

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

TOWN BOARD OF THE TOWN OF GRAND ISLAND
 Grand Island Town Hall
 2255 Baseline Rd. — Grand Island, New York 14072

Date: November 2, 2020
 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 Michael H. Madigan	
IV	<u>PUBLIC COMMENTS:</u> - AGENDA ITEMS ONLY	
V	<u>PUBLIC HEARING:</u> 1. Special Use Permit Application – e2i Ventures, LLC, 1725 Grand Island Boulevard – Own/Operate an Apartment Building with a density of no less than 9 nor more than 12 units per acre, as per section 407-61A6c of the Town Code	
VI	<u>MINUTES:</u> 1. Approve Minutes of Workshop Meeting #40, October 14, 2020 2. Approve Minutes of Workshop Meeting #41, October 15, 2020 3. Approve Minutes of Workshop Meeting #42, October 19, 2020 4. Approve Minutes of Regular Meeting #19, October 19, 2020	
VII	<u>CONSENT AGENDA:</u> 1. Meeting Minutes – Board of Architectural Review – September 15, 2020 <u>COMMUNICATIONS –TOWN BOARD:</u>	
VIII	<u>SUPERVISOR JOHN C. WHITNEY:</u> 1. Adopt Resolution Authorizing Supervisor to Sign Agreement for Payment in Lieu of Taxes (PILOT) – SOLARPARK 4A LLC, 2356 Whitehaven Road – SBL# 36.00-2-7	
IX	<u>COUNCILWOMAN JENNIFER L. BANEY:</u> 1. Traffic Safety Advisory Board – Baseline Road at Bush Road – Stop Bars and Tree Trimming <u>COMMUNICATIONS – OTHER TOWN OFFICIALS:</u>	
X	<u>JUSTICE COURT:</u> 1. Resignations 2. Appointment	
XI	<u>HIGHWAY SUPERINTENDENT – RICHARD W. CRAWFORD:</u> 1. NYS Highway Law §284 – Agreement and Amended Agreement - 2020	

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	TITLE:	DISPOSITION:
XII	<u>TOWN ATTORNEY – PETER GODFREY:</u> 1. New England Estates, Phase II A. Road Dedication B. Accept Easements	
XIII	<u>DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT H. WESTFALL:</u> 1. Delinquent Water and Sewer Accounts for 2021 Taxroll	
XIV	<u>TOWN ACCOUNTANT – PAMELA BARTON:</u> 1. Budget Amendment	
XV	<u>CODE ENFORCEMENT OFFICE:</u> 1. Special Use Permit Renewal – Robin Shipman, 2020 Fix Road – Bed & Breakfast 2. Special Use Permit Application – 1441 Ransom Road LLC, 1441 Ransom Road – Operate an Existing Mini-Mart with Gas Pumps – Refer to Planning Board and Set Public Hearing	
XVI	<u>REPORT OF THE AUDIT COMMITTEE:</u>	
XVII	<u>UNFINISHED BUSINESS:</u> 1. Special Use Permit Renewal – Grand Island Development, LLC – 1611 Whitehaven Road – Solar Array Project 2. Justice Court – Part-time Hire	
XVIII	<u>PUBLIC COMMENTS:</u>	
XIX	<u>FROM THE BOARD:</u>	
XX	<u>MEMORIAL ADJOURNMENT:</u> Glen Gerspach William Winterfield Angelo Marchetti Annette Boies-Lobl	

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: October 19, 2020

FROM: Rhonda Tollner
Zoning Clerk

TO: Town Board

RE: Special Use Permit - 1725 Grand Island Blvd.
(formally the Grand Island Suites Motel)
SBL# 37.03-3-51.1

RECEIVED
2020 OCT 20 AM 11:01
TOWN OF GRAND ISLAND

An application for a Special Use Permit to own/operate an apartment building in the SBD with a density of no less than 9 nor more than 12 units per acre as per Town Code 407-61A(6)c. Attached are the following:

1. Special Use Application
2. SEQR
3. Approved Site Plan

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

OCT 19 2020

ZBA-2020-054

Patricia A. Frentzel

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):

Request a Special Use Permit to own/operate an apartment building in the South Business District with a density of no less than 9 nor more than 12 units per acre. 407-61A6c

2. Name, Address, Phone number of Applicant: e2i Ventures, LLC, 154 Kenner Ave . Nashville, 37205,
Address of Special Use Location: 1725 Grand Island Blvd

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: e2i Ventures, LLC, 154 Kenner Ave , Nashville, TN 37205,

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): Agent

5. Present Use of Premises: Residential

6. Present Zoning Classification of premises: SBD Number of Acres: 2.41 Lot size: 250 x 437.97

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: _____

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

Non refundable fee: \$150.00

Received by: _____

TOWN CLERK

Date: _____

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 Boards 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.



2255 BASELINE ROAD
GRAND ISLAND, NEW YORK 14072
(716) 773-9600

FOR TOWN BOARD AGENDA: OCTOBER 19, 2020

MEMO

TO: Town Board

FROM: Planning Board

DATE: October 13, 2020

RE: 1725 GRAND ISLAND BLVD – SITE PLAN APPROVAL

Richard Ries appeared via Zoom. The site plan was given approvals from Engineering and Code Enforcement. There was discussion of moving the dumpster to the back of the lot instead of in front along the Blvd. and where the handicap parking would be located.

It was moved by Starzynsky – Stessing to Approve the site plan with the condition that the dumpster is moved to the back with a three point turnaround if able.

Roll Call: Ayes – Stessing, Worrall, Lare, Pagoada, Bruno, Starzynsky

Noes – None

Carried

Short Environmental Assessment Form

Part 1 - Project Information

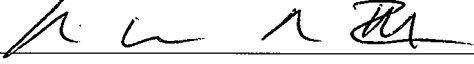
Instructions for Completing

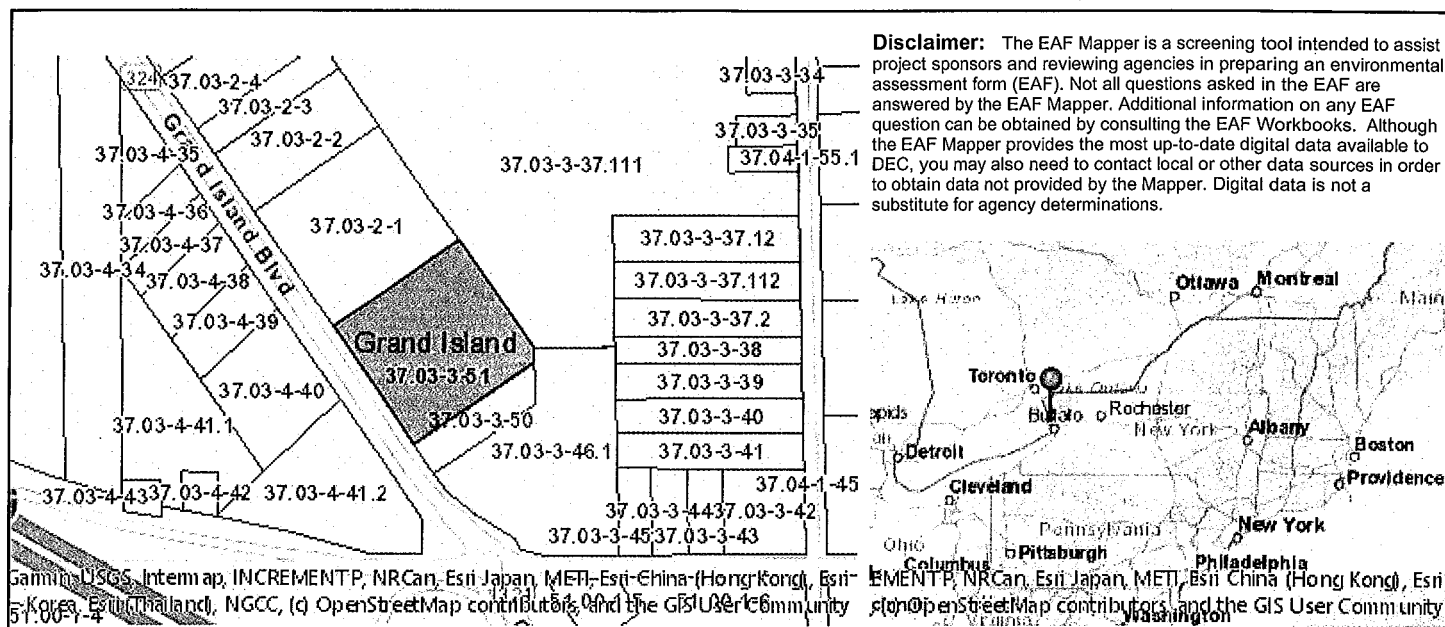
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
Name of Action or Project: Special Use Permit			
Project Location (describe, and attach a location map): 1725 Grand Island Blvd. Grand Island, NY 14072			
Brief Description of Proposed Action: This 2.41 acre property, a former motel, is under new ownership and is proposing an 28 unit apartment building. In the South Business District an apartment with a density on no less than 9 nor more than 12 units per acre requires a Special Use Permit.			
Name of Applicant or Sponsor: Richard Reis for e2i Ventures LLC		Telephone: 716-930-0135 E-Mail:	
Address: 154 Kenner Avenue			
City/PO: Nashville		State: TN	Zip Code: 37205
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 checked="" type="checkbox"/>	YES <input 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:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.41 acres 0 acres 2.41 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 checked="" type="checkbox"/> Commercial <input 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 type="checkbox"/>	<input checked="" 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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" 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>Richard Ries, Architect for e2i Ventures LLC</u> Date: <u>10/17/20</u> Signature: <u></u> Title: <u>ARCHITECT</u>		



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]	No
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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: _____

