

## Town of Grand Island – Regular Meeting #19

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 19<sup>th</sup> of October, 2020.

Present:	John C. Whitney	Supervisor
	Michael H. Madigan	Councilman
	Jennifer L. Baney	Councilwoman
	Peter Marston Jr.	Councilman
	Thomas A. Digati	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Supervisor John C. Whitney called the meeting to order at 8:00p.m.  
Reverend Kevin Backus from Bible Presbyterian Church gave the Invocation.  
Councilman Thomas A. Digati led the Pledge of Allegiance.

\*Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, the Town Board of the Town of Grand Island's meetings will be held electronically via the Town's website link/You Tube Channel. Members of the public may attend the meeting, or may view the Town Board's meetings by connecting to the You Tube Channel via the Town's website: [www.grandislandny.us](http://www.grandislandny.us).

\*The Meeting was conducted in the courtroom, via ZOOM and streamed live on the Town's website – [www.grandislandny.us](http://www.grandislandny.us)

### **INFORMATION MEETING:**

**Southpointe PDD** – Project Attorney Jeff Palumbo and Project Architect Douglas Scheid made a presentation of the updated 2020 project. Developers answered resident questions that were submitted prior to meeting.

### **Resolution Issuing a Negative Declaration for the Second Revised Plan for the Associated Grand Island LLC Adult Lifestyle Planned Unit Development at Southpointe**

A motion was made by Councilman Digati, seconded by Councilwoman Baney to adopt the following Resolution Issuing a Negative Declaration for the Second Revised Plan for the Associated Grand Island LLC Adult Lifestyle Planned Unit Development at Southpointe:

WHEREAS, the Town Board of the Town of Grand Island has received and reviewed various plans for the Associated Grand Island LLC Adult Lifestyle Planned Unit Development at Southpointe (the "Project"); and

WHEREAS, on April 20, 1998, the Town Board, as lead agency under the State Environmental Quality Review Act ("SEQRA") accepted a Final Supplemental Environmental Impact Statement and on June 15, 1998 adopted Findings pursuant to SEQRA; and

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WHEREAS, the Town Board has before it the first step in the planned unit development process after the rezoning, the creation of a concept plan, specifically for the Project the Second Revised Plan; and

WHEREAS, the Town Board also has before it the extension of the Sanitary Sewer District; and

WHEREAS, the Town Board has duly considered the prior Findings Statement, the various updated studies submitted to it including Action, the comments of the public at a public hearing and written submissions, the comments of the various Town advisory committees and the Planning Board, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c), the draft Negative Declaration, and such other information deemed appropriate; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has in the attached negative declaration made a reasoned elaboration of the basis for its determination;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Grand Island that:

1. Based upon a thorough review and examination of the known facts relating to the Proposed Action and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings relating to the Action, the Board finds that the Action will not have a significant adverse impact on the environment and that a draft supplemental environmental impact statement will not be prepared.

3. The attached negative declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached negative declaration.

4. The Town Attorney is hereby authorized and directed to distribute copies of the resolution as necessary and to publish the requisite notice in the ENB.

5. This resolution is effective immediately.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney

Noes 0

### **Resolution to Approve the Revised Development Concept Plan of Associated Grand Island LLC for the Adult Lifestyle Planned Unit Development at Southpointe**

A motion was made by Councilman Marston, seconded by Councilman Digati to adopt the following resolution to approve the Revised Development Concept Plan of Associated Grand Island, LLC for the Adult Lifestyle Planned Unit Development at Southpointe:

WHEREAS, Associated Grand Island LLC ("Applicant") owns 284+/- acres of property located west of the New York State Thruway, designated on the Tax Map of the Town of the Town of Grand Island as parcel Nos. 51.00-1-1, 51.00-1-2, 51.00-1-3 and 51.00-1-4 (the "Site"); and

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WHEREAS, the Applicant previously filed an application with the Town Board: (i) to change the District Classification of and Zoning Map for the Site and (ii) to create a new sewer district for the Site in connection with a project denominated as the "Adult Lifestyle Planned Unit Development at Southpointe (Open Space Preservation Alternative)" (collectively the "Proposed Action"); and

