

AGENDA
REGULAR BOARD MEETING - TOWN OF BOSTON
September 20, 2023 - 7:30 P.M.

ITEM NO. I PRELIMINARY MATTERS

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

ITEM NO. II REGULAR BUSINESS

1. Consideration of all Fund Bills

ITEM NO. III CORRESPONDENCE

1. Dog Control Officer's Report August 2023
2. Town Clerk's Report August 2023
3. August 2023 Income Statement
4. August 2023 Cash Balances
5. Interest Analysis to 9/15/2023
6. Town of Boston Bond Anticipation Sale Results

ITEM NO. IV NEW BUSINESS

1. Requests from the Floor (3-minute time limit per person)
2. Public Hearing for Special Use Permit, Filling Station – 7072 Boston State Road
3. Resolution 2023-76 Award Generator Bid
4. Updated Use of Facilities for 2024– Sports Contracts
5. Application for Use of Facility - Summer Concert Series 2024

ITEM NO. V OLD BUSINESS

1. Appointment of Assessment Clerk

ITEM NO. VI REPORTS AND PRESENTATIONS

1. Highway Superintendent

2. Councilmembers
3. Town Clerk
4. Supervisor

ITEM NO. VIII ADJOURNMENT OF MEETING

1. Adjournment of Meeting

RECEIVED
BOSTON TOWN CLERK

TOWN OF BOSTON DOG CONTROL OFFICER REPORT

2023 SEP -6 AM 11:34

MONTH OF: August 2023

<u>Dates of Month</u>	1st Week 1st-7th	2nd Week 8th- 14th	3rd Week 15th- 21st	4th Week 22nd- 31st	TOTALS
Phone Calls Received	5	2	2	5	14
Phone Calls Returned	5	2	2	5	14
Personal Calls Made	0	0	0	0	0
# Miles Patrolled	-	-	-	-	-
# of Gallon gas used	-	-	-	-	-
# of alive dogs Picked up	0	1	0	0	1
# of dead dogs Picked up	0	0	0	0	0
# of dogs Released to owner	0	1	0	0	1
***Fines Collected					
# of dogs euthenized	0	0	0	0	0
# of dogs adopted	0	0	0	0	0
# of dogs impounded	0	0	0	0	0

Signature of Dog Control Officer 

Date Submitted: 8-31-23

***Total Fines Collected for Month : _____

Submitted Fines to Bookkeeper: _____

Date: _____

Receipt# _____

TOWN CLERK'S MONTHLY REPORT

TOWN OF BOSTON, NEW YORK

AUGUST, 2023

TO THE SUPERVISOR:

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

A1255

<u>22</u>	DECALS	<u>209.20</u>
<u>6</u>	MARRIAGE LICENSES NO. 23018 TO 23023	<u>105.00</u>
<u>19</u>	PHOTOCOPIES	<u>4.75</u>
<u>27</u>	DEATH CERTIFICATES	<u>270.00</u>
<u>2</u>	MARRIAGE CERTIFICATES	<u>20.00</u>
<u>45</u>	FAXES	<u>11.25</u>

TOTAL TOWN CLERK FEES

620.20

A2025

<u>1</u>	USE OF FACILITY FEES	<u>75.00</u>
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TOTAL A2025

75.00

A2544

<u>82</u>	DOG LICENSES	<u>691.00</u>
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TOTAL A2544

691.00

A2555

<u>20</u>	BUILDING PERMITS	<u>10,933.50</u>
<u>1</u>	PUBLIC HEARING FEE	<u>100.00</u>

TOTAL A2555

11,033.50

A2590

<u>1</u>	SPECIAL PERMIT	<u>25.00</u>
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TOTAL A2590

25.00

SR2130

<u>46</u>	WM BAG STICKER	<u>138.00</u>
<u>4</u>	PRO ANNUAL FEE ADD. TOTE	<u>170.84</u>

TOTAL SR2130

308.84

TOWN CLERK'S MONTHLY REPORT

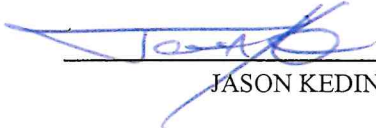
AUGUST, 2023

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DISBURSEMENTS

PAID TO SUPERVISOR FOR GENERAL FUND	<u>12,444.70</u>
PAID TO SUPERVISOR FOR REFUSE & GARBAGE	<u>308.84</u>
PAID TO NYSDEC FOR DECALS	<u>3,939.80</u>
PAID TO NYS ANIMAL POPULATION CONTROL PROGRAM	<u>112.00</u>
PAID TO NYS HEALTH DEPT FOR MARRIAGE LICENSES	<u>135.00</u>
TOTAL DISBURSEMENTS	16,940.34

SEPTEMBER 1, 2023

 SEPT 6th 2023, SUPERVISOR
JASON KEDING


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

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

Subscribed and sworn to before me this


Town Clerk

6th day of September 2023


Notary Public

KAREN M. MILLER
Notary Public, State of New York
Reg. No. 01MI6385215
Qualified in Erie County
Commission Expires 12-31-2026

Town of Boston
Income Statement: 2023
For the Period Ending 8/31/23

General					
Account Number	Account Description	Original Budget Amount	Amended Budget Amount	Actual Rev/Exp YTD	% YTD
<i>Revenues</i>					
A00-1001-0000-0000	REAL PROPERTY TAXES	\$ 164,464	\$ 164,464	\$ 164,464	100.00%
A00-1030-0000-0000	SPECIAL ASSESSMENTS	1,440	1,440	1,443	100.20%
A00-1090-0000-0000	INT. & PENALTIES REAL PROP.TAX	12,200	12,200	22,222	182.15%
A00-1120-0000-0000	NONPROPERTY TAX DISTRIB BY CTY	925,000	925,000	331,721	35.86%
A00-1170-0000-0000	FRANCHISES	120,000	120,000	62,300	51.92%
A00-1255-0000-0000	CLERK FEES	3,200	3,200	1,750	54.69%
A00-1550-0000-0000	DOG CONTROL FEES	150	150	150	100.00%
A00-1972-0000-0000	PROGRAM FOR AGING	700	700	808	115.43%
A00-2001-0000-0000	PARK & RECREATION INCOME	7,000	7,000	3,480	49.72%
A00-2025-0000-0000	SPECIAL RECREATIONAL FACILITY	1,000	1,000	750	75.00%
A00-2089-0000-0000	CULTURAL & REC INCOME	-	-	-	100.00%
A00-2110-0000-0000	ZONING INCOME	2,500	2,500	1,800	72.00%
A00-2401-0000-0000	INTEREST AND EARNINGS	8,000	8,000	57,053	713.16%
A00-2410-0000-0000	RENT / REAL PROP INCOME	88,800	88,800	51,800	58.33%
A00-2420-0000-0000	NATURAL GAS LEASES & ROYALTIES	500	500	512	102.32%
A00-2530-0000-0000	GAMES OF CHANCE INCOME	-	-	292	100.00%
A00-2544-0000-0000	DOG LICENSES	4,100	4,100	3,269	79.73%
A00-2545-0000-0000	LICENSES- OTHER	300	300	300	100.00%
A00-2555-0000-0000	BUILDING PERMIT INCOME	18,200	18,200	17,911	98.41%
A00-2590-0000-0000	OTHER PERMIT INCOME	2,500	2,500	445	17.80%
A00-2610-0000-0000	FINES/FORFEITED BAIL	165,000	165,000	103,515	62.74%
A00-2665-0000-0000	SALE OF EQUIPMENT	-	-	6,700	100.00%
A00-2680-0000-0000	INSURANCE RECOVERIES	-	4,657	4,656	99.99%
A00-2701-0000-0000	REFUND-PRIOR YR EXPENDITURE	-	-	1,427	100.00%
A00-2705-0000-0000	GIFTS AND DONATIONS	-	-	-	100.00%
A00-2750-0000-0000	AIM-RELATED PAYMENTS	-	-	-	100.00%
A00-2770-0000-0000	OTHER UNCLASSIFIED REVENUES	-	-	-	100.00%
A00-3001-0000-0000	STATE AID - PER CAPITA	49,689	49,689	-	0.00%
A00-3005-0000-0000	STATE AID - MORTGAGE TAX	215,000	215,000	68,116	31.68%
A00-3089-0000-0000	STATE AID- OTHER	5,000	5,000	-	0.00%
A00-3809-0000-0000	GEN GOV'T GRANTS	-	7,200	7,200	100.00%
A00-3897-0000-0000	CULTURAL GRANTS	-	4,000	5,000	125.00%
A00-3960-0000-0000	STATE AID EMERGENCY DISASTER	-	-	-	100.00%
A00-4089-0000-0000	FEDERAL AID-OTHER	-	-	99,275	100.00%
A00-4489-0000-0000	FEDERAL AID, OTHER HEALTH	-	-	-	100.00%
A00-4910-1000-0000	FEDERAL AID - COMMUNITY DEVELOPMENT BLOCK GRANT	-	-	-	100.00%
A00-4960-0000-0000	FEDERAL AID EMERGENCY DISASTER	-	-	-	100.00%
		\$ 1,794,743	\$ 1,810,600	\$ 1,018,358	
<i>Expenditures</i>					
A00-1010-1000-0000	TOWN BOARD-PER SVC	\$ 36,400	\$ 36,400	\$ 24,267	66.67%
A00-1010-4000-0000	TOWN BD-CONTR	4,000	4,000	1,568	39.19%
A00-1110-1000-0000	TOWN JUSTICE- PER SVC	123,314	123,314	81,199	65.85%
A00-1110-2000-0000	JUSTICE - EQUIP	1,000	10,900	9,900	90.83%
A00-1110-4000-0000	TOWN JUSTICE-CONTR	5,700	5,700	3,706	65.02%
A00-1220-0100-0000	SUPERVISOR- PER SVC	142,431	142,431	93,041	65.32%
A00-1220-0200-0000	SUPERVISOR- EQUIP	1,000	1,000	-	0.00%
A00-1220-0400-0000	SUPERVISOR- CONTR	5,000	5,000	3,683	73.67%
A00-1320-0402-0000	SPECIAL AUDITS	20,000	20,000	2,925	14.63%
A00-1321-0400-0000	ACCOUNTANT-CONTRACTUAL	5,000	5,000	2,050	41.00%
A00-1321-0401-0000	ACCOUNTING FEES	5,000	5,000	1,869	37.39%
A00-1340-0100-0000	BUDGET DIRECTOR- PER SVC	3,786	3,786	2,476	65.39%
A00-1355-0100-0000	ASSESSOR-PERSONAL SVC	73,077	73,077	36,696	50.22%
A00-1355-0200-0000	ASSESSOR - EQUIPMENT	1,000	1,000	-	0.00%
A00-1355-0401-0000	ASSESSOR- CONTR	4,255	4,255	3,311	77.82%
A00-1380-0400-0000	FISCAL AGENT- CONTRACT	10,000	10,000	-	0.00%
A00-1410-0100-0000	TOWN CLERK- PER SVC	111,379	111,379	69,865	62.73%
A00-1410-0200-0000	TOWN CLERK- EQUIP	1,000	1,000	-	0.00%
A00-1410-0401-0000	TOWN CLERK- CONTR	4,000	4,000	1,142	28.55%
A00-1420-0100-0000	TOWN ATTORNEY- PER SVC	17,527	17,527	11,685	66.67%
A00-1420-0401-0000	ATTORNEY- CONTR	47,414	47,414	14,610	30.81%
A00-1430-4000-0000	PERSONNEL- CONTR	6,500	6,500	4,250	65.38%
A00-1440-0400-0000	ENGINEER- CONTR	50,000	61,500	14,380	23.38%
A00-1460-0100-0000	RECORDS MGT- PER SVC	250	250	-	0.00%
A00-1460-0200-0000	RECORDS MGT- EQUIP	8,600	8,600	-	0.00%
A00-1460-0401-0000	RECORDS MGT- CONTR	1,000	1,000	450	45.01%
A00-1620-0101-0000	BUILDINGS -PER SVC	29,101	29,101	12,231	42.03%
A00-1620-0200-0000	BUILDINGS- EQUIP	50,000	45,500	22,687	49.86%
A00-1620-0400-0000	BUILDINGS- CONTR	95,000	95,000	44,486	46.83%
A00-1620-0402-0000	BUILDINGS- CONTR-REC CENTER	10,000	10,000	4,964	49.64%
A00-1620-0403-0000	BUILDING- CONTR- HIGHWAY	8,000	8,000	2,657	33.21%
A00-1620-0404-0000	BUILDING- CONTR- TROOPER BARRACKS	12,000	12,000	6,689	55.74%
A00-1650-0200-0000	CENTR COMM- EQUIP	10,000	7,300	5,073	69.50%
A00-1650-0400-0000	CENT COMMUNICATIONS- CONTR	35,000	35,000	23,246	66.42%
A00-1670-0200-0000	CENT PRINT/MAIL- EQUIP	-	4,500	4,500	100.00%
A00-1670-0403-0000	CENT PRINT/MAIL- CONTR	17,000	17,000	13,571	79.83%
A00-1910-0000-0000	UNALLOCATED INSURANCE	77,000	83,000	80,818	97.37%
A00-1920-0000-0000	MUNICIPAL ASSOCIATION DUES	4,200	4,200	2,350	55.95%
A00-1930-0000-0000	JUDGEMENT AND CLAIMS	550	550	213	38.73%
A00-1950-0000-0000	TAXES & ASSESSMNTS ON PROPERTY	4,100	4,100	4,016	97.95%
A00-1989-0400-0000	OTHER GENERAL GOVT SUPPORT	17,700	17,700	12,600	71.19%
A00-1990-0000-0000	CONTINGENT ACCOUNT	10,000	2,059	-	0.00%
A00-3310-0400-0000	TRAFFIC CONTROL-CONTR	6,000	6,000	3,789	63.16%

