

Nathan D. McMurray - Supervisor
 Beverly A. Kinney - Councilwoman
 Michael H. Madigan - Councilman
 Jennifer L. Baney - Councilwoman
 Peter Marston, Jr. - Councilman
 Patricia A. Frentzel - Town Clerk
 Peter C. Godfrey - Town Attorney
 James R. Sharpe - Deputy Supervisor

TOWN BOARD OF THE TOWN OF GRAND ISLAND

Grand Island Town Hall
 2255 Baseline Rd. — Grand Island, New York 14072

Date: April 1, 2019

Time: 8:00 P.M.

**HEARING IMPAIRED LISTENING
 DEVICES AVAILABLE ON REQUEST**

In the event of a fire or other emergency, please follow the exit signs that are provided in this room and throughout Town Hall.

	TITLE:	DISPOSITION:
I	<u>ROLL CALL:</u> Town Clerk	
II	<u>INVOCATION:</u> Bible Fellowship Center	
III	<u>PLEDGE:</u> Councilman Peter Marston, Jr.	
IV	<u>PUBLIC COMMENTS:</u> - AGENDA ITEMS ONLY	
V	<u>PUBLIC HEARING:</u> 1. Island Meadows – Section 3 (FKA Section 3a/3b) – Preliminary Plat/Proposed 22 Lot Subdivision	
VI	<u>MINUTES:</u> 1. Approve Minutes of Workshop Meeting #12, March 18, 2019 2. Approve Minutes of Regular Meeting #5, March 18, 2019	
VII	<u>CONSENT AGENDA:</u> 1. Meeting Minutes – Board of Architectural Review – February 19, 2019 <u>COMMUNICATIONS –TOWN BOARD:</u>	
VIII	<u>SUPERVISOR NATHAN D. McMURRAY:</u> 1. Appointment – Assistant to the Supervisor	
IX	<u>COUNCILWOMAN JENNIFER L. BANEY:</u> 1. Speed Limit on East/West River Roads <u>COMMUNICATIONS – OTHER TOWN OFFICIALS:</u>	
X	<u>TOWN ATTORNEY – PETER GODFREY:</u> 1. Local Law Intro #2 of 2019 – Amend Chapter 155 of the Town Code – Flood Damage Prevention – Set Public Hearing 2. Local Law Intro #4 of 2019 – Amend Chapter 372 of the Town Code – Vehicles and Traffic – Set Public Hearing	
XI	<u>DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT H. WESTFALL:</u> 1. Authorize Supervisor to Sign – Standard Title VI/Non-Discrimination Assurances.	

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	TITLE:	DISPOSITION:
XII	<u>CODE ENFORCEMENT OFFICE:</u>	
	1. Local Law Intro #3 of 2019 – Rezoning SBL #:64.15-2-53, 365 Elmwood Road – B-2 to R-2 – Set Public Hearing	
	2. Special Use Permit Application – Anne Fahning, 2012 East River Road – Bed & Breakfast – Set Public Hearing	
	3. Special Use Permit Application – Jie Zhu, 2568 Oakfield Road – Bed & Breakfast – Set Public Hearing	
	4. Status Change	
	5. Special Use Permit Renewal – Glen Wallace, 917 North Colony Road – Bed & Breakfast	
XIII	<u>PARKS MAINTENANCE CREW CHIEF – THOMAS DWORAK:</u>	
	1. Seasonal Hires/Status Changes	
XIV	<u>REPORT OF THE AUDIT COMMITTEE:</u>	
XV	<u>PUBLIC COMMENTS:</u>	
XVI	<u>FROM THE BOARD:</u>	
XVII	<u>MEMORIAL ADJOURNMENT:</u>	
	Ann Waite Lewis Varga	
	Gary McDannell Karen Kelschenbach	
	Donald Lare Liam McCaul	
	Charles Cowart, Sr.	

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Grand Island, Erie County, New York, on **Monday, the 1st day of April 2019 at 8:00 P.M.** in the Town Hall, 2255 Baseline Road, to consider an application by:

Robert Weaver

3400 Niagara Falls Boulevard, North Tonawanda, NY 14107

for

PRELIMINARY PLAT APPROVAL

of

Island Meadows Subdivision – Section 3 (FKA Section 3a/3b) – 22 Lots
Grand Island, New York 14072

Which premises are bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Grand Island, County of Erie, State of New York, being part of Lot 93 and Lot 105 of said Island and more particularly described as follows:

Commencing at a point located at the northeast corner of Lot 93, said point also being on the centerline of Stony Point Road; thence southerly along the east line of Lot 93 and the centerline of Stony Point Road, 268.00 feet to a point; thence westerly S 88°22'28" W and parallel to the north line of Lot 93, 33.0 feet to a point on the westerly Right of Way of Stony Point Road and the Point of Beginning;

Thence southerly S 00°24'43" E along said westerly Right of Way a distance of 181.00 feet to the north line of lands of Francis M. Gorcheck Sr. by deed filed in the Erie County Clerks Office in Liber 10883 of deeds at page 151;

Thence westerly S 88°22'28" W along the north line of said Gorcheck Sr. and parallel to the north line of Lot 93 a distance of 180.00 feet to the northwest corner of said Gorcheck Sr. lands;

Thence southerly S 0°24'44" E and parallel with the east line of Lot 93 a distance of 85.00 feet to a point on the south line of lands conveyed to Samuel D. Magavern by deed Liber 5295, Page 203;

Thence S 88°22'28" W and along the south line of lands conveyed to Samuel D. Magavern by deed Liber 5295, Page 203 a distance of 208.06 feet to a point;

Thence westerly N 78°50'28" W a distance of 173.46 feet to a point in the centerline of Woods Creek;

Thence Southerly following along the centerline of Woods Creek the following 7 courses;

S 39°03'31" W 22.16 feet to a point; thence

S 51°12'45" W 60.01 feet to a point; thence

S 35°51'39" W 45.13 feet to a point; thence

S 2°04'18" W 84.39 feet to a point; thence

S 23°02'35" E 44.17 feet to a point; thence

S 31°50'57" E 69.38 feet to a point; thence

S 32°03'10" E 59.76 to a point in the southerly line of premises deeded to Edwin D. Klopp and others by warranty deed dated June 2, 1928 and recorded in Erie County Clerk's Office in Liber 2000 of Deeds page 11 and to Edwin D. Klopp by warranty deed dated August 27, 1938 recorded in Erie County Clerk's Office in Liber 2808 of Deeds page 49;

Thence westerly S 88°22'28" W along said southerly line of Klopp and parallel to the north line of Lot 93 a distance of 1007.21 feet to a point;

Thence northerly through the lands of G. Granson Geis & Suzanne A. Geis by deed filed in the Erie County Clerk's Office in Liber 10694 of deeds at page 820 the following 5 courses;

N 0°24'19" W a distance of 11.08 feet to a point of curve;

Thence northerly and easterly on a curve to the right with a radius of 225.00 feet and an arc distance of 215.72 feet with a chord bearing of N 27°03'38" E and a chord distance of 207.55 feet to a point;

Thence northerly N 1°31'23" W a distance of 201.37 feet to a point;

Thence northerly N 13°04'59" W a distance of 259.98 feet to a point;

Thence northerly N 1°23'19" W a distance of 171.96 feet to the northerly line of said Geis lands and the north line of Lot 93;

Thence easterly N 88°22'28" E along the northerly line of said Geis lands and the north line of Lot 93 a distance of 415.38 feet to the southwest corner of lands conveyed to Fieldstone Village, Inc. by deed filed in Erie County Clerk's Office in Liber 7592 of deeds at page 603;

Thence northerly N 1°21'37" W along the west line of said Fieldstone Village, Inc. lands a distance of 582.34 feet to the center of Woods Creek;

Thence southeasterly along the center of said Woods Creek the following 9 courses;

S 57°59'24" E 51.18 feet to a point; thence

S 55°34'43" E 67.79 feet to a point; thence

S 73°17'20" E 79.04 feet to a point; thence

S 62°28'15" E 89.10 feet to a point; thence

S 56°27'39" E 114.73 feet to a point; thence

S 53°18'34" E 47.31 feet to a point; thence

S 75°57'40" E 52.97 feet to a point; thence

S 45°01'51" E 52.62 feet to a point; thence

S 52°46'11" E 36.18 feet to a point in the easterly line of said lands of Fieldstone Village, Inc.;

Thence southerly S 1°21'37" E along the easterly line of said lands of Fieldstone Village, Inc. a distance of 275.17 feet to a point on the north line of Lot 93;

Thence easterly N 88°22'28" E along the north line of Lot 93 a distance of 187.00 feet to the northwest corner of lands of James Thorpe by deed filed in Erie County Clerk's Office in Liber 10907 of deeds at page 363;

Thence southerly S 0°24'46" E along the westerly line of said Thorpe lands a distance of 150.11 feet to the southwest corner of said Thorpe lands;

Thence easterly N 88°22'28" E along the southerly line of said Thorpe lands and parallel to the north line of Lot 93 a distance of 120.00 feet to a point, said point being the northwest corner of lands of Heritage Christian Home II, L.P. by deed filed in the Erie County Clerk's Office in Liber 10996 of deeds at page 1447;

Thence southerly S 1°37'32" E a distance of 162.16 feet to a point;

Thence easterly on a curve to the left with a radius of 257.71 feet and an arc distance of 70.81 feet with a chord bearing of N 82°53'55" E and a chord distance of 70.59 feet to a point;

Thence easterly on another curve to the left with a radius of 868.04 feet and an arc distance of 87.28 feet with a chord bearing of N 72°08'47" E and a chord distance of 87.24 feet to a point of reverse curve;

Thence easterly on a curve to the right with a radius of 265.44 feet and an arc distance of 94.15 feet with a chord bearing of N 79°25'37" E and a chord distance of 93.66 feet to a point;

Thence easterly N 89°35'18" E a distance of 70.96 feet to the point or place of beginning.

All interested persons may attend at said time and place and be heard.

By Order of the Town Board
Patricia A. Frentzel, Town Clerk

PUBLISH AND POST: March 22, 2019

Town of Grand Island - Workshop Meeting #12

**DRAFT
COPY**

A workshop meeting of the Town Board of Grand Island, New York was held at the Town Hall, 2255 Baseline Road, Grand Island, NY at 5:30p.m. on the 18th of March, 2019.

Present:	Nathan D. McMurray	Supervisor
	Beverly A. Kinney	Councilwoman
	Michael H. Madigan	Councilman
	Jennifer L. Baney	Councilwoman
	Peter Marston, Jr.	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Also Present: James R. Sharpe Deputy Supervisor

Supervisor Nathan D. McMurray called the meeting to order at 5:33p.m.

Supervisor Nathan D. McMurray left the meeting at 5:33p.m.

NEW ITEMS:

General Discussion:

- **CGR – David Riley and Paul Bishop** – Presentation regarding the Needs Assessment of the Town
 - **Appraisal of Town Parcels** – Report has not been shared with entire Town Board
- **Dedication of Private Road – Dave Gillen – Whitehaven Townhouse Association/Golf Course Villas** –
- **Drescher & Malecki, LLP – Nicole Ruf, CPA and Matthew Montalbo, CPA** – Presentation regarding Professional Services – Risk Assessment – Review of Practices, Policies, Procedures and Controls

Supervisor Nathan D. McMurray returned to the meeting at 6:25p.m.

