

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN DUGAN, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN JENDROWSKI

WHEREAS, the Town Board previously accepted the results of a special election that was held on May 17, 2022, wherein the voters approved a proposition to amend the Length of Service Award Program (the "LOSAP Program") for volunteer firefighters of the Newstead Fire Company, Inc.; and

WHEREAS, in consultation with Penflex, the Newstead Fire Company Service Award Program Plan Document (the "Plan Document") has been amended to reflect the increased annual contribution amounts per the approved proposition, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Plan Document must be signed by the Town Supervisor and Town Clerk.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. The Town Board approves and adopts the attached modified Plan Document; and
2. The Supervisor and Town Clerk are authorized to sign the Plan Document; and
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at the regular meeting held on June 13, 2022, the results of which were as follows:

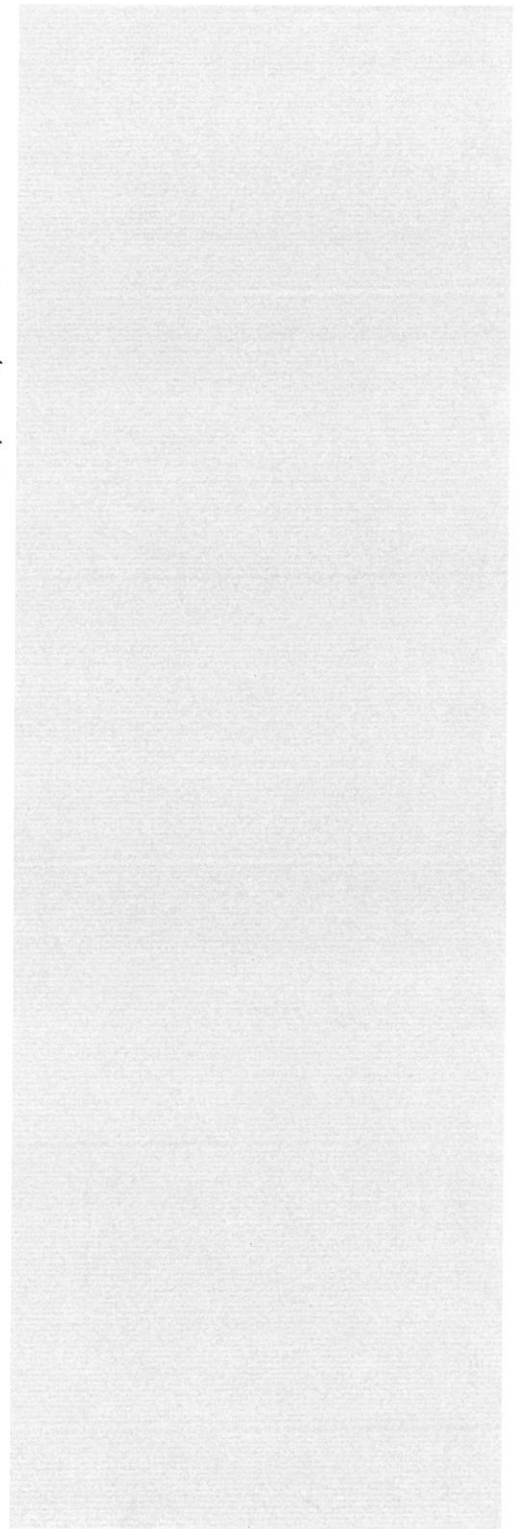
Councilman Dugan	AYE	
Councilman Burke	AYE	
Councilman Jendrowski	AYE	
Councilwoman Pope	AYE	
Supervisor Cummings	AYE	CARRIED UNANIMOUSLY

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BURKE, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILWOMAN POPE, TO WIT:

WHEREAS, the Town Board of the Town of Newstead, New York, previously adopted its Telecommunications Facilities Law by Local Law No. 1 of the Year 1997 and amended by Local Law No. 1 of the Year 1998 (the "Telecommunications Facilities Law"); and

WHEREAS, the Town Board has determined that it is in the best interest of the Town of Newstead to update the Telecommunications Facilities Law; and

WHEREAS, Councilman Burke introduced the following proposed "Local Law No. 1 of the Year 2022" known as "2022 Amendment No. 1 to the Telecommunications Facilities Law" and presented a copy to each member of the Town Board, which Local Law reads as follows:



A Local Law known as Local Law No. 1 of the Year 2022 entitled "2022 Amendment No. 1 to the Telecommunications Facilities Law."

