

**TOWN OF NEWSTEAD**

**5-LOT MAJOR SUBDIVISION WITH NO PUBLIC IMPROVEMENT  
RICHARD RAYKOWSKI  
13830 INDIAN FALLS ROAD  
NEGATIVE DECLARATION AND APPROVAL OF SUBDIVISION PLAT**

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMEMBER \_\_\_\_\_ WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCILMEMBER \_\_\_\_\_

**WHEREAS**, the Town of Newstead has received a final subdivision plat from Richard Raykowski for subdividing the 56.97-acre property at 13830 Indian Falls Road, creating five (5) new residential building lots with no public improvement fronting on both the north and south side of Indian Falls Road, in the R-A zone, and

**WHEREAS**, the Town Engineer recommended approval in a memo dated July 6, 2023, and

**WHEREAS**, the Newstead Planning Board reviewed the application and unanimously voted to recommend approval of the major subdivision to the Town Board on July 10, 2023, and

**WHEREAS**, this project is an unlisted action under SEQRA with an uncoordinated review, and

**WHEREAS**, On August 14, 2023, the Town Board held a public hearing to hear comments from the public. The issue of permitting lots was addressed as explained in the planning board minutes and clarification was obtained.

**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 final plat approval of the 5-Lot major subdivision with no public improvement will not have a significant effect on the environment, and the annexed Negative Declaration is hereby approved, provided that no construction of property site alteration shall occur before the Town receives 1) a copy of the completed septic work approval from the Erie County Department of Health; and 2) the Town issues a building permit; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed make the appropriate filings in accordance with the provisions of the General Regulations of the Department of Environment Conservation and the Town Supervisor is hereby authorized and directed to sign the 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 RESOLEVED, that the Town Board does hereby approve the Final Subdivision Plat dated May 10, 2023.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on August 14, 2023, the results of which were as follows:

Supervisor Izydorczyk \_\_\_\_\_  
Councilman Burke \_\_\_\_\_  
Councilman Jendrowski \_\_\_\_\_  
Councilman Dugan \_\_\_\_\_  
Councilwoman Pope \_\_\_\_\_

## NEGATIVE DECLARATION

### Notice of Determination of Non-Significance

**Date: August 14, 2023**

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 below will not have a significant impact on the environment and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Approval of Final Subdivision Plat  
5-Lot Major Subdivision with No Public Improvement

SEQR Status: Unlisted/Uncoordinated Review

Location: 13830 Indian Falls Roads in the Town of Newstead

Description of Action: 5-Lot Major Subdivision with no Public Improvement  
56.97-acre parcel

Reasons Supporting this Determination:

The Town Board in making this determination reviewed the Full Environmental Assessment Form dated May 23, 2023 and concludes that although during construction, there will be increases in energy usage, noise, dust and odor and minor traffic disruptions, however, these will result in small to moderate impacts of limited duration and that the proposed project will not adversely affect the natural resources of the State and/or health, safety and welfare of the public and is consistent with social and economic considerations.

Contact Person: Julie Brady  
Senior Clerk Planning & Building  
Town of Newstead  
5 Clarence Center Road  
Akron, NY 14001  
Phone: 716-542-4573 Option 4

B.

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMEMBER \_\_\_\_\_, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCILMEMBER \_\_\_\_\_, 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 28<sup>th</sup> 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 _____
Councilmember	Burke	Voted _____
Councilmember	Dugan	Voted _____
Councilmember	Jendrowski	Voted _____
Supervisor	Izydorzak	Voted _____

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 28<sup>th</sup> 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 \_\_\_\_\_, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCILMEMBER \_\_\_\_\_

WHEREAS, the Town Board of the Town of Newstead in consultation with the Joint Facility Committee, Town Highway Superintendent, and Village Public Works Manager was notified that the vestibule at the Joint Municipal Facility needs to be modified (hereinafter the "Project"); and

WHEREAS, quotes were obtained for the Project, which are attached hereto and made a part hereof, summarized as follows:

- Hogan Glass for a total of \$6,995; and
- Frontier Glass for a total of \$8,795; and

WHEREAS, the Town Board will ultimately share the cost of the Project 50/50 with the Village of Akron; and

WHEREAS, the Town Board has been advised that the Village Board is in favor of moving forward with this Project; and

WHEREAS, the Town Board believes that completion of this Project is in the best interest of the Town of Newstead to update and maintain public property.

