

# Town of Grand Island – Regular Meeting #11

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 15<sup>th</sup> of June, 2020.

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

Supervisor John C. Whitney called the meeting to order at 8:00p.m.

Councilwoman Jennifer L. Baney gave the Invocation.

Councilwoman Jennifer L. Baney led the Pledge of Allegiance.

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

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

## **PUBLIC COMMENTS:**

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

*Speakers:* None\*

## **MINUTES**

A motion was made by Councilman Digati, seconded by Councilwoman Baney to approve Minutes of Workshop Meeting #23, May 28, 2020, Minutes of Workshop Meeting #24, June 1, 2020, Minutes of Regular Meeting #10, June 1, 2020 and Minutes of Workshop Meeting #25, June 4, 2020.

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

## **CONSENT AGENDA:**

1. Building Permits Issued – May 2020
2. Meeting Minutes – Planning Board – March 9, 2020
3. Golden Age Center – Facility Usage – May 2020

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

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

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## **COMMUNICATION – TOWN BOARD:**

### **COUNCILMAN MICHAEL H. MADIGAN:**

#### **Advisory Board Appointments**

A motion was made by Councilman Madigan, seconded by Councilman Digati to appoint the following to vacancies on the following Advisory Boards:

Liz Zilbauer #1 Alternate -Conservation Advisory Board Term to expire 12-31-2020  
Gerald Sitarski #2 Alternate -Conservation Advisory Board Term to expire 12-31-2020

Daniel Buccini Alternate-Traffic Safety Advisory Board Term to expire 12-31-2020

Christian Bahleda Technology Advisory Board Term to expire 12-31-2020  
Taylor Kaufman # 1 Alternate Term to expire 12-31-2020  
Ryan McDonald #2 Alternate Term to expire 12-31-2020

Ray Billica Parks & Recreation Term to expire 12-31-2020

The GI Historical Society has appointed Mary Cooke to serve on the Historical Preservation Advisory Board Term to expire 12-31-2020

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

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

#### **Traffic Safety Advisory Board – Request for Four Way Stop (Signs) – Fix Road at Baseline Road**

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to refer the correspondence from the Traffic Safety Advisory Board to Erie County Department of Public Works (ECDPW) requesting installation of “STOP” and “CROSS TRAFFIC DOES NOT STOP” signs at the southeast corner of Fix Road at Baseline Road and the northwest corner of Fix Road at Baseline Road, making this a four-way stop.

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

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

#### **TOWN CLERK – PATRICIA ANDERSON FRENTZEL:**

#### **Regulation on Reporting for Elected or Appointed Officials**

A motion was made by Councilwoman Baney, seconded by Councilman Marston to adopt the resolution in accordance to the new NYS requirements on the Regulations on Reporting for Elected or Appointed Officials, the Standard Work Day and Reporting Resolution for Elected and Appointed Officials.

The resolution will then be posted on the Town’s website for a minimum of thirty days in accordance with the regulations. A certified copy of the resolution and an affidavit of posting shall be filed by the clerk of the governing board with the Office of the State Comptroller within 45 days of the adoption of the resolution.

APPROVED Ayes 3 Baney, Marston, Whitney  
Abstain 2 Madigan, Digati,  
Noes 0

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## **HIGHWAY SUPERINTENDENT – RICHARD W. CRAWFORD**

### **Traffic Signals**

A motion was made by Councilman Digati, seconded by Councilwoman Baney to accept the traffic lights on the Whitehaven Road overpass from the New York State Thruway Authority. Preventive Maintenance and replacement of these 12 lights will be added to the budget and inventory.

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

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

### **Authorize Supervisor to Sign Professional Services Agreement – Construction Phase – Bronson/Towerwood/South Parkway Waterline Replacement – Job M-220**

A motion was made by Councilman Marston, seconded by Councilman Digati to refer the Professional Services Agreement – Construction Phase – Bronson/Towerwood/South Parkway Waterline Replacement – Job M-220 to the Town Board. In-house work will be explored to save construction costs.

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

## **TOWN ACCOUNTANT – PAMELA BARTON:**

### **Budget Amendment – Golden Age Center**

A motion was made by Councilman Marston, seconded by Councilwoman Baney to approve the following budget amendment:

Decrease Cash – Trust & Agency Funds	005.0005.0200	Credit	\$345
Decrease Liability – MOW Donations	005.0005.0086	Debit	\$345
Increase Cash – General Fund	001.0001.0200	Debit	\$345
Increase Liability – MOW Donations	001.0001.0604	Credit	\$345

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

## **PARKS MAINTENANCE CREW CHIEF – THOMAS DWORAK:**

### **Status Changes/Title Change**

No action on this matter, it was approved at the June 4, 2020 Workshop Meeting.

