

# LOCAL LAW NO 1

OF

## THE YEAR 2011

A LOCAL LAW TO REZONE 7074 BOSTON STATE ROAD WHICH CONTAINS APPROXIMATELY 5.19 acres of land [SBL no. 241.00-2-3.13] 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 2010 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. 241.00-3-12.1] from C-1 to C-2; 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 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. 30, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the center line of the Hamburg-Springville Road (a/k/a Boston State Road, Route #391) with a part of a certain boundary line running N 82° 57' W (per magnetic bearing on May 5, 1951) as established by Agreement made between William F. Klein and Elizabeth Klein, his wife, with Burton L. Kester and Ethel L. Kester, his wife, recorded in the Erie County Clerk's Office in Liber 4976 of Deeds at page 106 on August 22, 1951; thence northwesterly along said center line of Hamburg-Springville Road, on a continuation of said boundary line N 26° 09' 40" W a distance of 90.22 feet; thence southwesterly at an interior angle of 96° on a continuation of said boundary line S 69° 44' 00" W a distance of 178.90 feet; thence southerly at right angles to a westerly extension of the first above mentioned part of said boundary line a distance of 18.20 feet to said westerly extension of the first mentioned boundary line; thence at a right angle to the last cover along said westerly extension of the first mentioned boundary line N 89° 46' 40" W a distance of 370.38 feet to the easterly bounds of the Southern Tier Expressway Section II pursuant to Notice of Appropriation, Map No. 153, Parcel No. 153 recorded in

the Erie County Clerk's Office in Liber 8000 of Deeds at page 64 on August 31, 1972; thence southerly along the easterly line of said Southern Tier Expressway S 17° 15' 30" W a chord distance 511.40 feet to an extension of the north line of lands deeded to Jonathan Hoag by deed recorded in the Erie County Clerk's Office in Liber 182 of Deeds at page 526 on July 31, 1857; thence easterly along the last referred line S 89° 39' 05" E a distance of 424.79 feet to the southwest corner of lands deeded to David R. May by deed recorded in Liber 11066 of Deeds at page 2136 on January 7, 2004; thence along said west line of May N 01° 36' 15" E a distance of 281.51 feet; thence along said northwest line of May N 23° 22' 19" E a distance of 81.12 feet; thence S 89° 46' 14" E a distance of 50.28 feet; thence N 66° 21' 47" E a distance of 50.88 feet; thence N 88° 54' 58" E a distance of 41.32 feet; thence S 81° 25' 11" E a distance of 44.30 feet; thence S 75° 27' 43" E a distance of 26.27 feet; thence N 72° 48' 21" E a distance of 74.66 feet to a point in the west line of Hamburg-Springville Road; thence southeasterly along said west line of Hamburg-Springville Road a distance of 23.81 feet; thence N 67° 32' 10" E a distance of 33.07 feet to a point in the center line of Hamburg-Springville Road; thence northwesterly along said center line of Hamburg-Springville Road N 26° 09' 40" W a distance of 124.50 feet 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.