asked me for

Chairman Ms. Rood: I would like to make a motion to close the public hearing. Mr. Ballard seconded the motion. All members voted in favor of closing the public hearing.

Vote Taken:

Ms. Zylinski	Yes [X]	No []	Mr. Ballard	Absent	Mr. May	Yes [X]	No []
Ms. Pryor	Yes [X]	No []	Chairman Ms. Rood	Yes [X]	No []		

Ms Pryor: I would like to make a motion to approve petition #660 and Ms. Zylinski seconded.

Conditions as follows:

- (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 request variance substantial?
Yes [X] No []
- (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 []

I would like to approve this and refer it back to the Enforcement Code Office for violations and fines.

Vote Taken:

Ms. Zylinski	Yes [X]	No []	Mr. Ballard	Absent	Mr. May	Yes []	No []
Ms. Pryor	Yes [X]	No []	Chairman Ms. Rood	Yes []	No []		

Chairman Ms. Rood: Moving on to Petition #661 – Todd Gallagher, Foxhole Farm Winery, 8325 Cole Road, Colden requests a Use variance per Town of Boston Code 123-78 A 5 to allow a use as a tavern eating and drinking establishment, and an area variance per Town of Boston Code 123-136 B (4) for size and height for a (2) detached accessory buildings in violation of maximum square footage and height allowed per lot size.

Chairman Ms. Rood Made a motion to open the public hearing; Ms. Pryor seconded the motion. All the members voted in favor of opening the public hearing.

Chairman Ms. Rood: So, we have a letter from Mr. Gallagher to whom it may concern. I Todd Gallagher of 8225 Cole Road, am requesting a variance for my barn 60 by 90 ft. in structure and my pavilion 16 by 32 ft. in structure. As both buildings were built for agricultural purposes, I am now requesting a C2 variance for a tavern license along with my current farm winery license through the New York State Liquor Authority. Under the guidance of Bob Reed, I have been instructed to apply for this variance. Both structures are currently located on the property of Fox Hole Farm Winery. Thank you for your time in this matter. He is also requesting a special use permit to obtain a tavern license at my current farm winery. Fox Hole Farm Winery is a rustic facility located in the beautiful Boston Hills area on Cole Road. I have been up there operating for several years selling New York State agricultural products that include beer, wine spirits liquor, cider meads and seltzers and other specialty drinking items. Due to the local facilities competition, I am experiencing major financial difficulties, and New York has opened a license that other farm wineries in our local communities have been able to take advantage of that is a tavern license. This will allow me to sell domestic beverages as well as still providing New York State Agricultural products that I currently sell. This license will not allow me to sell new types of products, just different products like the big-name brands. It will allow me to reduce my pricing, making it more affordable for my almost 8,000 followers on social media to visit our beautiful town. Without the special use permit, I am afraid that investment will be lost and I will have to close my facility. The local venues that I referred to that both have a tavern license and a farm winery license are “Still on the Hill” and “Savage Winery”. Both can be looked up and verified by looking at NYS Lamp. I feel that by granting me this permit, it will bring business to our community, exposure and financial gains to all local businesses in our area. Foxhole Farm Winery has had visitors from all over the world, and our visitors make it a point to come up the hill to spend time in this gorgeous facility while taking in the amazing views that this town offers. I have contacted the Erie County Highway Department to put in a Colvert in at the front of the property for additional parking, as well. Thank you for this time with this matter. If there is any questions, I can reach at his phone number.