## **CODE ENFORCEMENT OFFICE:**

### **Special Use Permit Application – Karen Panzarella, 2894 East River Road – Bed & Breakfast – Refer to Planning Board and Set Public Hearing**

A motion was made by Councilman Marston, seconded by Councilman Digati to set a Public Hearing for July 20, 2020 at 8:00p.m. for the purpose of hearing anyone who wants to comment on a Special Use Permit Application – Karen Panzarella, 2894 East River Road – Bed & Breakfast and to refer the matter to the Planning Board.

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

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

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

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

## **PLANNING BOARD:**

### **David M. Norman, 2605 Whitehaven Road – Amended Site Plan – 5000 Square Foot Warehouse**

A motion was made by Councilman Marston, seconded by Councilman Madigan to accept the recommendation of the Planning Board and approve the amended Site Plan contingent on adding one luminaire to the second man door on the east elevation.

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

### **Hugill Storage, Inc., 2612 Bedell Road – Site Plan Approval – Storage Facility**

A motion was made by Councilman Digati, seconded by Councilman Marston to accept the recommendation of the Planning Board and approve the update Site Plan, with the understanding that the drainage issue on the east side of the property will be dealt within accordance with the Engineering Department. Landscaping is to be done with a minimum of four 2” caliper trees equally spaced on the north side of the property. The proposed building is to match the existing building.

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

### **Local Law Intro #11 of 2020 – Amend the Town’s Zoning Code, Chapter 407 to Include Commercial and Recreational Uses in Town Business Districts**

A motion was made by Councilman Marston, seconded by Councilwoman Baney to set a Public Hearing for Monday, July 6, 2020 at 8:00p.m. to hear anyone who wants to comment on Local Law Intro #11 of 2020 – Amend the Town’s Zoning Code, Chapter 407 to Include Commercial and Recreational Uses in Town Business Districts.

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

### **Local Law Intro #12 of 2020 – Solar Law Amendments**

A Public Hearing was set for Monday, July 6, 2020 at 8:00p.m. during the June 15, 2020 Workshop meeting.

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## REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Baney, seconded by Councilman Digati to pay Vouchers #-131497 - #131582

General	\$238,798.56
Highway	\$ 61,567.41
Sewer	\$ 4,021.59
Water	\$ 7,097.83
Capital	\$ 1,278.16
Garbage	<u>\$126,803.79</u>
Total	\$439,567.34

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

## UNFINISHED BUSINESS:

### Local Law Intro #1 of 2020 – Rezoning SBL #23.00-3-15, 2570 Grand Island Boulevard – NBD to CR

#### **A. Correspondence – Planning Board**

A motion was made by Councilman Marston, seconded by Councilman Digati to adopt Local Law Intro #1 of 2020 – Rezoning SBL #23.00-3-15, 2570 Grand Island Boulevard – NBD to CR as Local Law #5 of 2020 as follows:

**Section I.** Rezoning. The official map of the Town of Grand Island is hereby amended so that SBL #:23.00-3-15, 2570 Grand Island Boulevard shall be and hereby is rezoned from NBD to CR.

#### WHICH PREMISES ARE DESCRIBED AS FOLLOWS:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Grand Island, County of Erie and State of New York, being part of Lots Nos. 82 and 83 on said Island, more particularly bounded and described as follows:

Beginning at the point of intersection of the southwesterly line of Grand Island Connecting Boulevard and the easterly lines of lands conveyed to George J. Stortz, by deed recorded in the Erie County Clerk's Office in Liber 325 of Deeds at page 610;

Thence northwesterly along the southwesterly line of Grand Island Connecting Boulevard, 200 feet;

Thence southwesterly at right angles to the southwesterly line of Grand Island Connecting Boulevard, 1871.45 feet to the south line of said Lot no. 83;

Thence easterly along the southerly line of said Lots 82 and 83, 1688.78 feet to the easterly line of lands deeded to Stortz, as aforesaid;

Thence northerly, along the said line of Stortz's land 861.40 feet to the point of beginning.