WHEREAS, on April 20, 1998, the Town Board, as lead agency under the State Environmental Quality Review Act ("SEQRA") accepted a Final Supplemental Environmental Impact Statement ("FSEIS") and on June 15, 1998 adopted Findings pursuant to SEQRA approving, with certain conditions, the Proposed Action; and

WHEREAS, on June 15, 1998 the Town Board adopted a resolution, with certain conditions and limitations: approving (i) the rezoning of the northern 179.57 acres of the Site from R1A to R1B and then to Planned Unit Development ("PUD"); (ii) the creation of Sanitary Sewer District No. 7 encompassing the same 179.57 acres; and (iii) the development's Master Plan (the "Southpointe Master Plan"); and

WHEREAS, the Town Board adopted and made effective an updated Zoning Code (the "2004 Zoning Code Update") including changes to the "Zoning Map of the Town of Grand Island" on July 19, 2004, which established the "Planned Development District" (PDD), replacing the PUD designation; and

WHEREAS, due to the changes to the Zoning Map and the changing wetland and stormwater regulation environment, a revised Concept Detailed Plan ("Revised Development Concept Plan") was prepared and submitted by the applicant to the Town Board for review dated July 8, 2013 (Sheet C4 "Proposed Detailed Plan"), and was revised based on input from the United States Army Corps of Engineers, New York State Department of Environmental Conservation, and the Town of Grand Island stakeholders from the Engineering Department, and Town Board to include a walking path, additional wetland mitigation, and supplemental density data illustrated on the Proposed Detailed Plan dated March 15, 2017 (Sheet C4 "Proposed Detailed Plan") which (i) includes a revision to the sanitary sewer district physical limits to include the entire 284 +/- acre Site; and (ii) revises the Site design to a PDD to better conform to the development currently found within the Town of Grand Island; and

WHEREAS, the Revised Development Concept Plan proposed a mixed-use commercial and residential development consisting of four distinct development areas identified as Southpointe North, East, West and Core; and the perimeter areas (North, East, and West) are proposed to be developed in alignment with current Town of Grand Island Residential District development standards; and Southpointe West, Southpointe East and the lots on Staley Road within Southpointe North will be owned individually, consistent with most of the surrounding Grand Island Development; and the remainder of Southpointe North and portions of Southpointe Core will consist of single family attached units likely to be individually owned; and the remainder of Southpointe Core is to be developed as approximately 30,000 square feet of mixed use and 250 units of assisted living; and

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WHEREAS, on July 8, 2013 the Planning Board of the Town of Grand Island recommended a resolution, with certain conditions and limitations: approving the Revised Development Concept Plan; and

WHEREAS, on or about November 1, 2013 the Applicant completed and submitted a Map, Plan and Report for the Sanitary Sewer District No. 7 Extension; and on or about September 2018 submitted a Supplemental Sanitary Sewer Study, both of which have been reviewed and approved by all involved agencies, which have confirmed there are no environmental or capacity issues associated with the proposed expansion ; and

WHEREAS, on or about May of 2017, the Applicant completed and submitted a Traffic Impact Study based on the Revised Development Concept Plan which concluded that the existing transportation network can adequately accommodate the projected traffic volumes and resulting impacts to the area intersections; and

WHEREAS, on or about May 6, 2020, due to further changes to the State and/or Federal Wetlands a revised Concept Plan (“Second Revised Plan”) was prepared and submitted to the Town for review. The Second Revision reduces the project density, eliminates wetland impacts, further reduces projected sanitary flows, reduces and disperses traffic impacts and reduces future public infrastructure costs by reducing public roadways and utilities; and

WHEREAS, the Second Revised Plan maintains Southpointe North, East, West and Core development areas as mixed use residential and eliminates all commercial spaces; and

WHEREAS, an updated Traffic Impact Study dated April 2020 made by SRF Associates was submitted to the Town on or about May 6, 2020. Said report, which has been reviewed by the Town Engineering Department, again concluded that the existing transportation network can adequately accommodate the projected traffic volumes and resulting impacts to the area intersections; and

WHEREAS, at their meeting of August 11, 2020 the Town’s Traffic Safety Advisory Board reviewed and discussed the SRF updated Traffic Study and recommended the project review could move forward based on the revised report; and

