

AGENDA
REGULAR MEETING - TOWN OF BOSTON
May 1, 2019 - 7:30 P.M.

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 4/17/2019
2. Consideration of all Fund Bills.

ITEM NO. III CORRESPONDENCE

1. March 2019 Income Statement

ITEM NO. IV NEW BUSINESS

1. PUBLIC HEARING - A Local Law Amending Chapter 95 of the Boston Town Code, Signs
2. RESOLUTION 2019-24 – SEQR Review for 2019 Local Law Intro. No. 2 Titled “A Local Law Amending Chapter 95 of the Boston Town Code, Signs”
3. RESOLUTION 2019-25 – Authorizing Adoption by the Boston Town Board of Town of Boston of 2019 Local Law No. 2
4. PUBLIC HEARING - A Local Law To Repeal and Replace Chapter 60 of the Boston Town Code, Flood Damage Prevention
5. RESOLUTION 2019-26 – Adopting Negative Declaration for Local Law Intro. No. 3, to Repeal and Replace Chapter 60 of the Boston Town Code, Flood Damage Prevention
6. RESOLUTION 2019 -27 - Authorizing Adoption by the Boston Town Board of Town of Boston of 2019 Local Law No. 3
7. Requests from the Floor (3 minute time limit per person).
8. Revised Application for Use of Facility – Charlotte Avenue Pre-K

ITEM NO. V OLD BUSINESS

ITEM NO. VI REPORTS AND PRESENTATIONS

1. Supervisor
2. Town Clerk
3. Highway Superintendent
4. Councilmembers

ITEM NO. VIII ADJOURNMENT OF MEETING

1. Adjournment of Meeting

TOWN OF BOSTON – RESOLUTION NO. 2019- 28

**AUTHORIZING SETTLEMENT OF REAL PROPERTY TAX LAW
ARTICLE 7 PROCEEDING BY TOPS MARKETS, LLC,
AS AGENT FOR KURT SCHNEITER**

WHEREAS, Tops Markets, LLC, as agent for Kurt Schneider (“Tops”), has brought an action pursuant to Article 7 of the Real Property Tax Law for review of the tax assessment for the premises known as 7375 Boston State Road, Boston, New York, bearing S.B.L. No. 211.04-1-8; and

WHEREAS, that action is captioned *Tops Markets, LLC, as agent for Kurt Schneider vs. Town of Boston, et al.*, Erie County Supreme Court Index No. 810636/2018, and was brought by Tops as agent for the property owner inasmuch as Tops is responsible by lease for paying the property taxes on the property; and

WHEREAS, the Town Assessor has agreed to a proposed settlement of that action;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston hereby authorizes the Assessor and Attorney for the Town to execute all documents necessary to settle the above-referenced litigation and approves the following with respect to the assessment of the property known as 7375 Boston State Road, Boston, New York, bearing S.B.L. No. 211.04-1-8:

- (1) that the real property tax assessment for the premises be reduced from \$606,000 to \$511,000 for the tax years 2018-2019, 2019-2020, 2020-2021, and 2021-2022; and
- (2) the petitioner waives any refund of the 2018-2019 taxes.

On May 1, 2019, 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

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

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

A motion was made by Councilwoman Martin and seconded by Councilman Munger to approve the minutes of the April 3, 2019, regular meeting.

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

five (5) Yes

Carried

A motion was made by Councilwoman Martin and seconded by Supervisor Keding, upon review by the Town Board, that fund bills in the amount of \$18,983.12 be paid.

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

five (5) Yes

Carried

Supervisor Keding stated the following has been received and filed:

2018 Annual Report from the Erie County Clerk's Office.

The Liquor License Application for BOCO Kitchen, Inc. located at 7375 Boston State Road.

Letter of resignation from Dog Control Officer Cristina Marshall.

Supervisor Keding stated the floor is open for public comment.

The following persons were heard:

Kathy Prackajlo Paul Black

Supervisor Keding stated the floor is closed.

A motion was made by Councilwoman Lucachik and seconded by Councilman Munger to approve the Use of Facility application for the Boston Patriots Little Loop Football, April 1 - November 10, 2019, Boston Town Fields.

Motion con't:

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

five (5) Yes

Carried

A motion was made by Councilwoman Lucachik and seconded by Supervisor Keding to approve the Use of Facility application for the Hamburg Junior Baseball and Softball, April 17 - July 31, 2019, weeknights 5:30 pm-8:30 pm, Saturday/Sunday 9:00 am - 7:00 pm, North Boston Park Fields, Boston Town Park Baseball Diamonds, and bathroom facilities.

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

five (5) Yes

Carried

A motion was made by Councilwoman Martin and seconded by Councilwoman Lucachik to approve the Use of Facility application for Melissa and Don Buckley for a graduation party on June 29, 2019, 12:00 noon - 10:00 pm, Lions Shelter, Town Park and bathroom facilities.

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

five (5) Yes

Carried

A motion was made by Councilwoman Martin and seconded by Councilman Munger to approve the Use of Facility application for April Green for a graduation party on June 22, 2019, 8:00 am - 9:00 pm, Lions Shelter, Town Park and bathroom facilities.

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

five (5) Yes

Carried

Upon recommendation of the Zoning Board of Appeals, a motion was made by Councilwoman Martin and seconded by Councilwoman Lucachik to appoint Paul Meindl as an alternate member of the Zoning Board of Appeals.

DRAFT

Motion con't:

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

five (5) Yes

Carried

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

RESOLUTION 2019-20

APPROVING JUSTICE COURT AUDIT

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

five (5) Yes

Carried

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

RESOLUTION 2019-21

ADOPTING REVISED FEE SCHEDULE

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

five (5) Yes

Carried

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

RESOLUTION 2019-22

**AUTHORIZING CONVERSION OF STREET
LIGHTS TO ENERGY-EFFICIENT LED FIXTURES**

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

five (5) Yes

Carried

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

RESOLUTION 2019-23

**AUTHORIZING SETTLEMENT OF REAL
PROPERTY TAX LAW ARTICLE 7 PROCEEDING
BY 7008 OMPHALIUS ROAD, LLC**

DRAFT

Motion con't:

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

five (5) Yes

Carried

A motion was made by Supervisor Keding and seconded by Councilman Munger that the rezoning request received from Quaker Estates has been received and filed and to take no further action on Quaker Estates rezoning request,

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

five (5) Yes

Carried

Supervisor Keding stated that under Reports and Presentations as included in the town board packet, the Town Clerk's report and the Code Enforcement Officer report.

Highway Superintendent Telaak reported on the following:

Brush pick up continues, second time around for April.
May 1st, one pick up per road, have brush out by May 1st.
No leaf pickup in spring, bag leaves for garbage collection or Highway Department will pick up the bags.
Asked the board about a new truck, ten wheeler.
Highway Superintendent and Supervisor will talk about the loads of millings that Mr. Black has asked for.
Wood chips and fill are available, fill out release form.
Highway Department has been down to five workers since February.

Councilman Munger reported on the following:

Thank you to the Patchin Fire Company for the invitation to the Installation Dinner as a guest and the M.C.

Councilman Cartechine reported on the following:

Thank you to the Patchin Fire Company for the invitation to the Installation Dinner as a guest.
Register your dog with the Clerk's office to keep current records. Two weeks ago when he rescued a Lab, the contact information was not up to date on the dog's collar, and quite a bit of time was spent finding the dog's owner.

Ethics Committee meeting, April 22nd, 6:00 pm in the Planning Board room.

Brush pick up is not for commercial removal of branches. If you have contracted with a tree service, that service is responsible for the clean up.

Councilwoman Lucachik reported on the following:

Planning Board meeting scheduled for May 14th, 7:30 pm in the Court room, is allowing time for public open comment regarding the Broadway Group, LLC and the Wurtz property.

Code Review Committee will meet after the Planning Board meeting.

Thank you to the Patchin Fire Company for the invitation to the Installation Dinner, was unable to attend.

Asking for volunteers to initiate the town's Hometown Heroes banners, contact Allison in the Supervisor's office.

Councilwoman Martin reported on the following:

Thank you to the Patchin Fire Company for the invitation to the Installation Dinner as a guest.

At the EMS meeting last week, a donation of \$5,000 was received from the family of a charter member that had passed. The EMS has decided to use that donation to replace the CPR mannequins.

Conservation Advisory Committee meeting is next Monday, 7:00 pm in the Planning Board room.

Zoning Board of Appeals meeting, May 2nd, one petition has been filed for that meeting for 7980 Boston Colden Road.

Town Clerk Quinlan reported on the following:

The Town Clerk's monthly report for March has been submitted to the Supervisor's office.

Thank you to the Patchin Fire Company for the invitation to the Installation Dinner as an auxiliary member and had the honor to swear in the Fire Police Officers.

Children's Annual Easter Egg Hunt is Saturday at 1:00 pm, Easter Bunny and prize baskets.

Thanked Cristina Marshall for the great job that she has done as Dog Control Officer. She was dedicated to her position and caring towards the dogs that she had taken into custody. She was very knowledgeable with NYS Ag and Market law, and implemented a proper dog disposition policy.

Supervisor Keding reported on the following:

Hillcroft Bridge did make it into the Erie County budget, in the design phase, expecting bids for early 2020, construction expected in summer or fall 2020.

Orange cones have been placed by NYS DOT; will be doing bridgework on Route 219 in Boston.

Thank you to the Patchin Fire Company for the invitation to the Installation Dinner, was unable to attend.

Will work with Highway Superintendent regarding the maintenance of the road off Wohlhueter that Mr. Black spoke on.

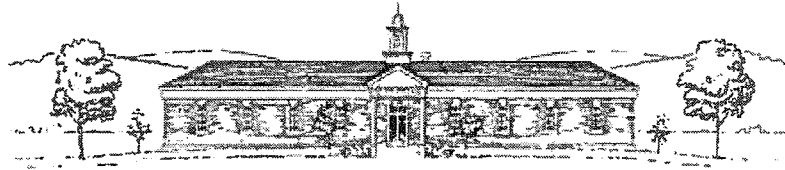
A motion was made by Supervisor Keding and seconded by Councilwoman Lucachik to adjourn the meeting at 8:06 pm.

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

five (5) Yes

Carried

SANDRA L. QUINLAN, BOSTON TOWN CLERK



TOWN OF BOSTON

Town Board Meeting Date: May 1, 2019

		<u>Total Amount</u>
Abstract #1 – 2019 Payables	Journal #AP-1377	\$33,995.32

Breakout by Fund:

General (A) Fund:	\$ 24,614.73
Highway (DB) Fund:	\$ 5,980.27
Lighting (L30) Fund:	\$ -
Fire (SF) Fund:	\$ 2,895.00
Ambulance (SM) Fund:	\$ 505.32
Refuse & Garbage (SG) Fund:	\$ -
Water (H) Funds:	\$ -

Total Payables submitted for approval:

\$ 33,995.32

TOWN HALL, 8500 BOSTON STATE ROAD, BOSTON, NEW YORK 14025
PHONE: (716) 941-6113 FAX: (716) 941-6116 TDD: 1-800-662-1220

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 online 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, by fax (202) 690-7442 or email at program.intake@usda.gov.

