

## Town of Grand Island – Regular Meeting #9

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 20<sup>th</sup> of May 2024.

Present:	Peter J. Marston	Supervisor
	Thomas A. Digati	Councilman
	Christian J. Bahleda	Councilman
	Daniel F. Kilmer	Councilman
	Karen M. Cooney	Deputy Town Clerk
	Peter C. Godfrey	Town Attorney

Supervisor Peter J. Marston called the meeting to order at 8:00p.m.  
Pastor Kevin Slough from Trinity Church gave the Invocation.  
Councilman Daniel F. Kilmer led the Pledge of Allegiance.

### **PROCLAMATIONS:**

**VFW Buddy Poppy Days**

### **PUBLIC COMMENTS:**

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

*Speakers:* Cathy Rayhill

### **PUBLIC HEARINGS:**

**Local Law Intro #2 of 2024 – LWRP Update – Job #: M-62-2018 – Zoning/Map Amendments**

#### **A. Resolution Adopting Local Law Intro #2 of 2024**

A Public Hearing was held on Monday, May 20, 2024, at 8:00p.m. for the purpose of hearing anyone who wanted to comment on Local Law Intro #2 of 2024 – LWRP Update – Job #M-62-2018 – Zoning/Map Amendments.

*Speakers:* None

Supervisor Marston declared the Public Hearing closed.

A motion was made by Supervisor Marston, seconded by Councilman Digati to adopt the following resolution adopting Local Law 1 of 2024, Amending the Town of Grand Island Zoning Map to Change the Zoning Classification of Seven Parcels to Open Space Use:

WHEREAS, the Town of Grand Island Town Board (the “Town Board”) proposed to adopt Local Law No. 1 of 2024 to amend the Town of Grand Island Zoning Map to change the zoning classification of seven parcels to Open Space, in furtherance of the Town of Grand Island Local Waterfront Revitalization Plan; and

WHEREAS, the Town Board declared itself the Lead Agency, pursuant to the State Environmental Quality Review Act (“SEQRA”); and

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WHEREAS, the Town Board issued a Negative Declaration, pursuant to SEQRA, and determined that the Project would not result in any significant adverse environmental impacts and that an Environmental Impact Statement will not be prepared; and

WHEREAS, the Town Board referred the proposed zoning to the Erie County Department of Environment and Planning, pursuant to Section 239-m of the New York General Municipal Law; and

WHEREAS, the proposed rezoning was referred to the Town Planning Board pursuant to Section 407-189 of the Town of Grand Island Town Code, which recommended approval of the rezoning; and

WHEREAS, the Town Board called for a public hearing on the proposed Local Law; and

WHEREAS, in accordance with its public notice, the Town Board conducted the public hearing on May 20, 2024, where all interested parties were allowed to address the proposed Local Law;

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

1. Local Law No. 1 of 2024, attached hereto, is adopted in its entirety, and the Town Board directs the Town Clerk to modify the Official Zoning map of the Town to reflect the rezoning.
2. Local Law No. 1 of 2024 shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.
3. This Resolution shall be effective immediately upon its adoption.

Local Law #1 of 2024 Amending the Official Zoning Map of the Town of Grand Island.

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

SECTION I. Amendment to the Town of Grand Island Zoning Map.

The Town Board of the Town of Grand Island hereby amends the Official Zoning Map of the Town of Grand Island to change the zoning classification for the following properties from Low Density Single-Family Residential (R1A) to Open Space (OS) in furtherance of the Town of Grand Island Local Waterfront Revitalization Program:

PARCEL NO.

CURRENT OWNER

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1	36.00-3-1.2	WNY Land Conservancy
2	36.01-4-1	State of New York
3	Lands west of West River Road from Love Road Preserve to 3 <sup>rd</sup> Avenue	State of New York
4	50.03-1-18	WNY Land Conservancy
5	50.17-1-4	WNY Land Conservancy

Furthermore, the Town Board of the Town of Grand Island hereby amends the Official Zoning Map of the Town of Grand Island to change the zoning classification for the following properties from High Density Single-Family Residential to Open Space (OS) in furtherance of the Town of Grand Island Local Waterfront Revitalization Program:

	PARCEL NO.	CURRENT OWNER
1	24.20-3-7	Town of Grand Island
2	24.20-5-14	Town of Grand Island

**SECTION II. Severability.**

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**SECTION III. Effective Date.**

This Local Law shall be effective upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

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

**Local Law Intro #3 of 2024 – LWRP Update – Job #: M-62-2018 Consistency Review Law Chapter 403 Amendments**

**A. Resolution Adopting Local Law Intro #3 of 2024**

A Public Hearing was held on Monday, May 20, 2024, at 8:00p.m. for the purpose of hearing anyone who wanted to comment on Local Law Intro #3 of 2024 – LWRP Update – Job #M-62-2018 Consistency Review Law Chapter 403 Amendments.

*Speakers:*    None

Supervisor Marston declared the Public Hearing closed.  
 A motion was made by Supervisor Marston, seconded by Councilman Digati to adopt Local Law #2 of 2024 – Local Waterfront Revitalization Program Consistency Review Law:

WHEREAS, the Town Board of the Town of Grand Island (“Town Board”) has worked cooperatively with the New York State Department of State to develop the Town of Grand Island Local Waterfront Revitalization Program (“LWRP”), pursuant to Article 42 of the Executive Law; and

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WHEREAS, the Town Board adopted the LWRP pursuant to Town Board via Resolution on May 20, 2024; and

WHEREAS, the Town Board now proposes to amend the Town of Grand Island Town Code, Section 403, by adopting the Town of Grand Island Waterfront Revitalization Program Consistency Review Law (“Local Law”) to provide a framework for Town of Grand Island agencies to consider the policies and purposes contained in the LWRP when reviewing applications for actions or direct agency actions proposed within the Town of Grand Island Waterfront Revitalization Area and to assure that such actions and direct actions undertaken by agencies are consistent with the LWRP policies and purposes; and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”), has performed the required environmental review and has issued a Negative Declaration for the LWRP and the proposed Local Law; and

WHEREAS, the Town Board referred the proposed Local Law to the Erie County Department of Environment and Planning, pursuant to Section 239-m of the New York General Municipal Law; and

WHEREAS, the Town Board called for a public hearing on the proposed Local Law, which was properly noticed to the public; and

WHEREAS, in accordance with its public notice, the Town Board conducted the public hearing on May 20, 2024, where all interested parties were allowed to address the proposed Local Law;

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

1. The attached Local Law No. 2 of 2024 is adopted in its entirety.
2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

LWRP Consistency Review Law Town of Grand Island Local Law #2 of 2024

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

### **403-1 Title.**

This chapter shall be known as the “Town of Grand Island Local Waterfront Revitalization Program (LWRP) Consistency Review Law”.

