### **AGENDA**

Town of Newstead Zoning Board of Appeals
Location: Newstead Town Hall
5 Clarence Ctr Rd., Akron, NY
Thursday, August 21, 2025
Start Time: 7:00pm

7:00pm – Work session

7:05pm – Request for 248' variance to 500' minimum setback from residential dwellings right of way for a telecommunications tower facility.

Town Code varied: Chapter 373-3(B)(2)(a)(1)
Location: V/L Maple Road, Akron NY 14001
Owner/Applicant: Fix Management, LLC/Bell Atlantic Mobile LLC d/b/a
Verizon

Review minutes from June 26, 2025

### **LEGAL NOTICE**

PLEASE TAKE NOTICE that a public hearing of the Zoning Board of Appeals of the Town of Newstead will be held at the Newstead Town Hall, 5 Clarence Center Road in the Village of Akron, New York at 7:00 PM on Thursday, August 21st, 2025, to consider the following:

Request for 248' variance to 500' minimum setback from residential dwellings right of way for a telecommunications tower facility.

Town Code Varied: Chapter 373-3(B)(2)(a)(1) Location: V/L Maple Road, Akron NY 14001

Owner/Applicant: Fix Management, LLC/Bell Atlantic Mobile LLC d/b/a

Verizon

The hearing is open to the public. Interested individuals may submit written comments in advance of the public hearing. The meeting room is handicapped accessible. Those needing special arrangements should contact Katie Bird, Zoning Board of Appeals Clerk, at 542-4573 option 4 prior to the meeting.

By order of the Zoning Board of Appeals, Town of Newstead.

Dated: August 8, 2025 Katie Bird

Zoning Board of Appeals Clerk

August 21st, 2025 7:00 pm

<u>Note:</u> Action must be taken on variance granted within one year, and any necessary building permits must be applied for within six months from date of approval. Otherwise, variance will be automatically revoked.

REQUEST FOR VARIANCE	Date: 08/	108/25
Town of Newstead, New York	\$250.00 Paid	Received By: John Check No. 10550548
Property Address: near Maple Road	SBL #_21.00	-1-4.112
Applicant Name, Address, Phone No. Bell Atlantic Mobile Systems LLC d/b/a	Verizon	
Variance Requested & Reason: Area variance for public utility. Please see enclose Town Board dated June 2, 2025.	ed letter and Applica	ation to the Town of Newstead
Newstead Town Code Section Varied 373-3 (B)(2)(A)(1)  Signed: Date: Augustian Smith, Esq., Nixon Peabody LLP, Attorneys for Verizon  Requests for action should be filled out completely in above spaces if practicable, otherwise attacknessary plans, maps, signature and paid fee must be filled with the Zoning Board Clerk.		. The complete request with all
(Do not write below this line – Zoning Board u	ise only)	
Use Variance	of district or neigh	nborhood
3. Is request substantial?4. Will request have adverse physical or environmental effects?5. Is alleged difficulty self-created?		AUG - 8 PAID
Approved Date Rejected	_ Date	034
Conditions for Approval:		
(see reverse side)		

### **USE VARIANCE CRITERIA**

A use variance allows landowners to use their land in a way not permitted under the zoning law. Use variances generally are more difficult to obtain than area variances. To obtain a use variance, the applicant must demonstrate that the applicable use provisions of the zoning laws cause an unnecessary hardship. To prove unnecessary hardship, the applicant must establish that the requested variance meets the following four statutory conditions:

- 1. Cannot realize a reasonable return on the property as zoned. The lack of return must be substantial and proven by competent financial evidence. It is insufficient for the applicant to show that the desired use would be more profitable than the use permitted under the zoning law;
- 2. Alleged hardship must be unique to the owner's property and not applicable to a substantial portion of district or neighborhood. If the hardship is common to the whole neighborhood, the remedy is to seek a change in the zoning from the local legislature, not to apply for a use variance from the Zoning Board of Appeals;
- 3. Requested variance must not alter the essential character of the neighborhood. In making this determination, the Zoning Board should consider the intensity of the proposed development as compared with the intensity of the existing and permitted uses in the neighborhood. For example, a use variance to permit construction of an office building in a single family neighborhood would alter the essential character of the neighborhood;
- 4. Alleged hardship has not been self-created. For example, a developer cannot acquire land zoned for residential use and then successfully petition for a variance to construct office buildings. Whether the purchaser actually knew about applicable use restrictions is not relevant. Developer has a duty to discover the use restrictions.

### AREA VARIANCE CRITERIA

For a Zoning Board to grant a variance from the dimensional and area requirements, it must find that the benefits of the requested variance to the applicant outweigh the detriment it will cause to the health, safety and welfare of the neighborhood. The Board's job is to determine, based on the facts presented by the applicant, how significant the impact on the community will be and how beneficial the variance will be to the owner. The Board must weigh the benefits of the requested variance to the applicant against the potential negative impact on the neighborhood using the five factors set forth in the statue on the front of this form.

If approved, minimum variance necessary will be granted, and the Zoning Board of Appeals may impose reasonable conditions.



Nixon Peabody LLP 211 High Point Drive, Suite 110 Victor, NY 14564-1061 Laura M. Smith

Attorneys at Law nixonpeabody.com @NixonPeabodyLLP T / 585.263.1027 F / 833.974.6279 Ismith@nixonpeabody.com

August 6, 2025

### VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

Zoning Board of Appeals Town of Newstead 5 Clarence Center Rd P.O. Box 227 Akron, New York 14001

RE: Application for site plan approval and a telecommunications facility special permit from the Town Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon ("Verizon") to construct and operate a 135' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Fix Management LLC located near Maple Road (S.B.L. # 21.00-1-4.112) in the Town of Newstead, Erie County, New York (Verizon's "Swift Mills" site)

Dear Members of the Zoning Board of Appeals:

By application dated June 2, 2025, Bell Atlantic Mobile Systems, LLC d/b/a Verizon ("<u>Verizon</u>") submitted the above-referenced application (the "<u>Application</u>") to the Town of Newstead in connection with the above-referenced project (the "Project").

As noted in our Application, the Project is located in the Town's Rural Agricultural ("R-A") zoning district. Pursuant to the Town of Newstead Code (the "Code") the Project requires site plan approval and a telecommunications facility special permit. Code § 373-3(B)(2)(a). Additionally, pursuant to Code § 373-7(A), we respectfully requested the Town Board in our Application to permit the Project to be located less than five hundred (500) feet from residential dwellings and less than the height of the tower from the property line.

However, on August 4, 2025, the Town Clerk stated that an application for a zoning variance was necessary. In the interest of time, we are submitting this application for an area variance for the Zoning Board of Appeals' consideration, with the reservation of right to request the above-referenced waiver from the Town Board pursuant to Code §373-7(A). Please see enclosed:

Exhibit Q<sup>1</sup>: Request for Variance

<sup>&</sup>lt;sup>1</sup> Lettered to follow Exhibits A-P previously submitted.

Town of Newstead August 6, 2025 Page 2

As more fully set forth in Exhibit C, Applicable Legal Standards, wireless telecommunications facilities are afforded the status of public utilities in New York. As a public utility, wireless telecommunications providers must only demonstrate that there is a gap in wireless telecommunications service, and that the proposed wireless facility is more feasible than other options. Crown Castle Fiber LLC v. Town of Oyster Bay, 2024 WL 1051171, at \*19 (E.D.N.Y. 2024).

In the present case, as demonstrated in <u>Exhibit F</u>, Radio Frequency Justification Report, Verizon does not have reliable wireless telecommunications service coverage in and around the Swift Mills cell in the Town of Newstead. The Project is needed to remedy this service problem and to provide adequate and reliable wireless telecommunications service coverage to this area. Moreover, as demonstrated in <u>Exhibit G</u>, Site Selection Analysis, the Project is the most feasible to ensure optimal signal propagation, minimize interference with adjacent cell sites, and maintain seamless handoff capabilities for mobile users.