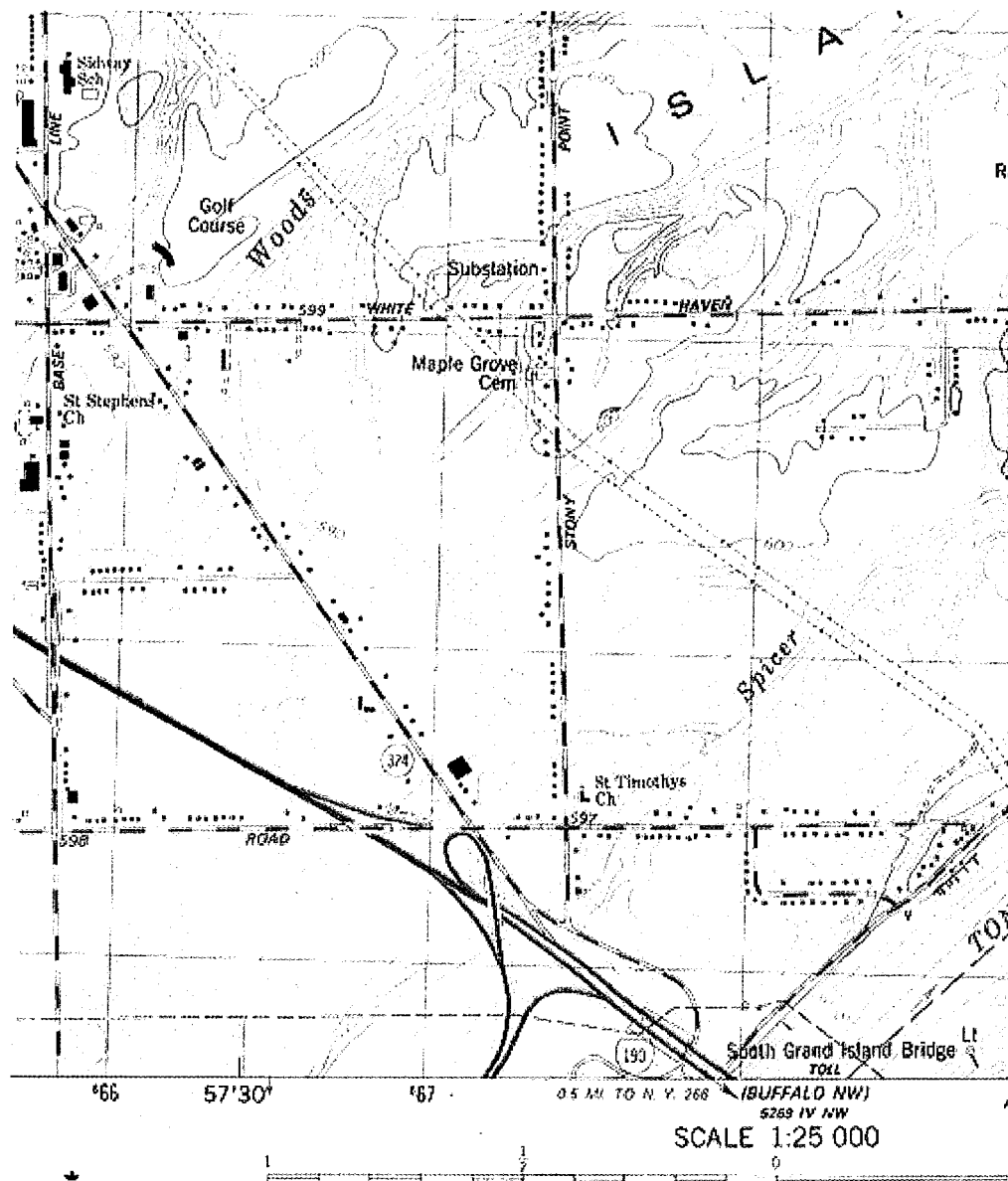
Short Environmental Assessment Form

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.

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)



Town of Grand Island - Workshop Meeting #40

**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 2:00p.m. on the 14th of October 2020.

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

Also Present: Pam Barton Supervising Accountant

*The Workshop Meeting was conducted in the Boardroom, via ZOOM and streamed live on the Town's website – www.grandislandny.us

Supervisor John C. Whitney called the meeting to order at 2:03p.m.

NEW ITEMS:

General Discussion:

Community Development Block Grant – 2021 – Amending Resolution necessary at the next meeting October 19, 2020.

2021 Town of Grand Island Preliminary Budget Review:

- **Proposed Salaries of Elected Officials**
- **Timeline of Budget Review/Approval**
- **Summary of Supervisor's Recommended Budget**
- **Salaries of all Town Employees**
- **Tax Cap Calculation**
- **General Fund Proposed Budget**
- **Highway Fund Proposed Budget**
- **Sewer Proposed Budget**
- **Water Proposed Budget**

EXECUTIVE SESSION:

A motion was made by Councilman Digati, seconded by Councilman Madigan to enter into Executive Session at 4:15p.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.

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

Supervising Accountant Pam Barton was present in Executive Session.

Wednesday, October 14, 2020 - 1

Town of Grand Island - Workshop Meeting #40

ADJOURN:

A motion was made by Councilman Digati, seconded by Councilman Madigan to return to the Regular Workshop and adjourn at 4:30p.m.

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

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk

Town of Grand Island - Workshop Meeting #41

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 2:00p.m. on the 15th of October 2020.

**DRAFT
COPY**

Present:	John C. Whitney	Supervisor
	Jennifer L. Baney	Councilwoman
	Peter Marston, Jr.	Councilman
	Thomas A. Digati	Councilman
	Patricia A. Frentzel	Town Clerk
Excused:	Michael H. Madigan	Councilman
Also Present:	Pam Barton	Supervising Accountant

*The Workshop Meeting was conducted in the Boardroom, via ZOOM and streamed live on the Town's website – www.grandislandny.us

Supervisor John C. Whitney called the meeting to order at 2:02p.m.

EXECUTIVE SESSION:

A motion was made by Councilwoman Baney, seconded by Councilman Digati to enter into Executive Session at 2:03p.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 Baney, Marston, Digati, Whitney
 Noes 0

*Supervising Accountant Pam Barton was present in Executive Session.
Recreation Supervisor Joseph Menter was present in Executive Session.
Recreation Supervisor Joseph Menter left Executive Session at 2:15p.m.*

A motion was made by Councilman Digati, seconded by Councilman Madigan to return to the Regular Workshop at 2:16p.m.

APPROVED Ayes 4 Baney, Marston, Digati, Whitney
 Noes 0

Civil Engineer Lynn Dingey joined the meeting at 2:17p.m.

NEW ITEMS:

General Discussion:

Community Development Block Grant – Amended 2021-2022 Authorizing Resolution –
To be amended at the Regular Meeting on Monday, October 19, 2020

Thursday, October 15, 2020 - 1

Town of Grand Island - Workshop Meeting #41

Town Hall Shut Down for HVAC– Amending Resolution

A motion was made by Councilman Digati, seconded by Councilwoman Baney to amend the resolution regarding the Town Hall building shut down for the asbestos abatement to begin for a new HVAC as follows:

All Town Hall Full-time employees will end their shift two hours early (Town Hall will close at 2:30p.m on November 25, 2020) and will receive two hours straight pay. All Full-time off-site employees will end their shift two hours early with two hours straight pay, all essential employees who cannot leave their position will receive an additional two hours paid straight time.

APPROVED Ayes 4 Baney, Marston, Digati, Whitney
 Noes 0

General Discussion:

2021 Town of Grand Island Preliminary Budget Review:

- Assessor Shared Services
- Lighting
- Debt Service
- Garbage
- Fire

Councilman Michael Madigan joined the meeting at 2:44p.m.

2021 Budget – Set Public Hearing

A motion was made by Councilman Marston, seconded by Councilman Digati to set two Public Hearings for Thursday, October 29, 2019 at 7:00p.m. for the purpose of hearing anyone who wants to comment on the Town of Grand Island 2020 Preliminary Budget and the Grand Island Fire Company Contract/Budget.

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

ADJOURN:

A motion was made by Councilman Digati, seconded by Councilman Marston to adjourn at 2:45p.m.

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

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk

Thursday, October 15, 2020 - 2

Town of Grand Island - Workshop Meeting #42

**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 6:30p.m. on the 19th of October 2020.

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

*The Workshop Meeting was conducted in the courtroom, via ZOOM and streamed live on the Town's website – www.grandislandny.us

Supervisor John C. Whitney called the meeting to order at 6:30p.m.

NEW ITEMS:

General Discussion:

**Create Town of Grand Island Agricultural Advisory Board
Advisory Board Vacancies and Reappointments for January Reorganization Meeting**

Sidewalk Escrow Agreement for 3340 East River Road

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to authorize the Supervisor to sign the Sidewalk Escrow Agreement for 3340 East River Road.

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

Donation for Town Common

A motion was made by Councilman Marston, seconded by Councilman Digati to accept the donation of two park benches from the Rotary Club to be placed in the Town Common.

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

Abandoned/Zombie Homes – Memorandum of Support S4190/A6976

A motion was made by Councilman Digati, seconded by Councilwoman Baney to authorize the Supervisor to sign the Memorandum of Support for the proposed legislation S4190/A6979 and if implemented, will aid municipal efforts to provide access to safe and affordable opportunities.

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

Monday, October 19, 2020 - 1

Town of Grand Island - Workshop Meeting #42

General Discussion:

Franchise Agreement – Public Education Channel – Spectrum would cover the cost of operating channel; Town would bear capital cost of procuring equipment. Town Officials will discuss with attorney for the Town for further guidance and information. A meeting with Dan Cohen, attorney who negotiates franchise fees on behalf of Towns will be set up via ZOOM meeting at future Workshop.

EXECUTIVE SESSION:

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to enter into Executive Session at 6:49p.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 5 Madigan, Baney, Marston, Digati, Whitney
 Noes 0

ADJOURN:

A motion was made by Councilman Marston, seconded by Councilwoman Baney to return to the Regular Meeting and adjourn at 7:42p.m.

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

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk

Town of Grand Island – Regular Meeting #19 **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 19th of October, 2020.

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

Supervisor John C. Whitney called the meeting to order at 8:00p.m.
Reverend Kevin Backus from Bible Presbyterian Church gave the Invocation.
Councilman Thomas A. Digati led the Pledge of Allegiance.

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

*The Meeting was conducted in the courtroom, via ZOOM and streamed live on the Town's website – www.grandislandny.us

INFORMATION MEETING:

Southpointe PDD – Project Attorney Jeff Palumbo and Project Architect Douglas Scheid made a presentation of the updated 2020 project. Developers answered resident questions that were submitted prior to meeting.

Resolution Issuing a Negative Declaration for the Second Revised Plan for the Associated Grand Island LLC Adult Lifestyle Planned Unit Development at Southpointe

A motion was made by Councilman Digati, seconded by Councilwoman Baney to adopt the following Resolution Issuing a Negative Declaration for the Second Revised Plan for the Associated Grand Island LLC Adult Lifestyle Planned Unit Development at Southpointe:

WHEREAS, the Town Board of the Town of Grand Island has received and reviewed various plans for the Associated Grand Island LLC Adult Lifestyle Planned Unit Development at Southpointe (the "Project"); and

WHEREAS, on April 20, 1998, the Town Board, as lead agency under the State Environmental Quality Review Act ("SEQRA") accepted a Final Supplemental Environmental Impact Statement and on June 15, 1998 adopted Findings pursuant to SEQRA; and

Monday, October 19, 2020 - 1

Town of Grand Island – Regular Meeting #19

WHEREAS, the Town Board has before it the first step in the planned unit development process after the rezoning, the creation of a concept plan, specifically for the Project the Second Revised Plan; and

WHEREAS, the Town Board also has before it the extension of the Sanitary Sewer District; and

WHEREAS, the Town Board has duly considered the prior Findings Statement, the various updated studies submitted to it including Action, the comments of the public at a public hearing and written submissions, the comments of the various Town advisory committees and the Planning Board, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c), the draft Negative Declaration, and such other information deemed appropriate; and

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

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

1. Based upon a thorough review and examination of the known facts relating to the Proposed Action and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings relating to the Action, the Board finds that the Action will not have a significant adverse impact on the environment and that a draft supplemental environmental impact statement will not be prepared.

3. The attached negative declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached negative declaration.

4. The Town Attorney is hereby authorized and directed to distribute copies of the resolution as necessary and to publish the requisite notice in the ENB.

