

AGENDA
REGULAR MEETING - TOWN OF BOSTON – August 15, 2018

ITEM NO. I PRELIMINARY MATTERS

1. Call Meeting to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Other Preliminary Matters.

ITEM NO. II REGULAR BUSINESS

1. Correction and Adoption of the Minutes – July 18, 2018
2. Consideration of all Fund Bills.

ITEM NO. III CORRESPONDENCE

1. Income Statement of July 31, 2018
2. Bethany Pryor - letter to Zoning Board of Appeals for leave of absence
3. Planning Board notification of the cancelation of the meeting of August 14, 2018
4. Memorandum from Code Enforcement Officer regarding Sprague Mobile Home Park Inspection

ITEM NO. IV NEW BUSINESS

1. Requests from the Floor (3-minute time limit per person).
2. Lisa Rood – Request for appointment to the Zoning Board of Appeals.
3. Application for Special Use Permit from Jeffrey Fisher and Chelsea Benning
4. Application for Rezoning from Quaker Estates 1 LLP
5. Boston Hills Homes and Estates – License Approval.
6. Proclamation for Gold Award Girl Scout Victoria Wittmeyer
7. SCHEDULE A PUBLIC HEARING – A Local Law Amending Chapter 104 of the Boston Town Code, Subdivision of Land
8. RESOLUTION 2018-35 AMENDING BUDGET TO PROPERLY ACCOUNT FOR INCREASE IN STATE AID FUNDING
9. RESOLUTION 2018-36 AUTHORIZING PAYMENT FOR M. LASKOWSKI PARAMEDIC CERTIFICATION COURSE TUITION

ITEM NO. V OLD BUSINESS

1. Bids for Pump House Roof replacement on Keller Road

ITEM NO. VI REPORTS AND PRESENTATIONS

1. Supervisor
2. Town Clerk
3. Highway Superintendent
4. Attorney for the Town
5. Councilmembers
6. Code Enforcement Officer

ITEM NO. VII ADJOURNMENT OF MEETING

1. Adjournment of Meeting

Present: Supervisor Jason Keding, Councilman Michael Cartechine, Councilwoman Jennifer Lucachik, and Councilwoman Kelly Martin.

Absent: Councilman Zachary Munger

Also Present: Highway Superintendent Telaak and Attorney for the Town Costello.

Eagle Scout, Paul DiCorso Jr. led the Pledge of Allegiance.

Under preliminary matters, a motion was made by Supervisor Keding and seconded by Councilwoman Martin to appoint Pat Hice as a substitute for the nutrition program.

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

four (4) Yes Carried

A motion was made by Councilman Cartechine and seconded by Supervisor Keding to adopt the minutes of the June 13, 2018 regular meeting.

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

four (4) Yes Carried

A motion was made by Councilwoman Martin and seconded by Councilman Cartechine, upon review by the Town Board, that fund bills in the amount of \$ 375,575.85 be paid.

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

four (4) Yes Carried

Supervisor Keding stated the following has been received and filed under correspondence:

The income statement dated June 30, 2018 was received from the bookkeeper's office.

Comp Alliance Safety Seminar

Received from the Planning Board notice of the cancelation of the Planning Board meeting of July 10, 2018 due to the lack of agenda items.

Letter from Lisa Rood requesting consideration for appointment to the Zoning Board of Appeals.

Letter from Quaker Estates request for rezoning.

Received Liquor License renewal for the Boston Deli, Inc.

Received 2018 Annual Report from the Department of Real Property Tax Services.

Received Erie County Comptroller Audit of Fixed Assets and Press Release.

Letter from Richard Holstein resigning as chairman of the Town of Boston Ethics Committee.

Supervisor Keding stated the floor is open for public comment.

The following persons were heard:

William Forness
Lila Worley
Kurt Klostermann

A motion was made by Councilwoman Lucachik and seconded by Supervisor Keding to approve the Use of Facility application for the Linda Krencik, for a graduation party on July 22, 2018, 9:00 am - 7:00 pm, Town Hall Community room with kitchen.

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

four (4) Yes Carried

A motion was made by Councilwoman Martin and seconded by Councilwoman Lucachik to approve the Use of Facility application for the Conservation Advisory Council LEAF Event on September 30, 2018, 9:00 am - 2:00 pm, Boston Town Park, Lions Shelter, and bathroom facilities.

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

four (4) Yes Carried

A motion was made by Councilman Cartechine and seconded by Supervisor Keding to approve the Use of Town Meeting Facility application for Senator Pat Gallivan for a senior meeting event on August 7, 2018, 1:00 pm - 2:30 pm, Town Hall Community room without kitchen.

Motion Con't

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

four (4) Yes

Carried

A motion was made by Councilman Cartechine and seconded by Councilwoman Lucachik to approve the Summer Recreation Staff Appointments,

<u>EMPLOYEE</u>	<u>Job Title/ Position</u>	<u>Hourly Pay Rate</u>
Melissa McCaffrey	Camp Director	\$14.00
Kristina McCaffrey	Site Supervisor	\$12.00
Kelly DeGrood	Site Supervisor	\$12.00
Tristian Giordano	Counselor/ Life Guard	\$10.90
Christian Kostowniak	Counselor/ EMT/Camp Health Dir	\$11.25
Megan Hopkins	Counselor/ Assit. Supervisor	\$11.25
Alexa Pace	Counselor	\$10.40
Dylan Noeller	Counselor	\$10.40
Lucas Kennedy	Counselor/ EMT	\$10.90
Gabrielle Henneburg	Counselor	\$10.40
Daniel Janak	Counselor	\$10.40
Alyssa Zeniuk	Counselor	\$10.40
Jocelynn Giordano	Counselor	\$10.40
Katie Scheffield	Counselor	\$10.40
Kathryn Seider	Counselor/ EMT	\$10.90
Tori Gamel	Counselor	\$10.40
John Georger	Tennis Instructor	\$15.00
Jen Schunk	Summer Skills Instructor	\$15.00
Conor Long	Sub Counselor	\$10.40
Ashley Jablonski	Sub Counselor	\$10.40
Abbey Smolinski	Sub Counselor	\$10.40
Ava Zeniuk	Sub Counselor	\$10.40
Kole Taylor	Sub Counselor	\$10.40
Madeline Brinkerhoff	Sub Counselor	\$10.40
Kylie Magill	Sub Counselor	\$10.40
Caitlin Kostowniak	Sub Counselor	\$10.40
Zachory DeCarolis	Sub Counselor	\$10.40
Derek Wieckowski	Sub Counselor	\$10.40

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

four (4) Yes

Carried

Councilman Cartechine read the Proclamation to be presented to Eagle Scout Paul DiCorso, Jr.

A motion was made by Supervisor Keding and seconded by Councilwoman Lucachik for Extension of Agreement between Town of Boston and Waste Management, LLC. for one year,

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

four (4) Yes Carried

A motion was made by Councilwoman Lucachik and seconded by Supervisor Keding,

**RESOLUTION 2018-30 AMENDING THE BUDGET FOR SALE OF JOHN
DEERE TRACTOR**

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

four (4) Yes Carried

A motion was made by Councilwoman Martin and seconded by Councilman Cartechine,

**RESOLUTION 2018-31 AMENDING BUDGET TO PROPERLY ACCOUNT
FOR STATE FARM INSURANCE RECOVERY**

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

four (4) Yes Carried

A motion was made by Councilwoman Lucachik and seconded by Supervisor Keding,

**RESOLUTION 2018-32 AUTHORIZING PURCHASE OF DUMP AND PLOW
TRUCK FOR HIGHWAY DEPARTMENT**

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

four (4) Yes Carried

A motion was made by Supervisor Keding and seconded by Councilwoman Lucachik,

RESOLUTION 2018-33 ADOPTING ANNUAL UPDATE DOCUMENT POLICY

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

four (4) Yes Carried

A motion was made by Supervisor Keding and seconded by Councilman Cartechine,

RESOLUTION 2018-34 ADOPTING REVISED PROCUREMENT POLICY

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

four (4) Yes Carried

Supervisor Keding stated that the bids for the Pump House roof replacement on Keller Road has been tabled.

Parks Superintendent Telaak requested that the Town Board approve landscape work to be done by the lower pond.

A motion was made by Supervisor Keding and seconded by Councilman Cartechine to approve landscape work to be done by the lower pond, Rey Enterprises, \$2,500.

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

four (4) Yes Carried

Highway Superintendent Telaak requested that the Town Board accept the bid on the 1989 Autocar that was placed on Auctions International.

A motion was made by Supervisor Keding and seconded by Councilwoman Lucachik to accept bid on the 1989 Autocar, \$6,600.

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

four (4) Yes Carried

Town Clerk Quinlan reported on the following:

Unpaid Town and County tax bills have been returned to Erie County, payments can be mailed directly to Erie County Finance Department through the end of the year.

Electronic Collection Event at ECC South on July 28th from 9:00 am until 12:30 pm.

Household Hazardous Waste Collection at ECC North on August 11th.

Councilman Cartechine reported on the following:

Thanked the Parks Department for installing the Smoke Free/Tobacco Free signs on town property.

Attended a Fire Fighter cancer awareness seminar with Boston Volunteer Fire Company.

In the process of updating Recreation Department policies and procedures, application, programs, and correspondence. Welcomes public input.

Started contract discussions with the volunteer fire companies.

Highway Superintendent Telaak reported on the following:

Stated that the Town Board passes a resolution for every piece of Highway equipment that is bought and sold. Would like the report that he has been asking for to have this clarified as what is missing equipment.

Councilwoman Lucachik reported on the following:

Planning Board meeting for July was cancelled due to a lack of agenda items, next scheduled meeting for August.

Code Review Committee meeting for tomorrow has been canceled and rescheduled for next Tuesday.

Councilwoman Martin reported on the following:

Nothing to report.

Attorney for the Town Costello reported on the following:

Continue to assist with matters of the Town Board, nothing new to report.

Supervisor Keding reported on the following:

Discussed the Erie County audit, press release, and report. All departments were notified prior to the press release. The additional

report on missing equipment will be provided to Highway Superintendent Telaak and then released to the public.

Lengthily discussion ensued regarding the Erie County audit with Supervisor Keding and public comment.

Charitable Reserve Fund to be discussed at meeting in Orchard Park tomorrow.

Town Historian reports that a tree that had fallen over the winter in town cemetery is being cleaned up.

Boston Historical Society has been in contact with Explore Buffalo Tours regarding a historical scavenger hunt and tour of Boston.

Suggests that the Scenic Byway marker be moved from back of town property to the front.

A member from the Tonawanda Historical Society would like to have core samples logs taken to define the age of the Indian cabin located in Boston.

Working with local churches and local seniors to collect historical information regarding Boston.

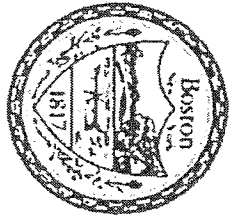
A motion was made by Supervisor Keding and seconded by Councilwoman Lucachik to adjourn the meeting at 9:10 pm.

Supervisor Keding	Yes	Councilman Cartechine	Yes
Councilwoman Lucachik	Yes	Councilwoman Martin	Yes

Four (4) Yes

Carried

SANDRA L. QUINLAN, BOSTON TOWN CLERK



August 15, 2018 - ABSTRACT

Town of Boston
Journal Proof Report
Fiscal Year: 2017 - 2018

Created By: accounting

Journal Number: AP - 935

Journal Desc: AP Batch 32

Journal Date: 7/17/2018

Account Period: 7 - Jul

Status: Approved

Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #
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A00-0600-0000-0000	ACCOUNTS PAYABLE	Fund A00 AP Account	7/17/2018	Fund A00 AP Account	\$0.00	\$39,928.52	\$0.00	75
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A00-0690-0000-0000	CLEARING ACCT-JUSTICE	OFFICE OF STATE COMPTROLLER, June 2018 Court Fees, June 2018 Justice Fees to State/County	7/17/2018	Vendor# 178	\$7,201.00	\$0.00	\$0.00	13
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A00-1110-4000-0000	TOWN JUSTICE-CONTR	Looseleaf Law Publications, 178286 2019 Penal Law Manual, Vehicle & Traffic Law Manual	7/17/2018	Vendor# 1706	\$52.45	\$0.00	\$0.00	14
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A00-1110-4000-0000	TOWN JUSTICE-CONTR	EATON OFFICE SUPPLY CO., INC. PINV/587826 Court Order	7/17/2018	Vendor# 1320	\$87.30	\$0.00	\$0.00	6
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A00-1321-0400-0000	ACCOUNTANT-CONTRACTUAL	Drescher & Malecki LLP 1807029 Accounting Services 7/2/18 - 7/15/18	7/17/2018	Vendor# 1747	\$4,881.25	\$0.00	\$0.00	16
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A00-1321-0400-0000	ACCOUNTANT-CONTRACTUAL	Drescher & Malecki LLP 1807037 Accounting services 7/16/18 - 7/29/18	7/17/2018	Vendor# 1747	\$5,850.00	\$0.00	\$0.00	48
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A00-1420-0401-0000	ATTORNEY- CONTR	Barday Damon 4602350 Professional service through 6/30/18 regarding Boston State road mixed use rezoning	7/17/2018	Vendor# 1726	\$50.00	\$0.00	\$0.00	4
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A00-1440-0400-0000	ENGINEER- CONTR	HANNON ENGINEERING, PC 1340 Engineering Consulting, July 2018	7/17/2018	Vendor# 1232	\$1,500.00	\$0.00	\$0.00	47
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A00-1620-0400-0000	BUILDINGS- CONTR	Kleen Windows, Inc. 140126 8/2 Window Cleaning Service	7/17/2018	Vendor# 1814	\$650.00	\$0.00	\$0.00	64
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A00-1620-0400-0000	BUILDINGS- CONTR	WASTE MANAGEMENT 3771342-1342-2 Dumpster rental for trooper flooring	7/17/2018	Vendor# 432	\$32.63	\$0.00	\$0.00	65
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A00-1620-0400-0000	BUILDINGS- CONTR	UNIFIRST CORP. 055 1566751 Town Hall Supplies	7/17/2018	Vendor# 1296	\$209.01	\$0.00	\$0.00	67
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A00-1620-0400-0000	BUILDINGS- CONTR	UNIFIRST CORP. 055 1566752 Troopers Supplies	7/17/2018	Vendor# 1296	\$132.56	\$0.00	\$0.00	68
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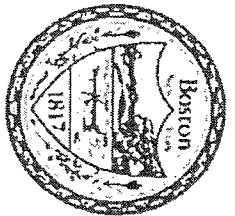
A00-1620-0400-0000	BUILDINGS- CONTR	MONROE EXTINGUISHER CO. 228337 Semi-annual System Inspection	7/17/2018	Vendor# 115	\$809.65	\$0.00	\$0.00	42
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A00-1620-0400-0000	BUILDINGS- CONTR	TRI-R MECHANICAL SERVICES 9172 Trooper Barracks Repair	7/17/2018	Vendor# 641	\$211.50	\$0.00	\$0.00	43
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A00-1620-0400-0000	BUILDINGS- CONTR	Certified Pest Solutions 3418 Spider Treatment at Snack Shack	7/17/2018	Vendor# 1811	\$127.50	\$0.00	\$0.00	44
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A00-1620-0400-0000	BUILDINGS- CONTR	RUCKER LUMBER INC. 157303 ME GRV Hornz Flip Cover - Building	7/17/2018	Vendor# 24	\$7.99	\$0.00	\$0.00	45
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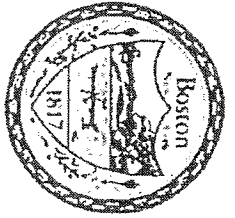
A00-1620-0400-0000	BUILDINGS- CONTR	DAVIS ELECTRICAL SUPPLY CO. 118002-00 CHC25DNF340A -40A 120V	7/17/2018	Vendor# 165	\$115.00	\$0.00	\$0.00	15
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Town of Boston
Journal Proof Report
Fiscal Year: 2017 - 2018

Created By: accounting

Journal Number: AP - 935		Journal Desc: AP Batch 32		Status: Currently Active			
Account#	Account Description	Trans Description	Date	Journal Date: 7/17/2018	Account Period: 7 - Jul		
				Reference	Debit		
					Credit		
					ENCLOS. Seq #		
A00-1620-0400-0000	BUILDINGS- CONTR	MSC INDUSTRIAL SUPPLY CO	7/17/2018	Vendor# 699	\$76.40	\$0.00	3
		70572639 Can liners					
A00-1620-0400-0000	BUILDINGS- CONTR	J C. Ehrlich Co. Inc 8451049 Pest	7/17/2018	Vendor# 1725	\$68.00	\$0.00	25
		General Maintenance - Town Hall					
A00-1620-0400-0000	BUILDINGS- CONTR	J C. Ehrlich Co. Inc 8451050 Pest	7/17/2018	Vendor# 1725	\$68.00	\$0.00	26
		General Maintenance - State Trooper Barracks					
A00-1620-0400-0000	BUILDINGS- CONTR	Certified Pest Solutions 3329	7/17/2018	Vendor# 1811	\$148.75	\$0.00	27
		Yellow jacket treatment - Lions Shelter					
A00-1620-0400-0000	BUILDINGS- CONTR	SCOTTS DALE DISTRIBUTING	7/17/2018	Vendor# 694	\$39.95	\$0.00	28
		35328 Household Towels					
A00-1620-0400-0000	BUILDINGS- CONTR	SCOTTS DALE DISTRIBUTING	7/17/2018	Vendor# 694	\$174.45	\$0.00	29
		35330 Translucent and Wypall Wiper					
A00-1620-0400-0000	BUILDINGS- CONTR	Certified Pest Solutions 3349	7/17/2018	Vendor# 1811	\$148.75	\$0.00	30
		Yellow Jacket Nest Treatment - Baiting Cage					
A00-1620-0400-0000	BUILDINGS- CONTR	ADVANCED ALARM, INC	7/17/2018	Vendor# 1531	\$192.00	\$0.00	38
		060427 Monitoring Electronic Security System 9/18 - 8/19					
A00-1670-0403-0000	CENT PRINTMALL- CONTR	CamDoc, Inc. IN2716518	7/17/2018	Vendor# 1787	\$24.31	\$0.00	18
		Contract Overage Charge					
A00-1670-0403-0000	CENT PRINTMALL- CONTR	Wells Fargo Financial Leasing	7/17/2018	Vendor# 1779	\$109.70	\$0.00	63
		5005056245 Xerox Copier Lease - 8/24/18-9/23/18					
A00-1989-0400-0000	OTHER GENERAL GOVT SUPPORT	CONNIE D MINNER August 2018	7/17/2018	Vendor# 69	\$1 250.00	\$0.00	31
		August 2018 Grant Writing Services					
A00-3310-0400-0000	TRAFFIC CONTROL- CONTR	RICHARD CIN SIGNS & SUPPLIES 1167 Green	7/17/2018	Vendor# 91	\$140.25	\$0.00	22
		Delinquent Posts					
A00-3310-0400-0000	TRAFFIC CONTROL- CONTR	RICHARD CIN SIGNS & SUPPLIES 1185 Steel Signs	7/17/2018	Vendor# 91	\$314.30	\$0.00	60
		BLACK ROSE KENNELS 7/30/18					
A00-3510-0400-0000	DOG CONTROL- CONTR	DCO Stray	7/17/2018	Vendor# 1430	\$75.00	\$0.00	66
		Cintas 5011420123 Supplies for Highway					
A00-5010-0400-0000	HIGHWAY SUPT- CONTR	EATON OFFICE SUPPLY CO. INC. PINV591537 Highway Office	7/17/2018	Vendor# 1758	\$71.99	\$0.00	61
		Supplies					
A00-5010-0400-0000	HIGHWAY SUPT- CONTR	On Site Employee Testing 3391	7/17/2018	Vendor# 1629	\$216.67	\$0.00	37
		Random DOT & Urine Drug Test					
A00-5132-0400-0000	GARAGE- CONTR	UNIFIRST CORP. 055 1562196	7/17/2018	Vendor# 1295	\$190.00	\$0.00	7
		Highway Supplies & Materials					
					\$137.32	\$0.00	8



Town of Boston
Journal Proof Report
Fiscal Year: 2017 - 2018

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Journal Number: AP - 935

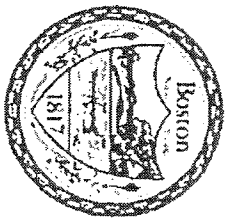
Journal Desc: AP Batch 32

Journal Date: 7/17/2018

Account Period: 7 - Jul

Status: Currently Active

Account#	Account Description	Trans Description	Date	Journal Reference	Account Debit	Account Credit	ENCLQ	Seq #
A00-5132-0400-0000	GARAGE-CONTR	UNIFIRST CORP 055 1563724 Highway Supplies & Materials	7/17/2018	Vendor# 1296	\$186.66	\$0.00	\$0.00	23
A00-5132-0400-0000	GARAGE-CONTR	UNIFIRST CORP 055 1565214 Highway Supplies & Materials	7/17/2018	Vendor# 1296	\$95.77	\$0.00	\$0.00	53
A00-6772-0400-0000	PROGRAMS FOR AGING-CONTR	THERESA HORSCHTEL 7119/18 Supplies and mileage for nutrition program	7/17/2018	Vendor# 226	\$62.65	\$0.00	\$0.00	5
A00-6772-0400-0000	PROGRAMS FOR AGING-CONTR	SCOTTSDALE DISTRIBUTING 35310 White placemats	7/17/2018	Vendor# 694	\$67.90	\$0.00	\$0.00	12
A00-7110-0201-0000	EQUIPMENT	Deere & Company 116221741 Outstanding Balance for John Deere Utility Tractor	7/17/2018	Vendor# 1788	\$4,294.54	\$0.00	\$0.00	49
A00-7110-0400-0000	PARKS-CONTR	BOSTON HIGHWAY DEPT. July 2018 - Parks July 2018 - Gas & Diesel for Parks Truck	7/17/2018	Vendor# 90	\$271.02	\$0.00	\$0.00	55
A00-7110-0400-0000	PARKS-CONTR	RUCKER LUMBER INC. 157022, 157191 JPN Beetle Trap Lure, Washers & Screws	7/17/2018	Vendor# 24	\$24.57	\$0.00	\$0.00	57
A00-7110-0400-0000	PARKS-CONTR	PIONEER MANUFACTURING COMPANY INVS84486 Max Aerosol White 12/CS	7/17/2018	Vendor# 1358	\$565.00	\$0.00	\$0.00	21
A00-7110-0400-0000	PARKS-CONTR	LandPro Equipment 923158 Blade, Filler, Oil	7/17/2018	Vendor# 1719	\$322.75	\$0.00	\$0.00	32
A00-7140-0400-0000	PLAY & REC CTR-CONTR	Vizzara Family Vineyards, LLC 7/27/18 Recreation Field Trip to Vizzara Family Vineyards	7/17/2018	Vendor# 1813	\$323.00	\$0.00	\$0.00	35
A00-7140-0400-0000	PLAY & REC CTR-CONTR	LASERTRON 5574 Recreation Field Trip to Lasertron	7/17/2018	Vendor# 663	\$504.00	\$0.00	\$0.00	36
A00-7140-0400-0000	PLAY & REC CTR-CONTR	Incredible Bounce 8/8/18 Kids Day for Rec	7/17/2018	Vendor# 1587	\$1,248.00	\$0.00	\$0.00	46
A00-7270-0400-0000	BAND CONCERTS-CONTR	Jack Cwelieto 8/718 Difference in cost from initial voucher submission	7/17/2018	Vendor# 1570	\$25.00	\$0.00	\$0.00	9
A00-7310-0400-0000	YOUTH PROGRAMS-CONTR	TOPS MARKETS LLC 807002279588 Trans # 80700279588 Recreation Supplies	7/17/2018	Vendor# 1424	\$19.98	\$0.00	\$0.00	69
A00-7310-0400-0000	YOUTH PROGRAMS-CONTR	TOPS MARKETS LLC 8/8/18 rec Kids Day Rec Supplies	7/17/2018	Vendor# 1424	\$277.68	\$0.00	\$0.00	70
A00-7310-0400-0000	YOUTH PROGRAMS-CONTR	BELLA PIZZA 10002 Kids Day - Recreation	7/17/2018	Vendor# 1426	\$127.80	\$0.00	\$0.00	71
A00-7620-0402-0000	ADULT REC- BOS YOUNG @ HEART	HORIZON CLUB TOURS TRS1340 Senior motorcoach for Daytrip	7/17/2018	Vendor# 935	\$1,100.00	\$0.00	\$0.00	72
A00-7620-0402-0000	ADULT REC- BOS YOUNG @ HEART	HORIZON CLUB TOURS TRS1341 Motorcoach for Day Trip - Greg Frewin, Billy Joel	7/17/2018	Vendor# 935	\$1,118.00	\$0.00	\$0.00	73