A Letter from our Code Enforcement Officer reads as follows: It was dated June 8, 2026, regarding the area variance for a pole building, use variances for a tavern. Petition wished to obtain two variances for two commercial use buildings at 8325 Cole Road, Boston, NY. The variances sought are as follows: Per Article 25, supplemental lot size and open space requirements, Section 123-136 B (4), maximum allowable height and square footage of lot coverage for 1 and ½ story accessory buildings is as follows: Maximum allowable on heights square footage of lot coverage. For lots of 5 acres or more, the maximum size is 2,500 square feet for all buildings combined. At present there are two detached buildings totaling 1,830 sq. ft. and 5,400 sq. ft. approved by New York State Ag and Markets, and similarly to other Ag authorized buildings, did not need local zoning approval, nor did it need a certificate of occupancy for state liquor to authorize an agricultural base winery and tasting room. Since the large 5,400 sq. ft. building is proposed to become a legal occupancy as a tavern and a formal change of use, it must become legal in area and all building code requirements met as state liquor will be seeking a certificate of occupancy. There is a pavilion that has a total of 768 sq. ft. that was constructed without a permit being issued. Se, area variance allowed is 2,500 square feet. Presently it is 7,998 sq. ft. The request is for 5,488 sq. ft. The use variance Article 14 C-2 general commercial district A5 eating or drinking establishments provided, however, that no live entertainment shall be permitted except by special permit. The property is presently zoned as residential agriculture and the present use a small farm winery is permitted under New York State Ag and Markets rules,

which where and eating and drinking establishments are not. All buildings are set back from the road. If the variances are granted, since a tavern will be a commercial use, this must then be referred to the town planning board for their approval of the site layout.

Chairman Ms. Rood read a letter from Sarah DesJardins our Planning Consultant: We have regarding petition #661, Todd Gahallager requests a use variance and an area variance to allow eating and drinking establishment at 8325 Cole Road. The area variance is classified as type two action and therefore is not subject to review under SEQR. However, the use variance is a type of action and therefore if it is granted, a SEQR negative declaration must be issued by the board of zoning of Appeals before approval is granted. Respectfully submitted Sarah Desjardins, our Planning Consultant.

Chairman Ms. Rood read a letter from a former Code Enforcement officer dated June 21, 2018. Dear Mr. Gallagher, this letter shall serve as verification that a farm winery is permitted use in the RA Residential Agricultural Zoning district in the Erie County Agricultural in the Erie County Agricultural district that you are located in. The is another letter from April 11, 2018, from Bill Ferguson, the former Code Enforcement Officer. This letter shall serve as verification that the proposed poultry slaughterhouse is a permitted use in the RA Agricultural Zoning District that you are located in section 123-48 A3 permitted uses and structures states agricultural, floricultural, and horticultural pursuits including but not limited to general farms, greenhouses, plant nurseries, dairy husbandry, animal husbandry poultry, and livestock together with all customary buildings and other structures necessary for the production and storage of the products of such pursuits.

Chairman Ms. Rood: So, you gave us some financial. This is not what we were looking for. With a use variance again, as we were explaining to Mr. Chuba. We are looking for proof that you will not be able to sell your property for a reasonable return right now as it stands. right now. This is the sort of financial situation we are looking for. It may come from relators, appraisers or anyone that can prove that you would not be able to get a reasonable return for it. As we have explained to Mr. Chuba it is very difficult to get a Use Permit. Sometimes an attorney is probably the best thing you could do to move forward with your projects. I am not an attorney. I know that there was one thing that was included in this packet from the State Liquor Authority, Advisory 2022-15. It talks about the certificate of occupancy being necessary for operating a business. I know you pulled things up when we were at your place when I stopped for the site review earlier today. You pulled some stuff on your phone that I did not get a chance to read or anything. But I think considering all this, a little more work has to be done on the application.

Mr. Gallagher: I have a few things that I have through New York State ABC Law and NYS Ag and Market Law that maybe can be documented in front of the Town. If that is okay. In New York State you do not need to change your underlying agricultural designation under New York State Alcoholic Beverage Control 76-A, subparagraph four, farm wineries are legally permitted to operate a restaurant, tavern or food establishment on or adjacent to your licensed production premises. Because a tavern operated directly by a farm winery is considered a built-in privilege of your existing license, you do not need to abandon your farm classification. This is on the ABC Law in New York State ABC under 76-A sub paragraph four. Under section 305-A of the agricultural districts, which are our ag markets, which protects our farms.

