

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

### RESOLUTION #6-2026

#### RESOLUTION TO ADOPT LOCAL LAW NO. 1-2026 ENACTING A TEMPORARY MORATORIUM ON BATTERY ENERGY STORAGE SYSTEM (BESS) FACILITIES

**WHEREAS**, the Town Board of the Town of Newfane is charged with protecting the public health, safety, and welfare of the residents of the Town; and

**WHEREAS**, the Town Board finds that Battery Energy Storage System (BESS) facilities present emerging land use, fire safety, environmental, and emergency response considerations that continue to evolve at the state and national level; and

**WHEREAS**, the Town Board previously adopted Local Law No. 1-2025 to impose a temporary moratorium on BESS facilities in order to allow the Town sufficient time to study and address such uses; and

**WHEREAS**, at a joint fire board meeting held on January 13, 2026, the Town received input from the Olcott Fire Company, Wrights Corners Fire Company, and Miller Hose Fire Company, including concerns relating to emergency response capabilities, firefighter training, equipment availability, and coordination with state agencies with respect to BESS facilities; and

**WHEREAS**, the Town Board finds that there remain unresolved concerns regarding, among other things: fire suppression and emergency response protocols for BESS facilities; the availability, adequacy, and specialized training of local emergency responders; the availability of appropriate firefighting equipment and resources; coordination among state agencies with jurisdiction over BESS facilities; and the need to ensure that local land use regulations remain consistent with evolving state guidance and safety standards; and

**WHEREAS**, the Town Board finds that BESS facilities present evolving land use and public safety considerations, and that a temporary moratorium on the acceptance, processing, consideration, or approval of any application, permit, site plan, special exception use permit, variance, building permit, or other approval relating to the construction, installation, or expansion of any BESS facility within the Town of Newfane is a reasonable and necessary land use planning tool to prevent the establishment of uses that may pose a risk to public safety while the Town continues to evaluate and, if necessary, amend its zoning and related regulations to address concerns related to BESS facilities; and

**WHEREAS**, the Town Board has determined that the adoption of Local Law No. 1-2026, entitled “2026 Temporary Moratorium Law on Battery Energy Storage System (BESS) Facilities,” constitutes a Type II action under the State Environmental Quality Review Act (“SEQRA”) (6 NYCRR § 617.5), as a temporary moratorium enacted for planning purposes that does not authorize physical alteration of the environment; and

**WHEREAS**, on January 29, 2026, the Town Board referred proposed Local Law No. 1-2026, entitled “2026 Temporary Moratorium Law on Battery Energy Storage System (BESS) Facilities,” to the Niagara County Planning Board in accordance with General Municipal Law § 239-M, and at its meeting held on February 23, 2026, the Niagara County Planning Board recommended approval of Local Law No. 1-2026; and

**WHEREAS**, the Town Board caused a Notice of Public Hearing to be duly published in accordance with Municipal Home Rule Law § 20(5) regarding proposed Local Law No. 1-2026, entitled “2026 Temporary Moratorium Law on Battery Energy Storage System (BESS) Facilities”; and

**WHEREAS**, the Town Board duly called and held a public hearing at Newfane Town Hall, 2737 Main Street, Newfane, New York 14108, on February 25, 2026, at 6:45 p.m., upon the question of the enactment of Local Law No. 1-2026, entitled “2026 Temporary Moratorium Law on Battery Energy Storage System (BESS) Facilities,” at which time all interested parties were given an opportunity to be heard; and now, therefore, be it

**RESOLVED**, that the Town Board of the Town of Newfane hereby adopts Local Law No. 1-2026, entitled “2026 Temporary Moratorium Law on Battery Energy Storage System (BESS) Facilities,” a copy of which is attached hereto and made a part hereof; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to file the adopted local law with the New York State Department of State in accordance with law; 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

Yes       No

\_\_\_\_\_  
Councilman Paul Conrad

Yes       No

\_\_\_\_\_  
Councilman Robert Horanburg

Yes       No

\_\_\_\_\_  
Councilwoman Jessica Reinhardt

Yes       No

\_\_\_\_\_  
Councilman Peter Robinson

Yes       No

**DATED:** \_\_\_\_\_