5. This resolution is effective immediately.

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

Resolution to Approve the Revised Development Concept Plan of Associated Grand Island LLC for the Adult Lifestyle Planned Unit Development at Southpointe

A motion was made by Councilman Marston, seconded by Councilman Digati to adopt the following resolution to approve the Revised Development Concept Plan of Associated Grand Island, LLC for the Adult Lifestyle Planned Unit Development at Southpointe:

WHEREAS, Associated Grand Island LLC ("Applicant") owns 284+/- acres of property located west of the New York State Thruway, designated on the Tax Map of the Town of the Town of Grand Island as parcel Nos. 51.00-1-1, 51.00-1-2, 51.00-1-3 and 51.00-1-4 (the "Site"); and

Town of Grand Island – Regular Meeting #19

WHEREAS, the Applicant previously filed an application with the Town Board: (i) to change the District Classification of and Zoning Map for the Site and (ii) to create a new sewer district for the Site in connection with a project denominated as the "Adult Lifestyle Planned Unit Development at Southpointe (Open Space Preservation Alternative)" (collectively the "Proposed Action"); and

WHEREAS, on April 20, 1998, the Town Board, as lead agency under the State Environmental Quality Review Act ("SEQRA") accepted a Final Supplemental Environmental Impact Statement ("FSEIS") and on June 15, 1998 adopted Findings pursuant to SEQRA approving, with certain conditions, the Proposed Action; and

WHEREAS, on June 15, 1998 the Town Board adopted a resolution, with certain conditions and limitations: approving (i) the rezoning of the northern 179.57 acres of the Site from R1A to R1B and then to Planned Unit Development ("PUD"); (ii) the creation of Sanitary Sewer District No. 7 encompassing the same 179.57 acres; and (iii) the development's Master Plan (the "Southpointe Master Plan"); and

WHEREAS, the Town Board adopted and made effective an updated Zoning Code (the "2004 Zoning Code Update") including changes to the "Zoning Map of the Town of Grand Island" on July 19, 2004, which established the "Planned Development District" (PDD), replacing the PUD designation; and

WHEREAS, due to the changes to the Zoning Map and the changing wetland and stormwater regulation environment, a revised Concept Detailed Plan ("Revised Development Concept Plan") was prepared and submitted by the applicant to the Town Board for review dated July 8, 2013 (Sheet C4 "Proposed Detailed Plan"), and was revised based on input from the United States Army Corps of Engineers, New York State Department of Environmental Conservation, and the Town of Grand Island stakeholders from the Engineering Department, and Town Board to include a walking path, additional wetland mitigation, and supplemental density data illustrated on the Proposed Detailed Plan dated March 15, 2017 (Sheet C4 "Proposed Detailed Plan") which (i) includes a revision to the sanitary sewer district physical limits to include the entire 284 +/- acre Site; and (ii) revises the Site design to a PDD to better conform to the development currently found within the Town of Grand Island; and

WHEREAS, the Revised Development Concept Plan proposed a mixed-use commercial and residential development consisting of four distinct development areas identified as Southpointe North, East, West and Core; and the perimeter areas (North, East, and West) are proposed to be developed in alignment with current Town of Grand Island Residential District development standards; and Southpointe West, Southpointe East and the lots on Staley Road within Southpointe North will be owned individually, consistent with most of the surrounding Grand Island Development; and the remainder of Southpointe North and portions of Southpointe Core will consist of single family attached units likely to be individually owned; and the remainder of Southpointe Core is to be developed as approximately 30,000 square feet of mixed use and 250 units of assisted living; and

Monday, October 19, 2020 - 3

Town of Grand Island – Regular Meeting #19

WHEREAS, on July 8, 2013 the Planning Board of the Town of Grand Island recommended a resolution, with certain conditions and limitations: approving the Revised Development Concept Plan; and

WHEREAS, on or about November 1, 2013 the Applicant completed and submitted a Map, Plan and Report for the Sanitary Sewer District No. 7 Extension; and on or about September 2018 submitted a Supplemental Sanitary Sewer Study, both of which have been reviewed and approved by all involved agencies, which have confirmed there are no environmental or capacity issues associated with the proposed expansion ; and

WHEREAS, on or about May of 2017, the Applicant completed and submitted a Traffic Impact Study based on the Revised Development Concept Plan which concluded that the existing transportation network can adequately accommodate the projected traffic volumes and resulting impacts to the area intersections; and

WHEREAS, on or about May 6, 2020, due to further changes to the State and/or Federal Wetlands a revised Concept Plan (“Second Revised Plan”) was prepared and submitted to the Town for review. The Second Revision reduces the project density, eliminates wetland impacts, further reduces projected sanitary flows, reduces and disperses traffic impacts and reduces future public infrastructure costs by reducing public roadways and utilities; and

WHEREAS, the Second Revised Plan maintains Southpointe North, East, West and Core development areas as mixed use residential and eliminates all commercial spaces; and

WHEREAS, an updated Traffic Impact Study dated April 2020 made by SRF Associates was submitted to the Town on or about May 6, 2020. Said report, which has been reviewed by the Town Engineering Department, again concluded that the existing transportation network can adequately accommodate the projected traffic volumes and resulting impacts to the area intersections; and

WHEREAS, at their meeting of August 11, 2020 the Town’s Traffic Safety Advisory Board reviewed and discussed the SRF updated Traffic Study and recommended the project review could move forward based on the revised report; and

WHEREAS, the Planning Board at their meeting of July 13, 2020 considered the Second Revised Plan and recommended approval of same; and

WHEREAS, the Conservation Advisory Board at their meeting of August 27, 2020 reviewed and discussed the Second Revised Plan and recommend approval of same; and

WHEREAS, at its October 19, 2020 meeting, the Town Board, acting again as lead agency under SEQRA, issued a Negative Declaration as to the changes in ; and

Monday, October 19, 2020 - 4

Town of Grand Island – Regular Meeting #19

WHEREAS, the Town Board has reviewed the standards of Town Code Section 407-122, the above material, and the comments of the public and other agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF GRAND ISLAND

1. That the non-conformity period of the 2004 Zoning Code applicable to Planned Unit Developments having expired, the June 1998 PDD Resolution is replaced by this Resolution.
2. That the Town Board, in reviewing the Second Revised Plan, has considered the factors set forth in Section 407-121(a) of the Town Zoning Code, including the proposed residential uses and their locations, density, location of vehicular and pedestrian traffic, location and extent of utility systems and public and private open space.
3. That the Second Revised Plan filed by the Applicant is hereby approved as consistent with the health, safety, morals and the general welfare of the community;
4. That building permits for development within said PDD at Southpointe shall be issued upon compliance with this legislation and upon obtaining detailed plan approval in accordance with Article XXVI of Chapter 407 of the Town of Grand Island;
5. That said PDD at Southpointe, in addition to the requirements of the Zoning Ordinance of the Town of Grand Island, shall be bound by the State Environmental Quality Review Act ("SEQRA") Findings Statement adopted by the Town Board on June 15, 1998 and the determination as to the revised Project in a Negative Declaration issued on October 19, 2020, including but not limited to the following, and further, that each of the following shall be required, prior to Detailed Plan approval:
 - (A) Prior to the issuance of a Certificate of Occupancy for any building in the PDD at Southpointe, the Applicant shall complete, or cause to be completed, infrastructure improvements required, including but not limited to the following:
 - (i) Complete and have operational, to the satisfaction of the Town Engineer, all required modifications to the existing LS#17 (Burger King) –Modify LS#17 to accommodate the additional peak flows from the new Southpointe Pump Station (including the redirected peak flows from LS#7 – Carl Road Subdivision).
 - (ii) Complete all required modifications to the existing LS#7 (Carl Road Subdivision) and a new force main or gravity sewer connection from LS#7 to the proposed Southpointe Pump Station – This would redirect the flow from LS#7 to the new Southpointe system, removing LS#7 flows to LS#8, thereby reducing the frequency of sanitary sewer overflows into the Tributary to Spicer Creek and the Niagara River;

Monday, October 19, 2020 - 5

Town of Grand Island – Regular Meeting #19

6. That the Detailed Plan shall reflect and depict any and all State and Federally designated wetlands consistent with the Second Revised Plan;
7. That no later than the date of the filing of any detailed plan approval for the PDD at Southpointe, with the Clerk of the Town of Grand Island, the Applicant shall have taken measures satisfactory to the Town Board to preserve in perpetuity (a) the undisturbed State and Federally designated wetlands on the Site; (b) the 4.72 acres of non-jurisdictional upland adjacent to the existing 100-foot adjacent area; and (c) the 108.72 acres of wetland and upland as described in the Wetland Mitigation Plan dated November 30, 2017;
8. That prior to the issuance of building permits, the Applicant shall establish one or more Homeowners Associations, and the by-laws of said Association and the Offering Plan for units of the Associations shall contain restrictions requiring that the uses shall comply with the approved uses within the PDD and or as described above;
9. That the Homeowners Association shall be responsible for the upkeep and maintenance of (1) the associated common areas of the PDD at Southpointe, including but not limited to open space, bicycle trails, walking trails and parkland and (2) private roadways and road medians, unless such areas are dedicated or conveyed to the Town of Grand Island;
10. That the Detailed Plan shall comply with the open space corridor, greenbelt, walking trail and bicycle path requirements consistent with the Town of Grand Island Parks, Recreation and Open Space Plan;
11. That the issuance of a building permit for any approved development within the PDD at Southpointe shall be subject to review by the Town of Grand Island Architectural Review Advisory Board;
12. That the Detailed Plan shall provide for dedication to the Town of Grand Island all water, sewer, and other utilities that are required to be dedicated in accordance with the regulations of the Town of Grand Island;
13. That the Detailed Plan may provide for an extension of Glen Avon Road from the Site to connect with Love Road; and be it further
14. That the entrances to the PDD at Southpointe from Staley Road and from Baseline Road shall be in the general vicinity of the entrances shown on the Southpointe Master Plan, subject to approval of the Town of Grand Island for the Staley Road entrance and the County of Erie Highway Department for the Baseline Road entrance;

Monday, October 19, 2020 - 6

Town of Grand Island – Regular Meeting #19

15. That all work shall be completed in accordance with all applicable regulations including but not limited to the requirements of the USEPA, NYSDEC, NYSDOS, ECHD, and the Town of Grand Island;

16. That the Town Clerk shall enter a copy of this Order in the Minutes of the Town Board.

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

Establishment of the Southpointe Extension to the Consolidated Sewer District (2020)

A motion was made by Councilwoman Baney, seconded by Councilman Marston to adopt the following Resolution and Order of the Town of Grand Island, New York, approving the Establishment of the Southpointe extension to the Consolidated Sewer District in the Town of Grand Island:

WHEREAS, the Town Board of the Town of Grand Island (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has previously created the Consolidated Sewer District (the "District") (a portion of which was formerly known as Sewer District No. 7) in the Town; and

WHEREAS, the Town Board received a petition, pursuant to Section 191 of the Town Law, for the establishment of the Southpointe Extension to the Consolidated Sewer District (the "Extension") as more specifically described in a certain report prepared by Advanced Design Group Professional Engineering & Surveying, PC ("Advanced Design"); and

WHEREAS, such petition was signed by the owners aggregating at least one-half of the assessed valuation of all the taxable real property of the proposed Extension, as shown upon the latest completed assessment roll of the Town; and

WHEREAS, there are no resident owners in the proposed Extension; and

WHEREAS, such petition was accompanied by a map, plan and report, dated November 1, 2013, prepared by Advanced Design, competent engineers duly licensed by the State of New York; and

WHEREAS, such map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, such map, plan and report includes a map that depicts planned outlets and the terminus and course of each proposed main sewer, together with the location and a general description of all sewage disposal plants, pumping stations and other public works, if any, within such proposed Extension; and

WHEREAS, such project will generally include, but not be limited to, the installation of two or more pump stations, the installation of gravity sewer lines and a

Monday, October 19, 2020 - 7

Town of Grand Island – Regular Meeting #19

force main pipeline to convey affluent to existing Lift Station No. 17 located offsite, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above or as required by the Town, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively the "Sewer Improvements"); and

WHEREAS, the construction cost for the Sewer Improvements will be financed privately; and

WHEREAS, the Town Board has reviewed the petition and found it to be sufficient; and

WHEREAS, unless paid from other sources or charges, any future costs attributable to the Extension will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Extension which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of the benefit conferred upon the same, except as provided by law; and

WHEREAS, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary; and

WHEREAS, the Town Board has pursuant to an Order Calling for a Public Hearing, which Order was duly posted and published, held a public hearing on December 2, 2013 to consider the creation of the proposed Extension, at which hearing all members of the public were given an opportunity to be heard; and

WHEREAS, during the period between the public hearing and the adoption of this resolution, the petitioner has worked steadily with Town officials to address and resolve questions related to the proposed Extension; and

WHEREAS, petitioner has requested that this resolution be adopted so that the project can continue.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN GRAND ISLAND, as follows:

Monday, October 19, 2020 - 8

Town of Grand Island – Regular Meeting #19

SECTION 1: The Town Board has reviewed the petition and found it to be sufficient.

