



TOWN OF BOSTON

Zoning Board of Appeals

Zoning Board of Appeals

AGENDA

Thursday, March 5, 2026

7:00 PM

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

1. Work 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 March 5, 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 #652 – Mark Witkowski, 7376 Boston State Rd, seeking an **area** variance of 16 inches to top of sign and 35 inches to bottom of sign for a variable Message Center sign per Town of Boston Code LL 2019-2 Section 2.1

Petition #653 – Matt Wendling, 8350 Boston State Rd seeking an **area** variance for 8 feet and 9 feet side yard requirements per Town of Boston Code 123-74 B (2)(b) to erect an primary commercial structure for personal storage, and a **use** variance per Town of Boston Code 123-71 A (2) (a) for partial use retail business

Petition #654 – Peter Tremblay, 9432 Boston State Rd seeking an **area** variance for 2 foot fence height per Town of Boston Code 123-135 A (2) to erect an 6 foot high fence

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, March 5, 2025 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 #652 – Mark Witkowski, 7376 Boston State Rd, requests an area variance from height restriction for a variable Message Center sign per Town of Boston Code Section LL 2019-2 Section 2.1

Petition #653 – Matt Wendling, 8350 Boston State Rd requests an area variance for side yard requirements per Town of Boston Code section 123-74 B (2)(b) to erect an primary commercial structure for personal storage, and a use variance for section 123-71 A (2) (a) for partial retail business

Petition #654 – Peter Tremblay, 9432 Boston State Rd requests an area variance for 2 foot fence height per Town of Boston Code Section 123-135 A (2) to erect an 6 foot high fence

Robert Reed
Code Enforcement Officer
Town of Boston

Dated February 18, 2026

Published:

An Equal Opportunity Provider & Employer

Zoning Board of Appeals - Draft
March 5, 2026
Meeting Minutes

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

Chairman Ms. Rood called the Board of Zoning Appeals meeting to order at 7:24 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 would like to have 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: Present	

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, March 5, 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:

Petition #652 – Mark Witkowski, 7376 Boston State Rd, requests an area variance from height restriction for a variable Message Center sign per Town of Boston Code Section LL 2019-2 Section 2.1

Petition #653 – Matt Wendling, 8350 Boston State Rd requests an area variance for side yard requirements per Town of Boston Code section 123-74 B (2)(b) to erect a primary commercial structure for personal storage, and a use variance for section 123-71 A (2) (a) for partial retail business

Petition #654 – Peter Tremblay, 9432 Boston State Rd requests an area variance for 2 feet fence height per Town of Boston Code Section 123-135 A (2) to erect a 6-foot-high fence

Chairman Ms. Rood: I would like to open the public hearing for petition #652, Mark Witkowski, Mr. May seconded.

Vote Taken:

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

Chairman Ms. Rood read a letter from Mr. Mark Witkowski: “Dear Zoning Board of the town of Boston, please accept this letter as our formal letter of intent regarding the recently installed LED sign located in the parking

lot of our business at 7380 Boston State Road. The purpose of this new signage is to enhance the visibility of the business as well as provide improvements to customer communication through advertisements about specials events and hours of operation. We have received and have heard the suggestions from the Town of Boston code and have adjusted accommodation where possible, specifically in the example of sign operation hours. We respectfully request a use variance for the code requirement regarding message change time, as well as all our presentations are static text, and we fulfill the requirement of no animations. Furthermore, the height of the sign serves a purpose in that it allows passersby to see our advertisements over merchandise in the spring, summer, and fall, and over large snowbanks over the course of the winter. In addition, since the signage on the property has not changed in dimension since the point of our occupation and is close to 40 years old, we are respectfully requesting a use variance for those dimension specific requirements of the code. So that is the sign, the one that was up to 40 years old, that was prior to December 24, just so it's clear. Our business, South Town Feeds and Needs LLC, has been and continues to be a proud member of the North Boston community since our move here in 2008. We believe that this newly established signage will not only benefit our business but will benefit the community, providing a valuable addition to the growing vibrant commercial landscape developing in the area. We are confident that the current design and operational plan will not have a negative impact on the neighborhood, and we hope that you will agree. Thank you for your time and consideration regarding this matter. Sincerely, Mark Witkowski.”