We respectfully request that this application be placed on the agenda for the next Zoning Board of Appeals meeting on August 21, 2025. A check in the amount of \$250 is also included with this letter.

Please do not hesitate to contact me if you have any questions or if you require any additional information.

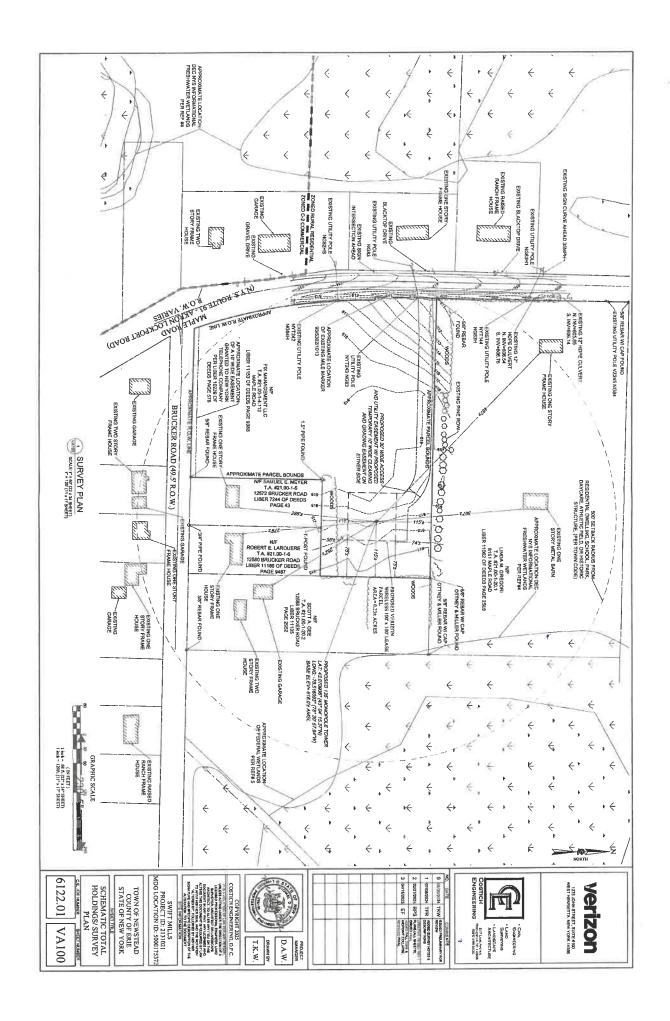
Thank you.

Very truly yours,

Laura M. Smith

LMS/mkv Enclosures

cc: Emily Janicz, Esq. (via email)
Mauricio Barragan



# BELL ATLANTIC MOBILE SYSTEMS LLC d/b/a



SITE NAME: SWIFT MILLS **ZONING DRAWINGS** 

**MDG LOCATION ID: 5000175372** PROJECT ID: 2131021

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ENGINEERING

LANDSCAPE

1275 JOHN STREET, SUITE #100 WEST HENRIETTA, NEW YORK 14586 verizon



VICINITY MAP

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PHONE:	TBO
PLANNER:	TBD
CONTACT:	TBD

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EX	EXISTING LIGHT CONTROL  EXISTING GUARD RAIL	<ol> <li>CONTRACTOR SHALL RECEIVE CLABIFICATION IN WRITING, AND SHALL RECEIVE IN WRITING AUTHORIZATION TO PROCEED BEFORE STARTING WORK ON ANY ITEMS NOT CLEARLY DEFINED OR ICENTIFIED BY THE CONTRACT DOCUMENTS.</li> </ol>	<ol> <li>CONTRACTOR SHALL MINIMEZ DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION, SHALL BE IN CONFORMANCE WITH THE STATE GUIDELINES AND ANY LOCAL REGULATIONS.</li> </ol>
( C C C C C C C C C C C C C C C C C C C	TREE, HEDGE, EDGE OF WOODS	<ol> <li>CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER OF ALL PRODUCTS OR ITEMS NOTED AS "EXISTING" WHICH AGE NOT FOUND TO BE IN THE FIELD.</li> </ol>	10. ALL RESTORATION ISSUES SHALL BE COMPLETED WITHIN 72 HOURS OF THE COMPLETION OF THE WORK ACTIVITY OR WITHIN A REASONABLE MACANT OF TIME AS DIRECTED BY
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00	CONCRETE PAD/ CONCRETE SIDEWALK	9. ERECTION SHALL BE DONE IN A WORKMANLIKE MANNER BY COMPETENT EXPERIENCED	12. ALL AREAS DISTURBED BY THE CONTRACTOR WITHOUT AUTHORIZATION SHALL BE RESTORED
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	PROPOSED WATER MAIN, VALVE, & HYDRANT	10. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF THE WORK AREA, ADJACENT AREAS, AND SHILDING OCCUPANTS THAT ARE LIKELY TO BE A FFECTED BY THE WORK LINES THE CONFIDENT ON ALL ORDAN DETERMINED.	SERVICE AND MAY NOT CONTINUE HIS WORK OPERATION UNTIL SERVICE IS RESTORED.
Z B	PROPOSED DRAINAGE SEWER, FIELD INLET, INLET MANHOLE, MANHOLE, & END SECTION.	<ol> <li>CONTRACTOR SHALL COORDINATE HIS WORK AND SCHEDULE HIS ACTIVITIES AND WORKING HOURS IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER.</li> </ol>	RETERENCES
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4. GATE FRAMES SHALL BE FABRICATED FROM 1 1/2" NOMINAL O.D. PIPE CONFORMING WITH ASTM F-1083.	2" NOMINAL O.D. PIPE CONFORMING WITH		8. 1A CERTIFICATION PREPARED BY COSTICH ENGINEERING D.P.C., PROJECT NO. 612201, SITE NAME: SWIFT MILLS, DATED JULY 03, 2024.
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FENCE SHALL BE INSTALLED IN ACCORDANCE WITH ASTM F-567 AND GATES SHALL BE INSTALLED IN ACCORDANCE WITH ASTM F-900.	1TH ASTM F-567 AND GATES SHALL BE	BE FELD INCOMPRISES IN THE EVENT THE CONTRACTOR DOES NOT FOLLOW SUCH SAFETY REGULATIONS.	
		24. CONTRACTOR SHALL PROVIDE ACCESS TO THE SITE AND ASSIST THE RADIO EQUIPMENT VENDOR AND THE ANTENNA INSTALLATION CONTRACTOR AS THEY MAY REQUIRE.	

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1275 JOHN STREET, SUITE #100 WEST HENRIETTA, NEW YORK 14588 verizon

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GENERAL NOTES

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### EROSION AND SEDIMENT CONTROL MEASURES DRARY EROSION AND SEDIMENT CONTROL MEASURES

- AS MUCHAS IS PRACTICAL, EXISTING VEGETATION SHALL BE PRESERVED. FOLLOWING THE COMPRETION OF CONSTRUCTION ACTIVITIES IN ANY PORTION OF THE SITE, PERMANENT YERE KNITON SHALL BE ESTABLISHED ON ALL EXPOSED SOILS.
- SITE PREPARATION ACTIVITIES SHALL BE PLANNED TO MINIMIZE THE SCOPE AND DURATION OF SOIL DISRUPTION.

