

TOWN OF NEWSTEAD

**24-Unit, 2-Story Senior Living Complex  
Site Plan Application**

**13428 Main Rd.**

**Fieldstone Villa Senior Housing/Lucas James, Owner**

**Resolution for Approval**

The following resolution was offered by Councilmember \_\_\_\_\_  
Who moved its adoption, seconded by Councilmember \_\_\_\_\_.

WHEREAS, the Town of Newstead received a site plan application dated August 13, 2024 from owner Lucas James to perform site work and construct a two-story, 24,040 sq. ft. senior living complex (Fieldstone Villa) at 13428 Main Road in the C2 zone in the Town of Newstead, with said project disturbing .97 acres of the total 10+/- acre parcel, and

WHEREAS, Erie County Planning was notified on August 14, 2024 of this application as required under section 239-m of the General Municipal Law, and it responded with no recommendation on September 9, 2024, and

WHEREAS, on November 18, 2024, the Planning Board reviewed the project and voted unanimously to recommend approval to the Town Board, and

WHEREAS, the Town Board held a public hearing on December 9, 2024 to allow comments to be heard, and

WHEREAS, the Town Board declared lead agency status and conducted a coordinated review, and

WHEREAS, the Town Board received a response from the NYS DEC in response to the lead agency notice, which is attached hereto and made a part hereof, and

WHEREAS, in consultation with the Town Engineer, it has been determined that the proposed project at 13428 Main Road will not have a significant impact on the environment assuming a number of conditions are met.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board of the Town of Newstead hereby approves with conditions the site plan dated August 13, 2024. The following conditions must be met:
  - (a) The applicant must submit the wetland boundary delineation to the NYSDEC. The applicant must obtain a Freshwater Wetlands Permit or written confirmation one is not necessary to provide to the Town.
  - (b) The applicant shall obtain a SPDES Permit from the New York State Department of Environmental Compliance and wastewater system approval from the Erie County Health Department. The applicant shall provide a copy of the permit and approval to the Town.
  - (c) Should the project exceed the anticipated disturbance and involve a disturbance of 1 acre or more, the applicant shall in addition to the SPDES Permit, prepare a Stormwater Pollution Prevention Plan (SWPPP), obtain a General Permit GP-0-20-001, and file a Notice of Intent with the DEC copies of which must be provided to the Town.
  - (d) The applicant must consult with the U.S. Army Corps of Engineers, telephone: 716-879-4330, to determine if that agency has regulatory jurisdiction or requires approval. Confirmation that no approval is necessary or evidence of any necessary approval(s), including but not limited to a 401 Water Quality Certification (WQC) from NYSDEC, must be submitted to the Town.
  
2. That the Town Board of the Town of Newstead after reviewing the criteria contained in the SEQRA regulations determines that the site plan will not have a significant effect on the environment, assuming the above conditions are satisfied, and the annexed Negative Declaration is hereby approved.
  
3. That this resolution shall take effect immediately.

The above resolution was duly put to a roll call vote on January 13, 2025, the results of which are as follows:

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

**NEGATIVE DECLARATION**  
**Notice of Determination of Non-Significance**  
**Dated: January 13, 2025**

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, as most local permitting authority, 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:** Site plan Application/Fieldstone Villa Senior Housing  
Applicant: Lucas James

**SEQR Status:** Unlisted

**Description of Action:** To construct a two-story, 24-Unit, 24,040 sq ft Senior Living Complex

**Location:** 13428 Main Rd., Akron, NY

**Reasons Supporting this Determination:**

1. The Town Board concludes that the proposed project will not adversely affect the natural resources of the State and/or health, safety and that welfare of the public and will be consistent with social and economic considerations.

For further information:

Contact Person: Justine E. Seefeldt, EIT  
Water/Wastewater Engineer in Training  
Wendel  
Centerpointe Corporate Park  
375 Essjay Road, Suite 200, Williamsville, NY 14221  
Phone: 716-688-0766  
Fax: 716-842-8860

B.

Town of Newstead

Public Hearing

4-Lot Major Subdivision Application without Public Improvement  
Vacant Land at the Southwest Corner of Clarence Ctr Rd. & Barnum Rd.  
CMK Builders, Inc.

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

WHEREAS, CMK Builders, Inc. has applied for subdivision approval to create four (4) new residential building lots on 6.13 acres in the R-A zoning district owned by CMK Builders, Inc. in the Town of Newstead, and

WHEREAS, the Town of Newstead is the most local agency with permitting authority, and

WHEREAS, on December 16, 2024 the Planning Board reviewed the project and recommended approval to the Town Board.