Chairman Ms. Rood. We also have a recommendation from our Planning Consultant, Sarah DesJardins regarding petition #652 Mark is requesting an area variance for a variable message sign at 7380 Boston State Road. This action is classified as a type 2 action and therefore is not subject to review under SEQR.

Code Enforcement Officer Mr. Reed: There was a letter sent to, The Zoning Board regarding the area variance for the variable message sign center. The petitioner is applying for an area variance from LL 2019-2 article 395 definitions ground mounted sign; a sign not attached to any building or structure and whose lowest point shall not be more than 3 feet from grade to the bottom of the sign and supported by framework resting on the ground of whatever material constructed. Ground mounted signs shall not exceed a maximum of 9 feet. The height is 71 inches to the bottom of the sign, and the height measured from the ground to the top of the sign is 10 feet and 4 inches. And a letter was sent also regarding the installation and operational requirements from Local Law 2019-2 from Code Enforcement Murphy to the applicant on August 22, 2024. The message when inspected recently changes to no more than 2 hours per message. The sign is now turned off from 11 PM to approximately 6 AM and follows the use. So that would have been another variance that would have been required had he not done that. But I wanted to make sure that everyone was clear that Code Enforcement Officer Tom Murphy, who was our full-time code enforcement officer, had sent a letter regarding the installation and operational requirements from that local law to him back in August 2024.

Chairman Ms. Rood: So, is Mark here or a representative? No one to speak for him? He said he was going to have his attorney here. He wouldn't be here. That never happens. Certainly not. So, you know what we know, everybody.

Code Enforcement Officer Mr. Reed: I was just going to give the dates of when the sign went up, when the information went out, the information about the specifications for the height of the sign went out well before the sign went up. Therefore, the sign went up with full knowledge of what it should have been, and they were wrong. It should have been lower to the ground.

Chairman Ms. Rood: Therefore, I feel this is belligerent, and this is since the applicant isn't here to speak for himself, it feels belligerent, a disregard for the specifications that our town code enforcement offers officers sent. I can speak with other board members. I just feel it's disregarding the law. Notification sent? His permit date was October 18, 2024. So, he knew 2 months before he even approved or signed for the permit. The

regulations of that sign. Correct. Before he hired a company to put that sign up, he knew Yeah. The dimensions. And the code is there for a reason. You know, Boston is a kind of a quaint little town. And for the most part, you know, it has some nice character. When the code was written, I'm sure that that was taken into consideration as far as heights of signs and, you know, the animation and all the stuff that can go into a sign these days. All the business owners must go by the same code. So, my question I was going to ask him if he would have been here was, you know, what is special that you need to sign higher than any other business owner in town? Do you have higher snow piles than anybody else? Do you have better merchandise that I don't know. That was my question. Why should you have special treatment, I guess? Why are you looking for something that is out of the code? So that would have been my question had he been here. Anybody have anything else to say? Especially a sign right before a bend. Right. Where your attention should be on the road, I guess, is instead of an animated sign or whatever. Is there anybody else who would like to speak or not speak? Did we get anything via email from Constituents?

Ms. Pryor made a motion to close public hearing, and it was seconded by Chairman Ms. Rood.

Vote Taken:

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

Ms. Pryor made a motion to deny Petition #652- Mark Witkowski and Chairman Ms. Rood seconded.

Vote Taken:

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

Chairman Ms. Rood: Make a motion to deny petition # 652 Mark Witkowski, seconded by Ms Pryor.

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 []

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 []

Vote Taken:

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

Just to be clear, this is yes to deny the petition. Just to make sure that's clear. I want that on the record. Yes, to deny the petition. Any of the applications that are approved need to be signed by all members of the board before we leave.

Chairman Ms. Rood: Move to open the next public hearing for Petition #653 Matt Weddling, 8350 Boston State Road seeking an area variance for 8 feet, 9 feet side yard requirements per the town of Boston code 123-74 B (2)(b) to erect in a primary commercial structure for personal storage and a use variance per town of Boston code 123-71 A (2) (a) for partial use retail business.