Drescher & Malecki, LLP – Authorize Supervisor to Sign

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to authorize the Supervisor to sign the engagement letter of intent with Drescher & Malecki, LLP to commence on April 2, 2019

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

General Discussion:

Heron Point Phase 2 – Approval of conditions

Concurrence of Lead Agency – DEC – Spicer Creek Wildlife Management Area - Habitat Restoration

SEQR Correspondence Received

A motion was made by Councilman Marston, seconded by Councilwoman Baney to request that all correspondence regarding SEQR from DEC, Army Corps or New York State that is received by the Supervisor's office is to be distributed to the entire Town Board, Planning Board and Conservation Advisory Board upon its arrival.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 1 McMurray

Monday, March 18, 2019

Town of Grand Island - Workshop Meeting #12

General Discussion:

Social Media Policy – Intra-Department Emails

Dark Sky Policy update

LED Lighting RFQ/RFP

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to authorize the Town Attorney to prepare a draft RFQ for an LED lighting conversion services agreement to be approved at the next Town Board meeting on April 1, 2019.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

General Discussion:

Paddles Up Update:

- Expansion of Event
- Farmers Market
- BBQ Contest
- Slow Roll
- Mini "triathlon"

Security System Project

Golden Age – Opening for Recreation Attendant

Advisory Board Vacancy – Interview Schedule

"No Parking" Signs Modifications/Changes in Vicinity Surrounding High School –

Town Attorney to draft Local Law – Amending Chapter 372 of the Town Code – Vehicles and Traffic

WQIP Grant Application Status Update

Councilwoman Jennifer Baney left the meeting at 7:35p.m.

Town Accountant Pam Barton joined the meeting at 7:37p.m.

EXECUTIVE SESSION:

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to enter into Executive Session at 7:37p.m. for the purpose of discussing matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person(s) employed by the Town and to obtain legal advice from the Town Attorney.

APPROVED Ayes 4 Kinney, Madigan, Marston, McMurray
Noes 0

Councilwoman Jennifer Baney returned to the meeting at 7:38p.m.

Town Accountant Pam Barton left the meeting at 7:51p.m.

The Town Board took a recess at 7:59p.m. for the Regular Meeting.

The Town Board reconvened at 8:48p.m. in Executive Session.

Councilwoman Jennifer Baney left the meeting at 9:55p.m.

ADJOURN:

A motion was made by Supervisor McMurray, seconded by Councilman Marston to return to the Regular Workshop and adjourn at 9:59p.m.

APPROVED Ayes 4 Kinney, Madigan, Marston, McMurray
Noes 0

Respectfully submitted,

Patricia A. Frentzel
Town Clerk

Monday, March 18, 2019

Town of Grand Island – Regular Meeting #5

**DRAFT
COPY**

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 18th of March, 2019.

Present:	Nathan D. McMurray	Supervisor
	Beverly A. Kinney	Councilwoman
	Michael H. Madigan	Councilman
	Jennifer L. Baney	Councilwoman
	Peter Marston Jr.	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Supervisor Nathan D. McMurray called the meeting to order at 8:00p.m.
Reverend Paul Nogaro from St. Stephen's Roman Catholic Church gave the Invocation.
Councilwoman Jennifer L. Baney 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: None

MINUTES:

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to approve Minutes of Workshop Minutes of Workshop Meeting #9, February 27, 2019, Minutes of Workshop Meeting #10, March 4, 2019, Minutes of Regular Meeting #4, March 4, 2019 and Minutes of Workshop Meeting #11, March 12, 2019.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

CONSENT AGENDA:

1. Building Permits Issued – February 2019
2. Golden Age Center – Facility Usage – February 2019
3. Meeting Minutes – Zoning Board of Appeals – February 7, 2019
4. Meeting Minutes – Planning Board – February 11, 2019
5. Meeting Minutes – Traffic Safety Advisory Board – January 8, 2019 & February 12, 2019

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

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

COMMUNICATIONS –TOWN BOARD:

SUPERVISOR NATHAN D. McMURRAY:

Appointment – Broadband Steering Committee

Supervisor McMurray reported that he created a Broadband Steering Committee to address Broadband initiatives on Grand Island. The Erie County Legislature passed a resolution addressing Broadband within the entire county. Internet speeds in WNY rank among the lowest in the country. Grand Island conducted a similar study, confirming this in the summer of 2016, and in February 2017, indicating how the Town could initiate a Broadband project for the Town of Grand Island. To further this effort, the Supervisor appointed a committee, led by Deputy Supervisor Jim Sharpe, with members of the Town's Technology Committee and will include working with the Grand Island School District and Erie County.

No action by the Town Board.

Monday, March 18, 2019 - 1

Town of Grand Island – Regular Meeting #5

Resolution – Solar PILOT Program

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to adopt a resolution authorizing the Supervisor to sign the Solar PILOT Program – Payment in Lieu of Taxes Agreement for Solar Energy Systems with SolarPark Energy, LLC relating to the premises located at 1621 Whitehaven Road – SBL #37.01-2-1.2 and 37.01-2-2 in a lump sum amount of \$100,000 to be utilized for the purchase of street lighting for Grand Island Boulevard.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

COMMUNICATIONS – OTHER TOWN OFFICIALS:

DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT WESTFALL:

Authorize Supervisor to Execute Agreement – Station 8 Forcemain Replacement

Town Engineer reported that the construction of the new forcemain is located in the National Fuel Easement.

A motion was made by Councilman Madigan, seconded by Councilman Marston to authorize the Supervisor to execute the Encroachment Agreement with National Fuel for the Station 8 Forcemain replacement, subject to the approval of the Town Attorney.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

Project – National Fuel Encroachment Agreement – M-8-2018

Change Order No. 1 – High Lift Pumps Upgrade – Job No. M-212

Town Engineer reported that Change Order No. 1 is the additional work and pipe fittings required to reconfigure the discharge piping to work with the discharge line on the new pumps. The reconfiguration resulted in a net charge to the contract of \$1,800. It also included a time extension request due to a delay in pump fabrication.

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to accept the recommendation of the Town Engineer and approved Change Order No. 1 in the amount of \$1,800.00.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

TOWN ACCOUNTANT – PAMELA BARTON:

Establishing Golden Age Center Capital Reserve Account

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to adopt the following resolution, subject to Permissive Referendum:

RESOLVED, that the Town Board of the Town of Grand Island hereby establishes a capital reserve fund pursuant to Section 6-c of the General Municipal Law ("Section 6-c"), which shall be known as the "Reserve Fund – Golden Age Center" (the "Fund"); that the purpose of the Fund shall be to accumulate moneys to finance the cost of capital improvements at the Town's Golden Age Center; that the estimated maximum cost of such capital improvements is \$250,000; that there shall be deposited into the Fund the amount of \$90,000 (which constitutes the proceeds of an insurance settlement relating to programs operated at the Golden Age Center), as well as (a) any annual surplus funds attributable to operation of programs at the Golden Age Center, (b) any donations received by the Town which are dedicated by the donor to support the operation of the Golden Age Center and (c) any other amounts directed by the Town Board to be deposited into the Fund; and that the Fund shall be implemented and operated in accordance with Section 6-c.

Monday, March 18, 2019 - 2

Town of Grand Island – Regular Meeting #5

This resolution is subject to permissive referendum pursuant to subdivision 4 of Section 6-c.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
 Noes 0

PLANNING BOARD:

Heron Pointe, Phase 2 – Whitehaven Road – SEQR

Supervisor Nathan McMurray presented the SEQR – Unlisted Action – Long Form - Environmental Assessment Forms for Heron Pointe, Phase 2 – Whitehaven Road – for the revised Site Plan Approval. Mr. McMurray informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to issue a Negative Declaration for Heron Pointe, Phase 2 – Whitehaven Road – for the revised Site Plan Approval.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
 Noes 1 McMurray

Heron Pointe, Phase 2 – Whitehaven Road – Revised Site Plan

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to discuss the revised Site Plan for Heron Pointe, Phase 2.

The Site Plan approval for Heron Pointe, Phase 2 is based on the following conditions:

1. Review and approval of the fully engineered plans for the project by the Town's Engineering Department.
2. There shall not be any impacts to the two federal wetlands on the project site totaling 1.75 acres that are subject to the jurisdiction of the United States Army Corps of Engineers.
3. Prior to the issuance of a building permit by the Town of Grand Island Building Department for a building to be constructed in Phase 2 of the Heron Pointe Project, the Project Sponsor shall be required to record an Easement Agreement at the Erie County Clerk's Office for the purpose establishing a reciprocal permanent reciprocal access easement to allow pedestrians and vehicles from the Phase 1 Heron Pointe project site and the Phase 2 Heron Pointe project site to access both properties. A copy of the recorded Easement Agreement and recording receipt shall be provided to the Town Clerk's Office, Building Department and Engineering Department upon recording at the Erie County Clerk's Office.
4. In connection with the construction of the Phase 2 Heron Pointe Project, the Project Sponsor shall be required to install the landscaping on the relevant portion of northern side of the Phase 1 Heron Pointe project site as depicted on the Overall Landscape Plan for purpose of providing screening for the existing three-story buildings.
5. In connection with the construction of the Phase 2 of Heron Pointe Project, the Project Sponsor shall be required to install the sidewalk on the Phase 1 Heron Pointe project site as depicted on the Overall Site Plan].
6. The Town Board waives the entrance island on Whitehaven Road.

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Town of Grand Island – Regular Meeting #5

7. In connection with the construction of the Phase 2 of Heron Pointe Project, the Project Sponsor shall be required to install access aisle striping on the Phase 1 Heron Pointe project site labelled as "4" WIDE YELLOW PVMT. STRIPE (200 LF)" on the Overall Site Plan.
 8. The Building Department shall not issue any Final Certificates of Occupancy for the attached residential units to be constructed as depicted on the Site Plan until such time that the installation of the required left hand turn lane on Grand Island Boulevard has been completed per the standards to be contained in a Highway Work Permit to be issued by the New York State Department of Transportation.
 9. During the construction of Phase 2 of the Heron Pointe project, construction equipment and vehicles shall be prohibited from utilizing the existing driveway on Grand Island Boulevard.
 10. The Project Sponsor shall be required pay a Recreation Fee in the amount of \$750.00 per attached dwelling unit (total Recreation Fee of \$108,000.00 for 144 attached dwelling unit). The Recreation Fee shall be paid for each eight unit building to be constructed on the Project Site prior to the issuance of a building permit by the Building Department (\$6,000 Recreation Fee per eight-unit building).
 11. The Project Sponsor shall enter into an Easement and Water Infrastructure Agreement with the Town. A copy of the fully executed Easement and Water Infrastructure Agreement shall be recorded at the Erie County Clerk's Office. A copy of the recorded Easement and Water Infrastructure Agreement and recording receipt shall be provided to the Town Clerk's Office, Building Department and Engineering Department upon recording at the Erie County Clerk's Office.
- APPROVED Ayes 3 Kinney, Baney, Marston
 Noes 2 Madigan, McMurray

Island Meadows – Section 3 (FKA Section 3a/3b) – Preliminary Plat/Proposed 22 Lot Subdivision – Set Public Hearing

A motion was made by Councilman Marston, seconded by Councilwoman Baney to set a Public Hearing for Monday, April 1, 2019 at 8:00p.m. for the purpose of hearing anyone who wants to comment on Preliminary Plat for Island Meadows – Section 3 (FKA Section 3a/3b) – 22 lot subdivision.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
 Noes 0

