

02/22/2021 THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BURKE, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILWOMAN POPE, TO WIT:

WHEREAS, The Town of Newstead has not previously considered the installation and use of intermodal freight transports, and similar vessels, for use as storage, office, warehouse, and/or other uses, within the Town, and has never addressed the need to regulate such freight transports and similar vessels ; and

WHEREAS, the Town Board believes that it is in the best interest of the Town of Newstead to impose a moratorium on the installation and use of intermodal freight transports, and similar vessels, within the Town until such time as the Town has the opportunity to review the potential concerns presented by such vessels, and their potential uses, and to come up with reasonable standards for such installations; and

WHEREAS, Councilperson Burke introduced the following proposed "Local Law No. 1 of the Year 2021", entitled "Amendment to the Code of the Town of Newstead placing a six-month moratorium on the installation and use of intermodal freight transports, and similar vessels, within the Town" and presented a copy to each member of the Board which reads as follows:

A Local Law known as Local Law No. 1 of the Year 2021 entitled "Amendment to the Code of the Town of Newstead placing a six-month moratorium on the installation and use of intermodal freight transports, and similar vessels, within the Town"

Be in enacted by the Town Board of the Town of Newstead as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 1 of the Year 2021 entitled "Amendment to the Code of the Town of Newstead placing a six-month moratorium on the installation and use of intermodal freight transports, and similar vessels, within the Town".

SECTION 2. PURPOSE

The Town of Newstead has never received any application for the installation and use of intermodal freight transports, which are storage containers designed and built for intermodal freight transportation (meaning that these storage containers can be used across different modes of transport, from ship to rail to truck, without unloading and reloading their cargo.), and/or similar vessels, within the Town, and has not enacted any provisions to the Code of the Town of Newstead to govern such installation and use of intermodal freight transports, and similar vessels. It now appears that there may be interest in the installation and use of intermodal freight transports, and similar vessels, within the Town, and before the Town receives any applications, the Town Board has determined that it would be in the best interest of the Town and its residents that the Town adopt a six month moratorium on the approval of permits for the installation and use of intermodal freight transports, and similar vessels, within the Town to allow the Town time to review potential concerns and to enact reasonable regulations governing such vessels, and their use, to not adversely impact neighboring properties and to promote and preserve the welfare of the Town of Newstead.

SECTION 3. AMENDMENT OF PRIOR LAW

1. Chapter 450 of the Code of the Town of Newstead, originally adopted on November 14, 1988 by Local Law No. 2 of the Year 1988, as subsequently amended, is further amended to add a new Section 450-41.0 which shall read as follows:

"For the period commencing on the effective date of this Local Law No. 1 of the Year 2021 and for six months thereafter, there shall be a moratorium on the approval of permits for the installation and use of intermodal freight transports, which are storage containers designed and built for intermodal freight transportation (meaning that these storage containers can be used across different modes of transport, from ship to rail to truck, without unloading and reloading their cargo.), and similar vessels, within the Town of Newstead. This provision shall not be applicable to the use of intermodal freight transports, and similar vessels, in connection with active commercial freight transportation and related business; in connection with storage or similar use on property in commercial and industrial districts within the Town; or in connection with ongoing pre-existing business and commercial operations in the Town."

SECTION 4. 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 5. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State and shall remain in place for a six-month period commencing with its effective date. This six -month period may be extended by the Town Board by the adoption of a resolution for that purpose.

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 7:15 p.m. on the 12th day of April, 2021, for the purpose of hearing all persons interested in the proposed Local Law No. 1 of the Year 2021; 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

BE, IT FURTHER ORDERED, that the Town Clerk is to make copies of the proposed "Local Law No. 1 of the Year 2021, entitled "Amendment to the Code of the Town of Newstead placing a six month moratorium on the installation and use of intermodal freight transports, and similar vessels, within the Town", 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 February 22, 2021, the results of which were as follows:

Councilwoman	Pope	Voted AYE
Councilman	Burke	Voted AYE
Councilman	Dugan	Voted AYE
Councilman	Jendrowski	Voted AYE
Supervisor	Cummings	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 February 22, 2021, for adoption a proposed Local Law to be known as “Local Law No. 1 of the Year 2021” entitled "Amendment to the Code of the Town of Newstead placing a six month moratorium on the installation and use of intermodal freight transports, and similar vessels, within the Town". The proposed Local Law will place a moratorium on the approval permits for installation and use of intermodal freight transports, and similar vessels, for use other than as commercial transport vessels, within the Town, to allow the Town time to enact reasonable regulations as to the installation and use of such intermodal freight transports, and similar vessels, to ensure that such installations and uses do not adversely impact neighboring properties and to promote and preserve welfare of the Town of Newstead and its citizens, which moratorium will apply to applications submitted after the effective date of this local law and for six months thereafter, and may be extended by resolution of the Town Board adopted for such purpose.

THEREFORE, pursuant to the Municipal Home Rule Law Rules and Local Law No. 1 of the Year 2021, 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 7:15 p.m. on the 12th day of April 2021, 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 April 5th, 2021

Dated: February 22, 2021

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD

02/22/2021

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 placing a six-month moratorium on the installation and use of intermodal freight transports, and similar vessels, within the Town; 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 project 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

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 April 12, 2021 the results of which were as follows:

Councilwoman	Pope	Voted _____
Councilman	Burke	Voted _____
Councilman	Dugan	Voted _____
Councilman	Jendrowski	Voted _____
Supervisor	Cummings	Voted _____