A00-3510-0100-0000	DOG CONTROL- PER SVC	14,255	14,255	9,503	66.67%
A00-3510-0200-0000	DOG CONTROL- EQUIP	1,000	1,000	-	0.00%
A00-3510-0400-0000	DOG CONTROL- CONTR	2,000	2,000	2,109	105.46%
A00-3620-0100-0000	SAFETY INSPECT-PER SVC	88,040	88,040	49,132	55.81%
A00-3620-0200-0000	SAFETY INSPECT- EQUIP	2,000	2,000	215	10.75%
A00-3620-0400-0000	SAFETY INSPECT- CONTR	7,000	7,000	2,746	39.23%
A00-5010-0100-0000	HIGHWAY SUPT-PER SVC	94,563	94,563	61,123	64.64%
A00-5010-0200-0000	HIGHWAY SUPT - EQUIPMENT	1,000	1,000	-	0.00%
A00-5010-0400-0000	HIGHWAY SUPT-CONTR	5,000	5,200	2,266	43.58%
A00-5132-0400-0000	GARAGE-CONTR	26,000	26,018	15,602	59.96%
A00-5182-0400-0000	STREET LIGHTING-CONTR	25,000	29,657	13,512	45.56%
A00-6772-0100-0000	PROGRAM FOR AGING-PER SVC	34,075	34,075	19,889	58.37%
A00-6772-0200-0000	NUTRITION EQUIPMENT & CHAIRS	1,000	1,000	-	0.00%
A00-6772-0400-0000	PROGRAMS FOR AGING-CONTR	7,500	7,500	8,722	116.30%
A00-7110-0100-0000	PARKS- PER SVC	131,905	131,905	63,384	48.05%
A00-7110-0201-0000	EQUIPMENT	1,200	58,014	56,814	97.93%
A00-7110-0400-0000	PARKS- CONTR	25,000	25,000	12,113	48.45%
A00-7270-0100-0000	EVENT COORDINATOR - PER SVC	2,704	2,704	1,768	65.38%
A00-7270-0400-0000	BAND CONCERTS- CONTR	6,000	10,000	6,256	62.56%
A00-7310-0400-0000	YOUTH PROGRAMS-CONTR	75,000	75,000	75,000	100.00%
A00-7510-0100-0000	TOWN HISTORIAN-PER SVC	3,840	3,840	2,560	66.67%
A00-7510-0401-0000	HISTORIAN- CONTR	525	525	169	32.11%
A00-7520-0400-0000	HISTORIAN PROP-CONTR	3,000	3,000	-	0.00%
A00-7550-0400-0000	CELEBRATIONS- CONTR	20,000	20,000	13,335	66.68%
A00-7620-0400-0000	ADULT REC- BOSTON SRS.	14,000	14,000	8,343	59.59%
A00-7620-0402-0000	ADULT REC- BOS YOUNG @ HEART	14,000	14,000	11,627	83.05%
A00-7989-0400-0000	OTHER CULTURE/REC- CONTR	2,000	2,000	1,000	50.00%
A00-8010-0100-0000	ZONING- PER SVC	8,157	8,157	1,257	15.41%
A00-8010-0400-0000	ZONING-CONTR	9,000	9,000	582	6.47%
A00-8020-0100-0000	PLANNING-PER SVC	5,691	5,691	1,124	19.75%
A00-8020-0400-0000	PLANNING- CONTR	6,000	6,000	5,112	85.20%
A00-8410-0200-0000	ELECTRIC & POWER - EQUIP	5,000	5,000	-	0.00%
A00-8510-0400-0000	COMMUNITY BEAUTIFICATION-CONTR	250	250	-	0.00%
A00-8540-0400-0000	DRAINAGE-CONTR	10,000	10,000	-	0.00%
A00-8710-0100-0000	CONSERVATION-PER SVC	3,035	3,035	313	10.31%
A00-8710-0400-0000	CONSERVATION- CONTR	6,550	7,560	2,149	28.42%
A00-8745-0400-0000	FLOOD & EROSION CONTROL-CONTRA	10,000	10,000	-	0.00%
A00-8810-0100-0000	CEMETERY- PER SVC.	300	300	-	0.00%
A00-8810-0400-0000	CEMETERY-CONTRACTUAL	600	600	-	0.00%
A00-8989-0200-0000	OTHER HOME/COM SVC - EQUIP	85,000	92,941	-	-
A00-8989-0400-0000	OTHER HOME/COM SVC-CONTR	65,000	65,000	-	0.00%
A00-9010-0800-0000	STATE RETIREMENT	85,000	85,000	18,036	21.22%
A00-9030-0800-0000	SOCIAL SECURITY	72,000	72,000	41,612	57.79%
A00-9040-0800-0000	WORKERS' COMPENSATION	14,000	18,000	17,796	98.87%
A00-9050-0800-0000	UNEMPLOYMENT INSURANCE	6,000	6,000	4,683	78.05%
A00-9055-0800-0000	DISABILITY INSURANCE	1,000	1,000	828	82.78%
A00-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	80,000	70,000	39,305	56.15%
A00-9730-0600-0000	BAN PRINCIPAL	45,000	45,000	45,000	100.00%
A00-9730-0700-0000	BAN INTEREST	21,485	21,485	11,080	51.57%
A00-9950-0900-0000	TRANSFERS TO CAPITAL PROJECTS FUND	-	-	190,307	100.00%
		\$ 2,220,959	\$ 2,306,358	\$ 1,443,335	

Highway					
Account Number	Account Description	Original Budget Amount	Amended Budget Amount	Actual Rev/Exp YTD	% YTD
<i>Revenue</i>					
DB0-1001-0000-0000	REAL PROPERTY TAX	\$ 853,332	\$ 853,332	\$ 853,332	100.00%
DB0-1120-0000-0000	NON-PROPERTY TAX DIST. BY CNTY	275,000	275,000	275,000	100.00%
DB0-2401-0000-0000	INTEREST AND EARNINGS	3,000	3,000	31,308	1043.58%
DB0-2650-0000-0000	SALE OF SCRAP	-	-	-	100.00%
DB0-2665-0000-0000	SALE OF EQUIPMENT	-	-	72,200	100.00%
DB0-2680-0000-0000	INSURANCE RECOVERIES	-	-	-	100.00%
DB0-2701-0000-0000	REFUND-PRIOR YR EXPENDITURES	-	-	-	100.00%
DB0-2709-0000-0000	EMPLOYEES CONTRIBUTIONS	-	-	-	100.00%
DB0-2770-0000-0000	OTHER UNCLASSIFIED	-	-	-	100.00%
DB0-2770-1000-0000	OTHER UNCLASSIFIED - FUEL REIMBURSEMENTS	2,000	2,000	1,223	61.14%
DB0-2801-0000-0000	INTERFUND REVENUES	65,000	65,000	-	0.00%
DB0-3501-0000-0000	STATE AID	178,952	178,952	-	0.00%
		\$ 1,377,284	\$ 1,377,284	\$ 1,233,062	
<i>Expenditure</i>					
DB0-1930-0400-0000	JUDGEMENT & CLAIMS	\$ 51	\$ 51	\$ 51	99.94%
DB0-5110-0100-0000	GENERAL REPAIRS-PER SVC	216,487	216,487	137,596	63.56%
DB0-5110-0400-0000	GENERAL REPAIRS-CONTR	203,647	203,647	192,411	94.48%
DB0-5110-0410-0000	GEN REPAIRS-FUEL & DIESEL	67,000	67,000	19,881	29.67%
DB0-5110-0420-0000	GEN REPAIRS- DRAINAGE	30,000	30,000	17,880	59.60%
DB0-5112-0200-0000	CAPITAL OUTLAY	178,952	178,952	623	0.35%
DB0-5130-0200-0000	MACHINERY- EQUIPMENT	185,500	242,314	56,814	23.45%
DB0-5130-0400-0000	MACHINERY- CONTRACTUAL	70,000	70,386	40,974	58.21%
DB0-5140-0100-0000	BRUSH & WEEDS-PER SVC (General Fund to Reimb)	30,394	30,394	14,448	47.54%
DB0-5140-0101-0000	BRUSH & WEEDS-PER SVC (HWY Right of Way Work)	21,975	21,975	-	0.00%
DB0-5140-0400-0000	MISC BRUSH & WEEDS-CONTRACTUAL	5,000	5,000	-	0.00%
DB0-5142-0100-0000	SNOW REMOVAL-PER SVC	183,289	183,289	103,665	56.56%
DB0-5142-0400-0000	SNOW REMOVAL- CONTRACTUAL	140,695	140,695	33,538	23.84%
DB0-5148-0100-0000	SNOW REMOVAL-OTHER GOV'T-PS	-	-	-	100.00%
DB0-5148-0400-0000	SNOW REMOVAL-OTHER GOVT-CONTR	-	-	-	100.00%
DB0-9010-0800-0000	STATE RETIREMENT	55,000	55,000	10,593	19.26%
DB0-9030-0800-0000	SOCIAL SECURITY	35,000	35,000	19,139	54.68%
DB0-9040-0800-0000	WORKERS' COMPENSATION	40,000	40,000	37,222	93.05%
DB0-9060-0800-0000	HOSPITAL AND MEDICAL INSURANCE	80,000	80,000	40,761	50.95%
		\$ 1,542,939	\$ 1,600,139	\$ 725,545	

Water #1					
Account Number	Account Description	Original Budget Amount	Amended Budget Amount	Actual Rev/Exp YTD	% YTD
<i>Revenue</i>					
HA0-1001-0000-0000	REAL PROPERTY TAX	\$ 115,745	\$ 115,745	\$ 115,745	100.00%
HA0-2401-0000-0000	INTEREST EARNINGS	150	150	2,856	1903.96%
HA0-2680-0000-0000	INSURANCE RECOVERIES	-	-	-	100.00%
		\$ 115,895	\$ 115,895	\$ 118,601	
<i>Expenditure</i>					
HA0-8340-0400-0000	CONTRACTUAL	\$ 62,071	\$ 62,071	\$ 32,556	52.45%
HA0-9730-0600-0000	BAN'S- PRINCIPAL	43,432	43,432	43,431	100.00%
HA0-9730-0700-0000	BAN'S- INTEREST	10,392	10,392	1,477	14.21%
		\$ 115,895	\$ 115,895	\$ 77,465	

Water #2					
Account Number	Account Description	Original Budget Amount	Amended Budget Amount	Actual Rev/Exp YTD	% YTD
<i>Revenue</i>					
HBO-1001-0000-0000	REAL PROPERTY TAX	\$ 51,571	\$ 51,571	\$ 51,571	100.00%
HBO-2401-0000-0000	INTEREST & EARNINGS	150	150	2,229	1485.81%
		\$ 51,721	\$ 51,721	\$ 53,800	
<i>Expenditure</i>					
HBO-8340-0400-0000	CONTRACTUAL	\$ 41,620	\$ 41,620	\$ 13,025	31.29%
HBO-9730-0600-0000	BAN'S - PRINCIPAL	-	-	-	100.00%
HBO-9730-0700-0000	BAN INTEREST	10,101	10,101	-	0.00%
		\$ 51,721	\$ 51,721	\$ 13,025	

Water #3					
Account Number	Account Description	Original Budget Amount	Amended Budget Amount	Actual Rev/Exp YTD	% YTD
<i>Revenue</i>					
HCO-1001-0000-0000	REAL PROPERTY TAX	\$ 259,430	\$ 259,430	\$ 260,106	100.26%
HCO-2401-0000-0000	INTEREST AND EARNINGS	1,000	1,000	16,049	1604.89%
		\$ 260,430	\$ 260,430	\$ 276,154	
<i>Expenditure</i>					
HCO-1930-0400-0000	JUDGEMENT & CLAIMS	\$ -	\$ -	-	100.00%
HCO-8340-0400-0000	CONTRACTUAL	17,045	17,045	17,045	100.00%
HCO-9730-0600-0000	BAN'S- PRINCIPAL	116,100	116,100	116,100	100.00%
HCO-9730-0700-0000	BAN INTEREST	130,319	130,319	121,307	93.08%
		\$ 263,464	\$ 263,464	\$ 254,452	

Water Ext 1					
Account Number	Account Description	Original Budget Amount	Amended Budget Amount	Actual Rev/Exp YTD	% YTD
<i>Revenue</i>					
HDO-1001-0000-0000	REAL PROPERTY TAX	\$ 3,012	\$ 3,012	\$ 3,012	100.00%
HDO-2401-0000-0000	INTEREST AND EARNINGS	100	100	922	922.00%
		\$ 3,112	\$ 3,112	\$ 3,934	
<i>Expenditure</i>					
HDO-8340-0400-0000	CONTRACTS	\$ 2,960	\$ 2,960	\$ 687	23.22%
HDO-9730-0700-0000	BAN'S - INTEREST	152	152	-	
		\$ 2,960	\$ 2,960	\$ 687	

Water Ext 2					
Account Number	Account Description	Original Budget Amount	Amended Budget Amount	Actual Rev/Exp YTD	% YTD
<i>Revenue</i>					
HE0-1001-0000-0000	REAL PROPERTY TAX	\$ 29,076	\$ 29,076	\$ 29,076	100.00%
HE0-2401-0000-0000	INTEREST AND EARNINGS	100	250	2,228	891.04%
		\$ 29,176	\$ 29,326	\$ 31,304	
<i>Expenditure</i>					
HE0-1930-0000-0000	JUDGEMENT & CLAIMS	\$ -	\$ -	0	100.00%
HE0-8340-0400-0000	CONTRACTUAL	27,748	27,748	-	0.00%
HE0-9730-0600-0000	BAN- PRINCIPLE	-	-	-	100.00%
HE0-9730-0700-0000	BAN INTEREST	1,428	1,428	-	0.00%
		\$ 29,176	\$ 29,176	\$ -	

Water #3 Ext. 1					
Account Number	Account Description	Original Budget Amount	Amended Budget Amount	Actual Rev/Exp YTD	% YTD
<i>Revenue</i>					
HFO-1001-0000-0000	REAL PROPERTY TAX	\$ 10,978	\$ 10,978	\$ 10,978	100.00%
HFO-2401-0000-0000	INTEREST AND EARNINGS	50	50	713	1426.54%
		\$ 11,028	\$ 11,028	\$ 11,691	
<i>Expenditure</i>					
HFO-8340-0400-0000	CONTRACTUAL	\$ 2,184	\$ 2,184	-	0.00%
HFO-9730-0600-0000	PRINC PMTS- BANS	6,250	6,250	6,250	100.00%
HFO-9730-0700-0000	INTEREST PMTS. BANS	2,594	2,594	1,750	67.46%
		\$ 11,028	\$ 11,028	\$ 8,000	

Lighting					
Account Number	Account Description	Original Budget Amount	Amended Budget Amount	Actual Rev/Exp YTD	% YTD
<i>Revenue</i>					
L30-1001-0000-0000	REAL PROPERTY TAX	\$ 14,001	\$ 14,001	\$ 14,001	100.00%
L30-2401-0000-0000	INTEREST AND EARNINGS	50	50	558	1116.48%
		\$ 14,051	\$ 14,051	\$ 14,559	
<i>Expenditure</i>					
L30-5182-0401-0000	CONTRACTS	\$ 14,051	\$ 14,051	\$ 8,306	59.12%
		\$ 14,051	\$ 14,051	\$ 8,306	

Fire					
Account Number	Account Description	Original Budget Amount	Amended Budget Amount	Actual Rev/Exp YTD	% YTD
<i>Revenue</i>					
SFO-1001-0000-0000	REAL PROPERTY TAX	\$ 801,039	\$ 801,039	\$ 801,039	100.00%
SFO-1120-0000-0000	NONPROPERTY TAX DIST	100,000	100,000	100,000	100.00%
SFO-2401-0000-0000	INTEREST EARNINGS	1,000	1,000	11,813	1181.32%
		\$ 902,039	\$ 902,039	\$ 912,852	
<i>Expenditure</i>					
SFO-1930-0400-0000	JUDGEMENT & CLAIMS	\$ 37	\$ 37	\$ 37	99.81%
SFO-3410-0401-0000	CONTRACTS	654,482	654,482	630,637	96.36%
SFO-9025-0800-0000	SERVICE AWARDS PROGRAM	250,000	450,000	200,000	44.44%
SFO-9040-0800-0000	WORKERS COMP INSURANCE	15,000	15,000	14,036	93.57%
		\$ 919,519	\$ 1,119,519	\$ 844,710	

Refuse					
Account Number	Account Description	Original Budget Amount	Amended Budget Amount	Actual Rev/Exp YTD	% YTD
<i>Revenue</i>					
SGO-1001-0000-0000	REAL PROPERTY TAX	\$ 843,128	\$ 843,128	\$ 846,727	100.43%
SGO-2130-0000-0000	REFUSE AND GARBAGE CHARGES	1,200	1,200	3,137	261.38%
SGO-2401-0000-0000	INTEREST EARNINGS	1,000	1,000	11,858	1185.81%
		\$ 845,328	\$ 845,328	\$ 861,722	
<i>Expenditure</i>					
SGO-8160-0401-0000	GARBAGE CONTRACTUAL BFI	\$ 845,328	\$ 845,328	\$ 501,974	59.38%
		\$ 845,328	\$ 845,328	\$ 501,974	

Ambulance					
Account Number	Account Description	Original Budget Amount	Amended Budget Amount	Actual Rev/Exp YTD	% YTD
<i>Revenue</i>					
SMO-1001-0000-0000	REAL PROPERTY TAX	\$ 100,987	\$ 100,987	\$ 100,987	100.00%
SMO-1120-0000-0000	NONPROPERTY TAX DISTRIBUTION	80,000	80,000	80,000	100.00%
SMO-2401-0000-0000	INTEREST INCOME	200	200	6,836	3417.81%
		\$ 181,187	\$ 181,187	\$ 187,823	
<i>Expenditure</i>					
SMO-1930-0400-0000	JUDGEMENT & CLAIMS	\$ 5	\$ 5	\$ -	0.00%
SMO-4540-0200-0000	AMBULANCE- CAPITAL EQUIPMENT	40,000	40,000	-	0.00%
SMO-4540-0400-0000	CONTRACTUAL	99,758	99,758	80,393	80.59%
SMO-9025-0800-0000	LOCAL PENSION FUND	19,000	19,000	12,642	66.54%
SMO-9040-0800-0000	WORKER'S COMP	8,000	8,000	4,841	60.51%
SMO-9730-0600-0000	BAN'S PRINCIPAL	13,452	13,452	-	0.00%
SMO-9730-0700-0000	BAN'S INTEREST	972	972	-	0.00%
		\$ 181,187	\$ 181,187	\$ 97,876	