New England Estates – Phase 2, 13 Lots – Final Plat Approval (Revised)

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to accept the recommendation of the Planning Board and re-approve the revised Final Plat for New England Estates – Phase 2, 13 lots. The recreation fees were waived in lieu of land donated as an access to the adjacent Scenic Woods parcel.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
 Noes 0

Monday, March 18, 2019 - 4

Town of Grand Island – Regular Meeting #5

Island Pet Lodge, 2120 Alvin Road – Site Plan Revision to Phase III

A motion was made by Councilman Marston, seconded by Councilwoman Baney to accept the recommendation of the Planning Board and approve the Site Plan revision for Island Pet Lodge, 2120 Alvin Rd. – Phase III with the following provisions:

- Waive sidewalks
- Add handicapped sign
- Omit 2024 reference to gravel driveway
- Add one designated loading space
- Redraw size of handicapped parking spaces
- Approval of existing parking in the front yard setback
- Fourteen (14) parking spaces are shown on future proposed paved area. Eighteen (18) are required and should be paved
- Waiver any consideration for landscaping
- Front of building is heavily landscaped

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

Grand Park Vue – Section VIII, 13 Lots – Final Plat Approval

A motion was made by Councilman Madigan, seconded by Councilman Marston to accept the recommendation of the Planning Board and grant Final Plat approval for Grand Park Vue – Section VIII, 13 lots, subject to payment of recreation fees – \$500 per lot.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to pay Vouchers #127081 - #127210

General	\$ 98,920.53
Highway	\$ 1,447.52
Sewer	\$ 32,165.72
Water	\$ 8,307.51
Trust & Agency	\$ 1,300.00
Capital	\$ 13,876.00
Lighting	\$ 140.00
Garbage	\$121,696.45
Fire	\$ 82.41
Total	\$277,936.14

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

UNFINISHED BUSINESS:

Authorize Supervisor to Sign – Energy Services Program Master Cost Recovery Agreement

A. Correspondence – Michael H. Madigan

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to remove the Energy Services Program Master Cost Recovery Agreement from the agenda.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

Monday, March 18, 2019 - 5

Town of Grand Island – Regular Meeting #5

PUBLIC COMMENTS:

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

Speakers:

None

FROM THE BOARD:

- Boy Scout Spaghetti Dinner, Sunday, March 24, 2019, 12:00pm-6:00p.m., St. Stephen's Church
- Story of Zeke in Buffalo News
- Election petitions
- Changes on the Island

ADJOURNMENT:

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to adjourn the meeting at 8:37p.m.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

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

Janet Sheehan	Debra Samland
James May	Marilyn Anderson
Loretta Buffa	Rose Marie Mondoux
Michael Thomasula	M. Robert Madia II
Rita Hagerman	Ann Moore
Paul Gurzinski	Ralph Zauner

Respectfully submitted,

Patricia A. Frentzel
Town Clerk

Monday, March 18, 2019 - 6

JB

RECEIVED

2019 MAR 20 PM 12: 59

BOARD OF ARCHITECTURAL REVIEW MEETING

GRAND ISLAND N.Y.

Minutes: February 19, 2019

7:30 PM

MEMBERS PRESENT: J. Butler, K. Killian, A. Stockinger, R. Szafran

MEMBERS ABSENT: P. Buchanan
D. Nardozzi II – Alternate
P. Marston - Liaison

MINUTES – Board of Architectural Review Meeting – 1/15/19
Received & Filed

MINUTES – Town Board Meetings – 1/7/19, 1/22/19
Town Board Disposition – 2/4/19
Received & Filed

MINUTES – Planning Board Meeting – 11/13/18
Received & Filed

1. **BOB NIEMIEC – 2902 Love Rd.**
Pole Barn – 55' x 100'

After reviewing the elevations for the pole barn to be constructed at 2902 Love Rd., the Board recommended the colors of the building be changed to blend in with the environment, and because it is so massive in size, they would like a resubmitted elevation for their review at the next meeting in March.

Roll Call: Ayes – Butler
Noes – Killian, Stockinger, Szafran
Carried

2.

2. RYAN HOMES – 135, 144, 147 Stonebridge Rd.
Single Family Dwellings - 170 Stonebridge Rd., resubmitted
398 Quarry Run

The elevations for single family dwellings to be constructed at 135, 144, 147 Stonebridge Rd, 170 Stonebridge Rd., and 398 Quarry Run were reviewed and accepted, provided approvals are granted by all other necessary Town Boards.

Roll Call: Ayes – Butler, Killian, Stockinger, Szafran
Noes – None
Carried

3. JENNIFER BANEY – 2826 Long Rd.
Addition

A motion was made by Killian – Szafran to accept the elevation for an addition to be constructed at 2826 Long Rd., provided approvals are granted by all other necessary Town Boards.

Roll Call: Ayes – Buchanan, Killian, Stockinger, Szafran
Noes – None
Carried

4. MARK TOLLNER – 5671 East River Rd.
Garage – 30' x 40'

It was moved by Stockinger – Killian to accept the elevation for a garage to be constructed at 5671 East River Rd., provided approvals are granted by all other necessary Town Boards.

Roll Call: Ayes – Butler, Killian, Stockinger, Szafran
Noes – None
Carried

3.

5. STICKL CONSTRUCTION CO. – 55 Castlewood Ct.
Single Family Dwelling

After reviewing the elevation for a single family dwelling to be constructed at 55 Castlewood Ct, a motion was made by Killian – Szafran to accept the drawing, provided approvals are granted by all other necessary Town Boards and Town Codes.

Roll Call: Ayes – Butler, Killian, Stockinger, Szafran
Noes – None
Carried

Meeting adjourned at 8:20 PM

Respectfully submitted.

John Butler, Chairman
Board of Architectural Review

Minutes prepared by Linda Koch, Recording Secretary



**FROM THE DESK OF SUPERVISOR, NATHAN D. McMURRAY
TOWN OF GRAND ISLAND, NY**

TO: Town Board
FROM: Nathan McMurray
DATE: April 1, 2019
RE: Appointee to: Assistant to the Supervisor

RECEIVED
2019 MAR 28 AM 8:59
TOWN CLERK
GRAND ISLAND, NY

Effective April 29, 2019, I notify the Town Board of the Town of Grand Island of my appointment of the following person to the title of Assistant to the Supervisor - Accounting:

Jackie Ostertag

This appointment does not impact the budget in any manner. The appointment is made at the Non-Union Schedule Grade 5 Step A rate of \$17.50/hour. The appropriate funds were placed in the 2019 Budget as adopted by the Town Board at the 1/07/19 re-org meeting. The position necessity and parameters were discussed at length during the 2019 Budget workshops.



RECEIVED

2019 MAR 26 AM 11:44

TOWN CLERK
GRAND ISLAND N.Y.

The Town of Grand Island
Jennifer L. Baney
Councilwoman

March 26, 2019

From: Jennifer Baney
Grand Island Councilwoman

Re: Speed limit on East/West Road

At their March 12th meeting, the Traffic Safety Advisory Board passed a motion to ask the Town Board to present to the NYS Parks, Recreation, and Historical Preservation (NYS Parks) the support of a reduction of the existing 45 MPH speed limit on approximately 0.80 miles on East/West Road to 35 MPH.

Now that West River Parkway does not exist it is suggested that there is no need to have a stepdown speed reduction from 55 MPH to 45 MPH to 35 MPH. This action would leave East/West Road with a linear speed of 35 MPH in its entirety as it traverses through Buckhorn State Park.

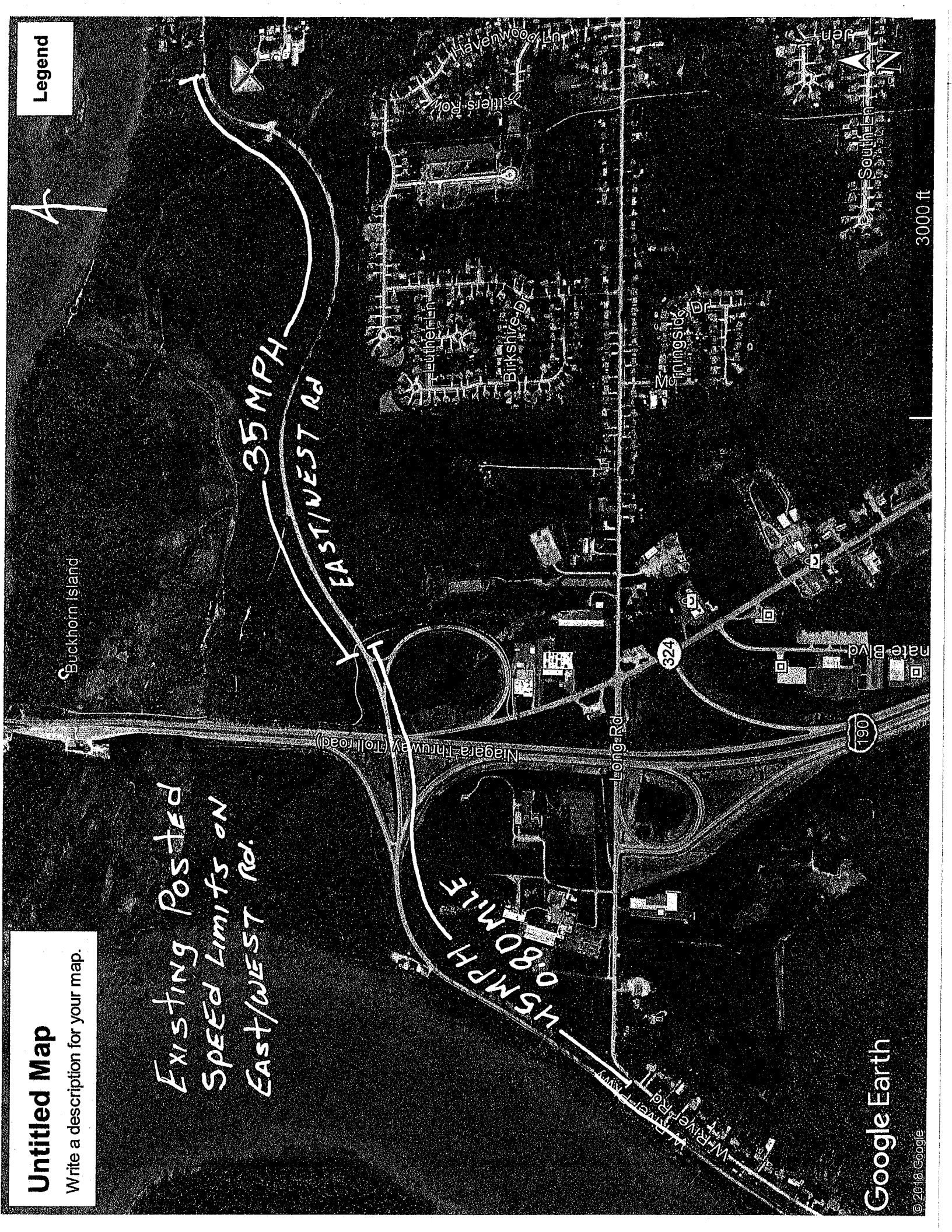
I request that the Town Board supports the speed limit reduction outlined above and works with the Town Clerk to complete the necessary forms required for the associated entities to move forward with the above noted changes.

Untitled Map

Write a description for your map.

Existing Posted
Speed Limits on
East/WEST Rd.

