

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMEMBER DUGAN, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMEMBER JENDROWSKI, TO WIT:

WHEREAS, the Town Board of the Town of Newstead, New York, previously adopted its Zoning Law by Local Law No. 2 of the Year 1988, which incorporates by reference a Zoning Map as referenced in §450-12; and

WHEREAS, the Town Board has received a request to rezone a portion of a certain parcel located at 13661 Main Road within the Town of Newstead; and

WHEREAS, Supervisor Izydorczak introduced the following proposed “Local Law No. 4 of the Year 2023” known as “2023 Rezoning of Real Property and Zoning Map Amendment” and presented a copy to each member of the Town Board, a copy of which is attached hereto and made a part hereof:

A Local Law known as Local Law No. 4 of the Year 2023 entitled "2023 Rezoning of Real Property and Zoning Map Amendment."

Be it enacted by the Town Board of the Town of Newstead as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 4 of the Year 2023 entitled "2023 Rezoning of Real Property and Zoning Map Amendment."

SECTION 2. PURPOSE

The purpose of this local law is to amend the Zoning Law of the Town of Newstead to rezone the rear portion, consisting of approximately 4.39 acres, of a parcel of land located at 13661 Main Road (SBL #61.00-5-22.1), which is presently zoned R-A to a C-2 zoning classification. With the amendment, the entire parcel will be zoned C-2, which will facilitate the future expansion of Fancher Properties LLC to build 23,500 square feet of additional warehousing.

SECTION 3. AMENDMENT OF PRIOR LAW

The Zoning Classification of the following described area is presently partially zoned R-A and partially zoned C-2 under the Zoning Law of the Town of Newstead and is hereby amended and the portion of the property therein zoned R-A is rezoned to C-2, with the entire parcel then fully zoned C-2.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Newstead, County of Erie and State of New York, being part of Lot Number six (6), Section two (2), Township twelve (12), Range five (5) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the south side of Main Road and also being the north line of Lot No. 6, a distance of 300 feet east of the northwest corner of said Lot; thence South $01^{\circ}08'10$ West, a distance of 403.65 feet to a point; Thence North $88^{\circ}52'50$ West, parallel with the north line of Lot No. 6, a distance of 100.01 feet to a point; Thence South $01^{\circ}07'51$ West parallel with the west line of Lot No. 6, a distance of 205.25 feet to a point; Then South $88^{\circ}14'06$ East a distance of 391.00 feet to a point; Thence South $00^{\circ}46'04$ West a distance of 1237.79 feet to a point; Thence South $89^{\circ}22'55$ East a distance of 104.84 feet to a point; Thence North $00^{\circ}43'59$ East a distance of 1850.20 feet to the south line of Main Road; Thence west on the south line of Main Road, a distance of 390.76 feet to a point or place of beginning.

SECTION 4 AMENDMENT TO ZONING MAP

The Zoning Map of the Town of Newstead originally adopted by the Town of Newstead pursuant to Local Law No. 2 of the Year 1988 and incorporated under Section 100-12 of the Code of the Town of Newstead and readopted pursuant to Local Law No. 2 of the Year 2008 and

incorporated under Section 450-12 of the Code of the Town of Newstead is hereby amended to incorporate the change to the zoning classification of the parcel described in Section 3.

SECTION 5. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 6. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State and Town Clerk.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Newstead, in the County of Erie shall be held at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:25 p.m. on the 28th day of August 2023, for the purpose of hearing all persons interested in the proposed Local Law No. 4 of the Year 2023; and

BE, IT FURTHER ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Akron Bugle, designated as the official newspaper for this publication, such publication to be not less than ten days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; (b) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten days before the date of the Public Hearing; and (c) send notice to Erie County Department of Environment and Planning as required under Section 239-m of the General Municipal Law; and

BE, IT FURTHER ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 4 of the Year 2023, entitled "2023 Rezoning of Real Property and Zoning Map Amendment," available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to roll call vote at a regular meeting of the Town Board on August 14, 2023, the results of which were as follows:

Councilmember	Pope	Voted Aye
Councilmember	Burke	Voted Aye
Councilmember	Dugan	Voted Aye
Councilmember	Jendrowski	Voted Aye
Supervisor	Izydorczak	Voted Aye

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF NEWSTEAD, NEW YORK

PLEASE TAKE NOTICE, that there has been presented to the Town Board on July 24, 2023, for adoption a proposed Local Law to be known as "Local Law No. 4 of the Year 2023" entitled "2023 Rezoning of Real Property and Zoning Map Amendment." The proposed Local Law will result in an amendment to the Zoning Map for a parcel located at 13661 Main Road in the Town of Newstead to rezone a portion of that parcel from R-A to a C-2 zoning classification; the entire parcel will be zoned C-2 once the amendment is complete.