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- AN ADEQUATE SEEDBED SHALL BE PREPARED BY SCARIFYING COMPACTED SOIL AND REMOVING SURFACE DEBRIS AND OBSTACLES.
- LIME SHALL BE APPLIED SUFFICIENTLY TO ATTAIN A SOIL ACIDITY PH OF 6.0 TO 7.0. FERTILIZER (5-10-10 MIXTURE OR EQUIVALENT) SHALL BE APPLIED PER SOIL TEST RESULTS OR AT A RATE OF 600 LBS PER ACRE.
- USTUMBED RAESS WHICH MILL BEHAM TEMPORARLY PALLOW FOR PEBIODS ORDATER THAN 10 JANS SHALL BE BEFEDD AT THE FEU JOHNSO DATE TO PRODUJE TEMPORARY GROUND CAPER 20 LBS RYCERASS (ANNUM, OR PERDAMAL) PER ACRE, DURING THE WANTER, USE 100 LBS CERTIFED "AROOSTOCK" MINTER, RYE (CEREAL RYE) PER ACRE.

7.7. 7.6

PERMANENT SEEMIN SAML DE APPLED OM \* MIN, TORSOIL AT THE FOLLOWING ANTE ROR ROUGH OF BOCCASIONAL MANNEA AREAS & LIBS BLAFFEL BROSPOOT INEFOIL, DIR COMMON WATE CLOVER PER ACRE. 20 LIS YALT ERSOLDE PER ACRE FULL 2 LIBS REDTOP OR 5 LISS RYTEGRASS (PEREMINUL) PER ACRE.

### 65 LBS KENTUCKY BLUEGRASS PER ACRE 65 LBS RYEGRASS (PERENNIAL) PER ACRE

- O. ALL DISTURBED ACEAS SHALL BE STABLEZED SUBSECUENT TO SEEDING BY APPLING 3 TONS OF STROWN MICH. FRACRE: STROWN MICH SHALL BE ACKNOWNED BY APPLING 370 LIS OF TWO DOT BEBT MICH CHE ACRE WITH A HOTO SEEDER ACT WITH A MICH APPLING 3 TO ALS STROWN TO ALS TO A DEPTH OF F. MICH ARCHONNO TOOLS SHALL BE PULLED ACROSS SUPERS A ACRO TO CONSIDERATE ON TOOLS SHALL BE PULLED.
- ALL UNINECESSARY REMOVAL OF HEALTHY TREES SHALL BE AVOIDED, MATERIALS SHALL NOT BE STORED NOR MACHINERY OPERATED WITHIN THE DRIPALINE OF THE TREES TO REMAIN.
- TO ASSURE PROPER FUNCTION, SILTATION BARRIERS SHALL BE MAINTAINED IN GOOD CONDITION AND REINFORCED, ENTENDED, REPAIRED OR REPLACED AS NECESSARY, WASHOUTS SHALL BE IMMEDIATELY REPAIRED, RE-SEEDED AND PROTECTED FROM FURTHER EROSION.
- SEDMENT SHALL BE RRADORED FROM BEHAND THE SEICHMENT FENCE WHEN IT BECOMES ABOUT DIS FEET DEEP AT THE FENCE AND FROM BEHAND THE COMPOST FILTER SOCKS ONCE IT REACHES NOT THE FILTER SOCK HEIGHT, THE SEDMENT FIRENZE AND COMPOST FILTER SOCKS SHALL BE REPAIRED AS NECESSARY TO MAINTAIN BARRIER.
- ALL SECDED AREAS SHALL BE FERTILIZED, RESECTED AS NECESSARY, AND MULCHED ACCORDING TO SPECIFICATIONS IN THE VEGETATIVE PLAN IN ORDER TO MAINTAIN A VAGDROUS, DENSE VEGETATIVE COVER.

## SOIL AND EROSION CONTROL NOTES

- TEMPORARY SEDIMENTATION ENTRAPMENT AREAS SHALL BE PROVIDED AT KEY LOCATIONS TO INTERCEPT AND CLARIFY SILT LADEN RUNOFF FROM THE SITE.
- 2. SILT THAT LEAVES THE SITE IN SPITE OF THE REQUIRED PRECAUTIONS SHALL BE COLLECTED AND REMOVED AS CIRECTED BY APPROPRIATE MUNICIPAL AUTHORITIES.
- IN TERMER AND COMPOST RUTER SCOKES SHALL BE CONSTRUCTION AND MALL STOCKHELES OF THIL TOPSOL, AND ECKNAT HED OMERIDED HAT HAT ARE TO BEHAMFER PERSONS SHALL BE ANCHORED AND HANK THE NEEDS AND COMPOST THE RES SCOKES SHALL BE ANCHORED AND HANK THEORIES AND ENDAFORMED NG CODD CONTROL THE AND STOCKHELS AND ENDAFORMED NG CODD CONTROL ON THE AS STOCKHELS AND HANK THEORY HAD CONTROL THE ASS TO CONTROL SHALL BE ANCHOLOGY.
- TOPSOIL AND FILL THAT BY TO BEHANK STOCKSHIET ON AFTE FOR PERIODS GREATER THAN 20 DAYS SHALL BE ETROLLEDD IN SEEDING DIFFE SEEDING DEPARTON, HE STOCKHIET MATERIAL SHALL BE GRADELE HAN REEDED AND FEASIBLE TO PERMIT THE USE OF CONVENTIONAL EXAMINET FOR SEEDISD PREPARATION SEEDING, MALDH APPLICATION AND BLACK HANDORS HAND SEEDING, MALDH APPLICATION AND BLACK HANDORS HAND SEEDING, MALDH APPLICATION AND BLACK HANDORS HAND SEEDING, MALDH

7.2.

IN NO CASE SHALL ERODIBLE MATERIALS BE STOCKPILED WITH 25 FEET OF ANY DITCH, STREAM, OR OTHER SURFACE WATER BODY.

## VENT AND TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES

- ALL SEEDING SHALL BE PERFORMED USING THE BROADCAST METHOD OR HYDROSEEDING, UNLESS OTHERWISE APPROVED.

## MAINTENANCE OF ERO I ON AND SEL MENT CONTROL MEASURES.

- THE CONTRACTOR SHALL ON A DAILY BASIS INSPECT AND MAINTAIN THE INTEGRITY AND FUNDION OF ALL THAPPORAFY ENOSIGN AND SEDMENT CONTROL, MEASURES THROUGHOUT THE DURATION OF THE CONSTRUCTION PROCESS.

- AT THE COMPILETION OF THE PROJECT, ALL TEMPORARY SILTATION DEVICES SHALL BE REMOVED AND THE AFFECTED AREAS REGRADED, OR TREATED IN ACCORDANCE WITH THE APPROVED SITE PLANS.
- ALL SEDIMENTATION ENTRAPMENT STRUCTURES WILL BE INSPECTED AND MAINTAINED ON REGULAR BASIS,
- CONTRACTOR TO INSTALL EROSION CONTROL MEASURES (SILT TENCE AND OR COMPOST FILTER SOCKS) AROUND AREAS BEING DISTURBED DURING CONSTRUCTION AND AS NECESSARY.
- 6. CONTRACTOR TO INSTALL SILT FENCE OR COMPOST FILTER SOCKS DOWNSLOPE OF ALL UTILITY TRENCHES.
- POSITIVES SHOWN FROM THE WETLANDS IF ANY ON THE CONSTRUCTION PLANS AND SOUL PROSIDEN AND SEMILIST CONSTRUCTION PLANS AND SOUL BETWEEN THE PROPOSED CONSTRUCTION ACTIVITIES AND BOUNDARY OF THE METLANDS.
- ARBA OF BISTURBANCE LINES SAML BE CLEARLY BEILNESTED IN THE FIELD PH INSTALLING CRAMES CONSTRUCTION FRANKS AGO AND THE BRITISH PROPOSED CONSTRUCTION AREA EXCEPT AS INCESSARY TO PROVIDE MITIGATION PLANTINGS, NO ENCRONCHIENT BETOND THESE LIMITS BY WORKERS OR MACHINERY SHALL BE FEMANTED.
- ALL CONSTRUCTION AND CONSTRUCTION RELATED-ACTIVITIES OCCURRING ON THIS STITE SHALL COMPLY WITH THE STANDARDS AND RECOMMENDATIONS OF THE NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDMENT CONTROL.
- PRIOR TO THE COMMERCEMENT OF ANY SITE WORK, THE APPLICANT SHALL STAKE THE PRIOR TO THE COMMERCEMENT OF ACTIVITY FOR INSPECTION AND APPROVAL BY THE TOWN ENGINEER OF RECUIRED.