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

1. The Town Board has determined that the quote from Hogan Glass for a total of \$6,995, with the Village of Akron contributing \$3,497.50, is the low price, and the Town Board approves the quote and payment.
2. The Town Board authorizes the Highway Superintendent to take all steps necessary to ensure the Project is completed.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on August 14, 2023, the results of which were as follows:

Councilmember Pope	_____
Councilmember Burke	_____
Councilmember Jendrowski	_____
Councilmember Dugan	_____
Supervisor Izydorczak	_____

D.

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMEMBER \_\_\_\_\_, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCILMEMBER \_\_\_\_\_

WHEREAS, the Town Board of the Town of Newstead was notified that gutters, panels, and trim on the cold storage building and main building at the Joint Municipal Facility need a to be repaired/replaced (hereinafter the "Project"); and

WHEREAS, quotes were obtained for the Project, which are attached hereto and made a part hereof, summarized as follows:

- EBS Solutions - \$3,919 (freight cost excluded as materials will be picked up) for materials only; and
- Kulback's Construction - \$10,812 to repair and replace.

WHEREAS, the Town Board will ultimately share the cost of the Project 50/50 with the Village of Akron; and

WHEREAS, the Town Board has been advised that the Village Board is in favor of moving forward with this Project; and

WHEREAS, the Town Board believes that completion of this Project is in the best interest of the Town of Newstead to protect and maintain public property.

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

1. The Town Board has determined that the quote from EBS Solutions for \$3,919 for materials best meets with Town's needs with the labor to be performed in house and approves the quote and payment.
2. The Town Board authorizes the Highway Superintendent to take all steps necessary to ensure the Project is completed.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on August 14, 2023, the results of which were as follows:

Councilmember Pope	_____
Councilmember Burke	_____
Councilmember Jendrowski	_____
Councilmember Dugan	_____
Supervisor Izydorczak	_____

E.

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMEMBER \_\_\_\_\_, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCILMEMBER \_\_\_\_\_

WHEREAS, the Town Board of the Town of Newstead, in consultation with the Town Highway Superintendent, has determined that it is necessary to purchase lifts, jack stands, and related items for use by the Highway Department at the Joint Municipal Facility (hereinafter “the Purchase”); and

WHEREAS, quotations were received for the Purchase which are annexed hereto and made a part hereof, summarized as follows:

- Liftnow for a total of \$83,929.09;
- Steril Koni for a total of \$110,357.20; and
- Mohawk Lifts for a total of \$122,926.81; and

WHEREAS, a quotation was also sought from Napa, who was unable to provide a quote under the Sourcewell Contract; and

WHEREAS, in consultation with the Town Highway Superintendent, the Town Board has determined that the quote from for the Purchase from Liftnow (under Sourcewell Contract 013020, a copy of which is attached hereto and made a part hereof) represents the best value to the Town as it is the lowest priced option that meets the Town’s needs.

NOW, THEREFORE, be it resolved by the Town Board as follows:

1. The Town Board does hereby approve the Purchase from Liftnow under Sourcewell Contract 013020 and approves payment for the Purchase in the amount of \$83,929.09.
2. The Town Board does hereby authorize the Highway Superintendent to sign all necessary paperwork to complete the Purchase.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a meeting of the Town Board on August 14, 2023, the results of which were as follows:

Councilmember Dugan	_____
Councilmember Burke	_____
Councilmember Jendrowski	_____
Councilmember Pope	_____
Supervisor Izydorczak	_____