

REGULAR MEETING – August 28, 2023
of the
TOWN BOARD OF HANOVER – 7:30PM

Present: Louis F. Pelletter, Deputy Supervisor Wayne L. Ashley, Councilperson
 Edward Schintzius, Councilperson Timothy B. Crino, Town Clerk
Absent: Supervisor Todd H. Johnson and Councilperson Bernard Feldmann, Jr.

Also: Highway Superintendent P. Pelletter, Bookkeeper E. Kiefer, Town Attorney J. Passafaro, Observer Reporter B. Carmen and approximately 11 other interested people

The meeting opened with the Pledge of Allegiance.

Floor opened to the public.

Monthly reports of the Department heads were submitted and received.

Upon a motion by Mr. Schintzius, seconded by Mr. Ashley and unanimously carried, the minutes of the August 14, 2023 meeting were approved as presented.

7:35PM – Public Hearing for the purpose of hearing public comments on the application for the proposed construction of a Solar Generation Plant. NY Hanover I, LLC has submitted a revised application for a Special Use Permit and Site Plan Approval, under Local Law # 1 of 2020, Regulating Solar Systems in the Town of Hanover, for a proposed solar development project of a 2.7 MW AC solar farm, on an approximately 13.98-acre portion of a 61.30-acre parcel of agricultural land and young growth forest, located at 12171 Hanover Road, Silver Creek, NY, in the Town of Hanover (Parcel ID: 49.00-1-44). Town Clerk Crino certified that the Notice of Public Hearing was posted on the bulletin board and was duly published. Upon a motion by Mr. Ashley, seconded by Mr. Schintzius and unanimously carried, the Town Board approved to recess the regular meeting and open the Public Hearing. Daniel Compitello, Project Developer, Delaware River Solar (DRS), provided a brief summary of the project. Mr. Compitello advised the following in response to questions from the public:

- that the reconfiguration of the project, to comply with all of the setback requirements, did not result in a loss of power collected
- Town of Hanover residents who get their electric from NYSEG can go to www.delawareriversolar.com or www.meadow.energy.com to sign up to get their electric bill reduced by 5% per month for the life of the project
- DRS or a subsequent owner would be responsible for decommissioning the site and recycling the hardware located on the site at the end of the useful life of the plant
- The project would continue even in the event of a hypothetical bankruptcy by DRS

Clerk Crino reminded the Board that the Town declared itself lead agent under SEQR for purposes of the application. Town Attorney Passafaro filed the 239 Planning/Zoning Referral Form with the Chautauqua County Division of Planning and Community Development. Jennifer Grawin, Colliers Engineering & Design, sent Lead Agency Intent Notices to all Interested and Involved Agencies on August 17, 2023. These Agencies are allowed 30 days to respond/object after the Notices were mailed. Consequently, this Public Hearing can be closed or held open, but no action can be taken, by this Board, on this application, until after the Town has become Lead Agent.

With everyone wishing to be heard and having been heard, Mr. Ashley moved to declare the Public Hearing closed and approved to re-enter into regular session. The motion was seconded by Mr. Schintzius and unanimously carried. No action taken.

Upon a motion by Mr. Ashley, seconded by Mr. Schintzius and unanimously carried, the Town Board retroactively approved the installation of a metal roof on the east side of the salt barn, by Bender's Home Improvements LLC, Sherman, NY, at a cost of \$4,450.00.

WHEREAS, a Local Law to override the tax levy limit established in General Municipal Law 3-c, a copy of which is attached hereto, is being introduced at this regular meeting of the Town Board of the Town of Hanover, and

WHEREAS, the Board desires to hold a public hearing with respect to the adoption of said Local Law,

NOW THEREFORE, on a motion by Mr. Schintzius, seconded by Mr. Ashley and unanimously carried, it is

RESOLVED that a public hearing be held by the Town Board of the Town of Hanover with respect to the adoption of the aforesaid Local Law on the September 11, 2023, at 7:35 P.M., at the Town Hall, 68 Hanover Street, Silver Creek, New York, and it is further

RESOLVED that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by Law.

Upon a motion by Mr. Schintzius, seconded by Mr. Ashley and unanimously carried, the Town Board approved of advising the NYS Liquor Authority, in writing, that the Board has no objection to the Authority allowing Sunset Bay Waves LLC, dba Cabana Sam's Sunset Bay Grill, 1028 South Shore Drive, Irving, NY to sell alcoholic beverages on their premises on Sunday, October 8, 2023, between the hours of 8:00 am to 10:00 am.

Upon a motion by Mr. Ashley seconded by Mr. Schintzius and unanimously carried, the Town Board approved to waive the thirty (30) day "advanced notice to a local municipality for Sunday on-premise sales" of liquor, wine, beer and cider, for Sunday, October 8, 2023, for Sunset Bay Waves LLC, dba Cabana Sam's Sunset Bay Grill, 1028 South Shore Drive, Irving, NY.

Near the conclusion of the meeting Councilman Pelletter read a statement into the record regarding the proposed DOT safety improvements to Routes 5 & 20, in the Town of Hanover. A copy of the statement is attached hereto.

Correspondence from:

-None

Meeting adjourned at 8:35 PM.

Respectfully submitted,

Town Clerk

APPROVED:

_____, Spvsr. _____, Cnclmn.

_____, Cnclmn. _____, Cnclmn.

_____, Cnclmn.

Town of HANOVER
Local Law No. ____ of the year 2023.

A local law to override the tax levy limit established in General Municipal Law 3-c.
Be it enacted by the Town Board of the Town of Hanover

- Section One – Purpose:** It is the purpose of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Hanover, County of Chautauqua, pursuant to General Municipal Law, Section 3-c, and allow the Town of Hanover, County of Chautauqua, to adopt a budget for general town purposes, fire protection districts, and any other special or improvement district governed by the Town Board for the fiscal year 2024 that requires a real property tax levy in excess of the tax levy limit as defined in General Municipal Law, Section 3-c.
- Section Two – Authority:** This Local Law is adopted pursuant to subdivision five of General Municipal Law, Section 3-c, which authorizes the Town Board to override the tax levy limit set forth in the statute by adoption of a local law approved by a vote of sixty (60%) percent of the Town Board, adopted prior to the adoption of the budget by the Town Board.
- Section Three – Override:** The Town Board of the Town of Hanover, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the limit specified in General Municipal Law, Section 3-c. That said override applies to all special districts in the Town of Hanover, for which the Town Board is the governing body, as the same has been interpreted and determined by the Office of the State Comptroller of the State of New York.
- Section Four – Severability:** If any clause, sentence, paragraph, subdivision, or part of this Local Law, and the application thereof, to any person, firm, corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or its application directly involved in the controversy in which such judgment or order shall be rendered by a court of competent jurisdiction.
- Section Five – Effective Date:** This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

PIN 5111.97 Safety Improvements on US 20 & NY 5; Town of Hanover
COMMENT SHEET

Louis F. Pelletter

Deputy Supervisor, Town of Hanover

Silver Creek and Hanover Police Depts 1975-2008 Silver
Creek Village Historian and Curator 1978-Present

August 28, 2023

This is a summary of the comments, opinions and personal experiences that I made to Mohammad Haque, P.E. during the public information meeting concerning the Routes 5 & 20 Hanover Project on August 22, 2023.

1. **DRAINAGE:** The Routes 5&20 corridor is the flood plain for Lake Erie. During the early pioneer days as one writer put it "was an impassable swamp". The early pioneers found it necessary to use the lake beach area for travel with a crossing at the mouth of the creek into the Town of Hanover. Apparently, the area was so bad that even during the winter the pioneers still used the lake front. I have an early documented case (December 1810) where there was a drowning in a covered wagon in the lake.

The railroads came into our area in the 1850's. Later, they raised the tracks to their present height keeping the water in undeveloped Sunset and Hanford Bays. However, the Cattaraugus Creek still overflowed its banks near the present-day Buffalo Road. This road was built as Dike Road to keep the water from flooding that area of Routes 5&20.

I was told that when the railroad was built, they put drain pipes at the foundation for drainage purposes. The town has had discussions with the railroad about cleaning out these now plugged drain pipes.

