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RESOLUTION #61-2026

RESOLUTION ISSUING A NEGATIVE DECLARATION UNDER SEQRA AND ADOPTING A LOCAL LAW REPEALING AND REPLACING ARTICLE III OF CHAPTER 184 OF THE CODE OF THE TOWN OF NEWFANE, ENTITLED “USE OF TRUCKS, TRAILERS, AND SHIPPING CONTAINERS FOR STORAGE”

WHEREAS, the Town Board caused to be prepared and introduced a proposed local law to amend Chapter 184 of the Code of the Town of Newfane by repealing and replacing Article III thereof, entitled “Use of Trucks, Trailers, and Shipping Containers for Storage”; and

WHEREAS, said proposed local law repeals Article III of Chapter 184 in its entirety and replaces it with an article regulating the use of trucks, trailers, and similar vehicles and units for storage, regulating for the first time the placement and use of shipping containers, providing exceptions for construction, agricultural, moving, and emergency use, establishing a shipping container permit and the standards and fee applicable thereto, and providing for removal, cost recovery, penalties, and injunctive relief; 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 of any building or structure, no excavation, 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 use for storage purposes of movable vehicles, units, and containers upon premises already developed and lawfully occupied. It is prohibitory in its principal operation, and the exceptions it provides are limited in scope.
3. The issuance of a shipping container permit under the proposed local law is predicated solely upon the applicant’s compliance with the objective standards set forth therein, governing height, yard location, setback, floor area, screening or

painting, base, drainage, and off-street parking, and involves no discretionary determination respecting the use of land. Any container permitted must additionally comply with the Zoning Chapter.

- 4. To the extent the proposed local law has any effect upon the environment, that effect is beneficial. The standards require that containers visible from an adjoining lot or public road be screened or painted, that containers rest upon a firm base, that containers not be sited so as to divert or impound stormwater to the detriment of an adjacent lot, and that containers not occupy any off-street parking space or fire lane; and the removal provisions abate hazardous and unsightly storage conditions.
- 5. 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.

BE IT FURTHER RESOLVED, that the Town Board hereby adopts and enacts the proposed local law to repeal and replace Article III of Chapter 184 of the Code of the Town of Newfane, entitled “Use of Trucks, Trailers, and Shipping Containers for Storage”; 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