7.5. 7.4 7.3.

- ALL BOLL ROSION AND SECREPATATION CONTROL MESSURES SHOWN ON THIS PLAN.
  SPALL BER RIA JUGE PROPRIOT OT THE STARE OF PLAY THE TRAVEL THE CONNICATION HAVE THE MEN PLANSHERS BEAULT HAVE RESPECTED THE MENDIALATION OF ALL REQUIRED SOIL BROSINGH-MO SECULIARIZATION CONTROL MESSURESPENDENTO THE JUTH SHEZATION TO PROCEED WITH ANY PLASE OF THE SITE WORK, (IF ECOLIRED).
- THROUGHOUT THE CONSTRUCTION PERIOD, A CUALIFIED PROFESSIONAL RETAINED BY THE APPLICANT SHALL, ON AT LEAST A WEEKLY SAUSIE, PRIOR TO ANY PREDIOCIED GAIN PREDICTION AND AFTER RIMOFF-PROTUCKING BAIN DEPENT, INSPECT THE SOLI, EROSION, AND SEDWIENTATION CONTROL MEASURES TO ENSURE THEIR PROPER FUNCTIONING,
- ALL DRAIMAGE STRUCTURES AND ANY OTHER REQUIRED UTILITY APPURTENANCES SYALL BE INSTALLED AS REQUIRED BY TOWN SPECIFICATIONS AND AS SHOWN ON THESE PLANS.
- 7.8.

1275 JOHN STREET, SUITE #100 WEST HENRIETTA, NEW YORK 14586 • CIVIL ENGINEERING • LAND SURVEYING

**Verizon** 

217 LAVE ANDWE ROCHESTER NY 1450 565-458-9020 ARCHITECTURE

1 07/09/2024 TFR ADDRESS SURVEY NOTES & CREATER NOTES AND CREATER

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D.A.W.

T.K.W.

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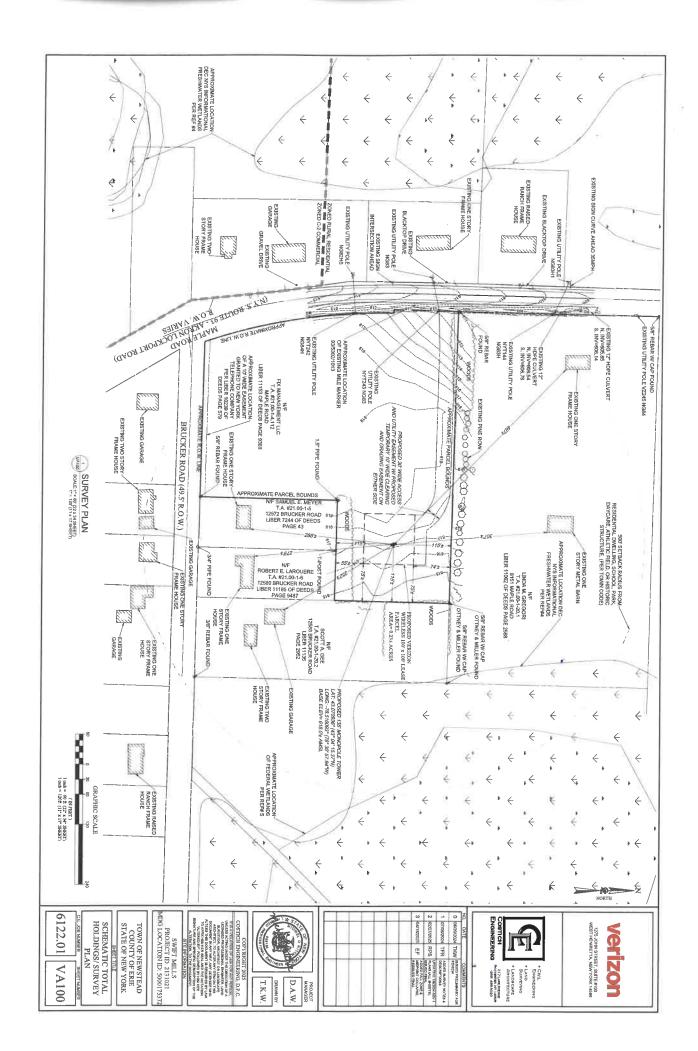
SWIFT MILLS PROJECT ID: 2131021 ADG LOCATION ID: 500017537

TOWN OF NEWSTEAD COUNTY OF ERIE STATE OF NEW YORK

GENERAL NOTES

6122.01

**GA003** 



### SCHEDULE A PARENT PARCEI

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF NEWSTEAD, COUNTY OF ERIE AND STATE OR NEW YORK, BEING PART OF LOT NO. 35, TOWNSHIP 13, RANGE 5 OF THE HOLLAND LAND COMPANY'S SURVEY AND FURTHER DESCRIBED AS FOLLOWS:

BECHNING AT A FOINT IN THE CENTER LINE OF BRUCKER ROAD, AT A DISTANCE OF 1239 FEET AS MEDIANDS OF A FOTOM THE LANGE OF THE CENTER LINE OF BRUCKER ROAD FROM THE ENSTERLY BOUNGS OF ACT NO. 35. THE MEDIANDS OF A FOTOM OF THE CENTER LINE OF BRUCKER ROAD, A 181 KNACE OF 300. THE LINE OF BRUCKER ROAD A 181 KNACE OF 300. THE LINE OF BRUCKER ROAD A 181 KNACE OF 300. THE CENTER OF THE C

PER THE CERTIFICATE AND REPORT OF TITLE ISSUED BY STEWART TITLE INSURANCE COMPANY, HAVING TITLE NO. 71262707 DATED AUGUST 30, 2023, SURVEY PERTINENT DETERMINATIONS ARE:

I. EASEMENT GENITED BY MCHAEL ZOLA AND FLORENCE ZOLA YO NEW YORK TELEMONE COMMANY, WATED OCTOBER ZOL 1900, AND RECORDED NOVEMBER 29, 1900 IN LIBER 10230 OF DEELS, PAGE 579, SAUD EASEMENT CALLS PEAR A 107 WING LITHY EASEMENT ALONG THE NORTH SIDE OF BRUCKEER ROAD FOR THE RIGHT TO TRIM ANY TREES AND ROOTS ALONG SAID LURES AS REASONABLY RECESSARY, TO KEEP THE SAUD CABLE, MAD WRIES REEE AND THE SAUD LAND AND SAUD HORIANS. THE PROPOSED VERZON WATELESS LABBERITY AND LEASE THE PROPOSED VERZON WATELESS LABBERITY AND LEASE THE PROPOSED VERZON WATELESS LABBERITY AND LEASE.

### SURVEY REFERENCES

TOPOGRAPHY SHOWM FROM A TIELD SURVEY BY COSTICH ENGINEERING ON 06192024 HORIZONTAL AND VERTICAL DATA ORTANIED THROUGH NYSDOT CORS NETWORK REFERENCED TO THE FOLLOWING MONUMENT:

LOCKPORT CORS STATION
-ATTITUDE: 45-95-4,8547 (M)
-LONGITUDE: 074-945-13,35743 (M)
-ELLIP HEIGHT: 166:30 METERS NAVD 88 (CORS)

BOUNDARY SURVEY HAS NOT BEEN PERFORMED BY COSTICH ENUMERRING. BOUNDARY SHOWN HEREON IS APPROXIMET AND DETERMINED BY LIMITED FIELD INCATENCY OF BOUNDARY ENDENDE. REVIEWOF THAL COMMITTHER IT PROVIDED, AND OVERLAY OF COUNTY TAX MAPS ANDIDE COUNTY GIS MAPPING.