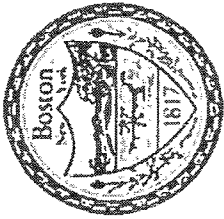
May 1, 2019 - ABSTRACT - 2019 Payables



Town of Boston
Journal Proof Report
Fiscal Year: 2019

Created By: epericak

Journal Number: AP - 1377		Journal Desc: AP Batch 18		Journal Date: 4/16/2019		Account Period: 4 - Apr		Status: Currently Active	
Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLIQ	Seq #	
A00-0600-0000-0000	ACCOUNTS PAYABLE	Fund A00 AP Account	4/16/2019	Fund A00 AP Account	\$0.00	\$24,614.73		47	
A00-0690-0000-0000	CLEARING ACCT-JUSTICE	OFFICE OF STATE COMPTROLLER 1430830-2019-03-01 March 2019 Justice Fees to State/County	4/16/2019	Vendor#: 178	\$12,031.00	\$0.00		5	
A00-1010-4000-0000	TOWN BD-CONTR	The Buffalo News 144677 AD #1496889 - Public Hearing Notice for Local Law Intro. No. 3	4/16/2019	Vendor#: 1671	\$78.00	\$0.00		31	
A00-1010-4000-0000	TOWN BD-CONTR	The Buffalo News 144676 AD #1496888 - Public Hearing Notice for Local Law Intro. No. 2	4/16/2019	Vendor#: 1671	\$72.00	\$0.00		32	
A00-1320-0402-0000	SPECIAL AUDITS	Drescher & Malecki LLP 1904010 Accounting Services 3/25/19-4/7/19	4/16/2019	Vendor#: 1747	\$150.00	\$0.00		21	
A00-1321-0400-0000	ACCOUNTANT-CONTRACTUAL	Drescher & Malecki LLP 1904010 Accounting Services 3/25/19-4/7/19	4/16/2019	Vendor#: 1747	\$337.50	\$0.00		20	
A00-1355-0401-0000	ASSESSOR- CONTR	The Buffalo News 144675 AD #1494814 - Public Notice for Assessment Office	4/16/2019	Vendor#: 1671	\$132.00	\$0.00		15	
A00-1420-0401-0000	ATTORNEY- CONTR	Rupp Baase Platzgraf Cunningham LLC 199601 February 2019 - ZBA & Planning Board Matters	4/16/2019	Vendor#: 1783	\$90.00	\$0.00		28	
A00-1420-0401-0000	ATTORNEY- CONTR	Rupp Baase Platzgraf Cunningham LLC 199602 February 2019 - Retainer for Attorney for the Town	4/16/2019	Vendor#: 1783	\$2,250.00	\$0.00		29	
A00-1420-0401-0000	ATTORNEY- CONTR	Rupp Baase Platzgraf Cunningham LLC 199600 2018 Tax Assessment Litigation	4/16/2019	Vendor#: 1783	\$90.00	\$0.00		30	
A00-1620-0400-0000	BUILDINGS- CONTR	TRI-R MECHANICAL SERVICES 12840 Maintenance Inspection on Town Buildings	4/16/2019	Vendor#: 641	\$1,326.00	\$0.00		19	
A00-1620-0400-0000	BUILDINGS- CONTR	Certified Pest Solutions 6721 (5817) Installation and Pest Control - EMS Building	4/16/2019	Vendor#: 1811	\$150.00	\$0.00		22	
A00-1620-0400-0000	BUILDINGS- CONTR	ERIE COUNTY WATER AUTHORITY 4/19 - Acct. #12810500-5 Acct. #12810500-5 - Town Hall Jan-March 2019	4/16/2019	Vendor#: 96	\$150.83	\$0.00		25	
A00-1620-0400-0000	BUILDINGS- CONTR	NYSEG 4/19 - Acct. #1001-0312-469 Acct. #1001-0312-469 Hall (6360 kWh)	4/16/2019	Vendor#: 37	\$792.02	\$0.00		2	



Town of Boston
Journal Proof Report
Fiscal Year: 2019

Created By: epericak

Journal Number: AP - 1377		Journal Desc: AP Batch 18		Journal Date: 4/16/2019		Account Period: 4 - Apr		Status: Currently Active	
Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENC	LIQ	Seq #
A00-1620-0400-0000	BUILDINGS- CONTR	Liberty Janitorial 041319 Janitorial Services 3/17/19 - 4/10/19	4/16/2019	Vendor#: 1878	\$1,200.00	\$0.00	\$0.00		4
A00-1620-0400-0000	BUILDINGS- CONTR	UNIFIRST CORP. 055 1622225 Town Hall Supplies	4/16/2019	Vendor#: 1296	\$87.52	\$0.00	\$0.00		7
A00-1620-0402-0000	BUILDING- CONTR-REC CENTER	ERIE COUNTY WATER AUTHORITY 4/19 - Acct. #60550160-9 Acct. #60550160-9 - Rec. Building Jan-March 2019	4/16/2019	Vendor#: 96	\$54.13	\$0.00	\$0.00		24
A00-1620-0404-0000	BUILDING- CONTR- TROOPER BARRACKS	UNIFIRST CORP. 055 1622226 Trooper Barracks Supplies	4/16/2019	Vendor#: 1296	\$141.60	\$0.00	\$0.00		8
A00-3310-0400-0000	TRAFFIC CONTROL-CONTR	NYSEG 4/19 - Acct. #1001-9307- 296 Acct. #1001-9307-296 - Boston/Colden Signal (0 kwh)	4/16/2019	Vendor#: 37	\$17.60	\$0.00	\$0.00		16
A00-3310-0400-0000	TRAFFIC CONTROL-CONTR	NYSEG 4/19 - Acct. #1001-9309- 037 Acct. #1001-9309-037 - Boston State Signal (68 kwh)	4/16/2019	Vendor#: 37	\$24.55	\$0.00	\$0.00		17
A00-3310-0400-0000	TRAFFIC CONTROL-CONTR	NYSEG 4/19 - Acct. #1001-9308- 690 Acct. #1001-9308-690 - Boston Cross Signal (236 kwh)	4/16/2019	Vendor#: 37	\$41.54	\$0.00	\$0.00		18
A00-5010-0400-0000	HIGHWAY SUPT-CONTR	On Site Employee Testing 4867 Random DOT Urine & Drug Test on 4/17/19	4/16/2019	Vendor#: 1629	\$135.00	\$0.00	\$0.00		40
A00-5132-0400-0000	GARAGE-CONTR	UNIFIRST CORP. 055 1622227 Highway Uniforms & Supplies	4/16/2019	Vendor#: 1296	\$162.33	\$0.00	\$0.00		41
A00-5132-0400-0000	GARAGE-CONTR	UNIFIRST CORP. 055 1622100 Highway work shirts	4/16/2019	Vendor#: 1296	\$15.80	\$0.00	\$0.00		42
A00-5132-0400-0000	GARAGE-CONTR	UNIFIRST CORP. 055 1623711 Highway Uniforms & Supplies	4/16/2019	Vendor#: 1296	\$122.03	\$0.00	\$0.00		37
A00-5132-0400-0000	GARAGE-CONTR	UNIFIRST CORP. 055 1622099 Highway work shirts	4/16/2019	Vendor#: 1296	\$204.58	\$0.00	\$0.00		46
A00-5132-0400-0000	GARAGE-CONTR	NATIONAL FUEL 4/19 - Acct. #3237464 10 Acct. #3237464 10 - Highway Garage April 2019	4/16/2019	Vendor#: 726	\$1,089.38	\$0.00	\$0.00		3
A00-5132-0400-0000	GARAGE-CONTR	ERIE COUNTY WATER AUTHORITY 4/19 - Acct. #7052520-4 Acct. #7052520-4 Highway Jan-March 2019	4/16/2019	Vendor#: 96	\$335.23	\$0.00	\$0.00		23
A00-6772-0400-0000	PROGRAMS FOR AGING- CONTR	DOLORES VALENTINE 4/12/19 Supplies for Seniors Easter Brunch	4/16/2019	Vendor#: 1289	\$11.00	\$0.00	\$0.00		6
A00-6772-0400-0000	PROGRAMS FOR AGING- CONTR	THERESA HORSCHER 2/2019- 4/2019 Nutrition Supplies & Mileage Reimbursement Feb to April 2019	4/16/2019	Vendor#: 226	\$134.14	\$0.00	\$0.00		27
A00-7110-0400-0000	PARKS- CONTR	NYSEG 4/19 - Acct. #1001-1771- 929 Acct. #1001-1771-929 - Athletic Field (115 kwh)	4/16/2019	Vendor#: 37	\$29.05	\$0.00	\$0.00		35



Town of Boston
Journal Proof Report
Fiscal Year: 2019

Created By: epericak

Journal Number: AP - 1377		Journal Desc: AP Batch 18		Trans Description	Date	Journal Date: 4/16/2019	Account Period: 4 - Apr		Status: Currently Active	
Account#	Account Description	UNEMPLOYMENT INSURANCE	INSURANCE				Debit	Credit	ENCLOS	Seg #
A00-9050-0800-0000	UNEMPLOYMENT INSURANCE			NYS UNEMPLOYMENT INSURANCE 4/1/19 Employer Reg No. 04-60383 6 for Q1 2019 Underpayment	4/16/2019	Vendor#: 213	\$2,913.00	\$0.00	\$0.00	1
A00-9050-0800-0000	HOSPITAL AND MEDICAL INSURANCE			HEALTHNOW ADMIN SERVICES 186579 HRA Admin Fee 5/1/19 - 5/31/19	4/16/2019	Vendor#: 1376	\$40.98	\$0.00	\$0.00	34
A00-9050-0800-0000	HOSPITAL AND MEDICAL INSURANCE			Aflac 187984 Employee Funded Supplemental Health Ins. - April 2019	4/16/2019	Vendor#: 1887	\$205.92	\$0.00	\$0.00	45
D80-0600-0000-0000	ACCOUNTS PAYABLE			Fund DBD AP Account	4/16/2019	Fund DBD AP Account	\$0.00	\$5,980.27	\$0.00	50
D80-5130-0400-0000	MACHINERY- CONTRACTUAL			J & J INDUSTRIAL SUPPLIES LLC PHS020004 Hex Nuts, HHCS, Hex HHCS	4/16/2019	Vendor#: 1051	\$106.14	\$0.00	\$0.00	38
D80-5130-0400-0000	MACHINERY- CONTRACTUAL			REGIONAL INTERNATL CORP. 03359831 Electronic Control Module for 1998 International 2674	4/16/2019	Vendor#: 842	\$3,569.03	\$0.00	\$0.00	39
D80-5130-0400-0000	MACHINERY- CONTRACTUAL			VALLEY FAB & EQUIP. INC. 128515 Drop Steel 32" x 7"	4/16/2019	Vendor#: 134	\$15.30	\$0.00	\$0.00	43
D80-5130-0400-0000	MACHINERY- CONTRACTUAL			CYNCON EQUIPMENT INC. 79849 - 2nd half Bill sent to Collins, Collins sent check to Boston - Paying on behalf of Collins	4/16/2019	Vendor#: 1142	\$1,855.98	\$0.00	\$0.00	36
D80-9050-0800-0000	HOSPITAL AND MEDICAL INSURANCE			HEALTHNOW ADMIN SERVICES 186579 HRA Admin Fee 5/1/19 - 5/31/19	4/16/2019	Vendor#: 1376	\$54.64	\$0.00	\$0.00	33
D80-9050-0800-0000	HOSPITAL AND MEDICAL INSURANCE			Aflac 187984 Employee Funded Supplemental Health Ins. - April 2019	4/16/2019	Vendor#: 1887	\$379.18	\$0.00	\$0.00	44
SF0-0600-0000-0000	ACCOUNTS PAYABLE			Fund SF0 AP Account	4/16/2019	Fund SF0 AP Account	\$0.00	\$2,895.00	\$0.00	48
SF0-3410-0401-0000	CONTRACTS			HEALTHWORKS-WNY, LLP 433609 Boston Fire Company - Pre-Employment Physicals & Respiratory Tests 3/9/19	4/16/2019	Vendor#: 1499	\$1,170.00	\$0.00	\$0.00	9
SF0-3410-0401-0000	CONTRACTS			HEALTHWORKS-WNY, LLP 433607 Patchin Fire Company - Respirator Test 3/9/19	4/16/2019	Vendor#: 1499	\$55.00	\$0.00	\$0.00	10
SF0-3410-0401-0000	CONTRACTS			HEALTHWORKS-WNY, LLP 432893 Patchin Fire Company - Pre-employment Physicals & Respirator Tests 4/4/19	4/16/2019	Vendor#: 1499	\$125.00	\$0.00	\$0.00	11