### **403-2. Authority and Purpose.**

- a) This chapter is adopted under the authority of the Municipal Home Rule Law §10 and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law of the State of New York or the “Executive Law”).
- b) The purpose of this law is to provide a framework for the agencies of the Town of Grand Island (the Town) to consider the policies and purposes contained in the Town of Grand Island Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions (as defined below) proposed within the Waterfront Revitalization Area of the Town of Grand Island; and to assure that such actions and direct actions undertaken by agencies (as defined below) are consistent with the LWRP policies and purposes.
- c) It is the intention of the Town of Grand Island that the preservation, enhancement, and utilization of the unique Waterfront Revitalization Area occur in a coordinated and comprehensive manner to ensure a proper balance between the protection of natural resources and the need to accommodate population growth and economic development. Accordingly, this chapter is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing degradation or loss of living waterfront resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural waterfront processes; impairment of scenic or historical resources; losses due to flooding, erosion, and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.
- d) The substantive provisions of this chapter shall only apply when there is in existence a Town of Grand Island Local Waterfront Revitalization Program that has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

### **403-3. Definitions.**

- a) Actions include all the following, except minor actions:
  - (1) projects or physical activities, such as construction or any other activities that may affect natural, manmade, or other resources in the waterfront revitalization area, or the environment, by changing the use, appearance, or condition of any resource or structure, that:

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- A. are directly undertaken by an agency; or
  - B. involve funding by an agency; or
  - C. require one or more new or modified approvals, permits, or review from an agency or agencies;
- (2) agency planning and policymaking activities that may affect the environment and commit the agency to a definite course of future decisions;
- (3) adoption of agency rules, regulations, and procedures, including local laws, codes, ordinances, executive orders, and resolutions that may affect waterfront resources or the environment; and
- (4) any combination of the above.
- b) **Agency** means any board, agency, department, office, other body, or officer of the Town of Grand Island
- c) **Code Enforcement Officer** means the Building Inspector of the Town of Grand Island
- d) **Consistent** means that the action fully complies with the LWRP policy standards, conditions, and objectives and, whenever practicable, will advance one or more of them.
- e) **Direct Actions** mean actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rulemaking, procedure making and policy making.
- f) **Environment** means all conditions, circumstances, and influences surrounding and affecting the development of living organisms or other resources in the waterfront revitalization area.
- g) **Environmental Assessment Form (EAF)** means the form used by municipal agencies to assist it in determining the environmental significance or non-significance of an action, pursuant to Article 8 of the Environmental Conservation Law (SEQRA).
- h) **Environmental Impact Statement (EIS)** means a written draft of final document prepared to provide a means for agencies, project sponsors and the public to systematically consider significant adverse environmental impacts, alternatives, and mitigation to an action, pursuant to Article 8 of the Environmental Conservation Law (SEQRA).
- i) **Local Waterfront Revitalization Program (LWRP)** means the locally adopted Town of Grand Island Local Waterfront Revitalization Program that was approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law) and incorporated into the NYS Coastal Management Program. A copy of the Town of

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Grand Island LWRP plan describing the NYS Coastal Management Program within the Grand Island WRA is on file in the Office of the Clerk of the Town of Grand Island.

- j) **Ministerial act** means an action performed upon a given state of facts in a prescribed manner imposed by law without the exercise of any judgment or discretion as to the propriety of the act.
- k) **Minor actions** include the following actions, which are not subject to review under this chapter:
  - (1) maintenance or repair involving no substantial changes in an existing structure or facility;
  - (2) replacement, rehabilitation, or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, except for structures in areas designated by local law where structures may not be replaced, rehabilitated or reconstructed without a permit;
  - (3) repaving of existing paved highways not involving the addition of new travel lanes;
  - (4) street openings and right of way openings for the purpose of repair or maintenance of existing utility facilities;
  - (5) maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected, and in Significant Coaster Fish and Wildlife Habitat areas and in nature preserves.
  - (6) granting of individual setback and lot line variances, except in relation to a regulated natural feature;
  - (7) minor temporary uses of land having negligible or no permanent impact on waterfront resources or the environment;
  - (8) installation of traffic control devices on existing streets, roads, and highways;
  - (9) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
  - (10) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soil studies that do not commit the agency to undertake, fund, or approve any Type I or Unlisted action;

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- (11) official acts of a ministerial nature or ministerial act involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building and preservation codes;
- (12) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- (13) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- (14) collective bargaining activities;
- (15) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (16) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (17) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
- (18) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- (19) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- (20) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- (21) adoption of a moratorium on land development or construction;
- (22) interpreting an existing code, rule or regulation;
- (23) designation of local landmarks or their inclusion within historic districts;
- (24) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly

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related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to waterfront resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;

- (25) local legislative decisions such as rezoning where the Town Board determines the action will not be approved.
- l) **Town Board** means the Town of Grand Island Town Board and its authorized designee(s).
- m) **Waterfront Assessment Form (WAF)** means checklist form that is used by municipal agencies to assist in determining the consistency of an action proposed within the Town of Grand Island WRA, a sample of which is appended to this law.
- n) **Waterfront Revitalization Area (WRA)** means the portion of the New York State coastal area shown on the coastal area map on file in the office of the Secretary of State and described as the Town of Grand Island WRA in Section I of the Town of Grand Island LWRP approved by the New York State Secretary of State pursuant to Article 42 of the Executive Law.

### **403-4. Management and Coordination of the LWRP.**

- a) The Town Board shall be responsible for overall management and coordination of the LWRP. In performing this task, the Town Board shall:
1. Focus on implementation, priorities, work assignments, timetables, and budgetary requirements of the LWRP.
  2. Make applications for funding from State, federal, or other sources to finance projects under the LWRP.
  3. Coordinate and oversee liaison between Town agencies, to further implementation of the LWRP.
  4. Schedule semi-annual LWRP coordinating meetings, including but not limited to representatives of the Town Board, Planning Board, Zoning Board of Appeals, Comprehensive Plan Review Board, Code Enforcement Officer, Engineering Department, and such other agencies or staff charged with LWRP implementation, in order to foster a strong relationship and maintain an active liaison among the town agencies responsible for implementing the LWRP.
  5. Prepare an annual report on progress achieved and problems encountered in implementing the LWRP and recommend actions necessary for further implementation.

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6. Perform other functions regarding the waterfront revitalization area and direct such actions or projects as are necessary, or as the Town Board may deem appropriate, to implement the LWRP.
- b) The Code Enforcement Officer shall be responsible for coordinating with NYS Department of State (DOS) regarding consistency review for actions by State or federal agencies. Coordination shall include providing an informal opinion on the proposed action to DOS, at DOS's request, within 15 days of said request, regardless of any requirement for a local consistency decision.

### **403-5. Review of Actions.**

- a) Whenever a proposed action is located within the WRA, each agency shall, prior to approving, funding, or undertaking the action, make a determination that it is consistent with the LWRP policy standards summarized in section i) below. No action within the WRA shall be approved, funded, or undertaken by an agency without such a determination.
- b) The Town Board, assisted by the Code Enforcement Officer, shall be responsible for coordinating review of actions in the WRA for consistency with the LWRP, and will advise, assist, and make consistency recommendations for other agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program.
- c) The Town Board, with assistance from the Code Enforcement Officer, will provide each agency with preliminary evaluation of actions within the WRA, based on the submitted application and the WAF drafted by the involved agency. Whenever an agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located within the WRA, the agency shall refer such application or direct action and associated WAF, a sample of which is appended to this local law, to the Town Board, within ten (10) days of its receipt.
- d) The Town Board or their designee shall require the applicant to submit all completed applications, WAF, EAF, and any other information deemed necessary to its consistency recommendation. The recommendation shall indicate whether, in the opinion of the Town Board or their designee, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and objectives and shall elaborate in writing the basis for its opinion. The Town Board or their designee shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards and objectives or to greater advance them. Such recommendation shall go to the agency within thirty (30) days of receipt of the completed information submitted by the applicant.

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- e) If an action requires approval of more than one agency, decision making will be coordinated between agencies to determine which agency will conduct the final consistency review, and that agency will thereafter act as designated consistency review agency. Only one WAF per action will be prepared. If the agencies cannot agree, the Town Board or their designee shall designate the consistency review agency.
- f) Upon recommendation of the Town Board or their designee, the agency shall consider whether the proposed action is consistent with the LWRP policy standards summarized in section i) herein. Prior to making its determination of consistency, the agency shall consider the consistency recommendation of the Town Board. The agency shall render a written determination of consistency based on the WAF, the Town Board recommendation and such other information as is deemed necessary to its determination. No approval or decision shall be rendered for an action within the WRA without a determination of consistency. The designated agency will make the final determination of consistency.