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

SECTION 1. TITLE

This Law shall be known as Local Law No. 1 of the Year 2022 entitled "2022 Amendment No. 1 to the Telecommunications Facilities Law."

SECTION 2. PURPOSE

The purpose of this local law is to update the Town's regulations regarding telecommunications facilities.

SECTION 3. AMENDMENT OF PRIOR LAW

Chapter 373 of the Code of the Town of Newstead, originally adopted on April 24, 1997 by Local Law No. 1 of the Year 1997, as subsequently amended, is further amended as follows:

§373-1 "Intent" Sections A, B, D, and E are amended in their entirety as set forth below:

A. Accommodating the need for telecommunications facilities while regulating their location and number in the community.

B. Minimizing adverse visual impacts of these towers/antennas/small cell installations through proper design, siting, and screening.

D. Providing for the health, safety, and welfare of the community by avoiding potential damage to adjacent properties from tower failure, falling ice, etc., through engineering and proper siting.

E. Requiring the joint use of towers when available and encouraging the placement of antennas and small cell installations on existing structures to reduce the number of such structures in the future. No new tower may be established if there is a technically suitable space available on an existing communications tower or structure within the search area that the new cell site is to serve.

§ 373-2 "Definitions" is amended to add the definition of a small cell installation and modify the following definitions as set forth below:

ACCESSORY STRUCTURE

A non-habitable accessory facility or structure serving or being used as or in conjunction with a communications tower and/or similar facility and located on the same lot as the communications tower. Examples of such structures include utility or transmission

equipment storage sheds or cabinets.

ANTENNA

A system of electrical conductors that transmit or receive frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging, personal communication services (PCS), and microwave communications.

SMALL CELL INSTALLATION

A miniature radio access point or wireless network base station with a low radio frequency (RF) power, footprint, and range with use including but not limited to enhancing cellular network coverage and capacity. It includes all equipment required for the operation and maintenance of "small cell" or "microcell" wireless communications systems that transmit and/or receive signals, including antennas, strand mounted antennas, microwave dishes, power supplies, transformers, electronics, and other types of equipment required for the transmission or receipt of such signals.

TELECOMMUNICATIONS FACILITIES/TELECOMMUNICATIONS FACILITY

Towers, antennas, small cell installations, support structures, and/or accessory structures, together used in connection with the provision of cellular telephone service, personal communications services, digital and/or data communication services, paging services, radio and television broadcast services, and similar broadcast services.

TOWER

A structure designed to support antennas and/or small cell installations. It includes without limit, freestanding towers, guyed towers, monopoles, and similar structures which or which do not employ camouflage technology.

§ 373-3 "Where permitted; approvals and bulk requirements" is amended in its entirety as set forth below:

No telecommunications facility or facilities shall be sited, located, constructed, erected, or modified without issuance of a building permit and such permits or approvals as are prescribed in this chapter.

A. Collocated/existing structure antennas and small cell installations:

(1) An antenna or small cell installation that is to be attached to an existing communications tower, smokestack, or water tower is permitted in all zoning districts. The height of the new antenna shall not extend above the height of the existing structure by more than 35 feet.

(2) The antenna and any mounting structure and related equipment shall be integrated into said structure in such a manner as to minimize its visual impact to the greatest extent practicable.

(3) A new antenna or small cell installation requires a building permit. The building permit application will include a structural analysis/report (certified by a New York State licensed professional engineer or architect) verifying the ability

of the structure to handle the antenna or small cell installation and certification by a qualified radio frequency engineer that the cumulative emissions from the site are within federal and state RF radiation exposure limits.

