

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



Note: 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

Town of Newstead, New York

Date: 08/08/25

\$250.00

☒ Paid

Received By: Jck

Check No. 100550348

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 enclosed letter and Application to the Town of Newstead Town Board dated June 2, 2025.

Newstead Town Code Section Varied 373-3(B)(2)(A)(1)

Signed: [Signature]

Laura Smith, Esq., Nixon Peabody LLP,
Attorneys for Verizon

Date: August 6, 2025

Requests for action should be filled out completely in above spaces if practicable, otherwise attach detailed description. The complete request with all necessary plans, maps, signature and paid fee must be filed with the Zoning Board Clerk.

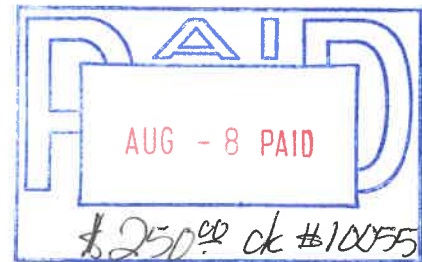
(Do not write below this line – Zoning Board use only)

 Use Variance To allow a use not otherwise allowed, applicant must demonstrate unnecessary hardship, including all of the following, for each and every permitted use:

- 1. Cannot realize reasonable return (include financial evidence)
- 2. Alleged hardship is unique and does not apply to substantial portion of district or neighborhood
- 3. Requested variance will not alter essential character of neighborhood
- 4. Alleged hardship has not been self-created

☒ **Area Variance** Benefit to applicant must be balanced with potential detriment to health, safety & welfare of the community:

- 1. Can benefit be achieved by other means feasible to applicant?
- 2. Cause undesirable change in neighborhood character or nearby properties?
- 3. Is request substantial?
- 4. Will request have adverse physical or environmental effects?
- 5. Is alleged difficulty self-created?



Approved Date

Rejected Date

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 statute 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
Counsel

Attorneys at Law
nixonpeabody.com
@NixonPeabodyLLP

T / 585.263.1027
F / 833.974.6279
lsmith@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 ("Verizon") submitted the above-referenced application (the "Application") 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 Q¹: Request for Variance

¹ Lettered to follow Exhibits A-P previously submitted.

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).

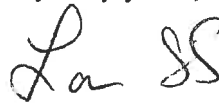
In the present case, as demonstrated in Exhibit F, Radio Frequency Justification Report, Verizon does not have reliable wireless telecommunications service coverage in and around the Swift Mills cell in the Town of Newstead. The Project is needed to remedy this service problem and to provide adequate and reliable wireless telecommunications service coverage to this area. Moreover, as demonstrated in Exhibit G, 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

[illegible]

d/b/a

verizon

**SITE NAME: SWIFT MILLS
ZONING DRAWINGS**

PROJECT ID: 2131021
MDG LOCATION ID: 5000175372

VICINITY MAP

MAPLE ROAD

BLUFF ROAD

CLAIR DRIVE

SITE

20 FEET

N

[illegible]

SHEET INDEX		REVISION	REV	DESCRIPTION
Q600	TITLE SHEET	04/19/2005	1	
Q600	GENERAL NOTES	04/19/2005	3	
Q600	GENERAL NOTES	04/19/2005	3	
W400	SCHEMATIC TOTAL AND ENCASED REINFORC PLAN	04/19/2005	3	
W410	BARREY NOTES AND DESCRIPTIONS	04/19/2005	3	
Q400	OVERALL SITE PLAN	04/19/2005	3	
Q410	GRADING AND EROSION CONTROL PLAN	04/19/2005	3	
Q420	TOWER ELEVATION AND ANTENNA ORIENTATION PLAN	04/19/2005	3	
Q430	EQUIPMENT ELEVATIONS	04/19/2005	3	
Q450	SITE DETAILS	04/19/2005	3	
Q405	GRADING AND EROSION CONTROL DETAILS	04/19/2005	3	

UTILITY PROVIDERS	
ELECTRIC PROVIDER:	NATIONAL GRID
ESR #:	TBD
ACCOUNT #:	TBD
PLANNER:	TBD
PHONE:	TBD
FIBER PROVIDER:	TBD
PLANNER:	TBD
CONTACT:	TBD