The Zoning Board of Appeals is the designated agency for the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendation of the Town Board in the event and at the time it makes a decision to grant such a variance and shall impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.

- g) Where an EIS is being prepared or required, the draft EIS must identify applicable LWRP policies and standards and include a discussion of the effects of the proposed action on such policy standards. No agency may make a final decision on an action that has been the subject of a final EIS and is located within the WRA until the agency has made a written finding regarding the consistency of the action with the local policy standards referred to in section i) herein.
- h) In the event the Town Board's recommendation is that the action is inconsistent with the LWRP policies, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and explain the manner and extent to which the action is consistent with the LWRP policy standards.
- i) Actions to be undertaken within the WRA shall be evaluated for consistency in accordance with the following summary of LWRP policies, which are derived from and further explained and described in Section III of the Town of Grand Island LWRP plan, a copy of which is on file in the Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with Section IV-Proposed Land and Water Uses and Projects of the LWRP, in making their consistency determination. The action shall not be inconsistent with any of the following policies:

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- Policy 1 Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.
- Policy 1A Revitalize Ferry Village and Whitehaven areas for commercial, recreational, and residential uses.
- Policy 2 Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.
- Policy 3 Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.
- Policy 4 Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities that have provided such areas with their unique maritime identity
- Policy 5 Encourage the location of development in areas where public services and facilities essential to such development are adequate.
- Policy 6 Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.
- Policy 7 Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.
- Policy 7A Restore and protect the Grand Island Tributaries significant coastal fish and wildlife habitat.
- Policy 7B Restore and protect the Buckhorn Island-Goat Island Rapids significant coastal fish and wildlife habitat.
- Policy 7C Restore and protect the Buckhorn Island Wetlands significant coastal fish and wildlife habitat.
- Policy 7D Restore and protect the Buckhorn Island-Tern Colony significant coastal fish and wildlife habitat.
- Policy 7E Restore and protect the Strawberry Island-Motor Island Shallows significant coastal fish and wildlife habitat.
- Policy 8 Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-

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accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

- Policy 9      Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.
- Policy 10     Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing onshore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.
- Policy 11     Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.
- Policy 12     Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.
- Policy 13     The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.
- Policy 14     Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.
- Policy 15     Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.
- Policy 16     Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.
- Policy 17     Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

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- Policy 18 To safeguard the vital economic, social, and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.
- Policy 19 Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.
- Policy 20 Access to the publicly owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided and it shall be provided in a manner compatible with adjoining uses.
- Policy 21 Water dependent and water enhanced recreation will be encouraged and facilitated and will be given priority over non-water-related uses along the coast.
- Policy 22 Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities and is compatible with the primary purpose of the development.
- Policy 23 Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.
- Policy 24 Prevent impairment of scenic resources of statewide significance.
- Policy 25 Protect, restore, or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.
- Policy 25A Protect and restore natural resources of the Niagara River Corridor that contribute to the overall scenic quality of the Grand Island WRA.
- Policy 26 Conserve and protect agricultural lands in the State's coastal area.
- Policy 27 Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.
- Policy 28 Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.
- Policy 29 The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean

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and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.

- Policy 30      Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.
- Policy 31      State coastal area policies and management objectives of approved local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.
- Policy 32      Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.
- Policy 33      Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.
- Policy 34      Discharge of waste materials into coastal waters from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.
- Policy 35      Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.
- Policy 36      Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.
- Policy 37      Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.
- Policy 38      The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.
- Policy 39      The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in

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such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.

- Policy 40 Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.
- Policy 41 Land use or development in the coastal area will not cause national or State air quality standards to be violated.
- Policy 42 Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.
- Policy 43 Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.
- Policy 44 Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.
- j) If the agency determines that an action will be inconsistent with one or more LWRP policy standards or objectives, such action shall not be undertaken unless modified to be consistent with the LWRP policies.
- k) Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Code Enforcement Officer. Such files shall be made available for public inspection upon request.

### **403-6. Enforcement.**

In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Town Board or any other authorized official of the Town shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

### **403-7. Violations.**

- a) Violations of the Town of Grand Island LWRP Consistency Review Law shall be enforced and punishable in accordance with violations of Chapter 407 of the Town of Grand Island Code and shall also be subject to the penalties prescribed therein. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

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- b) The Town Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

## **403-8. Severability.**

The provisions of this law are severable. If any provision of this law is found invalid, such finding shall not affect the validity of this law as a whole or any law or provision hereof other than the provision so found to be invalid.

## **403-9. Effective Date.**

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

## **LWRP Update – Adoption of Grand Island LWRP – Job #: M-62-2018**

### **Correspondence – Planning Board**

A Public Hearing was held on Monday, May 20, 2024, at 8:00p.m. for the purpose of hearing anyone who wanted to comment on the LWRP Update – Adoption of Grand Island LWRP – Job #: M-62-2018

*Speakers:*                                  Cathy Rayhill

Supervisor Marston declared the Public Hearing closed.

A motion was made by Supervisor Marston, seconded by Councilman Bahleda to adopt the Town of Grand Island Local Waterfront Revitalization Program (LWRP) Plan:

WHEREAS, the Town of Grand Island initiated preparation of the Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

WHEREAS, a Draft Local Waterfront Revitalization Program was prepared and circulated by the New York Department of State to potentially affected State and Local agencies in accordance with the requirements of Executive Law, Article 42; and

WHEREAS, the Town conducted a public hearing on May 20, 2024 on the proposed Local Waterfront Revitalization Program Plan and Consistency Review law, Chapter 403 of the Town Code; and

WHEREAS, the Town of Grand Island Town Board, as Lead Agency pursuant to the New York State Environmental Quality Review Act (SEQRA), filed a Negative Declaration Notice of Determination of Non-Significance on August 7, 2023 in accordance with the requirements of SEQRA and Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law, for the preparation of the Local Waterfront Revitalization Program.

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NOW, THEREFORE, BE IT RESOLVED, that the Town of Grand Island Local Waterfront Revitalization Program is hereby adopted, and that the Town of Grand Island Supervisor is authorized to submit the Local Waterfront Revitalization Program to the New York State Secretary of State for approval, pursuant to the provisions of Article 42 of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

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

## **MINUTES:**

A motion was made by Councilman Bahleda, seconded by Councilman Digati to approve Minutes of Workshop Meeting #20, May 6, 2024, and Minutes of Regular Meeting #8, May 6, 2024.

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

## **CONSENT AGENDA:**

1. Meeting Minutes – Zoning Board of Appeals – April 4, 2024
2. Meeting Minutes – Planning Board – April 9, 2024

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

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

## **COMMUNICATIONS – TOWN BOARD:**

### **SUPERVISOR – PETER J. MARSTON:**

#### **Special Event Permit – ZONTA Club**

A motion was made by Councilman Kilmer, seconded by Councilman Bahleda to approve the Special Event Permit for the Zonta Club for the use of the Town Commons as a pickup location for their annual Mum sale on Saturday, September 7, 2024, from 10:00a.m. to 1:00p.m. The Town will provide folding tables. Further, the Zonta Club is authorized to put orange bows on trees surrounding Town Hall on November 22, 2024 – December 2, 2024, for 10 Days of Service recognition.

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

### **Grand Island Police Department Calls for Service – April 2024**

FYI – No action by the Town Board.

### **Open Space Committee – RFP for Natural Resource Index**

A motion was made by Councilman Bahleda, seconded by Councilman Kilmer to approve the Conservation Advisory Board's request to financially support an RFP for Natural Resource Index for the Town of Grand Island in an amount up to \$20,000. CAB is seeking outside funding for this project with the understanding that all grants are to be managed by the Town of Grand Island.

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

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## COUNCILMAN – DANIEL KILMER:

### Local Law Intro #6 of 2023 – Amend Chapter 407, the Zoning Code of the Town of Grand Island, Regarding Allowable Uses in the M-1 District

#### **A. Resolution Issuing Negative Declaration with EAF Parts 2 and 3**

#### **B. Resolution Adopting Local Law Intro No. 6 of 2023**

A motion was made by Councilman Kilmer, seconded by Councilman Digati to adopt Local Law Intro #6 of 2023 – Amend Chapter 407, the Zoning Code of the Town of Grand Island, Regarding Allowable Uses in the M-1 District. The motion was *amended* to:

A motion was made by Councilman Kilmer, seconded by Councilman Digati to set a Public Hearing for Monday, June 3, 2024, at 8:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #4 of 2024 – Commercial Business District Moratorium on all M,B,N,S,C Business Districts over 25,000 sq. ft. for 6 months, and to refer the matter to the Planning Board and Erie County Planning and authorize Supervisor to seek funding for Planning initiatives related to this matter. The funding would be to hire a Planner.

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

## COMMUNICATIONS – OTHER TOWN OFFICIALS:

### TOWN ATTORNEY – PETER GODFREY:

#### Extension of Site Plan Approval – NYSolar06, LLC, 2595 Whitehaven Road – Solar Energy Farm

##### **A. Correspondence – Catalyze**

A motion was made by Councilman Digati, seconded by Councilman Kilmer to approve the following resolution regarding Grand Island Sunrise, LLC’s request for an extension of Site Plan Approval – NYSolar06, LLC, 2595 Whitehaven Road – Solar Energy Farm:

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

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WHEREAS, on December 5, 2022, the Town granted a Site Plan Approval and a Special Use Permit with conditions for the Proposed Action, and

WHEREAS, on January 19, 2024, the Zoning Officer made an inspection of the premises and found that minimal site work had been completed and that construction of the solar array had not yet commenced, and

WHEREAS, on March 4, 2024 the Town renewed the Special Use Permit with an expiration date of December 5, 2024, and granted a six month extension of Site Plan Approval, and

WHEREAS, unforeseen delays related to the approval of pole locations by the New York State Department of Transportation and whether further permits would be required from the Army Corps of Engineers or New York State Department of Environmental Conservation have prevented further construction of the Project, and

WHEREAS, the Applicant believes such permitting issues have been resolved and the Applicant intends to commence construction in the Summer of 2024, and

WHEREAS, on May 10, 2024, the Applicant filed a letter request for an extension of its Site Plan Approval to December 31, 2024, and

WHEREAS, pursuant to Grand Island Town Code §407-11, the Town Board is empowered to extend any time limitation upon mutual consent of the Applicant, and

NOW THEREFORE, the Town Board hereby grants an extension of its December 5, 2022 site plan approval for the Emery Solar Project to December 5, 2024.

AND THEREFORE, NYSOLAR06 LLC, its agent or designee, are directed to obtain a building permit for the project in conformity with the Site Plan Approval and Special Use Permit no later than December 5, 2024.

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 Digati, Bahleda, Kilmer, Marston

Noes 0

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

#### **Water System Pump Station Upgrades – WIIA Grant Authorizing Resolution –**

#### **Job #: M-236**

Town Engineer Robert Westfall asked for a resolution to be adopted as part of the application submittal for the 2024 NYS Clean Water Infrastructure Improvement Act (WIIA) Grant Program.

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

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WHEREAS, the Town of Grand Island, after thorough consideration of the various aspects of the existing conditions, problems and review of available data for the Grand Island water system, has hereby determined that certain work, as described in the Grand Island Water System Capital Improvement Project map, plan and report, is required to address the repair and maintenance of the Grand Island water system's Raw Water Pump Station, Whitehaven Tank Pump Station, and the High Service Pump Station at the Water Treatment Plant. The Grand Island Water Energy Efficiency Improvement Project, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project and address said compliance requirements; and

WHEREAS, the NYS Environmental Facilities Corporation (EFC) authorizes State assistance to municipalities for drinking water quality improvement projects by means of a contract, and the Town of Grand Island deems it to be in the public interest and benefit under this law to enter into a contract therewith.

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

1. Supervisor Peter Marston, Jr., or his representative or successor in office, is the representative authorized to act on behalf of the Grand Island Town Board in all matters related to State assistance under the New York State Environmental Facilities Corporation (EFC) and/or any applicable State grant provisions.
2. The Supervisor, or his representative, is authorized to submit a 2024 NYS WIIA grant application in the amount of \$1,830,000 which the Town is requesting 60% of the total project cost in grant funding (\$1,098,000);
3. The Town of Grand Island Town Board agrees to fund its portion of the cost of the Project by way of a General Obligation Bond or a series of Bond Anticipation Notes, and that funds will be made available to initiate the Project efforts within 12 months of written approval of its application by the NYS Department of Health and the New York State Environmental Facilities Corporation authority;
4. The one certified copy of this Resolution be prepared and submitted with the electronic WIIA grant application to the NYS Environmental Facilities Corporation; and
5. This Resolution takes effect immediately.

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

### **Authorize Purchase – Clarifier Drive Replacement – Job #: M-238**

Town Engineer Robert Westfall reported that the Grand Island Wastewater Treatment Plant has two AMWELL Clarifiers. The west clarifier is in need of immediate attention and requires a new AMWELL drive assembly.

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Mr. Westfall reported that he received a quote from the AMWELL supplier for our territory, Koester, for the AMWELL complete drive assembly for \$80,550 with an additional estimated shipping charge of \$1,400.00. There is currently money available in the Wastewater Treatment Plant bond authorization (project #7737) for the purchase of the AMWELL equipment.

After careful review, Mr. Westfall recommends the Town Board authorize the Town Supervisor to accept the Koester quote for \$80,550 for the equipment and the \$1,400± for the actual shipping charges.

A motion was made by Supervisor Marston, seconded by Councilman Kilmer to authorize the Town Supervisor to accept the Koester quote for \$80,550 for the AMWELL complete drive assembly equipment and the \$1,400± for the actual shipping charges.

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

### **Miracle League Upgrades – Netting Protection System – Job #: M-202-2023**

Town Engineer Robert Westfall reported he received a quote from Sportsfield Specialties for the Netting Protection System for Miracle League. The previously authorized vendor's final design resulted in a cost well above the previously authorized range and well above the grant budget for the netting system requiring us to change vendors. The netting protection system package from Sportsfield Specialties includes the equipment and installation for \$53,239.25. Pricing is from Keystone Partners Network (KPN) contract # KPN202001-02. The netting protection system is included in the \$1.1M Erie County Municipal Agreement for Miracle League Upgrades.

After careful review, Mr. Westfall hereby requests authorization to approve Sportsfield Specialties for up to \$53,239.25 for the purchase & installation of the netting protection system.

A motion was made by Councilman Digati, seconded by Councilman Bahleda to accept the recommendation of the Town Engineer and authorizes the approval of Sportsfield Specialties for up to \$53,239.25 for the purchase & installation of the netting protection system for Miracle League.

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

### **RECREATION SUPERVISOR – JOSEPH MENTER:**

#### **Part-time Hires**

A motion was made by Councilman Digati, seconded by Councilman Kilmer to approve the following employees effective May 21, 2024, subject to the completion of the necessary pre-employment paperwork:

<u>Name</u>	<u>Title</u>	<u>Rate of Pay</u>	<u>Status</u>
Anna Bartlo	Recreation Attendant – Yr. 3 WNYSI	\$21.95 / hr.	Part Time
Patrick Lepine	Recreation Attendant – Yr. 3 WNYSI	\$21.95 / hr.	Part Time
Michael Loss	Recreation Attendant – Yr. 3 WNYSI	\$21.95 / hr.	Part Time
Alana Miano	Recreation Attendant – Yr. 2 Leader	\$15.85 / hr.	Part Time
Susan Szcublewski	Recreation Attendant – Yr. 3 Pr. Instructor	\$26.60 / hr.	Part Time
Roger Wright	Recreation Attendant – Yr. 3 Pr. Instructor	\$26.60 / hr.	Part Time

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

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## Seasonal Hires

A motion was made by Councilman Kilmer, seconded by Councilman Digati to approve the following employees effective May 21, 2024, subject to the completion of the necessary pre-employment paperwork:

<u>Name</u>	<u>Title</u>	<u>Rate of Pay</u>	<u>Status</u>
Raj Arumugam	Recreation Attendant – Yr. 3 Aide	\$15.90 / hr.	Seasonal
Bryan Decker	Recreation Attendant – Yr. 2 Aide	\$15.60 / hr.	Seasonal
Sean Graham	Recreation Attendant – Yr. 2 Instructor	\$18.40 / hr.	Seasonal
Brady Hillman	Recreation Attendant – Yr. 3 Aide	\$15.90 / hr.	Seasonal
Hannah Martinez	Recreation Attendant – Yr. 1 Instructor	\$18.10 / hr.	Seasonal
Madisyn Martino	Recreation Attendant – Yr. 1 Instructor	\$18.10 / hr.	Seasonal
Collin McMahon	Recreation Attendant – Yr. 3 Instructor	\$18.65 / hr.	Seasonal
Avery Mondoux	Recreation Attendant – Yr. 2 Instructor	\$18.40 / hr.	Seasonal
Dylan Murray	Recreation Attendant – Yr. 1 Instructor	\$18.10 / hr.	Seasonal
Sean Murray	Recreation Attendant – Yr. 3 Instructor	\$18.65 / hr.	Seasonal
Alexis Nguyen	Recreation Attendant – Yr. 1 Leader	\$16.70 / hr.	Seasonal
Megan Pinzel	Recreation Attendant – Yr. 1 Leader	\$16.70 / hr.	Seasonal
Megan Reynolds	Recreation Attendant – Yr. 1 Leader	\$16.70 / hr.	Seasonal
Cameron Sargent	Recreation Attendant – Yr. 1 Aide	\$15.30 / hr.	Seasonal
Savannah Samplinski	Recreation Attendant – Yr. 2 Aide	\$15.60 / hr.	Seasonal
David Schnell	Recreation Attendant – Yr. 3 Aide	\$15.90 / hr.	Seasonal
Luke Sweeney	Recreation Attendant – Yr. 2 Aide	\$15.60 / hr.	Seasonal
John Paul Szczublewski	Recreation Attendant – Yr. 3 Aide	\$15.90 / hr.	Seasonal
Rayna Wallens	Recreation Attendant – Yr. 1 Leader	\$16.70 / hr.	Seasonal
Evan Walowitz	Recreation Attendant – Yr. 3 Aide	\$15.90 / hr.	Seasonal

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

## Status Changes and Rate Changes

A motion was made by Councilman Bahleda, seconded by Councilman Kilmer to change the status and the pay rate of the following to Seasonal, effective May 25, 2024:

<u>Name</u>	<u>Title</u>	<u>Rate of Pay</u>	<u>Status</u>
Tala Abdellatif	Recreation Attendant – Yr. 2 Aide	\$15.60 / hr.	Seasonal
Tima Abdellatif	Recreation Attendant – Yr. 3 Instructor	\$18.65 / hr.	Seasonal
Brooke Christensen	Recreation Attendant – Yr. 2 Aide	\$15.60 / hr.	Seasonal
Trysten Cardin- Galeza	Recreation Attendant – Yr. 2 Leader	\$16.95 / hr.	Seasonal
Emily Cirincione- Prawel	Recreation Attendant – Yr. 3 Instructor	\$18.65 / hr.	Seasonal
Sheila Forbes	Recreation Attendant – Yr. 1 Leader	\$16.70 / hr.	Seasonal
Jacob Hazel	Recreation Attendant – Yr. 2 Aide	\$15.60 / hr.	Seasonal
Julie Klein	Recreation Attendant – Yr. 2 Instructor	\$18.40 / hr.	Seasonal
Michael Logar	Recreation Attendant – Yr. 3 Aide	\$15.90 / hr.	Seasonal
Nathan Meyers	Recreation Attendant – Yr. 2 Aide	\$15.60 / hr.	Seasonal
Jolie Mondoux	Recreation Attendant – Yr. 2 Aide	\$15.60 / hr.	Seasonal
Salvatore Santospirito	Recreation Attendant – Yr. 1 Leader	\$16.70 / hr.	Seasonal
Rebecca Schultz	Recreation Attendant – Yr. 2 Leader	\$16.95 / hr.	Seasonal
Sophia Todaro	Recreation Attendant – Yr. 1 Leader	\$16.70 / hr.	Seasonal
John Vinkle	Recreation Attendant – Yr. 2 Aide	\$15.60 / hr.	Seasonal
Olivia Williams	Recreation Attendant – Yr. 2 Aide	\$15.60 / hr.	Seasonal

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

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## Rate Changes

A motion was made by Councilman Bahleda, seconded by Councilman Kilmer to change the pay rate of the following in accordance with the yearly rates, effective May 25, 2024:

<u>Name</u>	<u>Title</u>	<u>Rate of Pay</u>	<u>Status</u>
Sofia Bukahri	Recreation Attendant – Yr. 1 WNYSI	\$20.80 / hr.	Part Time
Lenzie Humphrey	Recreation Attendant – Yr. 2 Aide	\$15.90 / hr.	Part Time
Christian Krawczyk	Recreation Attendant – Yr. 1 WNYSI	\$20.80 / hr.	Part Time
Phillip Lepine	Recreation Attendant – Yr. 3 WNYSI	\$21.95 / hr.	Part Time
Ryan Stravino	Recreation Attendant – Yr. 1 WNYSI	\$20.80 / hr.	Part Time
Cynthia Wynne	Recreation Attendant – Yr. 3 Pr. Instr.	\$26.80 / hr.	Part Time

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

## CODE ENFORCEMENT OFFICE:

### Status Change

Code Enforcement Officer Ron Milks informed the Town Board that Kim Duscher has passed the Civil Service Exam for the title of Building & Zoning Clerk.

A motion was made by Councilman Kilmer, seconded by Councilman Bahleda to change the status of Kim Duscher from provisional to permanent. Kim has completed the six-month probationary period as well.

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

### Special Use Permit Renewal – Nicholas Bauman, Back Hills Farm Corp., 126 Industrial Drive – Allow Grazing Sheep on the Solar Site

A motion was made by Councilman Digati, seconded by Councilman Kilmer to renew the Special Use Permit for Nicholas Bauman, Back Hills Farm Corp., 126 Industrial Drive – Allow Grazing Sheep on the Solar Site. The site has been inspected and it is unchanged.

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

### Special Use Permit Renewal – Nicholas Bauman, Back Hills Farm Corp., 2411 Bedell Road – Allow Grazing Sheep on the Solar Site

A motion was made by Councilman Kilmer, seconded by Councilman Digati to renew the Special Use Permit for Nicholas Bauman, Back Hills Farm Corp., 2411 Bedell Road – Allow Grazing Sheep on the Solar Site. The site has been inspected and it is unchanged.

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

### Special Use Permit Renewal – Grand Island Solar, LLC – 2411 Bedell Road – Community Solar Array Project

A motion was made by Councilman Digati, seconded by Councilman Bahleda to renew the Special Use Permit for Grand Island Solar, LLC – 2411 Bedell Road – Community Solar Array Project. The site has been inspected and it is unchanged.