Legend



TOWN BOARD OF THE TOWN OF GRAND ISLAND

**DRAFT
COPY**

Local Law Intro. No. 2 of 2019
Local Law No. _____ of 2019

3/27/19

A Local Law Amending the Town of Grand Island Code Relating to Floodplains.

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

Section 1: The Town of Grand Island Town Code is hereby amended to add and amend language relating to floodplains to Chapter 155 of the Code, in order to comply with New York State requirements, and to read in its entirety as follows:

Chapter 155. Flood Damage Prevention

§ 155-1. Findings.

The Town Board of the Town of Grand Island finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Grand Island and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

§ 155-2. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages.
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- F. Qualify for and maintain participation in the National Flood Insurance Program.

§ 155-3. Objectives.

The objectives of this chapter are to:

- A. Protect human life and health.

- B. Minimize expenditure of public money for costly flood-control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas.
- G. Provide that developers are notified that property is in an area of special flood hazard.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 155-4. Word usage and definitions.

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.
- B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE

A structure used solely for parking (two-car detached garages or similar) or limited storage, represents a minimal investment of not more than 10 percent of the value of the primary structure, and may not be used for human habitation.

APPEAL

A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING

A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average annual depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE or V1-V30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain." For purposes of this chapter, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT

That portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING

See "structure."

CELLAR

Has the same meaning as "basement."

CRAWL SPACE

An enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING

- (1) A nonbasement building:
 - (a) Built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, to have the top of the elevated floor or, in the case of a building in Zones V1-V30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water; and
 - (b) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.
- (2) In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.
- (3) In the case of Zones V1-V30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The federal agency that administers the National Flood Insurance Program.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)

An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD ELEVATION STUDY

An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM)

An official map of a community issued by the Federal Emergency Management Agency where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

See "flood elevation study."

FLOOD or FLOODING

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters.
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
- (2) "Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) above.

FLOODPLAIN or FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source. (See "flooding.")

FLOODPROOFING

Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY

See "regulatory floodway."

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities. The term does not include long-term storage, manufacturing, sales or service facilities.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

LOCAL ADMINISTRATOR

The person appointed by the community to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is the Town Engineer.

LOWEST FLOOR

Lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "recreational vehicle."

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME

See "manufactured home."

NEW CONSTRUCTION

Structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community, and includes any subsequent improvements to such structure.

ONE-HUNDRED-YEAR FLOOD or 100-YEAR FLOOD

See "base flood."

PRINCIPALLY ABOVE GROUND

At least 51% of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE

A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 155-14B of this chapter.

START OF CONSTRUCTION

The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE

A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

VARIANCE

A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

VIOLATION

The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

§ 155-5. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Grand Island, Erie County.

§ 155-6. Basis for establishing areas of special flood hazard.

- A. The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
 - (1) Flood Insurance Rate Map Panel Numbers 36029C0010H, 36029C0020H, 36029C0028H, 36029C0029H, 36029C0033H, 36029C0036H, 36029C0037H, 36029C0038H, 36029C0039H, 36029C0041H, 36029C0042H, 36029C0043H, 36029C0044H, 36029C0160H, 36029C0177H, 36029C0180H, 36029C0181H, 36029C0183H, whose effective date is June 7, 2019, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.
 - (2) A scientific and engineering report entitled "Flood Insurance Study, Erie County, New York (All Jurisdictions)" dated June 7, 2019.
- B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the office of the Town Engineer, located at Grand Island Town Hall, First Floor, 2255 Baseline Road, Grand Island, New York 14072.

§ 155-7. Interpretation and conflict with other laws.

- A. This chapter includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.
- B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the highest standards shall govern.

§ 155-8. Severability

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

§ 155-9. Penalties for offenses.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Grand Island from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or

owner has not applied for and received an approved variance under §§ 155-22 and 155-23 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§ 155-10. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Grand Island, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 155-11. Designation of local administrator.

The Town Engineer is hereby appointed local administrator to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.

§ 155-12. The floodplain development permit.

- A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 155-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.
- B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee in accordance with the fee schedule of the Town of Grand Island. In addition, the applicant shall be responsible for reimbursing the Town of Grand Island for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than \$500 to cover these additional Costs.

§ 155-13. Permit application.

The applicant shall provide the following information as appropriate; additional information may be required on the permit application form:

- A. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH or Zone A if base flood elevation data is available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- B. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the

structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.

- C. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § **155-16C**, Utilities.
- D. A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § **155-19**, Nonresidential structures.
- E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § **155-6**, when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- F. A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- G. In Zone A, when no base flood elevation data is available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.

§ 155-14. Powers and duties of local administrator.

Duties of the local administrator shall include but not be limited to the following:

- A. Permit application review. The local administrator shall conduct the following permit application review before issuing a floodplain development permit:
 - (1) Review all applications for completeness, particularly with the requirements of § **155-13**, Permit application, and for compliance with the provisions and standards of this chapter.
 - (2) Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of §§ **155-15** through **155-21** and, in particular, § **155-15A**, Subdivision proposals.
 - (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of §§ **155-15** through **155-21**, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.
 - (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.
- B. Use of other flood data.

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 155- 13G, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.
- (2) When base flood elevation data is not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this chapter.
- (3) When an area of special flood hazard, base flood elevation, and/or floodway data are available from a Federal, State, or other authoritative source, but differ from the data in the documents enumerated in § 155-6, the local administrator may reasonably utilize the other flood information to enforce more restrictive development standards.

C. Alteration of watercourses. The local administrator shall:

- (1) Notify adjacent communities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

D. Construction stage. The local administrator shall:

- (1) In Zones A1-A30, AE and AH and also Zone A if base flood elevation data is available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

E. Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

F. Stop-work orders.

- (1) The local administrator shall issue or cause to be issued a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 155-9 of this chapter.
- (2) The local administrator shall issue or cause to be issued a stop-work order for any floodplain

development found noncompliant with the provisions of this chapter and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 155-9 of this chapter.

G. Certificate of compliance.

- (1) In areas of special flood hazard, as determined by documents enumerated in § 155-6, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.
- (2) A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in §155-14(E), Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

H. Information to be retained. The local administrator shall retain and make available for inspection copies of the following:

- (1) Floodplain development permits and certificates of compliance.
- (2) Certificates of as-built lowest floor elevations of structures, required pursuant to §155-14(D)(1) and (2), and whether or not the structures contain a basement.
- (3) Floodproofing certificates required pursuant to §155-14(D)(1) and whether or not the structures contain a basement.
- (4) Variances issued pursuant to §§ 155-22 and 155-23.
- (5) Notices required under § 155-14C, Alteration of watercourses.

§ 155-15. General construction standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 155-6:

A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage.
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage.
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments.

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

- (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
 - (b) The Town of Grand Island agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Grand Island for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Grand Island for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 155-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (a) A technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or
 - (b) The Town of Grand Island agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Grand Island for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Grand Island for all costs related to the final map revisions.
- (3) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data is available, if any development is found to increase or decrease base flood elevations, the Town of Grand Island shall as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.

§ 155-16. Standards for all structures.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown in the Flood Insurance Rate Map designated in § 155-6.

- A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- B. Construction materials and methods.
 - (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (3) Enclosed areas.
 - (a) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE, AO, or A, new and substantially improved structures shall have fully enclosed areas below

the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- [1] A minimum of two openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - [2] The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
 - [3] Openings shall not be less than three inches in any direction.
- (b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

C. Utilities.

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation, or at least three feet above the highest adjacent grade in a Zone A without an available base flood elevation, or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations.
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 155-17. Storage Tanks.

- A. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
- B. Aboveground tanks shall be:
- (1) Anchored to prevent flotation, collapse or lateral movement during conditions of the base flood; or
 - (2) Installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in § 155-6 plus two feet.

§ 155-18. Elevation of residential structures.

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in § 155-15A, Subdivision proposals, and § 155-15B, Encroachments, and § 155-16, Standards for all structures.

- A. Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data is available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
- B. Within Zone A, when no base flood elevation data is available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- C. Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 155-6 plus two feet (at least three feet if no depth number is specified).
- D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

§ 155-19. Nonresidential structures.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures located in areas of special flood hazard, in addition to the requirements in § 155-15A, Subdivision proposals, and § 155-15B, Encroachments, and § 155-16, Standards for all structures.

- A. Within Zones A1-A30, AE and AH and also Zone A, if base flood elevation data is available, new construction and substantial improvements of any nonresidential structure shall either:
 - (1) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (2) Be floodproofed so that the structure is watertight below two feet above the base flood level, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus two feet (at least three feet if no depth number is specified); or
 - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection A(2).
- C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop

and/or review structural design, specifications and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection **A(2)**, including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

- D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- E. Within Zone A, when no base flood elevation data is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

§ 155-20. Manufactured homes and recreational vehicles.

The following standards, in addition to the standards in § **155-15**, General standards, and § **155-16**, Standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- A. Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:

- (1) Be on site fewer than 180 consecutive days;
- (2) Be fully licensed and ready for highway use; or
- (3) Meet the requirements for manufactured homes in Subsections **B**, **C** and **D**.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.

- B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the bottom of the frame of the manufactured home chassis is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- C. Within Zone A, when no base flood elevation data is available, new and substantially improved manufactured homes shall be elevated such that the bottom of the frame of the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- D. Within Zone AO, the bottom of the frame of the manufactured home chassis shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § **155-6** plus two feet (at least three feet if no depth number is specified).
- E. Nothing in this section shall be read as allowing the placement of recreational vehicles or manufactured housing in areas not permitted by other provisions of the Town Code.

§ 155-21. Accessory structures including detached garages.

The following standards apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § **155-6**.

- A. Within Zones A1-A30, AE, AO, AH, and A, accessory structures must meet the standards of §

155-16(A), Anchoring.

- B. Within Zones A1-A30, AE, and AH, and also Zone A if base flood elevation data are available, areas below two feet above the base flood elevation shall be constructed using methods and practices that minimize flood damage.
- C. Within Zones AO and Zone A, if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.
- D. Structures must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of flood waters in accordance with § 155-16(B)(3).
- E. Utilities must meet the requirements of § 155-16(C), Utilities.

§ 155-22. Appeals board.

- A. The Zoning Board of Appeals as established by the Town of Grand Island shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
 - (1) The danger that materials may be swept onto other lands to the injury of others.
 - (2) The danger to life and property due to flooding or erosion damage.
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (4) The importance of the services provided by the proposed facility to the community.
 - (5) The necessity to the facility of a waterfront location, where applicable.
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - (7) The compatibility of the proposed use with existing and anticipated development.
 - (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (10) The costs to local governments and the dangers associated with conducting search-and-rescue operations during periods of flooding.
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

- (12) The costs of providing governmental services during and after flood conditions, including search-and-rescue operations and maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- E. Upon consideration of the factors of Subsection **D** and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.
- F. The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

§ 155-23. Conditions for variances.

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in § 155-22D(1) through (12) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (1) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure.
 - (2) The variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
 - (1) The criteria of Subsections **A**, **D**, **E** and **F** of this section are met.
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. Variances shall only be issued upon receiving written justification of:
 - (1) A showing of good and sufficient cause.
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public; or conflict with existing chapters or ordinances.
- G. Notification.
 - (1) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:

- (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (b) Such construction below the base flood level increases risks to life and property.
- (2) Such notification shall be maintained with the record of all variance actions as required in § **155-14H** of this chapter.