Town of Boston
Journal Proof Report
Fiscal Year: 2017 - 2018

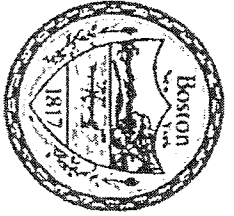
Created By: accounting

Journal Number: AP - 935		Journal Desc: AP Batch 32		Journal Date: 7/17/2018		Account Period: 7 - Jul		Status: Currently Active	
Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCL	Seq #	
A00-7620-0402-0000	ADULT REC- BOS YOUNG @ HEART	HORIZON CLUB TOURS TRS1342 Seneca Niagara Casino - Bus Trip Motorcoach	7/17/2018	Vendor# 935	\$1,050.00	\$0.00	\$0.00	74	
A00-8010-0400-0000	ZONING-CONTR	HAMBURG SUN_AD#1432369 Public hearing notice for ZBA Ad # 1432369	7/17/2018	Vendor# 61	\$46.00	\$0.00	\$0.00	17	
A00-8020-0400-0000	PLANNING- CONTR	TRACY HIRSCH 5/31/18 Reimbursement for 2018 NYPF Conference	7/17/2018	Vendor# 468	\$1,011.77	\$0.00	\$0.00	10	
A00-9050-0800-0000	UNEMPLOYMENT INSURANCE	NYS UNEMPLOYMENT INSURANCE 7/2/18 Employer Reg No. 04-60383 6 for Q2 2018 underpayment	7/17/2018	Vendor# 213	\$300.00	\$0.00	\$0.00	1	
A00-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	HEALTHNOW/ADMIN SERVICES 173338_HRA 8/1/18 -8/31/18 Admin Fees	7/17/2018	Vendor# 1376	\$86.19	\$0.00	\$0.00	19	
A00-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	BLUECROSS BLUESHIELD OF WNY 18208000302 Health Insurance Premiums August 2018	7/17/2018	Vendor# 1378	\$1,440.56	\$0.00	\$0.00	40	
DB0-0600-0000-0000	ACCOUNTS PAYABLE	Fund DB0 AP Account	7/17/2018	Fund DB0 AP Account	\$0.00	\$20,662.61	\$0.00	76	
DB0-5110-0410-0000	GEN REPAIRS-FUEL & DIESEL	NOCO ENERGY CORP SP113338540 Gallons of Octane	7/17/2018	Vendor# 543	\$5,440.40	\$0.00	\$0.00	50	
DB0-5110-0420-0000	GEN REPAIRS- DRAINAGE	GERMATT ASPHALT PRODUCTS INC. 82302650MB Type 7F2 Top	7/17/2018	Vendor# 212	\$3,762.91	\$0.00	\$0.00	51	
DB0-5110-0420-0000	GEN REPAIRS- DRAINAGE	GERMATT ASPHALT PRODUCTS INC. 31800962MB Type 7F2 Top	7/17/2018	Vendor# 212	\$996.27	\$0.00	\$0.00	52	
DB0-5110-0420-0000	GEN REPAIRS- DRAINAGE	WILLIAM FORNESS 8/1/18 Purchase Bale of Straw for Drainage Job - Reimbursement	7/17/2018	Vendor# 1227	\$7.00	\$0.00	\$0.00	54	
DB0-5110-0420-0000	GEN REPAIRS- DRAINAGE	New Enterprise Stone & Lime Co, Inc. 4134206 Polyhead, Conveyor Usage	7/17/2018	Vendor# 1665	\$1,038.34	\$0.00	\$0.00	58	
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	RUCKER LUMBER INC. 072018 July Highway Miscellaneous Invoices	7/17/2018	Vendor# 24	\$545.87	\$0.00	\$0.00	59	
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	Genuine Parts Company - NAPA Auto Parts 072018 July Invoices	7/17/2018	Vendor# 204	\$514.47	\$0.00	\$0.00	62	
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	Genuine Parts Company - NAPA Auto Parts 6/30/2018 Account No. 6461772 April - June Invoice	7/17/2018	Vendor# 204	\$250.89	\$0.00	\$0.00	2	
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	HANES SUPPLY, INC. 1231659-00 Supplies for Highway	7/17/2018	Vendor# 685	\$328.27	\$0.00	\$0.00	24	

August 15, 2018 - ABSTRACT

Town of Boston
Journal Proof Report
Fiscal Year: 2017 - 2018

Created By: accounting



Journal Number: AP - 935		Journal Desc: AP Batch 32		Journal Date: 7/17/2018		Account Period: 7 - Jul		Status: Currently Active	
Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLOS	Seq #	
DB0-5130-0400-0000	MACHINERY - CONTRACTUAL	PRAIRAIR DISTRIBUTION INC 84130806 Cylinder rent 6/20/2018-7/20/2018	7/17/2018	Vendor# 1039	\$181.50	\$0.00	\$0.00	33	
DB0-5130-0400-0000	MACHINERY - CONTRACTUAL	LAMB & WEBSTER INC ST10369 Hydraulic Oil	7/17/2018	Vendor# 233	\$82.90	\$0.00	\$0.00	34	
DB0-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	BLUECROSS BLUESHIELD OF WYNY 182060000902 Health Insurance Premiums August 2018	7/17/2018	Vendor# 1378	\$7,473.79	\$0.00	\$0.00	41	
SG0-0600-0000-0000	ACCOUNTS PAYABLE	Fund SGD AP Account	7/17/2018	Fund SGD AP Account	\$0.00	\$47,697.48	\$0.00	78	
SG0-8160-0401-0000	GARBAGE CONTRACTUAL BFI	WASTE MANAGEMENT 3768130-1342-6 August 2018 Dumpster Service	7/17/2018	Vendor# 432	\$301.08	\$0.00	\$0.00	39	
SG0-8160-0401-0000	GARBAGE CONTRACTUAL BFI	WASTE MANAGEMENT 3762630-1342-1 Curb Service 8/1/18 - 8/31/18	7/17/2018	Vendor# 432	\$47,396.40	\$0.00	\$0.00	20	
SM0-0600-0000-0000	ACCOUNTS PAYABLE	Fund SMD AP Account	7/17/2018	Fund SMD AP Account	\$0.00	\$3,455.66	\$0.00	77	
SM0-4540-0400-0000	CONTRACTUAL	BOSTON HIGHWAY DEPT. July 2018 RS July 2018 - Gasoline & Diesel used by Rescue Squad	7/17/2018	Vendor# 90	\$115.41	\$0.00	\$0.00	56	
SM0-4540-0400-0000	CONTRACTUAL	ERIE COMMUNITY COLLEGE 7/19/18 M. Las Melissa Laskowski - EMS Tutor	7/17/2018	Vendor# 1518	\$3,340.25	\$0.00	\$0.00	11	
Total Number of 78 Transactions					\$111,744.27	\$111,744.27	\$0.00		
AP - 935 Summary By Fund Number									
Fund		Debit	Credit	ENCLOS					
A00		\$39,928.52	\$39,928.52	\$0.00					
DB0		\$20,662.61	\$20,662.61	\$0.00					
SG0		\$47,697.48	\$47,697.48	\$0.00					
SM0		\$3,455.66	\$3,455.66	\$0.00					
Total		\$111,744.27	\$111,744.27	\$0.00					

AUDITED & APPROVED BY TOWN BOARD, RECORDED BY TOWN CLERK

DATE

Town of Boston
Income Statement: 2017 - 2018
For the Period Ending 7/31/2018

General					
Account Number	Account Description	Original Approp Amount	Estimated Rev/Exp	YTD	% YTD
<i>Revenues</i>					
A00-1001-0000-0000	REAL PROPERTY TAXES	\$ 190,822	\$ 190,822	\$ 190,822	100.00%
A00-1030-0000-0000	SPECIAL ASSESSMENTS	-	-	3,243	100.00%
A00-1090-0000-0000	INT.& PENALTIES REAL PROP.TAX	10,000	10,000	8,497	84.97%
A00-1120-0000-0000	NONPROPERTY TAX DISTRIB BY CTY	780,000	780,000	635,697	81.50%
A00-1170-0000-0000	FRANCHISES	85,000	85,000	97,473	114.67%
A00-1255-0000-0000	CLERK FEES	1,500	1,500	1,345	89.68%
A00-1550-0000-0000	DOG CONTROL FEES	300	300	190	63.33%
A00-1972-0000-0000	PROGRAM FOR AGING	500	500	402	80.45%
A00-2001-0000-0000	PARK & RECREATION INCOME	60,000	60,000	52,189	86.98%
A00-2025-0000-0000	SPECIAL RECREATIONAL FACILITY	200	200	1,100	550.00%
A00-2089-0000-0000	CULTURAL & REC INCOME	1,800	1,800	2,100	116.67%
A00-2110-0000-0000	ZONING INCOME	1,200	1,200	1,950	162.50%
A00-2401-0000-0000	INTEREST AND EARNINGS	2,500	2,500	11,890	475.60%
A00-2410-0000-0000	RENT / REAL PROP INCOME	81,600	81,600	40,800	50.00%
A00-2530-0000-0000	GAMES OF CHANCE INCOME	-	-	92	100.00%
A00-2544-0000-0000	DOG LICENSES	1,700	1,700	2,281	134.18%
A00-2545-0000-0000	LICENSES- OTHER	200	200	300	150.00%
A00-2555-0000-0000	BUILDING PERMIT INCOME	15,000	15,000	8,035	53.57%
A00-2590-0000-0000	OTHER PERMIT INCOME	2,000	2,000	90	4.50%
A00-2610-0000-0000	FINES/FORFEITED BAIL	110,000	110,000	77,819	70.74%
A00-2665-0000-0000	SALE OF EQUIPMENT	-	-	3,555	100.00%
A00-2705-0000-0000	GIFTS AND DONATIONS	4,000	4,000	50	1.25%
A00-2709-0000-0000	EMPLOYEE CONTRIBUTIONS	8,000	8,000	-	0.00%
A00-2770-0000-0000	OTHER UNCLASSIFIED REVENUES	-	-	1,535	100.00%
A00-3001-0000-0000	STATE AID - PER CAPITA	49,689	49,689	-	0.00%
A00-3005-0000-0000	STATE AID - MORTGAGE TAX	120,000	120,000	59,465	49.55%
A00-3060-0000-0000	STATE AID - RECORDS	10,000	10,000	-	0.00%
A00-3089-0000-0000	STATE AID- OTHER	-	-	200	100.00%
A00-3897-0000-0000	CULTURAL GRANTS	1,500	1,500	1,250	83.33%
<i>Expenditures</i>					
A00-1010-1000-0000	TOWN BOARD-PER SVC	\$ 34,000	\$ 34,000	\$ 17,000	50.00%
A00-1010-4000-0000	TOWN BD-CONTR	5,000	5,000	1,802	36.04%
A00-1110-1000-0000	TOWN JUSTICE- PER SVC	103,770	103,770	60,371	58.18%
A00-1110-2000-0000	JUSTICE - EQUIP	1,000	1,000	-	0.00%
A00-1110-4000-0000	TOWN JUSTICE-CONTR	6,000	6,000	1,168	19.46%
A00-1220-0100-0000	SUPERVISOR- PER SVC	69,814	69,814	49,181	70.45%
A00-1220-0200-0000	SUPERVISOR- EQUIP	3,000	3,000	-	0.00%
A00-1220-0400-0000	SUPERVISOR- CONTR	4,000	4,000	2,383	59.56%
A00-1321-0400-0000	ACCOUNTANT-CONTRACTUAL	50,000	50,000	79,255	158.51%
A00-1321-0401-0000	ACCOUNTING FEES	-	-	2,379	100.00%
A00-1340-0100-0000	BUDGET DIRECTOR- PER SVC	3,500	3,500	2,019	57.69%
A00-1355-0100-0000	ASSESSOR-PERSONAL SVC	62,224	62,224	37,315	59.97%
A00-1355-0401-0000	ASSESSOR- CONTR	4,000	4,000	3,329	83.24%
A00-1380-0400-0000	FISCAL AGENT- CONTRACT	-	-	45	100.00%
A00-1410-0100-0000	TOWN CLERK- PER SVC	59,224	59,224	42,274	71.38%
A00-1410-0401-0000	TOWN CLERK- CONTR	5,100	5,100	3,646	71.49%
A00-1420-0100-0000	TOWN ATTORNEY- PER SVC	40,000	40,000	8,735	21.84%
A00-1420-0200-0000	ATTORNEY- EQUIPMENT	3,500	3,500	-	0.00%
A00-1420-0401-0000	ATTORNEY- CONTR	9,800	9,800	27,512	280.74%
A00-1440-0400-0000	ENGINEER- CONTR	32,000	32,000	12,200	38.13%
A00-1460-0100-0000	RECORDS MGT- PER SVC	250	250	-	0.00%
A00-1460-0200-0000	RECORDS MGT- EQUIP	940	940	-	0.00%
A00-1460-0401-0000	RECORDS MGT- CONTR	6,000	6,000	-	0.00%
A00-1620-0101-0000	BUILDINGS -PER SVC	23,636	23,636	9,581	40.53%
A00-1620-0200-0000	BUILDINGS- EQUIP	50,000	50,000	600	1.20%
A00-1620-0400-0000	BUILDINGS- CONTR	100,000	100,000	48,836	48.84%
A00-1650-0200-0000	CENTR COMM- EQUIP	15,000	15,000	-	0.00%
A00-1650-0400-0000	CENT COMMUNICATIONS- CONTR	25,150	25,150	9,878	39.28%
A00-1670-0403-0000	CENT PRINT/MAIL- CONTR	15,000	15,000	7,034	46.90%
A00-1910-0000-0000	UNALLOCATED INSURANCE	60,000	60,000	67,785	112.98%
A00-1920-0000-0000	MUNICIPAL ASSOCIATION DUES	3,500	3,500	1,725	49.29%
A00-1930-0000-0000	JUDGEMENT AND CLAIMS	1,300	1,300	294	22.62%
A00-1950-0000-0000	TAXES & ASSESSMNTS ON PROPERTY	3,250	3,250	3,443	105.93%
A00-1989-0400-0000	OTHER GENERAL GOV'T SUPPORT	15,000	15,000	11,248	74.99%
A00-1990-0000-0000	CONTINGENT ACCOUNT	87,265	87,265	-	0.00%

A00-3310-0400-0000	TRAFFIC CONTROL-CONTR								
A00-3510-0100-0000	DOG CONTROL- PER SVC	2,000		2,000					
A00-3510-0400-0000	DOG CONTROL- CONTR	11,271		11,271				784	39.19%
A00-3620-0100-0000	SAFETY INSPECT-PER SVC	2,384		2,384				6,441	57.15%
A00-3620-0400-0000	SAFETY INSPECT- CONTR	23,500		23,500				960	40.26%
A00-5010-0100-0000	HIGHWAY SUPT-PER SVC	900		900				17,648	75.10%
A00-5010-0400-0000	HIGHWAY SUPT-CONTR	81,441		81,441				225	24.96%
A00-5132-0400-0000	GARAGE-CONTR	4,500		4,500				47,225	57.99%
A00-5182-0400-0000	STREET LIGHTING-CONTR	25,000		25,000				1,310	29.11%
A00-6772-0100-0000	PROGRAM FOR AGING-PER SVC	20,000		20,000				15,753	63.01%
A00-6772-0400-0000	PROGRAMS FOR AGING-CONTR	18,078		18,078				10,396	51.98%
A00-7110-0100-0000	PARKS- PER SVC	6,200		6,200				10,083	55.77%
A00-7110-0201-0000	EQUIPMENT	85,279		85,279				5,354	86.35%
A00-7110-0400-0000	PARKS- CONTR	10,000		16,307				45,289	53.11%
A00-7140-0100-0000	PLAY & REC CTR-PER SVC	15,000		15,000				16,307	163.07%
A00-7140-0400-0000	PLAY & REC CTR-CONTR	4,461		4,461				6,741	44.94%
A00-7270-0400-0000	BAND CONCERTS- CONTR	750		750				1,808	40.53%
A00-7310-0100-0000	YOUTH PROGRAMS-PER SVC	4,450		4,450				895	119.35%
A00-7310-0200-0000	RECREATION- EQUIPMENT	93,591		93,591				3,250	73.03%
A00-7310-0400-0000	YOUTH PROGRAMS-CONTR	1,000		1,000				28,734	30.70%
A00-7510-0401-0000	HISTORIAN- CONTR	23,504		23,504				-	0.00%
A00-7520-0400-0000	HISTORIAN PROP-CONTR	4,050		4,050				318	1.35%
A00-7550-0400-0000	CELEBRATIONS- CONTR	2,600		2,600				1,479	36.52%
A00-7620-0400-0000	ADULT REC- BOSTON SRS.	21,500		21,500				-	0.00%
A00-7620-0402-0000	ADULT REC- BOS YOUNG @ HEART	13,000		13,000				3,079	14.32%
A00-7989-0400-0000	OTHER CULTURE/REC- CONTR	13,000		13,000				6,185	47.57%
A00-8010-0100-0000	ZONING- PER SVC	-		-				6,482	49.86%
A00-8010-0400-0000	ZONING-CONTR	4,000		4,000				1,000	100.00%
A00-8020-0100-0000	PLANNING-PER SVC	12,000		12,000				-	0.00%
A00-8020-0200-0000	PLANNING-EQUIPMENT	3,500		3,500				3,228	26.90%
A00-8020-0400-0000	PLANNING- CONTR	3,200		3,200				-	0.00%
A00-8510-0400-0000	COMMUNITY BEAUTIFICATION-CONTR	8,500		8,500				-	0.00%
A00-8540-0400-0000	DRAINAGE-CONTR	2,000		2,000				2,291	26.95%
A00-8710-0100-0000	CONSERVATION-PER SVC	40,000		40,000				-	0.00%
A00-8710-0400-0000	CONSERVATION- CONTR	930		930				-	0.00%
A00-8745-0400-0000	FLOOD & EROSION CONTROL-CONTRA	2,600		2,600				-	0.00%
A00-8810-0100-0000	CEMETERY- PER SVC.	40,000		40,000				1,882	72.39%
A00-8810-0400-0000	CEMETERY-CONTRACTUAL	300		300				-	0.00%
A00-8989-0400-0000	OTHER HOME/COM SVC-CONTR	610		610				-	0.00%
A00-9010-0800-0000	STATE RETIREMENT	50,000		50,000				-	0.00%
A00-9040-0800-0000	SOCIAL SECURITY	81,399		81,399				-	0.00%
A00-9050-0800-0000	WORKERS' COMPENSATION	65,000		65,000				73,055	89.75%
A00-9055-0800-0000	UNEMPLOYMENT INSURANCE	10,000		10,000				29,621	45.57%
A00-9060-0800-0000	DISABILITY INSURANCE	5,000		5,000				12,915	129.15%
A00-9730-0600-0000	HOSPITAL AND MEDICAL INSURANCE	500		500				3,009	60.18%
A00-9730-0700-0000	BAN PRINCIPAL	30,000		30,000				201	40.16%
A00-9730-0700-0000	BAN INTEREST	40,000		40,000				14,563	48.54%
		28,290		28,290				40,000	100.00%
								14,080	49.77%

		28,290		40,000		40,000	100.00%
				28,290		14,080	49.77%
Account Number	Account Description	Highway		Estimated Rev/Exp	YTD	% YTD	
		Original Approp Amount					
Revenue							
DB0-1001-0000-0000	REAL PROPERTY TAX						
DB0-1120-0000-0000	NON-PROPERTY TAX DIST. BY CNTY	\$	756,028	\$	756,028	100.00%	
DB0-2401-0000-0000	INTEREST AND EARNINGS		225,000		225,000	-	
DB0-2650-0000-0000	SALE OF SCRAP		1,100		1,100	0.00%	
DB0-2680-0000-0000	INSURANCE RECOVERIES		-		-	5,777	
DB0-2709-0000-0000	EMPLOYEES CONTRIBUTIONS		-		-	612	
DB0-2770-0000-0000	OTHER UNCLASSIFIED		2,000		2,000	100.00%	
DB0-2770-1000-0000	OTHER UNCLASSIFIED - FUEL REIMBURSEMENTS		-		-	-	
DB0-2801-0000-0000	INTERFUND REVENUES		-		-	0.00%	
DB0-3501-0000-0000	STATE AID		50,000		50,000	1,126	
			83,196		83,196	1,032	
						-	
						0.00%	
Expenditure							
DB0-5110-0100-0000	GENERAL REPAIRS-PER SVC						
DB0-5110-0400-0000	GENERAL REPAIRS-CONTR	\$	204,873	\$	204,873	128,577	
DB0-5110-0410-0000	GEN REPAIRS-FUEL & DIESEL		203,647		203,647	62.76%	
DB0-5110-0420-0000	GEN REPAIRS- DRAINAGE		42,000		42,000	213,003	
DB0-5112-0200-0000	CAPITAL OUTLAY		25,000		25,000	104.59%	
DB0-5130-0200-0000	MACHINERY- EQUIPMENT		83,196		83,196	20,980	
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL		10,000		17,361	49.95%	
DB0-5140-0400-0000	MISC BRUSH & WEEDS-CONTRACTUAL		80,000		80,000	7,527	
DB0-5142-0100-0000	SNOW REMOVAL-PER SVC		4,250		4,250	30.11%	
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL		91,414		91,414	-	
			79,000		79,000	0.00%	
						-	
						0.00%	
						21,161	
						211.61%	
						35,143	
						43.93%	
						525	
						12.35%	
						48,192	
						52.72%	
						23,940	
						30.30%	