NOW THEREFORE BE IT RESOLVED

That according to Newstead Town Code section 450-85 (D) (2) the Town Board will hold a public hearing within 62 days of receipt of the Planning Board's recommendation, and such public hearing is scheduled to take place on January 27, 2025 at 7:20pm to hear comments for or against the proposed subdivision plan.

The above resolution was duly put to a roll call vote on January 13, 2025 the results of which were as follows:

- Supervisor Izydorczak \_\_\_\_\_
- Councilman Burke \_\_\_\_\_
- Councilman Dugan \_\_\_\_\_
- Councilman Jendrowski \_\_\_\_\_
- Councilwoman Mutter \_\_\_\_\_

**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 7:20PM on the 27th day of January, 2025 to consider the following:

**4-Lot major subdivision application with no public improvements to create 5 residential building lots on the southwest corner of Clarence Center Road and Barnum Road totaling 6.13-acres of land in the R-A zoning district owned by CMK Builders, Inc. in the Town of Newstead.**

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 Clerk at 542-4573 within 5 days of the hearing.

Dated: January 13, 2025

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF NEWSTEAD

Co

**CMK Builders, Inc.  
4-LOT MAJOR SUBDIVISION  
FIRE HYDRANT RESOLUTION**

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

WHEREAS, the Planning Board has reviewed the site plan submitted by CMK Builders, Inc. for a proposed Major Subdivision at Clarence Center Road and Barnum Road in the Town of Newstead (hereinafter "the Subdivision"); and

WHEREAS, one fire hydrant is to be installed on Barnum Road to provide fire protection for the Subdivision; and

WHEREAS, CMK Builders, Inc. has agreed to pay for the cost of installation of the fire hydrant, but it is necessary for the Town to agree to such installation as the Town is charged for all fire hydrants under its Lease Management Agreement with the Erie County Water Authority; and

WHEREAS, the Subdivision is located in Water District No. 5 and the Newstead Fire Protection District and future residents will pay charges to such districts as part of their Town and County tax bills.

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

1. The Town Board believes the installation of the additional fire hydrant to serve the Subdivision is in the public interest as it will promote the health and safety of the residents of the Town of Newstead, and the Town Board approves the installation of the fire hydrant at the applicant's expense, should the site plan be approved.
2. If the hydrant is installed, the Town Board agrees that the costs of the maintenance and fees for the additional fire hydrant shall be paid for by the Town through revenues generated through Water District No. 5 and the Newstead Fire Protection District.
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 January 13, 2025, the results of which were as follows:

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

D.

Town of Newstead  
**Public Hearing Resolution**  
**Site Plan Change of Use**  
**11342 Main Road**  
**Food Nerds Inc.**

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

WHEREAS, Food Nerds, Inc. has applied for a site plan revision for a change of use for food manufacturing at 11342 Main Road in the I-2 zoning district in the Town of Newstead on a parcel owned by Group V Real Estate Inc., and

WHEREAS, on December 16, 2024, the Planning Board reviewed the project and recommended approval to the Town Board with the condition of approval from the Town Engineer; and

WHEREAS, in consultation with the Town Engineer, it has been determined that it is appropriate to set a public hearing while engineering review is ongoing; and

WHEREAS, although engineering review is ongoing, it has been determined that this is a Type II action under SEQRA with no further review required under the Act;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

That according to Newstead Town Code section 450-85 (D) (2) the Town Board will hold a public hearing within 62 days of receipt of the Planning Board's recommendation, and such public hearing is scheduled to take place on January 27, 2025 at 7:25PM to hear comments for or against the proposed site plan revision.

The above resolution was duly put to a roll call vote on January 13, 2025 the results of which were as follows:

Supervisor Izydorczak \_\_\_\_\_  
Councilmember Burke \_\_\_\_\_  
Councilmember Dugan \_\_\_\_\_  
Councilmember Jendrowski \_\_\_\_\_  
Councilmember Mutter \_\_\_\_\_

**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 the Newstead Town Hall, 5 Clarence Center Road in the Village of Akron, New York at 7:25PM on the 27<sup>th</sup> day of January, 2025 to consider the following:

**Food Nerds Inc. has applied for a site plan revision for a change in use for food manufacturing at 11342 Main Rd. in the I-2 zoning district in the Town of Newstead.**

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 Clerk at 716-542-4573.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF NEWSTEAD

Dated: January 13, 2025