

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

~~Town~~

~~Village~~

of Boston

Local Law No. 2 of the year 2006

A local law TO REZONE 9739 TREVETT ROAD WHICH CONTAINS APPROXIMATELY
(Insert Title)
12.14 ACRES OF LAND (SBL NO. 258.00-3-23.1) FROM M-2 (GENERAL
INDUSTRIAL DISTRICT) TO R-A (RESIDENTIAL-AGRICULTURAL DISTRICT).

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

~~Village~~

of Boston

as follows:

** SEE ATTACHED

B00557
L 231040
Combwest
L. 217068
(NOM)

NOV 17 2006

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. Two of 2006 of the ~~(County)~~(City)(Town)(Village) of Boston was duly passed by the Town Board on November 15 2006, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

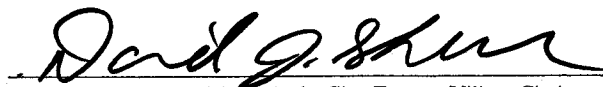
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

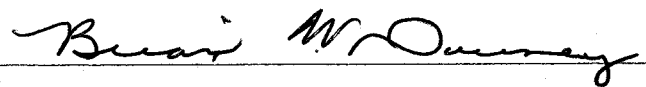
Date: November 16, 2006

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK

COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

Town Attorney

Title

~~County~~

~~City~~

Town

~~Village~~

of Boston

Date: November 16, 2006

LOCAL LAW NO 2

OF

THE YEAR 2006

A LOCAL LAW TO REZONE 9739 TREVETT ROAD WHICH CONTAINS APPROXIMATELY 12.14 acres of land [SBL no. 258.00-3-23.1] from M-2 (General Industrial District) to R-A (Residential-Agricultural District).

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

SECTION 1. LEGISLATIVE INTENT

Local Law No. 2 of the Year 2006 shall amend Local Law No. 6 of the Year 1990, any amendments thereto and the Town of Boston zoning map, by rezoning 9739 Trevett Road which contains 12.14 acres more or less of real property [SBL no. 258.00-3-23.1] from M-2 to RA; such property being described as Town of Boston, Erie County, New York, Lot 3, Township 8, Range 7 of the Holland Land Company's survey and located on the west side of Boston State Road, with a legal description 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 No. 1, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING in the center line of Trevett Road, at its intersection with the southwest corner of lands conveyed to Benjamin Lodico and his wife by Deed recorded in the Erie Count Clerk's Office in Liber 6053 of Deeds at page 333; running thence southerly along the center line of Trevett Road one hundred twenty-seven and sixty-two hundredths (127.62) feet to the northwest corner of lands conveyed to Jane Ann Kirsch and Peter S. Shadle by Deed recorded in the Erie County Clerk's Office in Liber 9038 of Deeds at Page 293; running thence easterly at an exterior angle of $93^{\circ} 45'$ and along the north line of lands conveyed to Kirsh and Shadle by Deed aforesaid, three hundred twenty-eight and fifty-eight hundredths (328.58) feet to a point; running thence southeasterly at an exterior angle of $111^{\circ} 44'$ one hundred (100) feet to a point on the northerly line of lands conveyed to Kirsch and Shadle by Deed aforesaid; running thence northeasterly and along the northerly line of said Kirsch and Shadle's lands six hundred six and thirteen hundredths (606.13) feet to the northeast corner thereof; running thence southerly at right angles and along the easterly line of said Kirsch and

Shadle's lands, one hundred thirty and three hundredths (130.03) feet to a point; running thence easterly at right angles four hundred ninety-four and forty-three hundredths (494.43) feet to the west line of the Buffalo-Springville Road (Route 219); thence northwesterly along the southwest line of said Buffalo-Springville Road, four hundred twenty-one and ninety-eight hundredths (421.98) feet to the southerly point of Parcel Number 9 described in Deed to County of Erie and recorded in Liber 2115 of Deeds at Page 546; thence northwesterly along the southwest line of said Parcel Number 9, two hundred seventy and four tenths (270.4) feet to its most northerly point; thence continuing westerly along the southerly line of Buffalo-Springville Road, two hundred thirty-eight and fifty-seven hundredths (238.57) feet to the northeast corner of Parcel Number 8½ described in Deed to County of Erie and recorded in Liber 2115 of Deeds at Page 546 in Erie County Clerk's Office; thence southerly along the southwest line of said Parcel Number 8½, seventy-two (72) feet to an iron pin at the southeast corner thereof; thence northwesterly along the southwest line of said Parcel Number 8½, three hundred twenty-nine and nine hundredths (329.9) feet to the southwest corner thereof; thence northeasterly along the west line of said Parcel Number 8½, twelve (12) feet to the southwest line of Buffalo-Springville Road; thence northwesterly along the southwest line of the Buffalo-Springville Road, one hundred sixty-four and eleven hundredths (164.11) feet to the northeast corner of lands conveyed to C. Daniel Jerge and his wife by Deed recorded in the Erie County Clerk's Office in Liber 8909 of Deeds at Page 339; running thence southerly along the easterly line of lands conveyed to C. Daniel Jerge and his wife by Deed aforesaid, four hundred thirty-two and sixty-eight hundredths (432.68) feet to the northeast corner of lands conveyed to Benjamin Lodico and wife by Deed aforesaid running thence southerly and along the lands conveyed to Benjamin Lodico and wife by Deed aforesaid one hundred twenty-five (125) feet to the southeast corner thereof; running thence westerly along the southerly line of lands conveyed to Benjamin Lodica and his wife, two hundred fifty (250) feet to the point or place of beginning. Containing twelve and fourteen hundredths (12.14) acres of land 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.

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.