PER THE MYSEC EMMINORMENTAL RESOURCE MAPRES THERE ARE OPTENTALLY WETLANDS LOCATED (2009) WORTHEAST OF PROLECT AREA. THE INFORMATIONAL PRESIMINATER WETLAND MAPPING LAYER IS ONLY WITENED TO BE USED FOR INFORMATIONAL PURPOSES IN IDENTIFYING THE GENERAL LOCATION AND EXTENT OF PRESIMINATER WETLAND AREAS OF ANY SZET PRODUCIONOLYTHS IS THE INFORMATIONAL PRESIMINATER WETLAND MAPPING IS NOT REGULATION?

PARTIAL PHOTO COPY OF A BOUNDARY SURVEY PREPARED BY OLLNEY & MILLER SURVEYORS P.C., HAVING JOB NUMBER 273-3, DATED 6-19-2002.

1A CERTIFICATION PREPARED BY COSTICH ENGINEERING D.P.C., PROJECT NO. 6122.01, SITE NAME: SWIFT MILLS, DATED JULY 08, 2024.

TITLE REPORT PREPARED BY STEWART TITLE, TITLE NUMBER 71262707, DATED AUGUST 30, 2023.

PER THE NATIONAL WETLANDS INVENTORY MAPS, THERE ARE FEDERAL WETLANDS 300'± EINE OF PROJECT LOCATION

PER THE ERSUFEMA PROJECT IMPACT HAZARD INFORMATION AND AVMARENESS SITE MAP THERE IS NO 100 YR. FLOOD PLAIN IN THE PROJECT AREA.

SWIFT MILLS WETLAND WALKOVER REPORT - BY EARTH DIMENSIONS, DATED, 7/24/2024

10. 10. ANTENNAS SMALL BE INSTALLED IN ACCORDANCE WITH SPECIFIC REMITTENIA DESIGN SHEET SUPPLIED BY VERIZON WIRELESS: REQUECT ID: 21510Z1 DATED 69/52024 WITH A LAST REVISION DATE OF 22/1/2025

## DESCRIPTION OF ACCESS & UTILITIES EASEMENT

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOMM OF NEWSTEAD, COUNTY OF ERIE, STATE OF NEW YORK, ALLAS SHOWM ON A MAP ENITTLED "SCHEMATE TOTAL HOLDINGSSURVEY PLAY, "REFERED BY COSTICH HOLDINERING L.P.C., HANNING DRAWING HUMBER 012/01, "SHEET HUMBER", AVIOD, LAST REVISED 09/20/2024, AND BEING MORE PARTICULARLY SOUNDED AND DESCRIBED AS FOLLOWS:

1275 JOHN STREET, SUITE #100 WEST HENRIETTA, NEW YORK 14586 Verizor

COMMENCING AT A FOUND SER REBAR ON THE ASSUMED EASTRELY RIGHT-OF-MAY LINE OF MAPLE ROAD (N.Y.S. ROUTE 93 - AARON LOCKPORT ROAD) (R.O.M. JARIES) JAID DOMIT BERS ON THE ASSUMED COMMON. LINE OF LANDS NOW OR FORMERLY OWNED BY THE MANAGEMENT LLC (T.A.231.00-1-4.112) TO THE SOUTH AND LANDS NOW OR FORMERLY OWNED BY LINDA M. GREGORI (T.A.221.00-1-20.1) TO THE NORTH; THENCE S01°22'06"W, ALONG THE ASSUMED EASTERLY BOUNDS OF MAPLE ROAD (N.Y.S. ROUTE 93 - AKRON LOCKPORT ROAD) A DISTANCE OF 8.89 FEET TO THE POINT AND PLACE OF BEGINNING; THENCE

1. N88°09'16"E, A DISTANCE OF 69.37 FEET TO A POINT; THENCE

3. SOLTHEASTERLY ALONG A CHAVE TO THE BIGHT HAVING A DELTA ANGLE OF 55°0245". A RADIUS OF 101. 00 PEET, AND AM ARC LENGTH OF 38.09 FEET, SAID CURVE ALSO HAVING A CHORD OF 580°35'32". 94.30 FEET TO A POINT; THENCE: 2. \$88"37"54"E, A DISTANCE OF 284.59 FEET TO A POINT OF CURVATURE; THENCE

4. \$83°3754°E, A DISTANCE OF 69.72 FEET TO A POINT; THENCE

S01°2206°W, A DISTANCE OF 24.26 FEET TO A POINT BEING THE NORTHEAST CORNER OF THE PROPOSED VERIZON LEASE PARCEL; THENCE

N88°37'54"W, ALONG THE PROPOSED VERIZON LEASE PARCEL, A DISTANCE OF 100,00 FEET TO A POINT BEING THE NORTHWEST CORNER OF THE PROPOSED VERIZON LEASE PARCEL, THENCE

7. NO1\*22'06"E, A DISTANCE OF 14,53 FEET TO A POINT OF CURVATURE; THENCE

8. NORTHWESTERLY ALONG A CUPYET TO THE LEFT HAVING A DELTA ANGLE OF 48°5347". A RADIUS OF 71.00 FEET, AND AN ARC LENGTH OF 60.59 FEET, SAID CURVE ALSO HAVING A CHORD OF NBS\*TYOTW 58.77 FEET TO A FOINT; THENCE

1 07/08/2024 TFR (ADDES MANEY NOTES & DESCRIPTION OF A DE

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217 LANS AVENUE ROCHESTER NY 14501 1565: 459-5020 LANDSCAPE
 ARCHITECTURE

\* LAND SURVEYING

9. N88°37'54"W, A DISTANCE OF 283.75 FEET TO A POINT; THENCE

S88"08'16"W. A DISTANCE OF 70.21 FEET TO A POINT ON THE ASSUMED EASTERLY RIGHT-OF-WAY LINE OF MAPLE ROAD (N.Y.S. ROUTE 53 - AKRON LOCKPORT ROAD); THENCE

NO1"22"06"E, ALONG THE ASSUMED EASTERLY BOUNDS OF MAPLE ROAD (N.Y.S. ROUTE 93 - AKRON LOCKPORT ROAD) A DISTANCE OF 30.05 FEET TO THE POINT AND PLACE OF BEGINNING.

## DESCRIPTION OF LEASE PARCEL

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF NEWSTEAD, COUNTY OF ERIE, STATE OF NEW YORK, ALL AS SHOWN ON A MAP ENTILED "SCHEMATO TOTAL HOLDMISSSIEWEY PLAY, REPARED BY COSTICH HONINGHING, D.P.C., HAVIND CHAMMS UNMEER 872CJ, SHEET INJURIES AVIOD, LAST REVISED MSTOXZZA, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 58" REBAR ON THE ASSUMED EASTERLY RIGHT-OF-WAY LINE OF MAPLE ROAD (NY.S. ROUTE 53 - AGRON LOCKPORT ROAD) RIGHT WHATES) SAID POINT EBING ON THE ASSUMED COMMON LINE OF LAKEN KNYO RE FORMERLY OWNED BY FIX MANGEMENT LIGHT, AEZHON-14112) TO THE SOUTH AND LANDS NOW OR FORMERLY OWNED BY LINDA M. GREGORI (TA#21.00-1-20.1) TO THE NORTH:

STROTYST'S, ALONG A THE UNE AND THROUGH LANDS NOW OR FORMERLY OWNED BY FIX MANAGEMENT LLC (TJ.JZ1,00-1-4,112) A DISTANCE OF 413,99 FEET TO THE POINT AND PLACE OF BEGINNING; THENCE

S88\*37'54"E, A DISTANCE OF 100.00 FEET TO A POINT; THENCE

2. S01\*22'06"W, A DISTANCE OF 100.00 FEET TO A POINT; THENCE

3. N88\*3754\*W, A DISTANCE OF 100,00 FEET TO A POINT; THENCE

N01\*2208\*E, A DISTANCE OF 100.00 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING 0.230 ACRES OF LAND, MORE OR LESS.

