

A.

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, known as "The Zoning Law of the Town of Newstead, New York" which Zoning Law of the Town of Newstead, as amended to date, has been re-codified as Chapter 450 of the Code of the Town of Newstead (the "Zoning Law"); and

WHEREAS, the Town Board has determined that it is necessary to make some modification to §450-5 of the Zoning Law to define terms currently used in the Law to clarify that crematoriums are not included in the definition of a funeral home or mortuary and are therefore prohibited; and

WHEREAS, Supervisor Izydorczak introduced the following proposed "Local Law No. 4 of the Year 2024" known as "2024 Amendment No. 2 to the Zoning Law of the Town of Newstead" and presented a copy to each member of the Town Board, which Local Law is outlined below and made a part hereof:

A Local Law known as Local Law No. 4 of the Year 2024, entitled "2024 Amendment No. 2 to the Zoning Law of the Town of Newstead".

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 2024 entitled "2024 Amendment No. 2 to the Zoning Law of the Town of Newstead".

SECTION 2 PURPOSE

The purpose of this local law is to modify Chapter 450 (Zoning Law) to make certain clarifying amendments and updates related to provisions within enumerated zoning districts. Specifically, the Town Board has determined that crematoriums constitute public nuisances and their operation can have negative impacts on air quality, including emissions of particulate matter and noxious odors. As a result, the Town Board has determined that crematoriums should not be permitted in any zoning district in the Town. This Local Law is intended to clarify the definitions of funeral homes, funeral parlors, and mortuaries as used in Chapter 450 (Zoning) and to define crematoriums to specifically exclude crematorium operations as a principal or accessory use within any zoning district in the Town.

SECTION 3 AMENDMENT OF CODE

The Zoning Law of the Town of Newstead, originally adopted by Local Law No. 2 of the Year 1988 and amended and re-codified as Chapter 450 of the Code of the Town of Newstead, is amended by this Local Law No. 4 of the Year 2024 as follows:

Chapter 450-05 (Zoning) of the Town Code of the Town of Newstead is amended to add definitions for the following terms [additions underlined]:

Cemetery or Cemeteries - Land used or intended to be used for the burial or entombment of human remains. Funeral homes, Funeral parlors, Crematoriums, and embalming facilities are not included within this definition nor are Funeral homes, Crematoriums, or embalming facilities accessory uses to a Cemetery or Cemeteries.

Crematorium(s) - A facility in which the remains of deceased human beings are processed by cremation. Crematoriums are not a permitted principal use or permitted accessory use in any zoning district.

Crematory - See "crematorium."

Funeral homes-A facility used or held out as being used to care for and prepare for burial of the body of a deceased human being or maintained as the office from which business is transacted by a funeral director or undertaker. Crematoriums are not a permitted principal use or a permitted accessory use to Funeral homes.

Funeral parlors - See "funeral homes"

Mortuary or Mortuaries - A place where bodies are prepared for burial or a burial place itself. A Crematorium is not a permitted principal use or permitted accessory use to a Mortuary.

SECTION 4 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 5 EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State of New York.

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 9th day of September 2024, for the purpose of hearing all persons interested in the proposed Local Law No. 4 of the Year 2024; 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; and (c) 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; (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 2024, entitled "2024 Amendment No. 2 to the Zoning Law of the Town of Newstead", 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 at a regular meeting of the Town Board on August 12, 2024, the results of which were as follows:

Councilmember Mutter	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 6, 2024 for adoption a proposed Local Law to be known as "Local Law No. 4 of the Year 2024" entitled "2024 Amendment No. 2 to the Zoning Law of the Town of Newstead". The proposed Local Law will amend the Zoning Law to define certain terms used in the Zoning Law to clarify those terms and prohibit cremation in the Town of Newstead.

THEREFORE, pursuant to the Municipal Home Rule Law Rules and Local Law No. 4 of the Year 2024, 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 9th day of September, 2024, 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 (716) 542-4573 by September 4, 2024.

Dated: August 12, 2024

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 _____, TO WIT

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

WHEREAS, the Town Board of the Town of Newstead is considering adoption of a Local Law to amend the Zoning Law to define certain terms used in the Zoning Law to clarify those terms and prohibit cremation in the Town of Newstead; and

WHEREAS, the Town Board has reviewed the Short Form EAF form submitted, and it 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 SEQRA, 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 that no further action is required by the Town of Newstead.

The question of the adoption of the foregoing SEQRA neg dec was duly put to a vote on roll call, at a regular meeting of the Town Board on August 12, 2024 the results of which were as follows:

Councilmember Mutter _____
Councilmember Burke _____
Councilmember Jendrowski _____
Councilmember Dugan _____
Supervisor Izydorczak _____

B.

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

WHEREAS, the Town Board of the Town of Newstead after consultation with the Highway Supervisor has determined that repairs/rehabilitation are necessary to the roof at the Town owned barn located at 13411 Main Road (hereinafter the "Project"); and

WHEREAS, a request for proposals (hereinafter the "RFP") was prepared outlining the scope of work for the Project, a copy of which is attached hereto and made a part hereof; and

WHEREAS, a search was completed for potential contractors that could complete the Project, and the RFP was sent to several potential contractors that were identified; and

WHEREAS, in response to the RFP, the following quote was obtained for the Project, which is attached hereto and made a part hereof:

- Genesee Valley Roofing LLC - \$25,421.19

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

WHEREAS, the Highway Supervisor has recommended that the Town Board approve the quote from Genesee Valley Roofing LLC as it is both reasonable and the only quote received.

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

1. The Town Board has determined that the quote from Genesee Valley Roofing LLC at a cost of \$25,421.19 is appropriate, and the Town Board approves the quote and payment.
2. The Town Board authorizes the Town Supervisor 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 12, 2024, the results of which were as follows:

Councilmember Mutter _____
 Councilmember Burke _____
 Councilmember Jendrowski _____
 Councilmember Dugan _____
 Supervisor Izydorczak _____

C.

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

WHEREAS, the Town Board of the Town of Newstead after consultation with the Highway Supervisor previously determined that it was necessary to either rebuild or replace the engine for the Number 10 dump truck owned by the Town (the "Project"); and

WHEREAS, by resolution dated July 22, 2024, the Town Board authorized and directed the Town Clerk to advertise for bids for the Project; and

WHEREAS, in response to the advertisement, the following bid was obtained for the Project, which is attached hereto and made a part hereof:

- Cummins Inc. - \$40,098.79 to complete an in-frame engine overhaul; and

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

WHEREAS, the Highway Supervisor has recommended that the Town Board accept the bid from Cummins Inc. as it is both reasonable and the only bid received.

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

1. The Town Board has determined that the bid from Cummins Inc. at a cost of \$40,098.79 is appropriate, and the Town Board accepts the bid and approves payment.
2. The Town Board authorizes the Town Supervisor 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 12, 2024, the results of which were as follows:

Councilmember Mutter _____
 Councilmember Burke _____
 Councilmember Jendrowski _____
 Councilmember Dugan _____
 Supervisor Izydorczak _____