



# Town of Newstead

P.O. Box 227 - 5 Clarence Center Rd - Akron, NY 14001

(716) 542-4573

Supervisor: **option 5\*** Town Clerk: **option 2\*** Court: **option 1\***

Assessor/Code Enforcement: **option 4\*** Fax: (716) 542-3702

Calls for Hearing Impaired: 1-800-662-1220

Date: October 24, 2023

Subject: **SEQR/COORDINATED REVIEW**  
**TOWN OF NEWSTEAD**  
**13661 Main Road – Fancher Properties, LLC**  
**Construct two new warehouses and site improvements**

To All Interested Agencies:

This is to direct you to the above-mentioned project's Notice of Lead Agency Designation, project location map, site plan and EAF for the referenced project found online at:

[www.erie.gov/Newstead](http://www.erie.gov/Newstead)

- Legal Notices & Job Postings
- Project Plans
- Fancher Properties

As a potential permitting or interested agency, please notify us (within 30 days) by **November 27<sup>th</sup>** if your agency objects to the Town of Newstead acting as lead agency. Otherwise, we will proceed with our review and determination of significance.

Please email any concerns or requests for additional information to:

[jbrady@townofnewstead.com](mailto:jbrady@townofnewstead.com) or mail your response to:

Mrs. Julie Brady

Town of Newstead

PO Box 227

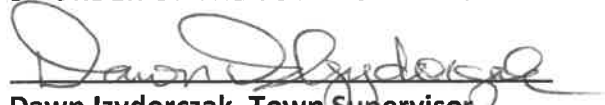
Akron, NY 14001

Phone: (716) 542-4573; option #4

Fax: (716) 542-3702

If no response is received by **November 27, 2023** we will assume your agency has no specific concerns about this action.

**BY ORDER OF THE TOWN OF NEWSTEAD TOWN BOARD**

  
Dawn Izydorczak, Town Supervisor

This institution is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

X/Planning/SEQR/SEQR LEAD Fancher 13661 Main Road 2 warehouses 2023-1

**NOTICE  
SEQR: LEAD AGENCY DESIGNATION  
TOWN OF NEWSTEAD**

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- ☒ Newstead Town Board
- ☐ Newstead Planning Board
- ☐ Newstead Zoning Board of Appeals
- ☐ Water District
- ☐ Sewer District
- ☐ Agricultural District
- ☐ Other (insert)

This notice is filed pursuant to Part 617 6NYCRR. Article 8 of the Environmental Conservation Law (SEQR).

The Town Board has received a complete application from:

**Applicant:** Fancher Properties, LLC  
13661 Main Road  
Akron, NY 14001

**Contact person for applicant:** Randy Fancher  
Phone: Cell (716)863-6499

**Project Description:** Fancher Properties, LLC has submitted a site plan to construct two new 11,776 sq. ft. storage buildings including a new parking area, drainage improvements, a retention pond, and other site improvements at 13661 Main Road in the C-2 zone in the Town of Newstead

As the most local agency with permitting authority, the Town of Newstead wishes to declare SEQR Lead Agency status and conduct a coordinated review of the proposal.

Other potential permitting agencies identified are:

- ☐ Newstead Highway Superintendent
- ☒ Newstead Code Enforcement Officer
- ☐ Erie County Highway Dept. Commissioner of Public Works
- ☐ Erie County Health Dept.
- ☐ Erie County Water Authority
- ☐ Erie County Soil & Water Conservation
- ☒ Erie County Dept. of Environment & Planning
- ☐ New York State Dept. of Environmental Conservation
- ☐ New York State Office of Parks, Recreation & Historic Preservation
- ☐ New York State Dept. of Transportation
- ☐ New York State Dept. of Health

☐ U.S. Army Corps of Engineers  
☐ New York State Dept. of Agriculture & Markets  
☒ New York State Dept. of Agriculture & Markets District Program

Other interested agencies may be:

☐ School District: **Akron Central**  
☒ Fire Company: **Akron Fire Company, Newstead Fire Company,**  
☒ Others: **US Fish & Wildlife Service**  
**Town of Pembroke, Genesee County**

A preliminary review of the proposed action indicates that it is a SEQR:

☐ Type 1: ☐ Land Use Plan Adoption  
(check if yes) ☐ Comprehensive Resource Management  
☐ Zoning, Change of Allowable Uses >25 acres  
☐ Construction Activity, Change Meeting or Exceeding:  
    ☐ 10 acres  
    ☐ 2 MGD Water use  
    ☐ 1000 Cars parking  
    ☐ 100,000 SF Gross, non- residential  
    ☐ 250 Residential Units  
    ☐ 100 Ft. above grade  
    ☐ Agricultural District + exceeds 25% above; reduced threshold  
    ☐ Historic Site  
    ☐ Public Park Land  
        Critical Environmental Area:  
            ☐ Wetland (#      )  
            ☐ Flood Plain  
            ☐ Protected Plain  
            ☐ Navigable Waterway  
            ☐ Other:

or:

☒ Unlisted Action

**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 7:25pm on the 13th day of November, 2023 to consider the following:

**Request for approval of a site plan from Fancher Properties LLC to allow construction of two (2) proposed 11,776 sq. ft. storage buildings including a new parking area, drainage improvements, a retention pond, and other site improvements at 13661 Main Road in the C-2 zone.**

The site plan is on file in the Building Department of the Town of Newstead 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 Hall at 542-4573 by November 8, 2023.

Dated: October 23, 2023

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF NEWSTEAD

**SITE PLAN  
LETTER OF INTENT/PROJECT DESCRIPTION**

Property Owner Name: Fancher Properties LLC  
Mailing Address: 13661 Main Street Akron, NY 14001  
Phone # 716-442-5040

Applicant Name: Randy Fancher  
Mailing Address: 13661 Main Street Akron, NY 14001  
Phone # 716-863-6499

=====  
Project Location: 13661 Main Street  
Proposed use: Build (2) 11,776 Warehouses  
Site Acreage: 7.16 Zoning: C-2/A9 SBL# \_\_\_\_\_  
# of new parking spaces: 8