SECTION 2: That the notice of public hearing was duly published and posted as required by law.

SECTION 3: That all properties and property owners benefited by the improvements are included in the Extension.

SECTION 4: That all properties and property owners included in the Extension are benefited thereby.

SECTION 5: That it is in the public interest to establish the Southpointe Extension to the Consolidated Sewer District.

SECTION 6: That the Town Board hereby approves the creation of the Extension and shall be bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Grand Island, County of Erie and State of New York, being part of Inner Lot No. 30, 31, 33, 34 and being more particularly bounded and described as follows:

BEGINNING at the intersection of the northerly line of said lot no. 30 with the easterly line of Baseline Road as conveyed to the County of Erie by deed recorded in Liber 6702 Page 661;

Thence S 01° 49' 15" E Deed, S 01° 49' 11" E Measure along the said easterly line of Baseline Road a distance of 788.69';

Thence N 88° 10' 45" E Deed, N 88° 10' 49" E Measure along the easterly line of Baseline Road a distance of 5.00';

Thence S 01° 45' 15" E Deed, S 01° 49' 11" E Measure along the easterly line of Baseline Road a distance of 200.00';

Thence S 88° 10' 45" W Deed, S 88° 10' 49" W Measure along the easterly line of Baseline Road a distance of 5.00';

Thence S 01° 49' 15" E Deed, S 01° 49' 11" E Measure along the easterly line of Baseline Road a distance of 1002.62' Deed, 1002.87' Measure;

Thence S 46° 40' 43" E Deed, S 46° 31' 19" E Measure along the easterly line of Baseline Road a distance of 35.44' Deed, 35.29' Measure to the northerly line of Love Road;

Thence N 88° 57' 50" E Deed, N 88° 59' 40" E Measure along the northerly line of Love Road a distance of 1127.25' Deed, 1127.03' Measure to the southwest corner of lands conveyed to Queen Isabelle Corp. by deed recorded in Liber 8241 Page 207;

Monday, October 19, 2020 - 9

Town of Grand Island – Regular Meeting #19

Thence N 01° 11' 42" W Deed, N 01° 11' 47" W Measure along the westerly line of lands conveyed to Queen Isabelle Corp. a distance of 2009.18' Deed, 2008.89' Measure to a point on the northerly line of Lot 30;

Thence N 89° 17' 31" E Deed, N 89° 20' 37" E Measure along the northerly line of Liber 8241 Page 207 & Map Cover 1551 a distance of 884.63' Deed, 886.76' Measure to the northeast corner Liber 8241 Page 207;

Thence S 01° 17' 08" E Deed, S 01° 13' 04" E Measure along the easterly line of Liber 8241 Page 207 & Map Cover 1551 a distance of 1018.92' Deed, 1017.11' Measure to the northerly line of Map Cover 2271;

Thence N 89° 08' 51" E Deed, N 89° 13' 58" E Measure along the northerly line of Map Cover 2271 a distance of 472.58' Deed, 472.67' Measure;

Thence N 01° 17' 08" E Deed, N 01° 17' 12" W Measure a distance of 30.80' Deed, 30.26' Measure;

Thence N 88° 35' 24" E Deed, N 88° 38' 31" E Measure along the northerly line of Map Cover 2271 a distance of 960.17' Deed, 960.05' Measure;

Thence S 01° 24' 36" E Deed, S 01° 21' 29" E Measure along the easterly line of Map Cover 2271 a distance of 145.42' to the northwesterly line of Beaver Island Parkway;

Thence northeasterly along the northwesterly line of Beaver Island Parkway on a curve having a radius of 3308.25' an arc distance of 428.27' Deed, 428.55' Measure;

Thence N 54° 19' 37" E Deed, N 54° 17' 49" E Measure along the westerly line of Beaver Island Parkway a distance of 296.30' Deed, 297.71' Measure;

Thence N 42° 56' 04" E Deed, N 43° 00' 44" E Measure along the westerly line of Beaver Island Parkway a distance of 210.00' Deed, 209.81' Measure;

Thence N 30° 02' 08" E Deed, N 30° 02' 49" E Measure along the westerly line of Beaver Island Parkway a distance of 351.90' Deed, 352.01' Measure;

Thence N 11° 27' 58" E Deed, N 11° 26' 36" E Measure along the westerly line of Beaver Island Parkway a distance of 307.80' Deed, 307.91' Measure;

Thence N 04° 43' 47" W Deed, N 04° 44' 39" W Measure along the westerly line of Beaver Island Parkway a distance of 300.50' Deed, 299.10' Measure;

Thence N 18° 43' 34" W Deed, N 18° 44' 55" W Measure along the westerly line of Beaver Island Parkway a distance of 337.60';

Monday, October 19, 2020 - 10

Town of Grand Island – Regular Meeting #19

Thence N 29° 46' 59" W Deed, N 29° 48' 20" W Measure along the westerly line of Beaver Island Parkway a distance of 349.30' Deed, 349.49' Measure;

Thence N 39° 27' 58" W Deed, N 39° 24' 35" W Measure along the westerly line of Beaver Island Parkway a distance of 321.60' Deed, 321.54' Measure;

Thence N 48° 55' 46" W Deed, N 48° 54' 57" W Measure along the westerly line of Beaver Island Parkway a distance of 306.30' Deed, 306.44' Measure;

Thence N 58° 02' 55" W Deed, N 56° 57' 02" W Measure along the westerly line of Beaver Island Parkway a distance of 403.40';

Thence N 60° 36' 22" W Deed, N 61° 24' 34" W Measure along the westerly line of Beaver Island Parkway a distance of 514.00' Deed, 519.07' Measure;

Thence N 84° 36' 40" W Deed, N 84° 37' 09" W Measure along the westerly line of Beaver Island Parkway a distance of 676.49' Deed, 673.07' Measure to the southerly line of Staley Road;

Thence S 89° 04' 06" W along the southerly line of Staley Road a distance of 2303.97';

Thence S 43° 39' 57" W Deed, S 43° 35' 38" W Measure along the southerly line of Staley Road a distance of 42.34' to the easterly line of Baseline Road;

Thence S 01° 26' 56" E Deed, S 01° 24' 22" E Measure along the easterly line of Baseline Road a distance of 1164.17';

Thence S 88° 33' 04" W Deed, S 88° 35' 38" W Measure along the easterly line of Baseline Road a distance of 5.00';

Thence S 01° 26' 56" E Deed, S 01° 24' 22" E Measure along the easterly line of Baseline Road a distance of 761.35' Deed, 760.99' Measure to the southerly line of lot 34 and the Point of Beginning;

Containing 284.04± acres

SECTION 7: Unless paid from other sources or charges, any future costs attributable to the Extension will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Extension which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of the benefit conferred upon the same, except as provided by law; and

SECTION 8: That the permission of the State Comptroller is not required with respect to the establishment of the Extension because the cost for the Sewer Improvements will be financed privately and the Town does not expect to issue any bonds or notes in anticipation of any such bonds.

Monday, October 19, 2020 - 11

Town of Grand Island – Regular Meeting #19

SECTION 9: That the establishment of the Extension is hereby approved and is to be known as Southpointe Extension to the Consolidated Sewer District in the Town of Grand Island, situate wholly outside of any incorporated village or city.

SECTION 10: That within ten days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Erie and file with the Department of Audit and Control in Albany, New York copies of this Resolution and Order, certified by said Town Clerk.

SECTION 11: This Resolution and Order shall take effect immediately.
APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney
Noes 0

PUBLIC COMMENTS:

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

Speakers: In person – Sam Hunt

MINUTES

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to approve Minutes of Workshop Meeting #38, October 5, 2020, Minutes of Regular Meeting #18, October 5, 2020, and Minutes of Workshop Meeting #39, October 7, 2020.

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

CONSENT AGENDA:

1. Meeting Minutes – Zoning Board of Appeals – September 3, 2020
2. Meeting Minutes – Planning Board – September 14, 2020

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

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

COMMUNICATIONS –TOWN BOARD:

COUNCILWOMAN JENNIFER L. BANEY:

Traffic Safety Advisory Board – DRAFT Complete Streets Policy

A motion was made by Councilwoman Baney, seconded by Councilman Digati to refer the Draft of the Complete Streets Policy to the Planning Board, Highway Superintendent, Engineering, Code Enforcement Office and the Long-Range Planning Committee for review and recommendation.

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

Monday, October 19, 2020 - 12

Town of Grand Island – Regular Meeting #19

Traffic Safety Advisory Board – Traffic and Pedestrian Analysis, Thermo Fisher Scientific

A motion was made by Councilwoman Baney, seconded by Councilman Marston to refer the communication from the Traffic Safety Advisory Board regarding the Traffic and Pedestrian Analysis for Thermo Fisher Scientific to the Thermo Fisher Scientific Project Engineers.

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

COMMUNICATIONS – OTHER TOWN OFFICIALS:

JUSTICE COURT:

Part-time Hire

A motion was made by Councilman Digati, seconded by Councilwoman Baney to table the part-time hire.

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

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

Authorize Supervisor to Sign Amended Supplemental Agreement (SA#3) – NYSDOT Grand Island Boulevard Accessibility Project – PIN 5762.27 Comptrollers Contract # D035733

Amended Supplemental Agreement #3 (SA#3) authorizes additional Federal Funding for the project bringing the total Federal share to \$1,260,000. The Local share of \$584,700 includes the Town's share of the Grand Island Blvd sidewalk, Erie County's share for the Whitehaven Road sidewalk and the Town's share of the conduit installation.

A motion was made by Councilman Marston, seconded by Councilman Digati to authorize the Supervisor to adopt the following resolution and sign the Amended Supplemental Agreement (SA#3) – NYSDOT Grand Island Boulevard Accessibility Project – PIN 5762.27 Comptrollers Contract # D035733:

Authorizing the implementation, and funding in the first instance 100% of the Federal-Aid eligible costs, of a Transportation Federal-Aid project, to fully fund the local share of Federal-Aid eligible and ineligible projects costs, and appropriating funds therefore

WHEREAS, a Project to install ADA compliant sidewalks on Route 324 Grand Island Blvd from Webb Road to Martin's Fantasy Island, known as the Town of Grand Island Blvd Sidewalk Accessibility Project, PIN 5762.27, (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds; and

WHEREAS, the Town of Grand Island desires to advance the Project by making a commitment of 100% of the Non-Federal share of the Federal Aid eligible costs and any required Local costs of the Design, Construction & Construction Inspection phase of the project, PIN 5762.27.

Monday, October 19, 2020 - 13

Town of Grand Island – Regular Meeting #19

NOW, THEREFORE, the Town Board of the Town of Grand Island, duly convened does hereby

RESOLVE, that the Town Board of the Town of Grand Island hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board of the Town of Grand Island hereby authorizes the Town of Grand Island to pay in the first instance 100% of the Federal and Non-Federal (Local) shares of the cost of the Design, Construction & Construction Inspection phase of the Project or portions thereof, and it is further

RESOLVED, that the sum of \$584,700 is hereby appropriated or appropriated from the 2020 capital budget and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the amount required to pay 100% of the full Federal and Non-Federal shares of the cost of the project's Design, Construction & Construction Inspection phase exceeds \$565,900, the current cost of this project phase, the Town of Grand Island shall convene its Board as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Supervisor of the Town of Grand Island be and hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town of Grand Island with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of the Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to the necessary Agreement & Supplemental Agreement No. 3 in connection with the Project, and it is further

RESOLVED, this resolution shall take effect immediately.