Capital Projects					
Boston State Road Water Main Replacement					
Account Number	Account Description	Project Budget	Current Yr Rev/Exp	Total Project Rev/Exp	% Complete
<i>Revenue</i>					
H01-2401-0000-0000	INTEREST & EARNINGS	\$ -	\$ -	\$ 24	
H01-4989-0000-0000	FED AID - OTHER HOME & COMMUNITY SVC	150,000	-	150,000	100.00%
H01-5031-0000-0000	INTERFUND TRANSFERS (ARPA)	-	-	297,728	
H01-5031-0000-0000	INTERFUND TRANSFERS (Non-ARPA)	-	-	27,628	
		<u>\$ 150,000</u>	<u>\$ -</u>	<u>\$ 475,380</u>	
<i>Expenditure</i>					
H01-8340-0200-0000	BOSTON STATE ROAD WATER MAIN REPLACEMENT				
	New Frontier Excavating & Paving	\$ 430,253	\$ -	\$ 412,101	95.78%
	Engineering	\$ 59,547	\$ -	\$ 63,255	106.23%
		<u>\$ 489,800</u>	<u>\$ -</u>	<u>\$ 475,356</u>	

North Boston Park Shelter					
Account Number	Account Description	Project Budget	Current Yr Rev/Exp	Total Project Rev/Exp	% Complete
<i>Revenue</i>					
H02-2401-0000-0000	INTEREST & EARNINGS	\$ -	\$ -	\$ -	
H02-4989-0000-0000	FED AID - OTHER HOME & COMMUNITY SVC	100,000	-	100,000	100.00%
H02-5031-0000-0000	INTERFUND TRANSFERS (ARPA)	-	99,275	187,073	
H02-5031-0000-0000	INTERFUND TRANSFERS (Non-ARPA)	-	-	39,379	
		<u>\$ 100,000</u>	<u>\$ 99,275</u>	<u>\$ 326,451</u>	
<i>Expenditure</i>					
H02-7110-0200-0000	NORTH BOSTON PARK SHELTER				
	Sicoli Construction	\$ 466,700	\$ 249,889	\$ 437,687	93.78%
	Engineering	\$ 38,900	\$ 2,239	\$ 40,243	103.45%
	Misc. Expenses (Ads / Dumpster/etc.)	\$ 0	\$ 542	\$ 1,917	
		<u>\$ 505,600</u>	<u>\$ 252,670</u>	<u>\$ 479,847</u>	

Water Tank Repairs					
Account Number	Account Description	Project Budget	Current Yr Rev/Exp	Total Project Rev/Exp	% Complete
<i>Revenue</i>					
H03-2401-0000-0000	INTEREST & EARNINGS	\$ -	\$ 19,505	\$ 20,563	105.42%
H03-5730-0000-0000	BOND ANTICIPATION NOTES	-	-	1,013,790	100.00%
H03-5031-0000-0000	INTERFUND TRANSFERS	-	-	-	
		<u>\$ -</u>	<u>\$ 19,505</u>	<u>\$ 1,034,353</u>	
<i>Expenditure</i>					
H03-8340-0200-0000	WATER TANK REHAB	\$ -	\$ -	\$ -	
		<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	

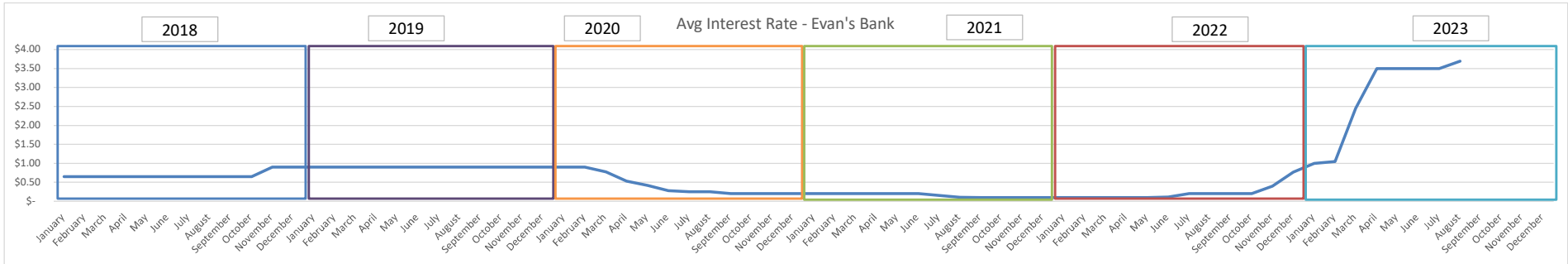
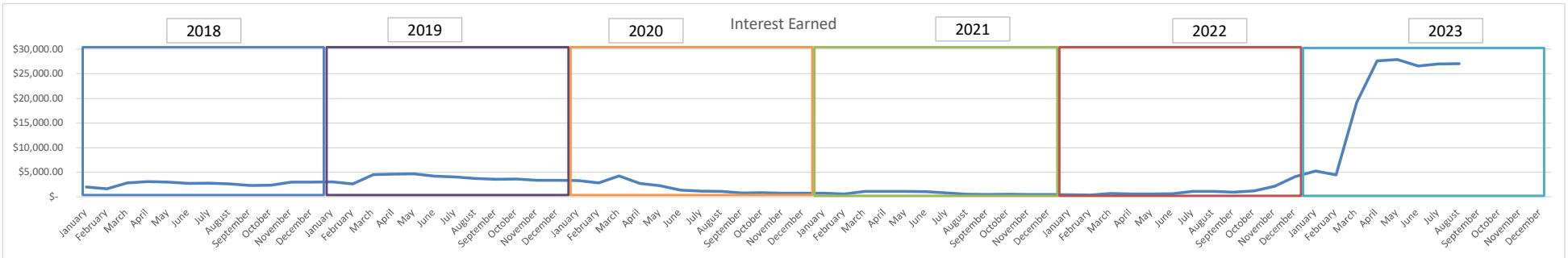
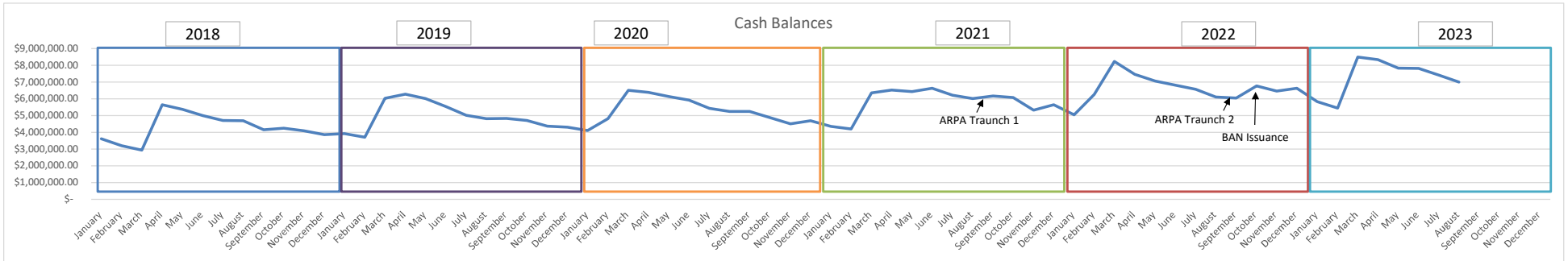
Waterline Replacements - Phase 1					
Account Number	Account Description	Project Budget	Current Yr Rev/Exp	Total Project Rev/Exp	% Complete
<i>Revenue</i>					
H04-2401-0000-0000	INTEREST & EARNINGS	\$ -	\$ -	\$ -	
H04-5730-0000-0000	BOND ANTICIPATION NOTES	-	-	-	
H04-5031-0000-0000	INTERFUND TRANSFERS	-	-	-	
		<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	
<i>Expenditure</i>					
H04-8340-0200-0000	WATERLINE REPLACEMENTS - PHASE 1				
	Construction	\$ -	\$ -	\$ -	0.00%
	Engineering	\$ 355,000	\$ 39,000	\$ 250,000	70.42%
		<u>\$ 355,000</u>	<u>\$ 39,000</u>	<u>\$ 250,000</u>	

Town of Boston Comprehensive Plan Update					
Account Number	Account Description	Project Budget	Current Yr Rev/Exp	Total Project Rev/Exp	% Complete
<i>Revenue</i>					
H05-2401-0000-0000	INTEREST & EARNINGS	\$ -	\$ -	\$ -	
		<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	
<i>Expenditure</i>					
H05-8020-0200-0000	COMPREHENSIVE PLAN UPDATE	\$ -	\$ 4,429	\$ 4,429	
		<u>\$ -</u>	<u>\$ 4,429</u>	<u>\$ 4,429</u>	

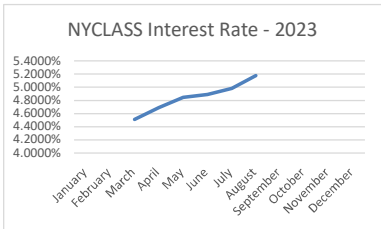
Town Hall Generator					
Account Number	Account Description	Project Budget	Current Yr Rev/Exp	Total Project Rev/Exp	% Complete
<i>Revenue</i>					
H06-2401-0000-0000	INTEREST & EARNINGS	\$ -	\$ 1,124	\$ 1,124	
H06-5031-0000-0000	INTERFUND TRANSFERS	-	91,032	91,032	
		<u>\$ -</u>	<u>\$ 92,156</u>	<u>\$ 92,156</u>	
<i>Expenditure</i>					
H06-1620-0200-0000	TOWN HALL GENERATOR				
	Construction	\$ -	\$ -	\$ -	
	Engineering	\$ -	\$ 18,144	\$ 18,144	
		<u>\$ -</u>	<u>\$ 18,144</u>	<u>\$ 18,144</u>	

Monthly Cash Balances 2023

Fund	Acct #	Account	1/31/2023	2/28/2023	3/31/2023	4/30/2023	5/30/2023	6/30/2023	7/31/2023	8/31/2023
General (A)	A00-0201-0000	General Fund Cash	\$ 2,565,072	\$ 2,288,272	\$ 2,390,084	\$ 2,247,261	\$ 2,173,333	\$ 2,507,378	\$ 2,421,319	\$ 2,351,886
General (A)	A00-0210-0000	Petty Cash	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500
General (A)	A00-0878-0300	Reserve for Tri-Seq	\$ 7,148	\$ 7,153	\$ 7,169	\$ 7,193	\$ 7,223	\$ 7,252	\$ 7,282	\$ 7,314
General (A)	A00-0878-0600	Reserve for Sr. Facility	\$ 61,231	\$ 61,275	\$ 61,409	\$ 61,615	\$ 61,869	\$ 62,119	\$ 62,382	\$ 62,657
General (A)	A00-0878-0700	Reserve for Tax Stable	\$ 84,660	\$ 84,721	\$ 84,907	\$ 85,192	\$ 85,543	\$ 85,887	\$ 86,252	\$ 86,632
General (A)	A00-0878-0800	Reserve for Bldgs & Parks	\$ 125,639	\$ 125,729	\$ 126,006	\$ 126,428	\$ 126,949	\$ 127,461	\$ 128,001	\$ 128,565
General (A)	A00-0878-0900	Reserve for Recreation	\$ 37,090	\$ 37,117	\$ 37,199	\$ 37,323	\$ 37,477	\$ 37,628	\$ 37,788	\$ 37,954
General (A)	A00-0878-1000	Reserve for Drainage	\$ 125,931	\$ 126,021	\$ 126,298	\$ 126,722	\$ 127,244	\$ 127,757	\$ 128,001	\$ 128,864
			\$ 3,007,272	\$ 2,730,787	\$ 2,833,572	\$ 2,692,233	\$ 2,620,138	\$ 2,955,981	\$ 2,871,525	\$ 2,804,372
Highway (DB)	DB0-0201-0000	Highway Cash	\$ 503,309	\$ 446,752	\$ 1,477,597	\$ 1,446,753	\$ 1,383,309	\$ 1,428,285	\$ 1,373,683	\$ 1,178,562
Highway (DB)	DB0-0878-0100	Reserve or HWY Equipment	\$ 289,924	\$ 290,130	\$ 290,769	\$ 294,743	\$ 292,947	\$ 294,126	\$ 295,374	\$ 296,675
			\$ 793,232	\$ 736,882	\$ 1,768,366	\$ 1,741,496	\$ 1,676,256	\$ 1,722,411	\$ 1,669,057	\$ 1,475,237
Capital Projects (H)	H00-0201-0000	Capital Projects Cash	\$ (236,988)	\$ (221,545)	\$ (251,862)	\$ (160,830)	\$ (229,052)	\$ (263,581)	\$ (276,597)	\$ (343,788)
Capital Projects (H)	H00-0231-0000	Restricted Cash	\$ 1,015,650	\$ 1,016,375	\$ 1,018,611	\$ 1,021,682	\$ 1,024,829	\$ 1,027,852	\$ 1,030,971	\$ 1,034,353
			\$ 778,662	\$ 794,830	\$ 766,750	\$ 860,852	\$ 795,777	\$ 764,271	\$ 754,375	\$ 690,565
Fire Protection (SF)	SF0-0201-0000	Fire Fund Cash	\$ 407,448	\$ 407,501	\$ 999,123	\$ 999,208	\$ 796,723	\$ 488,060	\$ 489,492	\$ 489,447
			\$ 407,448	\$ 407,501	\$ 999,123	\$ 999,208	\$ 796,723	\$ 488,060	\$ 489,492	\$ 489,447
Lighting (SL)	L30-0201-0000	Lighting Fund Cash	\$ 21,421	\$ 20,113	\$ 32,955	\$ 31,821	\$ 30,747	\$ 29,700	\$ 28,687	\$ 27,657
			\$ 21,421	\$ 20,113	\$ 32,955	\$ 31,821	\$ 30,747	\$ 29,700	\$ 28,687	\$ 27,657
Ambulance (SM)	SM0-0201-0000	Ambulance Fund Cash	\$ 13,514	\$ 11,554	\$ 156,290	\$ 155,611	\$ 155,260	\$ 154,598	\$ 152,840	\$ 138,518
Ambulance (SM)	SM0-0878-0001	Reserve for Ambulance	\$ 179,976	\$ 180,105	\$ 180,501	\$ 181,106	\$ 181,853	\$ 182,585	\$ 183,360	\$ 184,622
			\$ 193,490	\$ 191,659	\$ 336,791	\$ 336,717	\$ 337,113	\$ 337,183	\$ 336,199	\$ 323,140
Garbage (SG/SR)	SG0-0201-0000	Garbage & Refuse Fund Cash	\$ 144,742	\$ 73,572	\$ 849,825	\$ 781,207	\$ 712,510	\$ 644,940	\$ 576,375	\$ 504,376
			\$ 144,742	\$ 73,572	\$ 849,825	\$ 781,207	\$ 712,510	\$ 644,940	\$ 576,375	\$ 504,376
Water (SW)	HA0-0201-0000	(HA) Water District #1	\$ 93,820	\$ 93,887	\$ 177,465	\$ 178,000	\$ 133,641	\$ 134,035	\$ 134,442	\$ 134,883
Water (SW)	HB0-0201-0000	(HB) Water District #2	\$ 80,546	\$ 80,604	\$ 119,412	\$ 119,772	\$ 120,141	\$ 120,496	\$ 120,861	\$ 121,258
Water (SW)	HCO-0201-0000	(HC) Water District #3	\$ 190,338	\$ 190,474	\$ 444,052	\$ 445,391	\$ 446,763	\$ 448,080	\$ 268,062	\$ 268,942
Water (SW)	HCO-0878-0100	Reserve for Debt - Dist. 3	\$ 353,940	\$ 354,192	\$ 354,971	\$ 356,161	\$ 357,630	\$ 359,070	\$ 360,593	\$ 362,182
Water (SW)	HDO-0201-0000	(HD) Water Ext. 1	\$ 45,867	\$ 45,900	\$ 48,331	\$ 48,477	\$ 48,626	\$ 48,769	\$ 48,917	\$ 49,078
Water (SW)	HE0-0201-0000	(HE) Water Ext. 2	\$ 89,213	\$ 89,277	\$ 118,613	\$ 118,970	\$ 119,337	\$ 119,689	\$ 120,052	\$ 120,446
Water (SW)	HFO-0201-0000	(HF) Water Dist. 3 Ext.	\$ 29,664	\$ 29,685	\$ 40,753	\$ 40,876	\$ 41,002	\$ 41,123	\$ 33,223	\$ 33,332
			\$ 883,389	\$ 884,019	\$ 1,303,598	\$ 1,307,647	\$ 1,267,139	\$ 1,271,262	\$ 1,086,151	\$ 1,090,120
			\$ 6,229,657	\$ 5,839,364	\$ 8,890,980	\$ 8,751,181	\$ 8,236,403	\$ 8,213,809	\$ 7,811,861	\$ 7,404,913



The Town started investing in NYCLASS starting in March 2023 with the collection of the 2023 tax revenues. As shown above, cash balances and interest earned is a combination of funds held at Evans Bank and funds held in NYCLASS. In 2023 both the bank and NYCLASS saw all time high interest rates with the bank averaging around 3.5% and NYCLASS being almost 5%.