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New York

UNDERGROUND FACILITIES
PROTECTIVE COORDINATING
ORGANIZATION
NEW YORK CITY
725 Riverside Drive
New York, NY 10019
800-662-6622

DO NOT SCALE DRAWINGS

THESE DRAWINGS ARE FORMATTED FOR 22x34" FULL SIZE AND 11x17" HALF SIZE. OTHER SIZED VERSIONS ARE NOT PRINTED TO THE SCALE SHOWN. CONTRACTOR SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

SCOPE OF WORK

1. THE PROPOSED WORK CONSISTS OF THE CONSTRUCTION AND INSTALLATION OF AN UNMANNED WIRELESS FACILITY WITH ASSOCIATED UTILITIES.




1276 JOHN STREET, SUITE 410
WEST KILBOURN, NJ 07093-1486



• CIVIL
• ENGINEERING
• LAND
• SURVEYING
• ARCHITECTURE

217 Lark Avenue
West Kilbourn, NJ 07093
(908) 731-1200

NO.	DATE	COMMENTS
0	06/06/2024	TKW REVIEW
1	07/06/2024	7TR APPROD SHAWY INTER 4
2	02/07/2024	RPS P44-1111, 102552, 101111 P44-1111, 102552, 101111
3	04/10/2024	EF APPROD MATT, PAUL APPROD MATT, PAUL



STATE OF NEW SOUTH WALES
OFFICE OF THE PROJECT MANAGER

PROJECT MANAGER

D.A.W.

DESIGNED BY

T.K.W.

CONVEYANCING 2024 COUNTY ENGINEER, D.P.C.	
THE FOLLOWING INFORMATION IS FOR THE RECORD: THE ABOVE DESCRIBED PROPERTY IS BEING CONVEYED TO THE TOWN OF NEWSTEAD, COUNTY OF ERIE, STATE OF NEW YORK BY THE FOLLOWING:	
PROJECT ID: 2110121 PLANNING LOCATION ID: 3060135572	SPLIT/COMBINATION SHEET NUMBER: 1
TOWN OF NEWSTEAD COUNTY OF ERIE STATE OF NEW YORK	
SHEET TITLE: TITLE SHEET	
CE, JOB NUMBER: 61222.01	DEED NUMBER: GA001

TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES

GENERAL MEASURES

1. AS MUCH AS IS PRACTICAL, EXISTING VEGETATION SHALL BE PRESERVED, FOLLOWING THE COMPLETION OF CONSTRUCTION ACTIVITIES IN ANY PORTION OF THE SITE. PERMANENT VEGETATION SHALL BE ESTABLISHED ON ALL EXPOSED SOILS.
2. SITE PREPARATION ACTIVITIES SHALL BE PLANNED TO MINIMIZE THE SCOPE AND DURATION OF SOIL DISTURBANCE.

- [illegible]

1. TEMPORARY SEDIMENTATION ENTRAPMENT AREAS SHALL BE PROVIDED AT KEY LOCATIONS

- [illegible]



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

[illegible][illegible]

0	06/29/2024	1 NW	REVIEW
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DATE	IPK	DESCRIPTIONS
01/03/2024		

2	02/21/2025	RPS	PLANS WILL SHEET(S).
			ISSUED FINAL

3	001620	EF	WINDPOINT COLLAPSE, RESERVED FINAL
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[illegible][illegible]

[illegible][illegible]

[illegible]

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MANAGER

D.A.W.