May 1, 2019 - ABSTRACT - 2019 Payables



Town of Boston
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Fiscal Year: 2019

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Account#	Account Description	Trans Description	Date	Reference	Debit	Credit	ENCLOS	Seg #	
SF0-3410-0401-0000	CONTRACTS	HEALTHWORKS-WNY, LLP 433608 North Boston Fire Company - Pre-employment Physicals & Respirator Tests 3/18/19	4/16/2019	Vendor#: 1499	\$1,490.00	\$0.00	\$0.00	12	
SF0-3410-0401-0000	CONTRACTS	HEALTHWORKS-WNY, LLP 433385 North Boston Fire Company - Respirator Test 4/11/19	4/16/2019	Vendor#: 1499	\$55.00	\$0.00	\$0.00	13	
SM0-0600-0000-0000	ACCOUNTS PAYABLE	Fund SM0 AP Account	4/16/2019	Fund SM0 AP Account	\$0.00	\$505.32	\$0.00	49	
SM0-4540-0400-0000	CONTRACTUAL	HEALTHWORKS-WNY, LLP 433606 Boston EMS - Pre- employment Physicals & Respirator Tests 3/9/19	4/16/2019	Vendor#: 1499	\$297.00	\$0.00	\$0.00	14	
SM0-4540-0400-0000	CONTRACTUAL	ERIE COUNTY WATER AUTHORITY 4/19 - Acct. #12810600-7 Acct. #12810600-7 - EMS Building Jan-March 2019	4/16/2019	Vendor#: 96	\$208.32	\$0.00	\$0.00	26	
Total Number of 50 Transactions					\$33,995.32	\$33,995.32	\$0.00		

AP - 1377 Summary By Fund Number

Fund	Debit	Credit	ENCLOS
A00	\$24,614.73	\$24,614.73	\$0.00
D80	\$5,980.27	\$5,980.27	\$0.00
SF0	\$2,885.00	\$2,885.00	\$0.00
SM0	\$505.32	\$505.32	\$0.00
Total	\$33,995.32	\$33,995.32	\$0.00

No Errors

Town of Boston
Income Statement: 2019
For the Period Ending 3/31/2019

General				
Account Number	Account Description	Estimated Rev/Exp	YTD	% YTD
<i>Revenues</i>				
A00-1001-0000-0000	REAL PROPERTY TAXES	\$ 211,714	\$ 211,714	100.00%
A00-1030-0000-0000	SPECIAL ASSESSMENTS	-	2,043	100.00%
A00-1090-0000-0000	INT.& PENALTIES REAL PROP.TAX	10,000	-	0.00%
A00-1120-0000-0000	NONPROPERTY TAX DISTRIB BY CTY	780,000	-	0.00%
A00-1170-0000-0000	FRANCHISES	90,000	77	0.09%
A00-1255-0000-0000	CLERK FEES	1,500	1,119	74.57%
A00-1550-0000-0000	DOG CONTROL FEES	300	80	26.67%
A00-1972-0000-0000	PROGRAM FOR AGING	500	-	0.00%
A00-2001-0000-0000	PARK & RECREATION INCOME	50,000	347	0.69%
A00-2025-0000-0000	SPECIAL RECREATIONAL FACILITY	200	300	150.00%
A00-2089-0000-0000	CULTURAL & REC INCOME	1,800	-	0.00%
A00-2110-0000-0000	ZONING INCOME	1,200	150	12.50%
A00-2401-0000-0000	INTEREST AND EARNINGS	2,500	3,338	133.53%
A00-2410-0000-0000	RENT / REAL PROP INCOME	81,600	20,400	25.00%
A00-2530-0000-0000	GAMES OF CHANCE INCOME	-	13	100.00%
A00-2544-0000-0000	DOG LICENSES	3,000	574	19.13%
A00-2545-0000-0000	LICENSES- OTHER	200	300	150.00%
A00-2555-0000-0000	BUILDING PERMIT INCOME	15,000	1,538	10.25%
A00-2590-0000-0000	OTHER PERMIT INCOME	2,000	-	0.00%
A00-2610-0000-0000	FINES/FORFEITED BAIL	130,000	25,660	19.74%
A00-2665-0000-0000	SALE OF EQUIPMENT	-	-	100.00%
A00-2705-0000-0000	GIFTS AND DONATIONS	4,000	-	0.00%
A00-2709-0000-0000	EMPLOYEE CONTRIBUTIONS	8,000	-	0.00%
A00-2770-0000-0000	OTHER UNCLASSIFIED REVENUES	-	-	100.00%
A00-3001-0000-0000	STATE AID - PER CAPITA	49,689	-	0.00%
A00-3005-0000-0000	STATE AID - MORTGAGE TAX	130,000	-	0.00%
A00-3060-0000-0000	STATE AID - RECORDS	-	-	100.00%
A00-3089-0000-0000	STATE AID- OTHER	-	-	100.00%
A00-3809-0000-0000	GEN GOV'T GRANTS	-	14,189	100.00%
A00-3897-0000-0000	CULTURAL GRANTS	1,500	1,000	66.67%
<i>Expenditures</i>				
A00-1010-1000-0000	TOWN BOARD-PER SVC	\$ 34,000	\$ 8,500	25.00%
A00-1010-4000-0000	TOWN BD-CONTR	5,000	207	4.14%
A00-1110-1000-0000	TOWN JUSTICE- PER SVC	108,088	24,720	22.87%
A00-1110-2000-0000	JUSTICE - EQUIP	1,000	-	0.00%
A00-1110-4000-0000	TOWN JUSTICE-CONTR	7,000	862	12.32%
A00-1220-0100-0000	SUPERVISOR- PER SVC	120,319	27,274	22.67%
A00-1220-0200-0000	SUPERVISOR- EQUIP	1,000	-	0.00%
A00-1220-0400-0000	SUPERVISOR- CONTR	6,000	1,709	28.48%
A00-1320-0402-0000	SPECIAL AUDITS	5,000	-	0.00%
A00-1321-0400-0000	ACCOUNTANT-CONTRACTUAL	49,000	5,894	12.03%
A00-1321-0401-0000	ACCOUNTING FEES	3,000	486	16.21%
A00-1340-0100-0000	BUDGET DIRECTOR- PER SVC	3,500	808	23.08%
A00-1355-0100-0000	ASSESSOR-PERSONAL SVC	66,702	15,794	23.68%
A00-1355-0200-0000	ASSESSOR - EQUIPMENT	130	127	97.99%
A00-1355-0401-0000	ASSESSOR- CONTR	5,350	2,840	53.08%
A00-1410-0100-0000	TOWN CLERK- PER SVC	81,086	18,178	22.42%
A00-1410-0200-0000	TOWN CLERK- EQUIP	3,000	-	0.00%
A00-1410-0401-0000	TOWN CLERK- CONTR	5,100	1,360	26.67%
A00-1420-0100-0000	TOWN ATTORNEY- PER SVC	15,423	3,856	25.00%
A00-1420-0401-0000	ATTORNEY- CONTR	37,877	244	0.64%
A00-1440-0400-0000	ENGINEER- CONTR	32,000	500	1.56%
A00-1460-0100-0000	RECORDS MGT- PER SVC	250	-	0.00%
A00-1460-0401-0000	RECORDS MGT- CONTR	7,600	-	0.00%
A00-1620-0101-0000	BUILDINGS -PER SVC	23,636	10,874	46.00%
A00-1620-0200-0000	BUILDINGS- EQUIP	50,000	-	0.00%
A00-1620-0400-0000	BUILDINGS- CONTR	30,000	12,048	40.16%
A00-1620-0402-0000	BUILDINGS- CONTR-REC CENTER	20,000	852	4.26%
A00-1620-0403-0000	BUILDING- CONTR- HIGHWAY	30,000	1,075	3.58%
A00-1620-0404-0000	BUILDING- CONTR- TROOPER BARRACKS	20,000	384	1.92%
A00-1650-0200-0000	CENTR COMM- EQUIP	15,000	900	6.00%
A00-1650-0400-0000	CENT COMMUNICATIONS- CONTR	24,000	10,186	42.44%
A00-1670-0403-0000	CENT PRINT/MAIL- CONTR	15,000	4,633	30.89%
A00-1910-0000-0000	UNALLOCATED INSURANCE	70,000	59,882	85.55%
A00-1920-0000-0000	MUNICIPAL ASSOCIATION DUES	3,500	2,275	65.00%
A00-1930-0000-0000	JUDGEMENT AND CLAIMS	1,300	140	10.78%
A00-1950-0000-0000	TAXES & ASSESSMNTS ON PROPERTY	3,650	3,473	95.16%
A00-1989-0400-0000	OTHER GENERAL GOV'T SUPPORT	15,000	3,750	25.00%
A00-1990-0000-0000	CONTINGENT ACCOUNT	50,000	-	0.00%
A00-3310-0400-0000	TRAFFIC CONTROL-CONTR	2,000	167	8.34%
A00-3510-0100-0000	DOG CONTROL- PER SVC	12,545	3,136	25.00%
A00-3510-0200-0000	DOG CONTROL- EQUIP	350	210	60.00%
A00-3510-0400-0000	DOG CONTROL- CONTR	2,000	402	20.11%

A00-3620-0100-0000	SAFETY INSPECT-PER SVC	23,930	6,046	25.27%
A00-3620-0400-0000	SAFETY INSPECT- CONTR	1,000	177	17.66%
A00-5010-0100-0000	HIGHWAY SUPT-PER SVC	83,223	18,971	22.80%
A00-5010-0400-0000	HIGHWAY SUPT-CONTR	4,500	294	6.53%
A00-5132-0400-0000	GARAGE-CONTR	25,000	8,164	32.66%
A00-5182-0400-0000	STREET LIGHTING-CONTR	27,000	5,758	21.32%
A00-6772-0100-0000	PROGRAM FOR AGING-PER SVC	19,604	3,812	19.45%
A00-6772-0400-0000	PROGRAMS FOR AGING-CONTR	6,200	1,319	21.27%
A00-7110-0100-0000	PARKS- PER SVC	88,299	10,819	12.25%
A00-7110-0201-0000	EQUIPMENT	16,000	-	0.00%
A00-7110-0400-0000	PARKS- CONTR	48,500	447	0.92%
A00-7140-0100-0000	PLAY & REC CTR-PER SVC	4,933	1,257	25.49%
A00-7140-0400-0000	PLAY & REC CTR-CONTR	750	99	13.23%
A00-7270-0400-0000	BAND CONCERTS- CONTR	4,400	-	0.00%
A00-7310-0100-0000	YOUTH PROGRAMS-PER SVC	82,320	3,506	4.26%
A00-7310-0400-0000	YOUTH PROGRAMS-CONTR	24,500	33	0.13%
A00-7510-0100-0000	TOWN HISTORIAN-PER SVC	3,550	887	25.00%
A00-7510-0401-0000	HISTORIAN- CONTR	500	-	0.00%
A00-7520-0400-0000	HISTORIAN PROP-CONTR	2,600	-	0.00%
A00-7550-0400-0000	CELEBRATIONS- CONTR	20,000	1,185	5.92%
A00-7620-0400-0000	ADULT REC- BOSTON SRS.	13,000	3,785	29.12%
A00-7620-0402-0000	ADULT REC- BOS YOUNG @ HEART	13,000	1,120	8.62%
A00-7989-0400-0000	OTHER CULTURE/REC- CONTR	500	-	0.00%
A00-8010-0100-0000	ZONING- PER SVC	4,120	1,060	25.74%
A00-8010-0400-0000	ZONING-CONTR	9,000	438	4.87%
A00-8020-0100-0000	PLANNING-PER SVC	3,500	735	20.99%
A00-8020-0200-0000	PLANNING-EQUIPMENT	1,000	-	0.00%
A00-8020-0400-0000	PLANNING- CONTR	6,500	289	4.45%
A00-8510-0400-0000	COMMUNITY BEAUTIFICATION-CONTR	500	-	0.00%
A00-8540-0400-0000	DRAINAGE-CONTR	20,000	-	0.00%
A00-8710-0100-0000	CONSERVATION-PER SVC	930	547	58.81%
A00-8710-0400-0000	CONSERVATION- CONTR	5,921	19	0.32%
A00-8745-0400-0000	FLOOD & EROSION CONTROL-CONTRA	20,000	-	0.00%
A00-8810-0100-0000	CEMETERY- PER SVC.	300	-	0.00%
A00-8810-0400-0000	CEMETERY-CONTRACTUAL	610	-	0.00%
A00-8989-0400-0000	OTHER HOME/COM SVC-CONTR	50,000	-	0.00%
A00-9010-0800-0000	STATE RETIREMENT	70,000	15,149	21.64%
A00-9030-0800-0000	SOCIAL SECURITY	64,000	12,388	19.36%
A00-9040-0800-0000	WORKERS' COMPENSATION	14,000	9,813	70.09%
A00-9050-0800-0000	UNEMPLOYMENT INSURANCE	6,000	-	0.00%
A00-9055-0800-0000	DISABILITY INSURANCE	500	-	0.00%
A00-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	55,000	8,289	15.07%
A00-9730-0600-0000	BAN PRINCIPAL	40,000	40,000	100.00%
A00-9730-0700-0000	BAN INTEREST	26,360	13,480	51.14%

