

SUPERVISOR
716-778-8531

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

ASSESSOR
716-778-8827

TAX COLLECTOR
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

TOWN OF NEWFANE PLANNING BOARD

RESOLUTION CONFIRMING THAT NO ADDITIONAL SEQRA REVIEW IS REQUIRED AND THAT THE PRIOR NEGATIVE DECLARATION REMAINS VALID FOR UGE INTERNATIONAL'S DRAKE SETTLEMENT ROAD SOLAR ENERGY SYSTEM PROJECT

WHEREAS, the Town of Newfane Planning Board (the "Planning Board") previously acted as lead agency under the State Environmental Quality Review Act ("SEQRA") and issued a Negative Declaration in 2022, determining that the proposed solar energy system project at 6260 Drake Settlement Road in Burt, New York would not result in any significant adverse environmental impacts; and

WHEREAS, subsequent to the issuance of the Negative Declaration, the applicant proposed certain modifications to the project, including the relocation of several power poles and lines within the project site and the construction of a small access road connecting to Drake Settlement Road; and

WHEREAS, the Planning Board has reviewed and considered the proposed modifications in accordance with SEQRA and its implementing regulations to determine whether the proposed modifications are substantive, meaning they may result in one or more significant adverse environmental impacts not previously identified or that are substantially more severe than those considered during the original SEQRA review; and

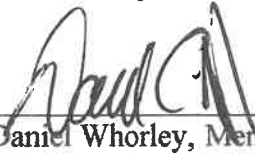
WHEREAS, the Planning Board has identified the relevant areas of environmental concern and has taken a hard look at the potential environmental impacts of the proposed modifications, including impacts related to land disturbance, vegetation removal, site access, traffic and transportation, and sensitive environmental resources; and



Thomas Mays, Member

X ☐ Yes

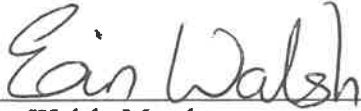
☐ No



Daniel Whorley, Member

X ☐ Yes

☐ No



Eoin Walsh, Member

X ☐ Yes

☐ No



Harvey Johnson, Member

X YES

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 Haubenreeich, 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

SUPERVISOR
716-778-8531

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

ASSESSOR
716-778-8827

TAX COLLECTOR
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

TOWN OF NEWFANE PLANNING BOARD

RESOLUTION TO APPROVE SPECIAL EXCEPTION USE PERMIT FOR UGE INTERNATIONAL DRAKE SETTLEMENT ROAD SOLAR ARRAY

WHEREAS, the Town of Newfane Planning Board previously received a Special Exception Use Permit and site plan application from to construct and operate a 5 megawatt (MW) solar farm on a portion of a 60-acre parcel located at 6260 Drake Settlement Road in Burt, New York (the "Project"); and

WHEREAS, the Newfane Planning Board reviewed the application and Project at several meetings and held the required public hearing and received comments from the public and received input from the Town's consultant, Wendel; and

WHEREAS, the Project was referred to the Niagara County Planning Board pursuant to Section 239-m of the General Municipal Law, and received approval of same from that body, and

WHEREAS, compliance with the State Environmental Quality Review Act (SEQRA) was previously addressed, and a Negative Declaration was issued in January 2022 after completion of a coordinated review, examination of the record, and a public hearing, and

WHEREAS, construction of the Project did not commence due to unforeseen circumstances, and

WHEREAS, the Project was sold to UGE International, and

WHEREAS, the Planning Board received a new application for a Special Exception Use Permit and site plan approval from UGE International, dated April 16, 2025, to construct and operate the Project, and

- a. Such use will be in harmony with and promote the general purposes and interest of Chapter 270 (Zoning provisions) in the Newfane Town Code.
 - b. The plot area is sufficient, appropriate, and adequate for the use and the reasonably anticipated operation and expansion thereof.
 - c. The proposed use will not prevent the orderly and reasonable use of adjacent properties in adjacent use districts.
 - d. The site is particularly suitable for the location of such use in the community.
 - e. The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area, or other place of public assembly.
 - f. The proposed use, particularly in the case of a non-nuisance industry, conforms with this chapter definition of the special exception use where such definition exists, or with the generally accepted definition of such use where it does not exist in this chapter.
 - g. Access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and further that vehicular entrances and exits shall be clearly visible from the street and not be within 75 feet of the intersection of street lines at a street intersection except under unusual circumstances.
 - h. All proposed curb cuts have been approved by the street and/or highway agency which has jurisdiction.
 - i. There are off-street parking and truck loading spaces at least in the number required by the provisions of Article X of the Newfane Town Code, but in any case an adequate number for the anticipated number of occupants, both employees and patrons or visitors; further, that the layout of the spaces and driveways is convenient and conducive to safe operation.
 - j. Adequate buffer yards and screening are provided where necessary to protect adjacent properties and land uses.
 - k. Adequate provisions will be made for the collection and disposal of stormwater runoff from the site, and of sanitary sewage, refuse, or other wastes, whether liquid, solid, gaseous or of other character.
5. The SEQRA Negative Declaration decision is still valid, and

Adopted by the Town of Newfane Planning Board this 27th day of January, 2026

Planning Board Member

Vote



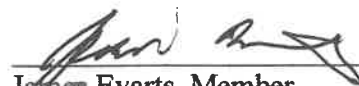
William Clark, Chairman

X ☐ Yes

☐ No

Peter Russell, Member

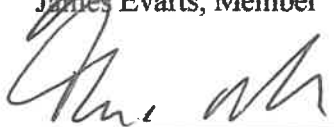
Recused



James Evarts, Member

X ☐ Yes

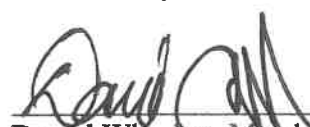
☐ No



Thomas Mays, Member

X ☐ Yes

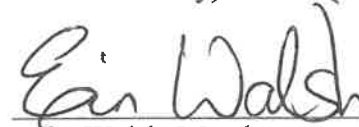
☐ No



Daniel Whorley, Member

X ☐ Yes

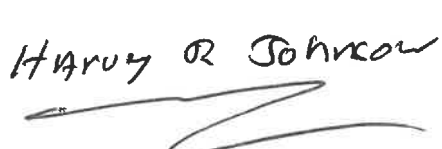
☐ No



Eoin Walsh, Member

X ☐ Yes

☐ No



Harry R Johnson

yes