Vote Taken:

Ms. Zylinski	Yes ☒	No ☐	Mr. May	Yes ☒	No ☐	Mr. Ballard	Yes ☒	No ☐
Ms. Pryor	Yes ☒	No ☐	Chairman Ms. Rood	Yes ☒	No ☐			

Chairman Ms. Rood: read a letter from Planning Consultant, Sarah DesJardins regarding #653, Mr. Wendling is requesting an area variance for primary commercial structure for personal storage to be located at 8344 Boston State Road. This action is classified as a type 2 action and therefore is not subject to review under SEQR. Mr. Wendling is also requesting a use variance to allow partial use in retail business. This is classified as a type 1 action under SEQR and if the board decides to approve this variance, a negative declaration must be issued by the board, and this must be done before approving the requested area variance.”

Chairman Ms. Rood: She read a letter from Mr. Matthew Wendling – Members of the Zoning Board, my name is Matthew Wendling residing at 8350 Boston State Road. I am writing to you today to ask for both a special use variance and an area variance. I wanted to just clarify this too. A special use variance or a special use permit is different than a use variance. And you asked for a special use variance. So, you might want to talk to Code Enforcement Office Reed about the differences.

Mr. Wendling: Last year, I purchased commercial property at 8344 Boston State Road adjacent to my home. Over the last several months, I demolished the existing building, which has been in disrepair for several years. It was quite the eyesore. In addition, I cleared the property of all materials and refused that were left behind as well as clearing the overgrowth. Moving forward, I wish to construct a 36 by 72 by 16 post framed building on the property this year. The building would serve 2 purposes. The first would be home to Boston Valley Undercoating LLC. This would occupy the front portion of the building in a dedicated space of 26 feet by 30 feet. This would be a seasonal part-time small business for myself to act as incidental income. The special use variance comes into play here as there is no specific code designation for vehicle rust proofing. Code enforcement elected this activity to fall under a C2 use designation. The action of applying material to a vehicle could be viewed as painting. Traditionally, rust proofing is viewed as a division of the automotive detailing industry. I request a special use variance to allow the operation of said business. A key component of effective rust proofing is to ensure starting with a dry vehicle. The area variance comes to play here. I wish to construct an open lean to off the south side of the building beginning at the southeast corner. This would allow a vehicle to be parked under and remain dry in the event of rain. I request an area variance of 5 feet on the left south property line bordering my home, 8350 Boston State Road, and an area variance of 6 feet on the right north property line bordering the commercial detached row building at 8338 Boston State Road. The second purpose of this post frame building would be the storage of my personal effects in the rear portion. Thank you for your consideration in these matters.”

Chairman Ms. Rood: Code Enforcement Officer Mr. Reed wrote that the building permit would be denied for following items not in compliance with the local zoning, and that's why he had to come to us for a Zoning a code application to get a variance for this. He also stated automobile collision repair and painting if there's no dissemination of atmospheric pollutants, noise, vibration, or odor beyond the boundaries of the premises on which such use is located as the front corner of the building will be used for automotive undercoating as an incidental use. The property is owned C1 and as retail sales are allowed per 123-74 B (2)(b) section 123- 71 A (2) (a), this use is first allowed in a C2 district and requires variance per C2 requirements. So, the area variance required 23 feet, actual is 15 south and 14 north, requested 8 feet south and 9 feet for the north side. And then, Code Enforcement Officer Mr. Reed sent a letter to this board, basically saying the same thing.

Mr. Wendling: My address is 8350 Boston State Road. So, the property in question is 8344 Boston State Road 8350 Boston State Road is my house.

Chairman Ms. Rood: When I read it, I didn't say 8344 in the beginning part? It was 8350. Did I make that up? Oh, no. It's because it says there. Yeah.

Mr. Wendling: In my letter, it's 8344, but as you mentioned earlier, it was 8350. You're just read what you wrote. Earlier, you said that I was requesting it was I just wanted to make it. It's not for my house. It's for an expo. He's residing at 8350.

Chairman Ms. Rood: So, you want to do undercoating?

Mr. Wendling: So, it's rust proofing a vehicle rust proofing. Its material is applied underneath and inside doors, to fend off rust on vehicles.

Chairman Ms. Rood: Is it like Ziebart?

Mr. Wendling: So that's the worst thing you can do with your vehicle. It is wool wax? It's a so I'm going to carry a product called NHOU, which is kind of like wool wax. There are a few major brands out there. Wool wax fluid films, NHOU are kind of like the big 3. I'm going to carry NHOU. I find it to be the best of the big 3. It's not like a traditional undercoating. It's not a petroleum-based product. It's made from vegetable oil. It's a self-healing product that you spray. It encapsulates metal to fend off oxygen from getting to it. Your vehicle is usually the second biggest investment that you make. So, more people are trying to keep them longer and keep them in better shape.

