

Town of Grand Island – Regular Meeting #18

A regular meeting of the Town Board of Grand Island, New York was held at the Town Hall, 2255 Baseline Rd., Grand Island, NY at 8:00p.m. on the 17th of October 2022.

Present:	John C. Whitney	Supervisor
	Michael H. Madigan	Councilman
	Thomas A. Digati	Councilman
	Christian J. Bahleda	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Excused:	Peter J. Marston	Councilman
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Supervisor John C. Whitney called the meeting to order at 8:00p.m.

Pastor Kevin Slough from Trinity United Methodist Church gave the Invocation.

Councilman Thomas A. Digati led the Pledge of Allegiance.

PUBLIC COMMENTS:

This is an opportunity for residents to comment on any matter regarding the meeting agenda items only.

Speakers: None

PUBLIC HEARINGS:

Community Development Block Grant – 2023

A Public Hearing was held on Monday, October 17, 2022, at 8:00p.m. to hear anyone who wants to comment on

Speakers: None

Supervisor John C. Whitney declared the Public Hearing closed.

A motion was made by Councilman Bahleda, seconded by Councilman Digati to adopt the following resolution:

WHEREAS, the Town of Grand Island seeks to participate in the 2023-2024 Erie County Community Development Block Grant (CDBG) Program, and

WHEREAS, the Town of Grand Island held a public hearing for comments on proposed projects for the year 2023 on October 17, 2021, and

WHEREAS, a few projects were brought up and the Town Board has agreed to submit one grant application for CDBG Program for the year 2023.

WHEREAS, the Town will provide no less than 5% matching funds and, in the event the project exceeds \$100,000 to provide the balance of monies from its FY2023 Capital Budget:

THEREFORE, be it resolved as follows:

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The Grand Island Town Board authorizes the Town Supervisor to sign, submit and execute a contract(s) with the Erie County Community Development Block Grant (CDBG) Program for the following projects by priority:

1. Golden Age Center Drainage Improvements
2. Installation of ADA-accessible sidewalks in Grandyle Village areas of Town.

This resolution shall take effect immediately.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
 Noes 0

Local Law Intro #6 of 2022 – Override of Real Property Tax Cap

A Public Hearing was held on Monday, October 17, 2022, at 8:00p.m. to hear anyone who wants to comment on Local Law Intro #6 of 2022 – Override of Real Property Tax Cap.

Speakers: Janet Paonessa

Supervisor John C. Whitney declared the Public Hearing closed.

A motion was made by Councilman Madigan, seconded by Councilman Digati to refer Local Law Intro #6 of 2022 – Override of Real Property Tax Cap to the Town Board.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
 Noes 0

MINUTES:

A motion was made by Councilman Digati, seconded by Councilman Madigan to approve Workshop Meeting #23, October 3, 2022, and Minutes of Regular Meeting #17, October 3, 2022.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
 Noes 0

CONSENT AGENDA:

1. Building Permits Issued – September 2022
2. Meeting Minutes – Zoning Board of Appeals – September 1, 2022
3. Meeting Minutes – Planning Board – September 12, 2022
4. Golden Age Center – Facility Usage – August 2022 and September 2022
5. New York State, Agriculture and Markets – Dog Control Inspection Report

A motion was made by Councilman Madigan, seconded by Councilman Digati to approve the consent agenda as distributed.

APPROVED	Ayes	4	Madigan, Digati, Bahleda, Whitney
	Noes	0	

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COMMUNICATIONS –TOWN BOARD:

SUPERVISOR JOHN C. WHITNEY:

Town of Grand Island Comprehensive Plan Review Board – Hamlet Study Request

A motion was made by Councilman Bahleda, seconded by Councilman Digati to authorize the Town of Grand Island Comprehensive Plan Review Board to seek grant funding for a Hamlet Study for the Town of Grand Island.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
 Noes 0

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN ATTORNEY – PETER GODFREY:

BayWa R.E., 2356 Whitehaven Road – Solar Array Project – Resolution Approving the Amended Site Plan and Renewing the Special Use Permit for a Solar Array to be Located at 2356 Whitehaven Road