Chairman Ms. Rood: Yes

Mr. Gallagher: It says on-farm marketing activities like tasting and accessory tavern sales are protected as a valid farm operation. Now, I understand what you are talking about with the certificate of occupancy. I am ready, willing and able to go through the process with the town. I would also like and you know would like to proceed forward to apply for the tavern license based on the information I just provided. It is a long process obviously. It takes time as well as the certificate of occupancy does as well. I feel as though the agrotourism that I bring into the Town of Boston is extremely beneficial to our town and our community as well as other local businesses.

Like I have stated, I have over 8,000 followers on social media. I have had people from all over the world come up and visit the winery. It is a beautiful facility. We have people up there all the time. I do not feel it is detrimental to anybody. If it were there would be neighbors would be here complaining or stop this process.

Chairman Ms. Rood: I cannot give your permission to you know put in any application. If you want to start working on it, this would be on you. I cannot give you permission for anything tonight. I must look these things up. I am like a visual person. I will be honest. It would be helpful if you printed those things off and submitted them to us.

Mr. Gallagher: There is a 30-day notification before you. I have already done one 30-day notification that was through SLA Solutions. It is a contractor that does help businesses get their liquor licenses. I was not denied an application process through the Town of Boston. I was told through SLA Solution that I could move forward. But I do not want to step on anybody's toes here. I want to make sure that I am not going to get myself jammed up with the town. I want to make sure that I am okay here before I proceed forward. It is an expensive process. I do not want to start and lose more investment.

Chairman Ms. Rood: You would have to work with the Code Enforcement Office. The letter was sent to Bob Reed. I never received anything personally. SLA Solutions never received anything. I got it in writing. I have a verification of it. I have the tracking for the certified letters. Nothing was responded. The Town had 30 days to do it. The letter was sent on May 1st, and nothing was responded to. So, according to New York State Liquor Authority Law. I could have applied for this on June 1st. I did not want to do that because I did not want to overstep my boundaries. I had conversations with Bob Reed about a certificate of occupancy and things along those lines. This is the direction that he has sent me down. I do not know if it is an accurate direction. I do not have a clue. I am not code enforcement of the Town of Boston. There are different rules because there is neighboring communities that embrace these exact endeavors. They are only a few miles away.

Chairman Ms. Rood: They are in different towns, and we don't know what their code is, you know.

Mr. Gallagher: It is still an investment that residents are trying to make to bring business and agritourism into their town. Whether the Town of Boston allows us or not allows us to, but if there are agricultural zones in the town of Boston that we should be able to utilize everything that is afforded to us as an agritourism avenue. If the Town of Boston is going to stop us from doing that, then maybe we should revisit some of the laws that the Town of Boston has written.

Chairman Ms. Rood: Well, that is not my realm either. I mean we are here for you to know a specific purpose.

Mr. Gallagher: Right.

Chairman Ms. Rood: We are working off what we have been given.

Mr. Gallagher: I am working off what I was directed by a town employee. I hope that I am on the correct road that hopefully would have helped me achieve what I was trying to accomplish. I am sure he has the best intentions. If it is not the correct path, then I would like to know what the correct path is. Because if the town of Boston has laws that is going to stop me from expanding my agritourism business. I do not feel like that is correct that the town should be able to do that. Because we are in NYS certified agricultural zone up there.

Chairman Ms. Rood: Right.

Ms. Pryor: Is it Ag or is it RA?

Mr. Gallagher: RA but it is agricultural

Chairman Ms. Rood: Residentially or Agricultural?

Mr. Gallagher: Yes, it is residential agricultural, but on the New York State Agricultural Map it is an AG.

Chairman Ms. Rood: It is in an AG Zone. Okay they have special.

Mr. Gallagher: Well, I had to go down to East Aurora to the New York State Department of Ag and Markets. I had to get the proper soil clarifications and everything for crop growth and livestock. What was it going to be compatible with the area or what the substrate of the property was. Ms. Pryor: Understood.