Chairman Ms. Rood: So, when you purchased this property, you just purchased it recently. What were your plans when you purchased the property?

Mr. Wendling: Well, initially, it was to knock down the eye sore that everybody saw in town. I've lived next to it for quite a few years, and that was the main reason. And, obviously, I wanted to do something over there, you know, a little incidental income. I've done my own vehicle for several years, and people are always asking me, you know, why my 93 Toyota Corolla looks as good as it is. And so, I tell them about it, and, you know, everybody wants me to start doing, you know, their vehicles. I made the decision to have a nice little side business. This would be a great spot for it.

Chairman Ms. Rood: Well, I spoke with you out in the hall because in our packet, you know, as I went through it, there wasn't anything for the financials that we need.

Mr. Wendling: So, the two 2 separate packets that I got were stapled out of order. So, page 3 so there was a little bit of confusion on, I guess, what I was supposed to fill out. Because they were kind of stapled out of order. So, I'm happy to provide whatever you need, you know, with whatever is not there. I'll talk to Bob, I guess, and get exactly on that part of it, whatever. It's my first day. I understand. I completely understand. We have a lot of new stuff going on. So that's okay. And you're not in any hurry, so that's I'd like to have it up. You know, usually, it's a seasonal thing. Right? So, people usually get it done before winter. So, I would like to have everything kind of up and going, by August is my plan. I haven't figured out how much water run off would be on a building that size. Usually That's about 20 hundred gallons at an inch. So, it'll be guttered on both sides. Right. The gutter will run down, go towards the from the property is naturally sloped from front to back. There's field behind it that's tiled. It's family property. So, the water runoff would run down through the gutters, obviously down, and back towards the rear of the property through the tiled field, which eventually ends up towards 18 Mile Creek.

Chairman Ms. Rood: Anybody else have any questions here? Just as I read during the initial part of, like, the start of our meeting here, there's four nonnegotiable that the use variance must fulfill every single one of these things. We can't give it to you. It must be all four of them. And one of these is the alleged hardship has not been self-created. What that means is it was out of your control. You could do nothing to stop it. It was for example, it's a piece of property that has, like, a massive ravine running through it or something like that. You can't. it's not self-created. So, you would have to prove that your purchase of the property that you that you have, that you put your that you're not in a self-created hardship. Another thing that you would have to prove for us to grant this variance is that the requested variance is unique. What makes your situation different than everybody else around you? Again, is there a gully running through something? It must not be self-created. It must be a unique situation. We can give you this list so that you can look at it. I guess you should probably have it. It should be in your packet. This is a major one when we say the financials, you must prove that no other business that a person would put there could make any money. Like, if I knew how to cut hair, could probably cut Mr. May and Mr. Ballard's hair, but I don't know how to do that. I'm not sure I'm not sure they're looking for barbers. Just so that you have an idea of what we're looking for, and the onus is on you. You must provide these things. There's nothing we can do to bend it or do anything like that. This is state. We have to all 4 of these things that must be fulfilled. I guess I really don't know what you're looking for. I mean, there is no gully. Right. You know, that's what makes them very different. The use is the toughest thing to change. It really is.

Mr. Wendling: I will say that New York State when I applied for the LLC, New York State has a separate division for automotive detailing, rust proofing, preventative maintenance items. The town code doesn't have that. It's either, like, car sales, car repair, or collision. There's no, like, separate category for it. It's not painting. Right? It's not a cause-and-effect situation. It's not because of a collision or anything like that.