**TOWN OF GRAND ISLAND
LOCAL LAW No. 4 OF 2019**

A Local Law amending Chapter 372 – Section 372-3(A)(13) of the Town Code as follows:

SECTION 1.

CHAPTER 372, Section 372-3, Paragraph A, subparagraph (13) is hereby amended to repeal subparagraphs (a)-(k) and (m)-(o) and to revise subparagraphs (l) and (p), as follows:

§ 372-3. No parking any time.

- A. Except as otherwise provided by this section, all automobiles, cars or other vehicles shall be restricted and forbidden to park and/or stand in the manner following: [Amended 10-19-1992 by L.L. No. 3-1992; 6-7-1993 by L.L. No. 1-1993; 6-7-1993 by L.L. No. 2-1993]

...

(13) Between the hours of 7 a.m. to 4 p.m. on the days when school is in session at the Grand Island Central School District facility on Ransom Road.

(a) [Repealed];

(b) [Repealed];

(c) [Repealed];

(d) [Repealed];

(e) [Repealed];

(f) [Repealed];

(g) [Repealed];

(h) [Repealed];

(i) [Repealed];

(j) [Repealed];

(k) [Repealed];

(l) Tracey Lane, for 100' north and south of the intersection with Sandra Dr.;

(m) [Repealed];

(n) [Repealed];

(o) [Repealed];

(p) Bishop's Gate Road for 100' north and south of the pathway to the Grand Island Central School District property.

SECTION 2.

This Local Law shall take effect and be enforced after its passage and filing with the Secretary of State.

DEPARTMENT OF ENGINEERING
& WATER RESOURCES

ROBERT H. WESTFALL, P.E.
Town Engineer

LYNN M. DINGEY
Asst. Civil Engineer



THE TOWN OF GRAND ISLAND

2255 Baseline Road
Grand Island, New York 14072-1710
(716) 773-9600, Ext. 635 Office
(716) 773-9618 Fax
E-mail: engineering@grand-island.ny.us

T. B. Agenda: April 1, 2019

March 27, 2019

To: Town Board

From: Robert Westfall, P.E.
Town Engineer

RE: Standard Title VI/Non-Discrimination Assurances

Honorable Town Board:

Attached please find the Civil Rights Assurances the New York State Department of Transportation requires to be accepted by the Town of Grand Island and included in any project receiving Federal financial assistance.

We request the supervisor be authorized to sign the Assurances with the approval of the Town Attorney

lmd

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GRAND ISLAND, NY

Standard Title VI/Non-Discrimination Assurances

The *Town of Grand Island* (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *New York State Department of Transportation (NYSDOT)*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.P.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.P.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, "for which the Recipient receives Federal financial assistance from DOT, including the NYSDOT.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these

nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted *Federal Highway Administration Programs (TAP-CMAQ and TEP) and Consolidated Highway Improvement Program (CHIPS)* :

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all *Federal Highway Administration Programs (TAP-CMAQ and TEP) and Consolidated Highway Improvement Program (CHIPS)* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Town of Grand Island, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US. C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, *Town of Grand Island* also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing *New York State Department of Transportation (NYSDOT)* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *New York State Department of Transportation (NYSDOT)*. You must keep records, reports, and submit the material for review upon request to *New York State Department of Transportation (NYSDOT)*, or its designee in a timely, complete, and accurate way.

Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Town of Grand Island gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *Federal Highway Administration Programs (TAP-CMAQ and TEP) and Consolidated Highway Improvement Program (CHIPS)*. This ASSURANCE is binding on the State of *New York*, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *Federal Highway Administration Programs (TAP-CMAQ and TEP) and Consolidated Highway Improvement Program (CHIPS)*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Town of Grand Island

by _____
(Signature of Authorized Official)

DATED _____

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the *Federal Highway Administration* to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the *Federal Highway Administration*, as appropriate, and will set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *Federal Highway Administration* may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the *Federal Highway Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the *Town of Grand Island* will accept title to the lands and maintain the project constructed thereon in accordance with the Federal Highway Administration, the Regulations for the Administration of the *Federal Highway Administration Programs (TAP-CMAQ and TEP) and Consolidated Highway Improvement Program (CHIPS)*, and the policies and procedures prescribed by the *Federal Highway Administration* of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *Town of Grand Island* all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto *Town of Grand Island* and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the *Town of Grand Island*, its successors and assigns.

The *Town of Grand Island*, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility

located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the *Town of Grand Island* will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *Town of Grand Island* pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, *Town of Grand Island* will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the *Town of Grand Island* will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the *Town of Grand Island* and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by *Town of Grand Island* pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, *Town of Grand Island* will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, *Town of Grand Island* will there upon revert to and vest in and become the absolute property of *Town of Grand Island* and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-

discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

BUILDING DEPARTMENT

RONALD MILKS
Code Enforcement Official

WILLIAM SHAW
Code Enforcement Official

ROBERT HASSETT
Building Safety Inspector



THE TOWN OF GRAND ISLAND

2255 Baseline Road
Grand Island, New York 14072-1710
(716) 773-9600, Office ext. 646
(716) 773-9618 Fax
E-mail: building@grand-island.ny.us

MEMO

March 22, 2019

For: Town Board Agenda – April 1st 2019 Meeting

From: Ron Milks – Code Enforcement Officer RM

Re: 365 Elmwood – Rezoning Request

The owner of the parcel at 365 Elmwood Rd. (SBL # 64.15-2-53) is John Bidell, and he is requesting a Zoning change to the property to confirm the continued use of the two family dwelling. The owner has records indicating that this parcel has been utilized in this fashion for several decades now, but has decided to sell the property and discovered that the current zoning is Waterfront Business (B-2) and would not permit the legal use of even a single family home, let alone the two family dwelling which has existed for many years. The change to this parcels zoning would reflect a transitional change between the business in front and the surrounding residential properties. This issue is scheduled on the April 8th Planning Board meeting for review, in anticipation of the required public hearing with expectations that a decision can be rendered at the next board meeting, in order to avoid any delays to the owners property sale.

Feel free to contact me with any questions you might have and thank you for your consideration with this issue.

Cc: Town Clerk

RECEIVED
2019 MAR 22 AM 11:16
TOWN CLERK
GRAND ISLAND, N.Y.



TOWN OF GRAND ISLAND RECLASSIFICATION TO ZONING MAP OF THE TOWN OF GRAND ISLAND, NY

PAID
TOWN CLERK
Town of Grand Island

MAR 20 2019

Patricia A. Frentzel
[Signature]
[Signature]

* Proposed Zoning B2 to R-2

03/20/2019

Date of Application

Town Board

Town of Grand Island

Grand Island, NY

Attention: Building Inspector and Town Clerk

Sirs:

Pursuant to the requirements of the Town of Grand Island, the undersigned petitioner hereby makes application for an amendment or change in the official Zoning Map concerning certain premises in the Town as follows:

* Complete 1 thru 5 in quadruplicate for each separate described 'part' of zoning of contiguous property.

1. (A) Name and address of petitioner: John Bidell 333 Elmwood Rd Grand Island NY, 14072

(B) Name and address of owner(s) of premises: John Bidell 333 Elmwood Rd Grand Island, NY 14072

(C) If the petitioner is not the owner, what is his interest in the proposed zoning change?

Rezoning requested to affirm the pre-existing and current use of the dwelling.

(D) If you are not the owner, please attach a copy of your purchase offer or option and a signed authorization by the owner permitting you to submit this petition.

2. (A) Street address of premises: 365 Elmwood Rd Tax Map # 64.15-2-53

3. (A) Present use of premises: Two family dwelling

(B) Present Zoning Classification: B2 Proposed Classification: R-2

(C) Proposed use of premises: Two family dwelling

(D) Proposed use is unique because: Dwelling structures are not permitted in B-2 Zoning

4. (A) Submit a valid, stamped property survey of the proposed premises which represents the proposed/existing structures on the property.

Reclassification Fee: \$100.00

Dated March 20 2019

John C. Bidell
Signature of Petitioner

AN INTENTIONAL FALSE STATEMENT OR MISREPRESENTATION IN COMPLETING THIS DOCUMENT IS A MISDEMEANOR.

NOTE: The procedure for this application is as follows: Your application will be placed on a Town Board agenda and a public hearing will be set on this application. At the public hearing you will have the opportunity to speak in favor of this application. your application will then be referred to the Planning Board for more specific review. The Planning Board will forward a recommendation to the Town Board. After reviewing the Planning Board's report, the Town Board will give final approval or disapproval or establish conditions upon this amendment to the Zoning Map. Please contact the Town Clerk to determine the date of your public hearing. You will NOT be notified by the Town as to the date of Public hearing or Planning Board and Town Board meetings. Please call the Town Clerk's Office if you are not sure when the application will be on their respective agendas.

March 20, 2019

Grand Island Town Board

2255 Baseline Road


Grand Island, NY 14072

Dear Council Members,

My name is John Bidell and I am applying for a rezoning of a property I own at 365 Elmwood Road Grand Island, New York. The property is approximately 58 ft. wide by 138 ft. deep and on the East side of Elmwood Rd. 365 Elmwood is bordered on the north side by San-Dees Pub and on the south side by a single-family residential home. San-Dees Pub to the north of has a B-2 zoning (water front business) although it is not on the water. The home to the south of me has a R-1 zoning (single family dwelling) which is appropriate for its use.

The trouble with 365 Elmwood is that it has a two-unit residential dwelling on the property which has been in existence as a legal two unit for over 50 years. It is on the Grand Island Town tax role as a two-unit dwelling. The house has two separate entrances and exits and two separate gas and electric meters. The house also has two furnaces and hot water tanks. To the best of my knowledge everything has been done upfront and above the table and that is why the house has been taxed a two-unit house. However, the trouble is that the property is listed on the Zoning map as a B-2 (water front business) lot. My hope is to get the property zoning corrected to a R-2 (two unit residential) zoning. I have an investor interested in purchasing and rehabilitating the property which would be an asset to the neighborhood and the town if we can resolve this small glitch. Thank you in advance for your consideration in this matter.

Respectfully submitted,



John C. Bidell

RECEIVED

MAR 21 2019

TOWN OF GRAND ISLAND
BUILDING DEPT.

ZONING DEPARTMENT

William Shaw
Code Enforcement Officer
716-773-9600, Ext. 625

Rhonda Tollner
Zoning Clerk
716-773-9600, Ext. 610



THE TOWN OF GRAND ISLAND

2255 Baseline Road
Grand Island, New York 14072-1710
(716) 773-9600, Office Ext. 637
(716) 773-9618 Fax

MEMO

DATE: March 21, 2019
FROM: Rhonda Tollner
TO: Town Board
RE: Special Use Permit
2012 East River Road
SBL # 38.17-2-44.2

RECEIVED
2019 MAR 21 PM 4:46
TOWN CLERK
GRAND ISLAND, NY

Dear Council Members:

An application for a Special Use Permit has been filed by Anne Fahning, who resides at 2012 East River Road, to operate a B & B at her residents. This is currently in front of the Planning Board for recommendation to the Town Board. Please add this item to the next Town Board Agenda for a public hearing.

Thank you,

Rhonda Tollner,
Zoning Clerk

Please find attached:

1. Special Use Permit Application
2. Survey-Parking, Plot Plan
3. SEQR
4. County Referral

**TOWN OF GRAND ISLAND
APPLICATION TO THE TOWN BOARD FOR
SPECIAL USE PERMIT UNDER CHAPTER 407-115 OF THE TOWN CODE**

ZBA-2019-012

Note to Applicant: In completing the question #1, please refer to the list of Special Uses in Schedule IV of Chapter 407 of the Town Code.