D.A.W.

T.K.W.

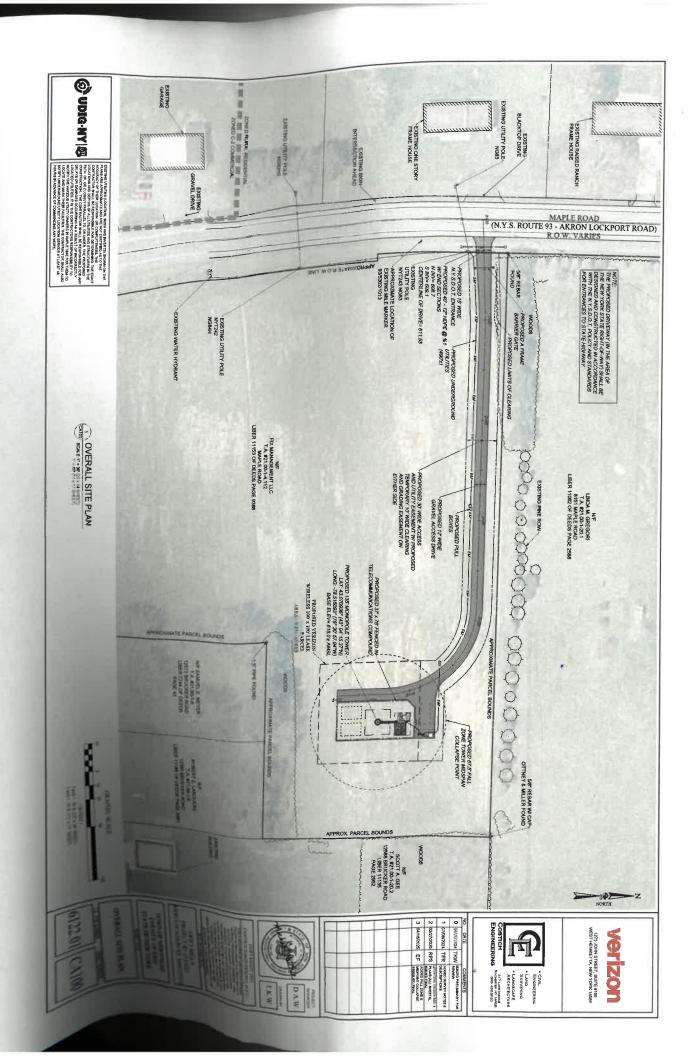
SWIFT MILLS
PROJECT ID: 2131021
DIG LOCATION ID: 500017537

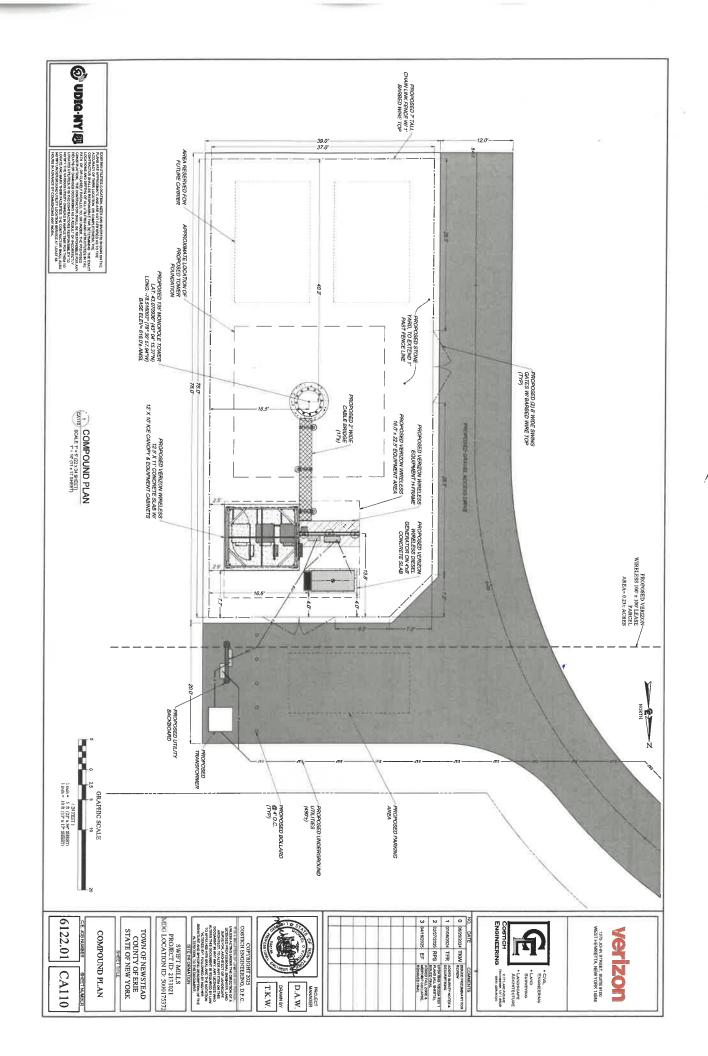
TOWN OF NEWSTEAD COUNTY OF ERIE STATE OF NEW YORK