Chairman Ms. Rood: Our town code enforcement officer is interpreting our code that this needs a use variance. Sure. So, I don't know, Code Enforcement Officer Mr. Reed, anything, like that? He wanted to talk about the information he can get to get that if it falls into something that if it needs our use variance, it needs a use variance. There's nothing that I just have one other question. So, you talked about the difference in special use and a-use-variants. It's a use variance to qualify for a different zoning section. Special Use Permit would be something that I believe would be granted by the town board for doing an activity. And they rely on the guidance from Zoning and or planning for this. So, after your variances are granted, then you go to the planning board as we discussed because they have certain aesthetic appearances. They want to make sure the building is going to fit with the master plan for the overall appearance in that. And then they would forward that back to the town board and say, you know, usually, it's going to be positive. If it's a negative, then they forward a negative onto the town board. But, you know, we're pretty much waiting for the zoning board to approve before you go to the planning board. So, I mean, it was a judgment call. Anytime you apply a finish to an automobile truck to paint lawn mowers. It is an applied finish, but our codes don't get right down to, well, What about this? What

about this? It's kind of a general category as they're looked at. And, unfortunately, sometimes we wind up issues like this where 10 people, 10 different determinations. We must go with what's most general to get to that. So, mean, it's like a vegetable oil is what you described it as. It's a type of vegetable oil. Ingredient. Yeah. So, I'm, like, wondering if, you know, you're not painting it on. How do you apply it? Is it a gun?

Mr. Wendling: Compressed air. Yeah. It's compressed air. No, like, VOCs or anything like that. It kind of smells like some of the products can be, like, they have a cherry flavored. I don't really, it's more money. It's I mean, if you want to smell car smell like Cherry's. Yeah. No. I would not want that. No.

Chairman Ms. Rood: This doesn't fit under this, it fits under this, that's your prerogative too. So, I'm wondering if it could be at, like, an application because there's really, you know, there's nothing released into the atmosphere from it. There's no noise, right, except from the compressor. Compressor. Yeah. Air can be kind of loud. It's going to be it doesn't help the property in question being unique. That is going to be a sticking point. Your property Well, this would be I'm looking at as falling under some other zone. But he gets under the C1 Right. Be in C1. Instead of it's so hard to do it it's honestly So there's not very many places that do it. Right? It's kind of a niche thing. But to change the for us to change the use is very as it stands right now, there's no way we can give it to you. There's no way. So, what you'd need to do is try and make your application, or your activity that you're going to be doing fit within the code somehow. And that's what I think. Info you can get maybe would help it lean towards falling into a C1. If the board determines that it's a retail sale. So, I would sell the product. He could be selling widgets. Would you sell it?

Mr. Wendling: Yes, would I sell the undercoating product? Yes, in in gallons, you could buy it in quarts, gallons or 5 gallons containers. I would also sell like; you could there's a DIY kit. Like, if you want to do your own vehicle, there's a small DIY kit. I would carry that stuff as well. And I would offer the service of doing your vehicle as well as selling the product itself. Yeah. I guess I'll be up tomorrow to figure out exactly what the next step is?

Chairman Ms. Rood: Does anybody have any other questions? No

Chairman Ms. Rood: Well, you did say that you were going to have no drains. So, even if that product was to get into the water table type of thing anyways. Because you are saying that even though it's vegetable oil, it's still an oil of some right. The applicator gun that you use is concentrated.

Mr. Wendling: I mean, it's it sprays right where you're shooting. There is no, like, overspray. It's not a traditional, like, paint where you have fumes and overspray and stuff. It's a concentrated stream.

Chairman Ms. Rood: that's just I was trying to so that way they you clarify that so it's not getting into the water table basically itself too. Would you put a lift in the building?

Mr. Wendling: It would be a 4-post drive on lift, you know, so you could walk right under the vehicle and do it. Yeah. Yeah. That's why the ceilings, you know, would be as tall as they do that product migrate within the walls of the vehicle? So, it creeps. Yeah. So, part of the oil base So that's like the wool wax. Nooks in the crannies and yes.

Chairman Ms. Rood: And then you need them to fill out that other or check mark that spot. What about the drainage? Well, I guess we need that. So, what I propose is that we just leave the hearing open until next month and we can meet you back here at the same time. We will carry on from there. Thank you, Mr. Wendling.

Chairman Ms. Rood: We need to save our paperwork for next time.

Chairman Ms. Rood: I would like to make a motion to open the hearing for petition #654, Peter Trembley, 9432 Boston State Road seeking an area variance for 2-foot fence height per town of Boston code 123-135 erect a 6-foot-high fence.

