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RESOLUTION #62-2026

RESOLUTION ISSUING A NEGATIVE DECLARATION UNDER SEQRA AND ADOPTING A LOCAL LAW REPEALING AND REPLACING CHAPTER 249 OF THE CODE OF THE TOWN OF NEWFANE, ENTITLED “VEHICLES, OFF-ROAD”

WHEREAS, the Town Board caused to be prepared and introduced a proposed local law to repeal and replace Chapter 249 of the Code of the Town of Newfane, entitled “Vehicles, Off-Road”; and

WHEREAS, said proposed local law repeals Chapter 249 in its entirety and replaces it with a chapter regulating the operation of motorcycles, limited-use motorcycles, and limited-use off-road vehicles within the Town, protecting public and private property from trespass and nuisance, and providing for enforcement, penalties, impoundment, and confiscation; 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 regulates the manner and location in which vehicles already lawfully owned may be operated; it creates no trail, course, or facility, and opens no land to vehicular use.
2. The proposed local law is prohibitory in its operation. It regulates the manner and location in which vehicles already lawfully owned may be operated, and it authorizes no operation that is not otherwise lawful. It creates no trail, course, or facility, and it opens no land to vehicular use.
3. The prohibitions upon operating on the private land of another without permission and upon lands owned, leased, or controlled by the Town reduce the soil disturbance and vegetative damage attendant upon unauthorized off-road vehicle operation.
4. To the extent the proposed local law has any effect upon the environment, that effect is beneficial, consisting of the reduction of noise, of trespass upon private and public land, and of the soil disturbance and vegetative damage attendant upon unauthorized off-road vehicle operation.
5. The chapter makes no change in the use or intensity of use of any land.

BE IT FURTHER RESOLVED, that the Town Board hereby adopts and enacts the proposed local law to repeal and replace Chapter 249 of the Code of the Town of Newfane, entitled “Vehicles, Off-Road”; 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