DB0-5148-0100-0000	SNOW REMOVAL-OTHER GOV'T-PS	91,414	91,414	48,192	52.72%
DB0-5148-0400-0000	SNOW REMOVAL-OTHER GOVT-CONTR	79,000	79,000	23,941	30.30%
DB0-9010-0800-0000	STATE RETIREMENT	43,830	43,830	52,174	119.04%
DB0-9030-0800-0000	SOCIAL SECURITY	30,000	30,000	17,620	58.73%
DB0-9040-0800-0000	WORKERS' COMPENSATION	23,500	23,500	23,395	99.55%
DB0-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	101,200	101,200	55,588	54.93%

		Water #1			
Account Number	Account Description	Original Approp Amount	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>					
HA0-1001-0000-0000	REAL PROPERTY TAX				
HA0-2401-0000-0000	INTEREST EARNINGS	\$ 80,398	\$ 80,398	\$ 80,398	100.00%
<i>Expenditure</i>					
HA0-8340-0400-0000	CONTRACTUAL			225	100.00%
HA0-9730-0600-0000	BAN'S- PRINCIPAL	\$ 35,489	\$ 35,489	29,748	83.82%
HA0-9730-0700-0000	BAN'S- INTEREST	36,746	36,746	36,745	100.00%
		8,163	8,163	8,163	100.00%

		Water #2			
Account Number	Account Description	Original Approp Amount	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>					
HBO-1001-0000-0000	REAL PROPERTY TAX				
HBO-2401-0000-0000	INTEREST & EARNINGS	\$ 51,214	\$ 51,214	\$ 51,214	100.00%
<i>Expenditure</i>					
HBO-8340-0400-0000	CONTRACTUAL			394	100.00%
HBO-9730-0600-0000	BAN'S - PRINCIPAL	\$ 20,401	\$ 20,401	13,025	63.84%
HBO-9730-0700-0000	BAN INTEREST	28,140	28,140	28,140	100.00%
		2,673	2,673	2,673	100.01%

		Water #3			
Account Number	Account Description	Original Approp Amount	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>					
HCO-1001-0000-0000	REAL PROPERTY TAX				
HCO-2401-0000-0000	INTEREST AND EARNINGS	\$ 246,739	\$ 246,739	\$ 247,338	100.24%
<i>Expenditure</i>					
HCO-8340-0400-0000	CONTRACTUAL			3,829	100.00%
HCO-9730-0600-0000	BAN'S- PRINCIPAL	\$ 23,445	\$ 23,445	17,045	72.70%
HCO-9730-0700-0000	BAN INTEREST	95,500	95,500	95,500	100.00%
		127,794	127,794	129,265	101.15%

		Water Ext 1			
Account Number	Account Description	Original Approp Amount	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>					
HDO-1001-0000-0000	REAL PROPERTY TAX				
HDO-2401-0000-0000	INTEREST AND EARNINGS	\$ 3,000	\$ 3,000	\$ 3,000	100.00%
<i>Expenditure</i>					
HDO-8340-0400-0000	CONTRACTS			186	100.00%
		\$ 3,000	\$ 3,000	687	22.91%

		Water Ext 2			
Account Number	Account Description	Original Approp Amount	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>					
HE0-1001-0000-0000	REAL PROPERTY TAX				
HE0-2401-0000-0000	INTEREST AND EARNINGS	\$ 28,835	\$ 28,835	\$ 28,835	100.00%
<i>Expenditure</i>					
HE0-8340-0400-0000	CONTRACTUAL			342	100.00%
HE0-9730-0600-0000	BAN- PRINCIPLE	\$ 7,001	\$ 7,001	-	0.00%
HE0-9730-0700-0000	BAN INTEREST	19,940	19,940	19,940	100.00%
		1,894	1,894	1,894	100.02%

		Water #3 Ext. 1			
Account Number	Account Description	Original Approp Amount	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>					
HFO-1001-0000-0000	REAL PROPERTY TAX				
HFO-2401-0000-0000	INTEREST AND EARNINGS	\$ 10,969	\$ 10,969	\$ 10,969	100.00%
<i>Expenditure</i>					
HFO-8340-0400-0000	CONTRACTUAL			110	100.00%
HFO-9730-0600-0000	PRINC PMTS- BANS	\$ 2,094	\$ 2,094	-	0.00%
HFO-9730-0700-0000	INTEREST PMTS. BANS	6,250	6,250	6,250	100.00%
		2,625	2,625	2,625	100.00%

		Lighting			
Account Number	Account Description	Original Approp Amount	Estimated Rev/Exp	YTD	% YTD

Revenue

L30-1001-0000-0000	REAL PROPERTY TAX								
L30-2401-0000-0000	INTEREST AND EARNINGS	\$	16,096	\$	16,096	\$	16,096	100.00%	
			-		-		-	100.00%	146

Expenditure

L30-5182-0401-0000	CONTRACTS	\$	16,096	\$	16,096	\$	21,002	130.48%	
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Account Number	Account Description	Fire		Original Approp Amount		Estimated Rev/Exp		YTD	% YTD
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SFO-1001-0000-0000	REAL PROPERTY TAX								
SFO-2401-0000-0000	INTEREST EARNINGS	\$	753,117	\$	753,117	\$	753,117	100.00%	
			-		-		-	100.00%	2,012

Expenditure

SFO-3410-0401-0000	CONTRACTS								
SFO-9025-0800-0000	SERVICE AWARDS PROGRAM	\$	535,000	\$	535,000	\$	504,472	94.29%	
SFO-9040-0800-0000	WORKERS COMP INSURANCE		150,000		150,000		-	0.00%	
			68,117		68,117		37,158	54.55%	

Account Number	Account Description	Refuse		Original Approp Amount		Estimated Rev/Exp		YTD	% YTD
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SG0-1001-0000-0000	REAL PROPERTY TAX								
SG0-2130-0000-0000	REFUSE AND GARBAGE CHARGES	\$	580,920	\$	580,920	\$	580,920	100.00%	
SG0-2401-0000-0000	INTEREST EARNINGS		-		-		-	100.00%	362
			-		-		-	100.00%	1,785

Expenditure

SG0-8160-0401-0000	GARBAGE CONTRACTUAL BFI	\$	588,000	\$	588,000	\$	333,011	56.63%	
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Account Number	Account Description	Ambulance		Original Approp Amount		Estimated Rev/Exp		YTD	% YTD
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SM0-1001-0000-0000	REAL PROPERTY TAX								
SM0-1120-0000-0000	NONPROPERTY TAX DISTRIBUTION	\$	83,675	\$	83,675	\$	83,675	100.00%	
SM0-2401-0000-0000	INTEREST INCOME		10,000		10,000		-	0.00%	
			-		-		-	100.00%	242

Expenditure

SM0-4540-0400-0000	CONTRACTUAL								
SM0-9025-0800-0000	LOCAL PENSION FUND	\$	53,560	\$	53,560	\$	41,485	77.46%	
SM0-9040-0800-0000	WORKER'S COMP		19,000		19,000		18,086	95.19%	
SM0-9730-0600-0000	BAN'S PRINCIPAL		11,000		11,000		10,385	94.41%	
SM0-9730-0700-0000	BAN'S INTEREST		11,300		11,300		-	0.00%	
			3,124		3,124		-	0.00%	

TO: BOSTON TOWN BOARD
FROM: BETHANY PRYOR
DATE: 2 AUGUST 2018
SUBJECT: LEAVE OF ABSENCE

Boston Town Board:

Due to my teaching schedule at Bryant and Stratton College, I will be unable to attend Zoning Board of Appeals meetings for the months of September, October, November and December. I am requesting a short leave of absence from the ZBA. It is my intention to resume in January of 2019. I appreciate the board's consideration on this matter.

Sincerely,

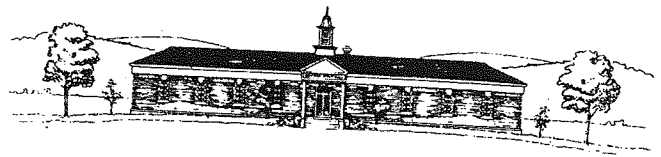
Bethany Pryor

BOSTON PLANNING BOARD

TOWN HALL
PHONE: (716) 941-6113

8500 BOSTON STATE ROAD

BOSTON, NEW YORK 14025-9648
FAX: (716) 941-6116



August 7, 2018

Paul Ziarnowski
Chairman
James Liegl
Vice Chairman
Elizabeth Schutt
Secretary

Supervisor Keding
8500 Boston State Road
Boston, N.Y. 14025

Dear Supervisor Keding:

The Planning Board meeting scheduled for Tuesday, August 14, 2018 is being cancelled due to the lack of agenda items.

The next regularly scheduled meeting is Tuesday, September 11, 2018, at 7:30 P.M. in the Planning Board room.

David Bowen
Keith Pelkey
David Stringfellow

Jennifer Lucachik
Liaison
Sean Costello
Legal Counsel
Sarah desJardins
Planning Consultant
James Hannon
Town Engineer

Very truly yours,

Paul Ziarnowski @

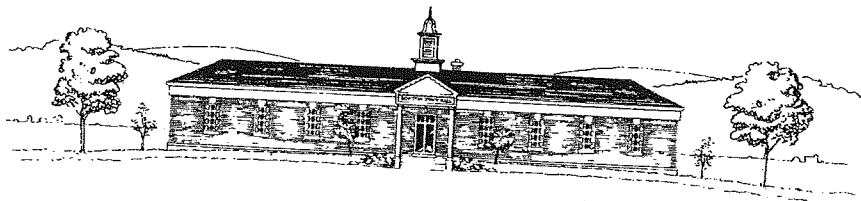
Paul Ziarnowski
Chairman

cc: Planning Board Members
Town Clerk office
Town Board members
Town Board Liaison
Highway Superintendent Telaak
Town Attorney Costello
Code Enforcement Officer Ferguson
Assessor Fitzner
Town Engineer James Hannon
Planning Consultant desJardins

PZ:ak

RECEIVED
BOSTON TOWN CLERK
AUG 14 2018

The Town of Boston is an equal opportunity provider and employer.
If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found on line at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 866-632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or fax 202-690-7442 or email at program.intake@usda.gov.



TOWN OF BOSTON

MEMORANDUM

To: Supervisor Keding
Town Board members

From: William Ferguson *W.F.*
Code Enforcement Officer

RE: Sprague Mobile Home Park

Date: August 9, 2018

On August 9, 2018 an on-site inspection was made at Sprague Mobile Home Park at 8229 Boston State Road.

There were numerous violations present and a notice of these violations will be going out to the park owners.

Therefore the Town of Boston Building Department cannot recommend the issuance of a license for Sprague Mobile Home Park

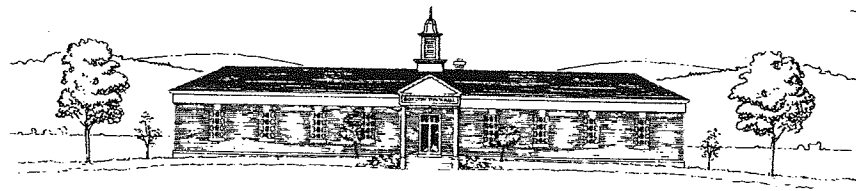
The Town of Boston is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found on line at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 866-632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or fax 202-690-7442 or email at program.intake@usda.gov.

RECEIVED
BOSTON TOWN CLERK
JUL 10 2018

TOWN HALL

8500 BOSTON STATE BOSTON, NEW YORK 14025 PHONE: (716) 941-6113 FAX: (716) 941-6116



TOWN OF BOSTON

August 8, 2018

Boston Town Board
8500 Boston State Road
Boston, NY 14025

RECEIVED
BOSTON TOWN CLERK
7/10/18 7:54 PM

Dear Town Board members:

The Zoning Board of Appeals members have met with and interviewed Lisa Rood for a perspective membership on the Town of Boston Zoning Board of Appeals.

At its meeting on Thursday, August 2, 2018 by motion and unanimous vote of the members present made a favorable recommendation for the appointment of Lisa Rood as an Alternate Member of the Zoning Board of Appeals.

Your immediate action on this recommendation is greatly appreciated.

Yours truly,

Katharine Prackajlo (AK)

Katharine Prackajlo
Chairman

KP:ak

The Town of Boston is an equal opportunity provider and employer.
If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found on line at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 866-632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or fax 202-690-7442 or email at program.intake@usda.gov.

TOWN HALL

8500 BOSTON STATE BOSTON, NEW YORK 14025 PHONE: (716) 941-6113 FAX: (716) 941-6116

TOWN OF BOSTON
SPECIAL PERMIT APPLICATION

OFFICE USE ONLY
() APPROVED () DISAPPROVED

Owner name: Jeffrey Fisher and Chelsea Banning

Permit No. _____

Permit fee _____

Address: See attached Survey

Date Received _____

Issued by _____

Telephone: 585-305-9457

Approved by: _____

Email: jmf12493@gmail.com

APPLICATION IS HEREBY MADE
FOR PERMISSION TO OPERATE A

INTENT: Horse stalls and pastures, along with single family dwelling

LOCATION TO BE USED: Horse stalls located on first floor of dwelling.

Pastures located 100 ft in front of house with rough
dimensions being 100' x 500'

THE UNDERSIGNED APPLICANTS DO HEREBY AFFIRM THAT THE INFORMATION HEREIN
SUPPLIED IS TRUE AND CORRECT.

OWNER: _____

Jeffrey Fisher Chelsea Banning

DATE: 6/26/18

SPECIAL PERMIT
REQUEST, R-2
SINGLE FAMILY DISTRICT
SECTION 123-25B (6)

VACANT LOWER EAST HILL ROAD
BOSTON, NEW YORK

 $1'' = 200'$

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF NEW YORK STATE EDUCATION LAW

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH:

JOB NO. 4927 DATE: 06/20/17 DWN. BY: JAG

Q10 a. 128

THE LAWYER WILLING TO ASSIST
WITH NEW POWER PLANT PROJECTS
LAND SURVEYING, ETC. NO CHARGE



RECEIVED
BOSTON TOWN CLERK

2018 AUG -8 PM 2:05

August 8, 2018

Hand Delivery

Jason Keding, Supervisor
Town of Boston Town Hall
8500 Boston State Road
Boston, New York 14025

Re: Letter of Intent - Rezoning Application & Supporting Documentation
Proposed Commercial Project - Boston State Road
Applicant/Project Sponsor: Quaker Estates 1 LP
File No. 10075.1

Dear Supervisor Keding and Councilmembers:

This letter, a check payable to the Boston Town Clerk in the amount of \$400.00 for the Rezoning Application filing fee and the attached supporting documentation is being submitted on behalf of Quaker Estates 1 LP ("Project Sponsor") for the purpose of seeking to amend the zoning classification of 19.10 acres of the approximately 36.59 acre Project Site that is currently zoned C-1 General Commercial District ("C-1") to C-2 General Commercial District ("C-2") to accommodate the development of a portion of the Project Site for commercial purposes including a proposed self-storage facility, commercial buildings that would be available for lease for businesses such as contractors, and additional acreage that would be available for future commercial development. The 17.49 acres of the Project Site that will remain zoned C-1 will consist of Permanent Open Space (47.8% of the Project Site) that will remain permanently undeveloped and subject to a Declaration of Restrictions to be recorded at the Erie County Clerk's Office.

As the Town Board is aware, the Project Sponsor previously sought to amend the zoning classification of portions of the Project Site to accommodate a mixed-use project that included patio homes, apartments and commercial use and one issue cited repeatedly during the lengthy review process was that the Town's Comprehensive Plan designates the Project Site as being appropriate for commercial use. The currently proposed project consists entirely of commercial uses and as such reflects an effort to incorporate input received regarding consistency of the development of the Project Site with the Comprehensive Plan. As has been discussed previously, the range of feasible commercial uses of the Project Site is limited by the fact it does not have substantial frontage on Boston State Road. The Project Sponsor has proposed commercial uses that do not involve the type of retail uses that are dependent on being highly visible from public roadways such as Boston State Road.

HOPKINS SORGI & ROMANOWSKI PLLC

Attorneys at Law

5500 Main Street, Suite 343 • Williamsville, New York 14221

Direct: 716-510-4338 • E-mail: shopkins@hsr-legal.com • shopkins@hsr-legal.com

Correspondence to Jason Keding, Supervisor & Councilmembers
August 8, 2018
Page 2 of 3

The proposed commercial project was presented to the Town Board during its meeting on Wednesday, July 18th and at that time the Project Sponsor was advised that the first step in the formal review process is to submit a Rezoning Application for the purpose of the required referral to the Planning Board.¹ A copy of the color Concept Plan [11" x 17"] for the proposed commercial project as prepared by Metzger Civil Engineering PLLC as presented to the Town Board during its meeting on July 18th is attached as **Exhibit "6"**.

The Project Documentation included with this Rezoning Application consists of the following:

- Exhibit 1:** Part 1 of Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA")
- Exhibit 2:** Jurisdictional Determination Issued by the United States Army Corps of Engineers dated April 18, 2017 and Preliminary Jurisdictional Determination Issued by the United States Army Corps of Engineers dated April 18, 2017
- Exhibit 3:** Correspondence from Nancy Herter, Archaeology Unit Program Coordinator, NYS Office of Parks, Recreation and Historic Preservation to Robert Dean of Heritage Preservation & Interpretation Inc. dated October 11, 2016
- Exhibit 4:** Legal Description of Property to be Rezoned from C-1 Local Retail Business District ("C-1") to C-2 General Commercial District ("C-2")
- Exhibit 5:** Survey of the Project Site Prepared by Millard, MacKay & Delles Land Surveyors LLP dated December 15, 2015 [11" x 17"]
- Exhibit 6:** Color Concept Plan [Drawing CP-2] Prepared by Metzger Civil Engineering PLLC [11" x 17"]
- Exhibit 7:** Color Rezoning Concept Plan [Drawing RZ-1] Prepared by Metzger Civil Engineering PLLC with Aerial Background Image [11" x 17"]
- Exhibit 8:** Article XVI of the Town of Boston Zoning Code (titled "C-1 Local Retail Business District")
- Exhibit 9:** Article XV of the Town of Boston Zoning Code (titled "C-2 General Commercial District")

¹ Section 123-178B of the Zoning Code is titled "Referral to Planning Board" and states as follows: "Each proposed amendment, except those initiated by the Town Planning Board, shall be referred to the Town Planning Board for an advisory report prior to the public hearing held by the Town Board. In reporting, the Town Planning Board shall fully state its reasons for recommending or opposing the adoption of such proposed amendment and, if it shall recommend adoption, shall describe any changes in conditions which it believes make the amendment desirable and shall state whether such amendment is in harmony with a comprehensive plan for land use in the Town."

Correspondence to Jason Keding, Supervisor & Councilmembers
August 8, 2018
Page 3 of 3

The Project Sponsor is requesting that the Town Board refer the requested rezoning of a portion of the Project Site from C-1 to C-2 to the Planning Board during its upcoming meeting on August 15th and also that the Town Board commence a coordinated environmental review of the proposed project ("action") pursuant to SEQRA and make the required referral to the Erie County Department of Environment and Planning ("ECDEP") pursuant to NYS General Municipal Law Section 239-m.²

If you have any questions regarding this Rezoning Application and supporting documentation, please feel free to contact me at 510-4338 or via e-mail at shopkins@hsr-legal.com.

Thank you for your anticipated cooperation.

Sincerely,

HOPKINS SORGI & ROMANOWSKI PLLC



Sean W. Hopkins, Esq.

Enc.

cc: Mike Cartechine, Councilmember
Jennifer Lucachik, Councilmember
Kelly Martin, Councilmember
Zach Munger, Councilmember
Sandra L. Quinlan, Town Clerk
Sean W. Costello, Esq., Town Attorney
Sarah desJardins, Planning Consultant
Quaker Estates 1 LP c/o Roy Emerling & Bill Solak
Michael Metzger, P.E., Metzger Civil Engineering PLLC

² A referral to the Erie County Department of Environment and Planning is require for the amendment of the zoning classification of property that is located within 500 feet of the right-of-way of a New York State Highway. Boston Road is a NYS Highway subject to the jurisdiction of the New York State Department of Transportation ("NYSDOT").

TO THE APPLICANT:

THE REZONING REQUEST WILL NOT BE SCHEDULED ON THE PLANNING BOARD AGENDA FOR CONSIDERATION UNTIL ALL THE REQUIRED AND COMPLETED DOCUMENTATION IS RECEIVED IN THE CODE ENFORCEMENT OFFICE.
THANK YOU.

REQUIREMENTS TO APPLY FOR REZONING

1. APPLICANT MUST BE THE OWNER OF THE PROPERTY, OR SUBMIT A NOTARIZED LETTER FROM THE OWNER STATING THAT THE APPLICANT MAY PROCEED WITH THE REQUEST [x]
[The Applicant is the owner of the Project Site]
2. LETTER OF REQUEST – SIGNED AND DATED [x]
 - a. LEGIBLY WRITTEN OR TYPED ON TABLET OR 8½" BY 11" PAPER
 - b. STATE WHY A REZONING IS REQUESTED AND EXPLAIN WHAT THE PROPERTY WILL BE USED FOR
 - c. CURRENT ZONING AND PROPOSED ZONING
[Letter of Intent of Sean Hopkins, Esq. dated August 8, 2018 submitted with Rezoning Application]
3. UP TO DATE STAMPED SURVEY OF THE PROPERTY [x]
 - a. SHOW LOCATION OF PROPOSED CONSTRUCTION
 - i. Principle building, other main buildings, accessory buildings, Porches, decks, or overhangs
 - b. SHOW LOCATION OF EXISTING STRUCTURES
 - c. SHOW ALL SETBACKS (dimensions from buildings to lot lines)
 - d. FENCE VARIANCE – NOTE HEIGHT, NOTE MATERIALS AND LOCATION ON SURVEY [x]
[Survey of the Project Site provided at Exhibit "5" of the Rezoning Application]
4. DEED DESCRIBING WHAT PORTION OF THE PROPERTY IS TO BE REZONED [x]
[Legal Description of Property to be Rezoned from C-1 to C-2 provided at Exhibit "4" of the Rezoning Application]
- COMPLETED LONG OR SHORT ENVIRONMENTAL ASSESSMENT FORM – AS APPROPRIATE FOR THE PROPOSED REZONING [x]
[Completed Part 1 of the Full Environmental Assessment Form provided at Exhibit "1" of the Rezoning Application]
5. CHECK PAYABLE TO THE 'BOSTON TOWN CLERK' [x]
 - a. AMOUNT VARIES ON NUMBER OF ACRES TO BE REZONED
Note: Fee Schedule subject to change
[Check in the amount of \$400.00 payable to Boston Town Clerk included with the Rezoning Application and supporting documentation]

The Planning Board, by the request of the Town Board, reviews the request and returns a recommendation, favorable or unfavorable, to the Town Board. The Town Board sets the date and time for the Public Hearing; and has the final decision.