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

Community Development Block Grant – Amended 2021-2022 Authorizing Resolution

A motion was made by Councilwoman Baney, seconded by Councilman Marston to adopt the following resolution:

WHEREAS, the Town of Grand Island seeks to participate in the 2021-2022 Erie County Community Development Block Grant Program, and

WHEREAS, the Town of Grand Island held a public hearing for comments on proposed projects for the year 2021 on October 5, 2020, and

Monday, October 19, 2020 - 14

Town of Grand Island – Regular Meeting #19

WHEREAS, a few projects were brought up and the Town Board has agreed to submit one grant application for CDBG for the year 2021 and one application for CDBG-CV for the year 2021.

THEREFORE, be it resolved as follows:

The Grand Island Town Board authorizes the Town Supervisor to sign, submit and execute a contract(s) with the Erie County Community Development Block Grant (CDBG) Program for the following projects by priority not to exceed \$150,000.00:

1. Golden Age Center & Nike Base Park Facilities: Construction of ADA-accessible pavilion.
2. Installation of ADA-accessible sidewalks in Grandyle Village area of Town.
3. Golden Age Center & Nike Base Park Facilities: Reconstruction/resurfacing of existing Tennis Courts.
4. Golden Age Center & Nike Base Park Facilities: Recreation Office/Senior Programming building improvements.

And, The Town of Grand Island Town Board authorizes the Town Supervisor to sign, submit and execute a contract(s) with Erie County Community Development Block Grant – Cares Act fund (CDBG-CV) Program for the following projects by priority not to exceed \$200,000.00:

1. Recreation Improvements at Tower Park (Duplex area of Town)

This resolution shall take effect immediately.

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

Award Bid – Town Hall HVAC – Asbestos Abatement – Job # M-69-2019

Town Engineer Robert Westfall informed the Town Board that on October 14, 2020 the following bids were received for the Town Hall HVAC – Asbestos Abatement – Job # M-69-2019:

Mark Cerrone, Inc.	\$ 98,677.00
Metero Environmental	\$121,000.00
A.A.C. Contracting, Inc.	\$167,965.00

After careful review, Mr. Westfall has reviewed the bids and recommends award to Mark Cerrone, Inc. in the amount of \$98,677.00.

A motion was made by Councilman Madigan, seconded by Councilman Marston to accept the recommendation of the Town Engineer and award the bid for the Town Hall HVAC – Asbestos Abatement – Job # M-69-2019 to Mark Cerrone, Inc. in the amount of \$98,677.00.

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

Monday, October 19, 2020 - 15

Town of Grand Island – Regular Meeting #19

PLANNING BOARD:

SEQR – E2i Ventures, LLC, 1725 Grand Island Boulevard – Site Plan Approval

Supervisor John Whitney presented the SEQR – Short Environmental Assessment Form for E2i Ventures, LLC, 1725 Grand Island Boulevard – Site Plan Approval. Mr. Whitney informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilman Marston, seconded by Councilman Madigan to issue a Negative Declaration for E2i Ventures, LLC, 1725 Grand Island Boulevard – Site Plan Approval.

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

E2i Ventures, LLC, 1725 Grand Island Boulevard – Site Plan Approval

A motion was made by Councilman Marston, seconded by Councilman Digati to accept the recommendation of the Planning Board and approve the Site Plan for E2i Ventures, LLC, 1725 Grand Island Boulevard, subject to the condition that the dumpster is moved to the back with a three-point turnaround if able.

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

E2i Ventures, LLC, 1725 Grand Island Boulevard - Special Use Permit Application – Set Public Hearing and Refer to Planning Board

A motion was made by Councilwoman Baney, seconded by Councilman Digati to set a Public Hearing on November 2, 2020 at 8:00p.m. for the purpose of hearing anyone who wants to comment on a Special Use Permit Application for E2i Ventures, LLC, 1725 Grand Island Boulevard and to refer the matter to the Planning Board for review and recommendation.

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

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Baney, seconded by Councilman Digati to pay Vouchers #132698 - #132805

General	\$129,893.73
Sewer	\$ 46,740.66
Water	\$ 20,452.30
Capital	\$220,226.18
Fire	<u>\$335,333.75</u>
Total	\$752,646.62

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

UNFINISHED BUSINESS:

Special Use Permit Renewal – Grand Island Development, LLC – 1611 Whitehaven Road – Solar Array Project

Remains Tabled.

Monday, October 19, 2020 - 16

Town of Grand Island – Regular Meeting #19

Create Town of Grand Island Agricultural Advisory Board

A. Correspondence – Planning Board – September 16, 2020

B. Correspondence – Planning Board – October 13, 2020

A motion was made by Councilman Madigan, seconded by Councilman Marston to accept the recommendation of the Planning Board and create a Town of Grand Island Agricultural Advisory Board consisting of seven (7) members and two (2) alternates, with the recommended amendments, effective January 1, 2021 to enable the Town Board adequate time to interview and select candidates.

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

PUBLIC COMMENTS:

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

Speakers:

In Person – Sam Hunt

Via ZOOM – Nancy LaChiusa

FROM THE BOARD:

- Halloween Hours – Saturday, October 31, 2020 – 4:00p.m.-8:00p.m.
- Early voting starts on Saturday, October 24, 2020 – Go Vote!

MEMORIAL ADJOURNMENT:

A motion was made by Councilman Madigan, seconded by Councilman Marston to adjourn the meeting at 9:21p.m.

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

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

James Dempsey

David Foote, Jr.

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk

Monday, October 19, 2020 - 17

TB

BOARD OF ARCHITECTURAL REVIEW MEETING

Minutes: September 15, 2020
7:30 PM

MEMBERS PRESENT: D. Nardozzi – Zoom, A. Stockinger, R. Szafran
M. Ochs – Alternate
M. Madigan – Acting Liaison

MEMBER ABSENT: P. Buchanan, J. Butler
J. Baney - Liaison

MINUTES – Board of Architectural Review Meeting – 8/18/20
Received & Filed

MINUTES – Town Board Meeting – 8/3/20
Town Board Disposition – 8/17/20
Received & Filed

MINUTES – Zoning Board of Appeals Meeting – 8/6/20
Received & Filed

MINUTES – Planning Board Meeting – 7/13/20
Received & Filed

1. **DAN MOHR -3135 Whitehaven Rd.**
Garage

A motion was made by Stockinger – Ochs to accept the elevations for a garage to be constructed at 3135 Whitehaven Rd. Approvals must be granted by all other necessary Town Boards.

Roll Call: Ayes – Nardozzi, Ochs, Stockinger, Szafran
Noes – None
Carried

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2020 OCT 21 AM 9:49
TOWN CLERK
GRAND ISLAND N.Y.

2. THERMO FISHER – 3175 Staley Rd..
Addition

It was moved by Nardozzi – Stockinger to accept the elevations for an addition to be constructed at 3175 Staley Road. Approvals must be granted by all other necessary Town Boards.

Roll Call: Ayes – Nardozzi, Ochs, Stockinger, Szafran
Noes – None
Carried

3. J. R. BUILDING & REMODELING – 1487 Staley Rd.
Garage & Porch Addition

After reviewing the elevations for a garage and porch addition to be constructed at 1487 Staley Road, a motion was made by Ochs – Stockinger to accept the drawings, provided approvals are granted by all other necessary Town Boards.

Roll Call: Ayes - Nardozzi, Ochs, Stockinger, Szafran
Noes – None
Carried

Meeting Adjourned at 7:45 PM

Respectfully submitted,

Richard Szafran, Acting Chairman
Board of Architectural Review

Minutes prepared by Linda Koch, Recording Secretary

RESOLUTION
AUTHORIZING PILOT
2356 WHITEHAVEN ROAD

RECEIVED

TOWN CLERK
GRAND ISLAND, NY

WHEREAS, SOLARPARK 4A LLC ("Owner"), a New York limited liability company, authorized to do business in New York, with a principal place of business located at 63 Putnam Street, Suite 202, Saratoga Springs, NY 12866 has submitted a Notice of Intent to each of the Taxing Jurisdiction that it plans to build and operate a "Solar Energy System" as defined in New York Real Property Tax Law ("RPTL") Section 487 (1)(b) (the "Project") with an expected nameplate capacity ("Capacity") of four (4) Megawatts AC on a parcel of land located within the Town at 2356 Whitehaven Road, Grand Island, NY and identified as SBL #36.00-2-7, as described in Exhibit A (herein the "Property"); and;

WHEREAS, the Town of Grand Island has not opted out of RPTL Section 487 ("RPTL 487"); and

WHEREAS, pursuant to RPTL 487 (9)(a), , the Town of Grand Island has indicated its intent to require a Payment in Lieu of Taxes ("PILOT") Agreement with the Owner, under which the Owner (or any successor owner of the Project) will be required to make a one-time payment of One Hundred Thousand and No/100 Dollars (\$100,000) to the Town of Grand Island commencing when the project reaches commercial operations and not earlier than June 1, 2021; and

WHEREAS, the Owner has submitted or will submit to the assessor of the Town of Grand Island (the "Assessor") a RP-487 Application for Tax Exemption of Solar Energy Systems demonstrating the eligibility of the Project for a real property tax exemption pursuant to RPTL 487; and

WHEREAS, the Town of Grand Island and Owner intend that, during the term of the PILOT Agreement, the Project will be placed on the exempt portion of the assessment roll and the Owner will not be assessed for any real property taxes for the Project, for which it might otherwise be subjected under New York law with respect to the Project.

NOW THEREFORE, BE IT

RESOLVED, that the Supervisor for the Town of Grand Island be and is hereby authorized and directed to execute a Payment in Lieu of Tax Agreement with SolarPark 4A LLC as follows:

(a) Pursuant to RPTL 487, the Project shall be placed as exempt upon the assessment roll of the Town of Grand Island.

(b) When the Real Property Tax Exemption Form (RP 487) has been filed by the Owner with the Town Assessor the Project will be eligible for exemption from real property taxation pursuant to RPTL 487 (4).

(c) Owner shall provide ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS in a single payment to the Town of Grand Island in lieu of real property taxes. The funds are to be paid in full when the project reaches commercial operations and no earlier than June 1, 2021, and must be utilized by the Town for the general fund.

(d) The Term of the Payment in Lieu of Tax Agreement shall be for a period of Fifteen (15) Years commencing when the project reaches commercial operations and no earlier than June 1, 2021.

RECEIVED

2020 OCT 28 AM 11:40

TOWN CLERK
GRAND ISLAND N.Y.

PAYMENT IN LIEU OF TAXES AGREEMENT

FOR SOLAR ENERGY SYSTEM

between

TOWN OF GRAND ISLAND

and

SOLARPARK 4A LLC

Dated as of October 19, 2020

RELATING TO THE PREMISES LOCATED AT 2356 WHITEHAVEN ROAD
(TAX MAP 36.00-2-7) IN THE TOWN OF GRAND ISLAND, ERIE COUNTY,
NEW YORK.