**TOWN BOSTON, NEW YORK
\$1,013,790 BOND ANTICIPATION NOTES, 2023
SALE RESULTS**

AMOUNT: \$1,013,790
ISSUE DATE: 05-Oct-23
DUE DATE: 04-Oct-24
OF DAYS: 359
Bond Year Dollars: \$1,010,973.92

Bond Counsel: Harris Beach PLLC
Fin. Advisor: Capital Markets Advisors, LLC
Moody's Rating: None

<u>BIDDERS:</u>	<u>AMOUNT</u>	<u>COUPON</u>	<u>PREMIUM</u>	<u>NIC</u>
Oppenheimer	\$1,013,790	4.500%	2,706.00	4.2323%
Roosevelt & Cross	\$1,013,790	5.000%	3,011.00	4.7022%

<u>PURCHASER:</u>	<u>AMOUNT</u>	<u>COUPON</u>	<u>PREMIUM</u>	<u>NIC</u>
Oppenheimer	\$1,013,790	4.500%	2,706.00	4.2323%

NET INTEREST CALCULATION:

Total Interest Due at Maturity	\$45,493.83
Less: Premium received	<u>2,706.00</u>
Net Interest Cost	<u>\$42,787.83</u>
 Net Interest Rate	 <u>4.2323%</u>

PROPOSAL FOR NOTES

Jason Keding, Supervisor
 Town of Boston, New York
 c/o Capital Markets Advisors, LLC
 4211 N. Buffalo Rd., Suite 19
 Orchard Park, New York 14127

September 14, 2023

N/C
 - All or None please -

TELEPHONE: (716) 662-3910

FACSIMILE: (716) 662-6684

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

**\$1,013,790 BOND ANTICIPATION NOTES – 2023
 (the "Notes")**

DATED: October 5, 2023

MATURITY: October 4, 2024

	<i>Principal Amount*</i>	<i>Interest Rate</i>	<i>Premium</i>	<i>Net Interest Amount (\$) **</i>	<i>Net Interest Cost</i>
1	\$ 1,013,790	4 1/2%	\$ 2,706	42,787.83	4.232%

* The net interest cost and net interest amount computations are made as provided in the Notice of Sale, but not constituting any part of the foregoing Proposal for the purchase of the Notes therein described.

Select One: Purchasing Notes for our Own Account Electing to Hold the Price Electing to Follow the Price

By submitting the bid(s) we hereby offer to pay the above amounts in accordance with the attached notice of sale.

Name of Bidder: Al Heltas / Oppenheimer

Address of Bidder: _____

Telephone and Facsimile contact of Bidder (Area Code): _____

Email Address of Bidder: _____

\$45,493.83
 - 2,706 -

 42,787.83
 4.232

Oppenheimer & Co.
 130 Bellevue Avenue, Suite 215
 Newport, RI 02840
 401-841-8430
 al.heltas@opco.com

Please select one of the following:

- Non-book entry/Local
 Book-Entry/DTC

Oppenheimer & Company, as underwriter, reserves the right to offer and require changes to the continuing disclosure section of the Final Official Statement as a condition of its bid on this issuance of municipal securities if it determines that the issuer has either not cured any past instances of a material failure to comply with its obligations pursuant to any outstanding continuing agreement or has otherwise failed to adequately describe any such past material failure in the Final OS

PROPOSAL FOR NOTES

Jason Keding, Supervisor
Town of Boston, New York
c/o Capital Markets Advisors, LLC
4211 N. Buffalo Rd., Suite 19
Orchard Park, New York 14127

September 14, 2023

TELEPHONE: (716) 662-3910

FACSIMILE: (716) 662-6684

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

**\$1,013,790 BOND ANTICIPATION NOTES – 2023
(the "Notes")**

DATED: October 5, 2023

MATURITY: October 4, 2024

	<i>Principal Amount*</i>	<i>Interest Rate</i>	<i>Premium</i>	<i>Net Interest Amount (\$)**</i>	<i>Net Interest Cost</i>
1	\$1,013,790	5.00%	\$3,011		4.7022%

* The net interest cost and net interest amount computations are made as provided in the Notice of Sale, but not constituting any part of the foregoing Proposal for the purchase of the Notes therein described.

Select One: Purchasing Notes for our Own Account Electing to Hold the Price Electing to Follow the Price

By submitting the bid(s) we hereby offer to pay the above amounts in accordance with the attached notice of sale.

Name of Bidder: Roosevelt & Cross

Address of Bidder: _____

Telephone and Facsimile contact of Bidder (Area Code): (212) 504-9274

Email Address of Bidder: sflorio@roosevelt-cross.com

Please select one of the following:

____ Non-book entry/Local

____ Book-Entry/DTC

**LEGAL NOTICE
TOWN OF BOSTON
PUBLIC HEARING**

PLEASE TAKE NOTICE that the Boston Town Board has scheduled a Public Hearing for 7:35 p.m. on September 20, 2023 at Boston Town Hall, 8500 Boston State Road, Boston, NY, to consider the application for a Special Use Permit for a Filling Station located at 7072 Boston State Rd., Town of Boston.

At this hearing, at the time and place noted above, all persons interested in the matter shall be heard for or against said Special Use Permit. Written comments or objections may be filed with the Town Clerk until 4:00 p.m. on September 20, 2023.

Dated: August 23, 2023

Published: September 8, 2023

BY ORDER OF THE TOWN BOARD

Sandra L. Quinlan,

Town Clerk

An Equal Opportunity Provider & Employer

TOWN OF BOSTON

OFFICE USE ONLY

SPECIAL USE PERMIT APPLICATION

() APPROVED () DISAPPROVED

OWNER NAME: Miranda Holdings, Inc.

ADDRESS: 7072 Boston State Road

TELEPHONE: _____

EMAIL: _____

PERMIT NO: _____

PERMIT FEE: _____

DATE RECEIVED: _____

ISSUED BY: _____

CONTRACTOR: _____

PHONE: _____

APPLICATION IS HEREBY MADE FOR PERMISSION TO:

() DUMPING OF MATERIAL () RENEWAL OF EXISTING PERMIT () ACCESSORY APARTMENTS

() TOP SOIL SCREENING () BED & BREAKFAST (x) OTHER 123-71B.(1) Filling station in C-1 needs special permit

Does this project require approval from any other agency? If so, who? The project requires Site Plan Approval from the Planning Board along with various other approvals from involved agencies including a Highway Work Permit from the New York State Department of Transportation.

LOCATION TO BE USED: 7072 Boston State Road

INTENT:

Detailed information in support of the requested Special Use Permit is contained in the letter prepared by Sean Hopkins, Esq. dated August 18, 2023 and the accompanying supporting documentation.

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



OWNER: Ray Miranda

DATE: August 18, 2023

Public Hearing Date: _____

Site Inspection Date: _____

Town Board Approval: _____

Conditions of Approval: _____

August 15, 2023

Attn: Mr. Kevin Hebert, P.E. | Professional Engineer 1
Region 5 Traffic and Safety
Regional Major Commercial Dev. Coordinator
New York State Department of Transportation
100 Seneca Street, Buffalo, NY 14203

Re: Proposed Tim Horton’s Development, Town of Boston, NY
7072 Boston State Road
Response to NYSDOT Comments

Dear Mr. Hebert:

In response to the comments you provided during our phone conversation on August 2nd, 2023, we have updated the previously submitted TIS. Additionally, the site driveway for the proposed commercial project has been adjusted to reflect the results of the Auto-Turn evaluation – see attached plan revisions.

The NYSDOT comments have been addressed as follows:

1. **NYSDOT Comment:** “Sight distance at ramp is a concern.”

Response: *Sight distance was measured in the field at both the site driveway and the NB Off-ramp; no issues were found. This is now addressed in a new section in the TIS – see report excerpt below (TIS page 17):*

TABLE VIII: SIGHT DISTANCE REQUIREMENTS AND MEASUREMENTS

INTERSECTION	SPEED LIMIT (MPH)	DESIGN SPEED (MPH)	Desirable ISD	Required SSD	AVAILABLE ISD TO THE:		AVAILABLE SSD TO THE:	
					LEFT	RIGHT	LEFT	RIGHT
Boston State Rd/ Proposed Driveway	45	50	555	425	650	700+	700+	700+
Boston State Rd/ NY Route 219 NB Off-Ramp	45	50	555	425	640	700+	700+	700+

Note:

1. All sight distance measurements shown in feet.

Proposed Driveway: The available sight distances along Boston State Rd at the proposed driveway intersection to the left and right exceed the required SSD and desirable ISD.

NY Route 219 NB Off-Ramp: The available sight distances along Boston State Rd at the redesigned NY Route 219 NB Off-Ramp intersection to the left and right exceed the required SSD and desirable ISD.

PROPOSED TIM HORTON'S DEVELOPMENT RESPONSE TO NYSDOT CONCERNS

Town of Boston, NY
August 15, 2023

2. **NYSDOT Comment:** "Provide a signal warrant analysis for both the ramp and driveway."

Response: *Signal warrants were evaluated at both locations and a new section was added in the updated TIS – see report excerpt below (TIS page 16).*

TABLE VII: SIGNAL WARRANT ANALYSIS RESULTS

SIGNAL WARRANT	SATISFACTION OF SIGNAL WARRANTS		
	US-219 NB RAMP EXISTING CONDITIONS	US-219 NB RAMP FULL BUILD CONDITIONS	PROPOSED SITE DRIVEWAY FULL BUILD CONDITIONS
1A – Eight-Hour Condition A	NO	NO	NO
1B – Eight-Hour Condition B	NO	NO	YES
2 – Four-Hour	YES	YES	YES
3 – Peak-Hour	NO	NO	YES
4 – Pedestrian Volume	NO	NO	NO
5 – School Crossing	NO	NO	NO
6 – Coordinated Signal System	NO	NO	NO
7 – Crash Experience	NO	NO	NO
8 – Roadway Network	NO	NO	NO
9 – Intersection Near a Grade Crossing	NO	NO	NO

Table VII summarizes the signal warrant findings at the existing Boston State Rd/US-219 NB Off-Ramp and the proposed Boston State Rd/Proposed Driveway intersections under existing and full build conditions.

Based upon the results, Warrant 2 is the only warrant met at the Boston State Rd/US-219 NB Off-Ramp intersection. Warrants 1B, 2, and 3 are met at the proposed site driveway intersection. Given the acceptable capacity analysis results and that only Warrant 2 is met at the Boston State Rd/US-219 NB Off-Ramp intersection, signalization is not recommended at this intersection. Additionally, the proposed Boston State Rd/Proposed Driveway intersection is projected to operate with acceptable levels of service and delays and considering that the traffic volumes may not develop to the levels projected, signalization is not recommended at this intersection.

3. **NYSDOT Comment:** "Provide turning templates for trucks turning into the site driveway. This may result in some adjustment to the turn lane designs."

Response: *The site driveway has been adjusted to reflect the results of the turning template evaluation. Plan revisions will be transmitted via email.*

**PROPOSED TIM HORTON'S DEVELOPMENT
RESPONSE TO NYSDOT CONCERNS**

Town of Boston, NY
August 15, 2023

4. **NYSDOT Comment:** "Update the TIS to include a mention of the existing park n ride lot under the transit discussion."

Response: *The TIS has been updated with the following discussion of the existing park n ride lot (TIS page 2):*

The North Boston Park & Ride Lot is located along the north side of Boston State Rd in the Village of Boston between the 7-11 Convenience Store/Sunoco Fuel Station and Brunner's Eatery. The lot provides parking for 38 vehicles. However, during the winter months parking is restricted to one side of the lot and alternates daily. There are no transit routes that service this area and the Park & Ride lot is used primarily for parking within the Village of Boston and/or carpool.

5. **NYSDOT Comment:** "Some of the volumes on Figures 7c and 8 are not adding up."

Response: *No mistakes were identified. However, an additional figure was added to the TIS to clarify the calculations. See updated figures 7A thru 7D.*

6. **NYSDOT Comment:** "The capacity analysis for the mitigation condition is exactly same as the full build condition."

Response: *This is correct. A discussion has been added to the TIS to address this condition: "It is noted that the capacity analysis results show the same level of service and delay under the full build condition and the mitigated condition. This is due to the fact that the northbound right turn movement is stop controlled in both scenarios. The existing acceleration lane for the northbound right turn movement is not a factor in the capacity analysis and does not change how the right turn movement functions due to the stop-controlled condition."*

7. **NYSDOT Comment:** "The shoulder width needs to be maintained at a 6 ft minimum."

Response: *The design will be adjusted to reflect 6 ft minimum shoulder widths.*

**PROPOSED TIM HORTON'S DEVELOPMENT
RESPONSE TO NYSDOT CONCERNS**

Town of Boston, NY
August 15, 2023

A copy of this letter has also been provided to Sarah desJardins, the Town of Boston Planning Consultant. Copies of the updated TIS were also submitted to the Town of Boston on August 10th.

It would be greatly appreciated if you would issue an updated review confirming that this letter and the updated TIS adequately addresses the NYSDOT's input regarding the proposed project.

Please feel free to contact me directly with any questions.

Sincerely,
SRF Associates
A Passero Associates Company



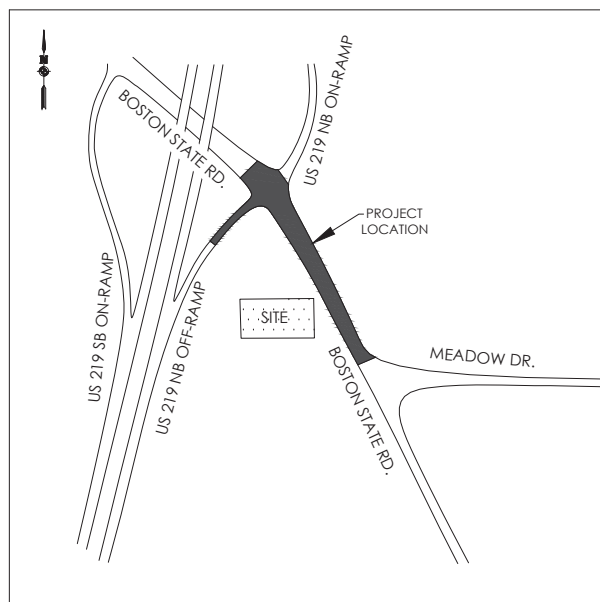
Amy C. Dake, P.E., PTOE
Senior Managing Traffic Engineer
adake@passero.com • 585-314-5078

Enc.

cc: Sarah desJardins, Town of Boston
Ray Miranda
Christopher Wood, P.E., Carmina Wood Design
Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC

NYS ROUTE 391 IMPROVEMENTS FOR TIM HORTONS

TOWN OF NORTH BOSTON, ERIE COUNTY, NEW YORK
P.N. 20233578.0001



DRAWING INDEX:

COVER	COVER PAGE
EX-1 & EX-2	EXISTING CONDITION DEMOLITION PLANS
RP-1 & RP-2	ROADWAY AND STRIPING PLANS
GR-1 & GR-2	GRADING UTILITY PLAN
CS-1 & CS-2	CROSS SECTIONS
AX-1	TYPICAL SECTIONS
AX-2	TURNING MOVEMENTS DRIVEWAY SECTION AND PROFILE
MD-1 - MD-10	MISCELLANEOUS DETAILS

NOTES:

1. ALL WORK COMPLETED UNDER THIS CONTRACT IS TO BE COVERED BY AND IN CONFORMITY WITH THE STANDARD SPECIFICATIONS OF THE NYS DOT EXCEPT AS MODIFIED ON THESE PLANS AND IN THE ITEMIZED PROPOSAL (PLANS AND DETAILS ARE REFERENCED IN ENGLISH UNITS).
2. NYS DOT STANDARD SHEETS THAT APPLY TO THIS PROJECT ARE AS FOLLOWS:

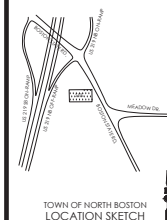
203-05	608-01	619-43
209-01	609-02	619-44
404-02	609-03	619-317
605-01	619-11	685-01
606-09	619-12	
3. PASSERO ASSOCIATES IS RESPONSIBLE FOR THE DESIGN OF THIS PROJECT. JESS D. SUDOL, P.E. IS THE DESIGNER AND IS FAMILIAR WITH NYS DOT STANDARDS AND REQUIREMENTS AND SHALL BE CONTACTED AT 585-325-1000 TO RESOLVE ISSUES OR PROBLEMS DURING CONSTRUCTION. ALL REVISIONS, INCLUDING REVISIONS NECESSARY DUE TO FIELD CONDITIONS, SHALL BE APPROVED BY THE NYS DOT.