Vote Taken:

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

Chairman Ms. Rood: I will read a letter from Peter & Kathleen Trembly To the town of Boston and whom it may concern the purpose of this letter and application is for an area variance regarding a replacement fence constructed on our property located at 9432 Boston State Road. Last spring, we constructed a wooden fence along the front property of our home extending to the woods line to replace the existing chain link fence there, which was in deteriorating condition. At the time of construction, there was no permit requirement for fence construction. Therefore, we were unaware of any maximum height limit across the line of the house. Thus, a 6-foot fence was constructed for safety and privacy rather than the existing 4-foot fence. Again, we were unaware that this was a code violation. We moved our property in the summer of 2022 and have 4 young children under the age of 8 who play outside frequently. Our home is situated rather close to the property, close to the road on the property and without a more substantial fence. The children are at risk of wandering close to the road. It was highly visible to anyone on the street. As Boston State Road is a highly traveled road by both vehicles and pedestrians, the fence we erected was designed with the intention of keeping our children away from the street as well as safe in our property. The fence is constructed and does not pose an eye sore to neighboring houses. At its current height, the new fence gives us increased peace of mind about our family's security. With this information in mind, the attached materials constitute our application for an area variance to keep the fence at its current height. We appreciate your time and consideration.”

Code Enforcement Officer Mr. Reed: The petitioner had installed a fence across frontline last year at 6-foot in height, exceeding the 4-foot height allowed. At that time, no billing permit was required. They were advised to either cut down the fence to 4 feet or seek an area variance for the 6-foot height, and that's what they did. I also sent a letter to Mr. Trembley stating that the 4-foot fence was not in compliance.

Mr. Peter Tremblay: Mr. Hello. I'm Peter Tremblay, and I live at 9432 Boston State Road. On our property at 9432 Boston State Road. We had trees taken down and they took down the rest of the chain link fence and so I put up a 6-foot fence. I did look online and I tried to find a New York state code. All I saw was like nothing under 8-foot. Nothing above 8-foot. So, I went with the 6-foot and then got a letter from Mr. Reed informing me that the highest you're going to go is 4 feet at the front of your house. I would like to keep it at 6 feet because of where we are on the road and how our backyard is situated. There there's a big ravine right at the back so it's a small backyard of our house and then larger next to it. So, this allows the kids to play with where we could see them outside the windows and kind of close to our house.

Chairman Ms. Rood read a letter from our Planning Consultant, Sarah DesJardins regarding Petition Number #654. Peter Tremblay is requesting an area variance for offense at 9432 Boston State Road. This action is classified as a type 2 action and therefore not subject to review under SEQR.

Chairman Ms. Rood: I took a ride past and, you know, don't think there's any big problem with it personally. No. I mean And, you know, what you don't know, you don't know. Well, we didn't have code written. No code,

I can understand how that could easily happen for sure. You weren't you weren't you weren't disregarding anything. It wasn't, it was not your fault. So, does anybody have any other questions? No.

Ms. Pryor: I would like to make a motion to approve #654 Peter Trembly request for the area variance for 2-foot fence height per the Town of Boston code 123-135 to erect a 6-foot-high fence. It was second by Chair Rood.

Chairman Ms. Rood: I make a motion to close public hearing. Bethany Pryor 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 []

No [X]

(4) Will the variance have an adverse effect on the physical impact or environmental conditions of the neighborhood?

Yes []

No [X]

(5) Is the alleged difficulty self-created?

Yes []

No [X]

Vote Taken:

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

Old Business:

Chairman Ms. Rood: When's the car wash going to be open?

Code Enforcement Officer Mr. Reed: He had a delay with that because he had to go to the planning board because of adding the 2 bays on. The vacuum stations outside, putting lighting up. He got approval from the planning board. And then with winter setting in, he got all the exterior construction done. He's done working on the inside, basically, redoing all the plumbing and the new plumbing in. All the mechanicals are now up in the attic loft area. I would anticipate, I've been down there for one inspection. I would anticipate probably by May. Oh, good. It looks good.

Chairman Ms. Rood: Do we have anything besides the tabled or the open one that we still have on our docket? Do we have anything else for April so far?

Code Enforcement Officer Mr. Reed: There may be one. He's got until this coming Friday to get Okay. Till next Friday to get all his paperwork in. That one's going to be complex. We can discuss that Right. Afterwards.

Chairman Ms. Rood: I would like to make a motion to close the meeting, Ms. Pryor seconded.

Vote Taken:

DRAFT

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

Respectfully submitted

Margaret Derk
Board Clerk