PAYMENT IN LIEU OF TAXES AGREEMENT
FOR SOLAR ENERGY SYSTEM PURSUANT TO REAL PROPERTY TAX LAW § 487

THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES FOR REAL PROPERTY ("Agreement"), effective as of the date on the cover page, above, by and between SOLARPARK 4A LLC ("Owner"), a New York limited liability company, authorized to do business in New York, with a principal place of business located at 63 Putnam Street, Suite 202, Saratoga Springs, NY 12866, and the Town of Grand Island, New York (the "Town"), a municipal corporation duly established with a principal place of business at 2255 Baseline Road, Grand Island, NY 14072.

The Town is herein referred to as the "Taxing Jurisdiction." Owner and the Taxing Jurisdiction are collectively referred to in this Agreement as the "Parties" and are individually referred to as a "Party."

RECITALS

WHEREAS, Owner has submitted a Notice of Intent to each of the Taxing Jurisdiction that it plans to build and operate a "Solar Energy System" as defined in New York Real Property Tax Law ("RPTL") Section 487 (1)(b) (herein the "Project") with an expected nameplate capacity ("Capacity") of four (4) Megawatts AC on a parcel of land located within the Town at 2356 Whitehaven Road, Grand Island, NY and identified as SBL #36-2-7, as described in Exhibit A (herein the "Property"); and;

WHEREAS, the Town of Grand Island has not opted out of RPTL Section 487 ("RPTL 487"); and

WHEREAS, pursuant to RPTL 487 (9)(a), the Taxing Jurisdiction has indicated its intent to require a Payment in Lieu of Taxes ("PILOT") Agreement with the Owner, under which the Owner (or any successor owner of the Project) will be required to make one payment to the Taxing Jurisdiction commencing when the project reaches commercial operations and no earlier than June 1, 2021; and

WHEREAS, the Owner has submitted or will submit to the assessor of the Town (the "Assessor") a RP-487 Application for Tax Exemption of Solar Energy Systems, demonstrating the eligibility of the Project for a real property tax exemption pursuant to RPTL 487; and

WHEREAS, the Parties intend that, during the term of this Agreement, the Project will be placed on the exempt portion of the assessment roll and the Owner will not be assessed for any real property taxes for the Project, for which it might otherwise be subjected under New York law with respect to the Project.

NOW THEREFORE, for and in consideration of the mutual covenants hereinafter contained, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Representations of the Parties.

(a) The Owner hereby represents, warrants, and covenants that, as of the date of this Agreement:

(1). The Owner is duly organized, and a validly existing limited liability company duly authorized to do business in the State of New York, has requisite authority to conduct its business as presently conducted or proposed to be conducted under this Agreement, and has full legal right, power, and authority to execute, deliver, and perform all applicable terms and provisions of this Agreement.

(2). All necessary action has been taken to authorize the Owner's execution, delivery, and performance of this Agreement and this Agreement constitutes the Owner's legal, valid, and binding obligation enforceable against it in accordance with its terms.

(3). None of the execution or delivery of this Agreement, the performance of the obligations in connection with the transactions contemplated hereby, or the fulfillment of the terms and conditions hereof will (i) conflict with or violate any provision of the Owner's Certificate of Incorporation, Articles of Organization, Certificate of Formation, bylaws or other organizational documents or of any restriction or any agreement or instrument to which the Owner is a party and by which it is bound; (ii) conflict with, violate, or result in a breach of any applicable law, rule, regulation, or order of any court or other taxing jurisdictions or authority of government or ordinance of the State or any political subdivision thereof; or (iii) conflict with, violate, or result in a breach of or constitute a default under or result in the imposition or creation of any mortgage, pledge, lien, security interest, or other encumbrance under this Agreement or under any term or condition of any mortgage, indenture, or any other agreement or instrument to which it is a party or by which it or any of the Owner's properties or assets are bound. There is no action, suit, or proceeding, at law or in equity, or official investigation before or by any government authority pending or, to its knowledge, threatened against the Owner, wherein an anticipated decision, ruling, or finding would result in a material adverse effect on the Owner's ability to perform its obligations under this Agreement or on the validity or enforceability of this Agreement.

(b) The Taxing Jurisdiction hereby represents, warrants, and covenants that, as of the date of this Agreement:

(1). The Taxing Jurisdiction is duly organized, validly existing, and in good standing under the laws of the State of New York and has full legal right, power, and authority to execute, deliver, and perform all applicable terms and provisions of this Agreement.

(2). All necessary action has been taken to authorize the Taxing Jurisdiction's execution, delivery, and performance of this Agreement, and this Agreement constitutes the Taxing Jurisdiction's legal, valid, and binding obligation enforceable against it in accordance with its terms.

3. No governmental approval by or with any government authority is required for the valid execution, delivery, and performance under this Agreement by the Taxing Jurisdiction except such as have been duly or will be obtained or made.

4. There is no action, suit, or proceeding, at law or in equity, or official investigation before or by any government authority pending or, to its knowledge, threatened against the Taxing Jurisdiction, wherein an anticipated decision, ruling, or finding would result in a material adverse effect on the Taxing Jurisdictions' ability to perform its obligations under this Agreement or on the validity or enforceability of this Agreement.

2. Tax Exemption; Payment in Lieu of Real Property Taxes.

(a) Tax-Exempt Status of the Project. It is the intent of the Parties that, pursuant to RPTL 487, the Project shall be placed as exempt upon the assessment rolls of each Taxing Jurisdiction. A Real Property Tax Exemption Form (RP 487) has or will be filed by the Owner with the Town Assessor and the Project will be eligible for exemption from real property taxation pursuant to RPTL 487 (4).

(b) Owner agrees to provide ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS in a single payment to the Taxing Jurisdiction in lieu of real property taxes. The funds are to be paid in full commencing when the project reaches commercial operations and no earlier than June 1, 2021, and must be utilized by the Town for the general fund.

(c) The Term of this Payment in Lieu of Taxes shall be for a period of Fifteen (15) Years commencing when the project reaches commercial operations and no earlier than June 1, 2021.

(d) Owner agrees that the payments in lieu of taxes under this Agreement will not be reduced on account of a depreciation factor or reduction in the Taxing Jurisdiction tax rate, and the Taxing Jurisdiction agrees that the payment in lieu of taxes will not be increased on account of an inflation factor or increase in the Taxing Jurisdiction tax rate, all of which factors have been considered in arriving at the payment amounts reflected in this Agreement.

3. Tax Status. The Taxing Jurisdiction agrees that during the term of this Agreement, the Taxing Jurisdiction will not assess Owner for any real property taxes with respect to the Project to which Owner (or the underlying fee owner of the parcel) might otherwise be subject under New York law, and the Taxing Jurisdiction agrees that this Agreement will exclusively govern the payments of all such taxes, provided, however, that this Agreement is not intended to affect, and will not preclude the Taxing Jurisdictions from assessing, any other taxes, fees, charges, rates or assessments which the Owner is obligated to pay, including, but not limited to, special assessments or special district assessments, fees, or charges for services provided by the Taxing Jurisdiction to the Project. Nothing in this Agreement shall limit the right of the Owner to challenge the assessment of the Project pursuant to the RPTL.

4. No Assignments Without Prior Notice; Binding Effect.

(a) This Agreement may not be assigned by Owner without the prior written consent of the Taxing Jurisdiction; such consent may not be unreasonably withheld, conditioned, or delayed, if the Assignee has agreed in writing to accept all obligations of the Owner. The restrictions on assignment contained herein do not prohibit or otherwise limit changes in control of Owner. If Owner assigns this Agreement with the advance written consent of the Taxing Jurisdiction, the Owner shall be released from all obligations under this Agreement upon assumption hereof in writing by the assignee, provided that Owner shall, as a condition of such assignment and to the reasonable satisfaction of the Taxing Jurisdiction, cure any defaults and satisfy all liabilities arising under this Agreement prior to the date of such assignment. A Notice of this Agreement may be recorded by Owner and the Taxing Jurisdiction shall cooperate in the execution of required Assignments with the Owner and its successors. Owner may, with advance written notice to the Taxing Jurisdiction and without prior consent, assign this Agreement to an affiliate of Owner or to any party who has provided or is providing financing to Owner for the construction, operation and/or maintenance of the Project.

(b) Binding Effect. This Agreement shall inure to the benefit of, and shall be binding upon, the Taxing Jurisdiction, the Owner and their respective successors and assigns.

5. Statement of Good Faith. The Parties agree that the payment obligations established by this Agreement have been negotiated in good faith in recognition of and with due consideration of the full and fair taxable value of the Project.

6. Additional Documentation and Actions. Subject to applicable laws and regulations, each Party will, from time to time hereafter, execute and deliver or cause to be executed and delivered, such reasonable additional instruments and documents as the other Party reasonably requests for the purpose of implementing or effectuating the provisions of this Agreement. Owner shall pay all reasonable attorneys' and consulting fees incurred by the Taxing Jurisdictions to review and negotiate any such instruments or documents.

7. Notices. All notices, consents, requests, or other communications provided for or permitted to be given hereunder by a Party must be in writing and will be deemed to have been properly given or served upon the personal delivery thereof, via courier delivery service, by hand, or by certified mail, return receipt requested. Such notices shall be addressed or delivered to the Parties at their respective addresses shown below.

If to Owner:

SOLARPARK 4A LLC
63 Putnam Street
Suite 202
Saratoga Springs, NY 14202

If to Taxing Jurisdiction:

Town of Grand Island
2255 Baseline Road
Grand Island, NY 14072
Attn: Town Supervisor

Any such addresses for the giving of notices may be changed by either Party by giving written notice as provided above to the other Party. Notice given by counsel to a Party shall be effective as notice from such Party.

8. Applicable Law. This Agreement will be made and interpreted in accordance with the laws of the State of New York. Owner and the Taxing Jurisdictions each consent to the jurisdiction of the New York courts in and for the County in which the Project is located regarding any and all matters, including interpretation or enforcement of this Agreement or any of its provisions. Accordingly, any litigation arising hereunder shall be brought solely in such courts.

9. Termination Rights of the Owner. Owner may terminate this Agreement at any time by Notice to the Taxing Jurisdictions. Upon receipt of the Notice of Termination, the Project shall be placed on the taxable portion of the tax roll effective on the next taxable status date of the Taxing Jurisdiction. Owner shall be liable for all PILOT payments due in the year of termination, except that if Owner is required to pay any part-year real property taxes, the PILOT payment for that year shall be reduced pro rata so that the Owner is not required to pay both PILOT payments and real property taxes for any period of time.

10. Termination Rights of Taxing Jurisdictions. Notwithstanding anything to the contrary in this Agreement, the Taxing Jurisdictions may terminate this Agreement on thirty (30) days written notice to Owner if:

- (a) Owner fails to make timely payments required under this Agreement, unless such payment is received by the Taxing Jurisdictions within the 30-day notice period with interest as stated in this Agreement; or
- (b) Owner has filed, or has had filed against it, a petition in Bankruptcy, or is otherwise insolvent;

11. Remedies; Waiver and Notice.

- (a) No Remedy Exclusive. No remedy herein conferred upon or reserved to Party is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

(b) Delay. No delay or omission in exercising any right or power accruing upon the occurrence of any breach of an obligation hereunder shall impair any such right or power or shall be construed to be a waiver thereof, but any such right or power may be exercised from time to time and as often as may be deemed expedient.

(c) No Waiver. In the event any provision contained in this Agreement should be breached by any party and thereafter duly waived by the other party so empowered to act, such waiver shall be limited to the particular breach so waived and shall not be deemed to be a waiver of any other breach hereunder. No waiver, amendment, release, or modification of this Agreement shall be established by conduct, custom or course of dealing.

12. Entire Agreement. The Parties agree that this is the entire, fully integrated Agreement between them with respect to payments in lieu of taxes for the Project.