*\$300 + \$10/acre over 10 acres
for rezoning fee*

**Exhibit 1 – Part 1 of the Full
Environmental Assessment Form
Prepared Pursuant to the State
Environmental Quality Review Act
("SEQRA")**

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Prepared By:
Sean W. Hopkins & Michael Metzger
c/o Hopkins Sorgi & Romanowski PLLC
5500 Main Street, Suite 343
Williamsville, New York 14221
Tel: 716.510-4338

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Boston State Road - Proposed Commercial Project		
Project Location (describe, and attach a general location map): Boston State Road in close proximity to the I-219 interchange		
Brief Description of Proposed Action (include purpose or need): The proposed project ("action") consists of the development of approximately 19.10 acres of a parcel containing approximately 36.59 acres ("Project Site") for commercial purposes. The action involves a request to amend the zoning classification of 19.10 acres of the Project Site from C-1 General Commercial District ("C-1") to C-2 General Commercial District ("C-2") to accommodate the development of a portion of the Project Site for commercial purposes including a proposed self-storage facility, commercial buildings that would be available for lease for businesses such as contractors, and additional acreage for future commercial development. The action has been defined broadly to include the rezoning and all proposed improvements to the Project Site (including buildings, parking spaces, a public roadway connecting to Boston State Road, access aisles, landscaping, lighting, storm water management improvements required per the applicable NYSDEC stringent storm water quality and quantity standards and all required discretionary approvals and permits from involved agencies including municipal boards of the Town of Boston.		
Name of Applicant/Sponsor: Quaker Estates 1, LP c/o Sean W. Hopkins, Esq., Hopkins Sorgi & Romanowski PLLC		Telephone: 510-4338 E-Mail: shopkins@hsr-legal.com
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: NY	Zip Code: 14221
Project Contact (if not same as sponsor; give name and title/role): Michael Metzger, P.E., Metzger Civil Engineering PLLC		Telephone: 716.633.2601 E-Mail: meteng@roadrunner.com
Address: 8245 Sheridan Drive		
City/PO: Williamsville	State: New York	Zip Code: 14221
Property Owner (if not same as sponsor): Same as Applicant		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Rezoning and Site Plan	August 2018 [Rezoning Application] - Site Plan review follows the rezoning process
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Building Department - Building Permit(s)	To be Determined
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ECHE - Sanitary Sewer Approval; ECWA - Water and RPZ	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		To be Determined
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DOT - Highway Work Permit; NYS DEC - SPDES	To be Determined
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): NYS Heritage Areas: West Erie Canal Corridor	
<hr/> <hr/> <hr/>	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
<hr/> <hr/> <hr/>	

C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
C-1 Local Retail Business District ("C-1")

- b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☒ No

- c. Is a zoning change requested as part of the proposed action? ☒ Yes ☐ No

If Yes,

- i. What is the proposed new zoning for the site? C-2 General Commercial District ("C-2")

C.4. Existing community services.

- a. In what school district is the project site located? Hamburg Central School District

- b. What police or other public protection forces serve the project site?

NYS State Troopers

- c. Which fire protection and emergency medical services serve the project site?

North Boston Fire Company

- d. What parks serve the project site?

Boston Town Park and Chestnut Ridge Park

D. Project Details

D.1. Proposed and Potential Development

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

Commercial uses including self-storage facility and buildings for lease for commercial purposes.

- b. a. Total acreage of the site of the proposed action? 36.59 acres
b. Total acreage to be physically disturbed? 19.10 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 36.59 acres
[It is anticipated that the Project Site will be developed in phases.]

- c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

- i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

- d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

- i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

- ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No

- iii. Number of lots proposed? _____

- iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

- e. Will proposed action be constructed in multiple phases? ☒ Yes ☐ No

- i. If No, anticipated period of construction: _____ months

- ii. If Yes:

[Phases will be based on market

- Total number of phases anticipated 4 conditions.]

- Anticipated commencement date of phase 1 (including demolition) 03 month 2019 year

- Anticipated completion date of final phase 09 month 2024 year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

Phasing will be determined by market conditions. During the first phase, the roadway connection to Boston State Road will be installed along with necessary site improvements to service the first phase.

f. Does the project include new residential uses?

☐ Yes ☒ No

If Yes, show numbers of units proposed.

One Family

Two Family

Three Family

Multiple Family (four or more)

Initial Phase

At completion

of all phases

g. Does the proposed action include new non-residential construction (including expansions)?

☒ Yes ☐ No

If Yes,

i. Total number of structures 11

ii. Dimensions (in feet) of largest proposed structure: 35' height; 60' width; and 200' length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?

☐ Yes ☒ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: _____

☐ Ground water ☐ Surface water streams ☐ Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

☐ Yes ☒ No

If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

• Volume (specify tons or cubic yards): _____

• Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials?

☐ Yes ☐ No

If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting?

☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?

☐ Yes ☒ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☒ No

If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☒ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water?

☒ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ 800 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☒ Yes ☐ No

If Yes:

- Name of district or service area: Erie County Water Authority ("ECWA")
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☒ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes?

☒ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ 390 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities?

☒ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: Southtowns Wastewater Treatment Plant
- Name of district: Erie County Sewer District No. 3
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

- Do existing sewer lines serve the project site? ☒ Yes ☐ No
 - Will line extension within an existing district be necessary to serve the project? ☒ Yes ☐ No
- If Yes:
- Describe extensions or capacity expansions proposed to serve this project: _____
Sanitary sewer infrastructure to be extended onto the Project Site.

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☒ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☒ Yes ☐ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or 6.5 acres (impervious surface)

_____ Square feet or 36.59 acres (parcel size)

ii. Describe types of new point sources. catch basins and piping

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

On site detention ponds for runoff from impervious surfaces on the Project Site.

- If to surface waters, identify receiving water bodies or wetlands: _____
Eighteen Mile Creek

- Will stormwater runoff flow to adjacent properties? ☐ Yes ☒ No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☒ Yes ☐ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☒ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☒ No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
0.6 to 0.9 million kilowatt hours

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
Local utility company (i.e. National Grid, NYSEG, etc)

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐ Yes ☒ No

l. Hours of operation. Answer all items which apply.

i. During Construction:		ii. During Operations:	
• Monday - Friday:	7-7pm	• Monday - Friday:	24 hrs
• Saturday:	9-5 pm	• Saturday:	24 hrs
• Sunday:	9-5 pm	• Sunday:	24 hrs
• Holidays:	9-5pm	• Holidays:	24 hrs

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? [There will be temporary noise impacts during construction.] <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>n.. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____ Building mounted wall packs as well as pole lights properly shielded to prevent light spillage.</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: <u>Tree clearing on portions of the Project Site to be developed are currently vegetated. A large portion of the Project Site will consist of Permanent Open Space [17.4 acres].</u></p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ 1.5 tons per _____ month (unit of time) • Operation : _____ 1.5 tons per _____ month (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: <u>Recycling will be encouraged during the construction process.</u> • Operation: <u>Recycling will be encouraged.</u> 	
<p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: <u>Commercial hauler to the local landfill.</u> • Operation: <u>Commercial hauler to the local landfill.</u> 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☒ Rural (non-farm)

☐ Forest ☒ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

There are commercial uses along Boston State Road including a retail plaza and office space. There are residential uses on property contiguous to the southern portion of the Project Site on Meadow Drive. The southernmost portion of the Project Site will consist of Permanent Open Space.

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	6.5	+ 6.5
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	11.2	16.5	+5.3
• Agricultural (includes active orchards, field, greenhouse etc.)	25.4	0	- 25.4
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	1	+ 1
• Wetlands (freshwater or tidal) [No freshwater wetlands]	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Lawn or landscaped area</u>	0	12.6	+12.6

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☒ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ > 5 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: Rhinebeck - RgA, RgB, RkA 96 %
[Source: Erie County Soil Survey] Fluquaquent - Fu 4 %
_____ %

d. What is the average depth to the water table on the project site? Average: 0.5 feet

e. Drainage status of project site soils: ☐ Well Drained: _____ % of site
☐ Moderately Well Drained: _____ % of site
☒ Poorly Drained 100 % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: 100 % of site
☐ 10-15%: _____ % of site
☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No
If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 837-252 Classification A
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size 7.5 acres
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100 year Floodplain? ☐ Yes ☒ No

k. Is the project site in the 500 year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☒ Yes ☐ No
If Yes:
i. Name of aquifer: Principal Aquifer

Note: The United States Army Corps of Engineers issued a Preliminary Jurisdictional Determination ("PJD") on April 18, 2017 holding that there are two jurisdictional wetlands with sizes of 0.75 acres and 1.23 acres and that two unnamed tributaries with lengths of 1,300 and 1,100 linear feet are also subject to federal jurisdiction. Page 11 of 13 The USACE also issued a Jurisdictional Determination ("JD") holding that Wetland C is not subject to federal jurisdiction. Copies of the Preliminary JD and JD are provided at Exhibit "2" of the Rezoning Application and supporting documentation.

m. Identify the predominant wildlife species that occupy or use the project site:		
White-tailed deer _____ Skunk _____	Red fox _____ Rabbit _____	Raccoon _____ Squirrel _____
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:		
i. Describe the habitat/community (composition, function, and basis for designation): _____ _____		
ii. Source(s) of description or evaluation: _____		
iii. Extent of community/habitat:		
• Currently: _____ acres		
• Following completion of project as proposed: _____ acres		
• Gain or loss (indicate + or -): _____ acres		
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____		
E.3. Designated Public Resources On or Near Project Site		
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide county plus district name/number: <u>ERIE002</u>		
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No i. If Yes: acreage(s) on project site: _____ ii. Source(s) of soil rating(s): _____		
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:		
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature		
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____		
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:		
i. CEA name: _____		
ii. Basis for designation: _____		
iii. Designating agency and date: _____		

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: [Cultural resources investigations completed by HPI Inc. and a "No Impact" letter was issued by SHPO on October 11, 2016.	
i. Describe possible resource(s): <u>A copy of the No Impact letter is provided at Exhibit "3" of the Rezoning Application.</u>	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify resource: _____	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

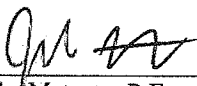
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

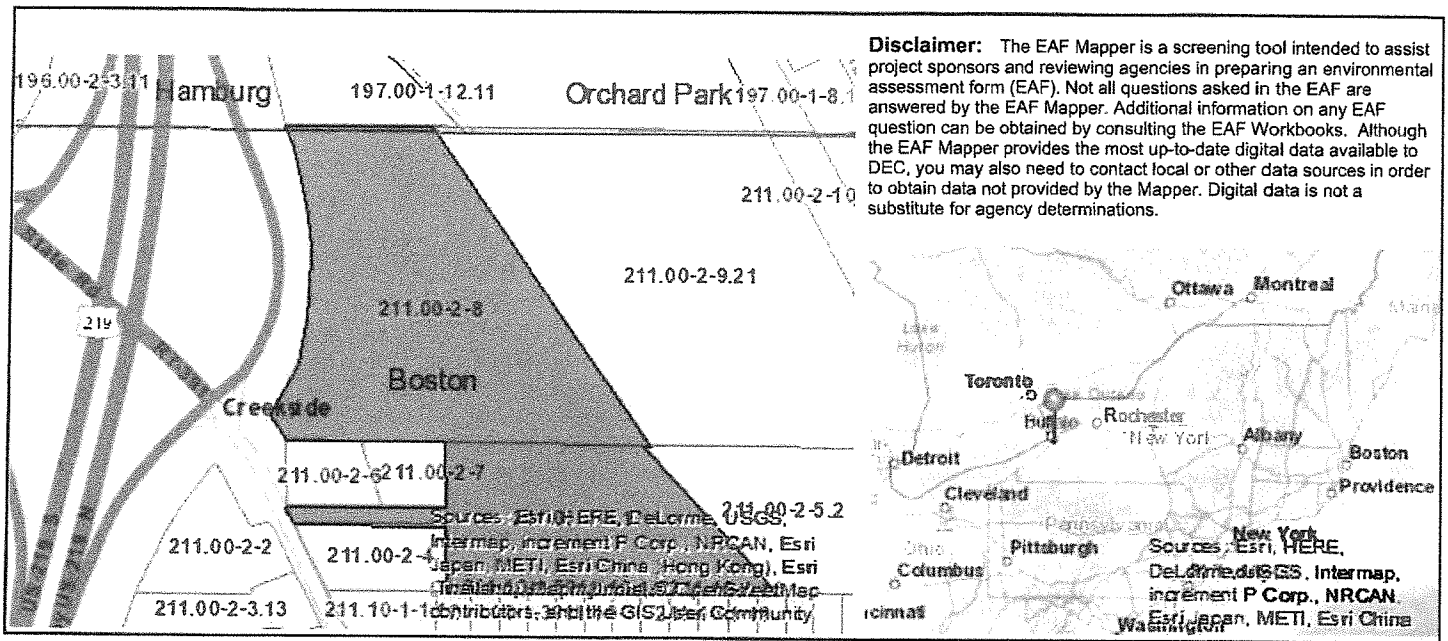
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Quaker Estates 1, LP Date August 8, 2018

Signature  Title Project Engineer
 Jake Metzger, P.E.

EAF Mapper Summary Report

Friday, March 18, 2016 9:47 AM



B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	837-252
E.2.h.iv [Surface Water Features - Stream Classification]	A
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No

E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	ERIE002
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

**Exhibit 2 – Jurisdictional Determination
Issued by the United States Army Corps of
Engineers dated April 18, 2017 and
Preliminary Jurisdictional Determination
Issued by the United States Army Corps of
Engineers dated April 18, 2017**



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

April 18, 2017

Regulatory Branch

SUBJECT: Department of the Army Application No. 2016-00862

Bill Solak
Quaker Estates, I LP
P.O. Box 204
Boston, NY 14025

Dear Mr. Solak:

I am writing to you in regard to your request for an Approved Jurisdictional Determination located on the parcel off of Boston State Road, in the Town of Boston, Erie County, New York.

Section 404 of the Clean Water Act establishes Corps of Engineers jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands, as defined in 33 CFR Part 328.3.

Based upon our evaluation of the subject project site, we have determined that there is no clear surface water connection or ecological continuum between **Wetland C** on the parcel and a surface tributary system to a navigable water of the United States. Therefore, these waters are considered isolated, non-navigable, intrastate waters and not regulated under Section 404 of the Clean Water Act. Accordingly, you do not need Department of the Army authorization to commence work in these areas.

This determination will remain valid for a period of 5 years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. At the end of this period, a new delineation may be required. In addition, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

I encourage you to contact the appropriate state and local governmental officials to insure that the proposed work complies with their requirements.

Finally, this letter contains an approved jurisdictional determination (JD) for the subject parcel. If you object to this JD, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP)

Regulatory Branch

SUBJECT: Department of the Army Application No. 2016-00862

fact sheet and Request for Appeal (RFA) form. If you request to appeal the above JD, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

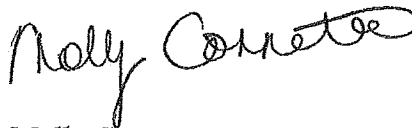
Attn: Jacob Siegrist
Great Lakes and Ohio River Division
CELRD-PD-REG
550 Main Street, Room 10524
Cincinnati, OH 45202-3222
Phone: 513-684-2699; FAX 513-684-2460

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by June 17, 2017.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

Questions pertaining to this matter should be directed to me by calling 716-879-4304, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: molly.a.connerton@usace.army.mil

Sincerely,

A handwritten signature in black ink that reads "Molly Connerton". The signature is fluid and cursive, with the first name "Molly" and last name "Connerton" clearly distinguishable.

Molly Connerton
Biologist

Enclosures

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Quaker Estates, I LP		File Number: 2016-00862	Date: April 17, 2017
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
x	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Molly Connerton
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207
716-879-4304
molly.a.connerton@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Attn: Jacob Siegrist
Great Lakes and Ohio River Division
CELRD-PD-REG
550 Main Street, Room 10524
Cincinnati, OH 45202-3222
513-684-2699; FAX 513-684-2460

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

APPROVED JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): April 18, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Buffalo Office, Quaker Estates 1 LP, 2016-00862, Form 1 of 1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: New York County/parish/borough: Erie City: Boston
Center coordinates of site (lat/long in degree decimal format): Lat. 42.69 ° N, Long. -78.78 ° W
Universal Transverse Mercator: 17

Name of nearest waterbody: Wetland C

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows:

Name of watershed or Hydrologic Unit Code (HUC): Eastern Lake Erie

- ☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
- ☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- ☒ Office (Desk) Determination. Date: March 22, 2017
- ☒ Field Determination. Date(s): September 13, 2016, *Click here to enter a date.*

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. *[Required]*

- ☐ Waters subject to the ebb and flow of the tide.
- ☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: *Click here to enter text.*

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. *[Required]*

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☐ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters:

Wetlands:

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known): *Click here to enter text.*

2. Non-regulated waters/wetlands (check if applicable):³

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: Based on a review of in-house resources including, topographical maps, aerial photography and soils maps for the project area, and a site visit conducted on September 13, 2016, Wetland C does not have any surface flow or culverts going away from it or any shallow subsurface connections. In addition it was observed during the field visit on September 13, 2016, this wetland did not

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

show evidence of standing water and may not hold water long enough for flood storage or to support the life stages of aquatic species that are present to a nearby tributary. Wetland C is approximately 460 linear feet from the Unnamed Perennial RPW Tributary 1 to Eighteen Mile Creek. Wetland C is a small isolated wetland situated in a distinct depression surrounded by fields which are currently being planted in soy bean crops. Although aerial imagery shows some drainage patterns in the fields, no drainage features were observed going away from Wetland C on the day of the site visit and Wetland C is located in a distinct deep swale with no outlets. Wetland C appears to be geographically isolated and therefore is not jurisdictional.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: *Click here to enter text.*

Summarize rationale supporting determination: *Click here to enter text.*

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": *Click here to enter text.*

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: # *Choose an item.*

Drainage area: # *Choose an item.*

Average annual rainfall: inches

Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☐ Tributary flows through 2 tributaries before entering TNW.

Project waters are *Choose an item.* river miles from TNW.

Project waters are *Choose an item.* river miles from RPW.

Project waters are *Choose an item.* aerial (straight) miles from TNW.

Project waters are *Choose an item.* aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: Project waters don

Identify flow route to TNW⁵: *Click here to enter text.*

Tributary stream order, if known: *Click here to enter text.*

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural

☐ Artificial (man-made). Explain: *Click here to enter text.*

☐ Manipulated (man-altered). Explain: *Click here to enter text.*

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary properties with respect to top of bank (estimate):

Average width: # feet

Average depth: # feet

Average side slopes: *Choose an item.*

Primary tributary substrate composition (check all that apply):

- | | | |
|---|---|-----------------------------------|
| <input type="checkbox"/> Silts | <input type="checkbox"/> Sands | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles | <input type="checkbox"/> Gravel | <input type="checkbox"/> Muck |
| <input type="checkbox"/> Bedrock | <input type="checkbox"/> Vegetation. Type/% cover: <i>Click here to enter text.</i> | |
| <input type="checkbox"/> Other, Explain: <i>Click here to enter text.</i> | | |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: *Click here to enter text.*

Presence of run/riffle/pool complexes. Explain: *Click here to enter text.*

Tributary geometry: *Choose an item.*

Tributary gradient (approximate average slope): #%

(c) Flow:

Tributary provides for: Seasonal Flow

Estimate average number of flow events in review area/year: *Choose an item.*

Describe flow regime: *Click here to enter text.*

Other information on duration and volume: *Click here to enter text.*

Surface flow is: *Choose an item.* Characteristics: *Click here to enter text.*

Subsurface flow: *Choose an item.* Explain findings: *Click here to enter text.*

☐ Dye (or other) test performed: *Click here to enter text.*

Tributary has (check all that apply):

☐ Bed and banks

☐ OHWM⁶ (check all indicators that apply):

- | | |
|---|--|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community <i>Click here to enter text.</i> |
| <input type="checkbox"/> other (list): <i>Click here to enter text.</i> | |

☐ Discontinuous OHWM.⁷ Explain: *Click here to enter text.*

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> High Tide Line indicated by: | <input type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): <i>Click here to enter text.</i> | |

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: *Click here to enter text.*

Identify specific pollutants, if known: *Click here to enter text.*

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width): *Click here to enter text.*
- ☐ Wetland fringe. Characteristics: *Click here to enter text.*
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings: *Click here to enter text.*
 - ☐ Fish/spawn areas. Explain findings: *Click here to enter text.*
 - ☐ Other environmentally-sensitive species. Explain findings: *Click here to enter text.*
 - ☐ Aquatic/wildlife diversity. Explain findings: *Click here to enter text.*

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: # acres

Wetland type. Explain: *Click here to enter text.*

Wetland quality. Explain: *Click here to enter text.*

Project wetlands cross or serve as state boundaries. Explain: *Click here to enter text.*

(b) General Flow Relationship with Non-TNW:

Flow is: *Choose an item.* Explain: *Click here to enter text.*

Surface flow is: *Choose an item.*

Characteristics: *Click here to enter text.*

Subsurface flow: *Choose an item.* Explain findings: *Click here to enter text.*

☐ Dye (or other) test performed: *Click here to enter text.*

(c) Wetland Adjacency Determination with Non-TNW:

☐ Directly abutting

☐ Not directly abutting

☐ Discrete wetland hydrologic connection. Explain: *Click here to enter text.*

☐ Ecological connection. Explain: *Click here to enter text.*

☐ Separated by berm/barrier. Explain: *Click here to enter text.*

(d) Proximity (Relationship) to TNW

Project wetlands are *Choose an item.* river miles from TNW.

Project waters are *Choose an item.* aerial (straight) miles from TNW.

