



TOWN OF BOSTON

Zoning Board of Appeals

Zoning Board of Appeals

AGENDA

Thursday, April 2, 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 April 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:

Tabled 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.

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 #655 – James Tatford, 7023 Sunset Lane, Boston seeking 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.

8500 Boston State Road Boston, New York 14025-9848

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Public Notice
Town of Boston
Zoning Board of Appeals

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Petition #655 – James Tatford, 7023 Sunset Lane, Boston seeking 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.

Robert Reed
Code Enforcement Officer
Town of Boston

Dated March 16, 2026

Zoning Board of Appeals
April 2, 2026

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

Absent: Attorney Ms. Laurie Baker

Chairman Ms. Rood called the Board of Zoning of Appeals meeting to order at 7:30 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: Present	

Chairman Ms. Rood read the Public Hearing:

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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 #655 – James Tatford, 7023 Sunset Lane, Boston seeking 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: I would like to open the Public Hearing for petition #6523 Matt Wendling. Ms. Pryor seconded.

Vote Taken:

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

Mr. Reed: After re-evaluating the material used for the “undercoating”, it does not fall into the guidelines for automotive finishes. It is environmentally friendly. It is basically no worse than using Dawn dish soap to wash your vehicle. There are products like this that will inhibit rust that are used. There is a definition in zoning for accessory use, and it is customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such an accessory use dominate an area extent or purpose the principal lawful use or building except the vehicle parking maybe larger than the building area. This being said, it is going to be an accessory use incidental to the main use for storage and for doing undercoating for personal vehicles, family and friends. There will be no signage, no advertising for this use. We see that there should be no reason that there should be a use variance requested for this. So that was discussed with Mr. Wendling. He is willing to abide by no signage, no advertising and only to use that with what he is doing. Basically it is very similar to auto detailing or washing your car in your driveway.

Chairman Ms. Rood: So now we are currently just looking at the are variance for the side yards.

Ms. Pryor: Did you speak with any of your neighbors? If they were opposed or anything like that are they aware?

Mr. Wendling: I have a couple with me here. The commercial building to the North is rented. I talked to the tenant, and the owner lives in East Aurora, and I was unable to reach out to him. Then across the street is the firehall and gas station. Mr. Ball lives across the street and is the closest homeowner that I have him with me tonight.

Chairman Ms. Rood: Does anyone else have any questions? No one spoke.

Mr. May: Would you be willing to shrink the building?

Mr. Wendling: I would like to go bigger. No. You have one shot to build it! Are you talking about the actual height or side wall?

Mr. May: Everything!

Mr. Wendling: The height of the 16-foot sidewalls is twofold. Number one for the back where I plan to store my camper. My camper is just under 13 ft. to the top air conditioning. By the time you add in the overhead door tracks and the door you are right there. Then the front, you need two feet over the door frame. 13 to the air conditioner and that two feet is for the door and 1 foot for me to crawl on top if I needed to do something on top of the camper. In the front I plan to put a lift up there. So, it will move the vehicle up to six feet. And then the vehicles above you and roughly you will be 16 feet again. Then the size of the building, the front portion where the bay will be before the undercoating. The area will be 26 X 30 which leaves me about 48 feet in the back. My camper is almost 40 with a tongue. I did not want to go too crazy, but you only get one shot to build it the first time.

Mr. May: Okay.

Mr. Wendling: There will be a lean to off the south side starting at the front. It will be 24 feet back, 10 ft wide and 10 feet tall. Just an area to park a vehicle in case it is raining to keep it dry.

Chairman Ms. Rood: Sidewalls are 16 feet and the peak is 23 ft. So there is not anything in here for the variance for that.

Mr. Reed: It is based on the size of the lot. The height for Residential Commercial is up to 35 feet.

Chairman Ms. Rood: Okay.

Ms. Pryor: What is the brand name of the substance that you are going to be using to undercoat?

Mr. Wendling: I would like to carry two. One is called NHOU and the other one is woolwax. They are slightly different.

Chairman Ms. Rood: I would like to make a motion to close the public hearing, Mr. Ballard seconded the motion.

Vote Taken:

Ms. Zylinski	Yes [X]	No []	Mr. Ballard	Yes [X]	No []	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 fto approve petition #653 and Ms. Rood seconded the motion.