13. Amendments. This Agreement may not be effectively amended, changed, modified, altered, or terminated except by an instrument in writing executed by the parties hereto.

14. No Third-Party Beneficiaries. The Parties state that there are no third-party beneficiaries to this Agreement.

15. Severability. If any article, section, subdivision, paragraph, sentence, clause, phrase, provision or portion of this Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction, such article, section, subdivision, paragraph, sentence, clause, phrase, provision or portion so adjudged invalid, illegal or unenforceable shall be deemed separate, distinct and independent and the remainder of this Agreement shall be and remain in full force and effect and shall not be invalidated or rendered illegal or unenforceable or otherwise affected by such holding or adjudication.

16. Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Executed by the undersigned as of the day and year first written above, each of whom represents that it is fully and duly authorized to act on behalf of and bind its principals.

Dated: _____ SOLARPARK 4A LLC

By: _____

Its: _____

Dated: _____ Town of Grand Island

By: _____
John Whitney

Its: Supervisor _____

EXHIBIT A

[INSERT LEGAL DESCRIPTION OR TAX MAP]

Traffic
Safety
Advisory
Board



The Town of Grand Island

2255 Baseline Road

Grand Island, New York 14072

Email: trafficadvisory@grand-island.ny.us

RECEIVED

2020 OCT 28 AM 11:08

TOWN CLERK
GRAND ISLAND N.Y.

October 20, 2020

To: Grand Island Town Board

From: Chuck Grunzweig, Chair, Traffic Safety Advisory Board



Re: TSAB Baseline Rd. at Bush Rd.

We, the Traffic Safety Advisory Board have concerns with the intersection of Baseline Road at Bush Road. The major concern is the lack of site distance due to heavy overgrowth at the intersection. Therefore, a motion was made and passed.

Motion for Stop Bars and Tree Trimming

We would like to make a motion to ask the Town Board to request the Erie County Department of Public Works (ECDPW) to install 18" to 24" Stop Bars on Baseline Road southbound at Bush Road and on Baseline Road northbound at Bush Road.

We also request ECDPW to trim back any and all vegetation to the highway Right of Way line of both Bush Rd and Baseline Road.

cc: Robert H. Westfall, P.E., Town Engineer
Richard Crawford Jr, Superintendent of Highways

os (c:) eric/gi tsab/motion/Baseline Rd at Bush Rd. letter

Justice Court



The Town of Grand Island

Town Justices:
MARK J. FRENTZEL
MARK S. NEMETH

2255 BASELINE ROAD
GRAND ISLAND, NEW YORK 14072
(716) 773-9600 EXT. 650
FAX: (716) 775-3527

October 28, 2020

To: John Whitney & Town Board

Re: Resignation – Grand Island Court – Kathy Fratello

RECEIVED
2020 OCT 28 AM 11:29
TOWN CLERK
GRAND ISLAND, N.Y.

Kathy Fratello was a part-time court clerk who resigned unexpectedly. Her last date working in the court was Wednesday, September 23, 2020. We do not have an official letter of resignation from Ms. Fratello as this was unexpected.

Respectfully submitted,

Mark J. Frentzel
Town Justice

Mark S. Nemeth
Town Justice

Justice Court



The Town of Grand Island

Town Justices:
MARK J. FRENTZEL
MARK S. NEMETH

2255 BASELINE ROAD
GRAND ISLAND, NEW YORK 14072
(716) 773-9600 EXT. 650
FAX: (716) 775-3527

October 28, 2020

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2020 OCT 28 AM 11:29
TOWN CLERK
GRAND ISLAND, N.Y.

To: John Whitney & Town Board

Re: Resignation – Grand Island Court – Emily Rallo

Attached please find a letter of resignation signed by Emily Rallo dated October 6, 2020.

Ms. Rallo's last full day working in the court was Thursday, October 15, 2020.

Respectfully submitted,

Mark J. Frentzel
Town Justice

Mark S. Nemeth
Town Justice

Justice Court



The Town of Grand Island

Town Justices:
MARK J. FRENTZEL
MARK S. NEMETH

2255 BASELINE ROAD
GRAND ISLAND, NEW YORK 14072
(716) 773-9600 EXT. 650
FAX: (716) 775-3527

October 28, 2020

RECEIVED
2020 OCT 28 AM 11:29
TOWN CLERK
GRAND ISLAND N.Y.

To: John Whitney & Town Board

Re: Appointment – Grand Island Court – Kelly Behrens

Please be advised I have appointed Kelly Behrens to the position of Clerk to Town Justice effective 11/16/2020, Grade 6.5, Step A, \$20.89 per hour, subject to the completion of the necessary pre-employment paperwork.

Respectfully submitted,

Mark S. Nemeth
Town Justice

THE TOWN OF GRAND ISLAND

Superintendent of Highways
RICHARD W. CRAWFORD
Superintendent
NORMAN J. MRKALL II



HIGHWAY DEPARTMENT

1820 WHITEHAVEN ROAD
GRAND ISLAND, NY 14072
(716) 773-9632
Fax: (716) 773-9634

October 29, 2020

FROM: Highway Superintendent – Richard Crawford
TO: Town Board
RE: 284 Agreement

RECEIVED
2020 OCT 29 AM 10:23
TOWN CLERK
GRAND ISLAND, N.Y.

This is the initial 284 Agreement and Amended Agreement that reflects the money budgeted for general repairs and improvements for the year 2020.

Please sign all attached copies.

Thank you,

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

YEAR: 2020

**TOWN OF Grand Island, NY
COUNTY OF Erie**

Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected for the repair and improvement of highways, and received from New York State for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS

The sum of **\$ 410,575** may be expended for general repairs upon **78** miles of various town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

2. IMPROVEMENTS - The following sum shall be set aside to be expended for the improvement of town highways: \$815,000.00

- (a) Ferry Road South of South State Parkway, Allentown, Orchard, Elmwood, Cox Rd., East River from Bush Rd. to Ferry Road
- (b) Webb Road Extension, Fisher Road Ext, Meadow Lane
- (c) Tracey, Laurie, Sandra Lane, Legion Drive, Winkler, Bedell Road between Stony Point and Baseline

.....

_____ Supervisor	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Highway Superintendent	_____ Date

NOTE: This Agreement must be signed by a majority of the members of the Town Board and by the Town Highway Superintendent. One copy must be filed in the Town Clerk's Office

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

YEAR: 2020

**TOWN OF Grand Island, NY
COUNTY OF Erie**

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.....

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_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Highway Superintendent	_____ Date

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AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

YEAR: 2020

**TOWN OF Grand Island, NY
COUNTY OF Erie**

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1. GENERAL REPAIRS

The sum of **\$ 415.00** may be expended for general repairs upon **78** miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

2. IMPROVEMENTS - The following sum shall be set aside to be expended for the improvement of town highways:

- (a) On _____, starting at _____ and ending at _____, a distance of _____ miles, there shall be expended not over the sum of \$ _____.
Type Top: _____ Width of traveled surface: _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other _____
- (b) On _____, starting at _____ and ending at _____, a distance of _____ miles, there shall be expended not over the sum of \$ _____.
Type Top: _____ Width of traveled surface: _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other _____
- (c) On _____, starting at _____ and ending at _____, a distance of _____ miles, there shall be expended not over the sum of \$ _____.
Type Top: _____ Width of traveled surface: _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other _____

.....

Supervisor _____	Date _____	Councilmember _____	Date _____
Councilmember _____	Date _____	Councilmember _____	Date _____
Councilmember _____	Date _____	Councilmember _____	Date _____
Councilmember _____	Date _____	Highway Superintendent _____	Date _____

NOTE: This Agreement must be signed by a majority of the members of the Town Board and by the Town Highway Superintendent. One copy must be filed in the Town Clerk's Office

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

YEAR: 2020

**TOWN OF Grand Island, NY
COUNTY OF Erie**

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Type Top: _____ Width of traveled surface: _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other _____
- (b) On _____, starting at _____ and ending at _____, a distance of _____ miles, there shall be expended not over the sum of \$ _____.
Type Top: _____ Width of traveled surface: _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other _____
- (c) On _____, starting at _____ and ending at _____, a distance of _____ miles, there shall be expended not over the sum of \$ _____.
Type Top: _____ Width of traveled surface: _____ feet
Thickness Top: _____ inches Thickness binder: _____ inches
Other _____
-

_____ Supervisor	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Councilmember	_____ Date
_____ Councilmember	_____ Date	_____ Highway Superintendent	_____ Date

NOTE: This Agreement must be signed by a majority of the members of the Town Board and by the Town Highway Superintendent. One copy must be filed in the Town Clerk's Office

Water Billing Department



The Town of Grand Island

2255 BASELINE ROAD
GRAND ISLAND, NEW YORK 14072
(716)773-9600 ext. 614

TO: TOWN BOARD

FROM: ROBERT WESTFALL, P.E., TOWN ENGINEER, DEPARTMENT HEAD
DEPARTMENT OF ENGINEERING & WATER RESOURCES

RE: DELINQUENT WATER AND SEWER ACCOUNTS
FOR 2021 TAXROLL

DATE: NOVEMBER 2, 2020

RESOLUTION: WHEREAS, the Department Head, Department of Engineering and Water Resources did notify consumers within the respective water and sewer districts on Grand Island by having the wording, "IF NOT PAID BY OCTOBER 31, ARREARS WILL BE ON TAX ROLLS" printed on water bills sent out quarterly. Copy of bill attached.

Now, therefore, be it resolved that the following approximate amount be applied to the Taxroll of 2021.

Water	\$
Sewer	\$
Out of District Sewer	\$
Meters	\$
Misc. Charges	\$
Grand Total	\$

Be it further resolved, that the Town Clerk is hereby directed to accept no payments of such delinquent accounts after the said last day of October 2020.

Robert H. Westfall, P.E.
Town Engineer, Department Head
Department of Engineering and Water Resources

RECEIVED
2020 OCT 20 PM 3:48
TOWN CLERK
GRAND ISLAND, N.Y.

ACCOUNTING DEPARTMENT

Pamela Barton
Supervising Accountant



TOWN OF GRAND ISLAND

2255 Baseline Road
Grand Island, NY 14072
(716) 773-9600 ext. 601
Fax: (716) 773-9615

TO: Town Board
FROM: Pam Barton
DATE: 10/21/20
RE: Budget Amendment – 11/02/20 Agenda

The Golden Age Center continues to see a marked increase in the Meals on Wheels program usage by its members, during this Covid 19 crisis. Some members have a real need, but limited funds to pay for the interim program. The Town has funds that were donated/contributed just for situations like this, therefore Jen Menter is requesting the transfer of \$730 from these contributions to aid eight (8) monthly costs for meals from June-October for various members.

Your approval is requested for the following budget amendment/transfer for 2020:

Decrease Cash – Trust & Agency Funds	005.0005.0200	Credit	\$730
Decrease Liability-MOW Donations	005.0005.0086	Debit	\$730
Increase Cash-General Fund	001.0001.0200	Debit	\$730
Increase Liability – MOW Donations	001.0001.0604	Credit	\$730

Cc: Jen Menter

RECEIVED
2020 OCT 21 AM 10:01
TOWN CLERK
GRAND ISLAND, NY

TOWN OF GRAND ISLAND
RENEWAL OF SPECIAL USE PERMIT

Special Use Description: Bed & Breakfast

Zoning Class: R-1D

Date Special Use Permit Granted: 8/18/2014

Located at: 2020 Fix Rd

Name of Applicant: Robin Shipman
Applicant Address: 2020 Fix Road Grand Island
Applicant Telephone: 912-8909

Name of Owner: Robin Shipman
Owner Address: 2020 Fix Road Grand Island
Owner Telephone: 912-8909

Special Use: (☒) Unchanged () Changed as Follows:

Robin Shipman
Signature of Applicant

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

Inspected By: CH CH

Zoning Officer

Date: 10-15-20

Comments:

Town Board APPROVED / DENIED

Date: _____

() Town Board permits renewal without conditions.