DESIGNED BY:

PASSERO ASSOCIATES

242 W. Main Street, Suite 100 (585) 325-1000
Rochester, New York 14614 PA Fax: (585) 325-1691

PRINCIPAL IN CHARGE _____ DATE _____
JESS D. SUDOL, P.E.



Client:
MIRANDA DEVELOPMENT
PO BOX 312
NORTH BOSTON
NY 14110

PASSERO ASSOCIATES

242 West Main Street, Suite 100 (585) 325-1000
Rochester, New York 14614 Fax: (585) 325-1691
Principal-in-Charge: Jess D. Sudol, P.E.
Project Manager: David L. Cox, P.E.
Designed by: Jacob Tavel, E.I.T.



Revisions		
No.	Date	Description
1		

COVER PAGE

BOSTON STATE ROAD

Town/City: NORTH BOSTON
County: ERIE State: New York

Project No.
20233578.0001

Drawing No. **COVER** Sheet No. **1**

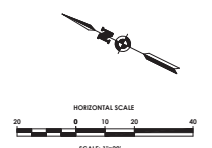
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Date:
JULY 2023

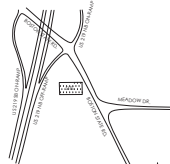
- LEGEND:**
- P.B.M. — PROPERTY BOUNDARY
 - R.O.W. — R.O.W.
 - EXISTING CENTER LINE ROAD
 - EXISTING BUILDING
 - EXISTING FENCE
 - EXISTING EASEMENT LINE
 - SEWER
 - S20 — EXISTING MAJOR CONTOUR
 - S21 — EXISTING MINOR CONTOUR
 - EXISTING STORM SEWER & MH
 - EXISTING WATER SERVICE & VALVE
 - EXISTING SIGN
 - EXISTING SANITARY SEWER AND MANHOLE
 - EXISTING ELECTRIC LINE & POLE
 - EXIST. LIGHT POLE
 - EXIST. ELECTRIC MANHOLE
 - EXIST. ELECTRIC HANDHOLE
 - EXIST. GAS VALVE
 - EXIST. GAS MAIN
 - EXIST. WATER MAIN
 - EXIST. ELECTRIC LINE
 - EXISTING FEATURE TO BE REMOVED
 - EXISTING ASPHALT TO BE REMOVED
 - EXISTING BUILDING TO BE REMOVED

LANDS ACQUIRED BY N.Y.S.D.O.T. FOR HIGHWAY PURPOSES AS TOP MAP 243 PARCEL 201, AND LIBER 5443 PAGE 275 & LIBER 7850 PAGE 25

S.B.L. 211.00-2-6
NOW OR FORMERLY
CAROLINE M. WESTCOTT LIFE USE



PA
PASSERO ASSOCIATES
engineering architecture



TOWN OF NORTH BOSTON
LOCATION SKETCH

Client:
MIRANDA DEVELOPMENT
PO BOX 312
NORTH BOSTON
NY 14110

PASSERO ASSOCIATES
300 West Main Street Suite 100
Buffalo, New York 14202
Principal-in-Charge: **James D. Suski, P.E.**
Project Manager: **David L. Cox, P.E.**
Designed by: **Jacob Travel, E.I.T.**



No.	Date	By	Revisions
1			Issue for Construction

EXISTING CONDITIONS / DEMOLITION

BOSTON STATE ROAD

Town/City: NORTH BOSTON State: New York

Project No: **20233578.0001**

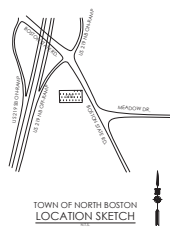
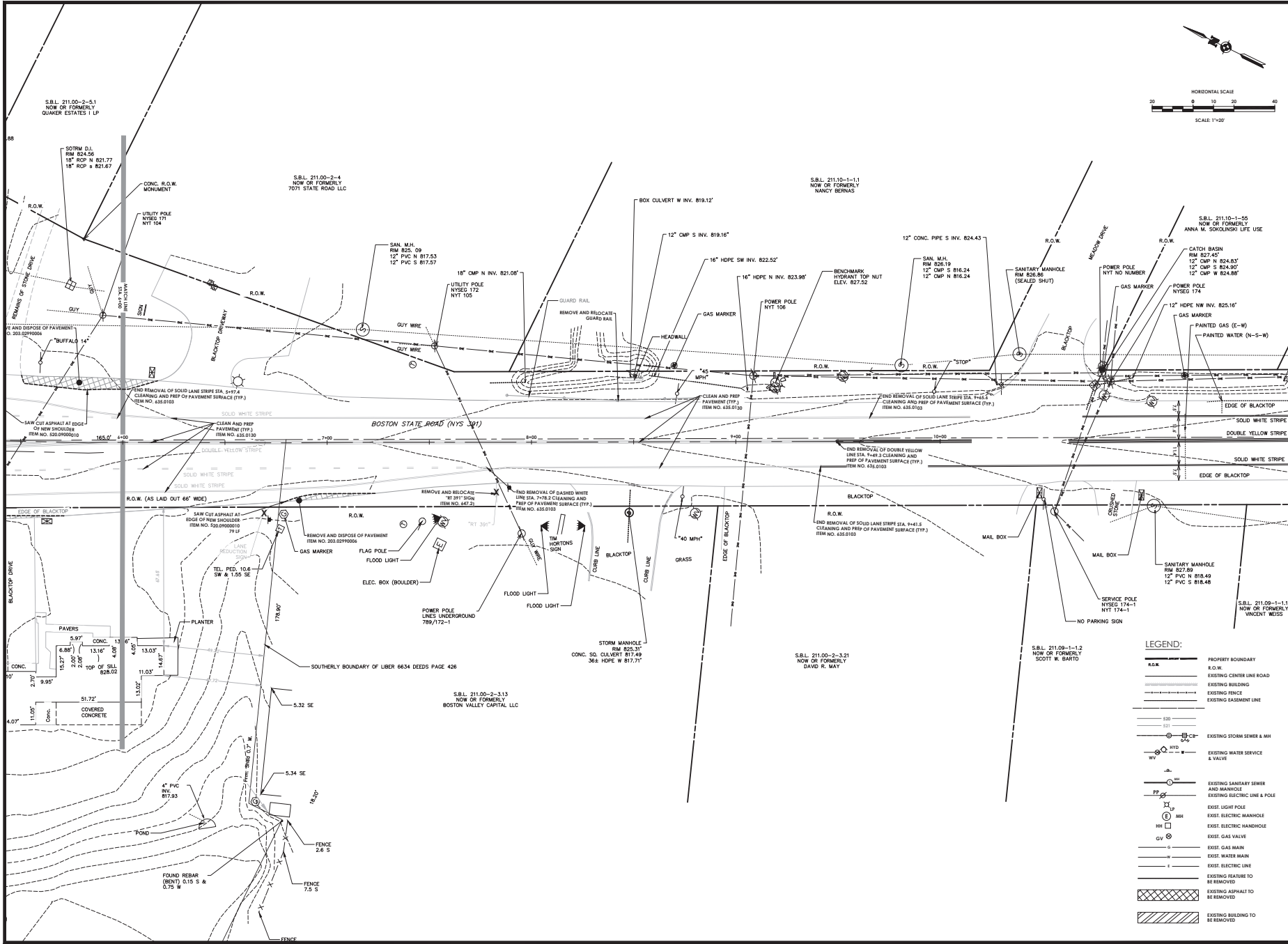
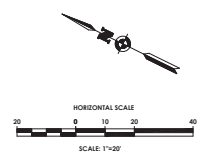
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Scale: **1" = 20'**

Date: **JULY 2023**

NOT FOR CONSTRUCTION

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Client:
MIRANDA DEVELOPMENT
PO BOX 312
NORTH BOSTON
NY 14110

PASSERO ASSOCIATES
301 West Main Street Suite 100
Baltimore, New York 14144
Principal-in-Charge: **Miss D. Suski, P.E.**
Project Manager: **David L. Cox, P.E.**
Designed by: **Jacob Tavel, E.S.T.**



No.	Date	By	Description
1			

EXISTING CONDITIONS / DEMOLITION

BOSTON STATE ROAD

Town/City: NORTH BOSTON
County: ERIE State: New York

Project No:
20233578.0001

Drawing No. **EX-2** Sheet No. **3**

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1" = 20'

Date:
JULY 2023

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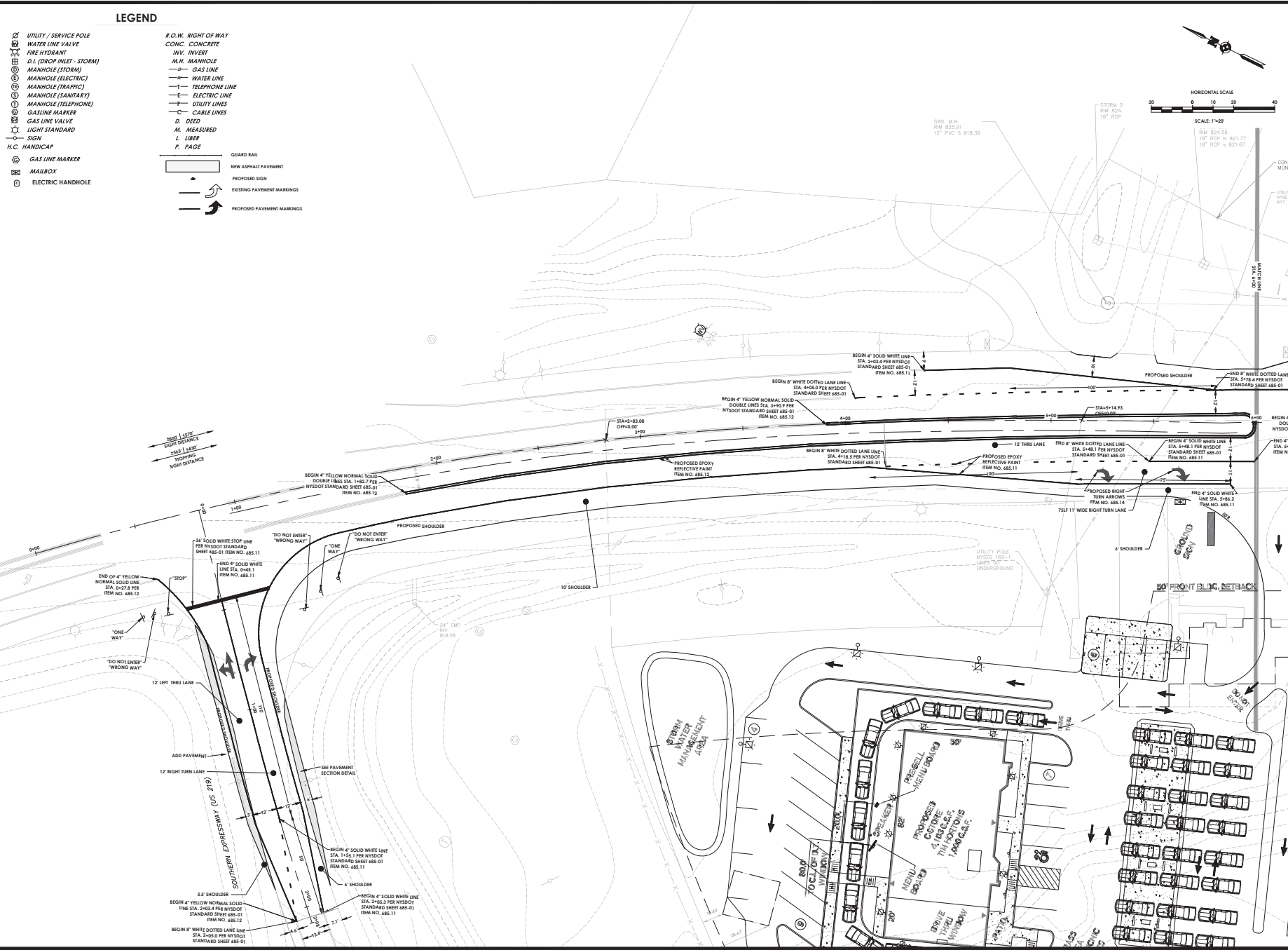
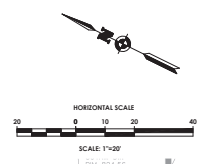
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	R.O.W.
	EXISTING CENTER LINE ROAD
	EXISTING BUILDING
	EXISTING FENCE
	EXISTING EASEMENT LINE
	EXISTING STORM SEWER & MH
	EXISTING WATER SERVICE & VALVE
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	EXISTING FEATURE TO BE REMOVED
	EXISTING ASPHALT TO BE REMOVED
	EXISTING BUILDING TO BE REMOVED

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NOT FOR CONSTRUCTION

LEGEND

- ⊗ UTILITY / SERVICE POLE
 - ⊗ WATER LINE VALVE
 - ⊗ FIRE HYDRANT
 - ⊗ D.I. (DROP INLET - STORM)
 - ⊗ MANHOLE (STORM)
 - ⊗ MANHOLE (ELECTRIC)
 - ⊗ MANHOLE (TRAFFIC)
 - ⊗ MANHOLE (SANITARY)
 - ⊗ MANHOLE (TELEPHONE)
 - ⊗ GASLINE MARKER
 - ⊗ GAS LINE VALVE
 - ⊗ LIGHT STANDARD
 - ⊗ SIGN
 - H.C. HANDICAP
 - ⊗ GAS LINE MARKER
 - ⊗ MAILBOX
 - ⊗ ELECTRIC HANDHOLE
- R.O.W. RIGHT OF WAY
 - CONC. CONCRETE
 - INV. INVERT
 - M.H. MANHOLE
 - GAS LINE
 - WATER LINE
 - TELEPHONE LINE
 - ELECTRIC LINE
 - UTILITY LINES
 - CABLE LINES
 - D. DEED
 - M. MEASURED
 - L. LIBER
 - P. PAGE
- GUARD RAIL
 - NEW ASPHALT PAVEMENT
 - PROPOSED SIGN
 - EXISTING PAVEMENT MARKINGS
 - PROPOSED PAVEMENT MARKINGS



Client:
MIRANDA DEVELOPMENT
 PO BOX 312
 NORTH BOSTON
 NY 14110

PASSERO ASSOCIATES
 200 West Main Street Suite 100
 Rochester, New York 14624
 (585) 225-1000
 Fax: (585) 225-1001
 Principal-in-Charge: Jesse D. Susoli, P.E.
 Project Manager: David L. Cox, P.E.
 Designed by: Jacob Tarnoff, E.S.T.



