

LOCAL LAW NO 5

OF

THE YEAR 2012

A LOCAL LAW TO REZONE APPROXIMATELY 21.63 ACRES +/- OF LAND [Part of SBL no. 226.02-4-51] located on the west side of Boston State Road, south of Deanna Drive from R-A (Residential-Agricultural District) to R-3 (Two-or-More Family Residence District).

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

SECTION 1. LEGISLATIVE INTENT

Local Law No. 5 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 21.63 acres +/- real property [SBL no. 226.02-4-1.1] located on the west side of Boston State Road south of Deanna Drive from R-A to R-3; such property being described as Town of Boston, Erie County, New York, part of Lot No. 14, Township 8, Range 7 of the Holland Land Company's Survey, bound and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Boston, County of Erie and State of New York being part of Lot 14, Township 8, Range 7 of the Holland Land Company's Survey bound and described as follows:

COMMENCING at a point at the northeast corner of Boston Hills Estates Property by deed recorded in the Erie County Clerk's Office in Liber 7546 of Deeds at Page 449, said point being on the centerline of Hamburg-Springville Road, thence northerly along the centerline of Hamburg-Springville Road, a distance of 14.94 feet to the north line of an exception parcel as recorded in the Erie County Clerk's Office in Liber 11109 of Deeds at Page 1574, being the Point or Place of Beginning; thence northwesterly along the north line of exception parcel turning an interior angle of $67^{\circ}-37'-24''$, a distance of 635.40 feet to a point; thence westerly along said north line of aforementioned exemption parcel turning an interior angle of $186^{\circ}-07'-41''$, a distance of 518.50 feet to a point; thence southerly turning an interior angle of $270^{\circ}-00'-00''$, a distance of 275.00 feet to a point; thence northwesterly turning an interior angle of $67^{\circ}-56'-17''$, a distance of 446.28 feet to a point; thence southwesterly turning an interior angle of $235^{\circ}-00'-23''$, a distance of 406.70 feet to a point; thence westerly turning an interior angle of $147^{\circ}-03'-20''$, a distance of 350.00 feet to a point; thence northerly turning an interior angle of $90^{\circ}-00'-00''$, a distance of 626.51 feet to a point in the north line of William Pound as recorded in the Erie County Clerk's Office in Liber 3 of Deeds at Page 148; thence easterly along the north line of William Pound turning an interior

angle of 90°-00'-00", a distance of 2148.56 feet to a point in the centerline of Hamburg-Springville Road; thence southeasterly along said centerline turning an interior angle of 106°-14'-55", a distance of 381.01 feet to the Point or Place of Beginning, containing 21.63± Acres more or less.

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.

1. A Declaration of Restrictions shall be recorded at the Erie County Clerk's Office for the purpose of ensuring the permanent preservation of open space ("Conservation Area") as depicted on the plans submitted to the Town of Boston by the Applicant and a copy of the recorded Declaration of Restrictions and a recording receipt shall be provided to the Town Attorney and the Town Clerk's Office once the Declaration of Restrictions has been recorded at the Erie County Clerk's Office.
2. During the Site Plan Approval review of the future development of the 21.63 acres rezoned from R-A to R-3, the Applicant will evaluate the possibility of installing a recreational trail in the Conservation Area for the benefit of the future residents of the project.
3. The maximum density of the future development of the 21.63 acres of property zoned from R-A to R-3 shall be 105 units.
4. A berm with trees shall be planted in the area between the Boston State Road Right-of-Way and the closest building to Boston State Road on the 21.63 acres of property rezoned from R-A to R-3.
5. The project to be constructed on the property rezoned from R-A to R-3 shall comply with the minimum number of required parking spaces for attached multi-family units as established by the Town's Zoning Code.
6. The area labeled as "Exception Parcel" on the plans submitted by the Applicant consisting of a possible Quaker cemetery shall be left undisturbed on a permanent basis.
7. Prior to the commencement of the development of the property rezoned from R-A to R-3, the Applicant shall be required to submit engineered plans and required supporting documentation and to obtain all required approvals from the Town of Boston and involved governmental agencies including but not limited to Site Plan Approval.

8. The Applicant shall be required to obtain building permits from the Town of Boston Building Department for all buildings to be constructed on the property rezoned from R-A to R-3.
9. Any permanent signage for the future development of the property rezoned from R-A to R-3 shall have an upscale appearance.
10. All future buildings to be constructed on the property rezoned from R-A to R-3 located within 820 feet of the eastern edge of the Boston State Road Right-of-Way as measured along the northerly boundary of the property rezoned beginning at the point this line intersects with the Boston State Road Right-of-Way shall be single story.
11. The Applicant shall be required to commence construction of the project on the property rezoned from R-A to R-3 within twelve months of obtaining all required approvals and permits from the Town of Boston and involved governmental agencies unless an extension of the timeframe for the commencement of construction shall be approved by the Town Board. For purposes of this condition, the commencement of necessary infrastructure improvements on the property rezoned from R-A to R-3 shall constitute commencement of construction of the project.
12. Conditions #1 through #12 above shall not be modified or rescinded unless such modification or rescission has been approved by a majority vote of the Town Board.

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 force 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.