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

Chairman Ms. Rood: We are moving on to the next Petition #652 Mark Witkowski- 7376 Boston State Road seeking an area variance of 16 inches to the top of the sign and 35 inches to bottom of sign for a variable message center per the Town of Boston Code 2019-2 Section 2.1. We had this on the agenda last month, but there was an error in the letter. He was unaware of the hearing. We are revisiting this hearing because proper notification was made. We went over everything last month. Just some of the highlights included from our planning consultant Sarah Desjardins regarding petition # 652 – Mark Witkowski, who is requesting an area variance for a variable message sign at 7376 Boston State Road. This action is classified as a type 2 action and therefore is not subject to review under SEQR. Also, regarding the sign, it came to our attention that he received the letter from the Code Enforcement Officer back in 2024. It was highlighted on the letter what was allowed. It advised the applicant that the total size of the message board was not to exceed 24 square feet with the intensity and operation times and a maximum of three feet allowed to the bottom of the sign. A planter of maximum height of 7 feet unless the planter is at the base and maximum height is 9 feet with setbacks. The message must not change for two hours. No animation. He needed to produce a full rendition and submit it with an application for approval. The Code Enforcement Officer at the time was Thomas Murphy and that was dated August 22, 2024. He installed the sign without approval. So, I think that was the gist of everything we talked about last month.

Chairman Ms. Rood: made a motion to open the public hearing and Mr. Ballard seconded the motion.

Vote Taken:

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

Attorney Kevin Rautenstrauch from Attea & Attea: I am appearing on behalf of Mr. Witkowski, who is the owner of Southtowns Feeds and Needs. There is an area variance application in front of the Board to allow the sign to exceed the 9-foot allowance in the signage code and to fall short of the requirement for the bottom of signage as measured from the planting box. You have referenced the letter of August 22, 2024 that was sent to Mr. Witkowski by Mr. Murphy the Code Enforcement. After that letter, Mr. Witkowski applied for the permit to conduct the work which was granted in October with this being paid for that in January 2025. Mr. Reed visited the property in I believe in August 2025, citing Mr. Witkowski for the violations that I mentioned previously, along with two others that it is my understanding have since been taken care of. Many of you are familiar with the sign. It is on Boston State Road. The current sign replaces in essence the sign that existed there since at least 1993 with the modification that the sign has the LED instead of the manual facade. The purpose of having it raised higher than what ordinarily permitted under the code is that based on his location on Boston State Road, in the winter months anything that would be only 3 feet off the ground would be covered by the snowplow on the side of the road. In addition, he is permitted to have products beyond the sign on his property, which cover any lower signs as well. The request that has been made is the permission through the granting of the area variance that the sign be permitted to remain as is. I do acknowledge the letter from August of 2024 but again, the subsequent application for the building permit was in fact granted based on the drawing submitted. This was in October with the fee paid in January of 2025. I guess for a standpoint I'll leave it now.

Ms. Pryor: This feels a lot like do it and then ask for forgiveness later. Can you maybe talk to us through how that's not from your perspective? Because from our perspective, that's what it feels like.

Attorney Rautenstrauch: My client said the old Code Enforcement Officer said that he received the required building permit. He submitted the drawings and from his standpoint he was unaware that there was anything missing. Obviously when Mr. Reed came and informed him of issues that existed, I think he made attempts to

correct them. I know he submitted paperwork that required supplementation on several occasions prior to February 2026. Mr. Reed has been working on that with Mr. Witkowski. I think he made insufficient submissions in maybe September and then December that require supplementation. He did make efforts immediately after being notified to come to the ZBA for approval once he realized that there were issues with the height.

Ms. Pryor: Do we have the application that was submitted?

Mr. Ballard: Only the one that was submitted from October of 2024.

Mr. Reed: The original was submitted. I believe that Mr. Murphy had sent that letter out listing the parameters in the variable message center on part of the sign law to let him know what was required. He got his permit and I believe that it was with the understanding that he would follow the directives in that letter. Most of the directives were not followed until I approached him.

Mr. Reed: He did start shutting off the sign at nighttime within the time frames required. He did shorten the message to maximum or minimum of every two hours to change the message. He opted to go for a variance for the area of the height of the sign. The reason he gave was because the height of his storage piles which are in the allowance for high pile storage for the fire code. The reason I went down to close his permit out and do his fire inspection at the same time. But that is the only application and that is the one that was processed.

Kevin Rautenstrauch: It is not the bottom height or anything that is in question. It is just the very top of it.