In completing question #1, if applicable, please specify the precise nature of the proposed special use as, for example, the exact number of animals to be kept, the number of dogs to be maintained in a kennel, or the type of home occupation, agricultural use or commercial recreational use being proposed.

1. What is the Special Use being requested (See Schedule IV): Would like to start a Bed and Breakfast with 4 available rooms
2. Name, Address, Phone number of Applicant: Robert Fahning, 2186 East River Rd . Grand Island, 14072,
Address of Special Use Location: 2012 East River Rd
3. If you are not the owner of the real property where the Special Use is to be maintained, please state the owner's name, address, and phone number: Robert Fahning, 2186 East River Rd , Grand Island, NY 14072, "
4. If you are not the owner of the real property where the Special Use is to be maintained, please state what legal or equitable interest you have in said real property (e.g. option to buy, lessee/tenant): Owner
5. Present Use of Premises: residential
6. Present Zoning Classification of premises: R1B Number of Acres: 1+ Lot size: 200 x 300
7. Attached to this Application is the following: ☒ Survey ☒ Site Plan ☐ for the keeping of, agricultural animals, a feeding and watering plan for said animals and a waste management plan including how and where said animal waste is to be disposed of.

I affirm that the above information is true and accurate to the best of my knowledge

Signature of Applicant: Robert Fahning

The intentional making of a false statement or misrepresentation in completing this application is a misdemeanor.

Non refundable fee

Received by: Blantz

TOWN CLERK

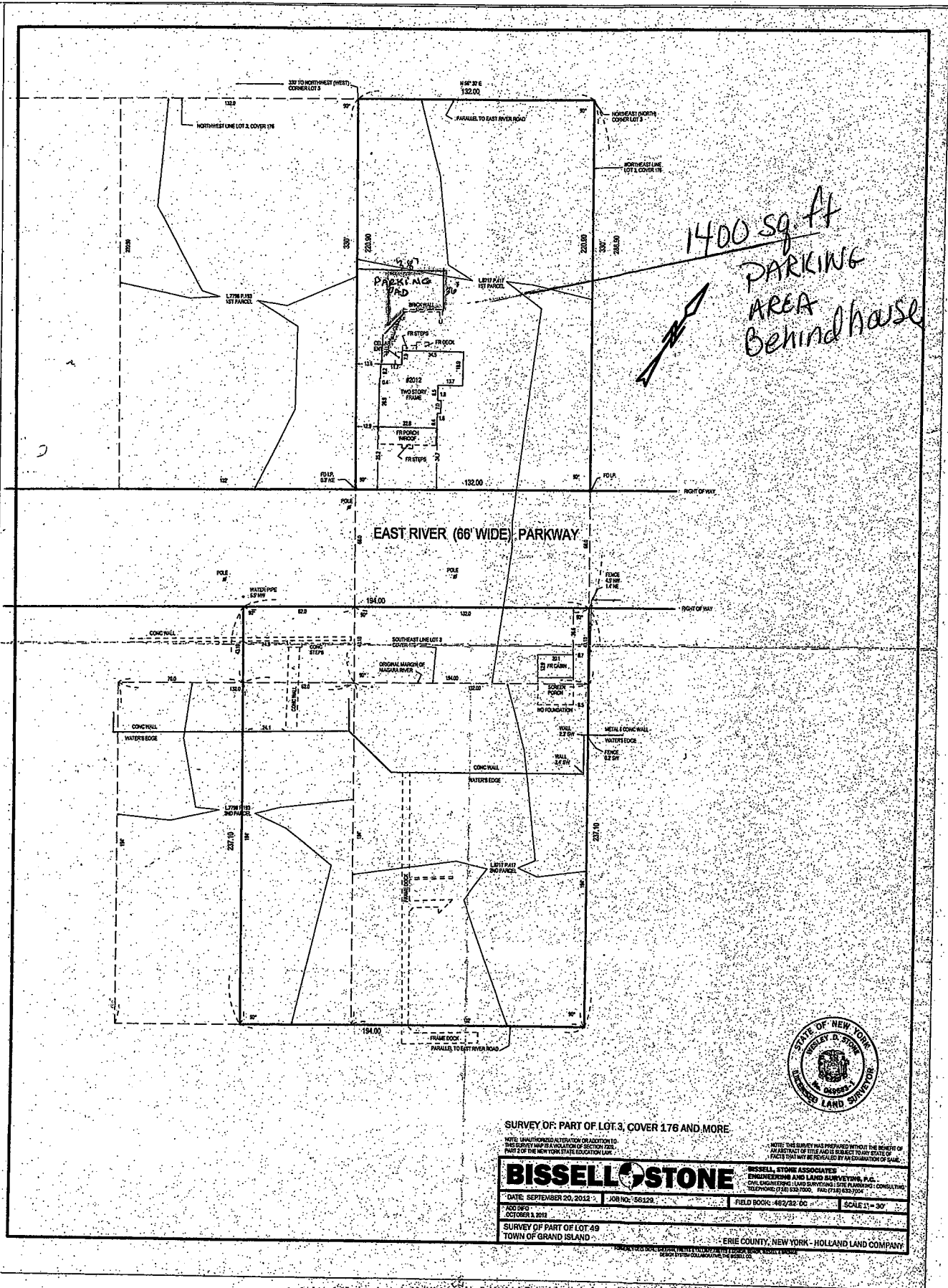
Date: 3/19/19

Note: The procedure for this application is as follows: Application will be placed on a Town Board Agenda and a public hearing will be set on this application. At the public hearing you will have an opportunity to speak in favor of this application. Your application will then be referred to the Planning Board for more specific review. The Planning Board will forward a recommendation to the Town Board. After reviewing the Planning Board's report, the Town Board will give final approval or disapproval or establish conditions upon this special use. Please contact the Town Clerk to determine the date of your public hearing. You will NOT be notified by the Town as to the date of the public hearing or Planning Board and Town Board meetings. Please call the Town Clerk's office if you are not sure when your application will be on their respective agendas. A special use permit is renewable yearly after Town Board approval and payment of a non-refundable filing fee (see current annual fee schedule). The special use authorized by the Town Board shall be by its terms limited by the issuance of a building permit within three months after approval by the Town Board, and in the event that said permit is not secured within the said three month period, the special use authorization shall expire and become null and void. A permit shall automatically expire after three years if the entire structure for which such permit was granted has not completed according to filed plans.

PAID
TOWN CLERK
Town of Grand Island

Robert A. Frentzel
Blantz

ch 2004 \$150-



SURVEY OF: PART OF LOT 3, COVER 178 AND MORE

NOTE: ANY INFORMATION OR OPINION OR ADVICE
THIS SURVEY MAP IS A VIOLATION OF SECTION 178
PART 2 OF THE NEW YORK STATE EDUCATION LAW.

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF
AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF
FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SAME.

BISSELL & STONE

BISSELL & STONE ASSOCIATES
ENGINEERING AND LAND SURVEYING, P.C.
ONE ENGINEERING LANE SURVEYING LANE PLANNING CONSULTING
TELEPHONE: (716) 632-7000 FAX: (716) 632-7004

DATE: SEPTEMBER 20, 2013 JOB NO: 56129 FIELD BOOK: 462/22 DC SCALE: 1" = 30'

ADDED: OCTOBER 3, 2013

SURVEY OF PART OF LOT 49
TOWN OF GRAND ISLAND

ERIE COUNTY, NEW YORK - HOLLAND LAND COMPANY

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY
AND REPLY TO MUNICIPALITY**

Note: Please complete in triplicate. Send original and one copy (with attachments) to
Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202.
Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: _____

Received: _____

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

Description of Proposed Action

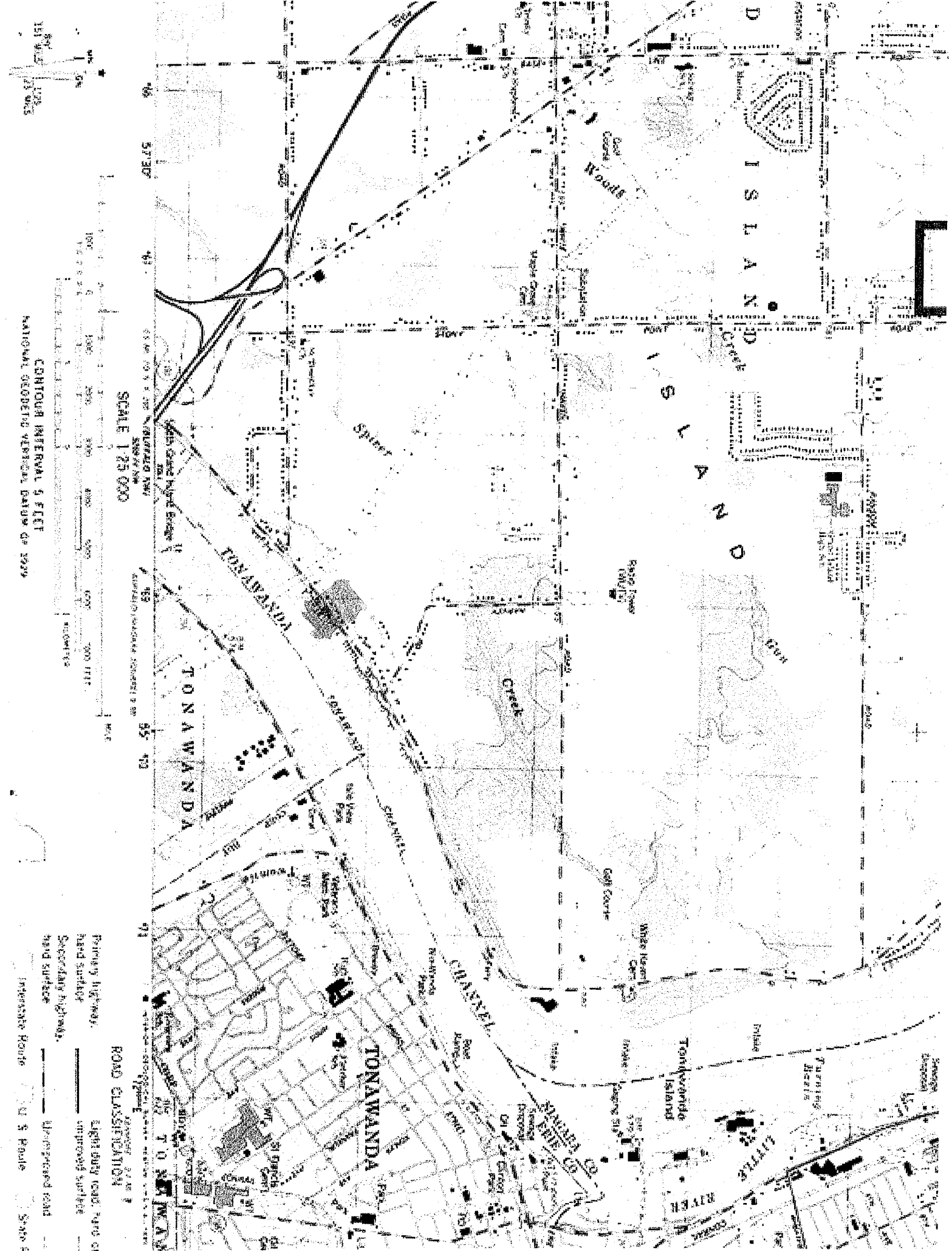
1. Name of Municipality:	Town of Grand Island		
2. Hearing Schedule:	Date 4/1/2019	Time 7:00 p	Location Town Chambers
3. Action is before:	<input checked="" type="checkbox"/> Legislative Body	<input type="checkbox"/> Board of Appeals	<input checked="" type="checkbox"/> Planning Board
4. Action consists of:	<input type="checkbox"/> New Ordinance	<input type="checkbox"/> Rezone/Map Change	<input type="checkbox"/> Ordinance Amendment
	<input checked="" type="checkbox"/> Site Plan	<input type="checkbox"/> Variance	<input checked="" type="checkbox"/> Special Use Permit
			<input type="checkbox"/> Other
5. Location of Property:	<input type="checkbox"/> Entire Municipality	<input checked="" type="checkbox"/> Specific as follows	2012 East River Road
			Grand Island, NY
6. Referral required as Site is within 500' of:	<input type="checkbox"/> State or County Property/Institution	<input type="checkbox"/> Municipal Boundary	<input type="checkbox"/> Farm Operation located in an Agricultural District
	<input type="checkbox"/> Expressway	<input checked="" type="checkbox"/> County Road	<input type="checkbox"/> Proposed State or County Road, Property, Building/Institution, Drainageway
7. Proposed change or use: (be specific)	To operate a single family dwelling as a 4 room Bed & Breakfast		
8. Other remarks: (ID#, SBL#, etc.)	SBL # 38.17-2-44.2		
9. Submitted by:	Rhonda Tollner, zoning		
	Town of Grand Island, 2255 Baseline Road, Grand Island, New York 14072		