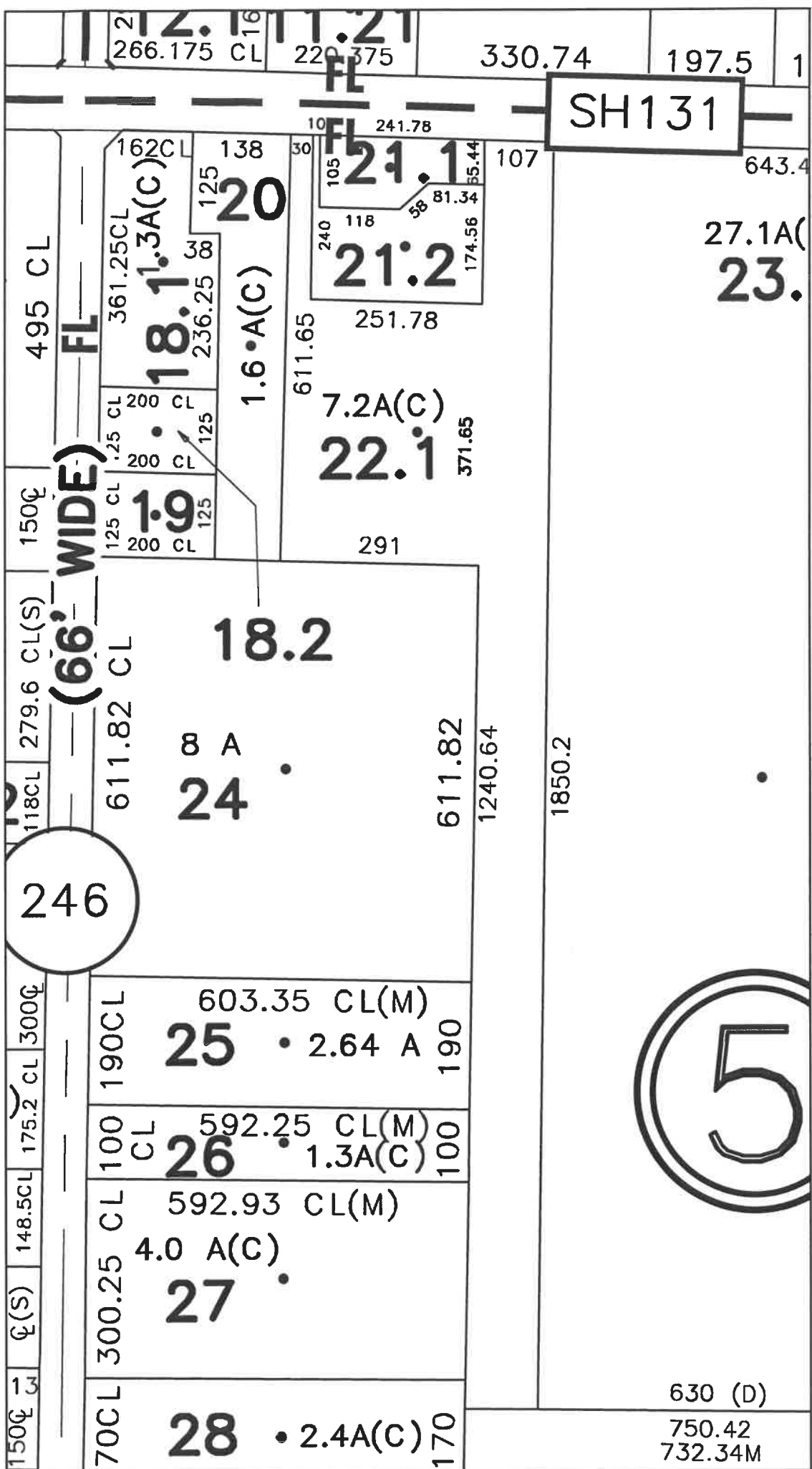
**DEVELOPER (applicant)**

Name Fancher Properties  
Address 13661 Main Street  
Phone # 716-442-5040

**ARCHITECT or ENGINEER:**

Name Carmina et Ward Design  
Address 487 Main Street #500  
Phone # 716-842-3165

Have you provided proof of ownership or documentation from the landowner that the applicant is proceeding with the landowner's written authorization? yes  
yes/no



# Newstead GIS Web Mapping Application

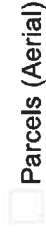


## LEGEND

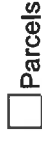


Municipal  
Boundary

Road Labels



Parcels (Aerial)



Parcels

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <span style="font-size: 1.2em;">Fancher Properties, LLC</span>			
Project Location (describe, and attach a location map): <span style="font-size: 1.2em;">13661 Main Street Akon, NY 14001</span>			
Brief Description of Proposed Action: <span style="font-size: 1.2em;">Build (2) 11,776 Square Foot warehouses</span>			
Name of Applicant or Sponsor: <span style="font-size: 1.2em;">Randy Fancher</span>		Telephone: <span style="font-size: 1.2em;">716-863-6499</span>	
		E-Mail: <span style="font-size: 1.2em;">Randy@JRBuffalo.com</span>	
Address: <span style="font-size: 1.2em;">13661 Main Street</span>			
City/PO: <span style="font-size: 1.2em;">Akon</span>		State: <span style="font-size: 1.2em;">NY</span>	Zip Code: <span style="font-size: 1.2em;">14001</span>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<span style="font-size: 1.2em;">7.1</span> acres <span style="font-size: 1.2em;">2</span> acres <span style="font-size: 1.2em;">7.1</span> acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			



5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	N/A  <input type="checkbox"/>  <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>	

<b>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:</b> <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
<b>15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?</b>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>16. Is the project site located in the 100-year flood plan?</b>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>17. Will the proposed action create storm water discharge, either from point or non-point sources?</b> If Yes, <div style="margin-left: 40px;"> <b>a. Will storm water discharges flow to adjacent properties?</b>  <b>b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?</b> </div> If Yes, briefly describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
<b>18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?</b> If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</b> If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</b> If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>Randy Fancher</u> Date: <u>8-16-23</u> Signature: <u>[Signature]</u> Title: <u>President</u>		

## AGRICULTURAL DATA STATEMENT

Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

- A. Name of applicant: Fancher Properties, LLC  
Mailing address: 13661 Main Street  
Akron, NY 14001
- B. Description of the proposed project: Build (2) New 11,776 Square  
Foot Warehouses
- C. Project site address: 13661 Main Street Town: Akron
- D. Project site tax map number: ?
- E. The project is located on property:  
☐ within an Agricultural District containing a farm operation, or  
☐ with boundaries within 500 feet of a farm operation located in an Agricultural District.
- F. Number of acres affected by project: 2
- G. Is any portion of the project site currently being farmed?  
☐ Yes. If yes, how many acres \_\_\_\_\_ or square feet \_\_\_\_\_ ?  
☒ No.
- H. Name and address of any owner of land containing farm operations within the Agricultural District and is located within 500 feet of the boundary of the property upon which the project is proposed.

N/A

- I. Attach a copy of the current tax map showing the site of the proposed project relative to the location of farm operations identified in Item H above.

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**FARM NOTE**

Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

~~~~~  
  
Randy Fancher, Pres. Ltd  
Name and Title of Person Completing Form

8-16-23  
Date