



THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMEMBER\_\_\_\_\_, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCILMEMBER\_\_\_\_\_, 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 _____
Councilmember Jendrowski	Voted _____
Councilmember Burke	Voted _____
Councilmember Pope	Voted _____
Supervisor Izydorczak	Voted _____

**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

B.

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

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:

### **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°08'10 West, a distance of 403.65 feet to a point; Thence North 88°52'50 West, parallel with the north line of Lot No. 6, a distance of 100.01 feet to a point; Thence South 01°07'51 West parallel with the west line of Lot No. 6, a distance of 205.25 feet to a point; Then South 88°14'06 East a distance of 391.00 feet to a point; Thence South 00°46'04 West a distance of 1237.79 feet to a point; Thence South 89°22'55 East a distance of 104.84 feet to a point; Thence North 00°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.

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 \_\_\_\_\_  
Councilmember Burke \_\_\_\_\_  
Councilmember Jendrowski \_\_\_\_\_  
Councilmember Pope \_\_\_\_\_  
Supervisor Izydorczak \_\_\_\_\_





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

WHEREAS, the Town Board of the Town of Newstead previously authorized a Subrecipient Agreement between the County of Erie and Town of Newstead for purchase of tables and chairs for the Senior Center located in the Town of Newstead (hereinafter “the Purchase”); and

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

- WB Mason Interiors for \$25,473.82
- Eaton Office Supply for \$26,973.82; and

WHEREAS, the Town Board has determined that the quote from for the Purchase from WB Mason (under OGS Contract Award number 23109- contract number PC 68363 for KFI and PC 68395 for NPS- 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 WB Mason Interiors under OGS Contract Award Number 23109 as outlined above and approves payment for the Purchase in the amount of \$25,473.82.
2. The Town Board does hereby authorize the Town Supervisor 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 September 11, 2023, the results of which were as follows:

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



**Resolution in Support of the Justice Court Assistance Program 2023 Grant Application for the Town of Newstead Justice Department.**

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

WHEREAS, the State of New York Unified Court System is soliciting applications from local governments under the Justice Court Assistance Program to assist local Justice Departments with needed equipment, automation, furniture, supplies and training; and

WHEREAS, the funding available under the State of New York Unified Court System would facilitate local efforts in upgrading the Town’s Justice Department; and

NOW THEREFORE BE IT RESOLVED that the Supervisor of the Town of Newstead and Newstead Court personnel are hereby authorized and directed to file an application with the Justice Court Assistance Program, not to exceed \$30,000 in requested grant moneys.

The above resolution 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:

Dawn IzydorczaK, Supervisor	Aye _____	Nay _____
John Jendrowski, Councilman	Aye _____	Nay _____
Joe Dugan, Councilman	Aye _____	Nay _____
Edmund Burke, Councilman	Aye _____	Nay _____
Patricia Pope, Councilwoman	Aye _____	Nay _____

DATED: September 11, 2023

Certified to be a true copy of the approved resolution and a record on file in the Town Clerk’s office for the Town of Newstead.

\_\_\_\_\_  
Jennifer DiChristina, Town Clerk  
Town of Newstead

Seal of Municipality



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

WHEREAS, the State of New York approved a limit of 2% on the increase in the amount of real property taxes that may be levied by the Town over the prior year's tax levy; and

WHEREAS, in 2011 the Town Board of the Town of Newstead approved a Local Law (Local Law No. 5 of the Year 2011) to override the property tax cap limits in connection with the 2012 budget, and a local law has subsequently been passed each year thereafter from 2012 to 2022 in connection with the respective budget for the following year; and

WHEREAS, the Town Board has been advised that the tax cap will again be 2% for 2024 by the State Comptroller's Office due to the inflation growth formula that is used for computing the cap which is based on the Consumer Price Index of U.S. urban areas over two consecutive 12 month periods; and

WHEREAS, the Town Board believes that the actual increases in costs to the Town, including, but not limited to, State mandated costs and other costs to the Town over which the Town Board has little or no control, such as high inflation and supply chain issues, are likely not to be limited to 2%; and therefore, the Town Board believes that it is in the best interest of the Town of Newstead to adopt a local law this year exempting the Town of Newstead from the tax levy limitation for the 2024 budget in case it should be determined that the Town of Newstead is exceeding the actual tax cap limitation; and

