

# TOWN OF BOSTON

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Prosecutor

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Assessor

WILLIAM G. FERGUSON  
Code Enforcement Officer

February 23, 2017

Supervisor Ballowe  
Town Board Members  
Town Attorney Kobiolka

On February 10, 2017 Michael Astrella of Wendal Engineering and myself made an inspection at 7305 Omphalius Road to determine if recent construction at the single family dwelling was of a structural nature. Based on photographs submitted and Mr. Astrella's report and my observations, the owner misrepresented the nature and scope of the renovations to the single family dwelling.

The placement of a concrete block foundation wall constitutes a structural element added to the single family dwelling. Section 57-2A of the Boston Town Code requires a valid building permit be obtained for such construction.

Proper documentation from a design professional is required to be submitted to assure that the structural work that was done meets applicable New York State Codes. After a review of documents, a permit may be issued with applicable fee and penalties.

William Ferguson  
Code Enforcement Officer

*Sworn to before me this  
23rd day of February 2017.  
Wendy Kummer*

**WENDY S. KUMMER**  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES FEBRUARY 28 2018.

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## MEMO

**To:** Jacob Piorkowski, Shaw & Shaw, P.C.  
Michael Schiavone, Lipsitz Green Scime Cambria, LLP  
**CC:** Bill Ferguson, Town of Boston Code Enforcement Official  
**From:** Michael Astrella, PE, Wendel  
**Date:** 2/15/2017  
**RE:** Mule – Town of Boston

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Michael Astrella and Bill Ferguson visited 7305 Omphalius Road on February 10, 2017 to provide opinion on whether recent construction materially affected structural features of the building; a single-family dwelling.

The following information was provided to Wendel to define the scope of construction:

1. Email from Michael Schiavone (2/3/2017, Jacob Piorkowski copied).
  - a. Attachment: "pictures of 7305 Omphalius Road -v 1.pdf"

From the above-mentioned email and attached document, we understand that the construction scope involved a regrading of the site to fill in a drive that was cut into grade. See before picture, photo 1. See after picture, photo 2.

Filling the drive with soil required that the existing garage door be replaced by basement wall to hold back the new soil at that location. Photos 3 and 4 were taken at the site visit. Photo 3 shows the front of the house at the approximate location where the garage door is shown in photo 1. Photo 4 was taken from in the basement, again at the location where the garage door is shown in photo 1. Both photos show that there is now a CMU basement wall that serves to retain soil where the garage door once was. It is our opinion that this new wall, or section of wall, is a structural element that was added as part of the scope of construction defined above.

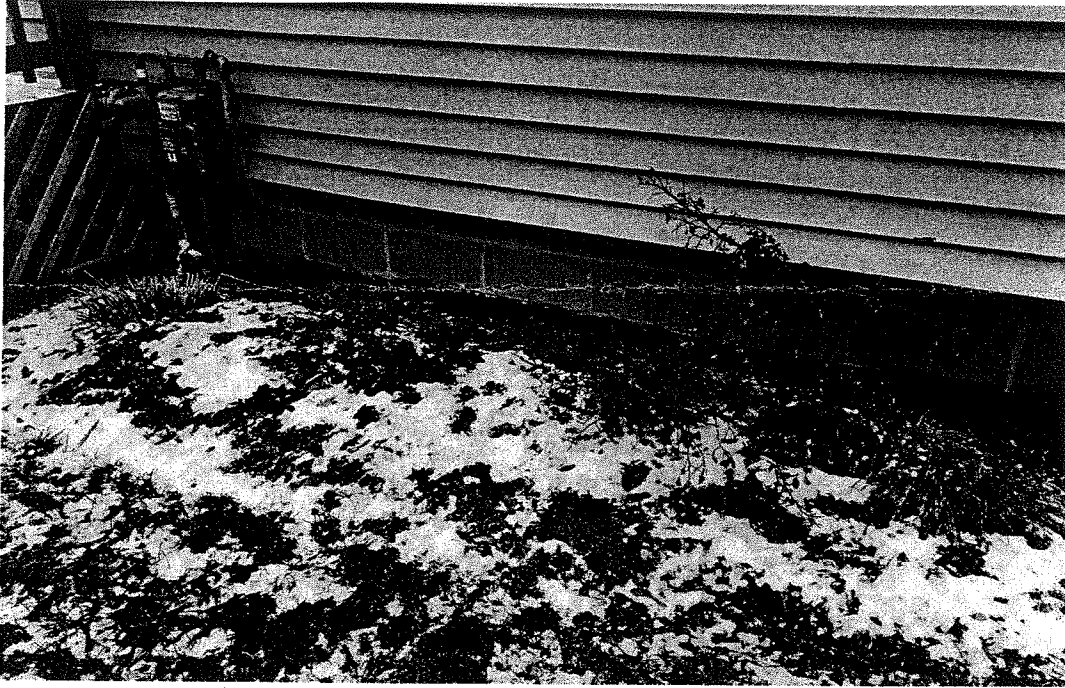
From the information available, Wendel is unable to determine whether modifications were made to any other structural features.