Mr. Gallagher: It is an actual New York State Agricultural zone. Yes, the town of Boston says it is residential AG but is still under the New York State umbrella of agriculture.

Ms. Pryor: I understand. No, I got it.

Chairman Ms. Rood: It super seeds Town Law.

Chairman Ms. Rood: I guess you need to probably talk with Mr. Reed, again.

Mr. Gallagher: Okay.

Ms. Pryor: I guess we do not know, but Mr. Reed is aware of that section 76-A farm winery license. So, is Mr. Reed aware of the winery's license. Shawn, I know this is not your case.

Code Enforcement Office Mr. Shawn Vanderdoes: Currently, I don't know if he is aware or not aware of it. The only thing he did was to bring me up to speed with some of what was going on. He said, "If your winery was approved for this variance and the Certificate of Occupancy would be processed too." Chairman Ms. Rood: The certificate of Occupancy is hinging on changing the or to get to getting the use variance.

Code Enforcement Officer Mr. Shawn Vanderdos: Part of it is he does not have a valid certificate of occupancy. So, when Mr. Reed and I were talking, if he gets your variance tonight, we can Proceed. The Certificate of Occupancy would automatically be approved. There were certain stipulations. I do not remember them off hand.

Mr. Gallagher: I know it was the doors.

Chairman Ms. Rood: There must be some changes to the property.

Mr. Gallagher: The actual structure itself to protect for safety for the public. So, I swing doors inwards. I would have to change the doors, so they swing out in case of a panic situation. Lower door test was still in discussion. We were still kind of going back and forth about. We weren't sure because it is already occupied. Then having quote unquote some of the public come in. We were under discussion on what was going to be done with the lower door test. I was in full agreement with him that I would get my you know, apply for the temporary CO and then which would give me some time to make the modifications and do the tests and anything else that needed to be done at the facility under the guidance of the code enforcement.

Chairman Ms. Rood: I mean, is there other types of things that will change like if you are serving food now.

Mr. Gallagher: No Mam. So, the tavern license that I am going for is a food prep area. It is all non-greaseable items. It is salads already pre-made sandwiches, things that are microwaveable. It would not be food prep on site. Other than I also have Foxhole Farm Catering and I have a commissary kitchen with New State Department

of Health that is off site. So, I can also bring food prepped items onto site. I have been doing this for the last two years. I do chicken barbeques and things like that up there. But that is through my commissary kitchen and my catering company. The only thing that would change is basically a refrigerator that I already have, a stainless-steel table and a microwave. This is my food prep area. This is based on New York State Liquor Authority guidelines for a non-greaseable item. It would be soups, salads and already prepared sandwiches. So, nothing else changes with food prep-wise. There is no kitchen.

Chairman Ms. Rood: So, non-greaseable what does that mean?

Mr. Gallagher: Non-greaseable means everything is prep made. It is not something that goes down into my septic system. So, I do not have a grease interceptor or grease trap. The grease interceptor was not advised to me when I built the building. Unfortunately.

Chairman Ms. Rood: So, what happens when you wash dishes? Like, are there greasy soups and salads?

Mr. Gallagher: There are no dishes that have greaseable items. So, all the dishes are disposable. Per the guidelines. We use plastic forks, throwaway plates, whatever you serve the food must be a disposable item, not a washable item. I do not serve hot dogs or hamburgers that would create grease that I would need to wash that product that it was cooked in and put that grease down into my septic system. All my products are water-based.

Chairman Ms. Rood: Everything goes to the landfill.

Mr. Gallagher: Everything goes into the dumpster. Yes, Mam. We use biodegradable products as much as everybody else can do. We don't produce a lot of waste there. We do everything we can do. I have a very small dumpster there that is probably half full at best.

Ms. Pryor: I think more conversation must be had with the Code Enforcement Office, Mr. Reed. I am at a loss.

Chairman Ms. Rood: I agree.

Mr. Gallagher: It is a unique situation. I don't know if the Town of Boston has never dealt with somebody that has a liquor license in a different area that is not commercial.

