

LOCAL LAW NO 3

OF

THE YEAR 2007

A LOCAL LAW TO REZONE 5638 AND 5646 HERMAN HILL ROAD AND 7223 BOSTON STATE ROAD WHICH CONTAIN APPROXIMATELY 3.38 acres of land from R-2 (Single Family Residence District) to C-1 (Local Retail Business District).

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

SECTION 1. LEGISLATIVE INTENT

Local Law No. 3 of the Year 2007 shall amend Local Law No. 6 of the Year 1990, any amendments thereto and the Town of Boston zoning map, by rezoning 5638 and 5646 Herman Hill Road [SBL no. 211.14-1-12] and 7223 Boston State Road [SBL no. 211.14-1-15.11], which contain 3.38 acres more or less of real property, from R-2 to C-1; such property being described as Town of Boston, Erie County, New York, Lot 30, Township 8, Range 7 of the Holland Land Company's survey and located on the south side of Herman Hill 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. 30, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING in the centerline of Herman Hill Road, distant 616 feet northeasterly as measured along said center line from the centerline of Boston State Road; Thence southeasterly at a right angle to the centerline of Herman Hill Road, a distance of 485.50 feet; Thence southerly along the southeast line of lands in deeds recorded in Liber 233 of Deeds, page 315 and Liber 9376 of Deeds, page 126, at an interior angle of $133^{\circ}39'07''$ recorded and $133^{\circ}19'22''$ measured, a distance of 168.19 feet recorded and 171.79 feet measured, to a point in the southerly line of Lot 30; Thence westerly along the south line of Lot 30, at an interior angle of $89^{\circ}03'36''$, a distance of 47.97 feet; Thence northwesterly along northeast lines of lands conveyed to Dennis C. Wittmeyer and his wife, by deed recorded in Liber 10292 of Deeds, page 444; to Norman C. Gern and his wife, by deed recorded in Liber 10292 of Deeds, page 442; to James R. Carr and his wife, by deed 10292 of Deeds, page 440, a distance of 246.88 feet to the southeast corner of lands conveyed to North Boston Volunteer Fire Company, Inc. by

deed recorded in Liber 7571 of Deeds at page 251; Thence southwesterly and along the south line of lands conveyed to North Boston Volunteer Fire Company, Inc. by deed recorded in Liber 7571 of Deeds at page 251, 129.14 feet to the southeasterly corner of lands conveyed to the North Boston Volunteer Fire Company, Inc. by deed recorded in Liber 4935 of Deeds at page 2539; Thence southwesterly and along the southerly line of lands of the North Boston Volunteer Fire Company, Inc. by deeds recorded in Liber 4935 of Deeds at page 2539 and Liber 6483 of Deeds at page 45, 75.02 feet to a point in the southerly line of Lot 30; Thence westerly along the south line of Lot 30, at an interior angle of 109°35'22", a distance of 80.79 feet; Thence westerly at an interior angle of 160°05'53", a distance of 79.73 feet; Thence northeasterly and along the north line of lands conveyed to North Boston Volunteer Fire Company, Inc. by deed recorded in Liber 10541 of Deeds at page 352, 88.66 feet to a point in the southwest line of lands conveyed to North Boston Volunteer Fire Company, Inc. by deed recorded in Liber 10968 of Deeds at page 740; Thence northwesterly, 219.78 feet and along the south line of lands so conveyed to North Boston Volunteer Fire Company, Inc. by deed in Liber 10968 of Deeds at page 740, to a point in the centerline of Herman Hill Road, said point being 264 feet from the centerline of Boston-Springville Road as measured along the centerline of Herman Hill Road; Thence northeasterly along the centerline of Herman Hill Road a distance of 352.00 feet to the POINT 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. 3 of 2007 of the ~~(County)~~(City)(Town)(Village) of Boston was duly passed by the Town Board on May 16 2007, 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.
(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.

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.

* 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.)

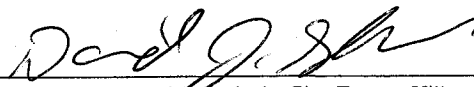
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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-----1-----, above.



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

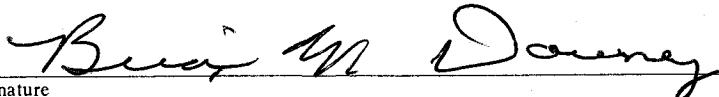
(Seal)

Date: May 22, 2007

(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: May 22, 2007