





The need for additional employees

The need for additional parking

The addition of outside dining

Expanding market opportunities

Modifications to the Site Plan

Agri-Business expansions are a benefit to the community as well as other local businesses. The Town of Hartland currently has Becker Farms, which is zoned Agri-business.

Public Hearing Notice

**RESOLUTION 64-2021**

**MOTION** by Councilman Grant, seconded by Councilman Reed to advertise for a Public Hearing on the proposed rezone of 3807 Stone Road, as an Agri-Business parcel. Said Public hearing would be scheduled for April 8, 2021 at 7:00 pm.

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

**OLD BUSINESS:**                      None

**NEW BUSINESS:**

**Introduction to Local Law No. 1-2021**

**LOCAL LAW NO. 1\_ OF THE YEAR 2021  
TOWN OF HARTLAND  
COUNTY OF NIAGARA, STATE OF NEW YORK  
A Local Law Declaring Excessive Lighting a Nuisance in the Town of Hartland**

Be it enacted by the Town Board of the Town of Hartland as follows:

**Section 1. Purpose.**

It is hereby declared to be the policy of the Town of Hartland to prevent unreasonably bright artificial lighting and to reduce the level of artificial lighting on surrounding properties within the Town so as to preserve, protect and promote the public health, safety and welfare within the Town for the inhabitants thereof. The Town Board finds that excessive artificial light levels are offensive and detrimental to the enjoyment of property, and that excessive and unnecessary artificial light within the Town of Hartland is a nuisance and a menace to public health, safety, welfare and the comfort of the people of the Town, and negatively affects the value of their property.

**Section 2. Authority.**

This law is enacted pursuant to the Town Board's authority to adopt Local Laws under Article IX of the New York State Constitution and Section 10 of the Municipal Home Rule Law. Section 3. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

**FOOTCANDLE**

A measure of light falling on a surface. One footcandle is equal to the amount of light generated by one candle shining on one square foot of surface located one foot away.

**LAND**

Includes not only buildings but the ground, soil or earth as commonly understood.

**LIGHTING FIXTURE**

A lighting unit consisting of the lamp, lens, optical reflector, housing and electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control, which emits artificial light.

**Section 3. Restrictions on Artificial Lighting and Illumination.**

A. General Requirements. No exterior artificial lighting fixture shall be installed or positioned in a manner that:

- (1) The light shines upon any neighboring residential property at a level that exceeds the standards set forth in this Law; or
- (2) The light shines on or into any room or rooms, porches or patios of any neighboring residential property at a level that exceeds the standards set forth in this Law; or
- (3) The light shines on a neighboring property in such a manner as to be a nuisance or an annoyance to a neighboring residential property and interferes with the physical comfort of the occupants.

B. Standards.

- (1) Exterior lighting fixtures shall not be illuminated during daylight hours.
- (2) Exterior lighting fixtures must be designed and installed in a manner and at an angle so as to avoid glare and harsh lighting levels.
- (3) Site lighting shall be designed and installed to minimize off-site impacts, including glare and/or illumination of the night sky.
- (4) Lighting fixtures which present a potential to cause a violation of this Code shall be outfitted with screening or shields so as to prevent such violation.
- (5) In addition to other restrictions, but not by way of limitation thereof, artificial lighting shall be deemed to be excessive if the artificial light emitted from a property onto a neighboring residential property exceeds 0.1 footcandle as measured from the property line. Footcandle measurements shall be made with a photometric light meter.

C. Exceptions. The following are excepted from the outdoor lighting provisions:

- (1) Lighting fixtures and standards required by federal, state or local agencies, including street lights within the public right-of-way.
- (2) Outdoor lighting fixtures used by law enforcement, fire and rescue, or other emergency response agencies to perform emergency or construction repair work, or to perform nighttime road construction.
- (3) Temporary holiday lighting fixtures, not utilizing spotlights or other types of bright lighting.

D. Exterior Lighting Plans.

The Planning Board may require an applicant for a subdivision, special use permit, or site plan review to submit with its application an exterior lighting plan depicting the number, location, mounting height, type of fixture, and level of proposed illumination. The Planning Board may limit the number and type of outer lighting fixtures, and require outdoor lighting fixtures incorporate full cutoff designs to ensure that no light output is emitted at or above the horizontal plane drawn through the bottom of the lighting fixture. The Planning Board may

require the applicant to submit a computer-generated photometric diagram showing the proposed lighting plan and compliance with the standards set forth in this Section.

**Section 4. Penalties for Offenses.**

A violation of this Local Law shall be punishable by a fine not to exceed \$250.00 to imprisonment for a term not exceeding 15 days. or both fine and imprisonment, at the discretion of the Town Court. Each day that a particular violation shall continue shall constitute a separate offense.

**Section 5. Severability**

If any word, phrase or part of this law shall be declared invalid or unconstitutional, the same shall be severed and separate from the remainder of the law, and said remainder shall continue in full force and effect.

**Section 6. Effective Date.**

This law shall be effective immediately upon the filing of the law with the Office of the Secretary of State.