Highway				
Account Number	Account Description	Estimated Rev/Exp	YTD	% YTD
Revenue				
DB0-1001-0000-0000	REAL PROPERTY TAX	\$ 785,424	\$ 785,424	100.00%
DB0-1120-0000-0000	NON-PROPERTY TAX DIST. BY CNTY	225,000	-	0.00%
DB0-2401-0000-0000	INTEREST AND EARNINGS	1,100	990	90.02%
DB0-2650-0000-0000	SALE OF SCRAP	-	-	100.00%
DB0-2665-0000-0000	SALE OF EQUIPMENT	-	-	100.00%
DB0-2680-0000-0000	INSURANCE RECOVERIES	-	-	100.00%
DB0-2709-0000-0000	EMPLOYEES CONTRIBUTIONS	2,000	-	0.00%
DB0-2770-0000-0000	OTHER UNCLASSIFIED	-	-	100.00%
DB0-2770-1000-0000	OTHER UNCLASSIFIED - FUEL REIMBURSEMENTS	-	418	100.00%
DB0-2801-0000-0000	INTERFUND REVENUES	50,000	-	0.00%
DB0-3501-0000-0000	STATE AID	83,235	-	0.00%
Expenditure				
DB0-5110-0100-0000	GENERAL REPAIRS-PER SVC	\$ 212,695	\$ 13,726	6.45%
DB0-5110-0400-0000	GENERAL REPAIRS-CONTR	203,647	-	0.00%
DB0-5110-0410-0000	GEN REPAIRS-FUEL & DIESEL	42,000	12,847	30.59%
DB0-5110-0420-0000	GEN REPAIRS- DRAINAGE	25,000	-	0.00%
DB0-5112-0200-0000	CAPITAL OUTLAY	83,235	-	0.00%
DB0-5130-0200-0000	MACHINERY- EQUIPMENT	50,000	-	0.00%
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	80,000	31,507	39.38%
DB0-5140-0400-0000	MISC BRUSH & WEEDS-CONTRACTUAL	4,250	-	0.00%
DB0-5142-0100-0000	SNOW REMOVAL-PER SVC	94,907	39,259	41.37%
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	82,250	33,246	40.42%
DB0-5148-0100-0000	SNOW REMOVAL-OTHER GOV'T-PS	94,907	39,259	41.37%
DB0-5148-0400-0000	SNOW REMOVAL-OTHER GOVT-CONTR	82,250	33,246	40.42%
DB0-9010-0800-0000	STATE RETIREMENT	48,000	11,820	24.63%
DB0-9030-0800-0000	SOCIAL SECURITY	31,000	6,918	22.32%
DB0-9040-0800-0000	WORKERS' COMPENSATION	25,000	29,143	116.57%
DB0-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	90,000	20,860	23.18%

Water #1				
Account Number	Account Description	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>				
HA0-1001-0000-0000	REAL PROPERTY TAX	\$ 80,831	\$ 80,831	100.00%
HA0-2401-0000-0000	INTEREST EARNINGS	-	30	100.00%
<i>Expenditure</i>				
HA0-8340-0400-0000	CONTRACTUAL	\$ 35,922	\$ 29,748	82.81%
HA0-9730-0600-0000	BAN'S- PRINCIPAL	37,995	-	0.00%
HA0-9730-0700-0000	BAN'S- INTEREST	6,914	-	0.00%

Water #2				
Account Number	Account Description	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>				
HBO-1001-0000-0000	REAL PROPERTY TAX	\$ 51,214	\$ 51,214	100.00%
HBO-2401-0000-0000	INTEREST & EARNINGS	-	79	100.00%
<i>Expenditure</i>				
HBO-8340-0400-0000	CONTRACTUAL	\$ 20,935	\$ 13,025	62.22%
HBO-9730-0600-0000	BAN'S - PRINCIPAL	28,140	-	0.00%
HBO-9730-0700-0000	BAN INTEREST	2,139	-	0.00%

Water #3				
Account Number	Account Description	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>				
HCO-1001-0000-0000	REAL PROPERTY TAX	\$ 251,014	\$ 251,618	100.24%
HCO-2401-0000-0000	INTEREST AND EARNINGS	-	656	100.00%
<i>Expenditure</i>				
HCO-8340-0400-0000	CONTRACTUAL	\$ 26,908	\$ 17,045	63.34%
HCO-9730-0600-0000	BAN'S- PRINCIPAL	97,800	-	0.00%
HCO-9730-0700-0000	BAN INTEREST	126,306	63,032	49.90%

Water Ext 1				
Account Number	Account Description	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>				
HDO-1001-0000-0000	REAL PROPERTY TAX	\$ 3,000	\$ 3,000	100.00%
HDO-2401-0000-0000	INTEREST AND EARNINGS	-	49	100.00%
<i>Expenditure</i>				
HDO-8340-0400-0000	CONTRACTS	\$ 3,000	\$ 687	22.91%

Water Ext 2				
Account Number	Account Description	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>				
HE0-1001-0000-0000	REAL PROPERTY TAX	\$ 28,970	\$ 28,970	100.00%
HE0-2401-0000-0000	INTEREST AND EARNINGS	-	85	100.00%
<i>Expenditure</i>				
HE0-8340-0400-0000	CONTRACTUAL	\$ 7,515	\$ -	0.00%
HE0-9730-0600-0000	BAN- PRINCIPLE	19,940	-	0.00%
HE0-9730-0700-0000	BAN INTEREST	1,515	-	0.00%

Water #3 Ext. 1				
Account Number	Account Description	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>				
HF0-1001-0000-0000	REAL PROPERTY TAX	\$ 10,969	\$ 10,969	100.00%
HF0-2401-0000-0000	INTEREST AND EARNINGS	-	26	100.00%
<i>Expenditure</i>				
HF0-8340-0400-0000	CONTRACTUAL	\$ 2,269	\$ -	0.00%
HF0-9730-0600-0000	PRINC PMTS- BANS	6,250	-	0.00%
HF0-9730-0700-0000	INTEREST PMTS. BANS	2,450	-	0.00%

Lighting				
Account Number	Account Description	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>				
L30-1001-0000-0000	REAL PROPERTY TAX	\$ 16,175	\$ 16,175	100.00%
L30-2401-0000-0000	INTEREST AND EARNINGS	-	21	100.00%
<i>Expenditure</i>				
L30-5182-0401-0000	CONTRACTS	\$ 20,000	\$ 3,588	17.94%

Fire				
Account Number	Account Description	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>				
SF0-1001-0000-0000	REAL PROPERTY TAX	\$ 773,419	\$ 773,419	100.00%
SF0-1120-0000-0000	NONPROPERTY TAX DIST	50,000	-	0.00%
SF0-2401-0000-0000	INTEREST EARNINGS	-	316	100.00%
<i>Expenditure</i>				
SF0-1910-0400-0000	UNALLOCATED INSURANCE	\$ 37,619	\$ -	0.00%
SF0-3410-0401-0000	CONTRACTS	535,000	247,445	46.25%
SF0-9025-0800-0000	SERVICE AWARDS PROGRAM	200,000	-	0.00%
SF0-9040-0800-0000	WORKERS COMP INSURANCE	50,800	22,674	44.63%

Refuse				
Account Number	Account Description	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>				
SG0-1001-0000-0000	REAL PROPERTY TAX	\$ 612,612	\$ 612,612	100.00%
SG0-2130-0000-0000	REFUSE AND GARBAGE CHARGES	-	182	100.00%
SG0-2401-0000-0000	INTEREST EARNINGS	-	63	100.00%
<i>Expenditure</i>				
SG0-8160-0401-0000	GARBAGE CONTRACTUAL BFI	\$ 612,612	\$ 155,016	25.30%

Ambulance				
Account Number	Account Description	Estimated Rev/Exp	YTD	% YTD
<i>Revenue</i>				
SM0-1001-0000-0000	REAL PROPERTY TAX	\$ 92,817	\$ 92,817	100.00%
SM0-1120-0000-0000	NONPROPERTY TAX DISTRIBUTION	20,000	-	0.00%
SM0-2401-0000-0000	INTEREST INCOME	-	32	100.00%
<i>Expenditure</i>				
SM0-4540-0200-0000	AMBULANCE- CAPITAL EQUIPMENT	\$ 14,833	\$ -	0.00%
SM0-4540-0400-0000	CONTRACTUAL	53,560	39,619	73.97%
SM0-9025-0800-0000	LOCAL PENSION FUND	19,000	-	0.00%
SM0-9040-0800-0000	WORKER'S COMP	11,000	9,896	89.96%
SM0-9730-0600-0000	BAN'S PRINCIPAL	11,701	-	0.00%
SM0-9730-0700-0000	BAN'S INTEREST	2,723	-	0.00%

NOTICE OF PUBLIC HEARING

A public hearing shall be held by the Town Board of the Town of Boston on **May 1, 2019**, at **7:30 p.m.**, at Boston Town Hall, 8500 Boston State Road, Boston, New York, to hear any and all persons either for or against 2019 Local Law Intro. No. 2, entitled: "A LOCAL LAW Amending Chapter 95 of the Boston Town Code, Signs." This Local Law amends the Boston Sign Law regulating the placement, type, and size of signs.

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.

Dated: April 3, 2019

Published: April 12, 2019

BY ORDER OF THE

TOWN BOARD

Sandra L. Quinlan,

Town Clerk

An Equal Opportunity

Provider & Employer

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

**2019 LOCAL LAW INTRO. NO. 2
2019 LOCAL LAW NO. ____**

A LOCAL LAW Amending Chapter 95 of the Boston Town Code, Signs.

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

Section 1. Legislative Intent.

This Local Law amends the Boston Sign Law adopted by the Town Board of the Town of Boston on March 6, 1974 by L.L. No. 1-1974 and as from time to time amended. The amendments effected by this Local Law are intended to promote the general health, safety, and welfare of the residents of the Town of Boston by regulating the placement, type, and size of signs in a sensible manner that balances the use of signs as a means of identification and communication with the goals of maintaining an aesthetic environment that protects property from adverse effects and pedestrian and vehicular traffic from the erection of signs that may constitute hazards.