Revisions			
No.	Date	By	Description

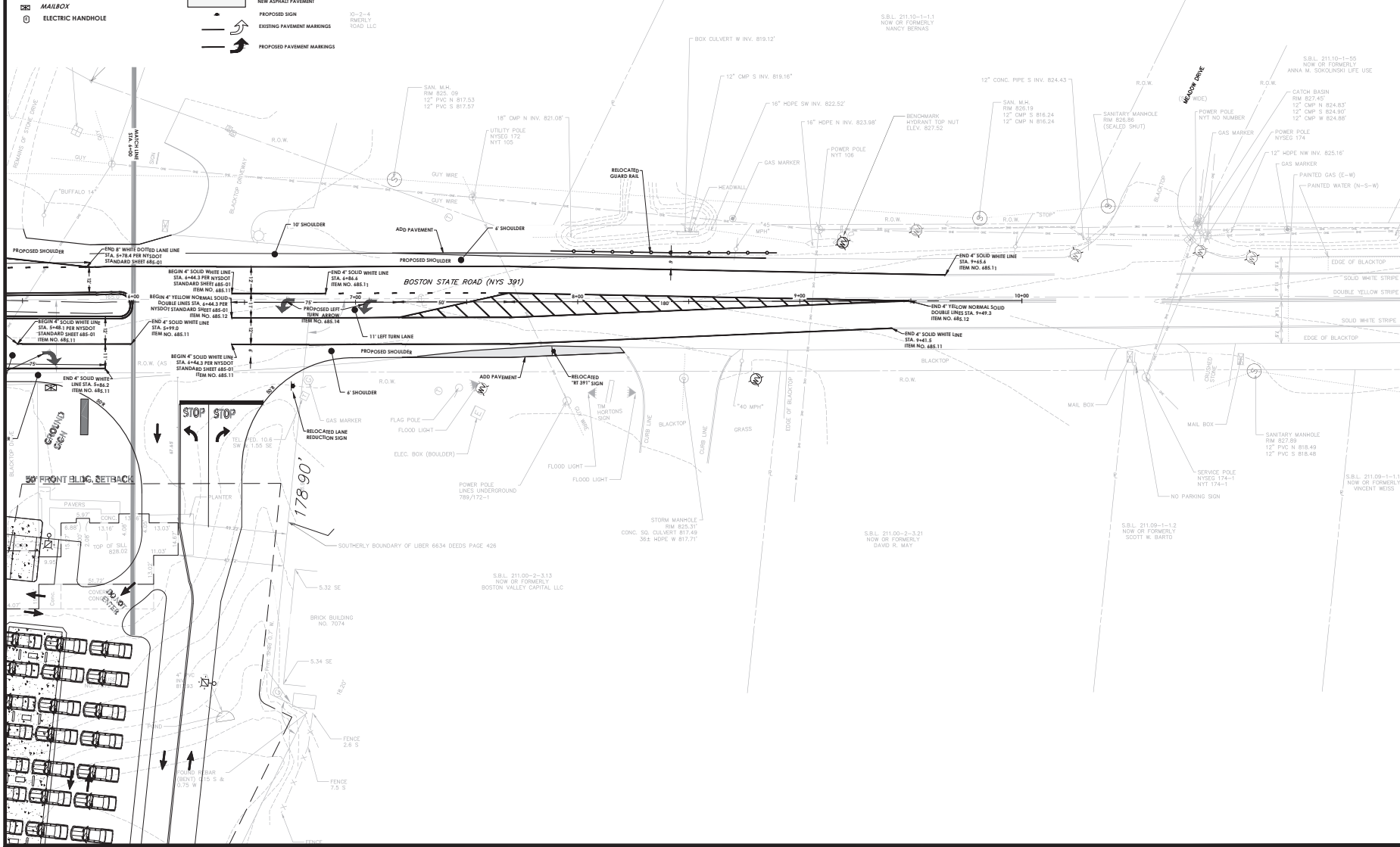
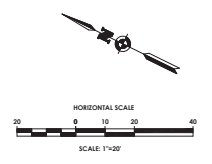
ROADWAY & STRIPING PLAN
 BOSTON STATE ROAD
 Town/City: NORTH BOSTON
 County: FRED
 State: New York
 Project No: **20233578.0001**
 Drawing No: **RP-1** Sheet No: **4**
 Scale: **1" = 20'**
 Date: **JULY 2023**

NOT FOR CONSTRUCTION

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LEGEND

- Ø UTILITY / SERVICE POLE
 - ⊗ WATER LINE VALVE
 - ⊗ FIRE HYDRANT
 - D.J. (DROP INLET - STORM)
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 - ⊗ MANHOLE (ELECTRIC)
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 - ⊗ MANHOLE (TELEPHONE)
 - ⊗ GASLINE MARKER
 - ⊗ GAS LINE VALVE
 - ⊗ LIGHT STANDARD
 - SIGN
 - H.C. HANDICAP
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Client:
MIRANDA DEVELOPMENT
 PO BOX 312
 NORTH BOSTON
 NY 14110

PASSERO ASSOCIATES
 340 West Main Street Suite 100
 Rochester, New York 14624
 (516) 255-0000
 Project Manager: **Jesse D. Suski, P.E.**
 Designated by: **David L. Cox, P.E.**
Jacob Tavel, E.S.T.



No.	Date	By	Description
1			

ROADWAY & STRIPING PLAN
 BOSTON STATE ROAD

Town/City: NORTH BOSTON State: New York
 County: Erie
 Project No: **20233578.0001**
 Drawing No: **RP-2** Sheet No: **5**
 Scale: **1" = 20'**
 Date: **JULY 2023**

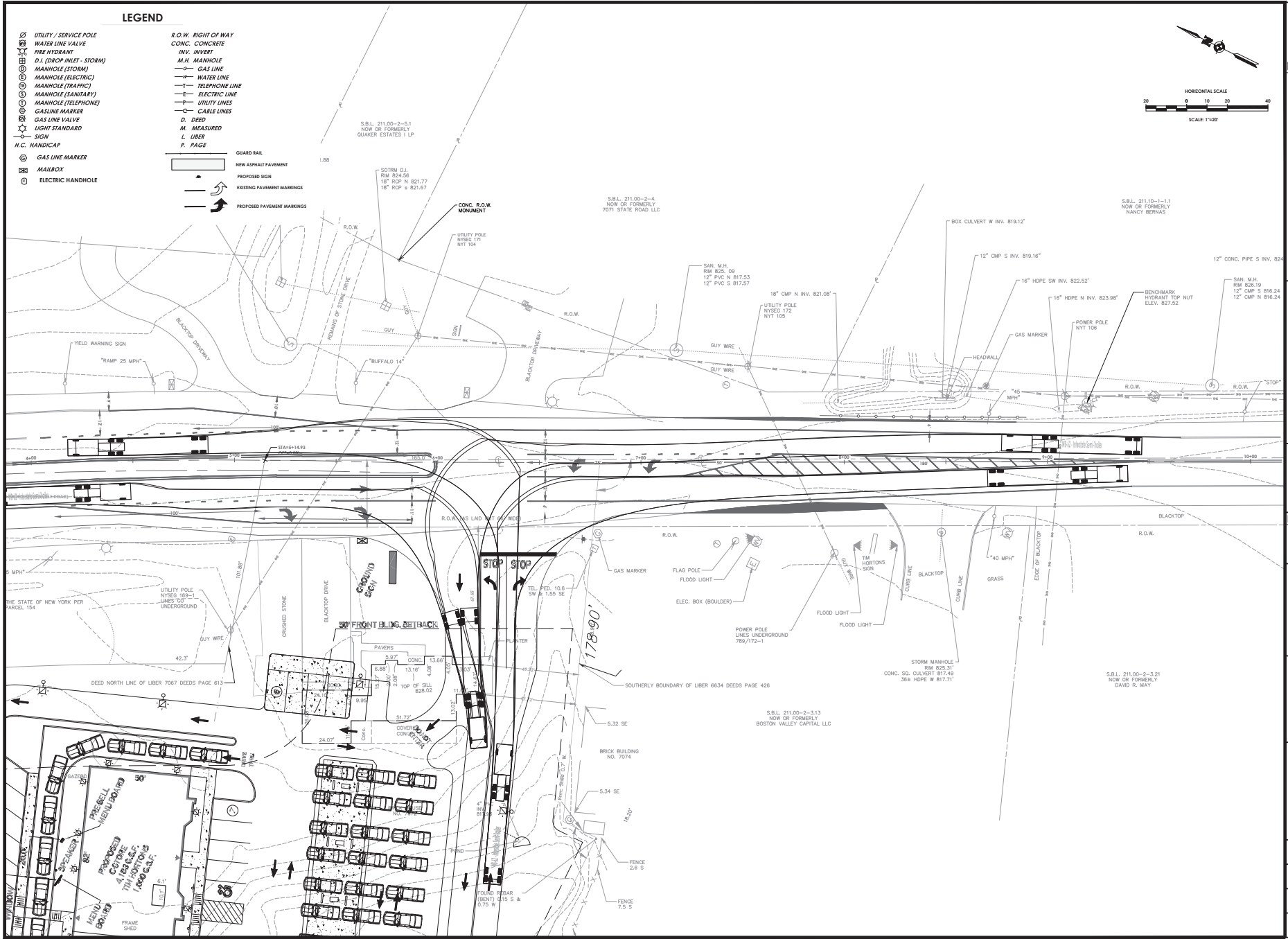
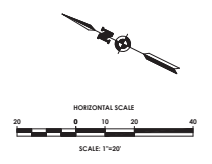
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LEGEND

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|---|---------------------------|----------------------------|
| ⊗ | UTILITY / SERVICE POLE | R.O.W. RIGHT OF WAY |
| ⊗ | WATER LINE VALVE | CONC. CONCRETE |
| ⊗ | FIRE HYDRANT | INV. INVERT |
| ⊗ | D.I. (DROP INLET - STORM) | M.H. MANHOLE |
| ⊗ | MANHOLE (STORM) | — GAS LINE |
| ⊗ | MANHOLE (ELECTRIC) | — WATER LINE |
| ⊗ | MANHOLE (TRAFFIC) | — TELEPHONE LINE |
| ⊗ | MANHOLE (SANITARY) | — ELECTRIC LINE |
| ⊗ | MANHOLE (TELEPHONE) | — UTILITY LINES |
| ⊗ | GASLINE MARKER | — CABLE LINES |
| ⊗ | GAS LINE VALVE | D. DEED |
| ⊗ | LIGHT STANDARD | M. MEASURED |
| ⊗ | SIGN | L. LIBER |
| ⊗ | H.C. HANDICAP | P. PAGE |
| ⊗ | GAS LINE MARKER | GUARD RAIL |
| ⊗ | MAILBOX | NEW ASPHALT PAVEMENT |
| ⊗ | ELECTRIC HANDHOLE | PROPOSED SIGN |
| | | EXISTING PAVEMENT MARKINGS |
| | | PROPOSED PAVEMENT MARKINGS |



Client:
MIRANDA DEVELOPMENT
 PO BOX 312
 NORTH BOSTON
 NY 14110

PASSERO ASSOCIATES
 240 West Main Street Suite 100
 Rochester, New York 14624
 Principal-in-Charge: **Jesse D. Suski, P.E.**
 Project Manager: **David L. Cox, P.E.**
 Designed by: **Jacob Travel, E.S.T.**



Revisions			
No.	Date	By	Description
1			

ROADWAY & STRIPING PLAN
 BOSTON STATE ROAD

Town/City: NORTH BOSTON State: New York
 Project No: **20233578.0001**
 Drawing No: **RP-2** Sheet No: **5**
 Scale: **1" = 20'**
 Date: **JULY 2023**

NOT FOR CONSTRUCTION

APPLICATION FOR PERMIT

Town of Boston; New York

Single Family Dwellings, Farm Buildings,
Accessory Building, Additions

OFFICE USE ONLY

Approved () Disapproved ()
Permit No. _____
Address _____
Date Issued _____
Permit Fee _____
Issued By _____

Owner 7072 BOSTON STATE RD LLC Contractor _____
Address _____ Address _____

Day Phone _____ Eve. 3 Day Phone _____ Eve. _____

CONSTRUCTED WITH:

Application is hereby made for permission to: Erect Frame Concrete Block Alter Brick Concrete Reinforced Repair Brick Veneer Steel Addition Tile Other Move Stone
To be used as: Single Dwelling Farm Building Barn Solid-Fuel Burning Private Garage Swimming Pool Accessory Building

C-STORE, FUEL FACILITY & OFFICE BUILDING ALONG W/
Address of Premises for Which Application is Made:

Section, Block, Lot 211-00-2-2 Current Zoning C-1 ASSOC. SITE WORK
Tax I.D. Number _____

() North Side of BOSTON STATE ROAD Size of Lot 433'± 550'± 2.65 AC
() South Street Name Frontage Dept Acreage
() East
(X) West

Distance of Building from lot lines. Front 50', Rt. Side 76.47', Lt. Side 41.14', Rear N/A
Size of completed Building, () Addition, feet wide 50.42', feet long 102', feet high 13'-11"
Sq. Ft. of: Basement N/A, First Floor 483 SF, Second Floor N/A, Garage N/A, Other N/A

OFFICE
83.33' x
60'
5,000 SF

The estimated value of Structure exclusive of land is \$ _____
Total Square Footage of Lot 9,183 SF Percentage of Lot Coverage (All Bldgs) 8 %
Deed Restrictions NONE

Type of Sewage Disposal PUBLIC SEWER
Type of Water Supply PUBLIC WATER

NOTE: Approval of proposed system by County Health Dept. must be presented with application.

NOTE: Permit for Driveway Culvert must be presented with this application before Driveway Culvert is installed. Permit must be obtained from the Highway Department having jurisdiction (Town)(County)(State)

Attach Survey bearing the stamp of a licensed survey or engineer showing the location of all buildings with references to said lot including both existing structures and proposed structures, giving dimensions in feet.

PLANS FOR THE BUILDING INSPECTOR MUST BE SUBMITTED WITH THIS APPLICATION. THEY MUST COMPLY WITH STATE UNIFORM BUILDING CONSTRUCTION CODE AND THE STATE ENERGY CONSERVATION CODE.

No person shall make any change in plans herewith submitted for specifications herein contained, or in the structural part of the building without written consent of the Building Inspector.

Sketch on reverse side of this application must be completed

The undersigned applicants do hereby affirm that the information herein supplied is true and correct.

CHRISTOPHER WOOD FOR RAY MIRANDA
Applicant/Owner

Applicant/Owner

[Signature] 9/1/23
Date

Date

() Approved

() Disapproved

Date _____

Reason _____

Building Inspector
Town of Boston

Town of Boston
Planning Board Meeting
September 5, 2023 Minutes

The Town of Boston Planning Board met for a Special Meeting at 6:00 PM on Tuesday, September 5, 2023 in Boston Town Hall. Those attending included Chairman Paul Ziarnowski, Jay Jackson, Gary Stisser,, Elizabeth Schutt and Arlene Weiss.

Others in attendance included Town Attorney Sean Costello and Board Clerk Jennifer Cavarello.

7072 Boston State Rd LLC – Requesting Site Plan Approval and a Special Use Permit for a project involving the construction of a 5,183 sq.ft. building consisting of a convenience store with fuel and a Tim Horton’s with drive-thru, as well as a 6,000 sq.ft. office building at 7072 Boston State Road

Chairman Ziarnowski stated that Ms. Weiss would be a voting member at this meeting because there was a vacancy.

Attorney Sean Hopkins, representing Miranda Development LLC (applicant), stated that his office is located at 5500 Main Street, Suite 343, Williamsville, NY 14221. He stated that the parcel on which the project is proposed is approximately 2.65 acres in size and zoned C-1. He noted that all Planning Board members had received a copy of the detailed submission made on behalf of the applicant and dated August 10, 2023. He stated that the detailed submission contained the letter of intent with extensive documentation.

Attorney Hopkins stated that the project consists of the construction of a 6,000 sq.ft. office building and a 5,183 sq.ft. convenience store building that would include a 1,000 sq.ft. Tim Hortons with an accessory drive-thru, as well as an accessory fueling facility, 57 parking spaces, lighting, storm water management, etc.

Attorney Hopkins stated that the above components of the project are permitted pursuant to the Town of Boston’s zoning code as follows:

- Section 123-71 (A) (2) (Principle Uses and Structures in the C-1 zoning) explicitly allows retail sales, as well as eating and drinking establishments subject to certain requirements.
- Section 123-71 (B) (1) (Uses Subject to a Special Use Permit) requires that filling stations receive a Special Use Permit.

Attorney Hopkins stated that the Planning Board will be making a recommendation to the Town Board at a future meeting in connection with the request for a Special Use Permit.

Attorney Hopkins noted for the record that a Special Use Permit application, as well as very extensive documentation, was submitted on behalf of the applicant.

Attorney Hopkins stated that the following documentation has been submitted in connection with this project as follows:

- Site Plan

- Landscaping Plan
- Lighting Plan
- Environmental Assessment Form (EAF)
- Wetland investigation letter
- No Impact letter from the New York State Office of Parks, Recreation and Historic Preservation
- Phase 1 Phase 1B Cultural Resource Report
- Geotechnical Report

Attorney Hopkins stated that lighting would be LED and dark-sky compliant and there would be no light spillover. He noted that lighting fixtures would be 15 feet high (12 total fixtures).

Attorney Hopkins stated that after the Town Board granted Site Plan Approval and a Special Use Permit for this project, the neighboring property owner, Boston Valley Capital, commenced an Article 78 proceeding against the Town of Boston, as well as the applicant,. He noted that there were certain allegations that were made that at least had some merit in terms of going back and making sure everything was handled properly procedurally and substantively, so ultimately the decision was made, in consultation with the Town's counsel, to go through the review and approval process again rather than spend a lot of time and money defending the litigation.

Attorney Hopkins stated that the neighboring property owner is a competitor and currently has a lease with the applicant for the existing Tim Hortons and the applicant plans to vacate that lease once this project is completed. He noted that the neighboring property owner's motivations are unclear.

Attorney Hopkins stated that the Town Board adopted a resolution on August 25, 2023 rescinding its previous approvals, classifying the project as an Unlisted Action pursuant to SEQR, referring the conceptual plot plan, Special Use Permit application and Site Plan Application to the Planning Board and scheduling the required public hearing on the request for a Special Use Permit for the filling station to be held on September 20, 2023.

Attorney Hopkins stated that a referral has been made to Erie County Department of Environment & Planning that is required pursuant to New York State General Municipal Law Section 239-M because Boston State Road is a New York State highway. He further noted that New York State Department of Transportation (DOT) was provided with a copy of the updated Traffic Impact Study (TIS) performed by Amy Dake, Senior Traffic Engineer at Passero Associates. He noted that Planning Board members were also provided with the updated TIS.

Attorney Hopkins stated that a Lead Agency Solicitation letter was issued on behalf of the Town Board for it seeking Lead Agency Status pursuant to SEQR that is consistent with the resolution that was adopted by the Town Board during its August 23, 2023 meeting.

Attorney Hopkins stated that if one looks at the criteria in the Boston Town Code for the submission of a conceptual plot plan application and the criteria for a recommendation, it is clear that the applicant has met those criteria and the applicant is simply asking the Planning Board to adopt a resolution that it is comfortable with the project layout (there have been no changes made to the project since it was initially approved). He stated that the applicant is also asking the Planning Board to issue a recommendation to the Town Board on Final Site Plan Approval and a recommendation to the Town Board on the requested Special Use Permit at a future meeting.

Attorney Hopkins noted that a copy of the extensive documentation submitted for this project has been provided to counsel for the adjoining property owner.

Attorney Costello noted for the record that he is not aware of any correspondence from counsel for the adjacent property owner or any comments submitted in connection with this project in advance of this meeting.

Attorney Hopkins stated that along with the detailed updated TIS based on input received from the DOT, an accompanying letter was submitted. He provided copies of that letter to Planning Board members.

In response to a question from Chairman Ziarnowski, Attorney Hopkins stated that the position was taken by the claimed aggrieved party that the traffic analysis had not been finalized. He noted that Amy Dake, author of the TIS, contacted the DOT, received some additional input and prepared an updated comprehensive TIS, as well as the accompanying letter dated August 15, 2023 that summarizes responses to comments she received during a conversation with the DOT on August 2, 2023. Attorney Hopkins stated that as part of the SEQR Coordinated Review, DOT comments are expected.

In response to a question from Mr. Jackson, Attorney Hopkins stated that he will clarify the answer to the question in the Environmental Assessment Form provided by the project engineer regarding solid waste.

Attorney Hopkins stated that this project is an Unlisted Action pursuant to SEQR. He further stated that the applicant could have submitted the Short EAF but instead took the extra step to submit the far more detailed Long EAF and the Town Board chose the more conservative approach and conducted a Coordinated Review instead of an Uncoordinated Review, thereby giving numerous Involved and Interested Agencies the opportunity to comment.

In response to a question from Chairman Ziarnowski, Attorney Hopkins stated that the Site Plan Review process in the Town of Boston is a two-step process. He noted that Step 1 is Conceptual Plot Plan Review where the Planning Board takes a look at the submitted documentation and provides any additional relevant input, which is taken into consideration before the applicant prepares fully engineered plans and file a Final Site Plan application. He noted that in this instance, the Planning Board has already been given the above-mentioned documentation, so Step 2 will be only to review the Final Site Plan application and make a recommendation to the Town Board.

Attorney Hopkins stated that there is also a request for a Special Use Permit for the fueling facility ("filling station") and a recommendation is required from the Planning Board to the Town Board on that request. He further noted that the Town Board is required to hold a public hearing on the Special Use Permit request.

In response to a question from Mr. Jackson, Attorney Hopkins stated that the existing building(s) located at 7072 Boston State Road would be demolished and then, depending on the time of year and weather conditions, the goal would be for the project to be complete in four (4) to six (6) months.

Attorney Hopkins stated that Boston Town Code requires that a Building Permit application be filed in connection with the Site Plan Review process. He noted that that application has already been filed and is pending before the Building Department.

Chairman Ziarnowski stated that Attorneys Hopkins and Costello, as well as Mrs. desJardins (planning consultant) and Town Supervisor Keding came up with a time frame whereby the

Town can get this project underway rather than dragging it out for months since time is of the essence in terms of the applicant's current lease.

Chairman Ziarnowski made the following motion:

“WHEREAS, the Town of Boston Planning Board previously reviewed applications for site plan approval and for a special use permit for a filling station from 7072 Boston State Road LLC (the “Applicant”), for the proposed mixed-use development of a 5,183 square foot convenience store with an accessory fueling facility and a Tim Horton’s with drive-thru, a 5,000 square foot office building, and associated improvements at 7072 Boston State Road, Boston, New York (collectively the “Project”); and

WHEREAS, subsequent to the Town Board issuing a special use permit and granting site plan approval for the Project, the owner of an adjoining property filed litigation in State Supreme Court challenging certain aspects of the prior approvals for the Project including but not limited to the environmental review pursuant to the State Environmental Quality Review Act (“SEQR”); and

WHEREAS, with its August 9, 2023, Letter of Intent, the Applicant supplied a conceptual plot plan, elevation plans for the proposed buildings, a completed Part 1 of the Full Environmental Assessment Form with attachments prepared pursuant to SEQR, an updated Traffic Impact Study dated August 2023, a Phase I Cultural Resource Investigation report dated February 8, 2023, and a Geotechnical Report dated May 2, 2023; and

WHEREAS, rather than incur the delay, expense, and uncertainty associated with litigation, the Applicant has previously decided to re-submit its Project for approval, and the Applicant’s August 9, 2023, letter of intent states that the re-submissions will provide the opportunity to address the concerns raised in the litigation commenced by the adjoining property owner; and

WHEREAS, on August 18, 2023, the Applicant filed a Special Use Permit Application that included a letter of intent dated August 18, 2023 along with supporting documentation for the purpose seeking a special use permit for a filling station pursuant to Section 123-119 of the Town of Boston Zoning Code (“Zoning Code”); and

WHEREAS, during its meeting on August 23, 2023, the Town Board adopted Resolution 2023-74 for the purpose of the following:

- (1) Rescinding the following Resolutions the Town Board passed on June 21, 2023:
 - a. Resolution 2023-47, SEQR Negative Declaration for Mixed Use Development at 7072 Boston State Road (Revised);
 - b. Resolution 2023-48, Special Use Permit for Filling Station at 7072 Boston State Road; and
 - c. Resolution 2023-49, Site Plan Approval for Mixed Use Development at 7072 Boston State Road; and
- (2) Classifying the Project as an Unlisted Action and seeking lead agency status for the purpose of the Town Board conducting a coordinated environmental review of the Project pursuant to SEQR
- (3) Referring the Applicant's conceptual plot plan and any site plan which is developed from that conceptual plot plan to the Planning Board for its review and recommendation;
- (4) Referring the application for a special use permit for a filling station to the Planning Board for its review and recommendation; and

- (5) Scheduling a public hearing on the application for a special use permit for a filling station for the Town Board's September 20, 2023 meeting; and

WHEREAS, pursuant to Section 97-6 of the Town of Boston Town Code ("Town Code"), the purpose of the conceptual plot plan review process is for the Planning Board to make recommendations regarding development of the site, zoning of the property and such other recommendations as may be appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board makes the following recommendations and findings based on its review of the conceptual plot plan submission:

1. The property at 7072 Boston State Road ("Project Site") is properly zoned C-1 Local Retail Business District ("C-1") for the proposed Project pursuant to the Town of Boston Zoning Map.
2. In connection with its completion of the conceptual plot plan review process, the Planning Board is not requesting that the Applicant make any modifications to the layout of the Project as depicted on the engineered plans for the Project prepared by Carmina Wood Design.
3. The Planning Board has received the special use permit application and supporting documentation and is not requesting any additional information regarding the Project in connection with its review of the requested special use permit and its issuance of a recommendation to the Town Board pursuant to Section 123-174 of the Zoning Code.
4. The Applicant is authorized to proceed with the submission of a Final Site Plan Application for the Project for the purpose of the Planning Board making a recommendation to the Town Board on the request for Final Site Plan approval pursuant to Section 97-10 of the Town Code."

On September 5, 2023, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Planning Board member Weiss: aye

Planning Board member Jackson: aye

Planning Board member Stisser: aye

Planning Board member Schutt: aye

Chairman Ziarnowski: aye

Attorney Hopkins noted that the above resolution was prepared by Attorney Costello. He further noted that the above findings are consistent with the criteria set forth in Section 97-6 of the Boston Town Code.

Attorney Hopkins stated that given that the engineered plans, reports and studies have already been submitted, he will prepare a letter addressing the criteria for Final Site Plan approval and will submit it so that Board members can review it before the September 12, 2023 Planning Board meeting.

Mr. Jackson made a motion, seconded by Chairman Ziarnowski, to adjourn the meeting. The meeting was adjourned at 7:20 PM.

Respectfully submitted,
Jennifer Cavarelo, Board Secretary

Date: September 6, 2023

TOWN OF BOSTON PLANNING BOARD

PROPOSED MIXED-USE DEVELOPMENT AT 7072 BOSTON STATE ROAD: RECOMMENDING TOWN BOARD ISSUE SPECIAL USE PERMIT FOR PROPOSED FILLING STATION

WHEREAS, 7072 Boston State Road LLC (“Applicant”) is seeking recommendations from the Planning Board to the Town Board relative to the Applicant’s pending requests for site plan approval and for a special use permit for a filling station for the proposed mixed-use development of a 5,183 square foot convenience store with an accessory fueling facility and a Tim Horton’s with drive-thru, a 5,000 square foot office building, and associated improvements to be located at 7072 Boston State Road (collectively the “Project”); and

WHEREAS, the Planning Board completed the Conceptual Plot Plan review process for the Project during its meeting held on September 5, 2023, and further reviewed the Project at its September 12, 2023 meeting;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Boston Planning Board hereby makes the following findings based on its review of the Special Use Permit for the proposed accessory filling station to be located at 7072 Boston State Road (the “Project Site”) pursuant to the special use permit standards as set forth in Section 123-119 of the Town’s Zoning Code:

1. The proposed filling station will not be located within 25 feet of any R District boundary or within 300 feet of any school, church, playground, or park located in an R District.
2. The filling station will not be located within 20 ft. of the Boston State Road Right-of-Way.
3. The required number of reservoir spaces are provided as depicted on the Site Plan [Drawing C-100] prepared by Carmina Wood Design.
4. The storage of gasoline consisting of underground tanks shall comply with the stringent standards of both the New York State Department of Environmental Conservation and the United States Environmental Protection Agency.
5. The Project Site is not contiguous to property zoned R District.
6. The portion of the Project Site to be utilized as filling station complies with the requirements set forth in Section 123-20 of the Zoning Code (titled “Limitations on automotive use areas”) for the reasons set forth in the Letter of Intent from Applicant’s counsel that accompanied the submission of the Special Use Permit Application.

AND IT IS FURTHER RESOLVED, that upon the foregoing findings and a complete review of all documentation submitted in connection with the Project, and such other or further information as deemed necessary, the Town of Boston Planning Board respectfully recommends that the Town Board issue the pending requested Special Use Permit for a filling station at 7072 Boston State Road.

TOWN OF BOSTON PLANNING BOARD

PROPOSED MIXED-USE DEVELOPMENT AT 7072 BOSTON STATE ROAD: RECOMMENDING TOWN BOARD APPROVE PROPOSED SITE PLAN

WHEREAS, 7072 Boston State Road LLC (“Applicant”) is seeking recommendations from the Planning Board to the Town Board relative to the Applicant’s pending requests for site plan approval and for a special use permit for a filling station for the proposed mixed-use development of a 5,183 square foot convenience store with an accessory fueling facility and a Tim Horton’s with drive-thru, a 5,000 square foot office building, and associated improvements to be located at 7072 Boston State Road (collectively the “Project”); and

WHEREAS, the Planning Board completed the Conceptual Plot Plan review process for the Project during its meeting held on September 5, 2023, and further reviewed the Project at its September 12, 2023 meeting;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Boston Planning Board hereby makes and issues the following findings based on its review of the Site Plan Application for the Project to be located at 7072 Boston State Road (the “Project Site”) based on its consideration of the criteria set forth in Section 123-167A of the Zoning Code (titled “Criteria for review; recommendations”) and Section 97-10 of the Town Code (titled “Approval of site plan”):

Section 123-167A of the Zoning Code:

- (1) The proposed project proposes uses which are in harmony with surrounding uses and also allowed within the C-1 zoning district. As documented in the Applicant’s submissions, architectural elevations for the two commercial buildings include features that are harmonious with existing buildings in the surrounding area, including peaked roofs, a mixture of materials, and appropriate signage, site lighting, and landscaping.
- (2) The Applicant has provided detailed documentation of a traffic study and plans which reflect the conclusions and recommendations from that study. The project layout provides a driveway to access Boston State Road which allows for one lane entering and two lanes exiting. The exiting lanes are a dedicated right turn lane and a dedicated left turn lane. The radii and dimensions of these lanes have been designed for the safe entering and exiting for delivery vehicles, include the fuel delivery truck. Additionally, the improvements being made to Boston State Road will provide a right and left turn lane into Project Site for the safety of traffic circulation.
- (3) The circulation on Project Site as depicted on the Site Plan allows access to the drive-thru lane and the fueling facility area without having to circulate through the Project Site by providing a right turn driveway shortly after entering the main site driveway. The circulation design also allows the fuel delivery trucks to access the Project Site, off-load the fuel and exit the Project Site. The project layout provides 55 parking spaces which satisfies the requirements of the Zoning Code, since 54 parking spaces are required pursuant to Section 123-103 of the Zoning Code, and also provides two electrical vehicle

charging stations. A sidewalk with a striped crosswalk provides a pedestrian path from the convenience store to the proposed office building to be located on the western portion of the Project Site. This pedestrian path can be used to access the grass area where picnic tables are provided for the customers and employees, an addition previously requested by the Planning Board when a withdrawn application for site plan approval for the Project was under review.

- (4) The landscaping proposed for the Project Site as depicted on the Landscape Plan [Drawing L-100] is compatible with surrounding environment. The setbacks for all components of the Project satisfies or exceeds the standard in the Zoning Code.
- (5) Emergency vehicles including fire trucks can easily enter and circulate through the Project Site without being in conflict with the parking, fuel area and pedestrian paths. A new private fire hydrant will be provided on Project Site to ensure all points of the two proposed buildings are within the required distances as specified in the NYS Fire Code.

Section 97-10 of the Town Code:

- (1) On-site improvements and off-site roadway improvements are proposed to allow for ease of access from adjacent uses and roadways. These improvements are based on the analysis of potential traffic impacts per the traffic analysis conducted by Passero Associates and input received from the NYS Department of Transportation (“NYSDOT”). New left turn and right turn lanes are being installed on Boston State Road to provide access to the Project Site. These improvements have been designed in accordance with NYSDOT standards and the required approval from NYSDOT will be obtained prior to construction of the improvements. The proposed project provides a driveway to access Boston State Road which allows for 1 lane entering and 2 lanes exiting. The exiting lanes are a dedicated right turn lane and a dedicated left turn lane to allow for ease of exiting the Project Site.
- (2) As shown on the Elevation Plans for the Project, the architecture and materials for each of the two buildings are complementary of each other and will provide a visually and physically integrated development.
- (3) The location of the proposed parking spaces on the Project Site is appropriate based on the consideration of the uses of each of the two proposed buildings. The number of parking spaces located adjacent to each building is appropriate for the anticipated demand of that particular building.
- (4) Fire trucks can easily enter and circulate through the Project Site without being in conflict with the parking, fuel area and pedestrian access. Drive aisles are located in the front of each of the proposed buildings which emergency vehicles including fire trucks can access when needed.