Chairman Ms. Rood: Right.

Mr. Gallagher: So, all rules and laws here in the Town of Boston regulate liquor licenses and business and commercial entities to a C-1 or C-2.

Ms. Pryor: But you are agriculture.

Mr. Gallagher: But I am agricultural and have this and not you know. I am expanding on it and I feel like we could all grow together here. Make something and these rules or laws in place should be addressed. Because the times are changing and other towns are allowing these activities to happen and the Town of Boston currently is not, and this is unfortunate. Because we have a beautiful area. I have a beautiful spot and view. It would be nice to share it more. I am being handcuffed a little bit.

Chairman Ms. Rood: Well, I would say. We will leave the public hearing open until August for that meeting. Please get together with Mr. Reed and hammer this stuff out and figure out what it is that you need, bring documents, I guess to show him if necessary.

Mr. Gallagher: I have submitted a bunch of stuff to him. I have reapplied for tavern license and did the 30-day notification that is required from the New York State Liquor Authority. I just did not want to get jammed up with her. I do not want to pay any fines for doing something I am not supposed to be doing.

Chairman Ms. Rood: Right.

Mr. Gallagher: I did state under the guidelines of ABC Law. I believe I am also not sure if I state the Ag & Market law 305-8 but just under the ABC Law, it is clear that I am able to do what I am doing. Unless there is something directly in the Town of Boston's bylaws, I do not feel like I should be told I can't. Specifically, because I am doing something that the Town of Boston says I cannot do up there. You are supposed to be on a C1 or C2. I already have a full liquor license. I am selling everything that I am trying to expand from. I am just trying to carry domestic things, not just New York. So, I already sell bourbon, whiskey, vodka, and seltzers. Everything in New York state Agricultural. I just want to sell Budweiser, Jack Daniels, or High Noon instead of Hartman's, you know or Hartman's. I want to get some more people up there. I want to expand my business. This will help me tremendously to be able to achieve that.

Chairman Ms. Rood: Get a hold of Mr. Reed.

Mr. Gallagher: Okay.

Chairman Ms. Rood: Get the ball rolling. Any Documentation that you need for whatever, make sure that we get it and it is in a timely fashion. Because we have rules that we have to follow too, as for publication.

Ms Pryor: So, if our next meeting is August 6, 2026. When is it that the gentleman needs to bring any information that needs to be put into our packets? 10 days beforehand.

Code Enforcement Officer Mr. Shawn Vanderdoes: Yes, about ten days.

Ms. Pryor: 10 days before August 6th.

Chairman Ms. Rood: At least 10 days. We need to get the packet and be able to read it and digest it as well.

Mr. Gallagher: Sure.

Ms Pryor: So, withing the next two weeks, that os probably the best way to look at it.

Chairman Ms. Rood: When will Bob be back?

Code Enforcement Officer Vanderdos: Bob should be back on Monday.

Chairman Ms. Rood: Okay. So, he is not here the rest of this week So, pop in there Monday, get your ducks in a row with him and figure it out.

Mr. Gallagher: Okay.

Chairman Ms. Rood: Please then bring us the new information you have.

Mr. Gallagher: I am just going to have the information.

Chairman Ms. Rood: If we don't have to go through a Use Permit that would be amazing.

Mr. Gallagher: Amazing! I agree I am just following the path that I was directed from the Town of Boston Code Enforcement Officer.

Chairman Ms. Rood: This is what you got to do!

Mr. Gallagher: I was told what to, and I did it.

Ms. Pryor: Well, we appreciate it!

Chairman Ms. Rood: Thank you.

Chairman Ms. Rood made a motion to close the meeting and Mr. Ballard seconded it.

Vote Taken:

Ms. Zylinski	Yes [X]	No []	Mr. Ballard	Absent	Mr. May	Yes [X]	No []
Ms. Pryor	Yes [X]	No []	Chairman Ms. Rood	Yes [X]	No []		

Respectfully Submitted

Margaret Derk
Board Clerk