**RESOLUTION 65-2021**

**MOTION** by Councilman Reed, seconded by Councilman Huntington to set the date of April 8, 2021 at 7:00 pm for the Public Hearing on the Local Law #1-2021.

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

**Franchise Agreement between Town of Hartland and Charter Communications**

**RESOLUTION 66-2021**

**MOTION** by Councilman Huntington, seconded by Councilman Hill to approve the agreement with Charter Communications to provide services, facilities, and equipment for future cable related needs of the community.

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

**Investment Policy**

**RESOLUTION 67-2021**

**MOTION** by Councilman Huntington, seconded by Councilman Hill to approve the updates to the Investment Policy.

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

**RESOLUTION 68-2021**

**OPPOSING THE ADDITION OF SECTION 575-B TO THE REAL  
PROPERTY TAX LAW IN THE 2022 NYS BUDGET**

**MOTION** by Councilman Reed, seconded by Councilman Grant to oppose the addition to the NYS Real Property Law;

WHEREAS the New York Real Property Tax Law Section 487 provides a 15-year real

property tax exemption for properties on which wind or solar energy projects are built, and WHEREAS. the real property tax exemption is not mandatory under current law since Section 487 allows local governments to opt out of the exemption and tax wind or solar energy projects based on their full assessed value, and

WHEREAS, if a town does not opt out of the current Section 487, it can require the wind or solar project to enter into a Payment In Lieu of Taxes (PILOT) agreement, and

WHEREAS, under the current Section 487 provision, towns have the ability to negotiate a PILOT with a developer or require that the project pay full taxation based on the assessed value, and

WHEREAS. through the budget process, the State seeks to add Section 575-b to the Real Property Tax Law, which will drastically change the way real property is assessed for wind and solar energy systems (equal to or greater than 1 megawatt) by establishing a state wide standardized approach for real property tax assessment for wind and solar energy projects. and

WHEREAS. through the budget process. the State also seeks to mandate that the assessed value for solar or wind energy projects will be determined by an income capitalization or discounted cash flow approach that considers an appraisal model created by the New York State Department of Taxation and Finance, and in consultation with the New York State Energy Research and Development Authority, and

WHEREAS, through the budget process, the State-determined assessment will also include a solar or wind energy discount rate that is set annually by the New York State Department of Taxation and Finance, and

RESOLVED, the Town of Hartland holds strongly to the right to home rule established in Article 9 of the NY State Constitution, especially with regard to land use and real property taxation, and be it further

RESOLVED, Governor Cuomo has introduced Section 575-b in this years budget bill in order to abolish the Town of Hartland's ability to assess real property used for renewable energy projects and effectively eliminate any local control currently provided by Section 487. and be it further

RESOLVED, the Town of Hartland is adamantly opposed to the addition of Section 575-b to the Real Property Tax Law in the 2022 budget, and be it further

RESOLVED, the Town of Hartland calls upon county and state elected to oppose Section 575-b of the Real Property Tax Law before it is enacted in the budget process.

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

### **PUBLIC PARTICIPATION**

Mike Webber, project concept manager and owner of Niagara County Entertainment, LLC, presented to the board a project outline for a 12 mural project to be displayed one each, in each of the 12 municipalities in Niagara County. The murals will be painted by 12 individual artists, Mark Weld has volunteered to design the mural for Hartland. The finished mural will be a black line, outline, with different shapes that are numbered, creating a large paint by number image. There will be a local guardian appointed to oversee the maintenance and to give out the chalk for coloring the mural. A plaque will be affixed, next to the mural, with a brief description, a color guide and the name of the artist who painted it. A GPS list will be displayed for the other 11 murals around the county.

The desired result is to increase tourism, encourage new and professional artists to use their talents, while creating local pride.

Mr. Webber is asking for permission from the board to install the work, keep the area accessible and for the caretaker to remove any unwanted graffiti.

The Town board expressed their approval of the project, which will begin in May. Supervisor Annable thanked Mr. Webber for creation of the project.

Darrell Lindahl, Quaker Road, stated that he attended a meeting of the Town of Newfane, at which the Town had adopted a local law restricting solar projects on agricultural lands. He asked if the Town was considering adopting a similar law.

Supervisor Annable stated that the Town of Hartland already has a local law which has restrictions on solar and wind projects.

Mr. Lindahl then asked if the Nuisance law which was introduced would state any restrictions on diesel engines that run for extended periods of time and cause noise and emissions.

Supervisor Annable said that he would contact the DEC concerning the emissions.

#### Executive Session

#### **RESOLUTION 69-2021**

**MOTION** by Councilman Huntington, seconded by Councilman Reed to enter Executive Session to consult with Legal Counsel , at 7:30 pm

**MOTION** by Councilman Hill, seconded by Councilman Reed to exit Executive Session at 7:40 pm. With no motions having been made.

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

#### Adjournment

#### **RESOLUTION 70-2021**

**MOTION** by Councilman Huntington, seconded by Councilman Grant that since there is no further business to come before the board, the meeting be adjourned at 7:41 p.m.

Respectfully submitted:

Cynthia S. Boyler RMC

Town Clerk

Next scheduled regular meeting will be April 8, 2021 at 7:00 p. m.