BEER

086104
ENG

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0893-3200/04/\$12.00 DOI: 10.1037/0893-3200.18.4.565

LICENSED PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT

DOCUMENT IN ANY WAY, ANY USER/SELF WHO ALTERS THIS DOCUMENT IS REQUIRED BY LAW

ALTERED BY FOLLOWED BY HIS HER
SIGNATURE AND SPECIFIC DESCRIPTION OF THE
ALTERATION TO THE DOCUMENT

SITE INFORMATION

SWIFT MILLS
PROJECT ID: 2121021

FINDING LOCATION ID: 500017537

1000

COUNTY OF FRISBEE

STATE OF NEW YORK

SECRET 00000

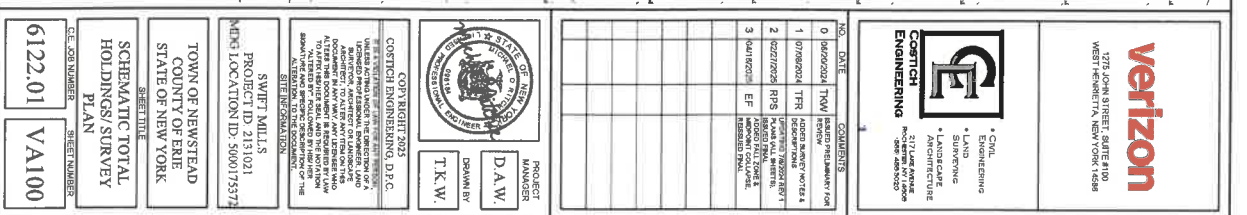
GENERAL NOTES

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1000

16122.01 GA0003

1000



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. 35, TOWNSHIP 13, RANGE 5 OF THE HOLLAND LAND COMPANY'S SURVEY AND FURTHER DESCRIBED AS FOLLOWS:

[illegible]

PER THE CERTIFICATE AND REPORT OF TITLE ISSUED BY STEWAR
TITLE INSURANCE COMPANY, HAVING TITLE NO. 71282707 DATED
AUGUST 30, 2023, SURVEY PERTINENT DETERMINATIONS ARE:

1. EASEMENT GRANTED BY MICHAEL, DATED OCTOBER 22, 1990 AND NEW YORK TELEPHONE COMPANY, DATED OCTOBER 22, 1990 AND RECORDED NOVEMBER 29, 1990 IN JERSEY 10239 OF DEEDS, PAGE 579, SAID EASEMENT CALLS FOR A 10' WIDE UTILITY EASEMENT ALONG THE NORTH SIDE OF BRUCKEN ROAD FOR THE RIGHT TO TIE IN TREES AND ROOTS ALONG SAID LINES, AS REASONABLY NECESSARY, TO KEEP THE SAID CABLE AND WIRES FREE AND CLEAR FROM INTERFERENCE ON SAID LAND AND WIRES FREE AND CLEAR FROM INTERFERENCE ON SAID LAND AND HIGHWAYS, AND THE PROPOSED VERTICALLY WIRELESS EASEMENTS AND LEASE PARCEL WILL NOT CROSS OR IMPACT THIS EXISTING EASEMENT.

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 ENTITLED "SCHEMATIC TOTAL HOLDINGS/SURVEY PLAN," PREPARED BY COSTICH ENGINEERING, D.P.C., HAVING DRAWING NUMBER R12201, SHEET NUMBER VAI09, LAST REVISED 09/20/2024, AND BEING MORE PARTICULARLY, BOUNDED AND DESCRIBED AS FOLLOWS:

1. N89°37'45"E, A DISTANCE OF 69.37 FEET TO A POINT; THENCE
2. S89°37'45"E, A DISTANCE OF 94.69 FEET TO A POINT OF CURVATURE, THENCE
3. SOUTHERLY ALONG A CURVE TO THE RIGHT, HAVING A DELTA ANGLE OF 59°53'45", A RADIUS OF 10.07 FEET, AND AN ARC LENGTH OF 34.60 FEET; AND CURVE ALSO HAVING A CHORD OF 9.89° 39.32"E
4. S89°37'45"E, A DISTANCE OF 69.72 FEET TO A POINT; THENCE
5. N01°22'05"E, A DISTANCE OF 24.26 FEET TO A POINT BEING THE NORTHEAST CORNER OF THE PROPOSED VERIZON LEASE PARCEL, THENCE
6. N89°37'45"E ALONG THE PROPOSED VERIZON LEASE PARCEL, A DISTANCE OF 10.00 FEET TO A POINT BEING THE NORTHWEST CORNER OF THE PROPOSED VERIZON LEASE PARCEL, THENCE
7. N01°22'05"E, A DISTANCE OF 14.53 FEET TO A POINT OF CURVATURE, THENCE
8. NORTHWESTERLY, ALONG A CURVE TO THE LEFT, HAVING A DELTA ANGLE OF 48°53'45", A RADIUS OF 91.07 FEET, AND AN ARC LENGTH OF 80.29 FEET, SAID CURVE ALSO HAVING A CHORD OF N64°11'01"W 75.00 FEET TO A POINT; THENCE
9. N89°37'45"E, A DISTANCE OF 283.75 FEET TO A POINT; THENCE
10. S89°37'45"E, A DISTANCE OF 70.21 FEET TO A POINT ON THE ASSUMED EASTERLY RIGHT-OF-WAY LINE OF MALE ROAD (N.S., ROUTE 89, ARRON LOOP/PORT ROAD), THENCE
11. N01°22'05"E, ALONG THE ASSUMED EASTERLY BOUNDARY OF MALE ROAD (N.S., ROUTE 89, ARRON LOOP/PORT ROAD) A DISTANCE OF 30.05 FEET TO THE POINT AND PLACE OF BEGINNING.