() Town Board permits renewal with the following conditions:

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: September 23, 2020
FROM: Rhonda Tollner
TO: Town Board
RE: Special Use Permit 1441 Ransom Road
SBL# 24.15-3-8.2 *Grand Island Market*

An application for a Special Use Permit to operate a convenient store with gas pumps has been applied for by Noco. This property is zoned B1. This is an existing business with new ownership. Because this property sat vacant for several years the non-transferable Special Use Permit for gas pumps had expired requiring a new Special Use Permit. The SEQR and County Referral do not expire and remain unchanged. This project has been reviewed by our Code Enforcement Office and recommends approval. Please add this request to the next Town Board Agenda for referral to the Planning Board and to set a public hearing. Attached are the following:

1. Special Use Application
2. Last Approved Site Plan (no changes)
3. SEQR
4. County Referral

RECEIVED
2020 OCT 20 AM 10:48
CODE ENFORCEMENT

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

ZBA-2020-048

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):

New Owners requesting Special Use Permit to operate an existing mini-mart with gas pumps. Grand Island Market

2. Name, Address, Phone number of Applicant: 1441 Ransom Road LLC, 2101 St. Rita's Ln . Williamsville, 14221,
Address of Special Use Location: 1441 Ransom 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: 1441 Ransom Road LLC, 2101 St. Rita's Ln , Williamsville, NY 14221,

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): owners

5. Present Use of Premises: mercantile w/ gas pumps

6. Present Zoning Classification of premises: B1 Number of Acres: 1.37 Lot size: 263' x 260'

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: _____

PAID \$150
OK 9/23/2020
MT

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

Non refundable fee: \$150.00

Received by: _____

TOWN CLERK

Date: _____

9/23/2020

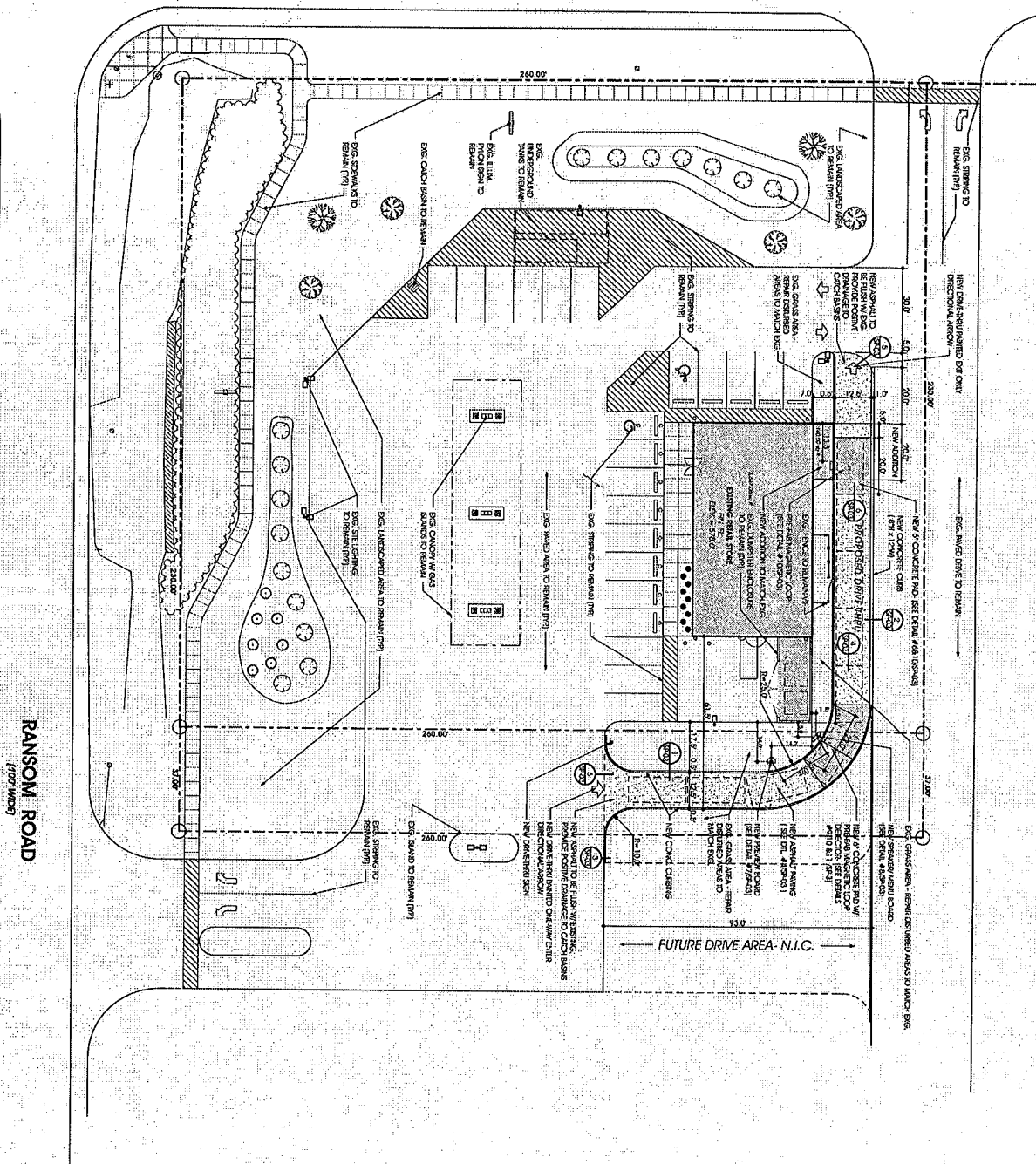
Note: The procedure for this application is as follows: Application will be placed on a Town Board Agenda and a public hearing will be set on this application. At the public hearing you will have an opportunity to speak in favor of this application. Your application will then be referred to the Planning Board for more specific review. The Planning Board will forward a recommendation to the Town Board. After reviewing the Planning Boards 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**

SEP 23 2020

Patricia A. Frentzel

STONY POINT ROAD
(66' WIDE)



SITE PLAN LAYOUT
DRIVE-THRU ADDITION @ EXISTING STORE

SCALE: 1"=20'

1441 Ransom Road
Drive-Thru

T.B. Appis
Nov. 19, 2012

RECEIVED
CCT 23 2012
TOLSON & GORDON
302.200.1677

ISSUE	DATE	REMARKS
1	10.22.2012	ISSUED FOR PERMIT

DRIVE-THRU ADDITION



Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

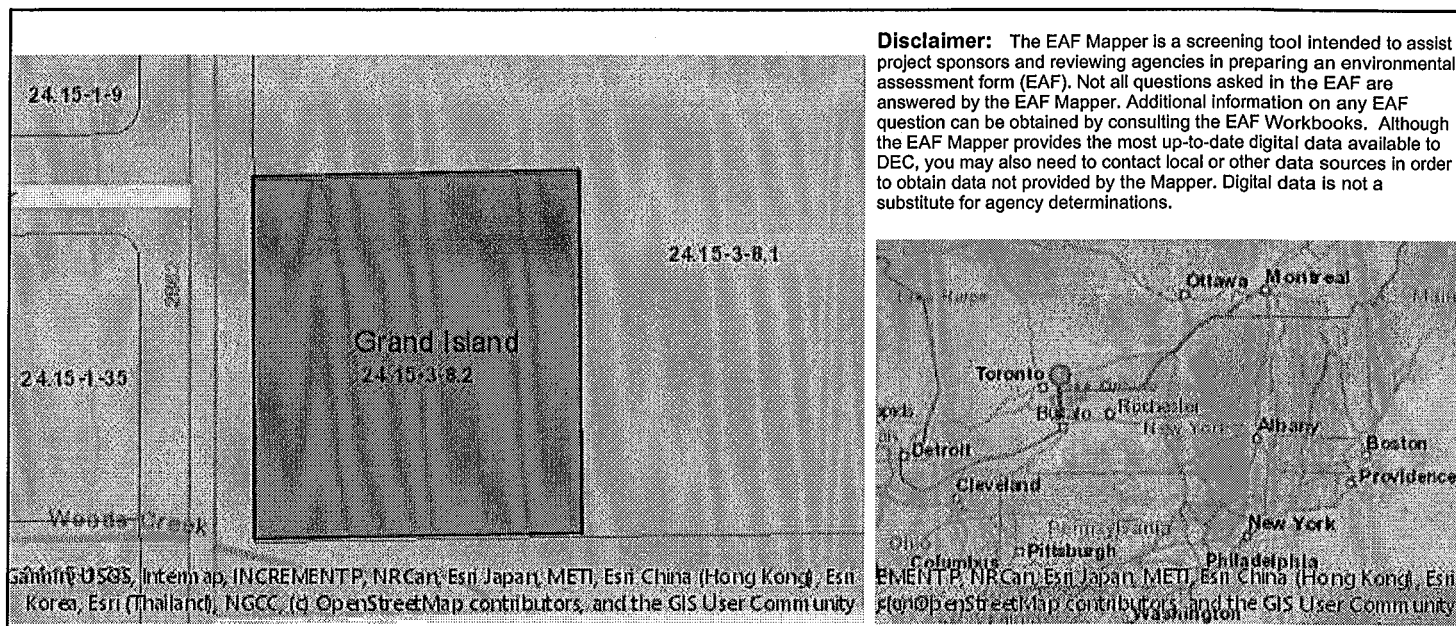
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
Name of Action or Project: Grand Island Market			
Project Location (describe, and attach a location map): 1441 Ransom Road Grand Island, NY 14072			
Brief Description of Proposed Action: This is an existing convenience store with gas pumps. Several years ago it went into foreclosure and was recently reopened with new owners. Nothing on the property has changed other than the name.			
Name of Applicant or Sponsor: Chris Carden Noco Dealer LLC		Telephone: 716-208-6899 E-Mail: ccarden@nocodealer.com	
Address:			
City/PO: q		State:	Zip Code:
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 checked="" type="checkbox"/>	YES <input 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: Town Board of Grand Island approval of a Special Use Permit		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.18 acres	
b. Total acreage to be physically disturbed?		.54 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input 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 type="checkbox"/>	<input checked="" 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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
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? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <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: <u>WOODS CREEK</u> _____ _____			

PRINT FORM



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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.

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)

**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.: ZR-20-416

Received: 9/25/20

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:	<u>Town of Grand Island</u>		
2. Hearing Schedule:	Date <u>10/5/2020</u>	Time <u>7:00 p</u>	Location <u>Town Chambers</u>
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 type="checkbox"/> Site Plan	<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	<u>1441 Ransom Road</u>
			<u>Grand Island, NY 14072</u>
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
		<input type="checkbox"/> State Highway	
7. Proposed change or use: (be specific)	<u>Request a Special Use Permit. This is an existing convenience store with gas pumps. It was closed several years and re-opened under new owners. Nothing else has changed. It's an allowed use with a SUP.</u>		
8. Other remarks: (ID#, SBL#, etc.)	<u>SBL#24.15-3-8.2 Zoning District B1</u>		
9. Submitted by:	<u>Rhonda Tollner, zoning</u>		
	<u>Town of Grand Island, 2255 Baseline Road, Grand Island, New York 14072</u>		

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 9/25/20. 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: *Timothy P. Keenan* Date: 10/1/20