Flow is from: *Choose an item.*

Estimate approximate location of wetland as within the *Choose an item.* floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: *Click here to enter text.*

Identify specific pollutants, if known: *Click here to enter text.*

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width): *Click here to enter text.*
- ☐ Vegetation type/percent cover. Explain: *Click here to enter text.*
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings: *Click here to enter text.*
 - ☐ Fish/spawn areas. Explain findings: *Click here to enter text.*
 - ☐ Other environmentally-sensitive species. Explain findings: *Click here to enter text.*
 - ☐ Aquatic/wildlife diversity. Explain findings: *Click here to enter text.*

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: *Choose an item.*

Approximately (#) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Y/N	#	Y/N	#
Y/N	#	Y/N	#
Y/N	#	Y/N	#
Y/N	#	Y/N	#

Summarize overall biological, chemical and physical functions being performed: *Click here to enter text.*

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: *Click here to enter text.*
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: *Click here to enter text.*
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: *Click here to enter text.*

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 - ☐ TNWs: # linear feet # width (ft), Or, # acres.
 - ☐ Wetlands adjacent to TNWs: # acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 - ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: *Click here to enter text.*
 - ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: *Click here to enter text.*

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: # linear feet # width (ft).
 - ☐ Other non-wetland waters: # acres.
- Identify type(s) of waters: *Click here to enter text.*

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- ☐ Tributary waters: # linear feet # width (ft).

- ☐ Other non-wetland waters: # acres.

Identify type(s) of waters: *Click here to enter text.*

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- ☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: *Click here to enter text.*
- ☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: *Click here to enter text.*

Provide acreage estimates for jurisdictional wetlands in the review area: # acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: # acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: # acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
- ☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- ☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
- ☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- ☐ which are or could be used for industrial purposes by industries in interstate commerce.
- ☐ Interstate isolated waters. Explain: *Click here to enter text.*
- ☐ Other factors. Explain: *Click here to enter text.*

Identify water body and summarize rationale supporting determination: *Click here to enter text.*

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: # linear feet # width (ft).

- ☐ Other non-wetland waters: # acres.

Identify type(s) of waters: *Click here to enter text.*

- ☐ Wetlands: # acres.

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
- ☒ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: *Click here to enter text.*
- ☐ Other: (explain, if not covered above): *Click here to enter text.*

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- ☐ Lakes/ponds: # acres.
- ☐ Other non-wetland waters: # acres. List type of aquatic resource: *Click here to enter text.*
- ☒ Wetlands: Wetland C (0.138) acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- ☐ Lakes/ponds: # acres.
- ☐ Other non-wetland waters: # acres. List type of aquatic resource: *Click here to enter text.*
- ☐ Wetlands: # acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Wetland Delineation Report submitted by Wetlands Investigation Company
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- ☒ Office concurs with data sheets/delineation report.
- ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: *Click here to enter text.*
- ☐ Corps navigable waters' study: *Click here to enter text.*
- ☒ U.S. Geological Survey Hydrologic Atlas: Eastern Lake Erie
- ☐ USGS NHD data.
- ☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000, Hamburg
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Erie County Soil Survey
- ☒ National wetlands inventory map(s). Cite name: USFWF-NWI wetlands maps-No NWI wetlands mapped within the project area.
- ☒ State/Local wetland inventory map(s): NYSDEC State wetland maps-NO NYSDEC wetlands mapped within the project area.
- ☐ FEMA/FIRM maps: *Click here to enter text.*
- ☐ 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Review of Bing and Google orthoimagery
- ☐ or ☒ Other (Name & Date): Review of photos within the Wetland Delineation Report.
- ☐ Previous determination(s). File no. and date of response letter: *Click here to enter text.*
- ☐ Applicable/supporting case law: *Click here to enter text.*
- ☐ Applicable/supporting scientific literature: *Click here to enter text.*
- ☐ Other information (please specify): *Click here to enter text.*

B. ADDITIONAL COMMENTS TO SUPPORT JD: Based on a site visit conducted on September 13, 2016 and review of in-house resources, including topographical maps, soil maps, wetland maps and aerial imagery, Wetland C was determined to be isolated. None of the 328.3(a)(3)(i-iii) factors are relevant for Wetland C. This wetland does not support recreational or other use by interstate travelers, nor does it provide habitat for fish or shellfish. Wetland C is considered to be isolated and not subject to Federal jurisdiction.

Molly Connerton

<<Project Manager Name>>

<<Duty Title>>

April 18, 2017

Date



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO
ATTENTION OF:

April 18, 2017

Regulatory Branch

SUBJECT: Preliminary Jurisdictional Determination for Department of the Army Application
No. 2016-00862

Bill Solak
Quaker Estates, I LP
P.O. Box 204
Boston, NY 14025

Dear Mr. Solak:

I am writing to you in regard to your request for a Preliminary Jurisdictional Determination located on the parcel off of Boston State Road, in the Town of Boston, Erie County, New York.

I have evaluated your submitted wetland delineation map and have determined that the wetland and water boundaries for **Wetland A, Wetland B, the Unnamed Tributary 1 to Eighteen Mile Creek and the Unnamed Tributary 2 to Eighteen Mile Creek** shown on the map accurately represent on-site conditions. Please note that this is a Preliminary Jurisdictional Determination (JD). Preliminary JDs are non-binding written indications that there may be waters of the United States (WOUS) on your parcel and approximate locations of those waters. Preliminary JDs are advisory in nature and may not be appealed.

Pursuant to Regulatory Guidance Letter 16-01, any permit application made in reliance on this Preliminary JD will be evaluated as though all wetlands or waters on the site are regulated by the Corps. Further, all waters, including wetlands will be used for purposes of assessing the area of project related impacts and compensatory mitigation.

I have enclosed the Preliminary JD Form with this letter. The form and attached table identifies the extent of waters on the site and specific terms and conditions of the Preliminary JD. Please sign and return a copy of this form to my attention. If you do not respond within 15 days, we will presume concurrence and no additional follow up is necessary prior to finalizing an action.

In accordance with Regulatory Guidance Letter 05-02, "Preliminary jurisdictional determinations are not definitive determinations of areas within regulatory jurisdiction and do not have expirations dates." However, I strongly recommend that the boundaries of all aquatic resources on the parcel be re-evaluated by a qualified wetland biologist after five years of the date of this letter. This will ensure that any changes are appropriately identified and you do not inadvertently incur a violation of Federal law while constructing your project or working on your project site.

Lastly, this determination has been conducted only to identify the limits of waters that may be subject to Corps Clean Water Act or Rivers and Harbors Act jurisdiction. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

Questions pertaining to this matter should be directed to me at 716-879-4304, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: molly.a.connerton@usace.army.mil

Sincerely,

A handwritten signature in black ink, reading "Molly Connerton". The signature is fluid and cursive, with the first name "Molly" and last name "Connerton" clearly distinguishable.

Project Manager
Biologist

Enclosures

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: April 18, 2017

**B. NAME AND ADDRESS OF PERSON REQUESTING PJD: Bill Solak, Quaker Estates I LP, PO.
Box 204 Boston, NY 14025**

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Buffalo District, Quaker Estates I LP, 2016-00862

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: The project is located on Boston State Road, in the Town of Boston, Erie County, New York. A site visit was conducted on September 13, 2016 to review the wetlands and tributaries on the project site. Two wetlands were identified, Wetland A (0.075 acres) and Wetland B (1.23 acres) and two tributaries: An Unnamed Perennial RPW Tributary 1 to Eighteen Mile Creek that is on the eastern boundary of the site and flows north offsite and an Unnamed Seasonal RPW Tributary 2 to Eighteen Mile Creek that begins at the southern boundary of the site and runs east and then north directly into the Unnamed Perennial RPW Tributary 1 to Eighteen Mile Creek.

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: New York County/parish/borough: Erie City: Boston

Center coordinates of site (lat/long in degree decimal format):

Lat.: 42.69 Long.: -78.78

Universal Transverse Mercator: 17

Name of nearest waterbody: Wetland A

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: March 22, 2017

☒ Field Determination. Date(s): September 13, 2016

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Wetland A	42.69	-78.78	0.075 Acres	Wetland	Section 404
Wetland B	42.69	-78.78	1.23 Acres	Wetland	Section 404

Unnamed Perennial RPW Tributary 1	42.69	-78.78	1300 Linear Feet	Tributary	Section 404
Unnamed Seasonal RPW Tributary 2	42.69	-78.78	1100 Linear Feet	Tributary	Section 404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: Wetland Delineation Report submitted by Wetlands Investigation Co.
- ☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
 - ☒ Office concurs with data sheets/delineation report.
 - ☐ Office does not concur with data sheets/delineation report. Rationale: _____.
- ☐ Data sheets prepared by the Corps: _____.
- ☐ Corps navigable waters' study: _____.
- ☒ U.S. Geological Survey Hydrologic Atlas: Eastern Lake Erie.
- ☐ USGS NHD data.
- ☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000, Hamburg.
- ☒ Natural Resources Conservation Service Soil Survey. Citation: Erie County Soil Survey.
- ☒ National wetlands inventory map(s). Cite name: No NWI wetlands mapped within the project area.
- ☒ State/local wetland inventory map(s): NYSDEC State wetland maps-NO NYSDEC wetlands mapped within the project area.
- ☐ FEMA/FIRM maps: _____.
- ☐ 100-year Floodplain Elevation is: _____. (National Geodetic Vertical Datum of 1929)
- ☒ Photographs:
 - ☒ Aerial (Name & Date): Review of Bing and Google orthoimagery.
 - ☒ Other (Name & Date): Review of photos within the Wetland Delineation Report.
- ☐ Previous determination(s). File no. and date of response letter: _____.
- ☐ Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Nelly Connors
Signature and date of
Regulatory staff member
completing PJD

4/18/17

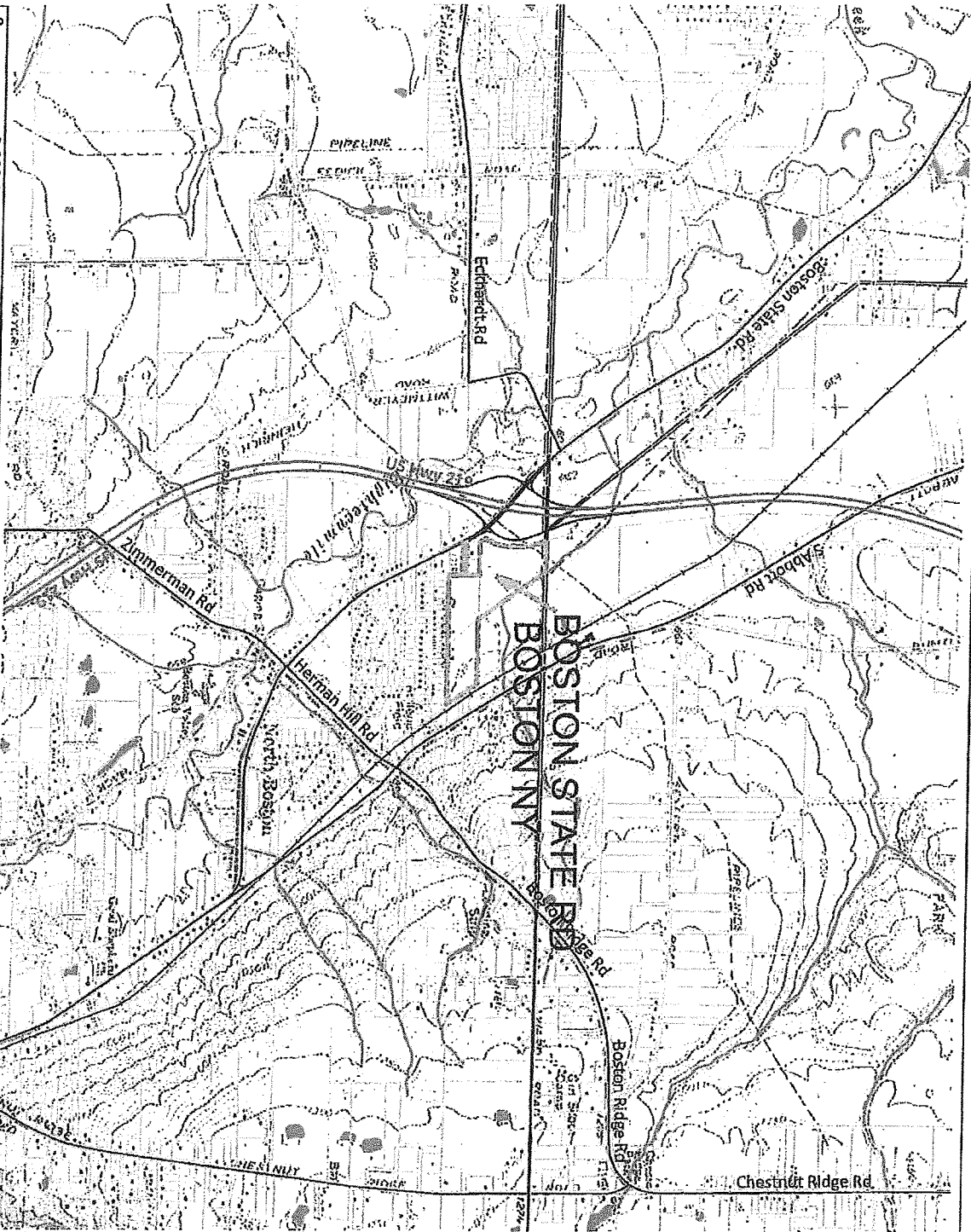
*

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.



Boston State Rd., Boston NY - Site Location Map



0 3,009.33 6,018.7 Feet

WGS, 1984, Web Mercator Auxiliary Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from
an internet mapping site and is for reference only.
Data layers that appear on this map may or may
not be accurate, current, or otherwise reliable.

- Legend**
- Railroads
 - Streets and Highways
 - Interstate
 - Primary State Road
 - Secondary State Road
 - County Road
 - Local Road
 - Parcels
 - Streams
 - Lakes / Ponds
 - Municipal Boundaries
 - USA Topo Maps

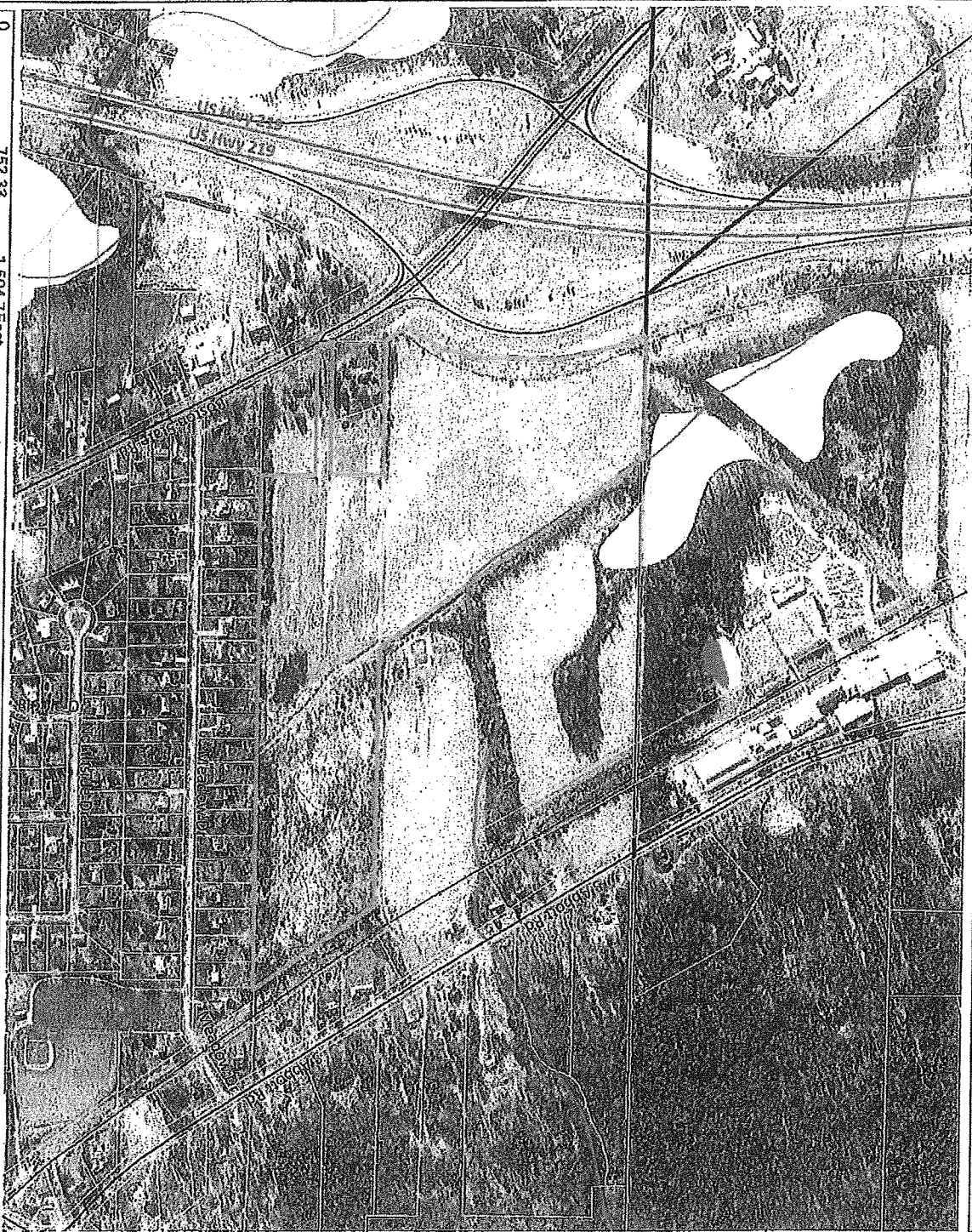
1: 36,112

Quaker Estates I, LP
DA Processing No.: 2016-00862
Erie County, New York
Quad: Hamburg
Sheet 1 of 4





Boston State Rd., Boston NY - National Wetland Inventory Map



0 752.33 1,504.7 Feet

WGS_1984 Web Mercator Auxiliary Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

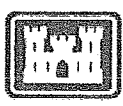
ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from
an Internet mapping site and is for reference only.
Data layers that appear on this map may or may
not be accurate, current, or otherwise reliable.

Legend

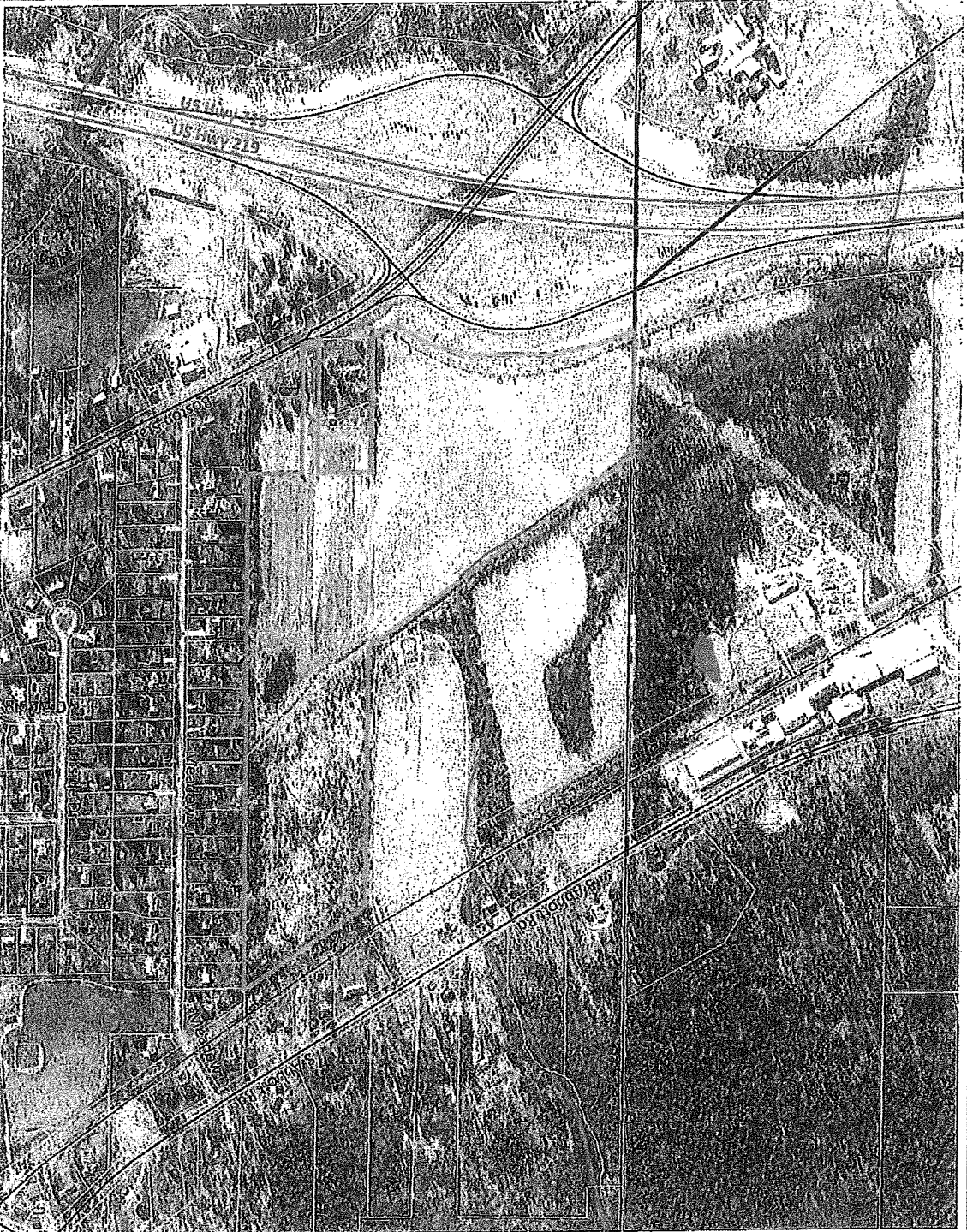
- Railroads
- Streets and Highways
 - Interstate
 - Primary State Road
 - Secondary State Road
 - County Road
 - Local Road
- Parcels
- Streams
- Lakes / Ponds
- National Wetlands Inventory
 - Wetlands
 - No Digital Data
- Municipal Boundaries
- 2014_bdy

1: 9,028





Boston State Rd., Boston NY - NYS Freshwater Wetland Map



0 752.33 1,504.7 feet
WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

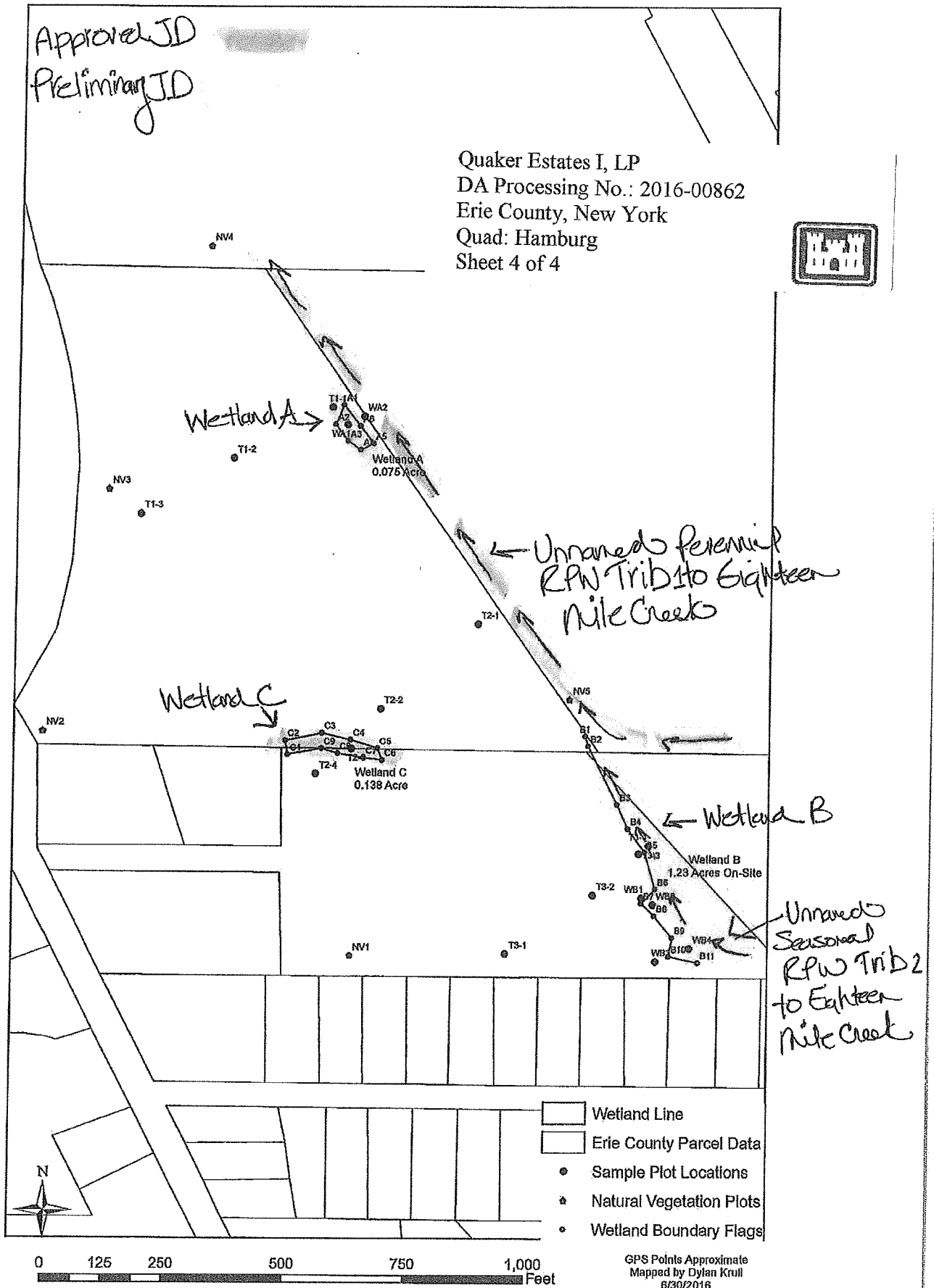
This map is a user generated static output from
an Internet mapping site and is for reference only.
Data layers that appear on this map may or may
not be accurate, current, or otherwise reliable.