WHEREAS, the legislation approving the limit on the tax levy also provides for the authority of the Town Board to override such limit by the approval by 60% of the Town Board of a local law exempting the Town of Newstead from the tax levy limit; and

WHEREAS, the Town Board has determined that the proposed action is a Type II action under the State Environmental Quality Review Act and no further action is required with respect to SEQRA; and

WHEREAS, Supervisor Izydorczak introduced the following proposed "Local Law No. 5 of the Year 2023", entitled "Local Law to Override the Tax Limit as Established in General Municipal Law § 3-C" and presented a copy to each member of the Board, a further copy which is attached hereto and made a part hereof; and



A Local Law known as Local Law No. 5 of the Year 2023 entitled "Local Law to Override the Tax Limit as Established in General Municipal Law § 3-C."

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. 5 of the Year 2023 entitled "Local Law to Override the Tax Limit as Established in General Municipal Law § 3-C."

### **SECTION 2. PURPOSE**

The purpose of this local law is to override the limit on the amount of real property taxes that may be levied by the Town of Newstead, County of Erie pursuant to General Municipal Law § 3-c, and to allow the Town of Newstead, County of Erie to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2024 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

### **SECTION 3. AUTHORITY**

This local law is adopted pursuant to subdivision 5 of the General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Town Board.

### **SECTION 4. TAX LEVY LIMIT OVERRIDE**

The Town Board of the Town of Newstead, County of Erie is hereby authorized to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the limit specified in General Municipal Law, § 3-c.

### **SECTION 5. SEVERABILITY**

If any section, subsection phrase, sentence or other portion 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 portions hereof.

### **SECTION 6. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with 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 25th day of September 2023, for the purpose of hearing all persons interested in the proposed Local Law No. 5 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 five 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 and (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 five days before the date of the Public Hearing; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 5 of the Year 2023, entitled "Local Law to Override the Tax Limit as Established in General Municipal Law § 3-C", 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 a vote on roll call, which resulted as follows:

Councilmember Pope	Voted _____
Councilmember Burke	Voted _____
Councilmember Jendrowski	Voted _____
Councilmember Dugan	Voted _____
Supervisor Izydorczak	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 August 30, 2023, for adoption a proposed Local Law to be known as "Local Law No. 5 of the Year 2023" entitled "Local Law to Override the Tax Limit as Established in General Municipal Law § 3-C". The proposed Local Law will exempt the Town of Newstead from the tax levy limit established in General Municipal Law § 3-c.

THEREFORE, pursuant to the Municipal Home Rule Law Rules and Local Law No. 5 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 7:20 p.m. on the 25th day of September 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 September 21, 2023.

Dated: September 11, 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, at a meeting held on September 11, 2023 the Town Board discussed holding a public hearing on Erie County Community Development Block Grants, and

WHEREAS, the Town Board feels that it is essential and necessary to solicit opinions and input from the residents of the Town of Newstead on this topic,

NOW THEREFORE LET IT BE RESOLVED THAT,

1. The Town Board authorizes the Supervisor Dawn Izydorczak to have published in the Akron Bugle a Notice of Public Hearing, and
2. Said public hearing shall be scheduled for September 25, 2023 at the Newstead Town Hall at 7:25 pm for the purpose of hearing public comments on the use of potential funds received from the Erie County Community Development Block Grant Consortium.
3. This resolution shall take effect immediately.

This resolution was duly put to a roll call vote of the Town Board at a regular meeting held on September 11, 2023, the results of which are as follows:

Supervisor Izydorczak-  
Councilman Jendrowski-  
Councilman Dugan-  
Councilman Burke-  
Councilwoman Pope-



LEGAL NOTICE  
PUBLIC HEARING  
NEWSTEAD, NY

PLEASE TAKE NOTICE, that the Town Board feels that it is essential to solicit opinions and input from the residents of the Town of Newstead with regards to the planned use of Erie County Community Development Block Grants in our community,

THEREFORE, pursuant to the Town Law and General Municipal Law rules, the Town Board of the Town of Newstead shall hold a Public Meeting on the aforesaid Community Development Block Grants at the Newstead Town Hall, 5 Clarence Center Rd, Akron, New York at 7:25 p.m. on the 25th day of September, 2023, at which time persons interested may be heard. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town Hall at 542-4573 no later than 5 days prior to the hearing.

Dated: September 11, 2023

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF NEWSTEAD