WHEREAS, the Planning Board at their meeting of July 13, 2020 considered the Second Revised Plan and recommended approval of same; and

WHEREAS, the Conservation Advisory Board at their meeting of August 27, 2020 reviewed and discussed the Second Revised Plan and recommend approval of same; and

WHEREAS, at its October 19, 2020 meeting, the Town Board, acting again as lead agency under SEQRA, issued a Negative Declaration as to the changes in ; and

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WHEREAS, the Town Board has reviewed the standards of Town Code Section 407-122, the above material, and the comments of the public and other agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF GRAND ISLAND

1. That the non-conformity period of the 2004 Zoning Code applicable to Planned Unit Developments having expired, the June 1998 PDD Resolution is replaced by this Resolution.
2. That the Town Board, in reviewing the Second Revised Plan, has considered the factors set forth in Section 407-121(a) of the Town Zoning Code, including the proposed residential uses and their locations, density, location of vehicular and pedestrian traffic, location and extent of utility systems and public and private open space.
3. That the Second Revised Plan filed by the Applicant is hereby approved as consistent with the health, safety, morals and the general welfare of the community;
4. That building permits for development within said PDD at Southpointe shall be issued upon compliance with this legislation and upon obtaining detailed plan approval in accordance with Article XXVI of Chapter 407 of the Town of Grand Island;
5. That said PDD at Southpointe, in addition to the requirements of the Zoning Ordinance of the Town of Grand Island, shall be bound by the State Environmental Quality Review Act ("SEQRA") Findings Statement adopted by the Town Board on June 15, 1998 and the determination as to the revised Project in a Negative Declaration issued on October 19, 2020, including but not limited to the following, and further, that each of the following shall be required, prior to Detailed Plan approval:
  - (A) Prior to the issuance of a Certificate of Occupancy for any building in the PDD at Southpointe, the Applicant shall complete, or cause to be completed, infrastructure improvements required, including but not limited to the following:(i) Complete and have operational, to the satisfaction of the Town Engineer, all required modifications to the existing LS#17 (Burger King) –Modify LS#17 to accommodate the additional peak flows from the new Southpointe Pump Station (including the redirected peak flows from LS#7 – Carl Road Subdivision).
  - (ii) Complete all required modifications to the existing LS#7 (Carl Road Subdivision) and a new force main or gravity sewer connection from LS#7 to the proposed Southpointe Pump Station – This would redirect the flow from LS#7 to the new Southpointe system, removing LS#7 flows to LS#8, thereby reducing the frequency of sanitary sewer overflows into the Tributary to Spicer Creek and the Niagara River;
6. That the Detailed Plan shall reflect and depict any and all State and Federally designated wetlands consistent with the Second Revised Plan;

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7. That no later than the date of the filing of any detailed plan approval for the PDD at Southpointe, with the Clerk of the Town of Grand Island, the Applicant shall have taken measures satisfactory to the Town Board to preserve in perpetuity (a) the undisturbed State and Federally designated wetlands on the Site; (b) the 4.72 acres of non-jurisdictional upland adjacent to the existing 100-foot adjacent area; and (c) the 108.72 acres of wetland and upland as described in the Wetland Mitigation Plan dated November 30, 2017;
8. That prior to the issuance of building permits, the Applicant shall establish one or more Homeowners Associations, and the by-laws of said Association and the Offering Plan for units of the Associations shall contain restrictions requiring that the uses shall comply with the approved uses within the PDD and or as described above;
9. That the Homeowners Association shall be responsible for the upkeep and maintenance of (1) the associated common areas of the PDD at Southpointe, including but not limited to open space, bicycle trails, walking trails and parkland and (2) private roadways and road medians, unless such areas are dedicated or conveyed to the Town of Grand Island;
10. That the Detailed Plan shall comply with the open space corridor, greenbelt, walking trail and bicycle path requirements consistent with the Town of Grand Island Parks, Recreation and Open Space Plan;
11. That the issuance of a building permit for any approved development within the PDD at Southpointe shall be subject to review by the Town of Grand Island Architectural Review Advisory Board;
12. That the Detailed Plan shall provide for dedication to the Town of Grand Island all water, sewer, and other utilities that are required to be dedicated in accordance with the regulations of the Town of Grand Island;
13. That the Detailed Plan may provide for an extension of Glen Avon Road from the Site to connect with Love Road; and be it further
14. That the entrances to the PDD at Southpointe from Staley Road and from Baseline Road shall be in the general vicinity of the entrances shown on the Southpointe Master Plan, subject to approval of the Town of Grand Island for the Staley Road entrance and the County of Erie Highway Department for the Baseline Road entrance;
15. That all work shall be completed in accordance with all applicable regulations including but not limited to the requirements of the USEPA, NYSDEC, NYSDOS, ECHD, and the Town of Grand Island;

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16. That the Town Clerk shall enter a copy of this Order in the Minutes of the Town Board.

APPROVED	Ayes	4	Baney, Marston, Digati, Whitney
	Noes	1	Madigan

### **Establishment of the Southpointe Extension to the Consolidated Sewer District (2020)**

A motion was made by Councilwoman Baney, seconded by Councilman Marston to adopt the following Resolution and Order of the Town of Grand Island, New York, approving the Establishment of the Southpointe extension to the Consolidated Sewer District in the Town of Grand Island:

WHEREAS, the Town Board of the Town of Grand Island (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has previously created the Consolidated Sewer District (the "District") (a portion of which was formerly known as Sewer District No. 7) in the Town; and

WHEREAS, the Town Board received a petition, pursuant to Section 191 of the Town Law, for the establishment of the Southpointe Extension to the Consolidated Sewer District (the "Extension") as more specifically described in a certain report prepared by Advanced Design Group Professional Engineering & Surveying, PC ("Advanced Design"); and

WHEREAS, such petition was signed by the owners aggregating at least one-half of the assessed valuation of all the taxable real property of the proposed Extension, as shown upon the latest completed assessment roll of the Town; and

WHEREAS, there are no resident owners in the proposed Extension; and

WHEREAS, such petition was accompanied by a map, plan and report, dated November 1, 2013, prepared by Advanced Design, competent engineers duly licensed by the State of New York; and

WHEREAS, such map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, such map, plan and report includes a map that depicts planned outlets and the terminus and course of each proposed main sewer, together with the location and a general description of all sewage disposal plants, pumping stations and other public works, if any, within such proposed Extension; and

WHEREAS, such project will generally include, but not be limited to, the installation of two or more pump stations, the installation of gravity sewer lines and a force main pipeline to convey affluent to existing Lift Station No. 17 located offsite, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above or as required by the Town, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively the "Sewer Improvements"); and

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WHEREAS, the construction cost for the Sewer Improvements will be financed privately; and

WHEREAS, the Town Board has reviewed the petition and found it to be sufficient; and

WHEREAS, unless paid from other sources or charges, any future costs attributable to the Extension will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Extension which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of the benefit conferred upon the same, except as provided by law; and

WHEREAS, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary; and

WHEREAS, the Town Board has pursuant to an Order Calling for a Public Hearing, which Order was duly posted and published, held a public hearing on December 2, 2013 to consider the creation of the proposed Extension, at which hearing all members of the public were given an opportunity to be heard; and

WHEREAS, during the period between the public hearing and the adoption of this resolution, the petitioner has worked steadily with Town officials to address and resolve questions related to the proposed Extension; and

WHEREAS, petitioner has requested that this resolution be adopted so that the project can continue.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN GRAND ISLAND, as follows:

SECTION 1: The Town Board has reviewed the petition and found it to be sufficient.

SECTION 2. That the notice of public hearing was duly published and posted as required by law.

SECTION 3: That all properties and property owners benefited by the improvements are included in the Extension.

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SECTION 4: That all properties and property owners included in the Extension are benefited thereby.

SECTION 5: That it is in the public interest to establish the Southpointe Extension to the Consolidated Sewer District.

SECTION 6: That the Town Board hereby approves the creation of the Extension and shall be bounded and described as follows:

**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 Inner Lot No. 30, 31, 33, 34 and being more particularly bounded and described as follows:

**BEGINNING** at the intersection of the northerly line of said lot no. 30 with the easterly line of Baseline Road as conveyed to the County of Erie by deed recorded in Liber 6702 Page 661;

Thence S 01° 49' 15" E Deed, S 01° 49' 11" E Measure along the said easterly line of Baseline Road a distance of 788.69';

Thence N 88° 10' 45" E Deed, N 88° 10' 49" E Measure along the easterly line of Baseline Road a distance of 5.00';

Thence S 01° 45' 15" E Deed, S 01° 49' 11" E Measure along the easterly line of Baseline Road a distance of 200.00';

Thence S 88° 10' 45" W Deed, S 88° 10' 49" W Measure along the easterly line of Baseline Road a distance of 5.00';

Thence S 01° 49' 15" E Deed, S 01° 49' 11" E Measure along the easterly line of Baseline Road a distance of 1002.62' Deed, 1002.87' Measure;

Thence S 46° 40' 43" E Deed, S 46° 31' 19" E Measure along the easterly line of Baseline Road a distance of 35.44' Deed, 35.29' Measure to the northerly line of Love Road;

Thence N 88° 57' 50" E Deed, N 88° 59' 40" E Measure along the northerly line of Love Road a distance of 1127.25' Deed, 1127.03' Measure to the southwest corner of lands conveyed to Queen Isabelle Corp. by deed recorded in Liber 8241 Page 207;

Thence N 01° 11' 42" W Deed, N 01° 11' 47" W Measure along the westerly line of lands conveyed to Queen Isabelle Corp. a distance of 2009.18' Deed, 2008.89' Measure to a point on the northerly line of Lot 30;

Thence N 89° 17' 31" E Deed, N 89° 20' 37" E Measure along the northerly line of Liber 8241 Page 207 & Map Cover 1551 a distance of 884.63' Deed, 886.76' Measure to the northeast corner Liber 8241 Page 207;

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Thence S 01° 17' 08" E Deed, S 01° 13' 04" E Measure along the easterly line of Liber 8241 Page 207 & Map Cover 1551 a distance of 1018.92' Deed, 1017.11' Measure to the northerly line of Map Cover 2271;

Thence N 89° 08' 51" E Deed, N 89° 13' 58" E Measure along the northerly line of Map Cover 2271 a distance of 472.58' Deed, 472.67' Measure;

Thence N 01° 17' 08" E Deed, N 01° 17' 12" W Measure a distance of 30.80' Deed, 30.26' Measure;

Thence N 88° 35' 24" E Deed, N 88° 38' 31" E Measure along the northerly line of Map Cover 2271 a distance of 960.17' Deed, 960.05' Measure;

Thence S 01° 24' 36" E Deed, S 01° 21' 29" E Measure along the easterly line of Map Cover 2271 a distance of 145.42' to the northwesterly line of Beaver Island Parkway;

Thence northeasterly along the northwesterly line of Beaver Island Parkway on a curve having a radius of 3308.25' an arc distance of 428.27' Deed, 428.55' Measure;

Thence N 54° 19' 37" E Deed, N 54° 17' 49" E Measure along the westerly line of Beaver Island Parkway a distance of 296.30' Deed, 297.71' Measure;

Thence N 42° 56' 04" E Deed, N 43° 00' 44" E Measure along the westerly line of Beaver Island Parkway a distance of 210.00' Deed, 209.81' Measure;

Thence N 30° 02' 08" E Deed, N 30° 02' 49" E Measure along the westerly line of Beaver Island Parkway a distance of 351.90' Deed, 352.01' Measure;

Thence N 11° 27' 58" E Deed, N 11° 26' 36" E Measure along the westerly line of Beaver Island Parkway a distance of 307.80' Deed, 307.91' Measure;

Thence N 04° 43' 47" W Deed, N 04° 44' 39" W Measure along the westerly line of Beaver Island Parkway a distance of 300.50' Deed, 299.10' Measure;

Thence N 18° 43' 34" W Deed, N 18° 44' 55" W Measure along the westerly line of Beaver Island Parkway a distance of 337.60';

Thence N 29° 46' 59" W Deed, N 29° 48' 20" W Measure along the westerly line of Beaver Island Parkway a distance of 349.30' Deed, 349.49' Measure;

Thence N 39° 27' 58" W Deed, N 39° 24' 35" W Measure along the westerly line of Beaver Island Parkway a distance of 321.60' Deed, 321.54' Measure;

Thence N 48° 55' 46" W Deed, N 48° 54' 57" W Measure along the westerly line of Beaver Island Parkway a distance of 306.30' Deed, 306.44' Measure;

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Thence N 58° 02' 55" W Deed, N 56° 57' 02" W Measure along the westerly line of Beaver Island Parkway a distance of 403.40';

Thence N 60° 36' 22" W Deed, N 61° 24' 34" W Measure along the westerly line of Beaver Island Parkway a distance of 514.00' Deed, 519.07' Measure;

Thence N 84° 36' 40" W Deed, N 84° 37' 09" W Measure along the westerly line of Beaver Island Parkway a distance of 676.49' Deed, 673.07' Measure to the southerly line of Staley Road;

Thence S 89° 04' 06" W along the southerly line of Staley Road a distance of 2303.97';

Thence S 43° 39' 57" W Deed, S 43° 35' 38" W Measure along the southerly line of Staley Road a distance of 42.34' to the easterly line of Baseline Road;

Thence S 01° 26' 56" E Deed, S 01° 24' 22" E Measure along the easterly line of Baseline Road a distance of 1164.17';

Thence S 88° 33' 04" W Deed, S 88° 35' 38" W Measure along the easterly line of Baseline Road a distance of 5.00';

Thence S 01° 26' 56" E Deed, S 01° 24' 22" E Measure along the easterly line of Baseline Road a distance of 761.35' Deed, 760.99' Measure to the southerly line of lot 34 and the Point of Beginning;

Containing 284.04± acres

SECTION 7: Unless paid from other sources or charges, any future costs attributable to the Extension will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Extension which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of the benefit conferred upon the same, except as provided by law; and

SECTION 8: That the permission of the State Comptroller is not required with respect to the establishment of the Extension because the cost for the Sewer Improvements will be financed privately and the Town does not expect to issue any bonds or notes in anticipation of any such bonds.

SECTION 9: That the establishment of the Extension is hereby approved and is to be known as Southpointe Extension to the Consolidated Sewer District in the Town of Grand Island, situate wholly outside of any incorporated village or city.

SECTION 10: That within ten days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Erie and file with the Department of Audit and Control in Albany, New York copies of this Resolution and Order, certified by said Town Clerk.

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SECTION 11: This Resolution and Order shall take effect immediately.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

## **PUBLIC COMMENTS:**

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

*Speakers:* In person – Sam Hunt

## **MINUTES**

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to approve Minutes of Workshop Meeting #38, October 5, 2020, Minutes of Regular Meeting #18, October 5, 2020, and Minutes of Workshop Meeting #39, October 7, 2020.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

## **CONSENT AGENDA:**

1. Meeting Minutes – Zoning Board of Appeals – September 3, 2020
2. Meeting Minutes – Planning Board – September 14, 2020

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

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

## **COMMUNICATIONS –TOWN BOARD:**

### **COUNCILWOMAN JENNIFER L. BANEY:**

#### **Traffic Safety Advisory Board – DRAFT Complete Streets Policy**

A motion was made by Councilwoman Baney, seconded by Councilman Digati to refer the Draft of the Complete Streets Policy to the Planning Board, Highway Superintendent, Engineering, Code Enforcement Office and the Long-Range Planning Committee for review and recommendation.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

#### **Traffic Safety Advisory Board – Traffic and Pedestrian Analysis, Thermo Fisher Scientific**

A motion was made by Councilwoman Baney, seconded by Councilman Marston to refer the communication from the Traffic Safety Advisory Board regarding the Traffic and Pedestrian Analysis for Thermo Fisher Scientific to the Thermo Fisher Scientific Project Engineers.

APPROVED Ayes 4 Baney, Marston, Digati, Whitney  
Noes 0  
Abstain 1 Madigan

## **COMMUNICATIONS – OTHER TOWN OFFICIALS:**

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## JUSTICE COURT:

### Part-time Hire

A motion was made by Councilman Digati, seconded by Councilwoman Baney to table the part-time hire.

APPROVED    Ayes    5            Madigan, Baney, Marston, Digati, Whitney  
                  Noes    0

## DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT H. WESTFALL:

### Authorize Supervisor to Sign Amended Supplemental Agreement (SA#3) – NYSDOT Grand Island Boulevard Accessibility Project – PIN 5762.27 Comptrollers Contract # D035733

Amended Supplemental Agreement #3 (SA#3) authorizes additional Federal Funding for the project bringing the total Federal share to \$1,260,000. The Local share of \$584,700 includes the Town's share of the Grand Island Blvd sidewalk, Erie County's share for the Whitehaven Road sidewalk and the Town's share of the conduit installation.

A motion was made by Councilman Marston, seconded by Councilman Digati to authorize the Supervisor to adopt the following resolution and sign the Amended Supplemental Agreement (SA#3) – NYSDOT Grand Island Boulevard Accessibility Project – PIN 5762.27 Comptrollers Contract # D035733:

Authorizing the implementation, and funding in the first instance 100% of the Federal-Aid eligible costs, of a Transportation Federal-Aid project, to fully fund the local share of Federal-Aid eligible and ineligible projects costs, and appropriating funds therefore

WHEREAS, a Project to install ADA compliant sidewalks on Route 324 Grand Island Blvd from Webb Road to Martin's Fantasy Island, known as the Town of Grand Island Blvd Sidewalk Accessibility Project, PIN 5762.27, (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds; and

WHEREAS, the Town of Grand Island desires to advance the Project by making a commitment of 100% of the Non-Federal share of the Federal Aid eligible costs and any required Local costs of the Design, Construction & Construction Inspection phase of the project, PIN 5762.27.

NOW, THEREFORE, the Town Board of the Town of Grand Island, duly convened does hereby

RESOLVE, that the Town Board of the Town of Grand Island hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board of the Town of Grand Island hereby authorizes the Town of Grand Island to pay in the first instance 100% of the Federal and Non-Federal (Local) shares of the cost of the Design, Construction & Construction Inspection phase of the Project or portions thereof, and it is further

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RESOLVED, that the sum of \$584,700 is hereby appropriated or appropriated from the 2020 capital budget and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the amount required to pay 100% of the full Federal and Non-Federal shares of the cost of the project's Design, Construction & Construction Inspection phase exceeds \$565,900, the current cost of this project phase, the Town of Grand Island shall convene its Board as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Supervisor of the Town of Grand Island be and hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town of Grand Island with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of the Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to the necessary Agreement & Supplemental Agreement No. 3 in connection with the Project, and it is further

RESOLVED, this resolution shall take effect immediately.

APPROVED   Ayes   5       Madigan, Baney, Marston, Digati, Whitney  
              Noes   0

### **Community Development Block Grant – Amended 2021-2022 Authorizing Resolution**

A motion was made by Councilwoman Baney, seconded by Councilman Marston to adopt the following resolution:

WHEREAS, the Town of Grand Island seeks to participate in the 2021-2022 Erie County Community Development Block Grant Program, and

WHEREAS, the Town of Grand Island held a public hearing for comments on proposed projects for the year 2021 on October 5, 2020, and

WHEREAS, a few projects were brought up and the Town Board has agreed to submit one grant application for CDBG for the year 2021 and one application for CDBG-CV for the year 2021.

THEREFORE, be it resolved as follows:

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 not to exceed \$150,000.00:

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1. Golden Age Center & Nike Base Park Facilities: Construction of ADA-accessible pavilion.
2. Installation of ADA-accessible sidewalks in Grandyle Village area of Town.
3. Golden Age Center & Nike Base Park Facilities: Reconstruction/resurfacing of existing Tennis Courts.
4. Golden Age Center & Nike Base Park Facilities: Recreation Office/Senior Programming building improvements.

And, The Town of Grand Island Town Board authorizes the Town Supervisor to sign, submit and execute a contract(s) with Erie County Community Development Block Grant – Cares Act fund (CDBG-CV) Program for the following projects by priority not to exceed \$200,000.00:

1. Recreation Improvements at Tower Park (Duplex area of Town)

This resolution shall take effect immediately.

APPROVED    Ayes    5            Madigan, Baney, Marston, Digati, Whitney  
                  Noes    0

### **Award Bid – Town Hall HVAC – Asbestos Abatement – Job # M-69-2019**

Town Engineer Robert Westfall informed the Town Board that on October 14, 2020 the following bids were received for the Town Hall HVAC – Asbestos Abatement – Job # M-69-2019:

Mark Cerrone, Inc.	\$ 98,677.00
Metero Environmental	\$121,000.00
A.A.C. Contracting, Inc.	\$167,965.00

After careful review, Mr. Westfall has reviewed the bids and recommends award to Mark Cerrone, Inc. in the amount of \$98,677.00.

A motion was made by Councilman Madigan, seconded by Councilman Marston to accept the recommendation of the Town Engineer and award the bid for the Town Hall HVAC – Asbestos Abatement – Job # M-69-2019 to Mark Cerrone, Inc. in the amount of \$98,677.00.

APPROVED    Ayes    5            Madigan, Baney, Marston, Digati, Whitney  
                  Noes    0

### **PLANNING BOARD:**

#### **SEQR – E2i Ventures, LLC, 1725 Grand Island Boulevard – Site Plan Approval**

Supervisor John Whitney presented the SEQR – Short Environmental Assessment Form for E2i Ventures, LLC, 1725 Grand Island Boulevard – Site Plan Approval. 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 Marston, seconded by Councilman Madigan to issue a Negative Declaration for E2i Ventures, LLC, 1725 Grand Island Boulevard – Site Plan Approval.

APPROVED    Ayes    5            Madigan, Baney, Marston, Digati, Whitney  
                  Noes    0

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## E2i Ventures, LLC, 1725 Grand Island Boulevard – Site Plan Approval

A motion was made by Councilman Marston, seconded by Councilman Digati to accept the recommendation of the Planning Board and approve the Site Plan for E2i Ventures, LLC, 1725 Grand Island Boulevard, subject to the condition that the dumpster is moved to the back with a three-point turnaround if able.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

## E2i Ventures, LLC, 1725 Grand Island Boulevard - Special Use Permit Application – Set Public Hearing and Refer to Planning Board

A motion was made by Councilwoman Baney, seconded by Councilman Digati to set a Public Hearing on November 2, 2020 at 8:00p.m. for the purpose of hearing anyone who wants to comment on a Special Use Permit Application for E2i Ventures, LLC, 1725 Grand Island Boulevard and to refer the matter to the Planning Board for review and recommendation.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

## REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Baney, seconded by Councilman Digati to pay Vouchers #132698 - #132805

General	\$129,893.73
Sewer	\$ 46,740.66
Water	\$ 20,452.30
Capital	\$220,226.18
Fire	<u>\$335,333.75</u>
Total	\$752,646.62

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

## UNFINISHED BUSINESS:

### Special Use Permit Renewal – Grand Island Development, LLC – 1611 Whitehaven Road – Solar Array Project

Remains Tabled.

## Create Town of Grand Island Agricultural Advisory Board

### **A. Correspondence – Planning Board – September 16, 2020**

### **B. Correspondence – Planning Board – October 13, 2020**

A motion was made by Councilman Madigan, seconded by Councilman Marston to accept the recommendation of the Planning Board and create a Town of Grand Island Agricultural Advisory Board consisting of seven (7) members and two (2) alternates, with the recommended amendments, effective January 1, 2021 to enable the Town Board adequate time to interview and select candidates.

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APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

### **PUBLIC COMMENTS:**

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

Speakers: In Person – Sam Hunt  
Via ZOOM – Nancy LaChiusa

### **FROM THE BOARD:**

- Halloween Hours – Saturday, October 31, 2020 – 4:00p.m.-8:00p.m.
- Early voting starts on Saturday, October 24, 2020 – Go Vote!

### **MEMORIAL ADJOURNMENT:**

A motion was made by Councilman Madigan, seconded by Councilman Marston to adjourn the meeting at 9:21p.m.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

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

James Dempsey David Foote, Jr.

Respectfully submitted,

Patricia Anderson Frentzel  
Town Clerk

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