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COSTICH ENGINEERING

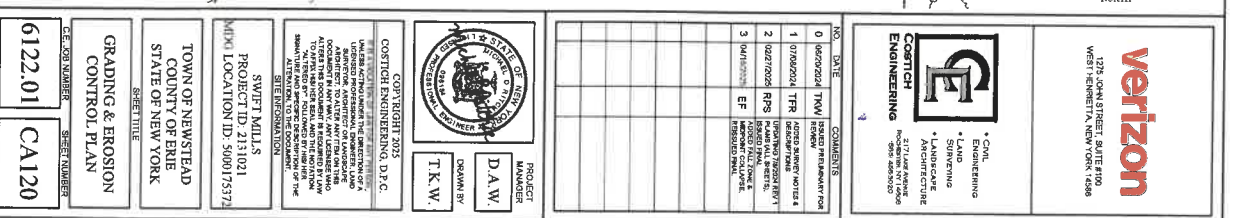
UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT, TO ALTER ANY ITEM ON THIS DOCUMENT IN ANY WAY, ANY USER WHO ALTERS THIS DOCUMENT IS REQUIRED BY LAW TO AFFIX HER/HIS SEAL AND THE MOTIVATION "ALTERED BY _____" FOLLOWED BY HER/HIS SIGNATURE AND BRIEF DESCRIPTION OF THE ALTERATION TO THE DOCUMENT.

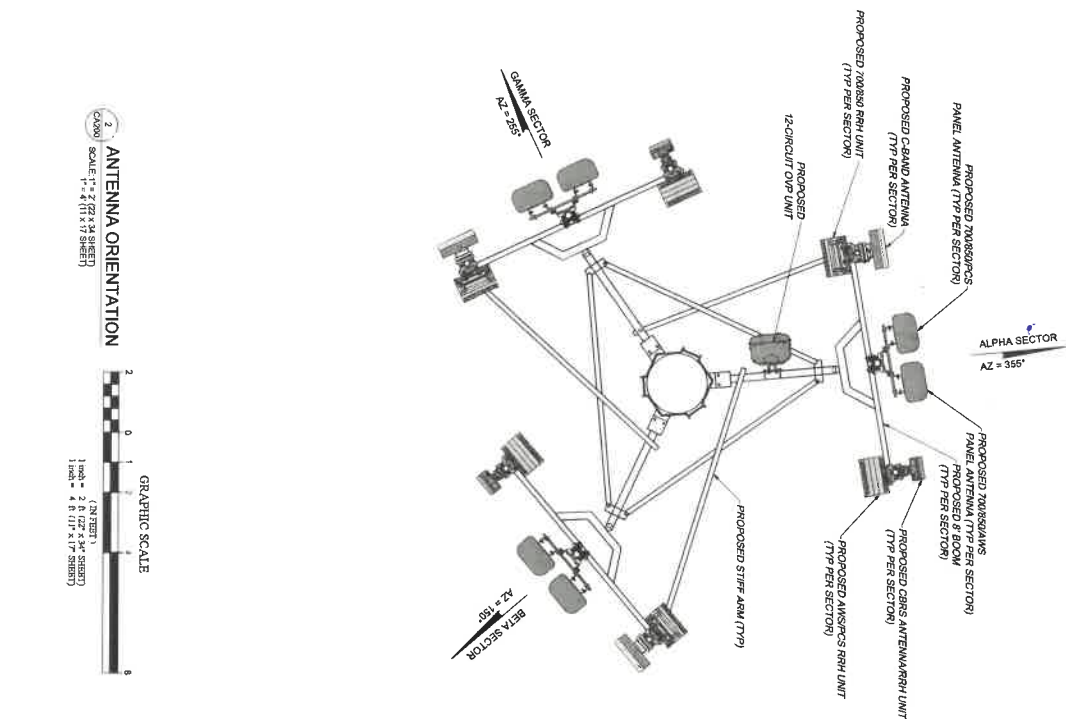
SWIFT MILLS
PROJECT ID: 2131021
MIDG LOCATION ID: 506017537

TOWN OF NEWSTEAD
COUNTY OF ERIE
STATE OF NEW YORK

SURVEY NOTES AND DESCRIPTIONS

6122.01	VA110
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verizon
1275 JOHN STREET, SUITE #100
WEST HENRIETTA, NEW YORK 14586



- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

No.	Date	Comments
0	06/20/2024	TNW
1	07/08/2024	TFR DESCRIPTION: NOTES & DESCRIPTIONS
2	08/27/2025	RPS SPENDING TRANSFER BY MAJOR PLAN, BENEVOLENT, MAJOR PLAN
3	04/15/2025	EF MAJOR PLAN, CHURCH RECEIVED PAID



PROJECT
MANAGER

D.A.W.

DRAWN BY

T.K.W.

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COSTICH ENGINEERING

LAW
UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT, TO ALTER ANY TITLE ON THIS DOCUMENT IN ANY WAY, ANY LICENSEE WHO ALTERS THIS DOCUMENT IS REQUIRED BY LAW TO AFFIX HIS/HER SEAL, AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS/HER SIGNATURE AND BRANCH OF DISCIPLINE OF THE ALTERATION TO THE DOCUMENT.

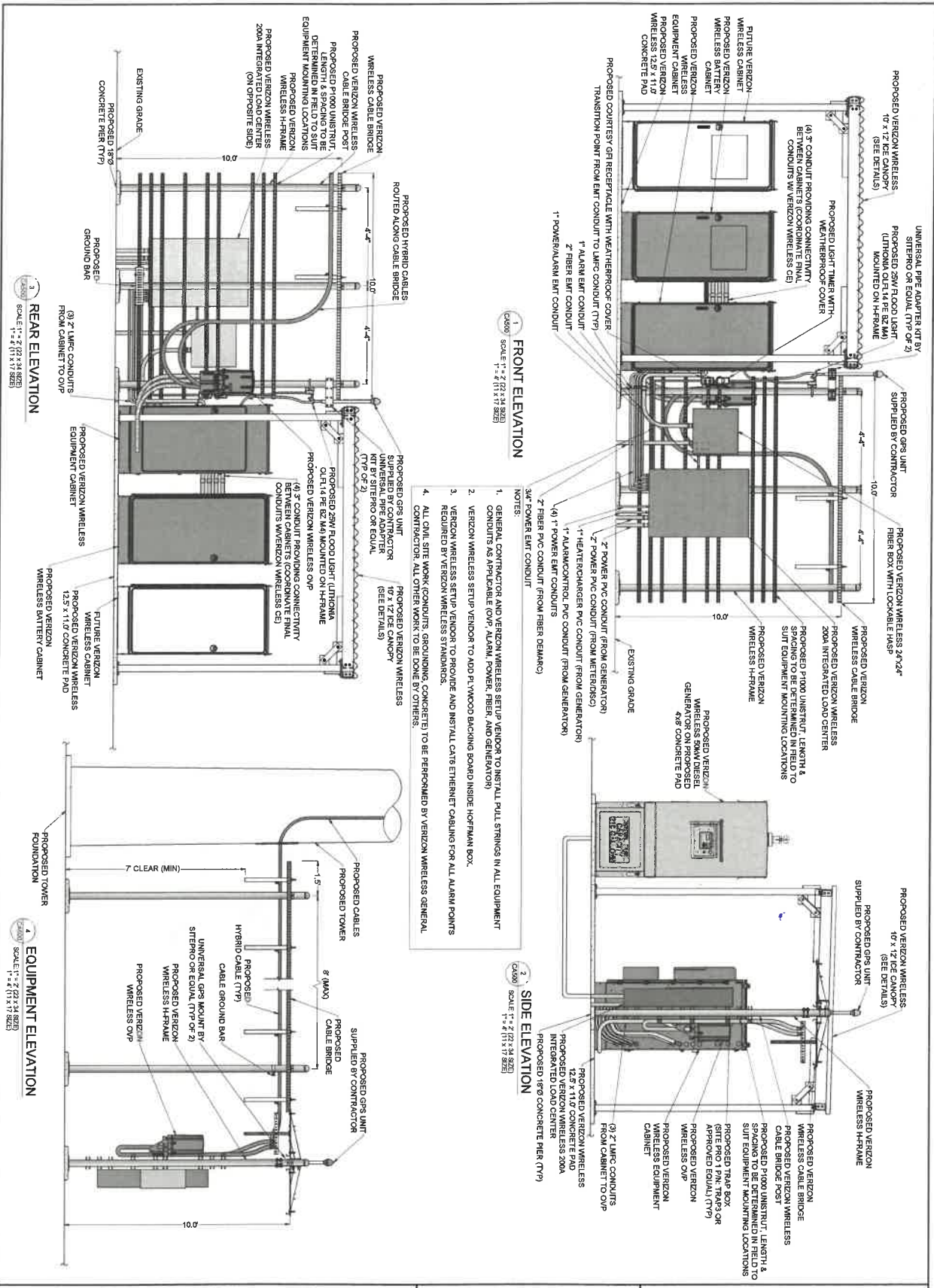
SWIFT MILLS
PROJECT ID: 2131021
MIDCO LOCATION ID: 500017537


TOWN OF NEWSTEAD
COUNTY OF ERIE
STATE OF NEW YORK

**TOWER ELEVATION AND
ANTENNA ORIENTATION
PLAN**

C.E. JOB NUMBER
6122.01

SHEET NUMBER
CA200





375 SOUTH STREET, SUITE #100
WEST HENNETTA, NEW YORK 1456

PROJECT INFORMATION

NO. DATE COMMENTS

1	10/26/2024	TRN	ADDED REVISION FOR
2	10/27/2025	RFI	ADDED REVISION FOR
3	04/02/2025	EF	ADDED REVISION FOR

PROJECT MANAGER

DAW

DESIGNED BY

T.K.W.

CONTRACT INFORMATION

CONTRACT NO. 2025

CLIENT: SWEET MILLS

PROJECT ID: 2131021

MEP LOCATION ID: 5000173372

TOWN OF NEWSTEAD

COUNTY OF ERID

STATE OF NEW YORK

ELEVATION

6122.01

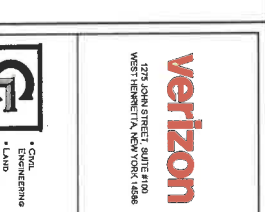
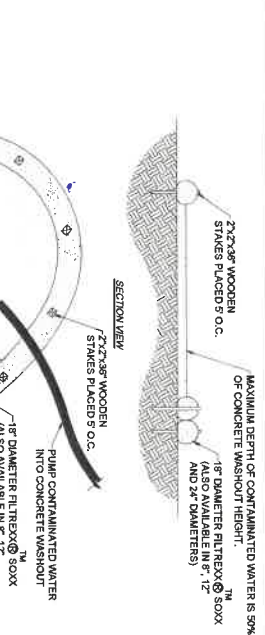
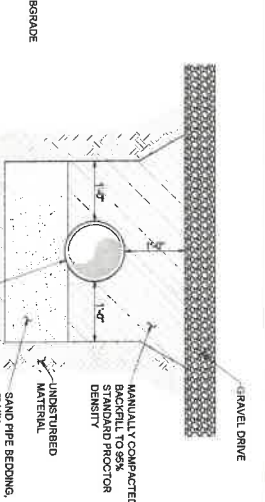
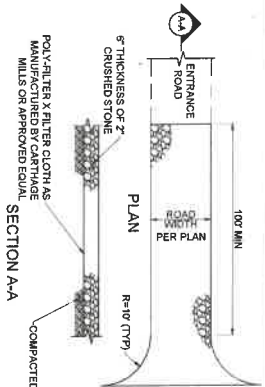
CA500

PROJECT MANAGER

DAW

DESIGNED BY

T.K.W.