Section 2. Amend Chapter 95 of the Boston Town Code, Signs.

The following sections of Chapter 95 of the Boston Town Code, *Signs*, are hereby amended to read as follows:

2.1 Article II: Definitions, § 95 *Terms Defined*, is amended as follows, with all other portions of that Article remaining unchanged:

GROUND MOUNTED SIGN

A sign not attached to any building or structure and whose lowest portion shall not be more than three feet from grade to the bottom of the sign and supported by framework resting on the ground of whatever material constructed. "Ground mounted signs" shall not exceed a maximum height of ~~seven feet above ground level~~ nine feet. ~~Where "ground signs" are located inside a planter, the height shall be measured from the top of the planting enclosure but shall not exceed nine feet from ground level.~~

PEDESTAL SIGN

~~A single or double pedestal sign not attached to any building or structure, with a clear area of at least 10 feet in height from the ground to the bottom of the sign except for the pedestals or pedestal, of which neither shall exceed nine inches in horizontal dimension.~~

LL Intro. No. 2019-2

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

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~~"Pedestal signs" shall not exceed a maximum of 18 feet from the ground, except that the sign height may be increased one foot for every additional five feet of the sign area, but not to exceed in any event a total height of 30 feet. No part of a "pedestal sign" shall project over public property.~~

PERSONAL EXPRESSION SIGN. An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

VARIABLE MESSAGING CENTER (VMC)

An automatically changeable sign that utilizes a method of changing text or graphics. These signs include but are not limited to displays using incandescent lamps, light-emitting diodes (LEDs), liquid-crystal displays (LCDs) and/or flipper matrices.

2.2 Article III: § 95-5 *Regulations pertaining to all signs in any zoning district*, is amended as follows, with all other portions of that Article remaining unchanged:

- A. Regulations governing illumination of signs.
 - (1) Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. Beacon lights and strobe lights shall not be permitted except as herein provided in § 95-6B(1). VMC's are not permitted except as herein provided in 95-15B.
 - (2) An illuminated sign or lighting device shall not be placed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
 - (3) Molded plastic or similar precast signs which are illuminated from within shall not exceed in light intensity the lumens cast by a series of high-output tubes with a ballast rating of 800 milliamperes and located within the sign a minimum of 12 inches apart, and illuminating devices may be the same length as the interior of the sign.
 - (4) All signs containing electrical wiring shall be subject to the provisions of the National Electric Code and the New York Board of Fire Underwriters, and the electrical components used shall bear the label of an approved testing agency.
- B. No signs shall be placed on the roof of any building.
- C. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in § 95-6 herein.

LL Intro. No. 2019-2

Underlined material is to be added.

~~Strikethrough~~ indicates material to be eliminated.

- D. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices except as herein provided in § 95-7B. The said devices, as well as strings of lights, shall not be used for the purposes of advertising or attracting attention when not part of a sign.
- E. In the construction or composition of a sign as designated in this chapter, not more than 25% of the permitted surface area shall be used to promote a particular product or commodity which is not the primary function or principal product sold or distributed on the premises.
- F. No signs shall be permitted in any district which advertise commodities or services other than those available for sale, hire or use on the premises, including billboards or other ground mounted signs.
- G. This chapter shall in no event be construed or employed in any manner to prohibit the decoration of the premises during religious, patriotic or holiday seasons.
- H. Regulations Governing Variable Messaging Center (VMC) Signs.
- (1) The entire display, including but not limited to the border, the background, and the lettered and/or pictorial message, except for numerical display of the current time and temperature, on any VMC Sign shall not change, or move, or give the impression of movement for a minimum of 2 hours.
 - (2) The total light intensity emitted or reflected by any VMC Sign shall not exceed 0.3 foot candles in the night time (one half hour after sunset to one half hour before sunrise).
 - (3) VMC Signs on non-residential properties may be illuminated from 5:00 a.m. until 11:00 p.m. or ½ hour past the time when the property closes to the public for business on the premises, whichever is later.
- I. The following signs are unlawful and prohibited:
- (1) Signs that interfere with traffic or that obstruct official traffic lights, signs, or signals.
 - (2) Reflective signs not authorized or required by local, state, or federal government.
 - (3) Banners or signs suspended across a public street, without the permission of the owner of the property and road.

- (4) Signs erected without the permission of the property owner, with the exception of those signs authorized or required by local, state, or federal government.

J. No pedestal signs are permitted in any district.

K. No sign that obstructs vision between three (3) and seven (7) feet above the street level shall be placed or maintained within the triangular area formed by two (2) intersecting right-of-way lines and a line connecting points on such right-of-way lines 30 distant from their point of intersection.

2.3 Article IV: § 95-7 *Temporary and special purpose signs*, is amended as follows, with all other portions of that Article remaining unchanged:

- A. Temporary or permanent signs resting on or attached to vehicles are prohibited except as provided in § 95-6A(4) and shall not be used to circumvent the provisions of this chapter.
- B. ~~Temporary signs for commercial activities or enterprises~~ The following temporary signs are permitted in any use district but require a permit as provided herein. All signs of a temporary nature, such as political posters, banners, promotional devices and other signs of a similar nature, may be granted a temporary permit for a period not to exceed 30 days, provided that such signs do not exceed 24 square feet in surface area per side and are not attached to fences, trees, utility poles or the like and further provided that such signs are not placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public. A fee of \$10 shall be paid upon the issuance of a permit for such sign or group of signs. Upon termination of the campaign for which said signs, posters, banners or promotional devices were erected, the same shall be immediately removed from said property.
- C. The following temporary signs are permitted in any use district without a permit:
- (1) Temporary announcement signs for non-commercial special events and activities of ~~nonprofit institutions or organizations~~ shall be permitted, provided that such signs shall not exceed 24 square feet in surface area per side and shall be removed within one week after such event or activity and further provided that they shall not be displayed for a total time period of more than four weeks.
- (2) Construction signs displaying the names of the architect, engineer, principal contractor and other participants engaged in the work of constructing a building or structure, as well as a sign announcing the purpose of the building or structure for which a building permit has been

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

issued and has not expired, are permitted on approval of the Enforcement Officer, subject to the following conditions:

- (a) Single multilisting sign. A single sign not exceeding 32 square feet in area covering all of the participants named above may be erected and maintained for the period beginning with the excavation and ending with the completion of the construction of any building.
- (b) Special purpose building announcement sign. A single sign announcing the purpose of a building or structure may be erected and maintained for a period not to exceed one year. Such sign shall:
 - [1] Not exceed ~~25~~ 24 square feet in area.
 - [2] Not be more than seven feet in height.
 - [3] Be mounted on post supports.
- (3) Agricultural signs for customary agriculture operations selling farm produce, a majority of which is grown on the premises, not to exceed an area of 15 square feet, shall be permitted, provided that such signs shall not include any illumination and shall be promptly removed by the property owner when the circumstances leading to their erection no longer apply. Signs that do not exceed six square feet in area advertising the variety of a crop growing in a field are not limited, but must be removed after the growing season.
- (4) Personal expression signs of any type, including flags, provided that they do not exceed three square feet per side, are non-commercial in nature, and not illuminated.
- (5) Flags greater than three square feet in area are limited to two per lot in residential districts and three per lot in all other districts, with a maximum flag size not to exceed 24 square feet without a special use permit issued by the Town of Boston. Flags containing commercial messages count toward the allowable area of signs for a property. Flags smaller than three square feet containing non-commercial messages are considered personal expression signs.

2.4 Article V: § 95-8 *Regulations pertaining to signs in certain districts*, is amended as follows, with all other portions of that Article remaining unchanged:

In any R-C, C or M District, no signs shall be erected or maintained except as follows and no more than three signs shall be permitted on any single premises:

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- A. Wall identification signs. A wall identification sign shall be permitted, provided that such wall sign shall be attached to the face of the building or applied thereto and shall have an aggregate area not in excess of 10% of the area of the building wall to which such sign is affixed, including the area occupied by doors and windows.
- B. Ground mounted signs. A ground mounted sign shall be permitted inside the property lines which does not exceed 24 square feet in area.
- ~~C.~~ Pedestal signs. ~~A single or a double pedestal sign shall be permitted where the building is set back from the street right of way a distance of 50 feet or more, provided that either sign does not exceed 30 square feet in area, except that the sign area may be further increased at a rate of one square foot for every three linear feet of business frontage in excess of 90 feet or one square foot for each additional foot of setback from the front property line, but not to exceed in any event a total area of 90 square feet. Only one single or one double pedestral sign shall be permitted in each shopping center, subject to all other restrictions relating to single or double pedestal signs.~~
- ~~D~~ C. Projecting signs. A projecting sign shall not exceed 12 feet in area and shall not project above the roofline.
- ~~E-D.~~ Gasoline service station signs. No signs shall be permitted on gasoline service station premises except as hereinafter provided:
- (1) Pump area. Portable signs may be located in the pump area, not to exceed one foot on either side of the row of pumps or two feet from the last pump on each end of the pump row. No signs shall be permitted to extend more than four feet above the base of the pumps nor exceed 10 square feet in area. No more than two portable signs shall be allowed on the premises.
 - (2) ~~One pedestal sign in a gasoline service station area, not to exceed 50 square feet in area regardless of setback or linear frontage of the premises.~~
 - ~~(3)~~ One wall identification sign, not to be more than 8% of the total area of the building face ~~in square feet of the building in which such business establishment is located, except that an additional 2% shall be allowed where the building faces on an additional public street or public parking area. In such case, the total sign area shall not exceed 10% of the sum of the applicable building faces in square feet.~~ Wall identification signs may be mounted on the gas station canopy or on the gas station building itself, but the area of the canopy shall not be included in the building face for the purpose of calculating the total sign area.

- ¶ E. Entrance, exit and other control signs. Entrance and exit identification and other traffic control signs are to be approved by the Town Board as to location and size.

2.5 Article VI: § 95-10 *Permits and application procedure*, is amended as follows, with all other portions of that Article remaining unchanged:

- A. Sign permit application forms shall be prescribed and provided to the Enforcement Officer by the Town Clerk. After the effective date of this chapter and except as otherwise herein provided, no person shall erect any sign as defined herein without first obtaining a Sign permit approved by the Enforcement Officer. ~~from the Town Clerk.~~
- B. Each application for a Sign the permit shall be made in writing, in duplicate, on the prescribed form, obtained from the Enforcement Officer upon forms ~~prescribed and provided by the Town Clerk, to the Town Clerk~~ and shall contain the following information:
- (1) Name, address and telephone number of applicant.
 - (2) Location of building, structure or land to which or upon which the sign is to be erected.
 - (3) A detailed drawing or blueprint showing a description of the construction details of the sign and showing the lettering and/or pictorial matter composing the sign; position of lighting or other extraneous devices; a location plan showing the position of the sign on any building or land and its position in relation to nearby buildings or structures and to any private or public street or highway.
 - (4) Written consent of the owner of the building, structure or land to which or on which the sign is to be erected, in the event the applicant is not the owner thereof.
 - (5) A copy of any required or necessary electrical permit issued for said sign or a copy of the application therefor.
- C. The completed sign permit application form(s) must be approved by the Enforcement Officer. The fee must be paid before the permit is issued.
- D. No permit shall be required for changing sign content or the customary maintenance of any sign that otherwise is in compliance with this Chapter.

