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RESOLUTION #59-2026

RESOLUTION ISSUING A NEGATIVE DECLARATION UNDER SEQRA AND ADOPTING A LOCAL LAW REPEALING AND REPLACING ARTICLE I OF CHAPTER 168 OF THE CODE OF THE TOWN OF NEWFANE, ENTITLED “LIGHTING NUISANCES”

WHEREAS, the Town Board caused to be prepared and introduced a proposed local law to amend Chapter 168 of the Code of the Town of Newfane by repealing and replacing Article I thereof, entitled “Lighting Nuisances”; and

WHEREAS, said proposed local law repeals Article I of Chapter 168 in its entirety and replaces it with an article establishing shielding and aiming standards for exterior lighting fixtures, restrictions and prohibitions applicable to artificial light sources directed or projected outward onto or beyond a property line, exemptions, and provisions for enforcement and penalties; and

WHEREAS, by Resolution No. 51-2026, the Town Board scheduled a public hearing on the proposed local law for August 13, 2026, at 5:45 p.m., and directed that notice be published as required by law; and

WHEREAS, a Notice of Public Hearing upon said proposed local law was published in the official newspaper of the Town of Newfane not less than five days prior to the date of the hearing, and a copy of said proposed local law was placed on file with the Town Clerk and was available for public inspection during regular business hours; and

WHEREAS, a public hearing upon said proposed local law was duly held before this Town Board on August 13, 2026, at 5:45 p.m. at the Town Hall, 2737 Main Street, Newfane, New York, at which all persons desiring to be heard were afforded an opportunity to be heard, and said hearing was thereafter closed; and

WHEREAS, no substantive amendment has been made to said proposed local law subsequent to the close of the public hearing thereon; and

WHEREAS, said proposed local law, in its final form, has been upon the desks of each member of this Town Board for the period required by Municipal Home Rule Law § 20(4); and

WHEREAS, the Town Board is the only agency with authority to approve the proposed local law and is therefore the lead agency for purposes of considering the action under the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations, 6 NYCRR Part 617; and

WHEREAS, the Town Board has determined that the adoption of the proposed local law is classified as an Unlisted Action under 6 NYCRR Part 617; and

WHEREAS, a Short Environmental Assessment Form has been prepared with respect to said proposed local law pursuant to the direction of this Town Board contained in Resolution No. 51-2026, and this Town Board has reviewed the same together with the comment received at the public hearing; and

WHEREAS, the Town Board has considered the action and the criteria for determining significance set forth in 6 NYCRR section 617.7(c), and has determined the adoption of the proposed local law will not result in any significant adverse environmental impacts; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Newfane hereby declares itself lead agency for purposes of review of said proposed local law under SEQRA, and hereby classifies the adoption thereof as an Unlisted action; and

BE IT FURTHER RESOLVED, that based upon the Short EAF and the entire record before it, the Town Board hereby determines that the action will not have a significant adverse impact on the environment and adopts a Negative Declaration for the following reasons:

1. The proposed local law is regulatory in character. It authorizes, funds, and requires no physical alteration of land, no construction, no excavation, no clearing or grading, and no change in the permitted use or intensity of use of any land, and it effects no amendment to the Zoning Chapter or to the comprehensive plan of the Town.
2. The proposed local law regulates the shielding, aiming, and operation of lighting upon premises already developed and lawfully occupied. It authorizes no new lighting installation and permits no increase in illumination; its operative effect is to require that light be confined within the property from which it originates.
3. To the extent the proposed local law has any effect upon the environment, that effect is anticipated to be beneficial, consisting of the reduction of light trespass, glare, and nighttime skyglow upon neighboring properties, public streets, and the surrounding area.
4. The proposed local law affects no critical environmental area, no property listed on or eligible for listing on the State or National Register of Historic Places, no archaeologically sensitive area, no threatened or endangered species or its habitat, and no wetland, watercourse, or waterbody; and

BE IT FURTHER RESOLVED, that the Town Board hereby adopts and enacts the proposed local law to repeal and replace Article I of Chapter 168 of the Code of the Town of Newfane, entitled “Lighting Nuisances”; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to assign the local law its appropriate consecutive number; file a certified copy of said local law, together with the required Local Law Filing form, with the New York State Secretary of State within 20 days after final adoption in accordance with Municipal Home Rule Law § 27; transmit a copy of said local law to the Town’s code publisher for codification in the Code of the Town of Newfane; and take such further action as may be necessary or appropriate to effectuate this resolution; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, and the local law shall take effect upon filing with the New York State Secretary of State as provided in the local law and by Municipal Home Rule Law § 27.

By Order of the Town Board
Town of Newfane, Niagara County, New York
Adopted this ____ day of _____, 2026

Town Board Member

Vote

Supervisor John Syracuse

☐ Aye ☐ Nay

Councilman Paul Conrad

☐ Aye ☐ Nay

Councilman Robert Horanburg

☐ Aye ☐ Nay

Councilwoman Jessica Reinhardt

☐ Aye ☐ Nay

Councilman Peter Robinson

☐ Aye ☐ Nay