It appears to me that the water from the hills and Routes 5&20 drain into the bays before going into the Lake Erie. Halfway Brook in Hanford Bay, Dead Creek in Sunset Bay, Rosebrook Creek near Bebee Road and Cattaraugus Creek all flow into the bays then Lake Erie. This area was undeveloped until the 1920's when the bays were developed into a summer resort. This added to the drainage problem. I should note that Parson's Pond (Sunset Bay) also receives a lot of drainage causing the Highway Dept. to maintain an open channel for this water to flow into Lake Erie because the Lake continuously closes its outlet.

I am not sure of the origins of Parson's Pond. It appears on the early 1920's maps of Sunset Bay.

While it could be a naturally occurring pond for drainage of Sunset Bay, I thought it may possibly be a man-made pond built during the construction of the Railroad. I am still looking for documentation for this pond.

However, when I mentioned about filling it in, I learned that some of Sunset Bays drainage goes into that pond.

2. **TRAFFIC:** During the 1970's when Mulligan's Beach Club was operating there was not enough parking in Sunset Bay. This caused illegal parking on both sides of the main roadways and throughout the bays. (It was not uncommon for the Hanover Police Department to tow over 25 cars over a major holiday weekend. They were impounded at the Silver Creek Police Dept on Central Ave.) There was a backup of traffic on both West Bound lanes of Routes 5& 20 to the Cattaraugus Creek-Seneca Territory.

People would leave the bays, as they looked to find parking spaces, causing a complete shutdown of traffic on Routes 5&20 as they tried to reenter traffic from the East bound lanes. There was no way any traffic moved until the Hanover Police would force the traffic to head towards Silver Creek.

Before the turning lanes were added at Routes 5&20 and Allegany Road intersection there were numerous rear-end accidents at that intersection. The speed limit was 55MPH and people making left turns were stopped in the road and were sometimes hit at that speed in the

rear by oncoming traffic. When the turning lanes were added and the speed reduced it eliminated most accidents at that intersection but not all other areas where people would stop in the road to make their turns. The left turn at Add Lumber (formerly Smith's True Value), along with where the former Lakeshore Hospital was located was always an area of major concern. In addition, all left-hand turns made into businesses all along Routes 5&20 were forced to stop in the second lane. This had the potential for distracted drivers, whether at 55MPH or our current speed of 45MPH, to rear-end these stopped vehicles. Also, drivers wanting to leave businesses in the opposite direction were forced to cross 3 lanes of traffic. This is still a very dangerous situation.

In the early 2000's the Town requested a turning lane for the entire length of Routes 5&20 to alleviate these accidents. This idea was rejected by the DOT at the time. We then asked for a traffic light at Lake Shore Hospital. They offered to add a traffic control device for the Hospital if the Town would reroute hospital traffic up Beebe Road to Southerland down to Seneca to the Hospital. When the Town rejected that idea, the DOT proposed a three-lane highway. This was rejected by the older Town Boards members. They remembered the hazardous conditions 3 lane highways caused in the past.

In 2007 at the Sunset Bay Firehall, I attended the public hearing for the proposed bridge replacement over Cattaraugus Creek. At that time, I argued for a 5-lane bridge, 4 lanes-2 east and 2 west with a center turning lane. This would allow for a center turning lane for all of 5&20. That proposal was not considered and a new bridge was built with traffic remaining the same.

The exits at the Thruway have always been a hazard for people driving on Route 5&20. Cars and trucks enter onto the main driving lanes in both directions causing a hazard for vehicles already traveling in those main driving lanes. This will need to be addressed when the two lanes are converted to one lane.

The Thruway's so called "Cloverleaf" will also interfere with the possible development of the 100-acre site owned by the Seneca Nation. Vehicles exiting the thruway travel in front of their property causing a hazard; one for vehicles driving in the main lane and two, any entrance or exits from their property will be in direct contact with the thruway exit lane. It should also be noted that the exit ramps are extremely short adding to this hazardous condition because the ramps end abruptly.

Again, this is a short summary of my comments concerning the drainage and traffic on Routes 5&20.