

APRIL 8, 2021

The regular meeting of the Town of Hartland, County of Niagara, State of New York, was held on the above date at the Town Hall, 8942 Ridge Road, Gasport convening at 7:00 p.m.

Members present:

Supervisor: W. Ross Annable

Councilman: Joseph Reed

Clifford Grant

David Huntington

David Hill

Attorney: David Haylett, Anthony Serianni

Assessor/ CEO: Michael Hartman

Attended by: Sign in sheet attached

Supervisor Annable called the meeting to order with all present standing for the pledge to the flag.

Public Hearing

A Local Law Declaring Excessive Lighting a Nuisance in the Town of Hartland

Date/Time/Place: April 8, 2021 at 7:00 pm at the Town Hall, 8942 Ridge Rd., Gasport NY

Notice of said hearing was duly published in the Union Sun & Journal

Notice was read and hearing called to order by Supervisor Ross Annable at 7:00 pm

Said Local Law places limits on exterior artificial lighting within the limits of the Town for purpose of preventing unwanted nuisance upon neighboring residential real property owners and occupants. Said Local Law provides standards for artificial lighting fixtures to avoid excessive lighting and harsh glare. Lighting fixtures for governmental agencies, emergency response agencies, construction repair work, and residential temporary holiday use are expressly excepted from the requirements of this Local Law.

The complete text of said Law is on file at the Office of the Town Clerk and is available for review by any interested person during business hours.

At such public hearing, all persons interested, who wish to be heard will be heard.

Roseanne Heitzenrater, 2450 Quaker Road, approached the board for comments. Mrs. Heitzenrater asked the board why such a law is needed? Supervisor Annable explained that there had been numerous complaints about the lighting and the Code needed to be revised to include such issues. Mrs. Heitzenrater asked when the complaints were taken.

Supervisor Annable that the complaints came in about 3 months ago, but the issue had been an ongoing problem. The law looks at the amount of light in a square foot, the state has some guidance pertaining to LED lights, which are much brighter. He said that when the lighting goes beyond your own yard, it is considered invasive.

Mrs. Heitzenrater asked how someone knows it is invasive, how is it determined? She stated that the complaints were not noted in the minutes from a year ago.

Annable asked if the lighting went beyond the roadway and beyond the property line? The Code Enforcement Officer would measure.

Mrs. Heitzenrater stated that they had applied for a permit to build a storage building and were denied, because they would not turn down the lights. The town has done nothing to make this a less hostile situation. How did a lighting law turn into a nuisance law? Why didn't the Supervisor contact the DEC, when he said that he would investigate the problem? The only violation has been a burning violation, this is a civil matter. Mrs. Heitzenrater said that there has been no response to the final letter sent to the Town.

Supervisor Annable said that the matter was now in the Attorney's hands and we will look to the law to proceed. The Zoning Officer was directed to call the DEC, which is the proper authority to contact, this was not a personal issue, but a complaint that was filed.

Mrs. Heitzenrater stated that she was against the lighting law.

Darryl Lindahl, 2449 Quaker Road, stated that he has been dealing with the lights from Heitzenrater's for over 2 years. He stated that had discussed some issues at the town hall and the next day, Mr. Heitzenrater put up the lights. He believes that light pollution is a nuisance. It changes the use of his property, the enjoyment of his property. The lights are not shielded, and the glare is a safety issue, potentially dangerous at night. He has tripped in his own driveway because of the glare. Mr. Lindahl produced pictures of the lights shining in his property at nighttime. He also has animals which have suffered because of the lighting 24/7. This whole issue could have been resolved, should have been taken care of. There is a law on file for solar to protect our community, the state has guidelines, he has called the DEC. Mr. Lindahl stated that he is in favor of the lighting law.

Robert Spencer, 8496 Seaman Road, said that he understands why the town wants a lighting law. He also stated that the measurement by candle law is not accurate anymore, modern technology should be used for the measure. The average measure for a private house is 1 square meter, this

will light up a stairway, which is too dim for security purposes. He suggested tilting the lights downward, there should be a compromise.

Supervisor Annable said that he would have the standards checked, but that the primary problem is that the lighting is reaching over the property line. Someone had offered to build shields for the lights, but Mr. Heitzenrater declined.

Code Enforcement Officer Hartman had also asked Mr. Heitzenrater to consider putting shields on the lights and was told that he would not shield his lights until the Town of Hartland put shields on their buildings.

Councilman Hill stated that the lights could be as bright as you want but the shine needs to stay on your own property.

Supervisor Annable stated that the complaint should have been simply rectified, but that has not happened, so now we need a law to rectify the situation. The town has asked for shielding of the lighting and for the light to stay on the persons own property.