B. Non-located/new structure antennas and small cell installations. An antenna or small cell installation that will not be mounted on an existing structure as defined above or that is more than 35 feet higher than the existing structure on which it is mounted is permitted in accordance with the following regulations:

(1) General requirements. No application for a non-located antenna or small cell installation or a new site for a telecommunications facility shall be considered complete unless and until the applicant shall have submitted a report which establishes to the satisfaction of the Board the following:

(a) That the applicant is required to provide service to locations which it is not able to serve through existing facilities which are located either within or outside of the Town, showing the specific locations and/or areas the applicant is seeking to serve. The applicant must document a gap in service which will be remedied by the proposed installation.

(b) The report shall set forth an inventory of existing facilities and/or structures, within or outside of the Town, which might be utilized or modified in order to provide coverage to the locations the applicant is seeking to serve and include a report on the possibilities and opportunities for collocation as an alternative to a new site.

(i) For existing utility, light, or telephone poles, the height of the new antenna or small cell installation shall not extend above the height of the existing structure by more than five feet. If a pole needs to be replaced in order to accommodate the antenna or small cell installation, then the replacement pole shall not be more than five feet taller than the existing pole.

(c) The applicant must demonstrate that the proposed antenna, small cell installation, or telecommunications facility cannot be accommodated on any such existing facility or structure either within or outside of the Town due to one or more of the following reasons:

[i] The proposed equipment would exceed the existing and reasonably potential structural capacity of existing facilities or structures within or outside of the Town considering existing and planned use for those facilities or structures.

[ii] The existing or proposed equipment would cause interference with other existing or proposed equipment which could not reasonably be mitigated or prevented.

[iii] Said existing facilities or structures do not have space on which the proposed equipment can be placed so it can function effectively and reasonably and/or the applicant has not been able, following good faith efforts, to reach an agreement with the owner(s) of such facilities or structures.

[iv] Other reasons which make it impracticable to locate or place the proposed equipment on said facilities or structures.

(2) Zoning districts, approvals, and bulk requirements.

(a) All districts require site plan review and a telecommunications facility special permit as set forth in § **373-4**.

[i] The tower or telecommunications facility with the exception of a small cell installation or a telecommunications facility that consists only of a small cell installation and supporting structure must be set back a minimum of the height of the tower or structure from any property line and any existing building and be a minimum of 500 feet from any residential dwelling, school, park, daycare, athletic field, or historic structure. A small cell installation or a telecommunications facility that consists only of a small cell installation and supporting structure must be a minimum of 100 feet from any residential dwelling, school, park, daycare, athletic field, or historic structure.

[ii] The maximum height of a tower or telecommunications facility is 175 feet. An area variance for height will be needed from the ZBA to exceed this height.

[iii] Towers, telecommunications facilities, or similar structures exceeding 175 feet in height in Industrial (I-1 and I-2) and Commercial (C-2 and C-1) Zoning districts shall be treated as Type I actions under the State Environmental Quality Review Act (SEQRA). All applications for a telecommunications facility in Municipal- or government-owned property and RC, MHP, RVP and Residential (R-1, R-2, R-3 and R-A) Zoning Districts shall be treated as a Type I action under the State Environmental Quality Review Act (SEQRA).

§ 373-4 “Telecommunications facility special permit application materials” is renamed as such and Sections A-F and H are amended in their entirety as set forth below:

All applicants for telecommunications facility special permits shall make a written application to the Town Board through the Town Planning Department. This application shall include:

A. A telecommunications facility special permit application form.

B. Applicable fees, according to the Town of Newstead Fee Schedule.

C. Site plan application forms, including a long form EAF, if applicable.

D. Site plan, in form and content acceptable to the Town, prepared to scale and in sufficient detail and accuracy showing at a minimum:

(1) The exact location of the proposed telecommunications facility, together with guy wires and guy anchors, if applicable.

(2) The maximum height of the proposed tower, telecommunications facility, or structure, if applicable.

(3) A detail of tower or structure type (monopole, guyed, freestanding or other).

(4) The color or colors of the telecommunications facility.

(5) The location, type and intensity of any lighting on the telecommunications

facility.