1 : 9,028

- Legend**
- Railroads
 - Streets and Highways
 - Interstate
 - Primary State Road
 - Secondary State Road
 - County Road
 - Local Road
 - Parcels
 - Streams
 - Lakes / Ponds
 - DEC Wetlands
 - 2014 Body
 - Municipal Boundaries



Wetland Boundaries, Sample Plots, and Plant Communities Map



**Exhibit 3 – Correspondence from Nancy
Herter, Archaeology Unit Program
Coordinator, NYS Office of Parks,
Recreation and Historic Preservation to
Robert Dean of Heritage Preservation &
Interpretation Inc. dated October 11, 2016**



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

October 11, 2016

Mr. Robert Dean
President
Heritage Preservation & Interpretation Inc
P.O. Box 277
10255 Old Rte 17
Steamburg, NY 14783-0277

Re: DEC
Proposed Residential Development
Towns of Boston & Hamburg, NY
16PR04421

Dear Mr. Dean:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the *Phase 2 Cultural Resource Investigation and Topsoil/Plowzone Stripping Report, Quaker Estates 1 Site, Town of Boston, Erie County, New York*, prepared by Robert Dean and dated October 2016 submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

Based on this review, it is the OPRHP's opinion that the Quaker Estates 1 Precontact Site (02904.000061) is not National Register eligible. Therefore, it is the OPRHP's opinion that your project will have **No Impact** upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

If you have any questions, I can be reached at (518) 268-2179.

Sincerely,

Nancy Herter
Archaeology Unit Program Coordinator

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

**Exhibit 4 – Legal Description of Property
to be Rezoned from C-1 Local Retail
Business District (“C-1”) to C-2 General
Commercial District (“C-2”)**

EXHIBIT 4

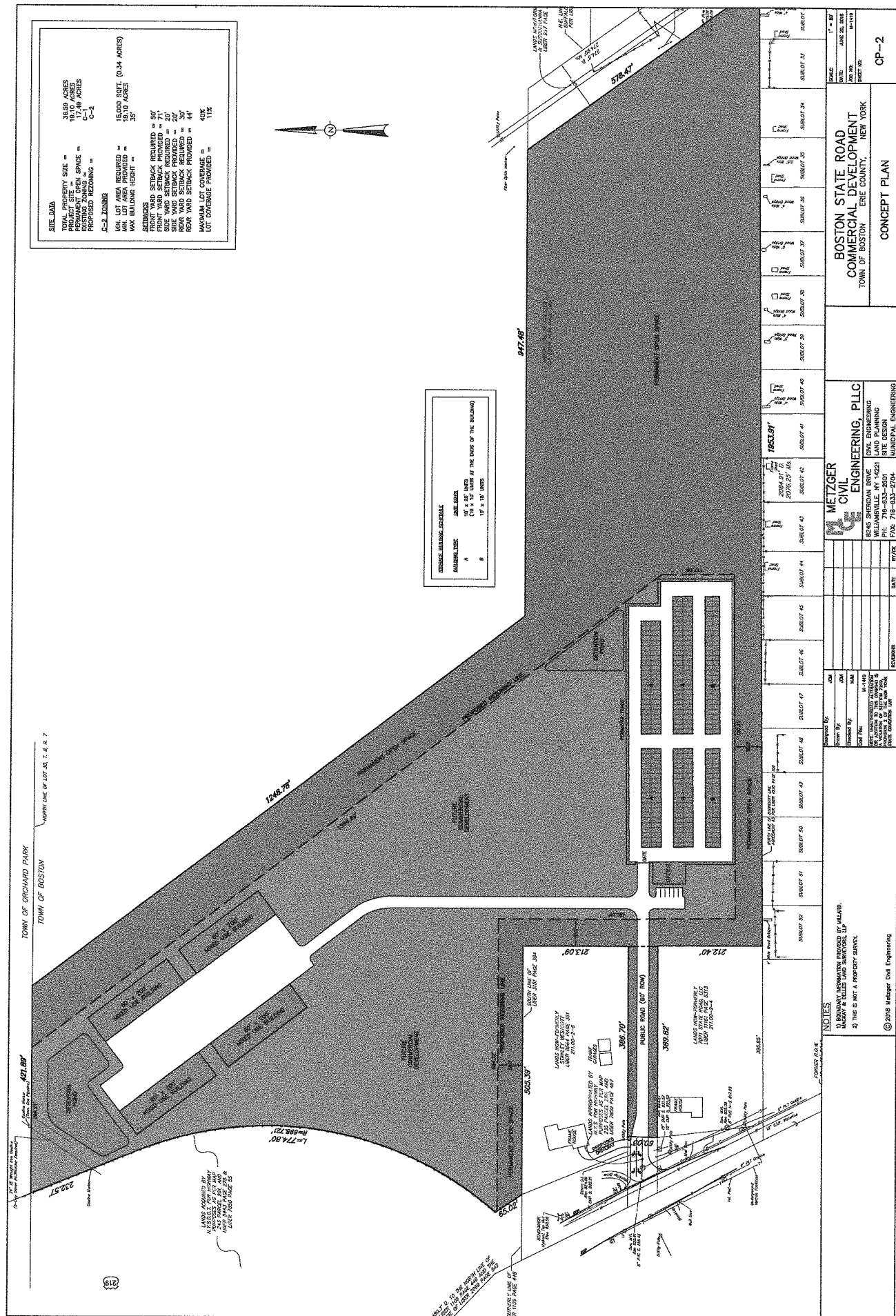
LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM **C-1 LOCAL RETAIL BUSINESS DISTRICT ("C-1") TO** **C-2 GENERAL COMMERCIAL DISTRICT ("C-2")**

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:

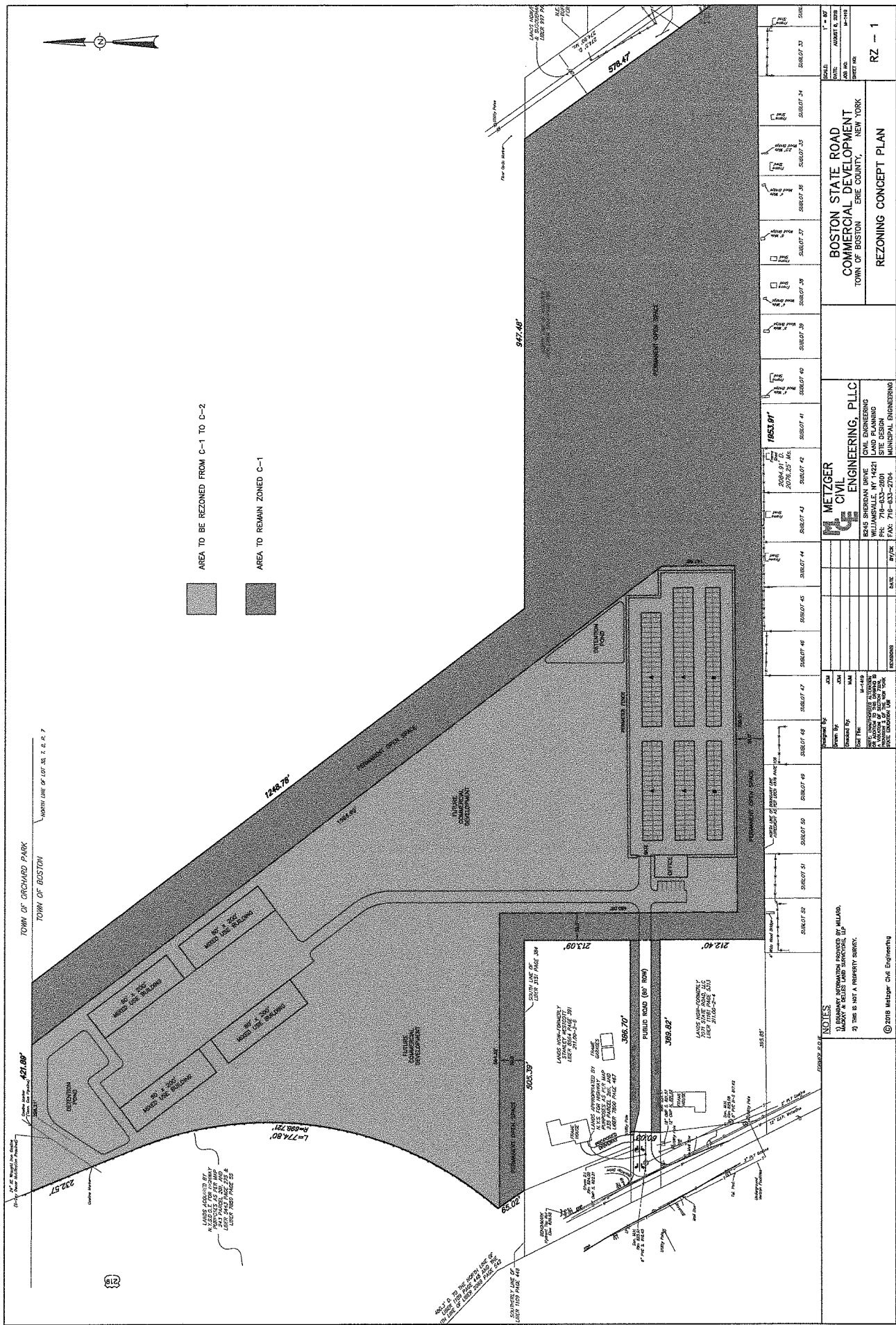
BEGINNING at a point in the north line of the Town of Boston at the northeast corner of land acquired by the People of State of New York, designated as Map 243, Parcel 201 per Liber 5443 Deeds Page 275 and Liber 7850 Deeds Page 55; thence southeasterly along said acquisition at an interior angle of $67^{\circ} 49' 40''$, a distance of 232.57 feet to point of curve; thence southerly at a curve to the right having a radius of 698.721 feet, an arc distance of 774.80 feet to a point in the northeasterly line of Boston State Road now laid out; thence southeasterly along Boston State Road at a curve to the right, making an interior chord angle to the last described course of $136^{\circ} 6' 28''$ having a radius of 1657.887, an arc distance of 4.59 feet; thence easterly along a line drawn parallel with the northerly line of lands conveyed to Ben Webster by deed recorded in the Erie County Clerk's Office in Liber 3151 of Deeds at page 384 and distant 50.00 feet northerly therefrom, a distance of 594.79 feet to a point; thence southerly at an angle in the southwest quadrant with the last described line of $90^{\circ} 08' 23''$ and along a line drawn parallel with the easterly line of lands conveyed to 7071 State Road LLC by deed recorded in said Clerk's Office in Liber 11161 of Deeds at page 5313 and distant 55.00 feet easterly therefrom, a distance of 480.06 feet to a point; thence easterly at an interior angle with the last described line of $90^{\circ} 08' 23''$ and along a line drawn parallel with a line established by Boundary Line Agreement in Liber 4976 of Deeds at page 106 and distant 55.00 feet northerly therefrom, a distance of 700.21 feet to a point; thence northerly at an interior angle with the last described line of $90^{\circ} 46' 01''$, a distance of 147.70 feet to a point; thence northwesterly at an interior angle with the last described line of $142^{\circ} 27' 02''$ and along a line drawn parallel with the northeasterly line of lands described in Parcel "A" of a deed recorded in said Clerk's Office in Liber of 11112 of Deeds at page 68 and distant 100.00 feet southwesterly therefrom, a distance of 1596.69 feet to the north line of the Town of Boston; thence westerly along the north line of the Town of Boston at an interior angle of $127^{\circ} 16' 49''$, a distance of 296.21 feet to the point of beginning.

**Exhibit 5 – Survey of the Project Site
Prepared by Millard, MacKay & Delles
Land Surveyors LLP dated
December 15, 2015 [11” x 17”]**

**Exhibit 6 – Color Concept Plan [Drawing
CP-2] Prepared by Metzger Civil
Engineering PLLC [11” x 17”]**



**Exhibit 7 – Color Rezoning Concept Plan
[Drawing RZ-1] Prepared by Metzger
Civil Engineering PLLC with Aerial
Background Image [11” x 17”]**



**Exhibit 8 – Article XVI of the Town of
Boston Zoning Code (titled “C-1 Local
Retail Business District”)**

ARTICLE XIV
C-1 Local Retail Business District

§ 123-71. Permitted uses and structures.

Uses and structures permitted in the C-1 District are as follows:

A. Principal uses and structures:

- (1) Permitted uses and structures permitted in an R-C District, except that no residential single-family, two-family or three-or-more-family dwellings, cluster housing, private horse stable or accessory apartments shall be permitted.
[Amended 7-16-1997 by L.L. No. 5-1997]
- (2) The following uses, when conducted entirely within an enclosed building.
 - (a) Retail sales, but not including any use first permitted in the C-2, M-1 or M-2 District.
 - (b) Personal service establishments, including but not limited to barbershops, beauty parlors and shoe or hat cleaning or repair and martial arts or related physical fitness facilities.
 - (c) Hand laundries, laundromats and dry cleaning or laundry pickup stations.
 - (d) Dry-cleaning and pressing establishments limited to 2,000 square feet of floor area per establishment, provided that only solvents with a flash point of not less than 138.2° F. shall be used and the total aggregate dry load of machines shall not exceed 60 pounds.
 - (e) Theaters.
 - (f) Eating or drinking establishments, provided that any entertainment shall be limited to television, radio or music, and further provided that no sale of alcoholic beverages for consumption on the premises shall be permitted on any lot where the principal building is less than 100 feet from a side or rear lot line that abuts any R District boundary.
- (3) Hotels or motels, subject to the above restrictions on eating and drinking establishments.

- (4) Drive-in banks, provided that at least five reservoir spaces are provided on the lot for each drive-in teller's window. Such reservoir space shall be exclusive of required parking spaces.

B. Uses subject to special permit:

- (1) Filling stations and/or gasoline stations, subject to Article XXIII, and provided that all servicing of vehicles and storage of parts and materials at gasoline stations except fueling and minor emergency repairs, will be conducted in an enclosed building.
- (2) Radio or television transmission facilities and/or receive-only antennas and mountings having a combined weight exceeding or equal to 50 pounds, subject to the conditions and limitations of § 123-48B(1).¹ **[Added 4-17-1991 by L.L. No. 1-1991]**
- (3) Buildings constructed for the storage of tools and materials for use in a business not situated on the same lot, subject to the following conditions and limitations: **[Added 10-7-1992 by L.L. No. 2-1992]**
 - (a) The total area of any building or buildings, including all accessory buildings, shall not exceed the lesser of 3,000 square feet or 15% of the lot area.
 - (b) No more than one principal building shall be permitted on any lot pursuant to this section.
 - (c) The construction of accessory buildings shall be subject to special permit procedure of this section.
 - (d) No vehicles shall be parked on the premises except inside a permitted principal or accessory building.
 - (e) All buildings or structures permitted by this section shall be used in the operation of a single business except where two businesses have identical owners; then and in that event, no more than two businesses shall use the buildings or structures permitted by this section.
 - (f) Property principally improved by buildings or structures, permitted by this section, shall not be considered as making goods or services available for sale, hire or use

1. Editor's Note: Former Subsection B(2), which provided for certain two-family dwellings to be uses subject to special permit, was repealed 7-16-1997 by L.L. No. 5-1997. Said local law also redesignated former Subsections B(3) and (4) as Subsections B(2) and (3), respectively.

on the premises for the purposes of § 95-5F of the Boston Town Code.

(4) Retail sales as permitted by § 123-128 of this Code. **[Added 5-10-1998 by L.L. No. 2-1998]**

(5) Topsoil. **[Added 4-5-2000 by L.L. No. 1-2000]**

(a) Screening of topsoil, provided that:

- [1] All machinery, or other devices, shall remain mobile and shall not be permanently affixed to the property.
- [2] Screening activity shall be limited to the hours of 9:00 a.m. to 7:00 p.m., weekdays only.
- [3] No screening activity shall exceed three hours in any one day.
- [4] No more than 200 cubic yards shall be processed on the site in any one calendar month.
- [5] Importation of any soil or fill into the Town of Boston for the purpose of processing same (without regard to the location of its intended use) shall be subject to the provisions of the Boston Town Code.
- [6] No more than 60 cubic yards of processed soil and 60 cubic yards of unprocessed soil shall be stored on the premises.
- [7] All screening operations shall be conducted in such a fashion as to minimize noise, dust, odor, or any other condition interfering with the use and enjoyment of adjacent property.
- [8] All soil stored on the property shall be so arranged or enclosed as to prevent erosion thereof and to further prevent same from otherwise unreasonably interfering with the use of adjacent property.
- [9] Any application for a permit shall be subject to site plan approval.
- [10] No application for a special permit pursuant to this section shall be approved unless the applicant shall demonstrate that 10,000 square feet can be dedicated to the said use without violating all area and bulk requirements for the remaining uses on the property.

[11]Any permit granted by the Town Board shall expire on December 31 in the calendar year in which said permit was granted, and may be renewed, from time to time, without a public hearing, upon application therefor, accompanied by a statement from the Code Enforcement Officer that the applicant substantially complied with the conditions of the current permit as set forth herein or as added by the Town Board.

[12]No permit shall be granted or renewed unless the premises for which the permit is sought shall be contiguous to at least one property in a C or M Zone.

[13]The original application for a special permit shall be accompanied by the fee set forth herein. Renewal applications shall be accompanied by a fee of \$25.

- (b) The Town Board shall have the power to impose additional and/or more stringent conditions than those contained herein, based upon the topography and/or configuration of the premises, reports or recommendations of the Code Enforcement Officer, the Planning Board or the Town Engineer, personal observations, and comments received in the course of processing the application for a permit or any renewal thereof.
- (6) Live performances of musical entertainment, stage shows, reviews or other live performances using sound amplification devices, at eating or drinking establishments authorized as a permitted use in this section, subject to the following conditions: **[Added 9-18-2002 by L.L. No. 4-2002]**
- (a) Term. No such permit shall be issued for a period to exceed two years. Unless otherwise provided, the first such permit issued to any applicant shall expire on the 30th day of June of the first full calendar year following the issuance of the permit; additional permits shall expire on the 30th day of June of the second calendar year following the date of issuance.
 - (b) Renewal. Applications for renewal may, within the discretion of the Town Board, be subject to a public hearing.
 - (c) Revocability. The Town Board of the Town of Boston may revoke any such permit, after a public hearing held

thereon. The grounds for such revocation shall be limited to the provisions of this subsection or the failure of the permit holder to comply with such additional conditions imposed at the time of issuance of the permit.