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on _____. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ The proposed action is not subject to review under the law.
2. ☐ Form ZR-3, Comment on Proposed Action is attached hereto.
3. ☐ The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. ☐ No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: _____ Date: _____



SCALE 1:25,000

ROAD CLASSIFICATION

Primary highway, Light duty road, hard or hard surface

Secondary highway, Improved surface

Hard surface, Unimproved road

Interstate Route, U.S. Route, State Route

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Anne Fahning			
Name of Action or Project: Special Use Permit			
Project Location (describe, and attach a location map): 2012 East River Road, Grand Island, NY 14072			
Brief Description of Proposed Action: Convert a single family dwelling to a 4 room Bed & Breakfast.			
Name of Applicant or Sponsor: Anne Fahning		Telephone: 716-440-0841	
		E-Mail:	
Address: 2012 East River Road			
City/PO: Grand Island		State: NY	Zip Code: 14072
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: County Referral and Town Board approval			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		200 x 300 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		200 x 300 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

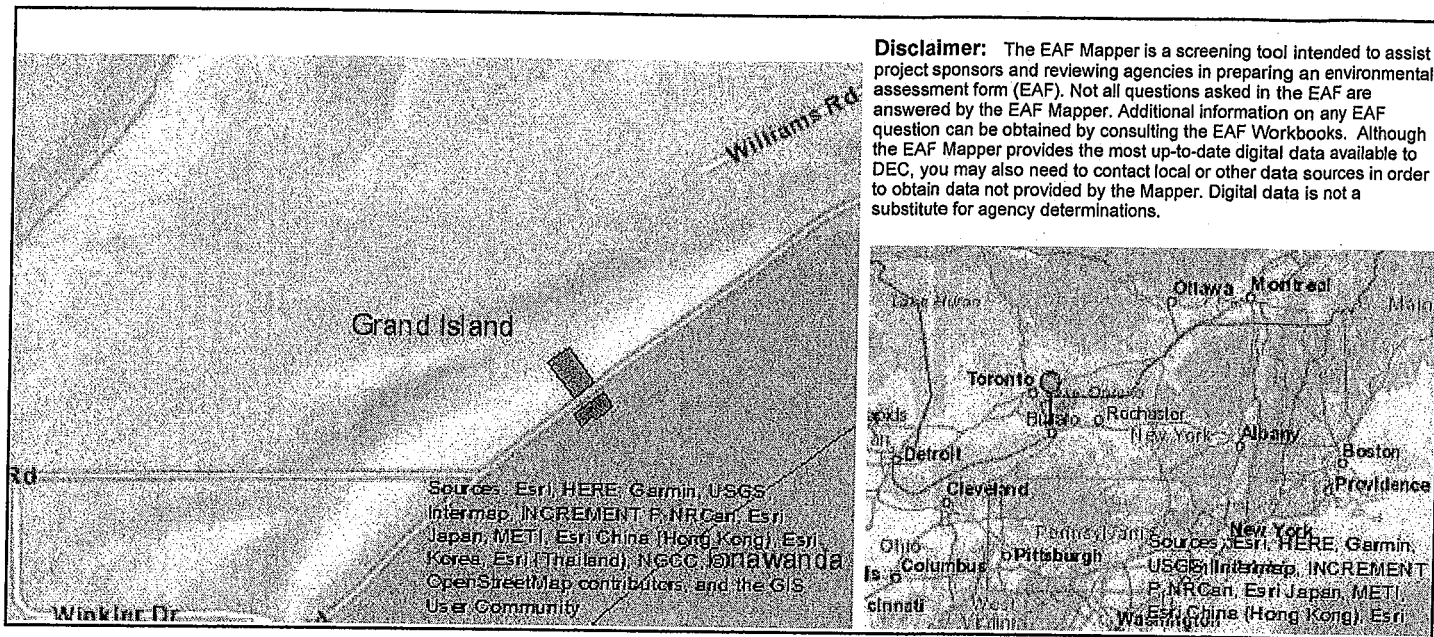
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>BRUCE FANNING</u> Date: <u>3/21/19</u> Signature: _____ Title: <u>APPLICANT</u>		

EAF Mapper Summary Report

Thursday, March 21, 2019 10:26 AM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

Project: Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: _____

Date: _____

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

TOWN OF GRAND ISLAND

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Shane Talner

Signature of Preparer (if different from Responsible Officer)

The map displays the following parcels and their identifiers:

- 38.17-2-32
- 38.17-2-34
- 38.17-2-33
- 38.17-2-36
- 38.17-2-35
- 38.17-2-37.2
- 38.17-2-38
- 38.17-2-39.1
- 38.17-2-41
- 38.17-2-42
- 38.17-2-43.1
- 38.17-2-34
- 38.17-2-35
- 38.17-2-36
- 38.17-2-37.2
- 38.17-2-38
- 38.17-2-39.1
- 38.17-2-41
- 38.17-2-42
- 38.17-2-43.2
- 38.17-2-44.2
- 38.17-2-44.1
- 38.17-2-44.11
- 38.17-2-3
- 37.20-1-5
- 37.20-1-6
- 37.20-1-7
- 37.20-1-8.2

The map also features a central area labeled 'Grand Island' and a road labeled 'E River Rd'.

ZONING DEPARTMENT

William Shaw
Code Enforcement Officer
716-773-9600, Ext. 625

Rhonda Tollner
Zoning Clerk
716-773-9600, Ext. 610



THE TOWN OF GRAND ISLAND

2255 Baseline Road
Grand Island, New York 14072-1710
(716) 773-9600, Office Ext. 637
(716) 773-9618 Fax

RECEIVED
2019 MAR 26 PM 1:44
TOWN OF GRAND ISLAND N.Y.

DATE: March 26, 2019
FROM: Rhonda Tollner, Zoning Clerk
TO: Town Board
RE: Special Use Permit Application
2568 Oakfield Road
SBL # 63.16-1-5

An application for a Special Use Permit has been filed by resident Jie Zhu to operate a 4 room Bed & Breakfast out of her home. The property is zoned R1C and has ample parking. Please place this item on the agenda for the Town Board to set a public hearing. This matter is already in front of the Planning Board for recommendation.

Please find enclosed the following:

1. Special Use Permit Application
2. Survey
3. SEQR Form

MAR 26 2019

**TOWN OF GRAND ISLAND
APPLICATION TO THE TOWN BOARD FOR
SPECIAL USE PERMIT UNDER CHAPTER 407-115 OF THE TOWN CODE**

ZBA-2019-014

Patricia A. Frentzel
[Signature]
15010
CSL

Note to Applicant: In completing the question #1, please refer to the list of Special Uses in Schedule IV of Chapter 407 of the Town Code.

In completing question #1, if applicable, please specify the precise nature of the proposed special use as, for example, the exact number of animals to be kept, the number of dogs to be maintained in a kennel, or the type of home occupation, agricultural use or commercial recreational use being proposed.

1. What is the Special Use being requested (See Schedule IV): Convert single family dwelling into a bed and breakfast.
2. Name, Address, Phone number of Applicant: Jie Zhu, 2568 Oakfield Rd. Grand Island, 14072, 312-208-7618
Address of Special Use Location: 2568 Oakfield Rd
3. If you are not the owner of the real property where the Special Use is to be maintained, please state the owner's name, address, and phone number: Jie Zhu, 2568 Oakfield Rd, Grand Island, NY 14072, 312-208-7618
4. If you are not the owner of the real property where the Special Use is to be maintained, please state what legal or equitable interest you have in said real property (e.g. option to buy, lessee/tenant): owner
5. Present Use of Premises: residential
6. Present Zoning Classification of premises: R-1C Number of Acres: Lot size: 79 ft. x 332 ft.
7. Attached to this Application is the following: ☒ Survey ☐ Site Plan ☐ for the keeping of, agricultural animals, a feeding and watering plan for said animals and a waste management plan including how and where said animal waste is to be disposed of.

I affirm that the above information is true and accurate to the best of my knowledge

Signature of Applicant: *[Signature]* 312 208 7618

The intentional making of a false statement or misrepresentation in completing this application is a misdemeanor.

Non refundable fee

Received by: *[Signature]*

TOWN CLERK

Date: 3/26/19

Note: The procedure for this application is as follows: Application will be placed on a Town Board Agenda and a public hearing will be set on this application. At the public hearing you will have an opportunity to speak in favor of this application. Your application will then be referred to the Planning Board for more specific review. The Planning Board will forward a recommendation to the Town Board. After reviewing the Planning Board's report, the Town Board will give final approval or disapproval or establish conditions upon this special use. Please contact the Town Clerk to determine the date of your public hearing. You will NOT be notified by the Town as to the date of the public hearing or Planning Board and Town Board meetings. Please call the Town Clerk's office if you are not sure when your application will be on their respective agendas. A special use permit is renewable yearly after Town Board approval and payment of a non-refundable filing fee (see current annual fee schedule). The special use authorized by the Town Board shall be by its terms limited by the issuance of a building permit within three months after approval by the Town Board, and in the event that said permit is not secured within the said three month period, the special use authorization shall expire and become null and void. A permit shall automatically expire after three years if the entire structure for which such permit was granted has not completed according to filed plans.

