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 19th of October 2026.

Present:	Peter J. Marston	Supervisor
	Thomas A. Digati	Councilman
	Jose A. Garcia	Councilman
	Rhonda G. Diehl	Councilwoman
	Jayme N. Hinkle	Deputy Town Clerk
	Peter C. Godfrey	Town Attorney
Excused:	Daniel F. Kilmer	Councilman

Supervisor Peter J. Marston called the meeting to order at 8:00p.m.
Mr. Cal Kern gave the Invocation.
Councilman Jose A. Garcia led the Pledge of Allegiance.

CERTIFICATES OF APPRECIATION:
Traffic Art Box Artists

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

Speakers: Thilo Suelberg

PUBLIC HEARINGS:
Local Law Intro #6 of 2026 – Real Property Tax Exemption – Primary Residence of Certain Seriously Disabled Veterans
A Public Hearing was held on Monday, October 19, 2026, at 8:00p.m. for the purpose of hearing anyone who wanted to comment on a Real Property Tax Exemption – Primary Residence of Certain Seriously Disabled Veterans.

Speakers: Karen Clark

Supervisor Marston declared the Public Hearing closed.
A motion was made by Councilman Digati, seconded by Councilwoman Diehl to adopt Local Law #5 of 2026 – Providing a Real Property Tax Exemption for the Primary Residence of Certain Seriously Disabled Veterans Pursuant to Subdivision 11 of Section 458-a of the Real Property Tax Law:

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

Section 1. Legislative Intent.

It is the intent of the Town Board of the Town of Grand Island to provide a full real property tax exemption for the primary residence of certain seriously disabled veterans, as set forth in subdivision 11 of § 458-a of the Real Property Tax Law, as most recently amended by Chapter 77 of the Laws of 2026.

Section 2. Authority.

Subdivision 11 of § 458-a of the Real Property Tax Law authorizes the Town Board to adopt a local law providing that the primary residence of any seriously disabled veteran who meets the qualifications set forth therein shall be fully exempt from taxation and special district charges, assessments and special ad valorem levies.

Section 3. Grant of Real Property Tax Exemption for Certain Seriously Disabled Veterans.

A new Article X of Chapter 337 "Taxation" shall be added as follows:

337-30. Exemption Granted for Certain Seriously Disabled Veterans.

In addition to any other exemption from taxation on real property which may be allowed to veterans pursuant to the provisions of Chapter 4 of the Real Property Tax Law, including subdivision 3 of § 458 of the Real Property Tax Law, the primary residence of any seriously disabled veteran shall be fully exempt from taxation and special district charges, assessments and special ad valorem levies, provided that such veteran meets at least one of the criteria set forth in subsections (a) through (c) of this section and the criterion set forth in subsection (d) of this section. To be eligible for such exemption, a veteran:

(a) must have been discharged or released from active military, naval, space or air service, including army and air national guard service performed pursuant to federal orders under title 10 of the United States Code, under honorable conditions; or

(b) must have a qualifying condition, as defined in § 1 of the Veterans' Services Law, and must have received a discharge other than bad conduct or dishonorable from such service; or

(c) must be a discharged LGBT veteran, as defined in § 1 of the Veterans' Services Law, and must have received a discharge other than bad conduct or dishonorable from such service; and

(d) must be considered by the United States Department of Veterans Affairs to be permanently and totally disabled as a result of military service, as evidenced by a letter, official form, or other document sent to such veteran from such department that specifically states such veteran is considered to be permanently and totally disabled as a result of such service.

In no case shall the taxable assessed value of the property of a qualifying veteran be reduced below zero. Nothing contained in this section shall be construed to require or authorize the discontinuance of any exemption granted pursuant to subdivision 3 of § 458 of the Real Property Tax Law.

The Town shall notify the New York State Department of Veterans' Services within thirty (30) days of the adoption of this Local Law; provided, however, that a failure to notify the Department of Veterans' Services within thirty (30) days shall not render this Local Law ineffective.

337-31. Application.

An application for such exemption, together with such documentation as may be required by the Town Assessor, shall be filed with the Town Assessor on or before the taxable status date of each year or as otherwise prescribed by New York State.

337-32. No Diminution of Benefits.

No applicant who is a veteran who by reason of such status is receiving any benefit under the provisions of Article 4 of the New York State Real Property Tax Law on the effective date of this Local Law shall suffer any diminution of such benefit because of the provisions of this Local Law.

337-33. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, 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 in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

337-34. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State and shall apply to assessment rolls based on taxable status dates occurring on and after October 1, 2026, consistent with Chapter 77 of the Laws of 2026.

APPROVED Ayes 4 Digati, Garcia, Diehl, Marston
Noes 0

MINUTES:

A motion was made by Councilman Garcia, seconded by Councilwoman Diehl to approve Minutes of Workshop Meeting #27, September 21, 2026, Minutes of Regular Meeting #17, September 21, 2026, Minutes of Workshop Meeting #30, October 5, 2026, Minutes of Regular Meeting #18, October 5, 2026, and Minutes of Workshop Meeting #31, October 7, 2026.

APPROVED Ayes 4 Digati, Garcia, Diehl, Marston
Noes 0

CONSENT AGENDA:

1. Meeting Minutes – Zoning Board of Appeals – September 3, 2026
2. Erie Grown October Newsletter

A motion was made by Councilman Garcia, seconded by Councilwoman Diehl to approve the consent agenda as distributed.

APPROVED Ayes 4 Digati, Garcia, Diehl, Marston
Noes 0

COMMUNICATIONS – TOWN BOARD:

SUPERVISOR – PETER J. MARSTON:

Authorize Supervisor to Sign Agreement – Employee Insurance

A motion was made by Councilman Garcia, seconded by Councilman Digati to refer the matter of authorizing the Supervisor to sign an Agreement for employee insurance to the Town Board.

APPROVED Ayes 4 Digati, Garcia, Diehl, Marston
Noes 0

COUNCILMAN – DANIEL F. KILMER:

Authorize Supervisor to Sign Land Option & Lease Agreement – CC Internal Development LLC (CleanCapital) – Portion of 1600 Whitehaven Road

This matter was discussed in a previous Town Board Meeting. A Public Hearing was set for Monday, November 2, 2026, at 8:00p.m.

COMMUNICATIONS – OTHER TOWN OFFICIALS:

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

Site Plan (revised project) – Ransom & Stony Point Multi-Family Development

Town Engineer Robert Westfall reported that he has a complete engineering drawing package and letter from lnvictus Civil Engineering on behalf of David Mazur relating to a revision to a previously issued Site Plan Approval and requesting Site Plan re-approval of the modified plan.

The proposed project reduces the number of dwelling units and uses different sized buildings, reducing the design population from 257 people to 222. The applicant has already obtained a variance relating to the 12-unit buildings. The letter further explains the reduction in intensity, and other changes made should not cause an expanded review under SEQR and the previously issued Negative Declaration could be reaffirmed. Mr. Westfall recommends that the Town Board consider this request directly or refer to the Planning Board if additional input or review is warranted. Concurrently, Engineering is reviewing the plans so should any approval happen, it should be conditioned on both our review, and EC DOH acceptance of the utility extensions.

A motion was made by Councilman Digati, seconded by Councilman Garcia to refer the Site Plan (revised project) – Ransom & Stony Point Multi-Family Development to the Planning Board and the Traffic Safety Advisory Board for review and recommendation.

APPROVED Ayes 4 Digati, Garcia, Diehl, Marston
Noes 0

CODE ENFORCEMENT OFFICE:

Special Use Permit Application – Richard Hyman, 3396 Wallace Drive – Home Occupation – Bakery – Set Public Hearing and Refer to Planning Board

A motion was made by Councilman Garcia, seconded by Councilwoman Diehl to set a Public Hearing for Monday, November 2, 2026, at 8:00p.m. to hear anyone who wants to comment on a Special Use Permit Application – Richard Hyman, 3396 Wallace Drive – Home Occupation – Bakery and refer the matter to the Planning Board for review and recommendation.

APPROVED	Ayes	4	Digati, Garcia, Diehl, Marston
	Noes	0	

Fee Schedule Amendments

A motion was made by Councilman Digati, seconded by Supervisor Marston to amend the Fee Schedule for Battery Energy Storage Systems as follows:

BATTERY ENERGY STORAGE SYSTEMS:	
Tier I System	$ 500.00
Tier II System	$ 1,500.00

APPROVED	Ayes	4	Digati, Garcia, Diehl, Marston
	Noes	0	

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilman Garcia, seconded by Councilwoman Diehl to pay

Vouchers #153989-154063

General	$ 62,263.25
Highway	$ 9,806.59
Sewer	$ 18,093.54
Water	$ 24,695.66
Capital Fund	$106,887.21
Lighting	$ 625.00
Total	$222,371.25

APPROVED	Ayes	4	Digati, Garcia, Diehl, Marston
	Noes	0	

UNFINISHED BUSINESS:

Local Law Intro #5 of 2026 – Override the Tax Levy Limit

Supervisor Marston declared the Public Hearing from September 21, 2026, closed.

A motion was made by Supervisor Marston, seconded by Councilman Garcia to adopt Local Law #6 of 2026 to override the tax levy limit established by General Municipal Law §3-c as follows:

Section 1. Legislative Intent

It is the intent of this local law to permit the override of the limit on the amount of real property taxes that may be levied by the Town of Grand Island, County of Erie, pursuant to General Municipal Law §3-c, and to allow the Town of Grand Island to adopt a town

budget for the fiscal year 2027 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority
This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override
The Town Board of the Town of Grand Island, County of Erie is hereby authorized to adopt a budget for the fiscal year 2027 that requires a real property tax levy in excess of the tax levy limit specified in General Municipal Law, §3-c.

Section 4. Severability
If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, 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 in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date
This local law shall take effect immediately upon filing with the Secretary of State.

APPROVED	Ayes	4	Digati, Garcia, Diehl, Marston
	Noes	0	

Special Use Permit Application – Jaclyn Weld, 1235 Ransom Road – Home Occupation – Personal Trainer
Remains Tabled.

Authorize Supervisor to Sign Land Option & Lease Agreement – CC Internal Development LLC (CleanCapital) – Portion of 1600 Whitehaven Road
This matter was discussed in a previous Town Board Meeting. A Public Hearing was set for Monday, November 2, 2026, at 8:00p.m.

Professional Services Contract – Bedell Road Culvert Repair Design
A motion was made by Councilman Garcia, seconded by Councilman Digati to refer Professional Services Contract – Bedell Road Culvert Repair Design to the Town Board.

APPROVED	Ayes	4	Digati, Garcia, Diehl, Marston
	Noes	0	

Special Use Permit Renewal & Agricultural Issue – 1750 East River Road

A motion was made by Councilman Digati, seconded by Councilman Garcia to refer the Special Use Permit Renewal & Agricultural Issue – 1750 East River Road to the Code Enforcement Office.

APPROVED Ayes 4 Digati, Garcia, Diehl, Marston
Noes 0

PUBLIC COMMENTS:

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

Speakers: Dan Oliveri

FROM THE BOARD:

- Financial Outlook of Town
- Town Budget/Tax Cap
- Halloween Trick or Treat Hours 5:00p.m.-8:00p.m.
- Go Bills!

ADJOURNMENT:

A motion was made by Councilman Garcia, seconded by Councilwoman Diehl to adjourn the meeting at 8:28p.m.

APPROVED Ayes 4 Digati, Garcia, Diehl, Marston
Noes 0

Respectfully submitted in the absence of the Town Clerk,

Jayme N. Hinkle
Deputy Town Clerk