

Town of Grand Island – Regular Meeting #21

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 5th of December 2022.

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

Excused:	John C. Whitney	Supervisor
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Deputy Supervisor Peter J. Marston called the meeting to order at 8:00p.m.
Reverend Kevin Backus from Bible Presbyterian Church gave the Invocation.
Deputy Supervisor Peter J. Marston led the Pledge of Allegiance.

PUBLIC COMMENTS:

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

<i>Speakers:</i>	Nicole Gerber, Dave Reilly, John Kackman, Jarrod Randall, Tracey Schaefer, Wally & Monica Osetkowski, Cherrish Beals
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PUBLIC HEARINGS:

Sewer Rates – 2023

A Public Hearing was held on Monday, December 5, 2022, at 8:00p.m. for the purpose of hearing anyone who wants to comment on the Sewer Rates for the Consolidated Sanitary Sewer District in the Town of Grand Island for 2023.

<i>Speakers:</i>	None
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A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve setting the rates for the Consolidated Sanitary Sewer District for 2023 at \$5.50 per 1000 gallons of water usage.

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

Special Use Application – Kevin Bitikofer, 4410 & 4420 East River Road – Keeping of up to 3 Agricultural Animals on 9.85 Acres

A Public Hearing was held on Monday, December 5, 2022, at 8:00p.m. for the purpose of hearing anyone who wants to comment on a Special Use Application – Kevin Bitikofer, 4410 & 4420 East River Road – Keeping of up to 3 Agricultural Animals on 9.85 Acres.

<i>Speakers:</i>	Kevin Bitikofer
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A motion was made by Councilman Digati, seconded by Councilman Madigan to table the Special Use Application – Kevin Bitikofer, 4410 & 4420 East River Road – Keeping of up to 3 Agricultural Animals on 9.85 Acres, pending review of the Planning Board and SEQR.

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

MINUTES:

A motion was made by Councilman Madigan, seconded by Councilman Digati to approve Minutes of Workshop Meeting #29, November 16, 2022, Minutes of Workshop Meeting #30, November 21, 2022, and Minutes of Regular Meeting #20, November 21, 2022.

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

COMMUNICATIONS –TOWN BOARD:

SUPERVISOR JOHN C. WHITNEY:

Appointment – Police Department

Deputy Supervisor Peter Marston informed the Town Board that Supervisor John Whitney appointed Rachel Stanbro as a Grand Island Police Officer effective December 5, 2022.

No action by the Town Board.

Chanukah Celebration – December 21, 2022

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve the Special Events Permit for a Chanukah Celebration on December 21, 2022 at 7:00p.m.

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

COUNCILMAN PETER J. MARSTON:

Local Law Intro #9 of 2022 – Amend Chapter 351 of the Town Code Amending the Definition of “Tourists or Transients” – Set Public Hearing

A motion was made by Councilman Digati, seconded by Councilman Madigan to set a Public Hearing for Monday, December 19, 2022, at 8:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #9 of 2022 – Amend Chapter 351 of the Town Code Amending the Definition of “Tourists or Transients”.

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

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN CLERK – PATRICIA ANDERSON FRENTZEL:

Local Law Intro #10 of 2022 – Amend Chapter 101 of the Town Code – Animals – Dog Impoundment Fees – Set Public Hearing

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to set a Public Hearing for Monday, December 19, 2022, at 8:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #10 of 2022 – Amend Chapter 101 of the Town Code – Animals – Dog Impoundment Fees.

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

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TOWN ACCOUNTANT – KORIN FRANTZ:

2022 Budget Transfers/Amendments

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve the following budget transfer needed to balance each fund in preparation for the year ended 12/31/22:

<u>GENERAL</u>	<u>HIGHWAY</u>	<u>SEWER</u>	<u>WATER</u>
\$ 151,368	\$ 122,700	\$ 99,200	\$ 60,250

General:

DEPT	ACCOUNT NAME	ACCOUNT NUMBER	TRF NEEDED	FROM A/C	\$	FROM DIFFERENT DEPT	EXPLANATION
LAW OFFICE	PROFESSIONAL SVCS	001.1420.0409	65,000.00	001.1990.0475	65,000.00	CONTINGENCY	EXCEEDED BUDGET
UNALLOCATED INSURANCE	FIRE & LIAB INSURANCE	001.1910.0446	14,000.00	001.9730.0600	14,000.00	BANS - PRINCIPAL	EXCEEDED BUDGET
POLICE	PERS SVCS-EQUIP.	001.3120.0200	24,360.00	001.1990.0475	24,360.00	CONTINGENCY	BALANCE OF VEHICLE REPLACEMENT
CROSSING GUARDS	UNIFORMS	001.3122.0444	108.00	001.3122.0100	108.00	CROSSING GUARDS - REG PAY	EXCEEDED BUDGET
HWY SUP	REP/MAIN GARAGE	001.5132.0422	20,000.00	001.8560.0429	20,000.00	HWY SUP - TREE REMOVAL	EXCEEDED BUDGET - CONCRETE COATING BAY
RECREATION	YOUTH PROGRAM PERS SVCS	001.7310.0100	6,300.00	001.7020.0200	6,300.00	RECREATION - EQUIPMENT	EXCEEDED BUDGET
RECREATION	ADULT PROGRAM PERS SVCS	001.7620.0100	3,000.00	001.7620.0443	3,000.00	ADULT PROGRAM - SUPPLIES	EXCEEDED BUDGET
LIBRARY	REP/MAIN BLDGS & Grounds	001.7410.0422	8,500.00	001.1990.0475	8,500.00	CONTINGENCY	EXCEEDED BUDGET
HISTORIC PRESERVATION	PROFESSIONAL SVCS	001.7521.0409	650.00	001.1990.0475	650.00	CONTINGENCY	EXCEEDED BUDGET
PLANNING	REGULAR PAY	001.8020.0100	700.00	001.8020.0412	700.00	PLANNING - TRAINING	EXCEEDED BUDGET
CEMETARIES	UTILITIES	001.8810.0407	750.00	001.1990.0475	750.00	CONTINGENCY	EXCEEDED BUDGET
DISABILITY INSURANCE	DISABILITY INSURANCE	001.9055.0800	8,000.00	001.9060.0800	8,000.00	MEDICAL INSURANCE	EXCEEDED BUDGET
			\$151,368.00		\$151,368.00		
				CONTINGENCY	(99,260.00)		
				BUDGET	120,000.00		
				REMAINING	20,740.00		

Highway:

DEPT	ACCOUNT NAME	ACCOUNT NUMBER	TRF NEEDED	FROM A/C	\$	FROM DIFFERENT DEPT	EXPLANATION
MACHINERY	PERS SVCS	002.5130.0100	12,000.00	002.5140.0100	12,000.00	MISC (BRUSH & WEED)	EXCEEDED BUDGET
MACHINERY	REP/MAIN EQUIP	002.5130.0421	15,000.00	002.5110.0432	15,000.00	GENERAL REPAIRS	EXCEEDED BUDGET
GENERAL REPAIRS	PERS SVCS	002.5110.0100	75,000.00	002.5140.0100	75,000.00	MISC (BRUSH & WEED)	EXCEEDED BUDGET
MISC.	GAS & OIL	002.5140.0431	20,000.00	002.5110.0432	20,000.00	GENERAL REPAIRS	EXCEEDED BUDGET
EMPLOYEE BENEFITS	DISABILITY INSURANCE	002.9055.0800	700.00	002.9010.0800	700.00	NYS RETIREMENT	EXCEEDED BUDGET
		TOTALS	\$122,700.00		\$122,700.00		

Sewer:

DEPT	ACCOUNT NAME	ACCOUNT NUMBER	TRF NEEDED	FROM A/C	\$	FROM DIFFERENT DEPT	EXPLANATION
EMPLOYEE BENEFITS	DISABILITY INSURANCE	003.9055.0800	200.00	003.9010.0800	200.00	NYS RETIREMENT	EXCEEDED BUDGET
O&M	UTILITIES	003.8130.0407	22,000.00	003.9730.0600	22,000.00	BANS - PRINCIPAL	EXCEEDED BUDGET
O&M	MAINT. OF LINES	003.8130.0424	50,000.00	003.9730.0700	47,000.00	BANS - INTEREST	EXCEEDED BUDGET
				003.9730.0600	3,000.00	BANS - PRINCIPAL	EXCEEDED BUDGET
O&M	CHEMICALS	003.8130.0435	27,000.00	003.8130.0199	27,000.00	O&M - BUYBACKS	EXCEEDED BUDGET
		TOTALS	99,200.00		99,200.00		

Water:

DEPT	ACCOUNT NAME	ACCOUNT NUMBER	TRF NEEDED	FROM A/C	\$	FROM DIFFERENT DEPT	EXPLANATION
T&D	GAS & OIL	004.8340.0424	15,000.00	004.9730.0700	15,000.00	BANS INTEREST	EXCEEDED BUDGET
T&D	WATER LINE REPAIRS	004.8340.0436	45,000.00	004.0004.2140	45,000.00	METERED SALES	CDBG PROJECT
EMPLOYEE BENEFITS	DISABILITY INSURANCE	004.9055.0800	250.00	004.9010.0800	250.00	NYS RETIREMENT	EXCEEDED BUDGET
		TOTALS	\$ 60,250.00		\$ 60,250.00		

Approval for two (2) budget amendments needed to balance each fund in preparation for the year ended 12/31/22:

001.0001.999	Appropriated Fund Balance – General Fund	\$275,000
001.5410.0200	Increase Expenditure Appropriation – Sidewalks (Town Share of Sidewalk Projects)	\$275,000
001-0001-2680	Increase Revenue - Insurance Recoveries	\$ 23,699
001-3120-0200	Increase Expenditure Appropriation - Police Equip (Insurance Claim)	\$ 23,699
APPROVED	Ayes 4 Madigan, Marston, Digati, Bahleda	
	Noes 0	

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Budget Amendment – Parkland Funds

The Town Board authorized the following purchases and services during the 2022 year.

Parkland Funds were used:

- Purchase tracks for the UTV to maintain the walking path – \$4,244
- Concrete for Veteran's Park Pavilion – \$1,537
- Electric Service to Veteran's Park Memorial – \$6, 875

A motion was made by Councilman Madigan, seconded by Councilman Digati to approve the following budget amend to transfer the funds from Parkland monies.

Increase	001.0001.2770	Appropriated Fund Balance	\$12,656
Increase	001.7110.0200	Parks & Playgrounds – Equipment	\$12,655

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

Budget Amendment – General Fund – ARPA Funds

In August of 2022, the Town of Grand Island was in receipt of the remaining American Rescue Plan Act of 2021(ARPA) funds in the amount of \$1,098,458 (\$2,196,916.48 grand total). To date, those funds have been used to purchase a new Vactor truck in the amount of \$378,475. The remaining funds are sitting in a liability account in the General Fund until decisions are made.

Previously, the Board had agreed that the Water Maintenance Garage and Clearwell projects would utilize ARPA funds. These amounts totaled \$513,360.77 and \$624,832.55, respectively (Combined Total is \$1,138,193.32). Of the list to utilize the remaining funds – Sewer has been able to do the paving at Station 9, which cost a total of \$23,000, and Parks was able to purchase a water reel in the amount of \$11,645. Grand total expenditures from ARPA funds this distribution = \$1,172,838.32. All these projects are acceptable under the guidelines. A series of approvals are required to transfer/appropriate/amend funds and budgets.

A motion was made by Councilman Bahleda, seconded by Councilman Digati to approve the following transfers and amendments:

Transfer \$1,161,193.32 from the General Fund to the Sewer and Capital Projects Fund:

Account	Fund	Description	Debit	Credit
001.0001.0688	General Fund	Other Liabilities	\$1,172,838.32	
001.0001.4089	General Fund	Federal Aid-Other		\$1,172,838.32
(MOVE FUNDS FROM LIABILITY TO REVENUE)				
001.0001.0205	General Fund	Cash		\$1,161,193.32
001.9901.0903	General Fund	Transfer to Other Funds	\$ 23,000.00	
(TRANSFER CASH TO SEWER FUND)				
001.9901.0903	General Fund	Transfer to Other Funds	\$1,138,193.32	
(TRANSFER CASH TO CAPITAL FUND)				
003.0003.0205	Sewer Fund	Cash	\$23,000.00	
003.0003.5031	Sewer Fund	Transfer from Other Funds		\$23,000.00
(ACCEPT CASH FROM GENERAL FUND)				
006.0006.0205.8821	Capital Fund	Cash - Water Maintenance Garage Rehab		\$513,360.77
006.0006.0980.8821	Capital Fund	Revenue - Water Maintenance Garage Rehab		\$513,360.77
(ACCEPT CASH FROM GENERAL FUND)				

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006.0006.0205.8821 Capital	Cash - Water Clearwell Rehab	\$624,832.55
006.0006.0980.8821 Capital (ACCEPT CASH FROM GENERAL FUND)	Revenue - Water Clearwell Rehab	\$624,832.55

Amend General Fund Budget:

001.0001.4089	General Fund Revenue	Increase - Federal Aid-Other	\$1,172,838.32
001.9901.0903	General Fund Expense	Increase - Transfer to Other Funds	\$1,161,193.32
001.7710.0200	General Fund Expense	Increase – Equip. Parks/Playgrounds	\$ 11,645.00

Amend Sewer Fund Budget:

003.0003.5031	Sewer Fund Revenue	Increase -Transfer from Other Funds	\$23,000
003.8130.0422	Sewer Fund Expense	Increase – Sewer O&M Rep/Main Bldgs.	\$23,000

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

CODE ENFORCEMENT OFFICER:

Tower Permit Renewal – Upstate Cellular Network (Verizon) – 1639 West River Road

A motion was made by Councilman Madigan, seconded by Councilman Digati to renew the Tower Permit for Upstate Cellular Network (Verizon) – 1639 West River Road. The site has been inspected and it is unchanged.

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

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilman Digati, seconded by Councilman Bahleda to pay Vouchers #140121 - #140208

General	\$ 37,792.93
Highway	\$ 787.41
Sewer	\$ 21,846.19
Water	\$ 5,999.92
Capital	\$ 5,115.00
Garbage	\$136,733.62
Fire	<u>\$365,562.50</u>
Total	\$573,837.57

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

UNFINISHED BUSINESS:

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

Whitehaven Road – Solar Energy Farm – SERQ

A motion was made by Councilman Madigan, seconded by Councilman Digati to adopt the Resolution adopting the Full Environmental Assessment Form Part 2 &3 and declaring a Negative Declaration of Environmental Significance for the proposed Emery Solar Park to be located at 2595 Whitehaven Road as follows:

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WHEREAS, on or about May 27, 2022, NYSOLAR06 LLC (the “Applicant”) filed applications for a Special Use Permit and Site Plan Approval of “Emery Farm Solar” to be located at 2595 Whitehaven Road in the Town of Grand Island (the “Proposed Action”), and

WHEREAS, on June 17, 2022, the Town of Grand Island Code Enforcement Officer issued a Notice of Incomplete Application to the Applicant, and

WHEREAS, on June 24, 2022, and July 5, 2022, the Applicant supplemented its application, and

WHEREAS, on July 7, 2022, the Application was deemed complete, and

WHEREAS, the Applicant further supplemented the Application on August 16, 2022, September 1, 2022, October 25, 2022, and November 17, 2022, and

WHEREAS, the proposed action would involve disturbance of approximately 19.65 acres of land on a 36.08-acre parcel, and

WHEREAS, on July 8, 2022, Erie County Planning responded to the Town of Grand Island’s GML 239-m referral with a finding of “[n]o recommendation; proposed action has been reviewed and determined to be of local concern,” and

WHEREAS, on July 8, 2022, Erie County Planning provided the following comments in response to the Town Board of the Town of Grand Island’s (the “Town Board”) referral pursuant to GML §239-m:

1. According to the Erie-Niagara Framework for Regional Growth, the subject property is located in a Developing Area. The Developing Area recommends “minimizing the conversion of significant open space, agricultural lands, and natural systems” (Page 49) The Town may wish to review the Framework prior to granting project approval. The Framework can be found at: <https://www2.erie.gov/regionalframework>.
2. According to the *Town of Grand Island Comprehensive Plan* (2018), the subject property is comprised of prime farmland when drained. In addition to prohibiting the removal of prime soils from the property as required by the Town’s Solar Ordinance, the Town should consider limiting the addition of fill to the property to allow for a return to agricultural use in the future.
3. The subject property is currently enrolled in Erie County’s Amherst Agricultural District #17. The conversion of this property to non-farm use will result in the loss of a large agricultural parcel. If this parcel has received an agricultural assessment, the landowner should be aware that payment recapture may be imposed by New York State.

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WHEREAS, on July 18, 2022, the Town Board of the Town Grand Island (the “Town Board”) declared itself lead agency for the purposes of SEQRA review and classified the action as Type I, and

WHEREAS, in July and August of 2022, the Proposed Action was reviewed by the Conservation Advisory Board which recommended the inclusion of a nature corridor and use of a native seed mix for ground cover and use of trees from the CAB’s recommended tree list, and

WHEREAS, on October 3, 2022, the Town Board held a public hearing on the project and public comments were received by members of the public which primarily related to potential impacts to existing uses and prospective recreational uses, and

WHEREAS, no interested or involved agencies identified or provided comment on any potentially significant environmental impacts, and

WHEREAS, the Town Board has reviewed all submissions made by the Applicant, considered comments made by the public and interested agencies, and taken a hard look at the potential environmental impacts of the Proposed Action and has caused to be prepared Part 2 and Part 3 of the Full Environmental Assessment Form (“FEAF”), attached hereto, and

NOW THEREFORE, the Town Board hereby adopts the attached FEAF Part 2 and Part 3 and directs the Supervisor to execute the same,

AND THEREFORE, the Town Board hereby finds that there will be no or minor environmental impacts associated with the Proposed Action,

AND THEREFORE, the Town Board hereby makes a negative declaration of environmental significance for the Proposed Action,

AND THEREFORE, the Town Clerk of the Town of Grand Island is hereby directed to enter this resolution into the minutes of this meeting.

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

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

A motion was made by Councilman Marston, seconded by Councilman Digati to adopt the Resolution regarding NYSOLAR06 LLC application for Site Plan Approval for the proposed Emery Solar Farm to be located at 2595 Whitehaven Road as follows:

WHEREAS, on or about May 27, 2022, NYSOLAR06 LLC (the “Applicant”) filed applications for a Special Use Permit and Site Plan Approval of “Emery Farm Solar” to be located at 2595 Whitehaven Road in the Town of Grand Island (the “Proposed Action”), and

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WHEREAS, on June 17, 2022, the Town of Grand Island Code Enforcement Officer issued a Notice of Incomplete Application to the Applicant, and

WHEREAS, on June 24, 2022, and July 5, 2022, the Applicant supplemented its application, and

WHEREAS, on July 7, 2022, the Application was deemed complete, and

WHEREAS, the Applicant further supplemented the Application on August 16, 2022, September 1, 2022, October 25, 2022, and November 17, 2022, and

WHEREAS, the Proposed Action is for a Tier 3 Solar Energy System, and

WHEREAS, on July 18, 2022, the Proposed Action was referred to Erie County Planning pursuant to GML 239-m, and the Proposed Action was referred to the Town of Grand Island Planning Board (the “Planning Board”) and Town of Grand Island Conservation Advisory Board (“CAB”) for review pursuant to the Town of Grand Island Solar Law, and

WHEREAS, on July 8, 2022, Erie County Planning responded to the Town of Grand Island’s GML 239-m referral with a finding of “[n]o recommendation; proposed action has been reviewed and determined to be of local concern,” and

WHEREAS, on July 8, 2022, Erie County Planning provided the following comments in response to the Town Board of the Town of Grand Island’s (the “Town Board”) referral pursuant to GML §239-m:

1. According to the Erie-Niagara Framework for Regional Growth, the subject property is located in a Developing Area. The Developing Area recommends “minimizing the conversion of significant open space, agricultural lands, and natural systems” (Page 49) The Town may wish to review the Framework prior to granting project approval. The Framework can be found at: <https://www2.erie.gov/regionalframework>.
2. According to the *Town of Grand Island Comprehensive Plan* (2018), the subject property is comprised of prime farmland when drained. In addition to prohibiting the removal of prime soils from the property as required by the Town’s Solar Ordinance, the Town should consider limiting the addition of fill to the property to allow for a return to agricultural use in the future.
3. The subject property is currently enrolled in Erie County’s Amherst Agricultural District #17. The conversion of this property to non-farm use will result in the loss of a large agricultural parcel. If this parcel has received an agricultural assessment, the landowner should be aware that payment recapture may be imposed by New York State.

WHEREAS, on July 18, 2022, the Town Board declared itself lead agency for the purposes of SEQRA review and classified the action as Type I, and

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WHEREAS, on August 8, 2022, the Planning Board voted to recommend site plan approval of the Proposed Action with the following conditions:

1. that plantings should be in accordance with the recommendations of the CAB;
2. that plantings must be maintained for the life of the Project;
3. that all screening will be at least as tall as the panels withing 24 months of planting;
4. that the razor wire shown on the July 5, 2022, Site Plan be omitted;

WHEREAS, in July and August 2022, the Proposed Action was reviewed by the Conservation Advisory Board which recommended the inclusion of a nature corridor and use of a native seed mix for ground cover and use of trees from the CAB's recommended tree list, and

WHEREAS, on October 3, 2022, the Town Board held a public hearing on the project, and

WHEREAS, on December 5, 2022, the Town Board made a negative declaration of environmental significance for purposes of SEQRA, and

WHEREAS, the Town of Grand Island Building/Code Enforcement/Zoning office has reviewed the Applicant's application for site plan approval last revised November 17, 2022, with drawings last revised on November 14, 2022, and deemed it complete, and

WHEREAS, after review, the Town Board has weighed the effects of the Proposed Action on health, safety, welfare, comfort and convenience of the public in general and the residents of the immediate surrounding area and made the following findings:

1. The character of Proposed Action is compatible with the surrounding neighborhood and in harmony with the Town's Comprehensive Plan because the Property is zoned M-1- Light Industrial and could allow for a more intensive use than what is proposed. Further, screening minimizes any potential impacts
2. The number of proposed access points is not excessive, all access points are adequate in width, grade alignment and visibility, access points are not located too close to intersections or places of public assembly and similar safety considerations are reviewed for all site plan approvals.
3. Exterior lighting for the Proposed Action will be erected and maintained so the light is confined to the property and will not cast direct light or glare upon adjacent properties or public roads. The Proposed Action will not utilize high-intensity lighting with only one light on the signage.

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4. The Proposed Action will have adequate off-street parking and is not anticipated to attract vehicles. The proposed site plan will minimize the number of cars parked or standing on public roads.
5. The interior circulation system is adequate to provide safe accessibility to all parking areas and ensure adequate separation of pedestrian and vehicular traffic because the Proposed Action is not anticipated to attract pedestrians within the confines of the project area.
6. Facility components adjacent to residential areas are reasonably screened and the general landscaping of the site reflects the character of the neighborhood and surrounding area because the Applicant voluntarily provided an increased setback and additional screening beyond what was required and committed to use native species and maintain the screening for the life of the project.
7. The proposed use is compatible with geologic, hydraulic, and soil conditions of the site and adjacent areas and the existing natural scenic features are preserved to the greatest possible extent because there will be limited soil disturbance and the structures are not permanent.
8. The public facilities that service the proposed use, including water, sanitary sewer, drainage, roads and related facilities, parks and open space are adequate for the intended level of use.
9. The proposed use will not create noise, odor, dust or smoke as to create a nuisance or to be detrimental to adjoining properties because the Project is sufficiently screened and there will be no significant noise, dust, odor or smoke during construction and operation.
10. The Town Engineer has reviewed the SWPPP and it complies with the requirements of Town Code Article XXXV.
11. The Proposed Action is not anticipated in any significant soil erosion or sediment deposition.
12. The Proposed Action will not alter the course of a natural watercourse shown on the United States Geodetic Survey maps and the Official Town Map or restrict or impede the free flow of water in these waterways, with piping or other structures.

NOW THEREFORE, the Town Board does hereby grant Site Plan Approval for site plan approval last revised November 17, 2022, with drawings last revised on October 25, 2022, with the following conditions:

1. All plantings should be in accordance with the recommendations of the CAB;

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2. All plantings must be maintained for the life of the Project until decommissioning;
3. All required screening must be at least as tall as the panels withing 24 months of planting;
4. The concrete wash out must be at least 100 feet from the ditch; and
5. The lighting must be dark sky compliant and not facing traffic.

AND THEREFORE, the Town Clerk of the Town of Grand Island is hereby directed to enter this resolution into the minutes of this meeting.

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

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

A motion was made by Councilman Marston, seconded by Councilman Bahleda to adopt the Resolution regarding NYSOLAR06 LLC's application for a Special Use Permit for the proposed Emery Solar Farm to be located at 2595 Whitehaven Road as follows:

WHEREAS, on or about May 27, 2022, NYSOLAR06 LLC (the "Applicant") filed applications for a Special Use Permit and Site Plan Approval of "Emery Farm Solar" to be located at 2595 Whitehaven Road in the Town of Grand Island (the "Proposed Action"), and

WHEREAS, on June 17, 2022, the Town of Grand Island Code Enforcement Officer issued a Notice of Incomplete Application to the Applicant, and

WHEREAS, on June 24, 2022, and July 5, 2022, the Applicant supplemented its application, and

WHEREAS, on July 7, 2022, the Application was deemed complete, and

WHEREAS, the Applicant further supplemented the Application on August 16, 2022, September 1, 2022, October 25, 2022, and November 17, 2022, and

WHEREAS, the Proposed Action is for a Tier 3 Solar Energy System, and

WHEREAS, on July 18, 2022, the Proposed Action was referred to Erie County Planning pursuant to GML-239-m, and the Proposed Action was referred to the Town of Grand Island Planning Board (the "Planning Board") and Town of Grand Island Conservation Advisory Board ("CAB") for review pursuant to the Town of Grand Island Solar Law, and

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WHEREAS, on July 8, 2022, Erie County Planning responded to the Town of Grand Island's GML 239-m referral with a finding of "[n]o recommendation; proposed action has been reviewed and determined to be of local concern," and

WHEREAS, on July 8, 2022, Erie County Planning provided the following comments in response to the Town Board of the Town of Grand Island's (the "Town Board") referral pursuant to GML §239-m:

1. According to the Erie-Niagara Framework for Regional Growth, the subject property is located in a Developing Area. The Developing Area recommends "minimizing the conversion of significant open space, agricultural lands, and natural systems" (Page 49) The Town may wish to review the Framework prior to granting project approval. The Framework can be found at: <https://www2.erie.gov/regionalframework>.
2. According to the *Town of Grand Island Comprehensive Plan* (2018), the subject property is comprised of prime farmland when drained. In addition to prohibiting the removal of prime soils from the property as required by the Town's Solar Ordinance, the Town should consider limiting the addition of fill to the property to allow for a return to agricultural use in the future.
3. The subject property is currently enrolled in Erie County's Amherst Agricultural District #17. The conversion of this property to non-farm use will result in the loss of a large agricultural parcel. If this parcel has received an agricultural assessment, the landowner should be aware that payment recapture may be imposed by New York State.

WHEREAS, on July 18, 2022, the Town Board declared itself lead agency for the purposes of SEQRA review and classified the action as Type I, and

WHEREAS, on August 8, 2022, the Planning Board voted to recommend granting a Special Use Permit with the following conditions:

1. that plantings should be in accordance with the recommendations of the CAB;
2. that plantings must be maintained for the life of the Project;
3. that all screening will be at least as tall as the panels withing 24 months of planting;
4. that the razor wire shown on the July 5, 2022, Site Plan be omitted;

WHEREAS, in July and August 2022 the Proposed Action was reviewed by the Conservation Advisory Board which recommended the inclusion of a nature corridor and use of a native seed mix for ground cover and use of trees from the CAB's recommended tree list, and

WHEREAS, on October 3, 2022, the Town Board held a public hearing on the project, and

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WHEREAS, on December 5, 2022, the Town Board made a negative declaration of environmental significance for purposes of SEQRA, and

WHEREAS, the Town of Grand Island Building/Code Enforcement/Zoning office has reviewed the Applicant's application for a Special Use Permit and deemed it complete, and

WHEREAS, after review, the Town Board has weighed the effects of the Proposed Action on health, safety, and welfare of the community and made the following findings:

1. The Proposed Action is consistent with the intent of the M-1 district because it is a use allowed by special permit in the district and is not intended for residential uses.
2. The general character, height, and use of the Proposed Action is satisfactory because a solar farm is a less intense use than other uses permitted in a M-1 as of right, the maximum height of the panels is below the permitted maximum height for the district, there will be little to no noise or impacted views, and no additional traffic when the project is in operation.
3. The provision of surrounding open space and the treatment of grounds is adequate because the size of the project area has been reduced during the course of the Application, the Applicant voluntarily agreed to use only native species, and include a wildlife corridor to aid in the movement of wild animals through the parcel.
4. The impact on the surrounding properties and the neighborhood is satisfactory because the Applicant has included additional native screening, the Project will have minimal impact on surrounding properties, and the proposed use is less intense use than is permitted in the district as of right.
5. The provision of automobile parking is adequate because the site is not expected to attract much vehicle traffic.
6. The use may be necessary to limit air pollution in the interest of public health, comfort and convenience because it introduces an additional source of renewable energy which will help New York State reach its climate action goals.
7. The proposed use will not be detrimental to the public health, safety and welfare of the community because there will be no emissions from the Project, and it introduces an additional source of renewable energy which will help New York State reach its climate action goals.

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NOW THEREFORE, the Town Board does grant a Special Use Permit for the Proposed Action with the following conditions:

1. All plantings should be in accordance with the recommendations of the CAB;
2. All plantings must be maintained for the life of the Project until decommissioning;
3. All required screening must be at least as tall as the panels withing 24 months of planting;
4. The concrete wash out must be at least 100 feet from the ditch; and
5. The lighting must be dark sky compliant and not facing traffic.

AND THEREFORE, the Town Clerk of the Town of Grand Island is hereby directed to enter this resolution into the minutes of this meeting.

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

**Special Use Permit Renewal – Matthew & Cherrish Beals, 121 Amberwood Drive –
Operate a 3 Bedroom Bed & Breakfast**

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to renew the Special Use Permit for Matthew & Cherrish Beals, 121 Amberwood Drive to operate a Bedroom Bed & Breakfast with the following conditions:

- Now approved for only Two (2) Bedrooms
- The owner will create a barrier i.e.: flowerpots, planters or permanent fence between owner's and neighbor's property.
- There will be no on-street parking of guests or owners on the street when there are guests present

The site has been inspected and the conditions are set.

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

PUBLIC COMMENTS:

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

Speakers: Mary Pfalzer; Paula Sciuk, Mike Stawiasz, Alice Carson, Sherri Kern

FROM THE BOARD:

- Go Bills!
- Grand Island Chamber of Commerce – Light Up the Boulevard

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- Blood Drives: Highway Garage – Tuesday 12/06/22 & Grand Island Fire Hall – Tuesday 12/27/22

ADJOURNMENT:

A motion was made by Councilman Madigan, seconded by Councilman Digati to adjourn the meeting at 9:18p.m.

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

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

John Czora	Shirley Luther
Mary Landel	Maria DelSignore
Mary Jean Merritt	Joseph Cushner
John Frosolone	

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk