

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMEMBER JENDROWSKI, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMEMBER POPE, 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 certain parcel located at 13638 Bloomingdale Road within the Town of Newstead; and

WHEREAS, Supervisor Izydorczak introduced the following proposed “Local Law No. 8 of the Year 2023” known as “2023 Rezoning of Real Property and Zoning Map Amendment No. 2” 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. 8 of the Year 2023 entitled "2023 Rezoning of Real Property and Zoning Map Amendment No. 2".

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. 8 of the Year 2023 entitled "2023 Rezoning of Real Property and Zoning Map Amendment No. 2".

SECTION 2. PURPOSE

The purpose of this local law is to amend the Zoning Law of the Town of Newstead to rezone a parcel of land located at 13638 Bloomingdale Road (SBL #33.00-3-20.1), which is presently zoned R-A to a I-2 zoning classification. The requested amendment is to facilitate use of this parcel for future retail development.

SECTION 3. AMENDMENT OF PRIOR LAW

The Zoning Classification of the following described area is presently zoned R-A under the Zoning Law of the Town of Newstead and is hereby amended to rezone the parcel as I-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 No. 44 and Lot No. 45 in Township 12 and range 5 of the Tonawanda Reservation, so called, bounded and described as follows:

Beginning at a point in the center line of Bloomingdale Road distant 344.92 feet southwesterly from the point of intersection of said Bloomingdale Road with the center line of Scotland Road; thence northerly making an interior or included angle with the center line of Bloomingdale Road of $77^{\circ} 46'$, 228.37 feet to a point; thence easterly on a line parallel with the center line of Bloomingdale Road 448.50 feet to a point in the center line of said Scotland Road; thence southerly along the center line of said Scotland Road, which is also the east line of said lot No. 45, 270 feet to a point, which is the point of intersection of the center line of Bloomingdale Road with the center line of Scotland Road; thence westerly along the center line of Bloomingdale Road 344.92 feet to the point or place of beginning, said to contain 2.03 acres of land more or less.

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 11th day of December 2023, for the purpose of hearing all persons interested in the proposed Local Law No. 8 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. 8 of the Year 2023, entitled "2023 Rezoning of Real Property and Zoning Map Amendment No. 2," 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 November 27, 2023, the results of which were as follows:

Councilmember	Pope	Voted AYE
Councilmember	Burke	Voted AYE
Councilmember	Dugan	Voted ABSENT
Councilmember	Jendrowski	Voted AYE
Supervisor	Izydorczak	Voted AYE

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

PLEASE TAKE NOTICE, that there has been presented to the Town Board on November 12, 2023, for adoption a proposed Local Law to be known as “Local Law No. 8 of the Year 2023” entitled "2023 Rezoning of Real Property and Zoning Map Amendment No. 2". The proposed Local Law will result in an amendment to the Zoning Map for a parcel located at 13638 Bloomingdale Road in the Town of Newstead to rezone that parcel from R-A to a I-2 zoning classification with the intent to use the parcel for future retail development.

THEREFORE, pursuant to the Municipal Home Rule Law Rules and Local Law No. 8 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 11th day of December 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 December 7, 2023.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD

Dated: November 27, 2023

RESOLUTION ADOPTING
DETERMINATION OF NON-SIGNIFICANCE
OF LOCAL LAW

Motioned by Councilman Jendrowski, seconded by Councilwoman Pope

WHEREAS, the Town Board of the Town of Newstead is considering adoption of a Local Law to rezone a certain parcel located at 13638 Bloomingdale Road the Town of Newstead; and

WHEREAS, the proposed action appears to be a Type II 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, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQR Regulations and thoroughly analyzing the rezoning with respect to potential environmental concerns, determines that the proposed action is a Type II action under SEQR and by its nature will not have a significant effect on the environment and that no further action is required by the Town Board under SEQR. A separate SEQR review will be necessary for any future development of the parcel.

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 November 27, 2023, the results of which were as follows:

Councilmember	Burke	Voted AYE
Councilmember	Pope	Voted AYE
Councilmember	Jendrowski	Voted AYE
Councilmember	Dugan	Voted ABSENT
Supervisor	Izydorcak	Voted AYE