

SUPERVISOR
716-778-8531

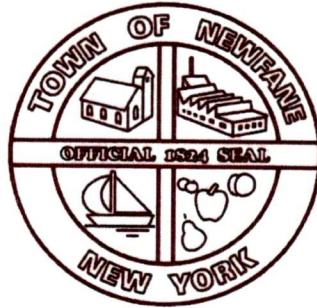
TOWN CLERK
716-778-8822
FAX 716-638-4183

ASSESSOR
716-778-8827

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716-778-6052

BUILDING INSPECTOR
716-778-5947

WATER/SEWER
716-778-8132



TOWN OF NEWFANE

2737 Main Street
Newfane, New York 14108
FAX 716-638-4261

JUSTICE COURT
2896 Transit Road
Newfane, New York
14108
716-778-9292

HIGHWAY
716-778-8844

WATER/SEWER
MAINTENANCE
716-778-8587

6176 McKee Street
Newfane, New York
14108

TDD 1-800-662-1220

RESOLUTION NO. 21 – 2024

PROPOSING ENACTMENT OF LOCAL LAW REZONING PREMISES KNOWN AS 6150 PROSPECT STREET NEWFANE, NY

WHEREAS, the Town of Newfane has proposed to rezone premises known as Meadowbrooke Apartments, 6150 Prospect Street Newfane, NY 14108, SBL Number 39.13-46.2, in the Town of Newfane, NY, from Single Family Residential (R-1)), to Multi-Family Residential (R-2), by the amendment of the Town of Newfane Zoning Map, dated July 1999, updated June 2016, and

WHEREAS, the amendment of the Town of Newfane Zoning Map, dated July 1999, updated June 2016, is proposed in the form of a Local Law, pursuant to the authority granted to the Town of Newfane ("Town") Town Board ("Town Board") by Articles 2 and 3 of the New York State Municipal Home Rule Law and by Article 2 of the New York State Statute of Local Governments, and the Town Board is authorized and empowered by Chapter 280, Article XLVIII of the Code, and Article 16 of New York Town Law to amend the Zoning Map of the Town to meet the growing and changing needs of the Town, and

WHEREAS, on June 28, 1978, The Town Board of the Town of Newfane, NY, at a regular meeting, passed a Resolution to rezone premises known as Meadowbrooke Apartments, 6150 Prospect Street, Newfane, NY from a One Family Residential District, to a Garden Apartment District, to allow construction of multi-residence apartments on said premises, the intent of the Town of Newfane Town Board at that time was to rezone premises to allow construction of a multi-residence apartment complex on the premises.

No Local Law was passed to effectuate such zoning change, and

WHEREAS, thereafter, a multi-residence apartment complex was constructed upon said premises, which has been in existence for over 45 years, and

WHEREAS, since no Local Law was ever passed by said Town Board to effectuate said zoning change, the current Zoning Map and past zoning maps were never changed to indicate that said premises was rezoned Multi-Family Residential (R-2). The current and past Zoning Maps only indicate that said premises is zoned One Family Residential (R-1), which prohibits construction of Multi-Family dwellings upon premises. It is therefore necessary for the Town Board to pass a Local Law to rezone said premises to Multi-family Residential (R-2), to effectuate the intent of the Town Board in said Resolution, and

WHEREAS, the Town of Newfane Planning Board has determined that the premises conforms to all the requirements to the Town's comprehensive master plan for multi-family residential, such as parking, fire safety access, area lighting, drainage and the like, and recommends approval of rezoning premises to Multi-Family Residential (R-2), and

WHEREAS, this proposed zoning change is therefore in furtherance of the Town's comprehensive master plan, and

WHEREAS, it is in the best interests of the Town, to confirm and effectuate the actions of the Town Board in its Resolution on June 28, 1978, by passing a Local Law to rezone premises to Multi-Family Residential (R-2), and

WHEREAS, such rezoning will not affect area properties, and would promote the general welfare of the Town, and

WHEREAS, a review is not required under the State Environmental Quality Review Act (SEQR), because premises to be rezoned is less than 5 acres.

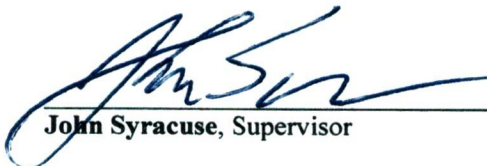
**NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE
TOWN OF NEWFANE, AS FOLLOWS:**

1. For the reasons set forth in this resolution, it is proposed that the premises be rezoned from Single Family Residential (R-1), to Multi Family Residential (R-2), and the current Zoning Map be AMENDED to reflect said zoning change.
2. In accordance with New York State Municipal Home Rule Law § 20(5), the Town Board hereby schedules a public hearing on the proposed zoning map amendment at its meeting on JULY 24, 2024, at

6:30 p.m.
7:00 p.m., to be held at the Town of Newfane Town Hall, located at 2737 Main Street Newfane, NY 14108. The Town Board directs the Town Clerk to provide notice to the public of the public hearing in accordance with the requirements set forth in the New York State Municipal Home Rule Law, Article 16 of New York Town Law, and § 280-340 of the Code, and directs the Town Clerk to publish of the proposed zoning map amendment in the Town's official newspaper not less than five (5) calendar days prior to the public hearing.

3. The Town Board also directs the Town Clerk to post a copy of the proposed zoning map amendment on the Town's web site, and to make a paper copy of the proposed Local Law available for review by the public at the Town Hall, located at 2737 Main Street, Newfane, NY 14108.

AYE X NAY _____


John Syracuse, Supervisor

AYE X NAY _____


Richard Coleman, Councilman

AYE _____ NAY _____

ABSENT 
Robert Horanburg, Councilman

AYE X NAY _____


Sue Neidlinger, Councilwoman

AYE ✓ NAY _____


Peter Robinson, Councilman

DATED: July 11, 2024

DONNA LAKES
Newfane Town Clerk

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village

(Select one.)

of NEWFANE

Local Law No. _____ of the year 20²⁴

A local law TO AMEND CHAPTER 270 OF THE NEWFANE TOWN CODE, ENTITLED "ZONING"

(Insert Title)

TO PROVIDE FOR A REZONING OF PREMISES KNOWN AS MEADOWBROOKE

APARTMENTS, 6150 PROSPECT STREET NEWFANE, NY, FROM R-1 SINGLE FAMILY

RESIDENTIAL, TO R-2 MULTI-FAMILY RESIDENTIAL.

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village

(Select one.)

of NEWFANE, NEW YORK

as follows:

SECTION 1. This Local Law amends Chapter 270 of the Code of the Town of Newfane, to provide for a change in zoning of premises known as Meadowbrooke Apartments, 6150 Prospect Street, Newfane, NY SBL Number 39.13-46.2 from R-1 Single Family Residence, to R-2 Multi-Family Residence, under the Newfane Zoning Map, dated July 1999, updated June 2016, and said Zoning Map is hereby AMENDED to reflect said change.

SECTION 2: This Local Law shall take effect immediately upon filing with the Secretary of State.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20²⁴ of the ~~(County)(City)(Town)(Village)~~ of NEWFANE was duly passed by the TOWN BOARD on _____ 20²⁴, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20²⁴, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____