(6) The property's boundaries (a copy of a property survey must also be provided).

(7) Proof of the landowner's consent if the applicant will not own the property. (A copy of a lease agreement must also be provided if the applicant will not own the property).

(8) The location of all structures on the property and all structures on any adjacent property, together with the distance of these structures to telecommunications facility.

(9) The names of adjacent landowners.

(10) The location, nature, and extent of any proposed fencing and landscaping or screening.

(11) The location and nature of proposed utility easements and access road, if applicable.

(12) Building elevations of accessory structures or immediately adjacent buildings, if applicable.

E. "Before" and "after" propagation studies prepared by a qualified radio frequency engineer demonstrating existing signal coverage, contrasted with the proposed signal coverage resulting from the proposed telecommunications facility.

F. A search ring prepared by a qualified radio frequency engineer and overlaid on an appropriate background map demonstrating the area within which the telecommunications facility needs to be located in order to provide proper signal strength and coverage to the target cell. The applicant must be prepared to explain to the Town Board why it selected the proposed site, discuss the availability (or lack of availability) of a suitable structure within the search ring which would have allowed for collocated antenna(s) or small cell installations, and to what extent the applicant explored locating the proposed tower or telecommunications facility in a more intensive use district. Correspondence with other telecommunication companies concerning collocation is part of this requirement.

H. In historic districts and important preservation/conservation areas the Town may require additional site plan and telecommunications facility special permit requirements. These requirements can include specially designed towers, additional screening, greater setbacks, and improved landscaping. In siting, these areas should be avoided to the maximum extent possible.

§ 373-5 "Telecommunications facility permit standards" is amended in its entirety as set forth below:

The following criteria will be considered by the Town prior to the approval/denial of a request for the telecommunications facility permit; the criteria listed may be used as a basis to impose reasonable conditions on the applicant. All denials shall be in writing and supported by substantial evidence contained in a written record. Town special permits are non-assignable and non-transferrable.

A. Siting preferences.

(1) The Town expresses a preference that the proposed telecommunications facility be located in a higher intensity use district or on higher intensity use property, provided that there is a technologically feasible and available location. A guideline for the Town's preference, from most favorable to least favorable districts/property, is as follows:

(a) Property with an existing structure suitable for collocation, except in residential districts.

(b) I-1 or I-2 District.

(c) C-2 or C-1 Districts.

(d) Municipal- or government-owned property.

(e) RC, MHP, RVP or (R-1, R-2, R-3 and R-A) Residential Districts and Historic District and important presentation/conservation areas.

(2) Any request by the Town for information on a preferred alternate site shall not unreasonably delay the application.

(3) Configuration preferences:

(a) Co-located with existing telecommunications facilities,

(b) Mounted on existing utility poles,

(c) Mounted on new poles or towers.

B. Aesthetics. Telecommunications facilities shall be located and buffered to the maximum extent which is practical and technologically feasible to help ensure compatibility with surrounding land uses. In order to minimize any adverse aesthetic effect on neighboring residences to the extent possible, the Town Board may impose reasonable conditions on the applicant, including the following:

(1) Tower/telecommunications facility height, location and design are matters of primary public concern. The Town Board may require a monopole or guyed tower (if sufficient land is available to the applicant) instead of a freestanding tower. Monopoles are a preferred design.

(2) The Town Board will require reasonable landscaping consisting of trees or shrubs to screen the base of the tower/telecommunications facility and/or to screen the tower/telecommunications facility to the extent possible from adjacent residential property. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.

(3) The Town will require the applicant to show that he has made good-faith efforts to collocate on existing towers or other available and appropriate structures and/or to construct new towers near existing towers in an effort to consolidate visual disturbances. However, such request shall not unreasonably delay the application.

(4) Towers/telecommunications facilities and small cell installations should be designed and sited so as to avoid, whenever possible, application of FAA lighting

and painting requirements. Towers/telecommunications facilities and small cell installations shall not be artificially lighted except as required by the Federal Aviation Administration (FAA) or the Town. Towers/telecommunications facilities and small cell installations shall be of a nonreflective finish, color subject to Board approval, unless otherwise required by the FAA. Any lighting which may be required by FAA shall not consist of strobe lights, unless specifically mandated by FAA.

(5) No tower/telecommunications facility shall contain any signs or advertising devices. Notwithstanding the foregoing, the Board may require appropriate signage indicating ownership of the facility and phone numbers to call in case of emergency.

(6) The applicant must submit a copy of its policy regarding collocation on the proposed tower/telecommunications facility with other potential future applicants. Such policy should allow collocation under the following conditions: the new antenna(s), small cell installations, and equipment do not exceed structural loading requirements, interfere with tower space used or to be used by the applicant nor pose any technical or radio frequency interference with existing equipment; the party desiring to collocate pays the applicant an appropriate and reasonable sum to collocate; and the party desiring to collocate has a similar policy of collocation for the applicant.

(7) All other uses ancillary to the antenna/tower/small cell installation/telecommunications facility and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the site unless otherwise permitted in the particular zoning district.

C. Radio-frequency effect. The Town Board may impose a condition on the applicant that the communication antennas and small cell installations be operated only at Federal Communications Commission (FCC) designated frequencies and power levels and/or Environmental Protection Agency (EPA) technical exposure limits, and that the applicant provide competent documentation to support that maximum allowable frequencies, power levels and exposure limits for radiation will not be exceeded.

D. Traffic, access and safety.

(1) A road turnaround and one parking space shall be provided to assure adequate year-round emergency and service access, where applicable. Maximum use of existing roads, public or private, shall be made. The use of public roadways or road rights-of-way for the siting of a tower or antenna(s)/small cell installation accessory structure is prohibited.

(2) All towers and guy anchors, if applicable, shall be enclosed by a fence not less than eight feet in height or otherwise sufficiently protected from trespassing or vandalism.

(3) The applicant must comply with all applicable state and federal regulations, including but not limited to FAA and FCC regulations.

(4) There shall be no permanent climbing pegs within 30 feet of the ground on any tower.

E. Removal of telecommunications facility. The applicant shall agree to remove the tower and/or entire telecommunications facility if the telecommunications facility becomes obsolete or ceases to be used for its intended purpose for 12 consecutive months. The Town Board, in its discretion, may require the applicant to provide a demolition bond for purposes of removing the telecommunications facility in case the applicant fails to do so as required above.

F. Structural safety. During the application process the applicant shall provide a certification from a qualified, licensed engineer, certifying that the telecommunications facility meets applicable structural safety standards. The owner shall also have a structural inspection performed every two years by a licensed professional engineer. A report shall be submitted to the Town describing the structural integrity of the facility, maintenance issues and repairs needed or made, if any. Damage to infrastructure or property owned by the Town of Newstead in the installation or maintenance of a telecommunications facility or due to the failure to properly maintain or repair a telecommunications facility shall be paid for by the applicant. If the applicant fails to make repairs within 72 hours after notice is given, the Town may perform the repairs or maintenance at applicant's expense.

G. Maintenance of telecommunications facility. All telecommunications facilities shall be maintained in good order and repair.

H. Retention of expert assistance and reimbursement by applicant.

(1) The Town may hire a qualified consultant and/or expert necessary to assist the Town in reviewing and evaluating the application. Prior to hiring such consultant, the Town will determine an appropriate scope for such services.

(2) If the Town hires a qualified consultant/expert, the applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of a qualified consultant and expert evaluation and consultation to the Town in connection with the review of any application including the construction and modification of the site, once permitted. The initial deposit shall be determined by the Town and a request sent to the applicant. The placement of these funds with the Town shall occur after the preapplication meeting and at the time of application. The Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall invoice the Town for its services in reviewing the application, including the construction and modification of the site, once permitted. If at any time during the process this escrow account has a

balance less than \$1,000, the petitioner shall immediately, upon notification by the Town, replenish said escrow account so that it has a minimum balance as stipulated by the Town (based on estimates provided by the consultant/expert). Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.

(3) The total amount of the funds needed as set forth in Subsection **H** of this section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis, and inspection of any construction or modification.

