

LOCAL LAW NO 4

OF

THE YEAR 2012

A LOCAL LAW TO REZONE APPROXIMATELY 2 ACRES +/- OF LAND [Part of SBL no. 211.14-1-1.1] located at 5659 Herman Hill Road from C-1 (Local Retail Business) to C-2 (General Commercial).

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

SECTION 1.

LEGISLATIVE INTENT

Local Law No. 4 of the Year 2012 shall amend Local Law No. 6 of the year 1990, any amendments thereto and the Town of Boston zoning map, by rezoning 2.0 acres +/- real property [SBL No. 211.14-1-1.1] located at 5659 Herman Hill Road from C-1 to C-2; such property being described as Town of Boston, Erie County, New York, part of Lot No. 30, Township 8, Range 7 of the Holland Land Company's survey, bound and described as follows:

ALL THAT TRACT OF PARCEL OF LAND situate in the Town of Boston, Erie County, New York, being a part of Lot 30, Township 8, Range 7, of the Holland Land company Survey, and more particularly being the easterly portion of the parcel of land conveyed to Boston Holdings LLC as recorded at Liber10970 of Deeds Page 873 and being more described as follows:

Beginning at a point on the southerly line of the Creekside Subdivision Part 1 recorded under map Cover 1981 being the Northeasterly corner of the said Boston Holdings LLC parcel; thence South $53^{\circ} 46' 45''$ West, 533.14' to a point on the northeast boundary of lands conveyed to William G. Brunner and Ann M. Brunner recorded at Liber 11016 of Deeds Page 1418; thence North $45^{\circ} 23' 39''$ West 17.00' along said Brunner northeast boundary line to a point also being the northwest corner of the Brunner parcel; thence South $53^{\circ} 46' 45''$ West, 50.00' along the northwest boundary line of the Brunner parcel to a point; thence North $45^{\circ} 23' 39''$ West 175.00' to a point; thence North $53^{\circ} 46' 45''$ East to a point on the southerly line of said Creekside Subdivision Part 1; thence South $89^{\circ} 5' 12''$ East along the south line of said Creekside Subdivision to the point or place of beginning.

SECTION 2.

THE FOLLOWING IS HEREBY ADOPTED:

The uses permitted by the zoning amendment contained in this Local Law shall be subject to limitations and/or conditions adopted contemporaneously herewith by the Town Board of the Town of Boston pursuant to §123-177 of the Boston Town Code.

SECTION 3.

MISCELLANEOUS

- A. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.
- B. If any part of this Local Law shall be judicially declared invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force³ and effect as if the invalidated portion had not been enacted.
- C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Boston to further regulate the subject matter of this Local Law.

SECTION 4.

EFFECTIVE DATE

This Local Law shall become effective upon filing with the Secretary of State of the State of New York, as required by the Municipal Home Rule Law.