

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

Tel. (716) 778-8531
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

RESOLUTION #48-2026 OF THE TOWN BOARD OF THE TOWN OF NEWFANE, NEW YORK

RESOLUTION AUTHORIZING THE ACQUISITION OF A PERMANENT EASEMENT OVER THE PATHWAY LEADING TO THE BURT DAM FISHING AREA

WHEREAS, the Town of Newfane owns, operates, and maintains Fishermen's Park, which includes a Town-owned parking area and provides the public's principal access to the Burt Dam Fishing Area along Eighteen Mile Creek; and

WHEREAS, the Burt Dam Fishing Area is a significant public recreational and fishing resource within the Town of Newfane; and

WHEREAS, for many years, the public has accessed the Burt Dam Fishing Area by means of an existing pathway running from the Town-owned parking area at Fishermen's Park along the eastern shore of Eighteen Mile Creek toward the Burt Dam Fishing Area; and

WHEREAS, a portion of said existing pathway crosses property owned by Susan Collins, f/k/a Susan Fedkiw, located along Eighteen Mile Creek near the Burt Dam and identified on the Niagara County tax maps as SBL No. 25.00-2-39; and

WHEREAS, the Town Board has determined that it is necessary, desirable, and in the public interest to acquire a permanent easement over the portion of said property where the existing pathway is located, so as to preserve access from Fishermen's Park and the Town-owned parking area to the Burt Dam Fishing Area; and

WHEREAS, the property owner, Susan Collins f/k/a Susan Fedkiw, agreed to grant, and has executed, a Public Access Easement Agreement, conveying a permanent easement to the Town over the portion of her property where the existing pathway is located for the sum of Two Thousand and 00/100 Dollars (\$2,000.00), which easement agreement is now presented to the Town Board for approval and authorization of the Supervisor's execution on behalf of the Town; and

WHEREAS, the Town arranged for a survey of the existing pathway, which survey and legal description have been completed by Wendel Engineering and are incorporated into the Public Access Easement Agreement; and

WHEREAS, the proposed Public Access Easement Agreement allows the Town of Newfane, its officers, employees, agents, contractors, representatives, invitees, and members of the public to use the existing pathway for access to and from the Burt Dam Fishing Area, together with such maintenance, inspection, repair, emergency access, access-assistance, and related municipal purposes as set forth in the Public Access Easement Agreement; and

WHEREAS, the proposed action consists of the Town's acquisition, acceptance, and recording of a permanent access easement over the existing pathway crossing a portion of the property owned by Susan Collins, f/k/a Susan Fedkiw, identified as SBL No. 25.00-2-39, for the purpose of preserving access from Fishermen's Park and the Town-owned parking area to the Burt Dam Fishing Area; and

WHEREAS, the Town Board has reviewed the proposed action under the State Environmental Quality Review Act and Chapter 110 of the Code of the Town of Newfane, and has determined that the proposed action is an Unlisted action under SEQRA; and

WHEREAS, the Town Board has reviewed the Short Environmental Assessment Form prepared for the proposed action, together with the facts and circumstances before the Board, and has considered the criteria for determining significance under 6 NYCRR 617.7; and

WHEREAS, the Town Board finds that the proposed action will not result in any significant adverse environmental impacts because the action is limited to acquiring and recording easement rights over an existing, historically used pathway; will not involve any further or new physical disturbance, construction, expansion, grading, excavation, filling, paving, or alteration; will not alter existing traffic, parking, noise, or neighborhood conditions; and will preserve continued public recreational access to the Burt Dam Fishing Area;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Newfane hereby declares itself lead agency for purposes of SEQRA review of the proposed action; and be it further

RESOLVED, that the Town Board hereby classifies the proposed action as an Unlisted action under SEQRA; and be it further

RESOLVED, that the Town Board hereby issues a negative declaration, finding that the proposed action will not result in any significant adverse environmental impacts and that no environmental impact statement is required; and be it further

RESOLVED, that the Town Board hereby authorizes and approves the acquisition of a permanent access easement from Susan Collins, f/k/a Susan Fedkiw, over that portion of her property identified as SBL No. 25.00-2-39, where the existing pathway leading from Fishermen's Park and the Town-owned parking area to the Burt Dam Fishing Area is located; and be it further

RESOLVED, that the permanent easement shall be limited to the pathway area shown on the survey and legal description prepared for the Town and incorporated into the final Public Access Easement Agreement, together with such reasonable rights of access, use, maintenance, repair, inspection, emergency access, access-assistance, and related municipal purposes set forth in the Public Access Easement Agreement; and be it further

RESOLVED, that the Town Board hereby finds and determines that the acquisition of said permanent easement serves a valid public and municipal purpose by preserving access to the Burt Dam Fishing Area and supporting the continued operation, maintenance, and public use of Fishermen's Park and related recreational resources; and be it further

RESOLVED, that the Town Board hereby approves the Public Access Easement Agreement executed by Susan Collins, f/k/a Susan Fedkiw, as Grantor, which agreement has been reviewed and approved as to form and content by the Attorney for the Town; and be it further

RESOLVED, that the Supervisor is hereby authorized and directed, in the name and on behalf of the Town of Newfane, to execute the Public Access Easement Agreement and any and all other documents necessary or appropriate to complete the acquisition and closing; and be it further

RESOLVED, that the Town Board authorizes payment to the property owner, Susan Collins, f/k/a Susan Fedkiw, in the amount of Two Thousand and 00/100 Dollars (\$2,000.00) as consideration for the grant of the permanent access easement; and be it further

RESOLVED, that upon execution and delivery of the permanent easement agreement, the Supervisor, Attorney for the Town, Town Clerk, and such other Town officers and employees as may be necessary are hereby authorized and directed to cause the easement to be recorded in the Niagara County Clerk's Office and to take all further actions necessary to effectuate the intent of this Resolution; and be it further

RESOLVED, that the Town Board authorizes payment of all reasonable and necessary survey, title, closing, filing, and recording costs associated with the Public Access Easement Agreement; and be it further

RESOLVED, that this Resolution shall take effect immediately.

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