I. Proof of insurance. Applicant shall provide an executed agreement in the form provided by the Town, pursuant to which Applicant and any related third parties agree to insure, defend, hold harmless and fully indemnify the Town, its officers, employees, agents, attorneys, and volunteers, from (i) any claim, action or proceeding brought against the Town or its officers, employees, agents, or attorneys to attack, set aside, void, or annul any such approval of the Town or (ii) a legal action brought against the Town for loss of property value or other harm caused by the placement or operation of a small cell installation or telecommunications facility. Such indemnification shall include damages, judgments, settlements, penalties, fines, defense costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding whether incurred by the Applicant, the Town and/or the parties initiating or bringing such proceeding. The agreement shall also include a provision obligating the Applicant to indemnify the Town for all of the Town's costs, fees, and damages which the Town incurs in enforcing the indemnification provisions of this Section.

§373-6 "Exemptions" Sections A and C are amended in their entirety as set forth below:

A. Telecommunications facilities may be repaired and maintained without a permit.

C. Satellite antennas measuring two meters or less in diameter and located in commercial districts and satellite antennas one meter or less diameter regardless of location shall be exempt.

§373-7 "Procedure" Sections B and C are amended in their entirety as set forth below:

B. In the event of any conflicts or inconsistencies between this chapter and any other local law, including Chapter **450**, Zoning, of the Town Code, this chapter is meant to control telecommunications facilities in the Town unless otherwise specifically referenced in this chapter.

C. Telecommunications Facility special permits authorized by this chapter shall only be issued by the Town Board after referral and recommendation by the Town Planning Board and after holding a public hearing that has been advertised in the same manner as for an amendment to the zoning code.

§ 373-8 “Penalties for offenses” is amended in its entirety as set forth below:

A. Any person who violates any provisions of this chapter or any regulation adopted hereunder is guilty of an offense punishable by a fine not exceeding \$250 for the first violation; and a minimum of \$250 and a maximum of \$500 for a second violation within five years; and a minimum of \$500 and a maximum of \$750 for a third or subsequent violation within five years; or imprisonment for a period not to exceed 15 days, or both. Each week's violation shall constitute a separate violation.

B. Any entity receiving a telecommunications facility special permit that subsequently does not meet the requirements and/or conditions of that permit, shall have its permit revoked and the tower and other components shall be removed within 90 days of notification by the Town.

SECTION 4. 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 5. WHEN EFFECTIVE

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

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 7:20 p.m. on the 27th day of June, 2022, for the purpose of hearing all persons interested in the proposed Local Law No. 1 of the Year 2022; 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. 1 of the Year 2022, entitled "2022 Amendment No. 1 to the Telecommunications Facilities Law," 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 June 13, 2022, the results of which were as follows:

Councilwoman	Pope	Voted AYE
Councilman	Burke	Voted AYE
Councilman	Dugan	Voted AYE
Councilman	Jendrowski	Voted AYE
Supervisor	Cummings	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 June 6, 2022, for adoption a proposed Local Law to be known as "Local Law No. 1 of the Year 2022" entitled "2022 Amendment No. 1 to the Telecommunications Facilities Law." The proposed Local Law will update the Town's regulations regarding telecommunications facilities.

THEREFORE, pursuant to the Municipal Home Rule Law Rules and Local Law No. 1 of the Year 2022, 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 7:20 p.m. on the 27th day of June 2022, 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 June 22, 2022.

Dated: June 13, 2022

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD

06/13/2022

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

Commented [NB13]: Classify the law as Type I, II, or
unlisted

Motioned by Councilman Burke, seconded by Councilwoman Pope

WHEREAS, the Town Board of the Town of Newstead is considering adoption of a Local Law which would update the Town's regulations regarding Telecommunications Facilities in the Town; and

WHEREAS, the Town Board has reviewed the Short Form EAF submitted and has determined that the proposed action will not have a significant impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Newstead, after considering the action proposed herein, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQR Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the proposed action will not have a significant effect on the environment and that no further action is required by the Town Board under SEQR.