Mrs. Heitzenrater stated that the shielding of the lighting was demanded, not asked and that there has been constant harassment.

Supervisor Annable asked if anyone else would like to be heard. With no one else wishing to be heard, the public hearing was closed at 7:30 pm.

Public Hearing # 2

A Local Law Amending the Zoning Map of the Town of Hartland

Date/Time/Place: April 8, 2021 at 7:00 pm at the Town Hall 8942 Ridge Rd., Gasport NY

Notice of said hearing was duly published in the Union Sun & Journal

Notice was read and hearing called to order by Supervisor Ross Annable at 7:31 pm

Said proposed Local Law amends the Zoning map of the Town of Hartland to change the zoning classification for a parcel identified by Tax Map No. 86.00-1-3.2, located at 3807 Stone Road, Middleport, New York, from a One-Family Residential Use District and Agricultural Use District to an Agriculture-Business Use District.

The complete text of said Law is on file at the Office of the Town Clerk and is available for review by any interested person during business hours.

At such public hearing, all persons interested, who wish to be heard will be heard.

Supervisor Annable asked those in attendance if anyone wished to speak. With no one wishing to be heard, the public hearing was closed at 7:34 pm

Minutes**RESOLUTION 73-2021**

MOTION by Councilman Grant, seconded by Councilman Huntington to adopt the minutes of the March 11 and March 25, 2021 meetings as presented.

Ayes: Annable, Reed, Grant, Huntington, Hill Nays: 0 CARRIED

Abstract of Bills**RESOLUTION 74-2021**

MOTION by Councilman Reed, seconded by Councilman Hill resolved that the following bills, as prepared by the Clerk and having been reviewed by the Town Board, be authorized for payment in the following amounts:

Voucher #'s	202100228– 202100305
General:	35988.50
Part Town:	1134.70
OWD:	61977.35
Highway:	18652.93
Refuse:	25617.26
Fire:	<u>93142.86</u>
Total:	143370.74

Ayes: Annable, Reed, Grant, Huntington, Hill Nays: 0 CARRIED

HIGHWAY REPORT: Read and filed

Surplus Equipment to sell**RESOLUTION 75-2021**

MOTION by Councilman Huntington, seconded by Councilman Reed to declare the following equipment as surplus:

2006 Sterling LT 9000 tandem plow truck with Epoke Sander

2007 Ford F-150 old assessor's truck

Gas golf cart from Hartland Cemetery

2 Army Gators

Ayes: Annable, Reed, Grant, Huntington, Hill Nays: 0 CARRIED

Sell surplus equipment at auction

RESOLUTION 76-2021

MOTION by Councilman Reed, seconded by Councilman Grant to sell surplus equipment at Teitsworth Auction.

Ayes: Annable, Reed, Grant, Huntington, Hill Nays: 0 CARRIED

WATER REPORT: Read and filed

Superintendent Hurtgam reported water loss at 9.41 %

ASSESSOR / CEO REPORTS: Read and filed

Assessor Hartman reported that the State is changing the laws on the STAR program.

PUBLIC PARTICIPATION – AGENDA ITEMS: None

OLD BUSINESS: None

NEW BUSINESS:

ADOPTION of Local Law entitled

A Local Law Declaring Excessive Lighting a Nuisance in the Town of Hartland

Councilman Grant suggested that since there were some concerns on the wording and measurements for lighting, that the vote should be postponed until researched. He asked the legal counsel to look at the examples from the Town of Porter and Town of Hamburg. The parameters would not be as restrictive, use the description "reasonable measures" for shining on other properties.

It was decided to hold off on the vote for Public Hearing #1

ADOPTION of Local Law entitled

A Local Law Amending the Zoning Map of the Town of Hartland

*Noted that this is a type 2 amendment for SEQR purposes.

Annable: Aye

Reed: Aye

Grant: Aye

Huntington: Aye

Hill: Aye

ADOPTED

The Local Law will become effective immediately upon filing with the Secretary of State.

The complete text of the said Law is on file in the Office of Town Clerk and is available for review by any interested person during business hours.

PUBLIC PARTICIPATION:

Darryl Lindahl stated that when he had called the town, concerning the gas emissions from the trucks, idling, at Heitzenrater's property, he was directed to call the DEC. Supervisor Annable explained that the DEC was the proper authority to call since this was not a town issue.

Adjournment

RESOLUTION 77-2021

MOTION by Councilman Hill, seconded by Councilman Huntington that since there is no further business to come before the board, the meeting be adjourned at 7:40 p.m.

Respectfully submitted:

Cynthia S. Boyler RMC

Town Clerk

Next scheduled regular meeting will be May 13, 2021 at 7:00 p. m.