Mr. Reed: The way the law is written. It kind of gives your measurements of a long skinny sign. Because of the original writing and the rewrite of the Local Law to put variable messages center in, it took out the word for planter box. Which would have given him additional height to bring that closer to compliance for the bottom of the sign. This is something that we will be working on to clean up some of the ambiguous language, but the maximum height is 9 feet, and he is about 16 inches over that right now. Any signs that we have had permits for in town for refacing like NBT Bank. They have brought their signs in to compliance with the current laws. They did not ask for any variances. So, it is Mr. Witkowski right to ask for a variance for this, and he was given the parameters. It is up to the board to decide on this matter. I am just the messenger of bad news.

Chairman Ms. Rood: Any other questions? I make a motion to close the public hearing. Bethany will second the motion.

Vote Taken:

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

Mr. May: I would like to make a motion to pass petition #652. It was seconded by Mr. Ballard.

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]

(6) Is the request variance substantial?

Yes []

No [X]

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

Yes []

No [X]

(8) Is the alleged difficulty self-created?

Yes [X]

No []

Vote Taken:

Ms. Zylinski Yes [X] No [] Mr. Ballard Yes [X] No [] Mr. May Yes [X] No []

Ms. Pryor Yes [] No [X] Chairman Ms. Rood Yes [] No [X]

Chairman Ms. Rood: Alright moving on to petition #655 of James Tatford 7023 Sunset Lane He is seeking a area variance for Town of Boston Code 123-136B4 to erect a pole barn in violation of maximum square footage allowed per lot size.

Chairman Ms. Rood: I would like to make a motion to open this public hearing. Ms. Pryor seconded the motion.

Vote Taken:

Ms. Zylinski Yes [X] No [] Mr. Ballard Yes [X] No [] Mr. May Yes [X] No []

Ms. Pryor Yes [X] No [] Chairman Ms. Rood Yes [X] No []

Mr. Tatford: A letter from Mr. Tatford dated March 9, 2026, board letter variance proposal and intense of use of the proposed. I am requesting a variance from the Town Board to construct a pole building on the east side of 7023 Sunset Lane, Boston, New York. The building is 40x40x14. It will be constructed at least 10 feet from the eastern side property line and at least 50 feet front the property line. The rainwater run off from the building's roof will be diverted via the gutters to underground drainage pipes that will run along both sides of the building to the existing ditch that runs along the front line of the building property line. The purpose or use of the building would be vehicle parking, storage of cars, trucks, RV and a possible boat. The building will be also utilized for person work area to maintain the above vehicles. Sincerely, respectfully submitted James Tatford.

Chairman Ms. Rood: From Shawn Vanderdoes our Code Enforcement Officer. His letter reads, "Petitioner wishes to obtain one variance for his property at the above address. The Variances that are required are as follows. Pursuant to article 25 supplemental size and open space requirements 123-136B4. Which states four maximum allowable square footage of lot coverage for a one-story accessory building is as follows. The property is .70 acres less than 1 acre. The maximum allowable size is 28 square and height of 18 feet in height. A variance is necessary for the increased square footage. The allowance is 728 square feet, required is 1,600 square feet. The variance would be 872 square feet. From our Planning Consultant Sarah DesJardins, she writes regarding petition #655 for a pole barn at 7023 Sunset Lane. This is a type two action and therefore is not subject to review under SEQR.

Mr. Tatford went to his neighbors and got signatures. The paper he had them sign said neighbors' notification of variance proposal to the Town Board. James Tatford, who owns the property at 7023 Sunset Lane, has advised us that he wishes to put up a pole barn on the eastern side of his property. Between his existing garage and the property line by the woods. He informed us that he would need to get a variance from the Town Board to

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construct his pole barn. He explained the planned use of this pole barn would be for storage and a workshop for his family vehicles. He explained to us that this is for family use and would not be used for commercial purposes. He informed us that the application variances would be 40x40 and 14 feet high. After hearing the explanation for location of and planned use of the proposed pole barn. We the undersigned, have no objection to his project and give him our full support and our approval and his request to the Boston Town Board in this pursuit of the variance needed to build this pole barn. It was signed by Michael McCloud at 7015 Sunset Lane, Phillip and Amy Nolden at 7026 Sunset Lane, by Neil McFaden at 7036 Sunset Lane, by Helen Eastep at 7044 Sunset Lane and by Sharon Stuart at 9302 Robin Drive.

