

Town of Grand Island – Regular Meeting #14

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 28th of August 2023.

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

Deputy Supervisor Peter J. Marston called the meeting to order at 8:00p.m.

Matt Peiny from CrossRiver Ministries gave the Invocation.

Councilman Christian J. Bahleda led the Pledge of Allegiance.

PUBLIC COMMENTS:

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

Speakers:

Cathy Rayhill, Dave Anderson, Nancy LaChivsa, Tricia Palmeri, Mike Rayhill, Jim Mazza, Jim Daigler, Janice Wieckowski, Dave Reilly, Nicole Gerber, Roseanne Serra, Tom Igiel, Rose Bugman, Sandy Nelson, Michael Rayhill, Carolyn Meaney

MINUTES:

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve Minutes of Workshop Meeting #16, August 7, 2023, and Minutes of Regular Meeting #13, August 7, 2023.

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

CONSENT AGENDA:

1. Meeting Minutes – Zoning Board of Appeals – July 6, 2023
2. Meeting Minutes – Technology Advisory Board – March 16, April 20, June 16, and July 20, 2023
3. Meeting Minutes – Board of Architectural Review – July 18, 2023

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

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

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COMMUNICATIONS – TOWN BOARD:

DEPUTY SUPERVISOR – PETER J. MARSTON:

Support of Alt Nature Preserve

The land adjacent to the Gerber property at 2489 Whitehaven Rod was released from its easement by the Town Board. The owner of the property is establishing a land conservation easement with the Western New York Land Conservancy to help preserve the heritage and green space of Grand Island.

A motion was made by Councilman Digati, seconded by Councilman Bahleda to authorize the Deputy Supervisor to sign letters of support for the Alt Nature Preserve to assist in pursuit of grants for enhancing the project for the community.

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

Authorize Deputy Supervisor to Sign – Public Benefit Services Contract - \$2,500.00 – Community Survey – Grand Island Police Department

A motion was made by Councilman Digati, seconded by Councilman Bahleda to authorize the Deputy Supervisor to sign the Public Benefit Services Contract on behalf of the Town Police. The Benefits Services Contract is with Erie County for an amount not to exceed \$2,500. The funding is to be used for a community survey in relation to the Grand Island Police Department. This is no match grant.

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

Authorize Deputy Supervisor to Sign – Public Benefit Services Contract - \$20,000.00 – Police Manual – Grand Island Police Department

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to authorize the Deputy Supervisor to sign the Public Benefit Services Contract on behalf of the Town Police. The Benefits Services Contract is with Erie County for an amount not to exceed \$20,000. The scope of work will include working with Lexipol on the creation of a Police Manual of Policies and Procedures with digital updates as they occur. This is no match grant.

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

Authorize Deputy Supervisor to Sign – Public Benefit Services Contract - \$7,000.00 – Historic Preservation Advisory Board

A motion was made by Councilman Madigan, seconded by Councilman Digati to authorize the Deputy Supervisor to sign the Public Benefit Services Contract on behalf of the Grand Island Historic Preservation Advisory Board. The scope of work will include the contracting of a consultant in the historic preservation field who can review sites and/or buildings and identify those that are of historic significance to the Town.

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

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Letter in Support of New York State Thruway Authority Grant Application

Deputy Supervisor Marston informed the Town Board that he signed a letter in support of the New York State Thruway Authority's \$39 million grant application for the U.S. Department of Transportation's Promoting Resilient Operations for Transformation, Efficient, and Cost-saving Transportation (PROTECT) Discretionary Grant Program. For information only. No action by the Town Board was taken.

COUNCILMAN MICHAEL H. MADIGAN:

Local Law Intro – Establishing a Six-Month Moratorium on Applications, Approvals, and/or Construction of Warehouses and Distribution Centers – Set Public Hearing

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to propose and introduce a Local Law to amend Chapter 407, the Zoning Code of the Town of Grand Island, regarding allowable uses in the M-1 District, refer to matter to the Comprehensive Plan Review Board and set a Public Hearing for Monday, September 18, 2023 at 8:00p.m. to hear anyone who wants to comment on the Local Law Intro.

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

COUNCILMAN CHRISTIAN BAHLEDA:

East-West Road – Replace Incorrect Speed Limit Sign Faces

The members of the Traffic Safety Advisory Board discussed the discrepancy of the posted Speed Limit sign faces on the State-owned East-West Road.

A motion was made by Councilman Digati, seconded by Councilman Madigan to accept the recommendation of the Traffic Safety Advisory Board and direct the Town Supervisor's office to reach out the NYS Department of Transportation to replace the six (6) incorrect sign faces with the correct sign face of SPEED LIMIT 35.

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

COMMUNICATIONS – OTHER TOWN OFFICIALS:

HIGHWAY SUPERINTENDENT – RICHARD W. CRAWFORD:

NYS Highway Law – Section 284 Amended Agreement – 2023

Highway Superintendent Richard Crawford informed the Town Board that the NYS Highway Law – Section 284 Amended Agreement for 2023 reflects the money budgeted for the general repairs and improvements for the year 2023 in the amount of \$447,660.00.