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

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## **Tower Permit Renewal – AT&T Mobility – 85 Carl Road**

A motion was made by Councilman Kilmer, seconded by Councilman Bahleda to renew the Tower Permit for AT&T Mobility – 85 Carl Road. The site has been inspected and it is unchanged.

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

## **Special Use Permit Renewal – Jie Zhu, 2568 Oakfield Road – Bed & Breakfast**

A motion was made by Councilman Bahleda, seconded by Councilman Kilmer to renew the Special Use Permit for Jie Zhu, 2568 Oakfield Road – Bed & Breakfast. The site has been inspected and it is unchanged.

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

## **Special Use Permit Renewal – Smith & Taylor LLC, 1693 Grand Island Boulevard – Used Car Sales**

A motion was made by Councilman Kilmer, seconded by Councilman Bahleda to renew the Special Use Permit for Smith & Taylor LLC, 1693 Grand Island Boulevard – Used Car Sales. The site has been inspected and it is unchanged.

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

## **PARKS MAINTENANCE CREW CHIEF – TOM CECERE:**

### **New Hire**

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve the hire Joshua Ungaro as a Seasonal Laborer/Sr. Crew Chief, effective May 21, 2024, \$19.15/hr., subject to the completion of the necessary pre-employment paperwork.

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

## **TOWN ACCOUNTANT – KORIN FRANTZ:**

### **Budget Amendment – General Fund – ARPA Funds**

Town Accountant Korin Frantz reported that on August of 2022, the Town of Grand Island was in receipt of the remaining ARPA funds in the amount of \$1,098,458 (\$2,196,916.48 grand total). As of 12/31/23, we spent \$1,607,914.03. The remaining funds are sitting in a liability account in the General Fund until decisions are made.

Previously, the Board had agreed to the following projects:

Town Hall Roof/Patio	\$56,600.71
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The additional expenditures from ARPA funds for 2023 is \$56,600.71. All these projects are acceptable under the guidelines. A series of approvals are required to transfer/appropriate/amend funds and budgets.

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A motion was made by Councilman Digati, seconded by Councilman Bahleda to transfer the funds and amend the General Fund Budget as follows:

#1 Transfer \$56,600.71 from liability to revenue in General Fund (journal entries)				
G/L Account	Fund	Description	Debit	Credit
001.0001.0688	General Fund	Other Liabilities	\$56,600.71	
001.0001.4089	General Fund	Federal Aid-Other		\$ 56,600.71
MOVE FUNDS FROM LIABILITY TO REVENUE				

#2 Amend General Fund Budget				
001.0001.4089	General Fund Revenue	Increase - Federal Aid-Other		\$ 56,600.71
001.1620.0422	General Fund Expense	Increase - Transfer to Other Funds		\$ 56,600.71

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

**PLANNING BOARD:**

**SEQR – Rodney Reisdorf, 2401 Bedell Road – Site Plan Approval – Commercial Building**

Supervisor Marston presented the SEQR – Short Form Environmental Assessment Forms for Rodney Reisdorf, 2402 Bedell Road – Site Plan Approval for a Commercial Building. Mr. Marston informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilman Kilmer, seconded by Councilman Bahleda to issue a Negative Declaration for Rodney Reisdorf, 2401 Bedell Road – Site Plan Approval – Commercial Building.

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

**Rodney Reisdorf, 2401 Bedell Road – Site Plan Approval – Commercial Building**

A motion was made by Councilman Kilmer, seconded by Councilman Digati to accept the recommendation of the Planning Board and approve the Site Plan for Rodney Reisdorf, 2401 Bedell Road – Site Plan Approval – Commercial Building.

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

**REPORT OF THE AUDIT COMMITTEE:**

A motion was made by Councilman Bahleda, seconded by Councilman Digati to pay Vouchers #145280 - #145401

General	\$139,449.89
Highway	\$ 9,669.53
Sewer	\$ 23,139.27
Water	\$ 17,800.99
Capital	<u>\$ 6,483.63</u>
Total	\$196,543.31

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

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## UNFINISHED BUSINESS:

### Rivertown Development – Detailed Plan Submission- Phase 1

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve the Rivertown Development Detailed Plan Submission – Phase 1, subject to an agreement between the Town and Applicant with respect to the necessary modifications to the sewer system and Town Attorney approvals of any agreements memorializing this project.

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

### Award Contract for Professional Services – Town Wide Reassessment Project

Remains Tabled.

### Historic Preservation Advisory Board – Award Contract – Historic Buildings and Sites Survey

Remains Tabled.

### Newman Properties Inc. – Local Law Intro #9 of 2023 – Rezoning SBL #24.15-3-8.1, Ransom Road – B-3 to R-1D and R3 and B1 for Proposed Housing Project & SEQR

#### **A. Correspondence – Newman Properties, Inc.**

#### **B. Correspondence – Hopkins Sorgi & McCarthy PLLC**

A motion was made by Councilman Digati, seconded by Supervisor Marston to adopt the following resolution Newman Properties Inc. and adopt Local Law #3 of 2024, subject to the Recreation Fees and conditions of May 8<sup>th</sup> correspondence from Newman Properties listed below:

**WHEREAS**, the Town of Grand Island Town Board (“Town Board”) received an application for a proposed residential project includes eight multifamily apartment two-story buildings that will consist of ninety residential units for lease along with nine lots for detached single-family homes to be located along the frontage of Ransom Road (five lots) and Stony Point Road (four lots), a 2,500 sq. community center building that will also be a pick and drop off area for students and additional site improvements including a stormwater management system, 200 parking spaces (including 18 garage spaces), dark sky compliant lighting and utility improvements (the “Action”). The proposed Action requires an amendment of the zoning classification of the Project Site which is zoned B-3 Hamlet Business District (“B-3”) to R-1D Medium-Density Single-Family Residential District (“R-1D”), R-3 Multiple-Family Residential District (“R-3”), and B-1 General Business District (“B-1”). The proposed Action has been defined broadly to include all proposed site improvements as well as all required discretionary approvals and permits needed from the Town of Grand Island municipal boards and involved agencies.; and

**WHEREAS**, the Town Board must comply with the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 N.Y.C.R.R. Part 617 in the review of the Action; and

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**WHEREAS**, the Town Board solicited its intent to act as Lead Agency from Involved and Interested Agencies pursuant to SEQRA; and

**WHEREAS**, the Action is an Unlisted action under SEQRA, and a full Environmental Assessment Form (“FEAF”) Part 1 was prepared; and

**WHEREAS**, the Town Board duly considered the Action, the FEAF Part 1, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, and such other information deemed appropriate; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Town of Grand Island Town Board as follows:

1. The Town Board hereby declares itself to be the Lead Agency.
2. The Action will not result in any large and important impacts and, therefore, it will not have a significant adverse impact on the environment.
3. Parts 2 of the FEAF, attached hereto and incorporated herein by reference, have been reviewed and completed by the Town Board.
3. The attached Negative Declaration, incorporated herein by reference, is issued and adopted for the reasons stated therein.
4. This resolution is effective immediately.

**PASSED AND ADOPTED** this 20<sup>th</sup> day of May, 2024 by the Town of Grand Island Town Board.

### **NEGATIVE DECLARATION Determination of Non-Significance**

**Lead Agency:** Town of Grand Island Town Board

**Date:** May 20, 2024

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Grand Island Town Board (the “Town Board”), as the designated lead agency, has reviewed the proposed project (“action”) and determined it will not result in any potentially significant adverse environmental impacts and that the issuance of a negative declaration is appropriate.

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**Name of Action:** Ransom Road Residential Project

**Location of Project Site:** The Project Site consists of approximately 12.9 acres of vacant land located on at northeast corner of Ransom Road and Stony Point Road in the Town of Grand Island.