Mr. Tatford: My name is James Tatford. I live at 70323 Sunset Lane, Boston, NY 14025. I am requesting a variance to construct a pole building 40 x40 x14ft. on the eastern side of my property. It will be between my garage and the wooded area.

Ms. Pryor: The height of the building that you are asking for is 20.916.

Mr. Tatford: This would go towards the feet. The sidewalls are 14.

Ms. Pryor: So, the height of the building is 20. This is what should be on your building permit.

Chairman Ms. Rood: It is on the building permit. Just not his letter. In the building permit it is 21 ft high.

Mr. Tatford: It is not on the variance request.

Chairman Ms. Rood: It is not listed.

Ms. Pryor: It was not listed in the letter that he had everyone sign.

Chairman Ms. Rood: It says that in your letter that you had everyone sign. It said that the height was 14 ft. not 21ft.

Mr. Tatford: I explained to them that would be the working size of the building. The peak would be higher. At that point in time, I was not a builder. I was not sure what the pitch would be until I talked to Shawn.

Chairman Ms. Rood: Are any of the people here tonight? No. This is all we can go by is what they signed.

Mr. Tatford: 18ft is allowable.

Chairman Ms. Rood: At 21ft. That is another variance and it was not published in the paper. So, when you come in for a variance, we have public notice and the paper has to publish the notice. So, everyone knows what the variances are going to be in the building. Unfortunately, that was not part of the public notice that was out in the paper. It has to be republished.

Ms. Pryor: We could know the height of the building down to 18ft, so you do not need a variance. We need to make the building smaller right off the bat. If you want anything done tonight.

Mr. Tatford: I really need the walls to be 14 ft. tall. I need the height of the doors. To get the RV that we are looking at. The 18ft would be just too much of a flat roof and would cause major problems down the line.

Ms. Pryor: We cannot do anything for you tonight we will have to republish the notice.

Chairman Ms. Rood: I know you wanted to complete everything. But once we look at everything, it must be right or it could be challenged.

Ms. Pryor: Are you willing to make the building smaller, so that you have more of a pitch?

Mr. Tatford: I would prefer not. Like everyone says, you know, you always want to go bigger than smaller. I have only one shot to build it.

Ms. Pryor: It is a very big building on a very small piece of property.

Mr. Tatford: Even if I went smaller, that would not change the height of the building. I still need 14 feet.

Mr. Ballard: Well, if you are going to be doing that it has to be republished. We were talking about the drainage. Maybe we can have it and it does get approved, because they are going to ask for this. Other than just saying that you are going to have the gentleman do it and have appropriate. The building department is going to have to tell you what you need. You will need to calculate that or have the contractor produce.

Chairman Ms. Rood: The water from the shed on a metal roof with the dimensions that you are looking at 40x40. This is 1600 gallons x .623 and that would make it 1,000 gallons an hour with one inch rain would be shed off that roof.

Ms. Pryor: When we ask for a drainage plan, we are looking at size of pipes that you are going to have on the building. What kind of snow jacks. Mr. Reed you mentioned some type of pit that can be done.

Mr. Reed: There are a couple of different ways that drains can be done to make a swale which be shallow or stone lined to inhibit a rapid run off water. It kind of meters it out. The water would run into the stone and fill up and then flow out naturally. So, you do not have a big surge. This area gets in the rainfall maps in codes that get 2-1/2 inches of rain per hour. Basically, you are looking at 2,500 an hour of rain coming off the roof. You are looking at a decent sort of runoff, where that is going to go to it doesn't flood out the neighbors' properties or yours. You do not realize that unless you watch the rain we have had recently. There are some areas in town where the water runs in ditches. It was like Niagara River running down the ditches and across people's yards. I had a couple of people come the other day with flooding issues. We do not want that to happen after it is built or for it to start negatively affecting the amount of water. We need something down in writing. It doesn't have to be an engineered plan, but we need to have something that we can track. Maybe something similar people have done in the area.

Ms. Pryor: You also get less runoff when you build a smaller building. So something to take into consideration. It is a very large building on a small property.

Chairman Ms. Rood: If you could go, I mean you were conscientious and they found these. We do have a copy of them. But if you could correct that to 21 feet and then just have them resign it, that would be great. Just so that is correct. This needs to be republished for next month, with the two variances and the height included.

Chairman Ms. Rood made a motion to close the meeting for tonight at 8:45 PM and Ms Pryor seconded the motion.

Vote Taken:

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

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Respectfully Submitted

Margaret Derk
Board Clerk