RIVER (WIDTH VARIES) PARKWAY

SOUTH & EASTERLY LINE OF LANDS
FRANK J. SMITH, TO THE COUNTY OF
ARKWAY PURPOSES (IRON PIPE SET BY
THE STATE OF NEW YORK NOT FOUND)

SOUTH LINE OF LANDS FORMERLY CONVEYED
BY FRANK J. SMITH TO THE COUNTY OF ERIE
L.2632, PG.479 FOR PARKWAY PURPOSES

SURVEY OF

PART OF LOT 7

TOWN OF GRAND ISLAND, ERIE COUNTY, NEW YORK



**GPI ENGINEERING, LANDSCAPE
ARCHITECTURE & SURVEYING, LLP**
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
4850 GENESEE STREET, SUITE 100
BUFFALO, NEW YORK 14225

(718) 633-4844

Date: JULY 20, 2018

TAX No. 63.16-1-5

Job No. 7089

Scale: 1" = 20'

63.16-1-5

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

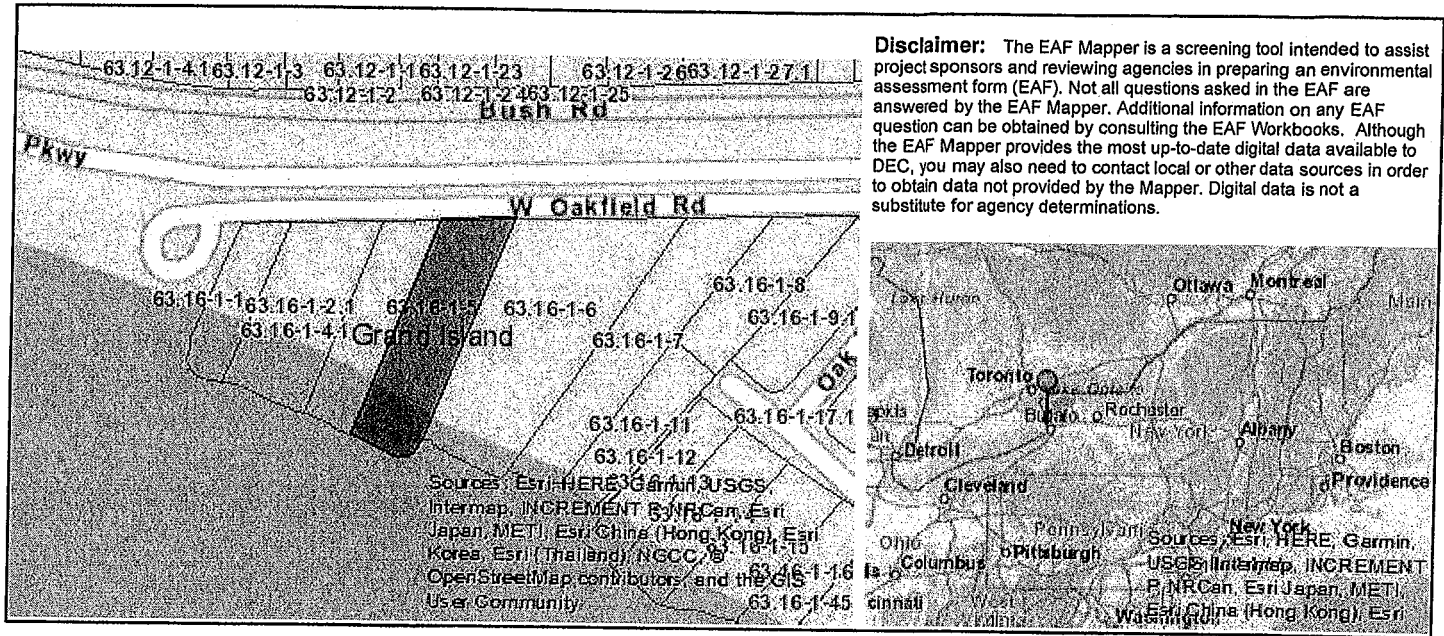
Part 1 – Project and Sponsor Information			
Jie Zhu			
Name of Action or Project:			
Special Use Permit			
Project Location (describe, and attach a location map):			
2568 Oakfield Road, Grand Island, NY 14072			
Brief Description of Proposed Action:			
Convert a single family dwelling to a 4 room Bed & Breakfast.			
Name of Applicant or Sponsor:		Telephone: 312-208-7618	
Jie Zhu		E-Mail:	
Address:			
2568 Oakfield Road			
City/PO:		State:	Zip Code:
Grand Island		NY	14072
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
			<input type="checkbox"/>
			<input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval: Special Use Permit, Town Board Approval			YES
			<input type="checkbox"/>
			<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		79' x 332' acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		79' x 332' acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Lee Zhu</u> Date: <u>3/26/19</u> Signature: <u>Ronald Tollner</u> Title: <u>Zoning Clerk</u>		

EAF Mapper Summary Report

Tuesday, March 26, 2019 11:39 AM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

Project: _____

Date: _____

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

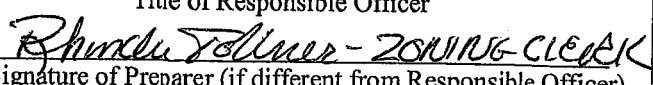
Project: _____

Date: _____

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	 Signature of Preparer (if different from Responsible Officer)

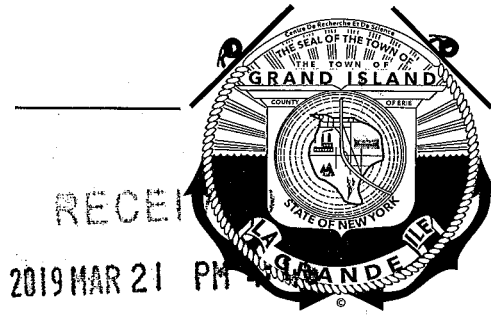
PRINT FORM

BUILDING DEPARTMENT

RONALD MILKS
Code Enforcement Official

WILLIAM SHAW
Code Enforcement Official

ROBERT HASSETT
Building Safety Inspector



THE TOWN OF GRAND ISLAND

2255 Baseline Road
Grand Island, New York 14072-1710
(716) 773-9600, Office ext. 646
(716) 773-9618 Fax
E-mail: building@grand-island.ny.us

TOWN CLERK
GRAND ISLAND N.Y.
MEMO

March 22, 2019

For: Town Board Agenda – April 1st 2019 Meeting

From: Ron Milks – Code Enforcement Officer *RM*

Re: Changing Employee status from Part time to Seasonal

Our department each year begins to get overwhelmed with the amount of activity required for the upcoming building season and this year is no exception. In anticipation of this upcoming work load and the increasingly apparent need to build some redundancy into the department I would like to again implement the following change for this season.

I would like to request from the Town Board that we change the employment status of employee Rhonda Tollner from part time status to a seasonal employee status, for a period not to exceed five months, at her current rate of pay. I would request that this change be put into effect on April 1, 2019 and would last until August 31, 2019.

*I wish to thank you for your consideration with this issue.
Respectfully,*

Ron M.

TOWN OF GRAND ISLAND
RENEWAL OF SPECIAL USE PERMIT

Special Use Description: Bed & Breakfast

Zoning Class: R-1D

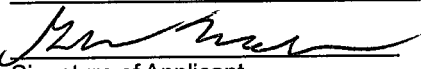
Date Special Use Permit Granted: 3/7/2005

Located at: 917 Colony Rd

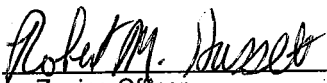
Name of Applicant: Glenn Wallace
Applicant Address: 917 N Colony Rd Grand Island
Applicant Telephone: 716-998-0318

Name of Owner: Glenn Wallace
Owner Address: 917 N Colony Rd Grand Island
Owner Telephone: 716-998-0318

Special Use: ☒ Unchanged () Changed as Follows:

 2-25-19
Signature of Applicant

PLEASE MAKE CHECK PAYABLE TO PATRICIA A. FRENTZEL, TOWN CLERK
(NON-REFUNDABLE RENEWAL FEE \$50.00)

Inspected By:  Date: 3/19/19
Zoning Officer

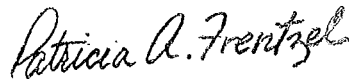
Comments:

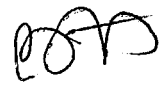
Town Board APPROVED / DENIED Date: _____

- () Town Board permits renewal without conditions.
() Town Board permits renewal with the following conditions:

PAID
TOWN CLERK
Town of Grand Island

FEB 25 2019



PD \$50
CK #
6232


TOWN OF GRAND ISLAND
PARKS DEPARTMENT
1881 BEDELL ROAD
GRAND ISLAND, NY 14072



RECEIVED

2019 MAR 28 AM 9:46

To: Supervisor Nathan McMurray & Town Board Members
From: Tom Dworak, Parks Department Crew Chief
RE: Seasonal Hire / Status Change
Date: Monday April 1st, 2019

TOWN CLERK
GRAND ISLAND, N. Y.

Items for Agenda: Monday April 1st, 2019

Please contact Tom with any concerns regarding this Agenda

- The Parks Department requests permission to hire the following employees subject to the completion of the necessary pre-employment paperwork:

Name	Title	Effective Date	Seasonal/Part Time	Rate of Pay
Sean Pufpaff	Parks Crew Chief	April 2 nd , 2019	Part time 19 hours	\$13.40
Sean Pufpaff	Parks Crew Chief	April 19 th , 2019	Status change to Seasonal	\$13.40
Nicholas Anzalone	Parks Junior Worker	April 2 nd , 2019	Part time 19 hours	\$12.00
Nicholas Anzalone	Parks Junior Worker	April 19 th , 2019	Status change to Seasonal	\$12.00
Steven Mrzygut	Parks Junior Worker	April 2 nd , 2019	Seasonal	\$12.00
Bonnie Weiser	Gardener	April 2 nd , 2019	Part time 19 hours	\$12.85
Bonnie Weiser	Gardener	April 29 th , 2019	Status Change to Seasonal	\$12.85
Clifford Smith	Parks Crew Chief	April 2 nd , 2019	Part time 19 hours	\$14.50
Michael Dollard	Master Mower	April 2 nd , 2019	Part time 19 hours	\$13.90
Michael Dollard	Master Mower	April 19 th , 2019	Status change to Seasonal	\$13.90
Christopher McDonnell Sr Worker		April 12 th , 2019	Part time 19 hours	\$13.90
Gary Roesch	Parks Sr Worker	April 15 th , 2019	Part time 19 hours	\$13.90
Jonathon Goc	Parks Crew Chief	April 22 nd , 2019	Seasonal	\$14.50
Erik Anderson	Parks Senior Worker	April 23 rd , 2019	Status change to Seasonal	\$13.90
Joseph Killian	Parks Crew Chief	April 30 th , 2019	Part Time 19 hours	\$14.50
Joseph Killian JR	Parks Jr Worker	May 1 st , 2019	Seasonal	\$12.00
Steven Pufpaff	Parks Jr Worker	May 1 st , 2019	Seasonal	\$12.00
David M Cole	Parks Senior Worker	May 2 nd , 2019	Status change to Seasonal	\$13.90
Raymond Billica	Park Mechanic	May 8 th , 2019	Status change to Seasonal	\$17.10
Tyler Muggli	Parks Jr Worker	May 6 th , 2019	Seasonal	\$12.20
James Thorpe	Parks Jr Worker	May 6 th , 2019	Seasonal	\$12.20
Thomas David Cecere	Parks Jr Worker	May 6 th , 2019	Seasonal	\$12.00
Arthur Meaney	Parks Jr Worker	May 6 th , 2019	Seasonal	\$12.00
Beverly Benton	Gardener	May 9 th , 2019	Seasonal	\$12.85
Thomas Cecere	Seasonal Crew Chief	May 6 th , 2019	Status Change to Seasonal	\$33.97
Thomas Cecere	Seasonal Crew Chief	July 1 st , 2019	Seasonal	\$34.30

Tom Dworak