**SEQR Status:** Unlisted Action. The Town Board has conducted a coordinated environmental review of the proposed action pursuant to the State Environmental Quality Review Act (“SEQR”).

**Description of Action:** The proposed project (“action”) consists of a proposed residential project includes eight multifamily apartment two-story buildings that will consist of ninety residential units for lease along with nine lots for detached single-family homes to be located along the frontage of Ransom Road (five lots) and Stony Point Road (four lots). There will also be 2,500 sq. community center building that will also be a pick and drop off area for students. The additional proposed site improvements include a stormwater management system, 200 parking spaces (including 18 garage spaces), dark sky compliant lighting and utility improvements. The proposed action requires an amendment of the zoning classification of the Project Site which is zoned B-3 Hamlet Business District (“B-3”) to R-1D Medium-Density Single-Family Residential District (“R-1D”), R-3 Multiple-Family Residential District (“R-3”), and B-1 General Business District (“B-1”). The proposed action has been defined broadly to include all proposed site improvements as well as all required discretionary approvals and permits needed from the Town of Grand Island municipal boards and involved agencies.

**Reasons Supporting this Determination:** The Town Board has identified the relevant areas of environmental concerns and has taken a hard look at each of the identified areas as required by the State Environmental Quality Review Act and the implementing regulations as promulgated by the New York State Department of Environmental Conservation (collectively “SEQR”). The Town Board conducted a coordinated environmental review that includes issuance of a Lead Agency Solicitation Notice and copies of project documentation regarding the proposed action to involved and interested agencies on January 2, 2024 and none of the involved or interested agencies that participated in the coordinated environmental review objected to the Town Board’s request to act as the designated lead agency or raised concerns that the action may result in any potentially significant adverse environmental impacts. Additionally, the Planning Board reviewed the proposed action and it recommended that the Town Board approve the requested amendment of the zoning classification of the Project Site during its meeting on February 12, 2024.

The Town Board has compared the proposed project (“action”) with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Town Board has determined the proposed action will not result in any potentially significant adverse impacts on the environment.

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- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

The proposed residential project will not result in any substantial adverse changes in air quality. The proposed project will not result in any potentially significant adverse traffic impacts as a result of the improvements to be made in connection with the project. The Project Sponsor submitted an updated Traffic Impact Study (“TIS”) prepared by Amy Dake, P.E. of Passero Associates dated November 7, 2023 for the purpose of providing a traffic analysis necessary to evaluate the potential traffic impacts associated with the proposed project. The TIS evaluated the projected traffic impacts based on the anticipated trip generation rate per the Trip Generation Report published by the Institute of Transportation Engineers and Passero Associates evaluated the anticipated growth in background traffic within the study area. Based on its comprehensive analysis of potential traffic impacts associated with the proposed project, Passero Associates provided its conclusions and recommendations in the TIS as follows:

- 1. The proposed project (including the single-family homes) is expected to generate approximately 14 entering/47 exiting vehicle trips during the AM peak hour, 30 entering/18 exiting vehicle trips during the School peak hour, and 45 entering/27 exiting vehicle trips during the PM peak hour based upon ITE Trip Generation Manual data.
- 2. A traffic signal is warranted at the Stony Point Rd/Ransom Rd intersection under existing conditions without any consideration of the projected traffic from the proposed residential project.
- 3. The detailed analysis contained in the Traffic Impact Study demonstrates the proposed project will not result in any potentially significant adverse environmental impacts for the purpose of the environmental review of the project pursuant to the State Environmental Quality Review Act (“SEQRA”).
- 4. Considering that a signal is warranted at the Stony Point Rd/Ransom Rd intersection under existing conditions and the decreases in delays as a result of the intersection being signalized, the Town should consider installing both a traffic signal and a northbound right turn lane at this location. The installation of a signal at this intersection is solely attributable to the existing conditions and as such is not a project related traffic mitigation measure.

The TIS prepared by Passero Associates was provided to the Erie County of Department of Public Works (“ECDPW”) for its review since Stony Point Road is an Erie County Highway. On June 12, 2015, Edward S. Rutkowski, SEQR/Site Plan Review Coordinator, issued a comment letter on behalf of NYSDOT based on its review of the TIS stating that it concurred with the conclusions and recommendations of SRF Associates as contained in the TIS.

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On February 16, 2024, Gina Wilkolaski, P.E. of the ECDPW issued a comment letter based on her review of the TIS that contained a comment stating as follows: “The proposed development will further exacerbate the approach delays and queue lengths at the Stony Point Road and Ransom Road intersection. It is advised that the Town not approve additional development in this area without the installation of a traffic signal or other mitigative measure.”

On February 23, 2024, Amy Dake, P.E. of Passero Associates issued a letter to the ECDPW in response to the comment letter of Gina Wilkolaski, P.E. dated February 16, 2024. On March 13, 2024, Gina Wilkolaski, P.E. an e-mail communication on behalf of ECDPW stating as follows: “I have no further comments based on the Passero response dated 2/23/24.”

On March 15, 2024, the Project Sponsor issued a letter to the Town Board that stated as follows:

“The professionally prepared TIS recommended installing both a traffic signal and a northbound right turn lane on Stony Point Road based on existing conditions. There appears to be sufficient Right-of-Way on Stony Point Road to install the right turn lane but this will need to be verified in connection with the preparation of engineered plans for the project if the pending requested downzoning of the Project Site is approved as recommended by the Planning Board during its meeting held on February 12<sup>th</sup>.

The estimated cost of the traffic related improvements per information provided to the project team by Amy Dake, P.E. is as follows:

- 1) Turn lane design and permitting fee = \$15,000
- 2) Construction of northbound right turn lane on Stony Point Road = \$75,000
- 3) Signal design and permitting fee = \$20,000
- 4) Installation of new traffic signal = \$250,000

The total conservative estimated design and construction costs for the traffic related improvement is projected to be \$360,000. The Project Sponsor is committed to providing the necessary financial contribution for the payment of the proposed traffic related improvements as outlined above in connection with the proposed project as depicted on the current Concept Site Plan presented during the workshop meeting of the Town Board held on March 13<sup>th</sup> that reflects input received during the project review process.”

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Consistent with the above information, the Project Sponsor will be required to make the necessary financial contribution for the required off-site traffic improvements needed based on existing conditions in accordance with a Highway Work Permit that will be required from ECDPW.

On April 29, 2023, Amy Dake, P.E. of Passero Associates submitted a letter to the Town Board consisting of a summary of the traffic analysis conducted in connection with the proposed project that included information demonstrating that the capacity analysis (i.e. levels of service) clearly shows that the Stony Point Rd/Ransom Rd intersection will operate significantly better under full-build conditions with the recommended improvements in place as evidenced by the table reproduced below and also stating that the traffic signal will provide improvements in operating conditions at the Stony point Rd/Bedell Rd/Cardinal Ln intersection.

INTERSECTION	2023 EXISTING BASE CONDITIONS			2026 BACKGROUND CONDITIONS			2026 FULL BUILD CONDITIONS WITH SIGNAL		
	AM	School	PM	AM	School	PM	AM	School	PM
<b>2. Stony Point Rd/Ransom Rd (U)</b>									
WB - Ransom Rd	F 184.3	D 27.7	B 14.3	F 201.7	D 31.5	B 14.9			
NB - Stony Point Rd	F 134.9	C 15.5	C 15.9	F 151.3	C 16.4	C 17.0	N/A	N/A	N/A
SB - Stony Point Rd	C 23.9	B 11.4	A 9.9	D 25.2	B 11.7	B 10.1			
<b>2. Stony Point Rd/Ransom Rd (S)</b>									
WB - Ransom Rd							C 26.4	B 12.2	A 6.8
NB Thru - Stony Point Rd							B 16.6	B 13.0	B 10.0
NB Right - Stony Point Rd							A 1.0	A 0.4	A 0.5
SB - Stony Point Rd	N/A	N/A	N/A	N/A	N/A	N/A	D 36.0	B 14.6	B 10.3
<b>Overall LOS</b>							<b>B 18.6</b>	<b>A 9.6</b>	<b>A 5.3</b>
<b>Volume-to-Capacity (v/c) Ratio</b>							<b>0.87</b>	<b>0.65</b>	<b>0.34</b>

The proposed project will not result in any potentially significant wetland impacts. Davey Resource Group, Inc. conducted a wetland delineation of the Project Site based the existence of hydrologic soils as indicated in the Erie County Soil Survey and the results of its wetland delineation were contained in its Wetland Delineation Report dated September 30, 2022. There are any wetland subject to the jurisdiction of the NYSDEC located on the Project Site. On January 24, 2024, the United States Army Corps of Engineers (“USACE”) issued a Jurisdictional Determination (“JD”) based on its review of the Wetland Delineation Report and its field investigation. The USACE asserted jurisdiction with respect to Wetland A consisting of 0.52 acres as depicted the marked up aerial photograph included in the JD and the Project Sponsor updated the project layout by removing two proposed residential lots along the Stony Point Road frontage of the Project Site in order to avoid any impacts to Wetland A.

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The project will not result in any potentially significant drainage impacts. The Project Sponsor will be required to comply with the NYSDEC's stringent storm water quantity and quality standards for the management of storm water runoff from new impervious surfaces. On December 22, 2023, Christopher Wood, P.E. of Carmina Wood Design submitted a detailed letter to the Town with a detailed narrative explaining the reasons the installation of an on-site stormwater management system complying with the applicable stringent stormwater quality and quantity standards as described in his letter ensures the proposed project will not result in any potentially significant adverse drainage impacts.

It is also important to mention that the fully engineered plans, Engineer's Report and SWPPP to be submitted with a future site plan application will need to be reviewed by the Town Engineering Department and involved agencies to confirm compliance with the applicable stormwater quality and quantity standards of the NYSDEC.

The proposed project will not result in any potentially significant adverse environmental impacts in terms of sanitary sewage to be generated since the Project Sponsor will be required to comply with the infiltration and inflow ("I&I") rehabilitation standard to remediate for existing surcharging conditions during wet weather conditions per the requirements of the NYSDEC.

- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

The proposed project will not result in the removal or destruction of large quantities of vegetation or fauna, interfere with the movement of any resident or migratory fish or wildlife species, adversely impact any significant habitat area, substantially adversely impact a threatened or endangered species of animal or plant, or the habitat of such a species, or create any other adverse impacts to natural resources.

- (iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;

The Project Site is not located within or in close vicinity to a Critical Environmental Area as designated under 6 NYCRR § 617.14(g).

- (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

The Project Site is currently zoned B-3 Hamlet Business District, which only allows commercial uses within buildings with a footprint of up to 5,000 sq. ft. The proposed project includes an amendment of the zoning classification of the Project Site from B-3 to R-3 and R-1D to accommodate the proposed residential project. While the proposed

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residential project is not consistent with the currently recommended land use category per the Town's Comprehensive Plan, the Town Board has determined this is not a potentially significant adverse environmental impact since the proposed residential project as modified repeatedly during the project review process is more suitable for the development of the Project Site of a residential project than a commercial project pursuant to the existing B-3 zoning classification.

- (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

The project will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or existing community or neighborhood character. The Project Site is not located in a designated archaeologically sensitive area and there are not any designated historic resources on or in the immediate vicinity of the Project Site.

The architecture of the proposed building as depicted on the color renderings prepared by Sutton Architecture PLLC will feature diverse high quality building materials and residential style sloped roofs. The project layout includes substantial greenspace including berms with evergreen trees on the rear sides of the residential lots and landscaping will be provided. There will be a paved on-site recreational trail and two sidewalk connections from the sidewalk along the Ransom Road frontage to the multifamily component of the project. New sidewalks will be installed along the frontage of the residential lots on Stony Point Road. The Project Sponsor will be required to install dark sky compliant lighting on the Project Site to ensure there will not be any lighting spillover onto properties contiguous to the Project Site.

- (vi) a major change in the use of either the quantity or type of energy;

The change is not anticipated to create a significant change in the quantity of electricity or natural gas to be used and will not affect the community's sources of fuel or energy supply.

- (vii) the creation of a hazard to human health;

The proposed project will not result in the creation of a significant hazard or impact to human health. The project layout has been designed to accommodate the pick-up and drop-off students at the community building and the project layout must comply with the applicable standards contained in the NYS Fire Code. The single-family homes and multifamily buildings will require the issuance of buildings permits by the Town of Grand Island Building Department and the building permit review processes will ensure that the proposed buildings comply with the applicable standards in both the Building Code of the State of New York and the Fire Code of the State of New York.

- (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

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The proposed project will result in a change in the use and intensity of the Project Site but this change will not be significant and the intensity of the project is less than permitted based on the existing B-3 zoning classification. The proposed residential project will not result in the conversion of any agricultural land to another land use.

- (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

The proposed project will not attract a large number of people to any Project Site for more than a few days.

- (x) the creation of a material demand for other actions that would result in one of the above consequences;

The proposed project will not result in the creation of a material demand of other actions that would result in one or more of the consequences discussed above.

- (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

The proposed project will not result in changes in two or more elements of the environment which, when considered together, would result in a substantial adverse impact on the environment.

- (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The proposed action has been defined broadly to include an analysis of all potential adverse environmental impacts. The action will not involve cumulative impacts that would result in any significant adverse impacts on the environment.

### **CONDITIONS:**

1. The maximum allowed density of the residential project on the Project Site shall consist of nine (9) lots for single-family homes and ninety (90) multifamily units.
2. The residential use of the portion of the Project Site with frontage on Ransom Road shall be limited to five (5) lots for single-family homes and with frontage on Stony Point Road shall be limited to four (4) lots for single-family homes.

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3. There shall be berms with landscaping located directly behind the lots for single-family homes to be located along Ransom Road and Stony Point Road.
4. The Project Sponsor shall be required to make the necessary financial contribution for offsite traffic improvements at the intersection of Stony Point Road and Ransom Road including the installation of a traffic signal as requested by the Erie County Department of Public Works in its comment letter to the Town of Grand Island dated February 16, 2024.
5. The approximately 0.52 acre wetland located subject to the jurisdiction of the United States Army Corps of Engineers (“USACE”) per the Jurisdictional Determination issued on January 24, 2024 shall remain undeveloped.
6. The off-site roadway improvements consisting of the installation of a traffic signal at the intersection of Ransom Road and Stony Point Road and a right hand northbound turn lane on Stony Point Road shall be completed prior to the issuance of a Certificate of Occupancy for the multifamily buildings.
7. Conditions No. 1 to 6 shall be subject to a Declaration of Restrictions to be recorded at the Erie County Clerk’s Office.

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

### **PUBLIC COMMENTS:**

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

Speakers:                                    Paul Koppmann, Hank Cushing, Cathy Rayhill, Jim Daigler, Jen Pusatier, Catherine Hastings, Paula Sciuk

### **FROM THE BOARD:**

- Golfview
- Commercial Business District Moratorium
- Buffalo Marathon
- Memorial Day Services
- New Aldi Store

### **ADJOURNMENT:**

A motion was made by Supervisor Marston, seconded by Councilman Digati to adjourn the meeting at 9:31p.m.

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

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

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Barbara Burns

Janet Crist

Gregory Worczak

Daniel Lynch

William Bagdy

Angela Diebold

Alajos Nemeth

Respectfully submitted in the absence of the Town Clerk,

Karen M. Cooney

Deputy Town Clerk