A motion was made by Deputy Supervisor Marston, seconded by Councilman Madigan to authorize the Town Board to sign the Agreement to Spend Town Highway Funds.

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

TOWN ATTORNEY – PETER GODFREY:

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Long Road Distribution Facility, 2780 Long Road – Resolution Accepting the Draft Supplemental Environmental Impact Statement for the Grand Island Commerce Center as Adequate for Public Review and Calling for a Public Hearing on the Draft Supplemental Environmental Impact Statement and Site Plan Applications

A motion was made by Councilman Madigan, seconded by Councilman Digati to adopt the following Resolution accepting the Draft Supplemental Environmental Impact Statement for the Grand Island Commerce Center as adequate for Public Review and Calling for a Public Hearing on the Draft Supplemental Environmental Impact Statement and Site Plan applications:

WHEREAS, the Town Board has received an application from Grand Island Commerce Center, Inc. (the “Applicant”) for the proposed Long Road Distribution Facility at 2780 Long Road and 0 Bedell Road (the “Project”); and

WHEREAS, the Town Board of the Town of Grand Island (“Board”), acting as Lead Agency under the State Environmental Quality Review Act, ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (collectively, “SEQRA”) in the review of the Project, issued a Positive Declaration of Environmental Significance for the Project, and adopted a Scoping Document for the preparation of a Draft Supplemental Environmental Impact Statement (DSEIS); and

WHEREAS, thereafter the Applicant submitted the DSEIS to the Town, which had the DSEIS reviewed by Town staff and consultants, which staff and consultants provided comments to the Applicant, and the Applicant updated the DSEIS as appropriate; and

WHEREAS, the Town staff and consultants thereafter determined after the receipt of all comments and responses that the DSEIS was complete, based on the final written scope and the standards contained in the SEQRA regulations and adequate with respect to its scope and content for the purpose of commencing public review; and

WHEREAS, the Town Board has made no decisions on any aspect of the Project, and will not do so until after a public comment period including a public hearing, and the preparation and acceptance of Final Supplemental Environmental Impact Statement addressing all comments at the public hearing and received written comments, and which will consist of: the DSEIS, including any necessary revisions and supplements; copies or a summary of the substantive comments received and their sources; and the Town's response to the comments.

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

1. In accordance with 6 N.Y.C.R.R. § 617.9, the Town Board finds the DSEIS is complete, based on the final written scope and the standards contained in the SEQRA regulations and therefore accepts it as adequate with respect to its scope and content for the purpose of commencing public

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review, as the DSEIS provides the public and involved agencies with the necessary information to evaluate project impacts, alternatives, and mitigation measures.

2. A public hearing will be held at 7:00 PM on September 20, 2023, at the Grand Island Senior High School, 1100 Ransom Rd, Grand Island, NY 14072, for the purposes of considering the DSEIS and Site Plan applications for the proposed Grand Island Commerce Center.
3. In addition to the public hearing, the Town will accept written comments on the Project until 4 p.m. on October 6, 2023, at the office of the Town Clerk, 2255 Baseline Road, Grand Island, New York, 14072.
4. The Town Clerk shall publish and post a Notice of Completion of Draft Supplemental Environmental Impact Statement and Public Hearing/Public Comment Period on the Draft Supplemental Environmental Impact Statement, And Site Plan for The Grand Island Commerce Center in the official newspaper of the Town and on the Town website.
5. The Town Attorney shall prepare, distribute, and publish a Notice of Completion of Draft Supplemental Environmental Impact Statement and Public Hearing/Public Comment Period on the Draft Supplemental Environmental Impact Statement, And Site Plan for the Grand Island Commerce Center in accordance with the SEQRA regulations.
6. This Resolution shall be effective immediately.

PASSED AND ADOPTED by the Town Board of the Town of Grand Island on the 28th day of August 2023.

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

Island Meadows – Road Dedication

A motion was made by Councilman Madigan, seconded by Deputy Supervisor Marston to adopt the Resolution and Consent of the Town Board Upon submission of the annexed deed of dedication of Island Meadows, LLC, dedicating and releasing the necessary lands for a proposed town highway as set forth in the annexed legal description in the Town of Grand Island, County of Erie, State of New York, to be known as part of Regency Drive; now therefore, it is

RESOLVED that, in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent is given that the Highway Superintendent of the Town of Grand Island make an Order accepting and laying out the aforesaid town highway to be known as part of Regency Drive, the Town highway to consist of the lands described in the deed of dedication, subject to the approvals of the Town Engineer and the attorneys for the Town, and it is further

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RESOLVED that, subject to the approvals of the Town Engineer and the attorneys for the Town and the Order of the Highway Superintendent laying out the aforesaid town highway to be known part of Regency Drive, the Town Board hereby accepts the annexed deed of dedication, provided it is filed by the attorney for Island Meadows, LLC, or its representative, in the Erie County Clerk's office and the attorneys for the Town are provided with a certified copy thereof documenting such satisfactory filing.

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

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

Retirement – Sewer Maintenance Worker

A motion was made by Councilman Digati, seconded by Councilman Bahleda to accept the notice of retirement of Ross Arsenault effective August 28, 2023, with regret. A certificate of appreciation will be sent to Mr. Arsenault.

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

Reapprove Final Plat – Gun Creek Subdivision, Phase 3 (Subdivision #75)

A motion was made by Councilman Madigan, seconded by Councilman Digati to reapprove the Final Plat for Gun Creek Subdivision, Phase 3 (Subdivision#75) needed to clarify Drainage Easements (public and private) as well as include the transfer of land to the Town for the subdivision pump station site.

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

Reapprove Preliminary Plat (Modified Plan) – Ashbrooke Court Estates (Subdivision #49.06) – 48 Lots

A motion was made by Councilman Bahleda, seconded by Councilman Digati to table the Preliminary Plat (Modified Plan) reapproval – Ashbrooke Court Estates (Subdivision #49.06) – 48 Lots.

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

Reapprove Site Plan – Comfort Solar, 2180 Alvin Road – Solar Array Project (FKA BayWa R.E., 2356 Whitehaven Road – Solar Array Project)

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to approve the revised Site Plan for Comfort Solar, 2180 Alvin Road – Solar Array Project (FKA BayWa R.E., 2356 Whitehaven Road – Solar Array Project).

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

RECREATION SUPERVISOR – JOSEPH MENTER:

Part-time Hires

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A motion was made by Councilman Digati, seconded by Councilman Madigan to approve the following hires, effective August 29, 2023, subject to the completion of the necessary pre-employment paperwork.

Elissa Rizek	Recreation Attendant – Yr. 1 Aide	\$14.55/hr.	Part-time
Omar Rizek	Recreation Attendant – Yr. 1 Aide	\$14.55/hr.	Part-time

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

CODE ENFORCEMENT OFFICE:

Special Use Permit Renewal – GSPP Grand Island B Land, LLC – 126 Industrial Drive – Community Solar Array Project

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to renew the Special Use Permit for GSPP Grand Island B Land, LLC – 126 Industrial Drive – Community Solar Array Project. The site has been inspected and it is unchanged.

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

Special Use Permit Renewal – Christopher Fiels, 2249 Bush Road – Home Occupation, Dog Training Facility

A motion was made by Councilman Digati, seconded by Councilman Bahleda to renew the Special Use Permit for Christopher Fiels, 2249 Bush Road – Home Occupation, Dog Training Facility. The site has been inspected and it is unchanged.

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

Special Use Permit Renewal – Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to renew the Special Use Permit for Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens. The site has been inspected and there are repairs to the coop and fence area underway before the chickens are restocked.

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

Special Use Permit Renewal – National Fuel Gas Supply Corp., 1589 Stony Point Road – Natural Gas Regulator-Metering Station

A motion was made by Councilman Digati, seconded by Deputy Supervisor Marston to renew the Special Use Permit for National Fuel Gas Supply Corp., 1589 Stony Point Road – Natural Gas Regulator-Metering Station. The site has been inspected and it is unchanged.

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

Special Use Permit Application – Maayan Eich, 139 Colonial Drive – Bed & Breakfast – Set Public Hearing and Refer to Planning Board

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A motion was made by Councilman Madigan, seconded by Councilman Bahleda to set a Public Hearing for Monday, September 18, 2023, at 8:00p.m. to hear anyone who wants to comment on Special Use Permit Application – Maayan Eich, 139 Colonial Drive – Bed & Breakfast, and send the matter to the Planning Board for review and recommendation.

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

TOWN ACCOUNTANT – KORIN FRANTZ:

Budget Amendment – Golden Age Center

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve the following budget amendment/transfer for 2023:

Decrease Cash – Trust & Agency Funds	005.0005.0200	Credit	\$210
Decrease Liability – MOW Donations	005.0005.0086	Debit	\$210

Increase Cash – General Fund	001.0001.0200	Debit	\$210
Increase Liability – MOW Donations	001.0001.0604	Credit	\$210

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

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilman Digati, seconded by Councilman Bahleda to pay

Vouchers #142683 - #142834

General \$ 109,075.81

Highway \$ 616,511.97

Sewer \$ 44,946.01

Water \$ 14,966.04

Capital \$ 582,239.51

Lighting \$ 1,355.35

Total \$1,369,094.69

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

UNFINISHED BUSINESS:

John Valenti, Alvin Road Incubator Building – Site Plan Approval – 14,000 S.F. One Story Multi-Unit Building

Remains Tabled.

SUSPEND THE RULES:

Cancel Town Board Meetings – Tuesday, September 5, 2023

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A motion was made by Councilman Madigan, seconded by Councilman Digati to Suspend the Rules to consider canceling the Town Board Meetings on September 5, 2023.

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to cancel the Town Board Meetings on September 5, 2023.

PUBLIC COMMENTS:

FROM THE BOARD:

- ADJOURNMENT:**

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