

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.

300557-
229296
combwl. a17068
(NUM)

~~County~~

~~City~~

Town

~~Village~~

of Boston

Local Law No. 1 of the year 2006

A local law To rezone 8964 Boston State Road which contains approximately 5.59
(Insert Title)

acres of land (SBL no. 241.00-3-12.1) from C-1 (Local Retail Business District) to C-2 (General Commercial District)

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

~~County~~

~~City~~

Town

~~Village~~

of Boston as follows:

See Attached

SEP 11 2006

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

LOCAL LAW NO 1

OF

THE YEAR 2006

A LOCAL LAW TO REZONE 8964 BOSTON STATE ROAD WHICH CONTAINS APPROXIMATELY 5.59 acres of land [SBL no. 241.00-3-12.1] from C-1 (Local Retail Business District) to C-2 (General Commercial District)

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

SECTION 1. LEGISLATIVE INTENT

Local Law No. 1 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 8964 Boston State Road which contains 5.59 acres more or less of real property [SBL no. 241.00-3-12.0] from C-1 to C-2; 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. 3, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the center line of Boston State Road distant 165.75 feet southerly thereon from the intersection thereof with the southerly line of lands conveyed to Paul Fleissner by a deed recorded in the Erie County Clerk's Office in Liber 746 of Deeds at page 83, which southerly line of Fleissner is also the northerly line of lands conveyed to Truman S. Cary by a deed so recorded in Liber 243 of Deeds at page 102; thence northerly along said center line of Boston State Road 195.75 feet to a point 30 feet northerly thereon from the intersection thereof with said southerly line of lands of Fleissner and northerly line of lands of Cary, which point is also the south-east corner of lands conveyed to Donald E. Brunner, Sr. and others by a deed so recorded in Liber 9565 of Deeds at page 297; thence westerly along the southerly line of said lands of Brunner and others, and parallel to said southerly line of Fleissner, 866 feet more or less to the easterly bank of Eighteen Mile Creek; thence south-westerly along said bank, 371

feet more or less to a point where a line drawn westerly through the point of beginning at right angles to the center line of Boston State Road would intersect the east bank of Eighteen Mile Creek; thence north-easterly along said line, 1,096 feet more or less 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 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.

(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. One of 2006 of the ~~(County)(City)~~(Town)(Village) of Boston was duly passed by the Town Board on August 21 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.)

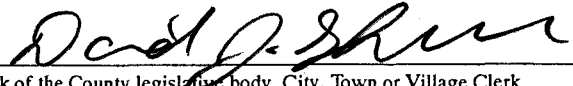
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: September 8, 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~~ of Boston
~~Town~~
~~Village~~

Date: September 8, 2006