- (d) Criteria for determination. In determining whether or not any such application shall be granted or existing permit revoked, the Town Board shall consider the following criteria:
 - [1] Proximity of adjacent residential structures.
 - [2] Compliance with other provisions of the Town Code, including but not limited to those provisions relating to the generation of noise, vehicular and pedestrian traffic, odors, vapors or other noxious fumes.
 - [3] Availability of parking.
 - [4] Any other factors that the Town Board determines are relevant to a decision on the application.
 - [5] Modification of the premises or alteration of the site on which is the subject of the permit.
- (e) Hours of operation. Any such permit may limit, within the discretion of the Town Board, the hours of such performances.
- (f) Continuation of existing performances. The Town Board of the Town of Boston hereby finds that certain business establishments may have entered into contracts for live performances in the future. As a result of such finding, no permit shall be required for any business establishment that currently provides for live entertainment until July 1, 2003, based on any contract entered into on or before the effective date of this provision. No exemption from the requirement of obtaining a permit shall be obtained unless copies of qualifying contracts are filed in the office of the Town Clerk on or before the first day of October 2002.
- (g) Conditions. The Town Board of the Town of Boston may impose appropriate conditions on the issuance of any permit pursuant to this section, based upon the proximity of residential development or any other relevant factors, including but not limited to:

- [1] Limitations on performances or the placing of any speakers broadcasting any performance outside of any structure.
- [2] Requirement that all windows and doors remain closed except for normal ingress and egress.
- [3] Limitation of the volume of any amplified sound generated during a live performance, measured at any or all speakers broadcasting such sound.
- [4] Limitation on the volume of all nonamplified sound at the point of origin.
- [5] Appropriate control of patrons at all times, including, but not limited to, activities outside of the establishment where live entertainment is occurring.
- (h) Inspection. As a condition of the issuance of this permit, the permit holder shall permit any duly appointed enforcement officer of the Town of Boston or any police office to enter onto the premises for the purpose of verifying compliance with the conditions of this permit.
- (i) Exceptions. The provisions of this subsection shall not be applicable to any live performance on property owned by the Town of Boston or the Hamburg Central School District.
- (j) Fees. The fee for such special permit and the renewal thereof shall be set forth in the Schedule of Fees, as adopted by the Town Board of the Town of Boston.²

C. Accessory uses and structures:

- (1) Accessory uses permitted in the R-C District, except accessory uses.
- (2) Unless otherwise provided, accessory uses and structures customarily incidental to permitted principal uses.
- (3) Shops for the manufacture or processing of articles incidental to the conduct of a retail business lawfully conducted on the premises, provided that:
 - (a) All such articles manufactured or processed are sold at retail on the premises.

2. Editor's Note: See Ch. 55, Fees.

- (b) Not more than four persons are engaged in such manufacturing or processing at any one time and in any one establishment.
- (c) Such activity shall not produce offensive odors, noise, vibration, heat, glare or dust.

§ 123-72. Minimum lot size.

Unless otherwise provided, the minimum lot size for dwellings in the C-1 District shall be as specified in this section.

A. Lot area:

- (1) Minimum of 15,000 square feet.
- (2) Two-family dwellings: 20,000 square feet.
- (3) Three-or-more family dwellings: minimum lot: 20,000 square feet per structure, plus 3,000 square feet per dwelling unit.

B. Lot width at the building line:

- (1) Where a lot is served by a public sanitary sewer: 75 feet for one dwelling unit or other principal building or use; 100 feet for a two-family dwelling and an additional 25 feet for each dwelling unit over two, but need not exceed 200 feet.
- (2) Where a lot is not served by a public sanitary sewer: and 25 feet to the minimum lot width.

C. The lot width at the front lot line shall be equal to minimum required lot width at the building line.

NOTE: All area and bulk requirements pertaining to one- and two-family dwellings in this section are for historical purposes only. **[Added 7-16-1997 by L.L. No. 5-1997]**

§ 123-73. Maximum height of buildings.

Unless otherwise provided, the maximum height of buildings in the C-1 District shall be as specified in this section.

- A. Single-family, two-family or three-or-more family dwellings: 2 1/2 stories, not to exceed 30 feet.
- B. Other principal buildings: as regulated by yard requirements, not to exceed 35 feet.

- C. Accessory buildings: one story, not to exceed 18 feet, measured from the top of the floor to the top of the ridge.

NOTE: All area and bulk requirements pertaining to one- and two-family dwellings in this section are for historical purposes only. **[Added 7-16-1997 by L.L. No. 5-1997]**

§ 123-74. Required yards.

Unless otherwise provided, the minimum required yards and other open spaces in the C-1 District shall be as specified in this section.

- A. Front yard: 50 feet.
- B. Side yards:
 - (1) Dwellings: two required.
 - (a) Single-family or two-family dwellings: The minimum width of any side yard shall be 10 feet.
 - (b) Three-or-more family dwellings: minimum of 30 feet from any property line.
 - (2) Other principal buildings: none required, except that:
 - (a) Where a side yard is provided, it shall be no less than five feet.
 - (b) Where a side yard abuts any R District boundary, it shall be not less than 20 feet or the height of the principal building, whichever is greater.
 - (c) Where a side yard is used for either vehicular ingress or egress, it shall not be less than 25 feet.
- C. Rear yard: No rear yard shall have a depth less than 30 feet or a distance equal to the height of the principal building, whichever is greater.
- D. Maximum lot coverage: 40%.

NOTE: All area and bulk requirements pertaining to one- and two-family dwellings in this section are for historical purposes only. **[Added 7-16-1997 by L.L. No. 5-1997]**

§ 123-75. Off-street parking reference.

For applicable off-street parking regulations, see Article XVIII.

§ 123-76. Sign regulations reference.

For applicable sign regulations, see the Town of Boston chapter regulating signs.³

§ 123-77. Supplemental regulations reference.

For applicable supplemental regulations pertaining to use, height, area or open space, see Articles XXIII through XXV.

3. Editor's Note: See Ch. 95, Signs.

**Exhibit 9 – Article XV of the Town of
Boston Zoning Code (titled “C-2 General
Commercial District”)**

ARTICLE XV
C-2 General Commercial District

§ 123-78. Permitted uses and structures.

Uses and structures permitted in the C-2 District are as follows:

A. Principal uses and structures:

- (1) Principal uses and structures permitted in the C-1 District; provided, however, that open retail sales shall be permitted unless otherwise specified in this section. No cluster housing, bed-and-breakfast establishments, private horse stables, two-family dwellings or accessory apartments shall be permitted.
- (2) New or used motor vehicle sales and service.
- (3) Automobile collision repair and painting, provided that there is no dissemination of atmospheric pollutant, noise vibration or odor beyond the boundaries of the premises on which such use is located.
- (4) Gasoline stations, subject to Article XXIII.
- (5) Eating or drinking establishments; provided, however, that no live entertainment shall be permitted except by special permit. **[Amended 9-18-2002 by L.L. No. 4-2002]**
- (6) Boat or marine sales and service.
- (7) Laundry or dry-cleaning plants.
- (8) Custom shops, including but not limited to printing, electrical, heating, plumbing or woodworking shops.
- (9) Warehouses, but not including the storage of highly flammable or explosive materials.
- (10) Billiard or pool halls, bowling alleys, skating rinks, dance halls or video game rooms.
- (11) Dairies or bottling of nonalcoholic beverages from previously prepared ingredients.
- (12) Wholesale sales and distribution.
- (13) Terminals for local trucking and delivery service, but not including any tractor, trailer or tractor-trailer combination or automobile conveyor, provided that all vehicle loading, unloading and parking is on the premises.

- (14) Commercial swimming pools.
- (15) Drive-in restaurants.
- (16) Driven theaters.
- (17) Golf driving ranges or miniature golf.
- (18) Commercial car washes.
- (19) The following uses, provided that they are conducted within a completely enclosed building or within an area enclosed by a solid wall or fence at least six feet in height:
 - (a) Public garages, but not including auto wrecking or the storage of motor vehicles not eligible for New York State motor vehicle inspection stickers.
 - (b) Building materials supply, including incidental millwork.
 - (c) Public utility storage, service buildings and yards.
 - (d) Small-animal hospitals.
 - (e) Machine and tool sales, rentals and service.
 - (f) Storage and sales of solid fuel.
 - (g) Storage and sales of feed for livestock.
 - (h) Contractor's equipment and materials storage.

B. Uses subject to special permit:

- (1) Uses permitted by special permit in Article XXIII.
- (2) Radio or television transmission facilities and/or receive-only antennas and mountings having a combined weight exceeding or equal to 50 pounds, subject to the conditions and limitations of § 123-48B(1). **[Added 4-17-1991 by L.L. No. 1-1991]**
- (3) Live entertainment at eating and drinking establishments subject to the provisions of § 123-71B(6) of this Code. **[Added 9-18-2002 by L.L. No. 4-2002]**

C. Accessory uses and structures:

- (1) Accessory uses permitted in the C-1 District.
- (2) Accessory uses and structures customarily incidental to permitted principal uses.

§ 123-79. Minimum lot size.

Unless otherwise provided, the minimum lot size for dwellings in the C-2 District shall be as specified in this section.

A. Lot area:

- (1) Minimum of 15,000 square feet.
- (2) Three-or-more family dwellings: 20,000 square feet per structure, plus 3,000 square feet per dwelling unit.

B. Lot width at the building line:

- (1) Where a lot is served by a public sanitary sewer: 75 feet for one dwelling unit or other principal building or uses; 125 feet for a three-family dwelling unit; and an additional 25 feet for each dwelling unit over three, but it need not exceed 200 feet.
- (2) Where a lot is not served by a sanitary sewer: add 25 feet to minimum lot width.

C. Lot width at the front lot line shall be equal to the minimum required lot width at the building line.

NOTE: All area and bulk requirements pertaining to one- and two-family dwellings in this section are for historical purposes only. **[Added 7-16-1997 by L.L. No. 5-1997]**

§ 123-80. Maximum height of buildings.

Unless otherwise provided, the maximum height of buildings in the C-2 District shall be as specified in this section.

- A. Dwellings: single-family or three-or-more family dwellings: 2 1/2 stories, not to exceed 35 feet.
- B. Other principal buildings: as regulated by yard requirements, not to exceed 35 feet.
- C. Accessory buildings: one story, not to exceed 18 feet, measured from the top of the floor to the top of the ridge.

§ 123-81. Required yards.

Unless otherwise provided, the minimum required yards and other open spaces in the C-2 District shall be as specified in this section.

- A. Front yard: 50 feet.

B. Side yards:

(1) Dwellings: two required.

- (a) The minimum width of any side yard shall be 10 feet.
- (b) Three-or-more family dwellings: minimum of 30 feet from any property line.

(2) Other principal buildings: none required, except that:

- (a) Where a side yard is provided, it shall be no less than 10 feet.
- (b) Where a side yard abuts any R District boundary, it shall be not less than 20 feet or the height of the principal building, whichever is greater.
- (c) Where a side yard is used for either vehicular ingress or egress, it shall be at least 12 feet.
- (d) where a side yard is used for vehicular ingress and egress, it shall not be less than 25 feet.

C. Rear yard. No rear yard shall have a depth less than 30 feet or a distance equal to the height of the principal building, whichever is greater.

D. Maximum lot coverage: 40%.

§ 123-82. Off-street parking reference.

For applicable off-street parking regulations, see Article XVIII.

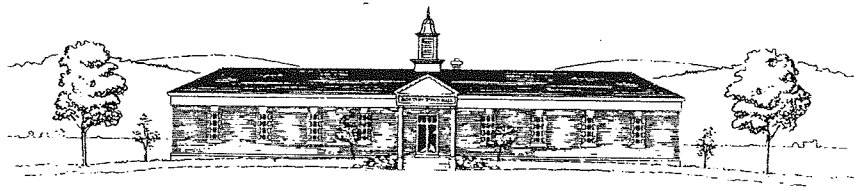
§ 123-83. Sign regulations reference.

For applicable sign regulations, see Town of Boston chapter regulating signs.¹

§ 123-84. Supplemental regulations reference.

For applicable supplemental regulations pertaining to use, height, area or open space see Articles XXIII through XXV.

1. Editor's Note: See Ch. 95, Signs.



TOWN OF BOSTON

MEMORANDUM

To: Supervisor Keding
Town Board members

From: William Ferguson
Code Enforcement Officer

RE: Boston Hills Homes and Estates

Date: August 9, 2018

On August 8, 2018 an on-site inspection was made at Boston Hills Homes and Estates at 7852 Boston State Road.

There are units there that are being refurbished, but no violations of the Boston Town Code were present.

Therefore the Town of Boston Building Department recommends the issuance of a license for Boston Hills Homes and Estates.

RECEIVED
BOSTON TOWN CLERK
AUG 10 2018

The Town of Boston is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found on line at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 866-632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or fax 202-690-7442 or email at program.intake@usda.gov.

PROCLAMATION FOR
GOLD AWARD GIRL
SCOUT VICTORIA
WITTMAYER

NOTICE OF PUBLIC HEARING

A public hearing shall be held by the Town Board of the Town of Boston on **September 19, 2018**, at 7:45 p.m., at Boston Town Hall, 8500 Boston State Road, Boston, New York, to hear any and all persons either for or against a local law entitled: "A LOCAL LAW Amending Chapter 104 of the Boston Town Code, Subdivision of Land." This Local Law amends the Boston Subdivision Regulations in order to improve, clarify, and update the format, standards, procedures, and administrative aspects of those regulations.

Copies of the proposed law, sponsored by Councilmember Lucachik, are on file in the Town Clerk's Office, Monday through Friday, from 9:00 a.m. to 4:00 p.m.

LOCAL LAW TO BE ENACTED BY
THE BOSTON TOWN BOARD
TOWN OF BOSTON, NEW YORK

2018 LOCAL LAW INTRO. NO. 3
2018 LOCAL LAW NO. ____

A LOCAL LAW Amending Chapter 104 of the Boston Town Code, Subdivision of Land.

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

Section 1. Legislative Intent.

This Local Law amends the Boston Subdivision Regulations. The Boston Subdivision Regulations adopted by the Town Board of the Town of Boston 12-31-1990 by L.L. No. 7-1990 and as from time to time amended, require the amendments effected by this Local Law in order to improve, clarify, and update the format, standards, procedures, and administrative aspects of those regulations.

Section 2. Amend Chapter 104 of the Boston Town Code, Subdivision of Land.

The following sections of Chapter 104 of the Boston Town Code, *Subdivision of Land*, are hereby amended to read as follows:

2.1 Article II: Definitions, § 104-3 *Terms Defined*, is amended as follows, with all other portions of that Article remaining unchanged:

SUBDIVISION

The division of any parcel of land into two five or more lots, plots, sites or other divisions of land for immediate or future sale or for building development ~~in such a way as to create one or more new streets or which creates the necessity for the construction of one or more new streets to provide access to adjacent improved or unimproved land for the development or continued use thereof in conformance with the laws, ordinances and regulations of the Town of Boston, the County of Erie or the State of New York~~; with or without streets or highways; provided, however, that the sale or exchange of parcels of land between adjacent or adjoining property owners or where such sales do not create additional lots shall not be considered a subdivision of land. The term "subdivision" also includes re-subdivision and as appropriate in these regulations shall refer to the process of subdividing land or to the land subdivided.

MINOR SUBDIVISION

Any subdivision containing not more than four lots fronting on an existing street and not adversely affecting the development of the remainder of the parcel or

adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map or Zoning, if such exists, or these regulations. The Planning Board may waive the filing requirement of final plat for a minor subdivision if acceptable with the Town Engineer.

MAJOR SUBDIVISION

Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

2.2 Article III: General Provisions, § 104-4 *Applications to the Planning Board*, is amended to add a new sub-section E as follows, with all other portions of § 104-4 remaining unchanged:

E. Preliminary Plat Approval Fees shall be set forth in the Schedule of Fees, as adopted by the Town Board of the Town of Boston.

2.3 Article IV: Preapplication Procedures, § 104-8 *Recommendations to Planning Board*, is hereby amended to read in its entirety as follows:

Recommendations to the Planning Board Rezoning for Subdivisions.

~~A. When the preapplication plan is submitted, the Planning Board shall give its recommendations, in writing, concerning the following:~~

~~(1) Zoning to be established, if necessary.~~

~~(2) Access to surrounding properties.~~

~~(3) The recreational area requirement.~~

~~B. The Planning Board shall also provide the applicant with such subdivision development forms as may have been adopted by the Board.~~

If rezoning is required for all or part of the proposed subdivision land, a rezoning request shall be submitted to the Town Board prior to preliminary plat submission. A copy of this rezoning request shall be submitted to the Planning Board with the preliminary plat. All property shall be zoned in the Zoning District that first permits the use proposed by the developer.

2.4 Article V: Preliminary Plat, § 104-10 *Distribution of prints*, is hereby amended to read in its entirety as follows:

Distribution of prints.

Prints of the preliminary plat shall be distributed as follows:

A. ~~Five~~ Ten copies to the Planning Board.

B. One copy ~~for~~ to the Town Engineer.

LL Intro. No. 2018-3

Underlined material is to be added.
~~Strikethrough~~ indicates material to be eliminated.

- C. One copy ~~for~~ to the Highway Department.
- D. One copy ~~for~~ to the Town Attorney.
- E. ~~One copy for~~ Five copies to the Town Board.
- F. ~~One copy for~~ Two copies to the Town Clerk.
- G. One copy to the Code Enforcement Officer.
- H. One copy to the Town Planner.

2.5 Article V: Preliminary Plat, § 104-12 *Hearing*, is hereby amended to read in its entirety as follows:

Hearing.

Within 45 days after receipt by the Chairperson of the Planning Board of a preliminary plat that complies with the provisions of these regulations ~~by the Chairman of the Planning Board~~, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least ~~five~~ ten days before such hearing.

2.6 Article VI: Final Plat, § 104-16 *Application for approval*, is hereby amended to read in its entirety as follows:

Application for approval.

- A. Application by the owner to the Planning Board for final plat approval of a major subdivision shall be made in the form provided therefor and shall be accompanied by the following.
 - (1) ~~Three linen reproducible~~ prints of the final subdivision map, in a form suitable for filing with the County Clerk.
 - (2) Seven additional prints of the final subdivision map.
 - (3) Two copies of a general location description for publication.
 - (4) A certified check in the amount of ~~\$75 payable to the Town of Boston~~ set forth in the Schedule of Fees.
- B. If the final plat is not submitted within nine months of conditional approval of the preliminary plat, the Planning Board may refuse to approve the final plat.

2.7 Article VI: Final Plat, § 104-17 *Requirement for submittal of map*, is hereby amended to read in its entirety as follows:

Requirement for submittal of map.

The applicant shall not submit the final subdivision map to the Planning Board until all the approvals required on the final subdivision development application have been obtained from the ~~designated~~ appropriate officials.

2.8 Article VI: Final Plat, § 104-18 *Specifications*, is amended as follows, with all other portions of that Section remaining unchanged:

- A. Form and scale of final plat. The final subdivision plat shall be clear and legible prints ~~on cloth or paper~~, as provided herein, ~~on a sheet size acceptable in a format suitable~~ for filing as a map cover in the Erie County Clerk's office. ~~The scale shall be a minimum of 100 feet to the inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Planning Board.~~

* * *

- C. Additional final plat data.

* * *

- (2) All new development of ~~industrial sites, major subdivisions, or planned unit developments (PUD), commercial sites over three acres and residential development over five acres~~ shall include a traffic study and report. The traffic study shall include, but not be limited to, streetlighting at new roads that intersect with ~~Boston State Road or existing Town roads~~, provisions for maintenance and protection of traffic and pedestrians in and around the project site during construction, and impacts to the existing traffic flow due to increased traffic caused by development. The Town of Boston will reserve the right to request additional information required in the traffic study.

2.9 Article VI: Final Plat, § 104-19 *Submission to Town Board*, is hereby REPEALED and a new § 104-19 is added to read as follows:

104-19 Reserved.

2.10 Article VI: Final Plat, § 104-20 *Public hearing*, is hereby amended to read in its entirety as follows:

Public hearing.

The Planning Board shall compare the final plat with the approved preliminary plat, and, if in agreement, the Planning Board shall may call for a public hearing within 30 days of submission of the plat for final approval. Said public hearing shall be advertised in the newspaper of general circulation in the Town of Boston at least ~~five~~ ten (10) days before such hearing.

2.11 Article VI: Final Plat, § 104-21 *Approval by Planning Board*, is hereby amended to read in its entirety as follows:

Approval by Planning Board.

The final plat shall be approved or disapproved by the Planning Board within 45 ~~62~~ days ~~from and after the time of receipt of the final plat or~~ the public hearing on the final plat, whichever is later. Prior to approval, the Planning Board shall obtain input approval and recommendations signoff from the Town Engineer and Highway Superintendent.

2.12 Article VI: Final Plat, § 104-22 *Signing of plat*, is hereby amended to read in its entirety as follows:

Signing of plat.

After the public hearing, if required, and upon approval of the final plat by the Planning Board, ~~two~~ three of the ~~lined~~ reproducible prints shall be forwarded to the ~~authorized representative of the Town Board~~ Town Supervisor, advising ~~him~~ the Town Supervisor of the approval and requesting the signing of the plat. Thereafter, the plat shall be submitted to the Town Engineer and the Superintendent of Highways of the Town of Boston, advising ~~him~~ them of the approval and requesting signing of the plat. The Town Engineer and Highway Superintendent must sign the three reproducible prints of the final plat prior to its signing by the Planning Board Chairman. Upon its return, the ~~Chairman~~ Chairperson of the Planning Board shall likewise sign the plat.

2.13 Article VI: Final Plat, § 104-23 *Applicant to record print at County Clerk's office*, is hereby amended to read in its entirety as follows:

Applicant to record print at County Clerk's office.

When the prints of the final plat have been signed, the Town Clerk shall inform the applicant that he may pick up one signed ~~lined~~ reproducible print and proceed to have said print recorded in the Erie County Clerk's office. The applicant shall,

upon filing of the plat, forward to the Town Board three copies of the plat with the map cover number shown on said copies.

2.14 Article VI: Final Plat, § 104-24 *Time for filing with County*, is hereby amended to read in its entirety as follows:

Time for filing with Erie County.

The final plat, as approved and ~~stamped~~ signed by the Town Engineer~~Supervisor~~, Superintendent of Highways, and the Planning Board Chairperson must be filed and recorded in the Erie County Clerk's office within 60 days of such written approval. In the event that such plat is not filed within 60 days, the approval of such plat shall be nullified.

2.15 Article VII: Miscellaneous Design Standards, § 104-25 *Dedication and reservation of sites for public use*, is amended as follows, with all other portions of that Section remaining unchanged:

- C. As a condition of final approval of the subdivision plat, the developer shall set aside 10% of the site for the provision of park and/or recreational facilities. If provision of such facilities, within the judgment of the Planning Board, is impractical because of the particular layout of the development or for other reasons, a recreation fee ~~of \$300~~ as set forth in the Schedule of Fees per subdivision lot shall be submitted prior to final approval of the subdivision plat, unless such other terms and conditions regarding payment of said fee are entered into between the developer and the Planning Board.

2.16 Article X: Miscellaneous Provisions; Penalties for Offenses; Fees, § 104-41 *Variances*, is hereby amended to read in its entirety as follows:

Variances.

When the Planning Board finds, that because of unusual circumstances of shape, topography or other physical features of the subdivision tract, or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided, however, that no such variation shall be granted which will have the effect of nullifying the intent or purposes of these regulations or of any other statute, law or regulation of the State of New York, County of Erie or Town of Boston.

2.17 Article X: Miscellaneous Provisions; Penalties for Offenses; Fees, § 104-44 *Fees*, is hereby REPEALED and a new § 104-44 is added to read as follows:

104-44 Reserved.

Section 3. Authority.

This Local Law is enacted pursuant to Article 16 of the Town Law of the State of New York and the Municipal Home Rule Law.

Section 4. Severability.

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 5. 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.