2.6 Article VII: § 95-11 *Fees*, is amended as follows, with all other portions of that Article remaining unchanged:

The fees for signs requiring a permit shall be assessed as follows:

- A. Signs or bulletin boards customarily incident to non-commercial places of worship, schools, libraries, museums, social clubs or societies: as set forth in the Schedule of Fees, as adopted by the Town Board of the Town of Boston.
- B. Signs advertising a commercial enterprise, including real estate developments or subdivisions which are permitted in R-1, R-2, R-3 or R-4 Districts: as set forth in the Schedule of Fees, as adopted by the Town Board of the Town of Boston.
- C. Temporary ~~political signs, banners, business~~ commercial promotional devices or other signs of similar nature: as set forth in the Schedule of Fees, as adopted by the Town Board of the Town of Boston.
- D. Temporary announcement signs for special events, temporary agricultural signs and activities of non-profit commercial institutions or organizations: no fee.
- E. Signs in an R-C, C or M District.
 - (1) Wall identification signs: as set forth in the Schedule of Fees, as adopted by the Town Board of the Town of Boston.
 - (2) Ground mounted signs: as set forth in the Schedule of Fees, as adopted by the Town Board of the Town of Boston.
 - (3) ~~Single or double pedestal signs: as set forth in the Schedule of Fees, as adopted by the Town Board of the Town of Boston.~~
- F. Entrance, exit or traffic control signs: no fee.*

*NOTE: Approval of the Town Board shall be required.

2.7 Article VIII: § 95-12 *Issuance of permit*, is amended as follows, with all other portions of that Article remaining unchanged:

It shall be the duty of the Town Clerk, upon the filing of an application for a Sign permit ~~to erect a sign, to examine forward~~ such plans, specifications and other data materials submitted to him with the application and, if necessary, to ~~contact the Enforcement Officer to inspect the building or premises upon which it is proposed to erect the sign or other advertising structure. If it shall~~

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~~appear that the proposed sign is in compliance with all requirements of this chapter and other laws and ordinances of the Town of Boston, the Town Clerk shall then, within 15 days, issue a permit for the erection of the proposed sign. After the Enforcement Officer certifies that the application is in compliance with this Chapter and all other applicable regulations and payment is made to the Town Clerk, a permit can be issued.~~ If the sign authorized under any such permit has not been completed within 12 months from the date of the issuance of such permit, the permit shall become null and void, but such permit may be renewed within 30 days from the expiration thereof, for good cause shown, upon payment of an additional fee of \$40 50. Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining a permit therefor, the fee specified in § 95-11 will be doubled, but the payment of such double fee shall not relieve any person or persons from fully complying with the requirements of this chapter in the execution of the work nor from the penalties prescribed in this chapter. Every sign shall bear the permit number imprinted on a sticker issued by the Town Clerk, prominently and permanently affixed on the face thereof in the lower right-hand corner. Failure to so affix the permit number shall constitute cause for revocation of the permit by the Enforcement Officer in addition to any other penalties or remedies provided in this chapter.

2.8 Article VI: § 95-15 *Nonconforming signs*, is repealed and replaced in its entirety as follows:

- A. Signs legally in existence as of March 1, 2019, which do not conform to the amendments to this Chapter, shall be considered nonconforming signs.
- B. All nonconforming signs other than Variable Messaging Center Signs shall be brought into conformance when and if the following occurs:
 - (1) The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimensions of the sign. Changes to the sign copy or the replacement of a sign face using the same material on a nonconforming sign shall not be considered a significant alteration. Changing the material of a sign face is a significant alteration.
 - (2) If more than 50% of the sign area is damaged, it shall be repaired to conform to this Chapter.
 - (3) An alteration in the structure of a sign support.
 - (4) The property on which the nonconforming sign is located undergoes a change requiring site plan approval under the Town of Boston Code.
 - (5) All non-conforming temporary signs, portable signs, or banners must be permanently removed on or before December 1, 2019, unless a permit is secured as provided for herein.

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- C. All nonconforming Variable Messaging Center Signs must be removed or brought into compliance with this Chapter on or before December 1, 2019.
- D. Permit Noncompliance. If a sign lacks a required permit but is otherwise permitted under this Chapter, the sign's continued display shall be allowed provided that the sign owner applies for a permit and pays the required fee within five business days of notice by the Enforcement Officer of the absence of a required permit.

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. 2019-24

**SEQR REVIEW FOR 2019 LOCAL LAW INTRO. NO. 2, TITLED
“A LOCAL LAW AMENDING CHAPTER 95 OF THE BOSTON TOWN CODE, SIGNS”**

WHEREAS, the Town Board of the Town of Boston is considering the adoption of 2019 Local Law Intro. No. 1, entitled “A LOCAL LAW Amending Chapter 95 of the Boston Town Code, Signs”; and

WHEREAS, this Local Law amends the Boston Sign Law in order to improve, clarify, and update certain procedures and administrative aspects of those regulations; and

WHEREAS, the amendments contained in said Local Law specifically address the following issues: (1) following recent litigation against the Town, eliminates unconstitutional content-based restrictions on temporary political signs; (2) bans pedestal signs; and (3) controls variable messaging signs; and

WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency may undertake, fund or approve an action until it has complied with the requirements of SEQR; and,

WHEREAS, the SEQR regulations at 6 NYCRR Part 617.6(a) require that as soon as possible in an agency’s formulation of an action it proposes to undertake it shall: (a) determine whether the action is subject SEQR; (b) determine whether the action involves a federal agency; (c) determine whether other agencies are involved; (d) make a preliminary classification of the action; (e) determine whether a full or short form Environmental Assessment Form (EAF) will be used; and (f) determine whether the action is located in an agricultural district and complies with Subdivision (4) of Section 305 of Article 25-AA of the Agriculture and Markets Law; and,

WHEREAS, 6 NYCRR 617.6(b) indicates that when a single agency is involved with respect to an action, that agency shall be the lead agency and determine the significance of the action; and,

WHEREAS, the Town Board has received a short EAF; and,

WHEREAS, after examination of the EAF the Town Board has considered the potential environmental impacts of the proposed action, applying the criteria for determining significance found at 6 NYCRR 617.7(c);

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston hereby determines that adoption of the proposed Local Law constitutes an Unlisted action that is subject to SEQR and that there is no Federal or other involved agencies with respect to this action; and,

BE IT FURTHER RESOLVED, that the Town Board hereby declares itself to be the lead agency for this action and that a short EAF is sufficient to determine the significance of the action; and,

BE IT FURTHER RESOLVED, based upon its review of the Local Law, the EAF, its own independent analysis of the proposed action, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7, the Town Board hereby finds that adoption of the Local Law constitutes an action which will not have a significant impact on the environment and therefore does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED, that this Determination of Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED, that this determination is based on the following facts and conclusions:

1. Adoption of the Local Law would not result in any direct action or physical change to the environment.
2. Any changes to the environment that may occur from adoption of the Local Law would be indirect and result from future undertakings that would be permitted by the Local Law.
3. Adoption of the Local Law does not include any proposal to undertake such activities at this time.

On May 1, 2019, 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

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: 2019 Local Law Intro. No. 2, A LOCAL LAW Amending Chapter 95 of the Boston Town Code, Signs			
Project Location (describe, and attach a location map): Town of Boston			
Brief Description of Proposed Action: Amends the Town's sign law to eliminate unconstitutional content-based restrictions on temporary political signs; bans pedestal signs; controls variable messaging signs; other minor improvements.			
Name of Applicant or Sponsor: Jason A. Keding, Town Supervisor		Telephone: 716-941-6518 E-Mail: supervisorsoffice@townofboston.com	
Address: 8500 Boston State Road			
City/PO: Boston		State: NY	Zip Code: 14025
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. 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 type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 40px;"> a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> </div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Jason Keding, Town Supervisor</u> Date: _____ Signature: _____ Title: _____		

Project: Local Law Intro 2019-2 - Signs

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Boston		_____
Name of Lead Agency	Date	
Jason Keding	Town Supervisor	
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer	
_____	_____	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)	

TOWN OF BOSTON – RESOLUTION NO. 2019-25

**AUTHORIZING ADOPTION BY THE BOSTON TOWN BOARD
OF TOWN OF BOSTON OF 2019 LOCAL LAW INTRO. NO. 2**

WHEREAS, a resolution was duly adopted by the Boston Town Board of the for a public hearing to be held by said Town Board on May 1, 2019 at 7:30 p.m. at Boston Town Hall, 8500 Boston State Road, Boston, New York, to hear all interested parties on a proposed Local Law entitled “A LOCAL LAW Amending Chapter 95 of the Boston Town Code, Signs;” and

WHEREAS, notice of said public hearing was duly advertised in Hamburg Sun, the official newspaper of said Town, on April 12, 2019 and

WHEREAS, said public hearing was duly held on May 1, 2019 at 7:30 p.m. at Boston Town Hall, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Erie County Department of Planning on has determined pursuant to Section 239-m of the General Municipal Law that said Planning Department has not identified any significant county-wide or inter-community impacts associated with the proposed Local Law, and

WHEREAS, the Boston Town Board, after due deliberation, finds it in the best interest of the Town of Boston to adopt said Local Law;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston hereby adopts said 2019 Local Law Intro. No. 2 entitled “A LOCAL LAW Amending Chapter 95 of the Boston Town Code, Signs,” a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Boston, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

On May 1, 2019, 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

NOTICE OF PUBLIC HEARING

A public hearing shall be held by the Town Board of the Town of Boston on **May 1, 2019**, at **7:30 p.m.**, at Boston Town Hall, 8500 Boston State Road, Boston, New York, to hear any and all persons either for or against 2019 Local Law Intro. No. 3, entitled: "A LOCAL LAW To Repeal and Replace Chapter 60 of the Boston Town Code, Flood Damage Prevention." This Local Law contains new and revised provisions to bring the Town into compliance with changes to the floodplain management requirements of the National Flood Insurance Program.

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

Dated: April 3, 2019

Published: April 12, 2019

BY ORDER OF THE
TOWN BOARD

Sandra L. Quinlan,

Town Clerk

An Equal Opportunity

Provider & Employer

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

**2019 LOCAL LAW INTRO. NO. 3
2019 LOCAL LAW NO. ____**

A LOCAL LAW To Repeal and Replace Chapter 60 of the Boston Town Code, Flood Damage Prevention

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

Chapter 60 of the Boston Town Code, *Flood Damage Prevention*, is repealed and replaced in its entirety as follows:

**ARTICLE I
STATUTORY AUTHORIZATION AND PURPOSE**

60-1 FINDINGS

The Town Board of the Town of Boston finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Boston and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this Chapter is adopted.

60-2 STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

60-3 OBJECTIVES

The objectives of this Chapter are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

ARTICLE II DEFINITIONS

60-4 DEFINITIONS.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

"Accessory Structure" is a structure used solely for parking (two-car detached garages or smaller) or limited storage, represent a minimal investment of not more than 10 percent of the value of the primary structure, and may not be used for human habitation.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Chapter or a request for a variance.

"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Chapter, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood- related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior or

(ii) directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the person appointed by the community to administer and implement this Chapter by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"One hundred year flood" or "100-year flood" has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and

- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 60-14(B) of this Chapter.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Variance" means a grant of relief from the requirements of this Chapter which permits construction or use in a manner that would otherwise be prohibited by this Chapter.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

ARTICLE III
GENERAL PROVISIONS

60-5 LANDS TO WHICH THIS CHAPTER APPLIES

This Chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Boston.

60-6 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Maps:

36029C0479H, 36029C0483H, 36029C0484H, 36029C0490H, 36029C0491H, 36029C0492H, 36029C0493H, 36029C0494H, 36029C0503H, 36029C0504H, 36029C0511H, 36029C0512H, 36029C0513H, 36029C0514H, 36029C0655H, 36029C0660H, 36029C0676H, 36029C0680H

whose effective date is June 7, 2019, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction

- (2) A scientific and engineering report entitled "Flood Insurance Study, Erie County, New York (All Jurisdictions)" dated June 7, 2019.

The above documents are hereby adopted and declared to be a part of this Chapter. The Flood Insurance Study and/or maps are on file at: Boston Town Hall, 8500 Boston State Road, Boston, New York 14025.