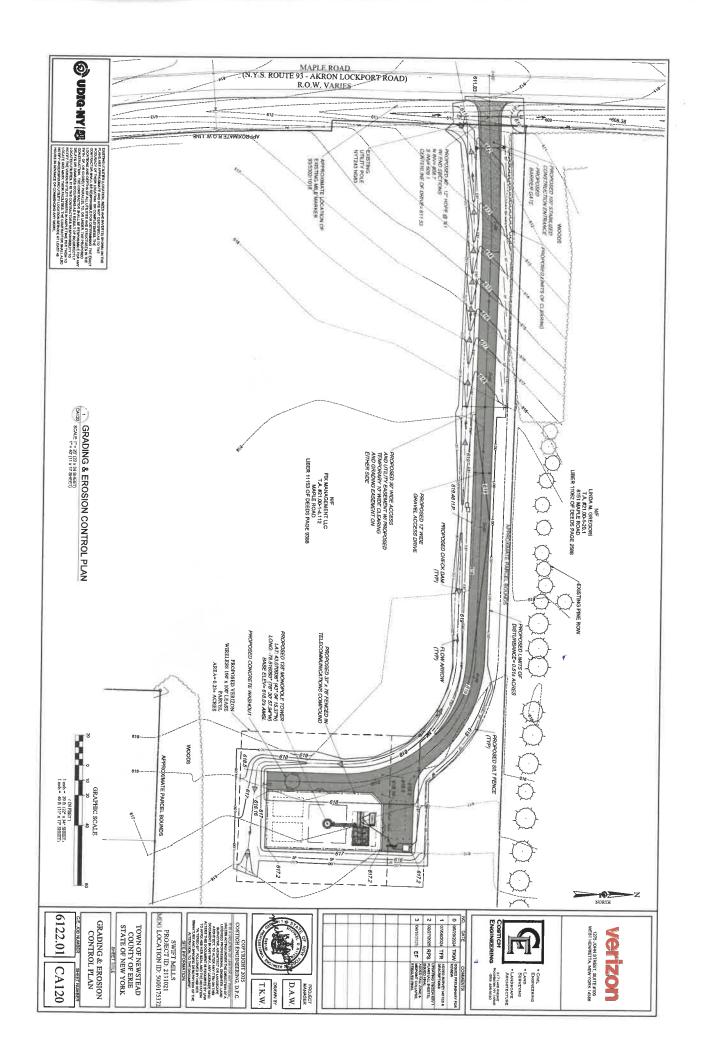
SURVEY NOTES AND DESCRIPTIONS

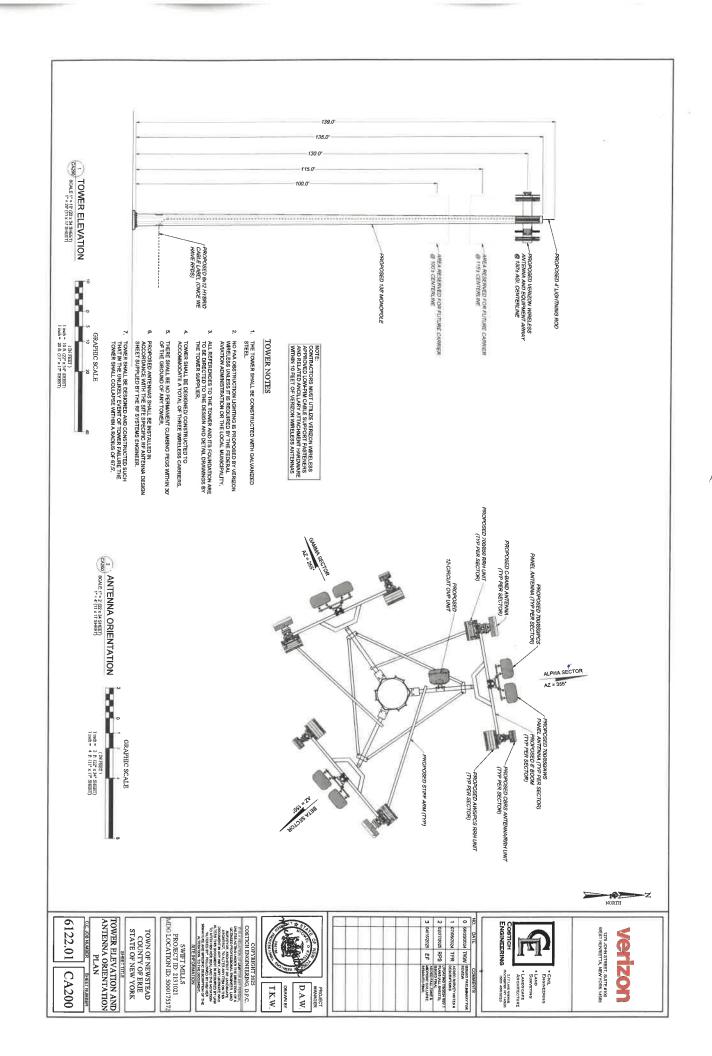
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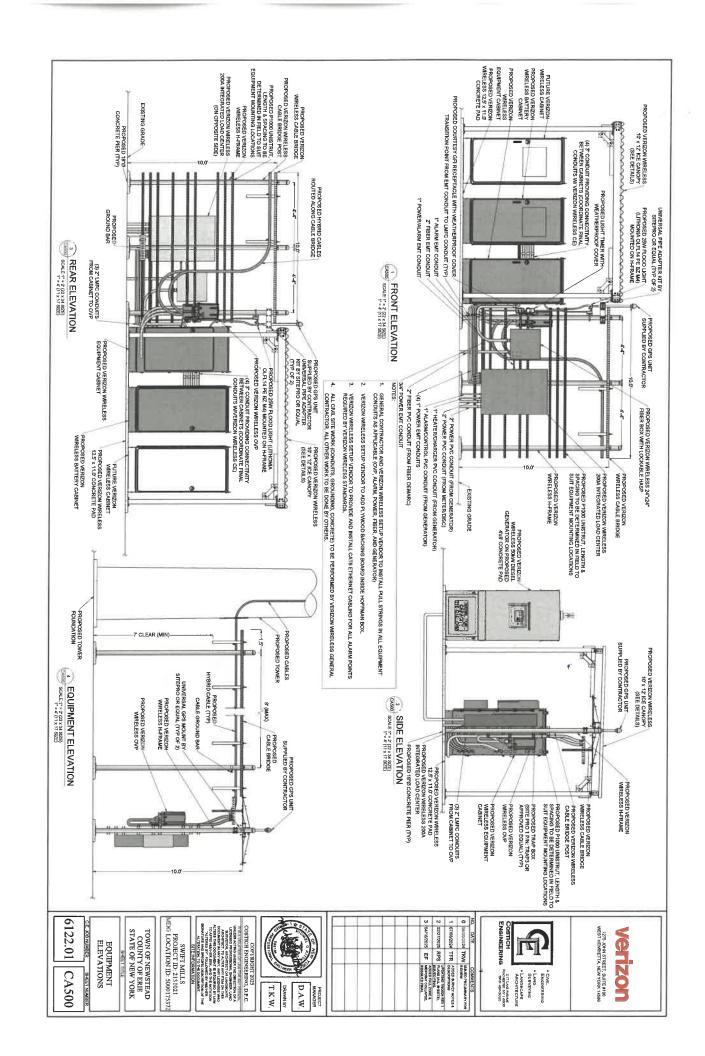
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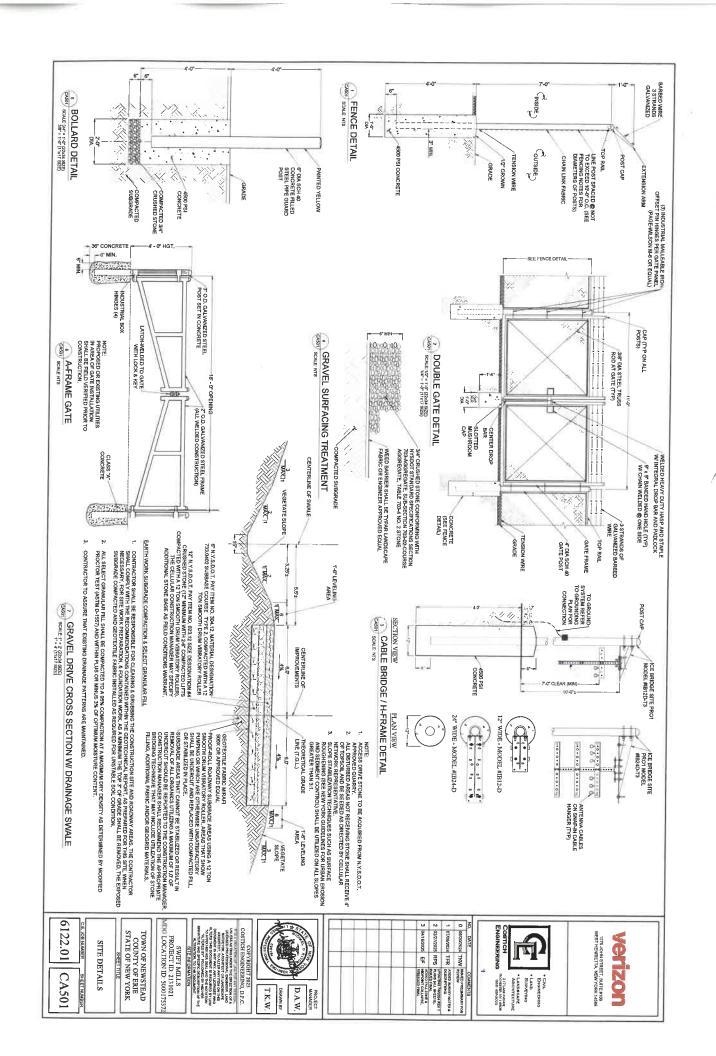