AND IT IS FURTHER RESOLVED, that upon the foregoing findings and a complete review of all documentation submitted in connection with the Project, and such other or further information as deemed necessary, the Town of Boston Planning Board respectfully recommends that the Town Board approve the Site Plan for the Project proposed for 7072 Boston State Road.



September 7, 2023

Sandra L. Quinlan, Town Clerk
Town of Boston Town Hall
8500 Boston State Road
Boston, NY 14025

Re: Site Plan Review
Proposed Commercial Mixed-Use Project
Applicant: Miranda Development LLC
7072 Boston State Road – Town of Boston

Dear Ms. Quinlan:

This letter is being submitted on behalf of Miranda Development LLC (the “Applicant”) in support of its request for Site Plan Approval for proposed commercial project to be located at 7072 Boston State Road (“Project Site”). The Project Site consists of approximately 2.65 acres located on the west side of Boston State Road (NY-391) and south of the Route 219 exit/entrance ramps.

The proposed commercial project consists of the construction of a proposed 5,000 sq. ft. office building, a 5,183 sq. ft. convenience store building with an accessory drive-through facility as well as a proposed filling station (fueling facility) requiring the issuance of a Special Use Permit by the Town Board.¹ The Project Site is properly zoned C-1 Local Retail Business District (“C-1”) pursuant to the Town of Boston Zoning Map.

During its meeting held on Tuesday, September 5th, the Planning Board completed the Conceptual Plot Plan review process. The Planning Board did not request that the Applicant consider any modification to the project layout as depicted on the previously submitted engineered plans prepared by Carmina Wood Design and the Elevation Plans for the two proposed commercial buildings.

The extensive documentation that has previously been submitted to the Planning Board in support of the request for Site Plan Approval for the proposed commercial project consists of the following:

1. Engineered plans prepared by Carmina Wood Design;
2. Elevation Plans for the two proposed commercial buildings;
3. Part 1 of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act (“SEQRA”) dated August 8, 2023 with Attachments “1” and “2” consisting of the following:

¹ A Special Use Permit Application and supporting documentation for the proposed filling station component of the project has previously been submitted on behalf of the Applicant for the consideration of the Planning Board and the Town Board.

- **Attachment 1:** Wetland Investigation Letter prepared by Thomas Somerville of Earth Dimensions dated September 21, 2022² and;
 - **Attachment 2:** No Impact Determination Letter issued by Sydney Snyder of the New York State Office of Parks, Recreation and Historic Preservation dated February 9, 2023³
4. Updated Traffic Impact Study prepared by Amy Dake, P.E., PTOE, Senior Managing Traffic Engineer, of Passero Associates dated August of 2023;
 5. Correspondence of Amy C. Dake, P.E., PTOE, Senior Managing Traffic Engineer, of Passero Associates to Kevin Hebert of the NYS Department of Transportation dated August 15, 2023;
 6. Phase I (IA and IB) Cultural Resource Investigation Report dated February 8, 2023 prepared by Powers Archaeology LLC; and
 7. Geotechnical Report prepared by Barron & Associates dated May 2, 2023

I. Site Plan Application Review Criteria:

The extensive project documentation referenced above previously submitted to the Planning Board satisfies the Site Plan submission requirements as set forth in Article XXX of the Town of Boston Zoning Code (titled “Site Plan Review”) and Chapter 97 of the Town of Boston Town Code (also titled “Site Plan Review”).

The criteria for the Planning Board’s review of a request for Site Plan Approval are set forth in Section 123-167A of the Zoning Code (titled “Criteria for review; recommendations”) and Section 97-10 of the Town Code (titled “Approval of site plan”). Both Section 123-167A of the Zoning

² Earth Dimensions, Inc. completed a preliminary wetland investigation at the Project Site on September 21, 2022. As indicated on the preliminary wetland investigation map attached to the letter, Earth Dimensions, Inc. did not identify any wetlands as defined by the U.S. Army Corps of Engineers (“USACE”) wetland delineation manual.

³ The No Impact Determination Letter issued by the New York State Office of Parks, Recreation and Historic Preservation dated February 9, 2023 stated as follows: “We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. The OPRHP has reviewed the Phase IA/IB archaeological survey report prepared for this project (February 2023; 23SR00093). No archaeological sites were identified by the survey. Therefore, it is the opinion of the OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.”

Code and Section 97-10 of the Town Code are reproduced below with information demonstrating that the criteria therein have been satisfied.

A. Section 123-167A of the Zoning Code:

Section 123-167A of the Zoning Code states that the Town Board/Planning Board shall review the site plan and supporting data and take into consideration five criteria (listed below in **bold**) as follows:

(1) Harmonious relationship between proposed uses and design and existing adjacent uses and architectural features.

Response: The proposed project proposes uses which are in harmony with surrounding uses and also in accordance with what is allowed within the existing C-1 zoning district. The architectural elevations for the two commercial buildings include features that are harmonious with existing buildings in the surrounding area such as peaked/shingled roofs and a mix of masonry and siding materials on the exterior of the buildings.

(2) Maximum safety of vehicular circulation between the site and street network.

Response: The proposed project provides a driveway to access Boston State Road which allows for (1) lane entering and (2) lanes exiting. The exiting lanes are a dedicated right turn lane and a dedicated left turn lane. The radii and dimensions of these lanes the safe entering and exiting for delivery vehicles, include the fuel delivery truck. In addition, improvements are being made to Boston State Road which will provide a right and left turn lane into Project Site, further increasing the safety of the traffic circulation.

(3) Adequacy of interior traffic circulation, parking and loading facilities, with particular attention to vehicular and pedestrian safety.

Response: The adequacy of the interior traffic circulation, parking and loading was a priority in connection with the design of the proposed project. The circulation within on Project Site allows access to the drive-thru lane and the fueling facility area without having to circulate through the Project Site by providing a right turn driveway shortly after entering the main site driveway. The circulation design also allows the fuel delivery trucks to access the Project Site, off-load the fuel and exit the Project Site following a well-defined path that does not conflict with the drive-thru, fuel or parking areas. The commercial project provides 55 parking spaces which satisfies the requirements of the Zoning Code [54 parking spaces required per Section 123-103 of the Zoning Code] and also provides EV charging stations at two of the proposed parking spaces. Pedestrian safety was also a priority and a sidewalk with a striped crosswalk provides a pedestrian path from the convenience store to the proposed office building on the west portion of the Project Site. This path can also be used to access the grass area where picnic tables are provided for the customers and employees.

(4) Adequacy of landscaping and setbacks in regard to achieving maximum compatibility with and protection to adjacent property and land uses.

Response: The landscaping proposed for the Project Site as depicted on the Landscape Plan [Drawing L-100] is substantial and is designed to be compatible with surrounding environment. The setbacks for all components of the Project Site including the buildings, parking spaces, fueling facility and the underground fuel tanks meet or exceed what is required by the Zoning Code.

(5) Adequacy of fire protection and accessibility for emergency vehicles.

Response: Fire protection and accessibility for emergency vehicles was a priority when preparing the Site Plan. Emergency vehicles including fire trucks can easily enter and circulate through the Project Site without being in conflict with the parking, fuel area and pedestrian paths. In addition, a new private fire hydrant will be provided on Project Site to ensure all points of the two proposed buildings are within the required distances as specified in the NYS Fire Code. The proposed private fire hydrant location is depicted on the previously submitted Utility Plan [Drawing C-400].

B. Section 97-10 of the Town Code:

Section 97-10 of the Town Code states the Town Planning Board shall recommend approval, recommend approval with modifications or recommend disapproval of such application and shall report its recommendation to the Town Board, stating its reasons based upon four criteria (listed below in **bold**) as follows:

A. All buildings on layout and design shall be an integral part of the development have convenient access to and from adjacent uses and roadways.

Response: On-site improvements and off-site roadway improvements are proposed to allow for ease of access from adjacent uses and roadways. These improvements are based on the analysis of potential traffic impacts per the traffic analysis conducted by Passero Associates and input received from the NYS Department of Transportation (“NYSDOT”). New left turn and right turn lanes are being installed on Boston State Road to provide access to the Project Site. These improvements have been designed in accordance with NYSDOT standards and the required approval from NYSDOT will be obtained prior to construction of the improvements. The proposed project provides a driveway to access Boston State Road which allows for: (1) lane entering and (2) lanes exiting. The exiting lanes are a dedicated right turn lane and a dedicated left turn lane to allow for ease of exiting the Project Site.

B. Individual buildings shall be related to each other in design mass, material, placement and connection to provide a visually and physically integrated development.

Response: As shown on the previously submitted building elevations, the architecture and materials for each of the buildings are complementary of each other and will provide a visually and physically integrated development.

- C. All buildings shall be arranged so as to avoid undue exposure to concentrated loading or parking facilities wherever possible.**

Response: The allocation and location of the proposed parking spaces on the Project Site was completed based on appropriate consideration of the uses of each of the two proposed buildings. The number of parking spaces located adjacent to each building is appropriate for the anticipated demand of that particular building.

- D. All buildings shall be arranged so as to be accessible to emergency vehicles.**

Response: Fire trucks can easily enter and circulate through the site without being in conflict with the parking, fuel area and pedestrian paths. Drive aisles are located in the front of each of the proposed buildings which emergency vehicles including fire trucks can easily access.

II. Conclusion:

The proposed commercial project meets or exceeds the standards set forth in both Section 123-167A of the Zoning Code and Section 97-10 of the Town Code. The Applicant is requesting that the Planning Board adopt resolutions during its upcoming meeting to be held on Tuesday, September 12th for the purpose of recommending that the Town Board approve the Site Plan and issue the pending request for a Special Use Permit for the filling station component of the overall proposed commercial project.

Please feel free to contact me at 716.510-4338 or via e-mail at shopkins@hsmlegal.com if you have any questions regarding this letter or the extensive project documentation previously submitted.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC



Sean W. Hopkins, Esq.

cc: Town of Boston Town Board
Town of Boston Planning Board
Sarah desJardins, Planning Consultant
Sean W. Costello, Esq., Town Attorney
Colin M. Knoer, Esq., The Knoer Group, PLLC [Via e-mail]
Ray Miranda, Miranda Development LLC
Christopher Wood, P.E., Carmina Wood Design [Via e-mail]
Jonathan Barniak, Carmina Wood Design [Via e-mail]



COUNTY OF ERIE

DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF PLANNING AND COMMUNITY DEVELOPMENT

DANIEL R. CASTLE, AICP, COMMISSIONER

THOMAS E. BAINES, ESQ., DEPUTY COMMISSIONER

September 14, 2023

Sarah desJardins
Planning Consultant
8500 Boston State Road
Boston, New York 14025

Re: Mixed Use Development

Location: 7072 Boston State Road

Review No.: M617-23-487


Dear Ms. desJardins,

Pursuant to New York General Municipal Law (GML) Section 239-m, and Article 8 of the New York Environmental Conservation Law, the Erie County Department of Environment and Planning (DEP) has reviewed the above-referenced project (the "Project") referred to us on August 28, 2023, and consents to the Town of Boston acting as SEQR Lead Agency. DEP offers the following comments:

- The proposed action is located within the Developing Area and is a Rural Center as defined in the Framework for Regional Growth. Actions in the Developing Area should, "support a balance of conservation and quality development in the developing area." Likewise, actions in a Rural Center should be "seamless extensions to the existing center rather than as isolated projects with poor connections to surrounding development." The Town should require that logical connections to adjacent commercial developments be included.
- The Town of Boston 2002 Comprehensive Plan recommends that development along "Boston State Road should require traffic calming techniques, such as shared curb cuts, to reduce potential hazards and conflicts." The Town and developer should consider incorporating shared access with adjacent development, if practicable.
- The Town of Boston 2002 Comprehensive Plan also states that "the Town should encourage a variety of transportation alternatives" (p. 26). The Town should ensure that adequate bicycle and pedestrian infrastructure (i.e., bike racks, sidewalks) are provided to promote alternative modes of transportation, complete streets, and accessibility.
- The Town should ensure adequate vehicle stacking is provided to accommodate peak on-site traffic demands and to avoid vehicles lining up on adjacent properties and/or in the roadway.
- This Project is located within 500 feet of Erie County Southwest Agricultural District #8. An Agricultural Data Statement may be required. Visit erie.gov/ads for more information.

This review pertains to the above-referenced Action submitted to DEP. This should not be considered sufficient for any County approvals. The Town of Boston and/or the developer must still obtain any other permits and regulatory approvals applicable to this Project.

Sincerely,

A handwritten signature in black ink, appearing to be 'BZ' with a flourish.

Briana Zuchowski
Assistant Planner

cc. Mark Rountree

TOWN OF BOSTON
APPLICATION FOR USE OF FACILITY

This Application is subject to Approval by the Town Board and MUST be received at least 1 week prior to Town Board meeting

*****Application, fees, 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 ToB Summer Concert Series Date 9 / 6 / 23

Name of person responsible for facilities Allison Koczur
Title Town of Boston Event Coordinator

Applicant Address 8500 Boston State Rd.

Applicant Daytime Phone # 716-941-6518 # Of Attendees: 100+

Date(s) Requested* see attached Time 4pm-10pm Type of Event concerts
Set Up 4pm Take Down 10pm

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	716-649-6170	Football—Nick Jagow	716-725-9680
Southtown Slammers/ Mike Bellagamba	716-225-7936	Soccer—Jessica Blesy	716-809-0121

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

- | | |
|---|--|
| <input type="checkbox"/> South Boston Park Shelter | <input type="checkbox"/> Boston Town Park |
| <input type="checkbox"/> Town Hall Community Room w/ Kitchen
And Bathroom Facilities | <input checked="" type="checkbox"/> Lions Shelter
And Bathroom Facilities |
| <input type="checkbox"/> North Boston Park Fields | <input type="checkbox"/> Small Shelter |
| | <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)

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

Are you serving alcohol? Yes No
Are you having a Private Party? Yes No
Are you having a Public Special Event? Yes 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: A **\$75 Maintenance 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.

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

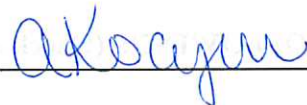
TOWN OF BOSTON PROPERTIES ARE SMOKE FREE

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: _____



Upon Completion, please submit to Town Clerk

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



SUMMER CONCERT SERIES

Town of Boston

Allison Koczur
Event Coordinator, Town of Boston
events@townofboston.com
O: (716) 941-6518 | C: (716) 941-1310

To: Town Board Members
Subject: 2024 Summer Concert Series

Town Board Members:

I am kindly requesting permission to use the Lions Shelter for hosting our Summer Concerts in the summer of 2024. The proposed dates for our concerts, and respective rain dates, have been listed below. Concerts will run from 6:30pm to 8:30pm on each selected date.

Concert Dates (Tuesdays)	Rain Dates (Thursdays)
1. July 2	1. July 11
2. July 9	2. July 25
3. July 16	3. August 1
4. July 23	4. August 15
5. July 30	5. August 29
6. August 6	6. September 3
7. August 13	
8. August 20	
9. August 27	

In addition to providing free entertainment for the community, I plan to collaborate with local vendors, food trucks, and artisans to enhance the overall experience and support our local economy. I am in the process of creating a “table application” that would cover any outside organization that would like to have a table at our concert series. This decision was the result of four or five organizations reaching out this year. More information to come, as it is completed.

I kindly request the Town Board's support and approval for the use of the Lions Shelter on the specified dates. I am willing to meet with you at your earliest convenience to discuss any details or concerns and to address any questions the Board may have regarding next year's Summer Concerts. The concerts have been a continuous source of enjoyment for our community and have been a positive reflection of our Town's commitment to cultural enrichment and community engagement.

Thank you for considering my request, and please do not hesitate to contact me at events@townofboston.com for any further information or to arrange a meeting.

Sincerely,

Allison Koczur, Event Coordinator



Appoint Assessment Clerk
at \$18.97/hr