

TOWN OF NEWFANE PLANNING BOARD MINUTES

JANUARY 27, 2026

Presiding: William Clark

Members Present:

Harvey Johnson	Peter Russell
Eoin Walsh	Thomas Mays
Daniel Whorley	James Evarts

Attending: Corey Weber, Town Attorney
David Schmidt, Building Inspector
Joshua Rogers, Consultant, Wendel

Omni Newfane Drake Settlement Road Solar, LLC

Public Hearing - Special Exception Use Permit

Planning Board member, Peter Russell, recused himself as a voter on decisions related to USG Omni Drake Settlement because he owns the adjoining property and is negotiating easements with USG and the property owner, Mr. Dannebrock.

Mr. Clark opened the Public Hearing and read the Public Notice. Omni Newfane Drake Settlement Solar, LLC, is requesting approval to develop a five (5) megawatt commercial solar energy project on property owned by Patrick Dannebrock located at 6260 Drake Settlement Road, Burt, NY 14028. This public hearing is a continuing review of their proposal to construct a utility-grade solar energy facility at this site. The public hearing will specifically consider a change in the project's scope of work to reroute power poles and overhead wires to connect with existing National Grid lines on Drake-Settlement Road. This modifies the previously announced design where poles and lines were to be routed along the property's south access lane to Transit Road. The Planning Board will hear and consider citizen and public input regarding this change and the project's Site Plan prior to taking action on the Special Exception Use permit application.

Lindsey Haubenreech, Phillips Lytle, LLP and Chris Mavity, UGE/Omni were present

Mr. Mavity explained that project design and layout remains the same as previously presented, except that the power poles and lines from the solar site will run to roadside National Grid lines on Drake-Settlement Road, instead of Transit Road

Chairman Clark asked if there were any questions from the public.

Bob Gmerk, a neighboring property owner asked about the poles that would run near his property and their visibility. There was discussion about the distance of the poles from his property and it was noted that existing natural landscape screening would not be disturbed.

Matt Russell suggested that the Planning Board obtain an easement that will allow access to the property if there is a drainage emergency. There was discussion about the most effective way to ensure town access if unresolved emergency conditions exist. An easement is one option or it was noted that the special use permit could contain a stipulation granting emergency access rights.

A resident asked about environmental reviews that had been done for the solar project. It was noted that a State Environmental Quality Review (SEQR) was completed earlier in the Planning Board's review of the project and the Planning Board approved a Negative Declaration determining the project poses no significant environmental impacts.

A Motion to close the Public Hearing was made by Thomas Mays and seconded by Eoin Walsh. Six of Seven Members Voted Aye, Peter Russell Recused Motion Carried.

The Board further considered if it was necessary to reopen the SEQR review of the project based on the planned pole and power line realignment. It was determined that the project changes would not impact or alter the environmental assessment that was previously approved.

A motion was made by Eoin Walsh and seconded by Thomas Mays to approve a resolution (attached) confirming that no additional SEQRA review is required and that the prior Negative Declaration remains valid for the Omni Newfane Drake Settlement Road Solar project.

A Roll call vote was taken:

Thomas Mays	Aye	Harvey Johnson	Aye
Eoin Walsh	Aye	William Clark	Aye
Daniel Whorley	Aye	Peter Russell	Recused
James Evarts	Aye		

Motion Carried

Chairman Clark and the Board reviewed the proposed DRAFT Special Use Permit (SEUP) for the Omni Newfane Drake Settlement Road Solar project, including each of its conditions and requirements.

A Motion was made by Daniel Whorley and seconded by Eoin Walsh to conditionally approve the Special Exception Use Permit. The conditional resolution is attached and the Board determined that the Special Exception Use Permit must include the following stipulations.

- A provision must be added to the DRAFT Special Exception Use Permit that gives the Town and emergency responders access to the site when a hazard, stormwater conditions or drainage problems exist that can impact neighboring properties and public safety.
- The decommissioning plan, project bonding, insurance and Host Community Agreement must be approved and in place before a Building Permit can be authorized.
- Final authorization and approval of the Special Exception Use Permit are conditional on final review and approval by the Town Engineer.

A roll call vote was taken:

Thomas Mays	Aye	Harvey Johnson	Aye
Eoin Walsh	Aye	William Clark	Aye
Daniel Whorley	Aye	Peter Russell	Recused
James Evarts	Aye		

Motion Carried

Site Plan Review - A Motion was made by Daniel Whorley, seconded by Thomas Mays to approve the Site Plan Review for the Omni Newfane Drake Settlement Road Solar Energy project,

A roll call vote was taken:

Thomas Mays	Aye	Harvey Johnson	Aye
Eoin Walsh	Aye	William Clark	Aye
Daniel Whorley	Aye	Peter Russell	Recused
James Evarts	Aye		

Motion Carried

Project Update – West Main/Jackson Residence and Short-Term Housing

The property owners at 5780 West Main Street, Olcott, who proposed construction of a residential and short term rental project at our November 2025 meeting, continue to review development options. The Planning Board cannot authorize a street front residential project at that site. The owners are considering options to revise their proposal or obtain a variance from the Zoning Board of Appeals.

A Motion to adjourn was made by Eoin Walsh and seconded by Daniel Whorley.

All Voted Aye

Motion Carried

Attachments: UGE Drake Settlement SEQR Resolution
UGE Drake Settlement Conditional SEUP Approval
UGE Drake Settlement Special Exception Use Permit

Respectfully Submitted,

Mickie M. Kramp,
Secretary

Next Planning Board Meeting
February 24, 2026