60-7 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Chapter includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

60-8 SEVERABILITY

The invalidity of any section or provision of this Chapter shall not invalidate any other section or provision thereof.

60-9 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Chapter and any other applicable regulations. Any infraction of the provisions of this Chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Boston from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this Chapter for which the developer and/or owner has not applied for and received an approved variance under Article VI of this Chapter will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

60-10 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Town of Boston, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made there under.

ARTICLE IV ADMINISTRATION

60-11 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Code Enforcement Officer is hereby appointed Local Administrator to administer and implement this Chapter by granting or denying floodplain development permits in accordance with its provisions.

60-12 THE FLOODPLAIN DEVELOPMENT PERMIT

A. PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 60-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

B. FEES

All applications for a floodplain development permit shall be accompanied by an application fee of \$250. In addition, the applicant shall be responsible for reimbursing the Town of Boston for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500 to cover these additional costs.

60-13 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 60-16(C), UTILITIES.
- (4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in § 60-18, NON-RESIDENTIAL STRUCTURES.
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 60-6, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

60-14 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

A. PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of § 60-13, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.

(2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Article V of this Chapter, CONSTRUCTION STANDARDS and, in particular, § 60-15(A) SUBDIVISION PROPOSALS.

(3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Article V of this Chapter, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

(4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

B. USE OF OTHER FLOOD DATA

(1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to § 60-13(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.

(2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

(3) When an area of special flood hazard, base flood elevation, and/or floodway data are available from a Federal, State or other authoritative source, but differ from the data in the documents enumerated in § 60-6, the Local Administrator

may reasonably utilize the other flood information to enforce more restrictive development standards.

C. ALTERATION OF WATERCOURSES

- (1) Notification to adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

D. CONSTRUCTION STAGE

- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

E. INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

F. STOP WORK ORDERS

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in § 60-9 of this Chapter.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in § 60-9 of this Chapter.

G. CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in § 60-6, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this Chapter.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in § 60-14(E), INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

H. INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures required pursuant to §§ 60-14(D)(1) and 60-14(D)(2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to § 60-14(D)(1), and whether the structures contain a basement;

(4) Variances issued pursuant to Article VI of this Chapter, VARIANCE PROCEDURES; and,

(5) Notices required under § 60-14(C), ALTERATION OF WATERCOURSES.

ARTICLE V
CONSTRUCTION STANDARDS

60-15 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 60-6.

A. SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. ENCROACHMENTS

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (ii) the Town of Boston agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Boston for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Boston for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 60-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(i) a technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,

(ii) the Town of Boston agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received, and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Boston for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Boston for all costs related to the final map revisions.

- (3) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, if any development is found to increase or decrease base flood elevations, the Town of Boston shall as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.

60-16 STANDARDS FOR ALL STRUCTURES

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 60-6.

A. ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

B. CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE, AO or A, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

(i) a minimum of two openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade and;

(iii) openings not less than three inches in any direction.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

C. UTILITIES

(1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation, or at least three feet above the highest adjacent grade in a Zone A without an available base flood elevation, or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;

(2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall

be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,

- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. STORAGE TANKS

- (1) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
- (2) Above-ground tanks shall be:
 - a. anchored to prevent flotation, collapse or lateral movement during conditions of the base flood or;
 - b. installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in § 60-6 plus two feet.

60-17 RESIDENTIAL STRUCTURES

A. ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in §§ 60-15(A), SUBDIVISION PROPOSALS, and 60-15(B), ENCROACHMENTS, and § 60-16, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
- (2) Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 60-6 plus two feet (at least three feet if no depth number is specified).

- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

60-18 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in §§ 60-15(A), SUBDIVISION PROPOSALS, and 60-15(B), ENCROACHMENTS, and § 60-16, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure shall either:
- (i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (ii) be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
- (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus two feet (at least three feet if no depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in § 60-18(1)(ii)
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of § 60-18(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

60-19 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in § 60-15, GENERAL STANDARDS, and § 60-16, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:

- (i) be on site fewer than 180 consecutive days,
- (ii) be fully licensed and ready for highway use, or
- (iii) meet the requirements for manufactured homes in paragraphs 60-19(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the bottom of the frame of the manufactured home chassis is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the bottom of the frame of the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- (4) Within Zone AO, the bottom of the frame of the manufactured home chassis shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 60-6 plus two feet (at least three feet if no depth number is specified).

60-20 ACCESSORY STRUCTURES INCLUDING DETACHED GARAGES

The following standards apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 60-6.

- (1) Within Zones A1-A30, AE, AO, AH, A, accessory structures must meet the standards of § 60-16(A), ANCHORING.
- (2) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, areas below two feet above the base flood elevation shall be constructed using methods and practices that minimize flood damage.
- (3) Within Zones AO and Zone A, if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.
- (4) Structures must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters in accordance with § 60-16(B)(3).
- (5) Utilities must meet the requirements of § 60-16(C), UTILITIES.

ARTICLE VI
VARIANCE PROCEDURE

60-21 APPEALS BOARD

- (1) The Zoning Board of Appeals as established by the Town of Boston shall hear and decide appeals and requests for variances from the requirements of this Chapter.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this Chapter.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

- (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of § 60-21(4) and the purposes of this Chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

60-22 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in § 60-21(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this § 60-22 are met; and

- (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
- (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
- (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in § 60-14(H) of this Chapter.

Section 3. Authority.

This local law is enacted pursuant to New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36.

Section 4. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State of the State of New York as required by the Municipal Home Rule Law.

Sponsor: Councilmember Munger

TOWN OF BOSTON – RESOLUTION NO. 2019-26

**ADOPTING NEGATIVE DECLARATION FOR LOCAL LAW INTRO. NO. 3, TO
REPEAL AND REPLACE CHAPTER 60 OF THE BOSTON TOWN CODE,
FLOOD DAMAGE PREVENTION**

WHEREAS, the Town Board of the Town of Boston has reviewed Local Law Intro. No. 3, to Repeal and Replace Chapter 60 of the Boston Town Code, Flood Damage Prevention; and

WHEREAS, an Environmental Assessment Form identifying and analyzing the potential environmental impacts of the proposed Local Law has been prepared; and

WHEREAS, the Town Board has considered and reviewed the proposed Local Law as an “action” subject to SEQR pursuant to 6 NYCRR §617.2(b) and §617.3(g); and

WHEREAS, to determine whether the action may have a significant adverse impact on the environment, the Town Board has compared the impacts that may be reasonably expected to result from the action and compared them against the criteria for determining significance set forth in SEQR, 6 NYCRR §617.7(c); and

WHEREAS, while the NYS Department of Environmental Conservation, Erie County Department of Planning, and FEMA will or have reviewed the proposed local law, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Boston, such that there are no other involved agencies within the meaning of SEQR with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the Town Board has thoroughly analyzed and identified the relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment, and has taken the requisite “hard look” at the potential environmental impacts of the Action; and

WHEREAS, said Local Law is a required enactment in order to ensure that all qualifying properties within the Town of Boston are eligible to participate in the National Flood Insurance Program, and to ensure the health and safety of the public and the surrounding environment by regulating and limiting development in certain flood prone areas of the Town; and

WHEREAS, the adoption of said Local Law will result in no physical disturbances or alterations to the physical environment, aesthetics, community character, or natural resources of the Town of Boston and, in fact, will aid in reducing such disturbances in certain flood prone areas within the Town; and

WHEREAS, the Town Board concludes that the proposed Local Law will not have any significant adverse environmental impacts;

NOW, THEREFORE, BE IT

RESOLVED, that, the pursuant to 6 NYCRR 617.6(b) Town Board of the Town of Boston hereby declares itself lead agency in connection with Local Law Intro. No. 3, To Repeal and Replace Chapter 60 of the Boston Town Code, Flood Damage Prevention, inasmuch as there are no other involved agencies with respect to SEQR; and

IT IS FURTHER RESOLVED, pursuant to 6 NYCRR 617.4(b)(1), that this proposed Local Law is a land use plan in which the local community has some discretion and the Town Board therefore classifies it as a Type I action; and

IT IS FURTHER RESOLVED, that the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that pursuant to Article 8 of the Environmental Conservation Law this resolution shall constitute a negative declaration under SEQR.

On May 1, 2019, 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

Full Environmental Assessment Form
Part 1 - Project and Setting

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 applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: 2019 Local Law Intro No. 2, A LOCAL LAW To Repeal and Replace Chapter 60 of the Boston Town Code, Flood Damage Prevention		
Project Location (describe, and attach a general location map): Town of Boston, New York (Entire Town)		
Brief Description of Proposed Action (include purpose or need): Local law Intro No. 2019-3 repeals and replaces the Town's Flood Damage Prevention law in order to incorporate new and revised provisions to bring the Town into compliance with changes to the floodplain management requirements of the National Flood Insurance Program. These updates are required for Town property owners to remain eligible to purchase flood insurance. As set forth in the findings for the Local Law, "The Town Board of the Town of Boston finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Boston and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this Chapter is adopted."		
Name of Applicant/Sponsor: Jason A. Keding, Town Supervisor		Telephone: 716-941-6518
		E-Mail: supervisorsoffice@townofboston.com
Address: 8500 Boston State Road		
City/PO: Boston	State: NY	Zip Code: 14025
Project Contact (if not same as sponsor; give name and title/role): Sean W. Costello, Esq., Attorney for the Town		Telephone: 716-854-3400
		E-Mail: costello@ruppbaase.com
Address: 1600 Liberty Building		
City/PO: Buffalo	State: NY	Zip Code: 14202
Property Owner (if not same as sponsor): Various (Local Law applies to Town)		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 Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board, Town of Boston - Passage of Local Law	May 1, 2019
b. City, Town or Village <input type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Erie County Division of Planning - Referral for Review	April 4, 2019
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Department of Environmental Conservation - Review and Approval	April 3, 2019
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	FEMA - Approval of Local Law once Passed	May 3, 2019
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 checked="" type="checkbox"/> Yes <input 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 I 	
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 type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
<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.
If Yes, what is the zoning classification(s) including any applicable overlay district?

☒ Yes ☐ No

Various

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?
If Yes,

☐ Yes ☒ No

i. What is the proposed new zoning for the site?

C.4. Existing community services.

a. In what school district is the project site located? Hamburg, Eden, Orchard Park, Springville-Griffith

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

NY State Police, Erie County Sheriff

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

Boston EMS, North Boston, Patchin, Boston Volunteer Fire Companies

d. What parks serve the project site?

Not applicable.

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)?

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned
or controlled by the applicant or project sponsor? _____ acres

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 the proposed action be constructed in multiple phases?