A motion was made by Councilman Digati, seconded by Councilman Bahleda to adopt the following resolution approving the amended Site Plan and renewing the Special Use Permit for BayWa R.E., 2356 Whitehaven Road – Solar Array Project:

WHEREAS, on or about February 21, 2020, SolarPark 4a LLC (the “Applicant”) submitted its initial application to construct a solar array at 2356 Whitehaven Road (the “Project”), and

WHEREAS, the Town of Grand Island Planning Board recommended site plan approval for the Project on June 10, 2020, and

WHEREAS, on October 5, 2020, the Town Council of the Town of Grand Island granted the Applicant a special use permit and approved rezoning of the property for the Project, and

WHEREAS, on October 7, 2020, the Town Council of the Town of Grand Island granted the Applicant site plan approval for the Project, and

WHEREAS, on January 19, 2021, the Town Council of the Town of Grand Island adopted a moratorium on the processing of applications, permits, certificates of occupancy and approvals for solar facilities (the “Solar Moratorium”),

WHEREAS, the Solar Moratorium expired on October 18, 2021, and

WHEREAS, on December 2, 2021, the Zoning Board of Appeals for the Town of Grand Island granted the Applicant a 0.54 acre area variance for the subdivision of 2356 Whitehaven Road, and

WHEREAS, on February 7, 2022, the Applicant submitted a notice of intent to commence construction of the Project, and

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WHEREAS, on March 30, 2022, the Applicant requested additional time to submit its application for renewal of Special Use Permit due to a minor project layout change which will move the solar array further back from Alvin Road, and

WHEREAS, on April 4, 2022, the Town Council resolved to extend the time for the Applicant to submit its application for special use permit renewal and any site plan modifications along with all applicable fees for a period of six months to October 4, 2022, and

WHEREAS, on October 3, 2022, the Applicant submitted an application for renewal of its Special Use Permit and amendment of its Site Plan dated September 29, 2022, to move the array to increase the setback from Alvin Road to greater than 600 feet, and

WHEREAS, the Town Council finds that the Site Plan dated September 29, 2022, further mitigates any potential impacts of the Project by increasing the setback from Alvin Road.

NOW, THEREFORE, the Town Council resolves to renew the Special Use Permit for the Project.

AND THEREFORE, the Town Council resolves to approve the amended Site Plan dated September 29, 2022, bearing file name Solar Park 4 Design_09.29.22.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
 Noes 0

CODE ENFORCEMENT OFFICE:

Special Use Permit Renewal – Robin Shipman, 2020 Fix Road – Bed & Breakfast

A motion was made by Councilman Madigan, seconded by Councilman Digati to renew the Special Use Permit for Robin Shipman, 2020 Fix Road – Bed & Breakfast. The site has been inspected and it is unchanged.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
 Noes 0

RECREATION SUPERVISOR – JOSEPH MENTER:

Part-time Hires

A motion was made by Councilman Digati, seconded by Councilman Madigan to approve the hiring of the following Part-time Recreation employees, effective October 18, 2022, subject to the completion of the necessary pre-employment paperwork:

Raj Arumugan	Recreation Attendant – Yr. 1 Aide	\$13.75/hr.
Ryan Stravino	Recreation Attendant – Yr. 1 Lifeguard	\$16.40/hr.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
 Noes 0

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Status Changes

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve the status change for Alan Miano, Recreation Attendant from Seasonal to Part-time, \$13.75/hr., effective October 18, 2022.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
 Noes 0

Remove Employees from Payroll

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to remove the following Recreation employees from the payroll, effective October 18, 2022:

Ann Bartlo	Recreation Attendant	Last Day: 8-2-2022
Collin McMahon	Recreation Attendant	Last Day: 8-15-2022

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
 Noes 0

PLANNING BOARD:

SEQR – Local Law Intro #5 of 2022 – Rezoning Portion of SBL #: 64.05-3-1.12, Fix Road – R-1A to R-1D

Supervisor Whitney presented the SEQR – Short Form Environmental Assessment Forms for Local Law Intro #5 of 2022 – Rezoning Portion of SBL #: 64.05-3-1.12, Fix Road – R-1A to R-1D. Mr. Whitney informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to issue a Negative Declaration for Rezoning Portion of SBL #: 64.05-3-1.12, Fix Road – R-1A to R-1D.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
 Noes 0

Local Law Intro #5 of 2022 – Rezoning Portion of SBL #: 64.05-3-1.12, Fix Road – R-1A to R-1D

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to accept the recommendation of the Planning Board and adopt Local Law #6 of 2022 as follows:

Be it hereby enacted by the Town Board of the Town of Grand Island as follows:

Section I.

Rezoning. The official map of the Town of Grand Island is hereby amended so that a portion of SBL #:64.05-3-1.12, Fix Road, shall be and hereby is rezoned from R-1A to R-1D.

WHICH PREMISES ARE DESCRIBED AS FOLLOWS:
PROPOSED PARCEL 1:

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ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Grand Island, County of Erie and State of New York, being part of Lot 12, bounded and described as follows:

BEGINNING at a point on the southerly line of Lot 12 at the southwest corner of Map Cover 2274;

RUNNING THENCE WESTERLY along said southerly line of Lot 12 a distance of 140.00 feet to a point;

THENCE NORTHERLY along a line drawn parallel with the westerly line of said Map Cover 2274, a distance of 107.69 feet to a point;

THENCE EASTERLY along a line drawn parallel with said southerly line of Lot 12, a distance of 140.00 feet to a point of said westerly line of said Map Cover 2274, said point being the northwest corner of lands conveyed to James M. Niland, Jr. and Eileen A. Niland, his wife by deed recorded in the Erie County Clerk's Office in Liber 11095 of Deeds at page 2838;

THENCE SOUTHERLY along the westerly line of said Map Cover 2274 and the westerly line of said lands conveyed to Niland, a distance of 107.69 feet to the point of beginning.

Said parcel containing an area of 15,077 square feet, more or less.

PROPOSED PARCEL 2:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Grand Island, County of Erie and State of New York, being part of Lot 12, bounded and described as follows:

COMMENCING at a point on the southerly line of Lot 12 at the southwest corner of Map Cover 2274;

RUNNING THENCE WESTERLY along said southerly line of Lot 12 a distance of 140.00 feet to a point;

THENCE NORTHERLY along a line drawn parallel with the westerly line of said Map Cover 2274, a distance of 107.69 feet to the TRUE POINT OF BEGINNING;

CONTINUING THENCE NORTHERLY along a line drawn parallel with the westerly line of said Map Cover 2274, a distance of 110.00 feet to a point;

THENCE EASTERLY along a line drawn parallel with said southerly line of Lot 12, a distance of 140.00 feet to a point on said westerly line of said Map Cover 2274, said point being the northwest corner of lands conveyed to Thomas F.X. McAuliffe and Artie M. McAuliffe by deed recorded in the Erie County Clerk's Office in Liber 9478 of Deeds at page 438;

THENCE SOUTHERLY along said westerly line of said Map Cover 2274 and along the westerly line of said lands conveyed to McAuliffe, a distance of 110.00 feet to the northwest corner of lands conveyed to James M. Niland, Jr. and Eileen A. Niland, his wife by deed recorded in said Clerk's Office in Liber 11095 of Deeds at page 2838;

THENCE WESTERLY along a line drawn parallel with the westerly line of said Map Cover 2274, a distance of 110.00 feet to the TRUE POINT OF BEGINNING.

Said parcel containing an area of 15,400 square feet, more or less.

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Section II. Effective Date. This local law shall be effective immediately upon filing with the New York Secretary of State.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
Noes 0

Request to Split/Merge Property – SBL #: 64.05-3-1.12, Fix Road and SBL #: 64.05-3-40, 326 Fareway Lane and SBL #: 64.05-3-41, 316 Fareway Lane

A motion was made by Councilman Bahleda, seconded by Councilman Digati to approve the split/merge request - SBL #: 64.05-3-1.12, Fix Road and SBL #: 64.05-3-40, 326 Fareway Lane and SBL #: 64.05-3-41, 316 Fareway Lane, subject to the filing of the paperwork with the Erie County Clerk's office.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
Noes 0

Adrian's Custard & Beef, 2352 Grand Island Boulevard – Revised Site Plan

A motion was made by Councilman Digati, seconded by Councilman Bahleda to accept the recommendation of the Planning Board and approve the revised Site Plan for Adrian's Custard & Beef, 2352 Grand Island Boulevard.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
Noes 0

Town of Grand Island Comprehensive Plan Review Board – Review of PDD Legislation

FYI – No action by Town Board.

North End Commerce Park, 3215 Grand Island Boulevard, SBL #: 11.00-1-8 – Revised Site Plan

A motion was made by Councilman Digati, seconded by Councilman Bahleda to accept the recommendation of the Planning Board – reaffirm SEQR and approve the revised Site Plan.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
Noes 0

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilman Digati, seconded by Councilman Bahleda to pay Vouchers #139645 -#139748

General	\$253,586.16
Highway	\$ 29,825.58
Sewer	\$ 29,341.14
Water	\$ 44,105.36
Capital	<u>\$202,756.38</u>
Total	\$559,614.62

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
Noes 0

UNFINISHED BUSINESS:

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SEQR – Preliminary Plat – 859-891 East River Road Minor Subdivision – 4 Lots –

Subdivision 118

Supervisor Whitney presented the SEQR – Short Form Environmental Assessment Forms for 859-891 East River Road Minor Subdivision – 4 Lots – Subdivision 118. Mr. Whitney informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilman Madigan, seconded by Councilman Digati to issue a Negative Declaration for 859-891 East River Road Minor Subdivision – 4 Lots – Subdivision 118.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
 Noes 0

Preliminary Plat – 859-891 East River Road Minor Subdivision – 4 Lots – Subdivision 118

A. Correspondence – Planning Board

B. Correspondence – Engineering Department

A motion was made by Councilman Bahleda, seconded by Councilman Digati to accept the recommendation of the Planning Board and approve the Preliminary Plat – 859-891 East River Road Minor Subdivision – 4 Lots – Subdivision 118.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
 Noes 0

Special Use Permit Application – NYSOLAR LLC, SBL #:36.00-1-28 – Emery Farm, 2595 Whitehaven Road – Solar Energy Farm

Remains tabled.

SUSPEND THE RULES:

A motion was made by Councilman Digati, seconded by Councilman Bahleda to Suspend the Rules to consider authorizing the Supervisor to sign an MOA with CSEA.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
 Noes 0

Authorize Supervisor to sign MOA with CSEA

A motion was made by Councilman Digati, seconded by Councilman Bahleda to authorize the Supervisor to enter into a memorandum of agreement with CSEA, subject to the approval of the attorneys for the Town, in resolution of the grievance, which would (a) confirm the appointment of Rhonda Tollner as a Zoning Inspector at CSEA Grade 7; (b) the appointment to be effective immediately upon full execution of the referenced MOU, and (c) in resolution of the pending grievance, the pay rate adjustment will be effective October 1, 2022. The grievance resolution would be without prejudice to and without precedent for any other matter.

APPROVED Ayes 4 Madigan, Digati, Bahleda, Whitney
 Noes 0

PUBLIC COMMENTS:

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This is an opportunity for residents to comment on any matter regarding Town government on any subject.

Speakers:

Nancy Killian, Walter Osetkowski, Paul Salonek,
Sharon Kern

FROM THE BOARD:

- Tax Cap
- Budget Meetings
- Interest Rates on BONDS/BANS
- Go Bills!

ADJOURNMENT:

A motion was made by Councilman Digati, seconded by Councilman Madigan to adjourn the meeting at 8:41p.m.

APPROVED	Ayes	4	Madigan, Digati, Bahleda, Whitney
	Noes	0	

A moment of silence was observed in memory of the following:

Lynne Vaine	Joanne Urtel
Juanita Barry	Robert Helenbrook
Jamie Reid	Douglas Scott
Linda Schneckenburger	

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk

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