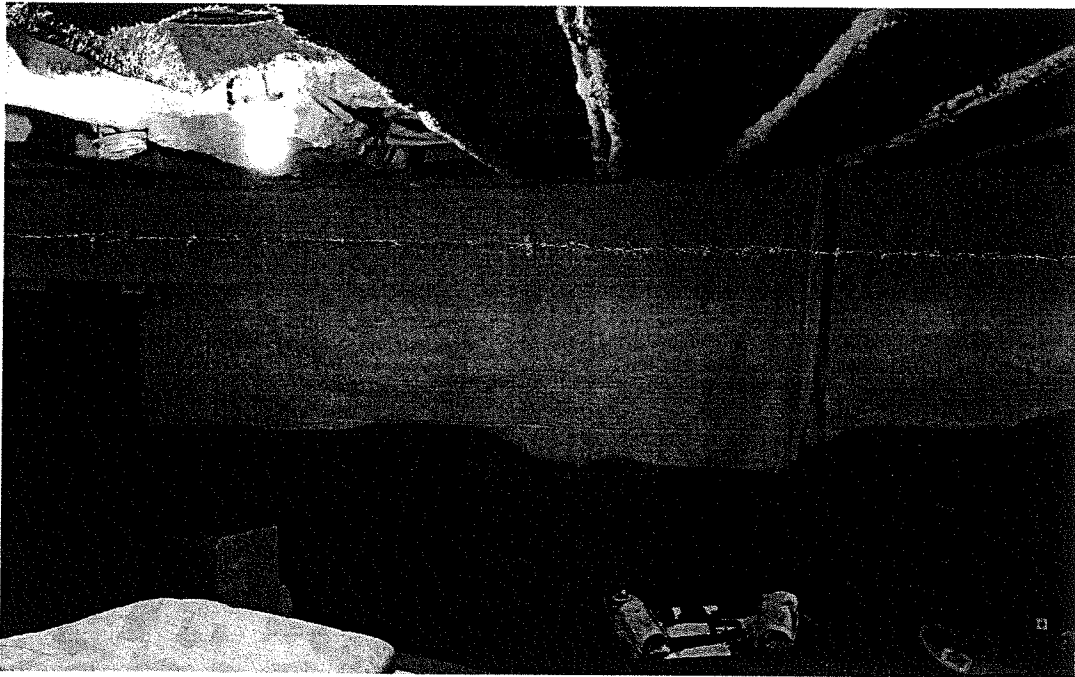
*Photo 1: Before construction*



*Photo 2: After construction*



*Photo 3: Front wall at previous location of garage door - from outside*



*Photo 4: Front wall at previous location of garage door - from inside*