THEREFORE, pursuant to the Municipal Home Rule Law Rules and Local Law No. 4 of the Year 2023, the Town Board of the Town of Newstead shall hold a Public Hearing on the aforesaid Local Law at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:25 p.m. on the 28th day of August 2023, at which time persons interested may be heard. Copies of the aforesaid proposed Local Law are available at the office of the Town Clerk for inspection and distribution to any interested person during business hours. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town Hall at 542-4573 by August 23, 2023.

Dated: August 14, 2023

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMEMBER DUGAN, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMEMBER JENDROWSKI, TO WIT

**RESOLUTION ADOPTING
DETERMINATION OF NON-SIGNIFICANCE
OF PROPOSED LOCAL LAW**

WHEREAS, the Town Board of the Town of Newstead is considering adoption of a Local Law to rezone a portion of a parcel of land on Route 5 from R-A to C-2; and

WHEREAS, the Town Board of the Town of Newstead is duly qualified to act as lead agency with respect to compliance with SEQRA which requires environmental review of certain actions undertaken by local governments; and

WHEREAS, the proposed action appears to be an Unlisted Action pursuant to the Rules and Regulations of the State Environmental Quality Review Act;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Newstead, after considering the action proposed herein, in reviewing the Environmental Assessment Form, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment; and be it further

RESOLVED, that the Town Board of the Town of Newstead hereby finds that the proposed responses inserted in Part II of the said Environmental Assessment Form are satisfactory and approved; and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to complete and execute the Part III of the said Environmental Assessment Form and to check the box thereon indicating that the proposed action will not result in any significant adverse impacts; and be it further

RESOLVED, that the annexed Negative Declaration is hereby approved, and the Town Clerk is hereby authorized and directed to file the same in accordance with the provisions of the General Regulations of the Department of Environmental Conservation.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Newstead on September 11, 2023, the results of which were as follows:

Councilmember Dugan	Voted	AYE
Councilmember Jendrowski	Voted	AYE
Councilmember Burke	Voted	AYE
Councilmember Pope	Voted	AYE
Supervisor Izydorzak	Voted	AYE

NEGATIVE DECLARATION
Notice of Determination of Non-Significance

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQR) of the Environmental Conservation Law.

The Town of Newstead has determined that the proposed action described below will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Rezoning of property located at 13661 Main Road from R-A to C-2.

SEQR Status: Unlisted; Town declared lead agency with no opposition received.

Description of Action: Amending the Zoning Law of the Town of Newstead to rezone a portion of a parcel of land presently zoned R-A to C-2.

Location: Main Road

Reasons Supporting This Determination: During review of this project, the Town of Newstead assessed areas of environmental concern, and it determined that no significant negative impacts would occur. The law rezones a portion of a parcel of land from R-A to C-2. The portion of the parcel to be rezoned is immediately adjacent to land already zoned C-2.

This rezoning is in accordance with the Comprehensive Plan accepted by the Town; the coordinated development of the property, as allowed by this rezoning, will provide for logical and comprehensive development, will help expand the commercial center of the Town, and will increase real property tax revenues for the Town. It will accommodate the future needs of Fancher Properties LLC which owns the parcel zoned C-2 immediately adjacent to the portion of the parcel to be rezoned as well as the parcel being rezoned, and it will allow for them to expand within the Town of Newstead with the alternative being expansion elsewhere as their current parcel zoned C-2 does not have room for expansion.

The Town of Newstead, therefore, concludes that the project will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public and is consistent with social and economic consideration. In reaching this decision, the Town of Newstead carefully considered all “Criteria” for Determination of Significance listed in the SEQR Regulations (6 NYCRR 617.7).

For Further Information:

Contact Person: Dawn Izydorczak, Supervisor
Newstead Town Hall
5 Clarence Center Road
Akron, NY 14001

COUNCILMEMBER JENDROWSKI MOVED THE ADOPTION
OF THE FOLLOWING LOCAL LAW NO. 4 OF THE YEAR 2023,
SECONDED BY COUNCILMEMBER DUGAN

WHEREAS, the Town Board of the Town of Newstead is seeking to update its zoning map to rezone a portion of a parcel located at 13661 Main Road from R-A to a C-2 zoning classification; and

WHEREAS, a public hearing was held on August 28, 2023 at which time interested persons were heard; and

WHEREAS, comments were solicited from Erie County Planning who responded on September 1, 2023 that they have no recommendation; and

WHEREAS, the Town Board determined that the proposed action would not have a significant impact on the environment and a determination of non-significance was adopted; and

NOW, THEREFORE, BE IT

RESOLVED, that the following local law as set forth fully below is hereby adopted:

A Local Law known as Local Law No. 4 of the Year 2023 entitled "2023 Rezoning of Real Property and Zoning Map Amendment."

Be it enacted by the Town Board of the Town of Newstead as follows:

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SECTION 6. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State and Town Clerk.

The above local law was duly put to a roll call vote at a regular meeting of the Town Board held on September 11, 2023, the results of which were as follows:

Councilmember Dugan	Aye
Councilmember Burke	Aye
Councilmember Jendrowski	Aye
Councilmember Pope	Aye
Supervisor Izydorczak	Aye