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

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

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## **Local Law Intro #2 of 2020 – Rezoning SBL #36.00-1-15, Grand Island Boulevard – NBD to CR**

### **A. Correspondence – Planning Board**

**A motion was made by Councilman Madigan, seconded by Councilman Marston to adopt Local Law Intro #2 of 2020 – Rezoning SBL #36.00-1-15, Grand Island Boulevard – NBD to CR as Local Law #6 of 2020 as follows:**

**Section I.** Rezoning. The official map of the Town of Grand Island is hereby amended so that SBL #:36.00-1-15, Grand Island Boulevard shall be and hereby is rezoned from NBD to CR.

#### WHICH PREMISES ARE DESCRIBED AS FOLLOWS:

ALL THAT TRACT OR PARCL OF LAND, situate in the Town of Grand Island, County of Erie and State of New York, being part of Lot No 66 on said Island, more particularly bounded and described as follows:

Beginning at the northeast corner of lot 66;

Thence westerly along the northerly line of Lot 66, 848.85 feet to its intersection with the northeasterly line of the New York State Thruway:

Thence southeasterly along the northeasterly line of said Thruway 440.26 feet:

Thence northerly in a straight line 767.00 feet to the place of beginning.

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

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

## **Local Law Intro #3 of 2020 – Rezoning SBL #23.00-3-6.11, 410 Lang Boulevard – M-1 to CR**

### **A. Correspondence – Planning Board**

A motion was made by Councilman Marston, seconded by Councilman Digati to adopt Local Law Intro #3 of 2020 – Rezoning SBL #23.00-3-6.11, 410 Lang Boulevard – M-1 to CR as Local Law #7 of 2020 as follows:

**Section I.** Rezoning. The official map of the Town of Grand Island is hereby amended so that SBL #:23.00-3-6.11, 410 Lang Boulevard shall be and hereby is rezoned from M-1 to CR.

#### WHICH PREMISES ARE DESCRIBED AS FOLLOWS:

ALL THAT TRACT OR PARCL OF LAND, situate in the Town of Grand Island, County of Erie and State of New York, being part of Lot Nos. 82, 83 on said Island, more particularly bounded and described as follows:

BEGINNING at a point in the west line of Lang Boulevard, distant 1972.25 feet south of its intersection with the south line of Bedell Road;

Running thence westerly, forming an interior angle of 98 degrees 41'47" with Lang Boulevard, 725.12 feet to a point in the east line of The New York State Thruway;

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Thence southeasterly, along the east line of said Thruway and forming an interior angle of 90 degrees, a distance of 83.86 feet to a monument in said east line;

Thence continuing southeasterly, along the easterly line of said Thruway and forming an interior angle of 180 degrees 00' 00" a distance of 421.58 feet to a point in the south line of lot 83;

Thence easterly forming an interior angle of 114 degrees 43' 53" with the east line of said Thruway and along the south line of Lot 83, a distance of 99.32 feet to a point;

Thence Northeasterly forming an interior angle of 146 degrees 33' 13" with the south line of lot 83 a distance of 1622.42 feet to a point;

Thence Northwesterly forming an interior angle of 89 degrees 59' 22", a distance of 300.27 feet to a point;

Thence westerly forming an interior angle of 90 degrees 03' 01", a distance of 783.36 feet to a point on the east line of Lang Boulevard;

Thence southerly, westerly and northerly along a curve to the right having a radius of 100.00 feet, an arc distance of 459.15 feet to a point of reverse curvature on the west line on Lang Boulevard:

Thence northerly along a curve to the left having a radius of 50.00 feet, an arc distance of 46.36 feet to a point of tangency on said west line of Lang Boulevard:

Thence northerly along said west line of Lang Boulevard, a distance of 76.98 feet to the point of beginning.

Said Parcel containing an area of 14.421 acres, more or less.

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

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

### **Local Law Intro #7 of 2020 – Rezoning SBL #51.00-1-1.1, Love Road – CR to M1**

#### **A. Correspondence – Planning Board**

A motion was made by Councilwoman Baney, seconded by Councilman Marston to adopt Local Law Intro #7 of 2020 – Rezoning SBL #51.00-1-1.1, Love Road – CR to M1 to Local Law #8 of 2020 as follows:

**Section I.** Rezoning. The official map of the Town of Grand Island is hereby amended so that SBL #:51.00-1-1.1, Love Road, shall be and hereby is rezoned from CR to M1.

#### **WHICH PREMISES ARE DESCRIBED AS FOLLOWS:**

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Grand Island, County of Erie and State of New York, being part of Lot No. 30, Township 12, Range 9 on said Island, bounded and described as follows: BEGINNING at a point in the northerly line of Love Road 66 feet wide, distance of 1159.25 feet easterly of the intersection of said northerly line with the easterly line of Baseline Road 66 feet wide; running thence northerly at an interior angle of 90° 12' 30" a distance of 2008.85 feet to

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a point in the north line of Lot No. 30, distant 1214.31 feet easterly of the northwest corner of said lot; running thence easterly along the north line of Lot No. 30, 500 feet to the east line of land conveyed to The Fidelity Trust Company of Buffalo by Deed recorded in the Erie County Clerk's Office in Liber 1466 of Deeds at page 528; running thence southerly along said easterly line 1623.63 feet to the north line of lands conveyed to Morton H. Wittlin and James Dry as Trustees under a Trust Agreement made July 7, 2000 known as the Raj Chopra Family Trust by Quit Claim Deed recorded April 12, 2006 in Liber 11112 of Deeds at page 2555; running thence westerly along said Raj Chopra Family Trust's north line 245 feet to the northwest corner thereof; running thence southerly along the westerly line of lands of Raj Chopra Family Trust lands 382 feet to the northerly line of Love Road; running thence westerly along the northerly line of Love Road; 254.98 feet to the point or place of beginning.

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

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

### **Local Law Intro #8 of 2020 – Rezoning SBL #51.10-1-42, Glen Avon – R-1B to M1**

#### **A. Correspondence – Planning Board**

A motion was made by Councilman Madigan, seconded by Councilman Digati to adopt Local Law Intro #8 of 2020 – Rezoning SBL #51.10-1-42, Glen Avon – R-1B to M1 as Local Law #9 of 2020 as follows:

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

**Section I.** Rezoning. The official map of the Town of Grand Island is hereby amended so that SBL #:51.10-1-42, Glen Avon, shall be and hereby is rezoned from R-1B to M1.

#### **WHICH PREMISES ARE DESCRIBED AS FOLLOWS:**

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

Being part of Lot No. 30 and according to map filed in the Erie County Clerk's Office under Cover No. 1551 is known as Subdivision Lot No. 87.

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

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

### **Local Law Intro #9 of 2020 – Rezoning SBL #64.15-1-23, 1437 Ferry Road – B2 to R-1E**

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## **A. Correspondence – Planning Board**

A motion was made by Councilwoman Baney, seconded by Councilman Digati to refer Local Law Intro #9 of 2020 – Rezoning SBL #64.15-1-23, 1437 Ferry Road – B2 to R-1E and the correspondence from the Planning Board to the Town Board.

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

## **Local Law Intro #11 of 2019 – Rezoning SBL #36.00-2-8.1, Alvin Road – B-1/R-1A to B-1**

Remains Tabled.

## **Local Law Intro #12 of 2019 – Rezoning SBL#36.00-2-7, 2356 Whitehaven Road – R-1A/B-1 to R-1A**

### **A. Correspondence – Planning Board – Site Plan Approval**

### **B. Correspondence – Planning Board – Special Use Permit**

Remains Tabled.

## **SUSPEND THE RULES:**

### **Opening of Grand Island Playgrounds**

A motion was made by Councilman Digati, seconded by Councilwoman Baney to suspend the rules to consider the opening of Grand Island playgrounds.

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

A motion was made by Councilwoman Baney, seconded by Councilman Digati to authorize the opening of Town of Grand Island playgrounds, following CDC guidelines.

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

## **PUBLIC COMMENTS:**

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

Speakers: None \*See above

## **FROM THE BOARD:**

- Solar Panel Presentation – June 30<sup>th</sup> via ZOOM - details will be on Town's Website
- Town Board Meetings in Courtroom resume
- Recreation Programs to resume
- Fix Road house fire – First Responders time
- School's out – be safe
- COVID -19 - Phase 3 Opening – June 16<sup>th</sup>

## **MEMORIAL ADJOURNMENT:**

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A motion was made by Councilman Digati seconded by Councilman Marston to adjourn the meeting at 8:47p.m.

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

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

Gerald Fitzgerald	Bonnie Wiesmore
George Sullivan, Jr.	Leo Nowak, Jr.
Douglas Townson	William Burch
Joanne Occhino	John Camilleri, Jr.
Joseph Haley	Bruce Burrige
Peter Marston, Sr.	

Respectfully submitted,

Patricia Anderson Frentzel  
Town Clerk