☐ Yes ☐ No

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

ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase I (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

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

f. Does the project include new residential uses? ☐ Yes ☐ No
If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No
If Yes,

- Total number of structures _____
- Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
- 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,

- Purpose of the impoundment: _____
- If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____
- If other than water, identify the type of impounded/contained liquids and their source. _____
- Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
- Dimensions of the proposed dam or impounding structure: _____ height; _____ length
- 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? ☐ Yes ☐ No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
If Yes;

- What is the purpose of the excavation or dredging? _____
- 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? _____
- Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____
- Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No
If yes, describe. _____
- What is the total area to be dredged or excavated? _____ acres
- What is the maximum area to be worked at any one time? _____ acres
- What would be the maximum depth of excavation or dredging? _____ feet
- Will the excavation require blasting? ☐ Yes ☐ No
- 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:

- 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 the proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe:

iv. Will the 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: _____ 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: _____
- 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), what is the 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: _____ 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): _____

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

☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- 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

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? If Yes: <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: <ul style="list-style-type: none"> • 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? _____ If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ _____ 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)? _____ _____ • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
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? _____ 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? _____ 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) _____ ii. In addition to emissions as calculated in the application, the project will generate: <ul style="list-style-type: none"> • _____ 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) 	

<h3>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?</h3> <div style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</div>			
<p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<h3>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?</h3> <div style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</div> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<h3>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?</h3> <div style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</div> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<h3>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?</h3> <div style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</div> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<h3>l. Hours of operation. Answer all items which apply.</h3> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input 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 the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>
<p>n. Will the proposed action have outdoor lighting? <input 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>_____</p>
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</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 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 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 the 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 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 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 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: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (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: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____

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 the 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: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

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? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<ul style="list-style-type: none"> • 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? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> 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)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes to either <i>i</i> or <i>ii</i> , 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? <input type="checkbox"/> Yes <input type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
<ul style="list-style-type: none"> • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • 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? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No	
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Name of aquifer: _____	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>_____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>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 type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Species and listing (endangered or threatened): _____</p> <p>_____</p>	
<p>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 type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Species and listing: _____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>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 type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>i. If Yes: acreage(s) on project site? _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>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 type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> 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 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 type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Describe possible resource(s): _____ 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 type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> 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 type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> 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 JASON A. KEDINC Date APRIL 4, 2019

Signature  Title TOWN SUPERVISOR

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Project :	Agency Use Only [If applicable] 2019 Local Law Intro. No. 2 - Flood
Date :	

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

l. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

☒ NO

☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)

☒ NO

☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air

The proposed action may include a state regulated air emission source.

(See Part 1. D.2.f., D.2.h, D.2.g)

If "Yes", answer questions a - f. If "No", move on to Section 7.

☒ NO

☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

If "Yes", answer questions a - j. If "No", move on to Section 8.

☒ NO

☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)

☒ NO

☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☒ NO☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☒ NO☐ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.
(See Part 1. D.2.j)

☒ NO☐ YES

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.
(See Part 1. D.2.k)

☒ NO☐ YES

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.
(See Part 1. D.2.m., n., and o.)

☒ NO☐ YES

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1. C.1, C.2. and C.3.)

☒ NO☐ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
(See Part 1. C.2, C.3, D.2, E.3)

☒ NO☐ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

PRINT FULL FORM

Full Environmental Assessment Form

Part 3 - Evaluation of the Magnitude and Importance of Project Impacts

and

Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The proposed Local Law is a required enactment in order to ensure that all qualifying properties within the Town of Boston are eligible to participate in the National Flood Insurance Program, and to ensure the health and safety of the public and the surrounding environment by regulating and limiting development in certain flood prone areas of the Town. The adoption of said Local Law will result in no physical disturbances or alterations to the physical environment, aesthetics, community character, or natural resources of the Town of Boston and, in fact, will aid in reducing such disturbances in certain flood prone areas within the Town and is beneficial to the environment.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status:

☒ Type 1
☐ Unlisted

Identify portions of EAF completed for this Project:
☒ Part 1
☒ Part 2
☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Boston _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Adoption of 2019 Local Law Intro. No. 3, To Repeal and Replace Chapter 60 of the Boston Town Code, Flood Damage Prevention

Name of Lead Agency: Town of Boston

Name of Responsible Officer in Lead Agency: Jason A. Keding

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Sean W. Costello, Esq.

Address: Rupp Baase Pfalzgraf Cunningham LLC, 1600 Liberty Building, Buffalo, NY 14202

Telephone Number: 716-854-3400

E-mail: costello@ruppbaase.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
AND REPLY TO MUNICIPALITY**

Note: Please complete in triplicate. Send original and one copy (with attachments) to
Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202.
Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No. 22-19-224

Postmark/Delivery Date: 4/4/19

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, replay is received at any time prior to municipal Action, such reply must be considered.

Description of Proposed Action

1. Name of Municipality: Town of Boston
2. Hearing Schedule: Date 5/1/2019 Time 7:30 pm Location 8500 Boston State Rd., Boston, NY
3. Action is before: ☒ Legislative Body ☐ Board of Appeals ☐ Planning Board
4. Action consists of: ☐ New Ordinance ☐ Rezone/Map Change ☒ Ordinance Amendment
☐ Site Plan ☐ Variance ☐ Special Use Permit ☐ Other
5. Location of Property: ☒ Entire Municipality ☐ Specific as follows _____
6. Referral required as Site is within 500' of: ☐ State or County Property/Institution ☒ Municipal Boundary ☐ Farm Operation located in an Agricultural District
☐ Expressway ☐ County Road ☐ State Highway ☐ Proposed State or County Road, Property, Building/Institution, Drainageway
7. Proposed change or use (be specific): Local law Intro No. 2019-3 repeals and replaces the Town's Flood Damage Prevention law in order to incorporate new and revised provisions to bring the Town into compliance with changes to the floodplain management requirements of the National Flood Insurance Program.
8. Other remarks (SBL#, etc.): _____
9. Submitted by: Sean W. Costello, Esq., Attorney for Town, Rupp Baase Pfalzgraf Cunningham LLC
10. Return Address: 1600 Liberty Bldg., Buffalo, NY 14202

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 4/9/19. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ The proposed action is not subject to review under the law.
2. ☐ Comment on proposed action is attached hereto.
3. ☐ The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.
4. ☒ No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: Sarah E. Gatti

Date: 4/11/19

TOWN OF BOSTON – RESOLUTION NO. 2019-27

**AUTHORIZING ADOPTION BY THE BOSTON TOWN BOARD
OF TOWN OF BOSTON OF 2019 LOCAL LAW NO. 3**

WHEREAS, a resolution was duly adopted by the Boston Town Board of the for a public hearing to be held by said Town Board on May 1, 2019 at 7:30 p.m. at Boston Town Hall, 8500 Boston State Road, Boston, New York, to hear all interested parties on a proposed Local Law entitled “A LOCAL LAW To Repeal and Replace Chapter 60 of the Boston Town Code, Flood Damage Prevention;” and

WHEREAS, notice of said public hearing was duly advertised in Hamburg Sun, the official newspaper of said Town, on April 12, 2019 and

WHEREAS, said public hearing was duly held on May 1, 2019 at 7:30 p.m. at Boston Town Hall, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the NYS Department of Environmental Conservation, Division of Water, has reviewed the proposed Local Law and has indicated that said Local Law appears to meet state and federal requirements; and

WHEREAS, the Erie County Department of Planning on has determined pursuant to Section 239-m of the General Municipal Law that said Planning Department has not identified any significant county-wide or inter-community impacts associated with the proposed Local Law, and

WHEREAS, the Boston Town Board, after due deliberation, finds it in the best interest of the Town of Boston to adopt said Local Law;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Boston hereby adopts said 2019 Local Law No. 3 entitled ““A LOCAL LAW To Repeal and Replace Chapter 60 of the Boston Town Code, Flood Damage Prevention,” a copy of which is attached hereto and made a part of this resolution, and be it further

* CONTINUED ON NEXT PAGE *

RESOLVED, that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Boston, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

On May 1, 2019, 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
APPLICATION FOR USE OF FACILITY

This Application is subject to Approval by the Town Board

*****Application, deposit, plans, layouts and any additional proof from other agencies must be completed and submitted at time of application. Must be a Boston Resident to request use. *****

Name/Organization Charlotte Avenue Pre-K Date 10/17/18

Name of person responsible for facilities Pamela Greiger / Candy DITKOWSKI
Title Aide / Secretary

Applicant Address 301 Charlotte Avenue, Hamburg NY 14075

Applicant Daytime Phone # _____ # Of Attendees: 500

Date(s) Requested* 10/18/19 Time 8:00 - 3:00 Type of Event Family Picnic

Set Up 8:00 am Take Down 2:00 pm

Sporting Leagues — Please attach Schedule

****Certificate of Insurance from your organization must be submitted at least 1 week before your 1st sporting event****

*****Please confirm that your dates do not conflict with any Sporting Leagues*****

Baseball—Josh Haeick	649-6170	Football—Brian Reader	544-4655
Soccer—Nicole Rooney	422-0023		

I, THE UNDERSIGNED, REQUEST PERMISSION TO USE THE FOLLOWING: (check all that apply)

<input type="checkbox"/> South Boston Park Shelter	<input checked="" type="checkbox"/> Boston Town Park
<input type="checkbox"/> Town Hall Community Room w/ Kitchen	<input checked="" type="checkbox"/> Lions Shelter
<input type="checkbox"/> Other _____	<input type="checkbox"/> Small Shelter
	<input checked="" type="checkbox"/> Bathroom Facilities
	<input type="checkbox"/> Town Fields

WILL YOUR EVENT HAVE ANY OF THE FOLLOWING: (Check all that apply)

☐ Parade - Who will provide traffic control? _____
(Submit proof in writing from that agency at time of application)

☒ Parking (over 50) - Please submit parking Plan: _____
(This must be approved by Park's Superintendent before submittal to Town Clerk with application)

☐ Rides - (Certificate of Insurance from your insurance company must be submitted 1 week before use begins)

☐ Fireworks (Certificate of Insurance from Firework Vendor must be submitted 1 week before your event)

-Who will provide Fire Stand By? _____
(Submit proof in writing from that agency at time of application)

☐ Vendors (over 5) - Please submit Layout (This must be approved by Park's Superintendent before submittal to Town Clerk with application)

☐ Other - Please indicate on your plan (This must be approved by Park's Superintendent before submittal to Town Clerk with application)

Alcoholic Beverages:
(IF SERVING ALCOHOL, CHECK ALL
THAT APPLY)

Are you serving alcohol?
Are you having a Private Party?
Are you having a Public Special Event?

____ Yes X No
____ Yes ____ No
____ Yes X No

PLEASE NOTE:

**ALL parties must submit a Certificate of Insurance 1 week before your event.
Public Special Events serving alcohol must also submit a copy of your NYS Liquor
License 1 week before your event.**

Certificates of Insurance: You must list the Town of Boston as additionally insured and the dates of the event must be on the Certificate of Insurance. Your insurance agent can help you with this. The following is a list of Liability amounts needed:

Private Party (Host Liquor)	\$ 500,000
Public Special Event (Liquor Legal)	\$1,000,000
Ride Vendor	\$1,000,000
Fireworks	\$1,000,000
Sporting Leagues	\$1,000,000

FEES & DEPOSIT: A **\$100** deposit/processing fee and **\$25** per day bathroom use fee must be included with this application. These funds will be utilized to cover the cost of bathroom supplies, final clean up and administrative costs. A refund of **\$50** will be returned when facilities are cleaned to the satisfaction of the inspecting authority and, if applicable, return of keys.

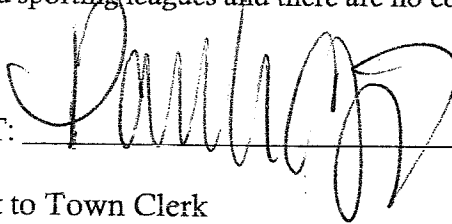
KEYS: Keys may be picked up on the business day before the scheduled event and should be returned the first business day immediately following.

COMMUNITY EVENTS SIGN: If your organization needs to use the Community Announcement sign near the Emergency Squad Bldg, the "Request to use Coming Events Sign" application must be completed and submitted to the Highway/Parks Dept. This form can be obtained from the Town Clerk's Office or at www.townofboston.com.

Requests may be submitted after September 1st the year before your event.

I agree that all facilities used will be properly cleaned to the best of my ability upon completion of the event and that I will be responsible for any damages caused to any of the facilities or grounds. I will submit to the Town Clerk all Certificates of Insurance and NYS Liquor License if necessary at least 1 week prior to my event. I have contacted the above mentioned sporting leagues and there are no conflicts with dates.

SIGNATURE OF APPLICANT: _____

 (Pamela Greiger)

Upon Completion, please submit to Town Clerk

DEPOSIT AND FEE REC'D _____ APPROVED/DENIED : _____
(date) (date)

INSPECTION: _____ DEPOSIT RETURNED: _____
(date) (date)