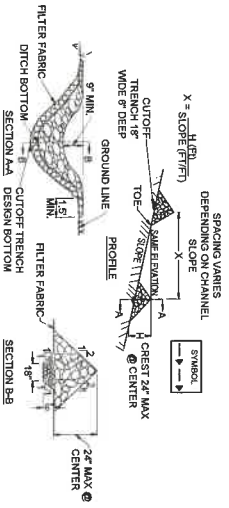


NOTES:

1. STONE SIZE - USE Z STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
2. LENGTH - NOT LESS THAN 100 FEET
3. THICKNESS - NOT LESS THAN SIX INCHES
4. WIDTH - 12 FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE Piped ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL A MOUNTAINABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH SHALL PERMIT TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF THE ENTRANCE SHALL BE DONE AS REQUIRED. STONE SHALL BE WASHED, WASHED, OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY.
8. WASHING - WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHT-OF-WAY. SEDIMENT SHALL BE REMOVED FROM THE ENTRANCE BY MANUAL METHODS UPSLOPE OF A SILT FENCE BARRIER.
9. SEDIMENT TRAPPING - SILT FENCE BARRIER SHALL BE INSTALLED DOWN SLOPE OF CONSTRUCTION ENTRANCE TO CATCH ANY SEDIMENT THAT COULD POTENTIALLY FALL OFF OF CONSTRUCTION EQUIPMENT AND/OR VEHICLES.
10. PERIODIC INSPECTIONS AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

STABILIZED CONSTRUCTION ENTRANCE DETAIL

SCALE: 1/2\"/>



CONSTRUCTION SPECIFICATIONS

1. STONE WILL BE PLACED ON A FILTER FABRIC FOUNDATION TO THE LINES, GRADES AND LOCATIONS SHOWN IN THE PLAN.
2. SET SPACING OF CHECK DAMS TO ASSURE THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAMS IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
3. EXTEND THE STONE A MINIMUM OF 15 FEET BEYOND THE DITCH BANKS TO PREVENT CUTTING AROUND THE DAM.
4. PROTECT THE CHANNEL, DOWNSTREAM OF THE LOWEST CHECK DAM FROM SCOUR AND EROSION WITH STONE OR LINER AS APPROPRIATE.
5. ENSURE THAT CHANNEL APERTURES SUCH AS CULVERT ENTRANCES BELOW CHECK DAMS ARE NOT SUBJECT TO DAMAGE OR BLOCKAGE FROM DISPLACED STONE.
6. MAXIMUM DRAINAGE AREA 2 ACRES.

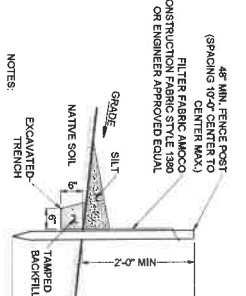
CHECK DAM DETAIL

SCALE: 1/2\"/>

1. OVER-EXCAVATE FOR BELLS.
2. ADDITIONAL BEDDING MAY BE USED AS ORDERED BY ENGINEER.
3. ALL EXCAVATION AND TRENCHING SHALL MEET COMB REQUIREMENTS.

CULVERT TRENCH DETAIL

SCALE: 1/2\"/>



1. SILT FENCE SHALL BE MAINTAINED IN PLACE DURING CONSTRUCTION AND SOIL STABILIZATION PERIOD.
2. CONTRACTOR SHALL CONSTRUCT SILT FENCE IN ACCORDANCE WITH MANUFACTURERS REQUIREMENTS.
3. EXCAVATE TRENCH 6\"/>

SILT FENCE DETAIL

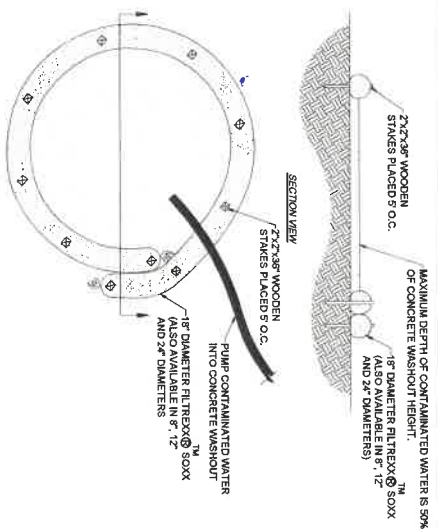
SCALE: 1/2\"/>

NOTES:

1. UNDER NO CIRCUMSTANCES MAY WASH WATER FROM THESE VEHICLES BE ALLOWED TO ENTER ANY SURFACE WATERS.
2. MAKE SURE THAT PROPER SIGNAGE IS PROVIDED TO DRIVERS SO THAT THEY ARE AWARE OF THE PRESENCE OF WASHOUT FACILITIES SHOULD NOT BE PLACED WITHIN 50 FEET OF STORM DRAINS, OPEN DITCHES OR SURFACE WATERS.
3. WASHOUT FACILITIES SHOULD NOT BE PLACED WITHIN 50 FEET OF STORM DRAINS, OPEN DITCHES OR SURFACE WATERS.
4. INSTALL ON FLAT GRADE NOT TO EXCEED 2%.
5. CONCRETE WASHOUT MAY BE STACKED IN A PYRAMIDAL CONFIGURATION FOR ADDED HEIGHT AND STABILITY.
6. CONCRETE WASHOUT SHALL BE PLACED IN A LOCATION FOR THE TRUCKS, PREFERABLY NEAR THE PLACE WHERE THE CONCRETE IS BEING POURED.
7. THEY SHALL BE IN A CONVENIENT LOCATION FOR THE TRUCKS, PREFERABLY NEAR THE PLACE WHERE THE CONCRETE IS BEING POURED.
8. CONCRETE WASHOUT NOT TO BE LESS THAN 6\"/>

CONCRETE WASHOUT DETAIL

SCALE: 1/2\"/>

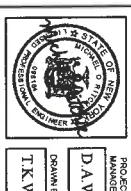


NO.	DATE	COMMENTS
0	06/05/2024	TOW
1	07/05/2024	TFR
2	02/27/2024	RPS
3	04/10/2024	EF



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SWIFT MILLS
PROJECT ID: 211021
MDC LOCATION ID: 500015572

TOWN OF NEWSTAD
COUNTY OF ERIE
STATE OF NEW YORK
SHEET TITLE
GRADING & EROSION
CONTROL DETAILS
SHEET NUMBER
61222.01
CA502

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.

PROPERTY LOCATION: V/L Maple Road
PROPERTY OWNER: Fix Management, LLC

MEETING DATE: August 21st, 2025, 7:00 PM

NEIGHBORS NOTIFIED
 X Yes No

VARIANCE REQUEST: USE X AREA

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

Code Violation: 373-3(B)(2)(A)(1)

1. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than the area variance.

☐ YES POLL: BK___AB___ JK___ VL___ FP___ RB___
☐ NO

The reason for your decision:

2. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

☐ YES POLL: BK___AB___ JK___ VL___ FP___ RB___
☐ NO

The reason for your decision:

3. Whether the requested area variance is substantial.

☐ YES POLL: BK___AB___ JK___ VL___ FP___ RB___
☐ NO

The reason for your decision:

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

☐ YES POLL: BK___AB___ JK___ VL___ FP___ RB___
☐ NO

The reason for your decision:

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude granting of the area variance.

☐ YES POLL: BK___AB___ JK___ VL___ FP___ RB___
☐ NO

The reason for your decision:

FINAL VOTE:

☐ VARIANCE APPROVED
☐ VARIANCE DENIED

DATE: _____

SIGNATURE: _____