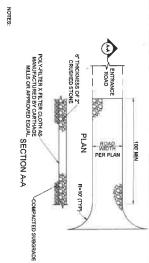








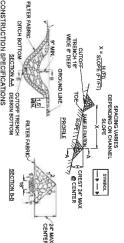




- STONE SIZE USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
- LENGTH NOT LESS THAN 100 FEET
- THICKNESS NOT LESS THAN SIX INCHES
- WIDTH 12 FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
- FILTER CLOTH WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
- SURPACE WATER ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALE DE PIED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL A MOUNTABLE BERN WITH 5:1 SLOPES WILL BE PERMITTED.
- MANTENANCE. THE ENTRANCE SHALL BE MANTANED IN A CONDITION WHICH SHALL PREDENT TRACKING OR EDIAMNO OF SEDIMENT ONTO DUBLIC REPRESENTANCE THIS MAY REQUIRE FEBIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DIAMNO AND REPAIR ANDORS CLEMOUT OF ANY MEASURES USED TO TRACK SEMILANT, ALL SEDIMENT SHALLED APPRED, WASHED, OR TRACKED DWIT PUBLIC RIGHTSOF-WAY MUST BE REMOVED IMMEDIATELY.
- WASHING -WHEELS SHALL BE CLEANED TO REMOVE SEDMENT PROOF TO ENTRANCE ONTO PUBLIC ROLFS OF TWO HEADS TO THE SHALL BE CLEANED TO REMOVE SEDMENT PROOF TO STRAILAGE ONTO PUBLIC ROLFS FOR THE OFFINITE OF THE OFFINITE OF THE OFFINITE OF THE OFFINITE OF
- SEDIMENT TRAPPING SILT FEINCE BARRIER SHALL BE INSTALLED DOWN SLOPE OF CONSTRUCTION ENTRANCE TO CATCH ANY SEDIMENT THAT COULD POTENTIALLY FALL OFF OF CONSTRUCTION EQUIPMENT ANDOR VEHICLES.
- PERIODIC INSPECTIONS AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN

NOTES:

# STABILIZED CONSTRUCTION ENTRANCE DETAIL



WHEN FENCE IS NO LONGER NEEDED, THE ACCUMULATED SILT, ALL THE POSTS AND FABRIC SHALL BE REMOVED AND TRENCH BACK FILLED WITH TOPSOIL AND SEEDED.

SILT FENCE DETAIL

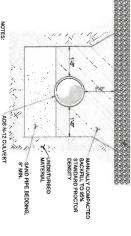
CONTRACTOR SHALL CONSTRUCT SILT FENCE IN ACCORDANCE WITH MANUFACTURER'S REQUIREMENTS. SILT FENCE SHALL BE MAINTAINED IN PLACE DURING CONSTRUCTION AND SOIL STABILIZATION PERIOD.

EXCAVATE TRENCH  $\sigma$  WIDE X  $\sigma$  DEEP, BURY BOTTOM 12" OF FABRIC AND TAMP IN PLACE.

CONSTRUCTION SPECIFICATIONS
1. STONE WILL BE PLACED ON A FILTER FABRIC FOUNDATION TO THE LINES, GRADES AND LOCATIONS SHOWN IN THE PLAN.

- SET SPACING OF CHECK DAMS TO ASSUME THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
- EXTEND THE STONE A MINIMUM OF 1.5 FEET BEYOND THE DITCH BANKS TO PREVENT CUTTING AROUND THE DAM.
- PROTECT THE CHANNEL DOWNSTREAM OF THE LOWEST CHECK DAM FROM SCOUR AND EROSION WITH STONE OR LINER AS APPROPRIATE.
- ENSURE THAT CHANNEL APPURTENANCES SUCH AS CULVERT ENTRANCES BELOW CHECK DAMS ARE NOT SUBJECT TO DAMAGE OR BLOCKAGE FROM DISPLACED STONE.





GRAVEL DRIVE

NOTES:

1. OVER-EXCAVATE FOR BELLS.

- 2. ADDITIONAL BEDDING MAY BE USED AS ORDERED BY ENGINEER.
- 3. ALL EXCAVATION AND TRENCHING SHALL MEET OSHA REQUIREMENTS.

## CULVERT TRENCH DETAIL SCALE 1/2 = 1/0" (1/1/17 SIZE) SCALE 1/2 = 1/0" (2/2/24 SIZE)







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- WASHOUT FAULTIES'S HOULD NOT BE PLACED WITHIN 50 FEET OF STORM DRAINS, OPEN DITCHES OR SURFACE WATERS.

  INSTALL OR FLAT RAINES WITTO EXCEED YA.

  CONCRETE WASHOUT MAY BE STACKED IN A PYRAMINAL COMPROJEKTION FOR ADDED HEIGHT AND STABIUTY.

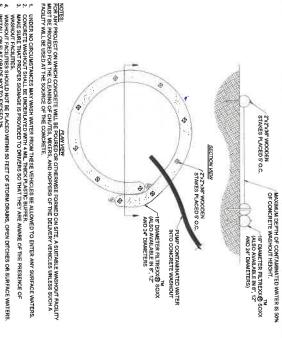
  CONCRETE WASHOUT MAY BE DRECT SEEDED AT THE TIME OF INSTALLATION.

  CONCRETE WASHOUT MAY BE DRECT SEEDED AT THE TIME OF INSTALLATION.

  THEY SHOULD BE INA COMPREHENT LOCATION FOR THE TRUCKS, PREFERABLY NEAR THE PLACE WHERE THE CONCRETE IS

  THEY SHOULD BE INA COMPREHENT LOCATION FOR THE TRUCKS, PREFERABLY NEAR THE PLACE WHERE THE CONCRETE IS
- BEING POURED.
  CONCRETE WASHOUT NOT TO BE LESS THAN 8" IN DIAMETER.
  3 CONCRETE WASHOUT DETAIL





• GIVIL
ENGINEERING
• LAND
SURVEYING
• LANDSCAPE
ARCHTECTURE

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1275 JOHN STREET, BUITE #100 WEST HENRIETTA, NEW YORK 14586 Verizon



D.A.W.

T.K.W.

SWIFT MILLS
PROJECT ID: 2131021
PROJECT ID: 500017537

TOWN OF NEWSTEAD COUNTY OF ERJE STATE OF NEW YORK

GRADING & EROSION CONTROL DETAILS

CE JOB NUMBER

SHEET NUMBE

CA502

6122.01

### **Review Sheet for ZBA Members**

The Board of Appeals must consider the following five (5) factors when rendering a decision. These are the only factors to be considered when interviewing the applicant and will be the basis for a positive or negative decision. If followed, this will aid in the event of any lawsuit by the applicant.

PRO PRO	OPERTY LOCATION: V/L Maple Road OPERTY OWNER: Fix Management, LLC	MEETING DATE: August 21st, 2025, 7:00 PM  NEIGHBORS NOTIFIED X_YesNo
REC	RIANCE REQUEST:USEX_AREA QUEST: Request for 248' variance to 500' minimum se ecommunications tower facility.	
	de Violation: 373-3(B)(2)(A)(1)	
1.	Whether the benefit sought by the applicant can be acother than the area variance.  POLL: BKABJK\ NO	chieved by some method feasible for the applicant to pursue,
The	e reason for your decision:	, 
	properties will be created by the granting of the area volume.  POLL: BKABJK\ NO	e character of the neighborhood or a detriment to nearby ariance.  /L FP RB/
The	e reason for your decision:	
3.	Whether the requested area variance is substantial.  POLL: BKABJKY  NO	/LFPRB
The	e reason for your decision:	·
	Whether the proposed variance will have an adverse e the neighborhood or district.  YES POLL: BKAB JK ' NO e reason for your decision:	ffect or impact on the physical or environmental conditions in
_		
5.	Whether the alleged difficulty was self-created, which a Appeals but shall not necessarily preclude granting of the YES POLL: BKAB JK TO NO	consideration shall be relevant to the decision of the Board of he area variance.  VL FP RB
The	e reason for your decision:	
FIN	☐ VARIANCE APPROVED	4