Sponsor: Councilmember Lucachik

TOWN OF BOSTON – RESOLUTION NO. 2018-35

**AMENDING BUDGET TO PROPERLY ACCOUNT
FOR INCREASE IN STATE AID FUNDING**

WHEREAS, the Town of Boston will be receiving an additional \$27,449.61 for PAVENY and an additional \$31,345.09 for Extreme Winter Recovery from New York State this year; and

WHEREAS, the Town's adopted budget for 2018 did not include these reimbursable revenues or appropriations; and

WHEREAS, the Town needs to adjust the budget to appropriately reflect these received revenues and charged expenditures;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorize the following amendment of the Town's 2018 budget to appropriately adjust the amount of State Aid Received and authorize additional appropriations for General Repairs contractual expenses:

1) Increase Appropriations:

Account No. DB0-5110-0400 General Repairs – Contractual \$58,794.70

2) Increase Revenues:

Account No. DB0-3501-0000 State Aid \$ 58,794.70

On August 15, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Councilmember Cartechine	[]	[]	[]	[]
Councilmember Lucachik	[]	[]	[]	[]
Councilmember Martin	[]	[]	[]	[]
Councilmember Munger	[]	[]	[]	[]
Supervisor Keding	[]	[]	[]	[]

Sandra L. Quinlan, Town Clerk

TOWN OF BOSTON – RESOLUTION NO. 2018-36

**AUTHORIZING PAYMENT FOR M. LASKOWSKI
PARAMEDIC CERTIFICATION COURSE TUITION**

WHEREAS, the Town of Boston relies upon volunteers of the Boston Emergency Squad to provide vital emergency response services within the Town in a timely, professional manner and at a cost that is affordable to Town residents; and

WHEREAS, the contract between the Town of Boston and the Boston Emergency Squad provides that the Town will pay certain educational expenses of Boston Emergency Squad members; and

WHEREAS, the Boston Emergency Squad has requested that the Town fund Melissa Laskowski's completion of a Paramedic Certification Course offered by Erie Community College, which will allow Ms. Laskowski, a Town resident, to cover emergency calls in the Town, reducing the need to rely upon paid service paramedics to the benefit of Town residents; and

WHEREAS, the Boston Emergency Squad has offered a letter in support of Ms. Laskowski's application for funding assistance that notes that she has been an EMT since August 2016, with active participation and a favorable history of responding to emergency calls; and

WHEREAS, as a condition of the Town's funding Ms. Laskowski's paramedic certification course, she has agreed to reimburse some or all of the cost of that course if she does not provide a required number of years of service to the Boston Emergency Squad; and

WHEREAS, the Paramedic Certification Course cost is \$6,500, plus \$400 for lab fees and books; and

WHEREAS, despite the known contract term between the Town and Boston Emergency Squad obligating the Town to pay for certain training expenses, no funds were budgeted for this expense in the Town's 2018 budget;

* CONTINUED ON NEXT PAGE *

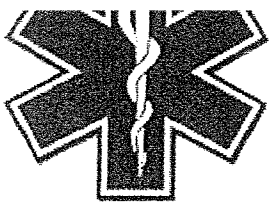
NOW THEREFORE BE IT

RESOLVED, that the Town hereby authorizes the Town Supervisor to issue checks from the Town's General Fund totaling up to \$6,900 for payment of Melissa Laskowski's Paramedic Certification Course, as the course-related expenses come due or are incurred.

On August 15, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Councilmember Cartechine	[]	[]	[]	[]
Councilmember Lucachik	[]	[]	[]	[]
Councilmember Martin	[]	[]	[]	[]
Councilmember Munger	[]	[]	[]	[]
Supervisor Keding	[]	[]	[]	[]

Sandra L. Quinlan, Town Clerk



Boston Emergency



Squad

Serving the community since 1966

8500 Boston State Rd Boston, NY 14025
716-941-5313 (Call 911 for an Emergency)

June 11, 2018

Supervisor Jason Keding
Town of Boston Board
Zach Munger
Mike Cartechine
Jennifer Lucachik
Kelly Martin

JUN 11 AM 11:47

The Boston Emergency Squad is excited with the news of Melissa Laskowski has completed the interview process and has been accepted into the ECC Paramedic Program fall semester. Melissa is a graduate of Hamburg High School who earned her EMT certification in her senior year taking the EMT Class. August 2016 she joined the Boston Emergency Squad to advance her EMT skills in the field. Since joining, Melissa has been a Top Responder and active with Squad training, making her a confident EMT and respected by her peers. It is encouraging to have our community's youth being part of BES and Melissa's community service is balanced with being a college nursing student and working for Mercy EMS. As a paramedic, Melissa will be a great asset to the Squad and community. As an in town medic she will be able to cover paramedic calls thus reducing the need for a paid service medic and savings for our patients. The BES Board and membership is recommending Melissa for funding assistance under the Education Funding provision in the BES contract. ECC advises the Paramedic Certification Course is \$6,500 and \$400 for labs and books. Enclosed is a copy of Melissa's ECC Paramedic acceptance letter and the BES Tuition Aid Program Application for the Town Board review.

Thank you for your consideration,

Donald O'Bryant
BES President

Boston Emergency Squad Tuition Aid Program Application

Applicant Directions: Please complete Sections I and II then forward to the Director of Operations to complete Section III.

I. SQUAD MEMBER INFORMATION

Name: Melissa Laskowski

Squad #: 45

Address: 6670 Omaha Rd, Caledon, NY 14633

Date joined as a member 03/2016

II. SCHOOL INFORMATION

Educational Institution: Erre Community College - South Campus

Course of Study:

Start Date: 08/07/2018

Expected Completion Date: 08/2019

Course Code

Name of Course

Course Start Date

Credit Hours

74555

Paralegal Program

8/2018

39.5

CERTIFICATE

Tuition Cost per credit hour (Excluding Fees): 164.55

X Number of Credit hours (39) = 6499.73

+ \$4300 LAB FEES / TEXT BOOK
Outside Financial Aid (Amount Source): N/A

I hereby state that I am not receiving nor do I expect to receive any outside aid other than that shown above, nor do I have any reason to believe I am entitled to any. I have also read and understand the Tuition Aid Program Guidelines on the second page of this form.

Squad Member Signature: Melissa Laskowski

Date: 6/6/18

III. DIRECTOR OF OPERATIONS APPROVAL (Please complete and forward to EEF Chairperson)

Director of Operations Name: Christopher Zemrac
(please print)

Director of Operations Signature: [Signature]

Date: 6/6/18

IV. EEF COMMITTEE APPROVAL

EEF Chairperson's Signature: [Signature]

Date: 6/6/18

V. TOWN OF BOSTON APPROVAL

Town of Boston

Official Name: _____
(please print)

Official's Signature: _____

Date: _____

TO BE COMPLETED BY EEF Committee Chairperson

☐ Your application for tuition aid has been approved subject to the guidelines of the program.

☐ Your application for tuition aid has been rejected. Please see attached explanation for further details.

Tuition Cost: _____ Amount to Reimburse: _____

Approval: _____

Date: _____

Payment Source: ☐ Boston Emergency Squad

☒ Town of Boston _____

BOSTON EMERGENCY SQUAD TUITION AID PROGRAM GUIDELINES

General

1. Studies must be related, in the Boston Emergency Squad's opinion, to present work or possible future positions within the organization.
2. Advance Training paid for by the Town of Boston is with their prior approval only. Per the 2012 Contract between BES and the Town of Boston approval may be granted for those wishing to attend Intermediate or Paramedic certification levels. In addition courses directly related to the maintenance of EMS Certification for ITLS, ACLS or PALS may be covered.
3. Members must have at least one year of continuous full-time active service with the Boston Emergency Squad immediately prior to starting a course and still be an active member in good standing when the course is completed. (Members may apply prior to completing one year of service with a contingency of being a Member in Good Standing).
 - A. Members receiving tuition aid for an Intermediate Course will be required to provide 2 years of Service as a Member in Good Standing following the completion of the course.
 - B. Members receiving tuition aid for a Paramedic Course will be required to provide 3 years of Service as a Member in Good Standing following the completion of the course.
 - C. Members not providing the required years of service in good standing will be removed from the Squad. The members personal file contain why they were removed and re-joining the squad is not a possibility. No Letter of Recommendation would be provided if the individual attempts to apply with a different agency.
 - D. A Former Member will be responsible for repayment to the Town of Boston per the BES Repayment Agreement.
4. Studies must be for members pursuing a higher level of care program at an approved institution of learning such as accredited colleges and universities.
5. **Online degree programs/classes or distance learning programs/classes will not qualify for reimbursement** through the Tuition Aid Program unless an extraordinary circumstance exists and is pre-approved by the EEF Committee.

Application

1. Approval by the Director of Operations, EEF committee Chairperson and the Town of Boston are required for each course and academic institution chosen. **Prior approval** must be obtained well in advance of the start of coursework and can be obtained by requesting and completing a "Boston Emergency Squad Tuition Aid Program Application Form"
2. A Repayment Letter Agreement will be executed by the EEF Committee Chairperson and must be completed by the squad member.
3. A squad member who is receiving educational benefits from sources other than the Boston Emergency Squad (e.g. non-repayable government aid, scholarship arrangements) is only eligible for reimbursement to the extent his/her tuition expenses exceed the outside aid

Please Contact the EEF Committee with any questions.

Boston Emergency Squad Tuition Aid
Repayment Agreement

In order to receive tuition aid expense payments, the Squad member must sign and return this Agreement to the EEF Chairperson prior to any reimbursement by the Boston Emergency Squad or Town of Boston. This Agreement is effective as of the date signed. It is between you, _____, (Squad Member) and The Boston Emergency Squad and Town of Boston.

1. In accordance with the Boston Emergency Squad Tuition Aid Program, The Boston EMS / Town of Boston has agreed to provide tuition to you.
2. Should you terminate membership with the Boston Emergency Squad voluntarily, you agree to repay tuition aid reimbursements in the following manner:

Time elapsed from Tuition Aid Reimbursement (Dates(s) to Termination Date	Percentage of Repayment Applicable to Tuition Aid Amount Received During 24 Months Prior to Termination
6 months or less	100 percent
More than 6 months, but less than 12 months	75 percent
More than 12 months, but less than 18 months	50 percent
More than 18 months, but less than 24 months	25 percent

3. Additionally, by signing this agreement, you confirm that you are not receiving tuition aid benefits from any other company or source, including the Veterans Administration, either partially or in full, for any of your requested tuition aid. Educational benefits paid by the Boston Emergency Squad Town of Boston would be subject to reduction if benefits were paid by another source.

Michael J. Johnson
Squad Member

117
Squad Number

6/1/19
Date

This form must be completed and submitted with the
Boston Emergency Squad Tuition Aid Program Application Form



April 25, 2018

Melissa Laskowski
6670 Omphalius Rd
Colden, NY 14033

Dear Melissa:

Student ID: 0694544

Thank you for your application to Erie Community College and your interest in the Emergency Medical Technology program. At this time, you have been admitted to the *Emergency Medical Service Provider Certificate* program at the South campus for the Fall 2018 semester. Decisions regarding students who will be offered a seat in the upcoming fall EMT Paramedic certificate and degree programs will be finalized at the close of the current term.

1. Emergency Medical Technology / Paramedic Certificate (2453A: Day or 2453B: Evening):

This program admits for fall only, is 13 months in duration starting in mid-August and concluding the following August. Students must have completed the prerequisite of Basic EMT and maintain current NYS EMT certification throughout the duration of the paramedic program.

(Total: 39.5 credit hours)

2. Emergency Medical Technology / Paramedic Degree (Code 1293): The degree option is a linking of the EMS Provider Certificate (#2186) and the above Paramedic Certificate (#2453) certificate programs.

(Total: 70.5 credit hours)

As other EMT Department and NYS Health Department regulations factor into the placement of students into their desired educational track, it is imperative students contact the EMT Department for advisement before admission into any program can take place. **North Campus EMT: 851-1556 South Campus EMT: 851-1781**

An advisor will work with you to plan an individualized schedule of courses based on your academic background and the results of the college placement test. Complete information on the program and the academic credentials that you must earn to be considered for acceptance to core courses will be provided. For additional information, visit www.ecc.edu.

Students requesting acceptance to any Health Science program will be selected based on academic preparation. Therefore, you must meet with your advisor each semester to discuss your progress. It is important to note that meeting minimum requirements does not guarantee a seat due to space limitations.

We are delighted that you have selected Erie Community College and look forward to working with you as you prepare to join our learning community.

Sincerely,
Health Sciences Division

Roof Bids for Pump House Roof replacement on Keller Road

J & M Builders	\$3,444
Vacinek Heating & Roofing	\$3,800
Pat White Construction, Inc.	\$4,900

Proposal

Page No. of Pages

J & M Builders

MAY 8 PM 3:50

5082 ROSZYK HILL ROAD
MACHIAS, NY 14101
JOE GERWITZ 716-942-6808 / Cell 716-307-2684

PROPOSAL SUBMITTED TO

Town of Boston

PHONE

941 6518

DATE

PROJECT

8500 Boston State Rd.

JOB NAME

ROOF (steel)

CITY STATE AND ZIP CODE

Boston N.Y. 14025

JOB LOCATION

Attention Litz

NOTE

DATE OF PLANS

JOB PHONE

(Corner of Feddick & Keller Rd.)

We hereby accept the specifications and estimates for:

We will install a Master Rib Style Steel roof to the entire Building. All Flashings and Ridge caps will be the same color as the steel Roof.

Steel Roof Total \$3,444.⁰⁰

Note: Snow Guards are \$8.00 each installed.

We the undersigned hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Three Thousand Four Hundred Forty Four ⁰⁰/₁₀₀ dollars (\$ 3,444.⁰⁰)
Payment to be made as follows

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature

Joseph Gerwitz

Note: This proposal may be withdrawn by us if not accepted within 30 days

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do work as specified. Payment will be made as outlined above

Signature

Signature

Date of Acceptance:

Proposal

VACINEK HEATING & ROOFING, INC.

8838 Boston State Rd
Hamburg NY 14075

Roofing - Plumbing - Heating

(716)592-2727

(716)649-3225

100 WEST STREET
SUITE 100
BOSTON, MA 02108
BOSTON STATE RD
BOSTON, MA 02108
DAVE

PHONE
941-06518
FAX

7-11-15

100 WEST STREET
pump house corner Keller & Juddick

REMOVE AND DISPOSE OF GUTTERS AND SPOUTS
TIE OUT EXISTING ROOF WITH 1X3 WOOD STRIPS
INSTALL NEW RAISED RIB METAL PANEL ROOF OVER WOOD STRIPS
PUT ON NEW DRIP EDGE AND RAKE TRIM METAL
FASTEN DOWN WITH STAINLESS STEEL SCREWS
PUT ON NEW RIDGE CAP TO MATCH

TOTAL INSTALLED \$3800.00

REPAIR LEAK AT TOWN HALL ROOF AROUND TOWER/DORMER
REMOVE SHINGLE REFLASH AROUND TOWER/DORMER
PUT ON NEW SHINGLES AND SEAL
ANY STRUCTURAL WORK OR DECKING WILL BE QUOTED IF NEEDED UPON
INSPECTION WITH SHINGLES REMOVED

TOTAL \$1800.00

We Propose
UPON COMPLETION

Acceptance of Proposal

Acceptance of Proposal

Acceptance of Proposal

Acceptance of Proposal

PAT WHITE CONSTRUCTION, INC.

7979 Zimmerman Road
Hamburg, New York 14075

MAY 4 AM 10:14

(716) 941-6569

Pump House

Fedrick & Keller

Specializing in Carpentry
Siding, Aluminum Trim & Roofing

Town of Boston
8500 Boston State Rd
Boston, MA 14025
941-6518

The following bid covers Material, Labor & Warranties

- 1) Go over existing roof with wood decking
24" on dead center.
- 2) Gauge .029 steel Roofing by Unanue
with Galvanized mix Brown
- 3) New Ridge Vent Brown
- 4) New Gable Trim Brown
- 5) Eave Trim Brown
- 6) Double up on screw fasteners with gromets
- 7) 40 yr Metal Roof warranty
- 8) 10 yr installation warranty
- 9) Clean up & dispose of all debris

\$4,900.00

5/11/18
Pat

TO THE SUPERVISOR:

PAGE 1

Pursuant to Section 27, Subd 1 of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the month stated above, excepting only such fees and moneys the application and payment of which are otherwise provided for by Law:

A1255

<u>8</u>	DECALS	<u>10.12</u>
<u>2</u>	MARRIAGE LICENSES NO. 18012 TO 18013	<u>35.00</u>
<u>5</u>	PHOTOCOPIES	<u>1.25</u>
<u>1</u>	TOWN MAPS	<u>2.00</u>
<u>17</u>	DEATH CERTIFICATES	<u>170.00</u>
<u>8</u>	MARRIAGE CERTIFICATES	<u>80.00</u>
<u>30</u>	FAXES	<u>7.50</u>
<u>3</u>	FOIL REQUESTS	<u>0.75</u>

TOTAL TOWN CLERK FEES

306.62

A2025

<u>1</u>	BATHROOM FACILITY	<u>25.00</u>
<u>1</u>	USE OF FACILITY FEES	<u>50.00</u>

TOTAL A2025

75.00

A2110

<u>1</u>	VARIANCE	<u>150.00</u>
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TOTAL A2110

150.00

A2544

<u>136</u>	DOG LICENSES	<u>644.00</u>
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TOTAL A2544

644.00

A2555

<u>16</u>	BUILDING PERMITS	<u>2,983.00</u>
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TOTAL A2555

2,983.00

A2590

<u>1</u>	SPECIAL USE PERMIT	<u>150.00</u>
<u>1</u>	PEDDLER PERMIT	<u>20.00</u>

TOTAL A2590

170.00

TA0030

<u>1</u>	DEPOSITS	<u>50.00</u>
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TOTAL TA0030

50.00

TOWN CLERK'S MONTHLY REPORT

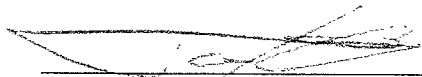
JULY, 2018

page 2

DISBURSEMENTS

PAID TO SUPERVISOR FOR GENERAL FUND	4,328.62
PAID TO TOWN CLERK TRUST & AGENCY FOR DEPOSITS	50.00
PAID TO NYSDEC FOR DECALS	224.88
PAID TO NYS ANIMAL POPULATION CONTROL PROGRAM	167.00
PAID TO NYS HEALTH DEPT FOR MARRIAGE LICENSES	45.00
TOTAL DISBURSEMENTS	4,815.50

AUGUST 6, 2018



JASON KEDING

, SUPERVISOR

STATE OF NEW YORK, COUNTY OF ERIE, TOWN OF BOSTON


I, SANDRA QUINLAN, being duly sworn, says that I am the Clerk of the TOWN OF BOSTON that the foregoing is a full and true statement of all Fees and moneys received by me during the month above stated, excepting only such Fees the application and payment of which are otherwise provided for by law.

Subscribed and sworn to before me this



Town Clerk

6th day of August 2018


Notary Public

WENDY S. KUMMER
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEBRUARY 28, 2022.

CODE ENFORCEMENT OFFICER - END OF MONTH REPORT

JULY 2018

Page 1

RECEIVED
COMMUNITY CLERK
JUL 26 2018

	<u>Applicant</u> <u>Building Location</u>	<u>Action Completed</u>	Bldg. Permit #	Permit Fee	Structure Value
7/2018	Glenn Terrace	Check for Court Case			
7/2018	Ted Cheney 7411 Heinrich Road	Building permit issued for accessory building	49	\$50.00	\$3,600.00
	Ken Glowicki 7594 Back Creek Road	Building permit issued for above ground pool	50	\$75.00	\$3,700.00
7/2018	Louis Patrone 7660 Endress Road	Building permit issued for wood deck	51	\$75.00	\$9,000.00
	Erik Walczak 6064 Thornwood Drive	Building permit issued for above ground pool	52	\$75.00	\$3,900.00
	Todd Gallagher 8325 Cole Road	Building permit issued for pole barn	53	\$340.00	\$30,000.00
	Tom Wittmeyer 9170 Back Creek Road	Building permit issued for garage addition	54	\$175.00	\$50,000.00
7/2018	Ward Road	Check campers			
	5938 old Orchard Drive	Check for chickens			
	7280 Chestnut Ridge Road	Final inspection on detached garage			
	6714 Hillcroft Drive	Property Maintenance - Next door, not yet cleaned up			
0/2018	Richard Emerling 6707 Pinehurst Drive	Building permit issued for above ground pool	55	\$75.00	\$9,000.00
1/2018	4595 Eckhardt Road	Framing and final inspection for wood deck			
	7916 Hywood Drive	Rough framing on residential addition			
2/2018	Todd Fetterly 7427 Heinrich Road	Attended Zoning Board of Appeals meeting			
	Tammy Nordblum 7709 Back Creek Road	Building permit issued for accessory building	56	\$50.00	\$500.00
	8019 Boston State Road	Building permit issued for residential addition	57	\$116.00	\$60,000.00
3/2018	7916 Hywood Drive	Fire Inspection for Day Care			
		Insulation inspection for residential addition			

TOTALS - PAGE 1

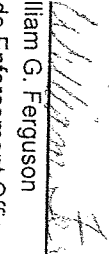
\$1,031.00 \$169,700.00

MODE ENFORCEMENT OFFICER - END OF MONTH REPORT

JULY 2018 Page 2

1/16/2018	6223 Rice Road	Rough framing & plumbing inspection on single family dwelling w/ attached garage		
	5589 South Feddick Road	Rough framing for pole barn		
1/17/2018	Carl Smith 5257 Meyer Road	Building permit issued for pole barn	58	\$275.00
	William Fisher 7479 Heinrich Road	Building permit issued for garage addition	59	\$90.00
	Randy Evans 7867 Burr Road	Building permit issued for accessory building	60	\$50.00
1/18/2018	7223 Smolinski Drive	Foundation inspection for single family dwelling with attached garage		
	7117 South Abbott Road	Final inspection for residential addition		
2/20/2018	8734 Boston State Road	Insulation inspection for single family dwelling with attached garage		
	6223 Rice Road	Insulation inspection for single family dwelling with attached garage		
	5465 Keller Road	Property Maintenance - lawn overgrown		
	LuDon Drive	Check for fence - no issue		
2/24/2018	Alliance Homes 7338 Heinrich Road	Building permit issued for single family dwelling with attached garage	61	\$772.00
2/26/2018	Ken Heary 5671 Rice Road	Building permit issued for pole barn	62	\$120.00
	Robert Ballard 4803 Enser Road	Building permit issued for pole barn	63	\$320.00
3/1/2018	Bob Kuss 7220 boston State Road	Building permit issued for commercial building	64	\$325.00
TOTALS - PAGE 2				\$1,952.00
JULY TOTALS				\$2,983.00
				\$656,100.00

Single family dwelling permits issued to date - 8


William G. Ferguson
de Enforcement Officer