The question of the adoption of the foregoing negative declaration was duly put to a roll call vote at a regular meeting of the Town Board on June 13, 2022 the results of which were as follows:

Councilwoman	Pope	Voted AYE
Councilman	Burke	Voted AYE
Councilman	Dugan	Voted AYE
Councilman	Jendrowski	Voted AYE
Supervisor	Cummings	Voted AYE

Town of Newstead
**Lead Agency Declaration
Site Plan**

**Newstead Commons, LLC
13711 Main Road
Multi-Family Dwellings**

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN JENDROWSKI,
WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN DUGAN

WHEREAS, the Town of Newstead has received a site plan application from Newstead Commons, LLC, for construction of seven (7) multi-family dwellings and (42) garages to be completed in two phases on 6.4 acres to be physically disturbed of the 29.7 acres in the C-2/Route 5 overlay zoning district at 13711 Main Road in the Town of Newstead, and

WHEREAS, the proposed action is a SEQR Type I action with a coordinated review, and

NOW THEREFORE BE IT RESOLVED,

The Newstead Town Board, being the most local agency with permitting authority, wishes to declare SEQR Lead Agency status and conduct a coordinated review; be it further

RESOLVED,

That the Newstead Town Board authorizes the Building Department to coordinate the required mailings and notifications; and that this resolution take effect immediately.

The above resolution was duly put to a roll call vote on June 13, 2022, the results of which were as follows:

Supervisor Cummings	AYE	
Councilwoman Dugan	AYE	
Councilman Burke	AYE	
Councilman Jendrowski	AYE	
Councilwoman Pope	AYE	CARRIED UNANIMOUSLY

Town of Newstead
Public Hearing
Site Plan
Newstead Commons, LLC
13711 Main Road

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILWOMAN POPE, WHO MOVED ITS ADOPTION
SECONDED BY COUNCILMAN DUGAN

WHEREAS, Newstead Commons, LLC has applied for site plan approval for construction of seven (7) multi-family dwellings and (42) garages to be completed in two phases: Initial phase: (2) 2-Story Residential Buildings; Future phase: (5) 2-Story Residential Buildings disturbing 6.4 acres of the 29.7 acres in the C-2/Rt. 5 overlay zone and

WHEREAS, on May 23, 2022 the Planning Board reviewed the project and recommended approval of the first two buildings including interior sidewalks to the Town Board.

WHEREAS, the Town of Newstead is the most local agency with permitting authority, and

NOW THEREFORE BE IT RESOLVED

That according to Newstead Town Code section 450-85 (D) (2) the Town Board will hold a public hearing within 62 days of receipt of the Planning Board's recommendation, and such public hearing is scheduled to take place on June 27, 2022 at 7:15PM to hear comments for or against the proposed site plan.

The above resolution was duly put to a roll call vote on June 13, 2022 the results of which were as follows:

Supervisor Cummings	AYE	
Councilman Dugan	AYE	
Councilman Burke	AYE	
Councilman Jendrowski	AYE	
Councilwoman Pope	AYE	CARRIED UNANIMOUSLY

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

PLEASE TAKE NOTICE, that a public hearing of the Town Board will be held at Newstead Town Hall, 5 Clarence Center Road in the Village of Akron, New York at 7:15PM on the 27th day of June, 2022 to consider the following:

Site plan application for the Initial Phase only of Newstead Commons, LLC, Multi-family housing located at 13711 Main Road

Seeking to construct Seven (7) Multi Family Dwellings and (42) garages to be completed in two phases.

- **Initial phase: (2) 2-Story Residential Buildings (seeking approval)**
- **Future Phase: (5) 2-Story Residential Buildings (will need future approval)**

6.4 acres are to be physically disturbed of the 29.7 acres in the C-2/Rte 5 overlay zone

The site plan is on file in the Building Department at the Newstead Town Hall and is open for inspection to any interested person during business hours. The hearing is open to the public. Interested individuals are invited to attend and may submit written comments in advance of the public hearing. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town Clerk at 542-4573 five days in advance of the hearing date.

Dated: June 13, 2022

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD