

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: August 17, 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>	
III	<u>PLEDGE:</u> Councilwoman Jennifer L. Baney	
IV	<u>PUBLIC COMMENTS:</u> - AGENDA ITEMS ONLY	
V	<u>PUBLIC HEARINGS:</u> 1. Special Use Permit Application – Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens A. SEQR B. Reissue Special Use Permit 2. Special Use Permit Application – Michelle Fiels, 2249 Bush Road – Home Occupation, Dog Training Facility A. Correspondence – Planning Board B. SEQR	
VI	<u>MINUTES:</u> 1. Approve Minutes of Workshop Meeting #32, August 3, 2020 2. Approve Minutes of Regular Meeting #14, August 3, 2020	
VII	<u>CONSENT AGENDA:</u> 1. Meeting Minutes – Zoning Board of Appeals – July 2, 2020 2. Meeting Minutes – Technology Advisory Board – June 18, 2020 3. Meeting Minutes – Planning Board – July 13, 2020 4. Golden Age Center – Facility Usage – July 2020 <u>COMMUNICATIONS – OTHER TOWN OFFICIALS:</u>	
VIII	<u>HIGHWAY SUPERINTENDENT – RICHARD W. CRAWFORD:</u> 1. Promotion – Laborer 2. New Hires – Caretakers	
IX	<u>DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT H. WESTFALL:</u> 1. Authorize Supervisor to Sign Supplemental Agreement – NYSDOT Grand Island Accessibility Project – PIN 5762.27 Comptrollers Contract #D035733 2. Authorize Supervisor to Sign Professional Services Agreement Town Hall HVAC Upgrades, Phase 1 – Job #: M-69-2019 3. Request Authorization to Re-advertise for Bids – Grand Island Town Hall Elevator Addition – Job #: M-69-2018	

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	TITLE:	DISPOSITION:
X	<u>PARKS MAINTENANCE CREW CHIEF – THOMAS DWORAK:</u> 1. Title/Rate Changes 2. Status Change	
XI	<u>CODE ENFORCEMENT OFFICE:</u> 1. Local Law Intro #11 of 2019 – Rezoning SBL #36.00-2-8.1, Alvin Road – B-1/R-1A to B-1 2. Local Law Intro #12 of 2019 – Rezoning SBL #36.00-2-7, 2356 Whitehaven Road – R-1A/B-1 to R-1A A. Correspondence – Planning Board – Site Plan Approval B. Correspondence – Planning Board – Special Use Permit	
XII	<u>PLANNING BOARD:</u> 1. Koerntgen Subdivision, Fix Road – SBL #:63.02-1-2 – Final Plat Approval 2. Falleta Subdivision, Fix Road – SBL #:63.02-1-3 – Final Plat Approval 3. Grand Island Commerce Park, Grand Island Boulevard – SBL #:24.03-1-36 – Site Plan Approval	
XIII	<u>REPORT OF THE AUDIT COMMITTEE:</u>	
XIV	<u>UNFINISHED BUSINESS:</u> 1. Special Use Permit Application – Karen Panzarella, 2894 East River Road – Bed & Breakfast 2. Southpointe PDD – Development Concept Plan – Revised 3. Special Use Permit Renewal – Grand Island Development, LLC – 1611 Whitehaven Road – Solar Array Project	
XV	<u>PUBLIC COMMENTS:</u>	
XVI	<u>FROM THE BOARD:</u>	
XVII	<u>MEMORIAL ADJOURNMENT:</u> Andrew Rubocki Charles Territo Rosalyn Weselak Judy Weston	

LEGAL NOTICE

**APPLICATION FOR SPECIAL USE PERMIT
UNDER CHAPTER 407-115 OF THE TOWN CODE**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the
Town Board of the Town of Grand Island, Erie County, New York,

on **MONDAY, AUGUST 17, 2020 AT 8:00 P.M.**

in the Town Hall, 2255 Baseline Road to consider an application by

**Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road,
Grand Island, New York 14072**

for authorization by the Town Board for a Permit for Special Use

Keeping of up to 1 Agricultural Animal and 8 Chickens

by the Town of Grand Island Building Zone Ordinance, on premises in an

R-1D zoning district located at:

2332 Stony Point Road, Grand Island, NY 14072

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

By Order of the Town Board of the Town of Grand Island

**Patricia A. Frentzel
Town Clerk**

Publish & Post: August 7, 2020

LEGAL NOTICE

**APPLICATION FOR SPECIAL USE PERMIT
UNDER CHAPTER 407-115 OF THE TOWN CODE**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the
Town Board of the Town of Grand Island, Erie County, New York,

on **MONDAY, AUGUST 17, 2020 AT 8:00 P.M.**

in the Town Hall, 2255 Baseline Road to consider an application by

Michelle Fiels, 2249 Bush Road,
Grand Island, New York 14072

for authorization by the Town Board for a Permit for Special Use

Home Occupation – Dog Training Facility

by the Town of Grand Island Building Zone Ordinance, on premises in an

R-1A zoning district located at:

2249 Bush Road, Grand Island, NY 14072

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

By Order of the Town Board of the Town of Grand Island

Patricia A. Frentzel
Town Clerk

Publish & Post: August 7, 2020



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

FOR TOWN BOARD AGENDA: AUGUST 17, 2020

MEMO

TO: Town Board

FROM: Planning Board

DATE: August 12, 2020

RE: MICHELLE FIELS – 2249 BUSH ROAD
SPECIAL USE PERMIT – HOME OCCUPATION – DOG TRAINING FACILITY

RECEIVED
2020 AUG 13 AM 10:09
TOWN OF GRAND ISLAND

Christopher Fiels appeared at the August 10th Planning Board Meeting, via Zoom, requesting a Special Use Permit for a home occupation for a dog training facility, at 2249 Bush Rd.

He stated that he brings some dogs home to walk them because it is too dangerous to walk dogs on Grand Island Blvd., especially in the Winter. He will walk no more than two dogs at a time down Bush Rd. to the West River Parkway path. He resides on the property.

The dogs are fully leashed, or in a crate. They are always supervised. For training there is a maximum of three dogs. He personally has two dogs of his own. There is a barn on the property, but he does not board dogs.

He does not do training for law enforcement. He has occasionally helped with canines locally.

When questioned, he stated that the dogs would not be kept outside. They would be inside the out building, not in his house. The building has a special room for crates. The building is heated and is fully insulated.

Mr. Greco expressed concerns with dogs barking and disturbing neighbors. He is opposed to training dogs outside. Mr. Fiels stated that if the dogs do what he is asking, there should be no barking.

At the present time, Mr. Fiels' plans for the property on Grand Island Blvd. are on hold.

It was moved by Starzynski – Worrall to recommend that the Special Use Permit for a Home Occupation for a dog training facility at 2249 Bush Rd. be **GRANTED** contingent on the following:

- There is to be no overnight boarding.
- Maximum of three dogs on site for training. This does not include Mr. Fiels' two personal dogs.
- Owner has the necessary liability insurance included in the homeowners' insurance.

Roll Call: Ayes – Starzynski, Worrall, Bruno, Duchscherer, Lare, Stessing
Noes – Greco
Carried

David Bruno
Chairman

/ae

Town of Grand Island - Workshop Meeting #32

**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 6:00p.m. on the 3rd of August, 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
	Charles Malcomb	Town Attorney
Also Present:	Richard Crawford	Highway Superintendent
	Judy Tafelski	Assessor
Via ZOOM:	TC Buffalo Representatives – Kimberly Nason, James Murray-Coleman, Amy Drake, Andy Ernesto, Milan Tyler, Michael Ndolo	
	Jennifer Menter	Golden Age Center – Supervisor

*The Workshop was conducted in the Courtroom, via ZOOM and streamed live on the Town's website – www.grandislandny.us. The Public was not allowed to attend the meeting, due to the COVID-19 Coronavirus State of Emergency Order.

Supervisor John C. Whitney called the meeting to order at 6:04p.m.

NEW ITEMS:

General Discussion:

Agenda Review:

Special Use Permit Renewal – Grand Island Development, LLC – 1611 Whitehaven Road – Solar Array Project
Southpointe PDD – Revised Development Concept Plan – Will Remain Tabled

TC Buffalo – Project Olive – Amazon – 2780 Long Road – Incentive Zoning – Update on Project

Kimberly Nason, James Murray-Coleman, Amy Drake, Andy Ernesto, Milan Tyler, Michael Ndolo provided comments regarding an Additional Supplement that will be submitted to the Town with responses to public comments, traffic, modifications to the project, etc. Consultants have been hired by the town and applicant has been meeting with Town advisory boards. The subdivision application for the 62-acre adjacent west parcel has been withdrawn, TC Buffalo will purchase the property with deed restrictions or a conservation easement to permanently restrict any development and serve as buffer. There are 90 acres open space already on proposed project site. Solar panels will be installed on rooftop; a clean renewable source. Multi-moto trail accessible to public is proposed as well as upgrades to Long Road were discussed. Economic benefits – the economic analysis was revised , job creation, \$51 million dollars in direct revenue

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Town of Grand Island - Workshop Meeting #32

over 15 year (PILOT program) to county, school, town. \$3.1 billion indirect revenue to local economy. Incentive Zoning – \$10 million to town to fund goals of Town's Comprehensive Plan – Community Center, infrastructure improvements, expansion of bike trail and connection to project's multi-moto trail.

Clarification of facts of project – truck traffic is proposed to be 242 trucks in/242 trucks out. This will be a sorting facility, not shipping center to end user.

Taxes will be paid by the project; site is zoned for this use. 30 acres of impact of site.

TC Buffalo representatives left the ZOOM meeting at 6:35p.m.

Veterans Park Shelter #2

A motion was made by Councilman Marston, seconded by Councilman Digati to authorize the Town Engineer to redistribute the bid package for the Veterans Park Shelter #2.

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

Gazebo Completion - Bid Package

The Town is preparing to have a plan to complete the Gazebo if the students from the school district cannot complete the project in the fall. The wood building supplies are in storage. The Town would like to ask that the Town Engineer assemble a bid package for the Gazebo construction in the instance that the school district will not allow for students to build it.

A motion was made by Councilman Marston, seconded by Councilwoman Baney to authorize the Town Engineer assemble a bid package for the Gazebo construction.

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

WIFI – Cost Estimates – Library

A motion was made by Councilwoman Baney, seconded by Councilman Digati to refer the WIFI estimates for purchase and installation of equipment at the Library and all the associated materials to the Technology Advisory Board for review and recommendation.

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

Regional Traffic Meeting

A Town Workshop/Regional Traffic Meeting with Erie County, NYSDOT, Thruway Authority, Southpointe, Amazon developers and elected officials to discuss the present and future needs of our community's network of roads will be August 19, 2020 at 9:30a.m. With increases in both residential and commercial construction, the focus will be on current conditions and projections for the future from the north bridge to south bridge.

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Town of Grand Island - Workshop Meeting #32

Jeff Green, Chairman of Conservation Advisory Board joined the meeting via ZOOM at 6:51p.m.

General Discussion:

Conservation Advisory Board Motions Regarding Amazon Project

- **Recommend Town Board Declare Positive Declaration of SEQRA**
- **Reject Amazon Building Height Variance**

Jeff Green, Chairman of Conservation Advisory Board left the meeting via ZOOM at 7:14p.m.

Project Olive/Amazon – Review Professional Services Quote – Environmental Issues

A motion was made by Councilman Madigan, seconded by Councilman Digati to authorize the Town Attorney to contact Wendel to revise scope of work for professional services to review specific Conservation Advisory Board concerns identified as environmental issues and environmental gaps of the Project Olive/Amazon.

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

Project Olive/Amazon – Seek Professional Services Quote – Economic Consultant

A motion was made by Councilman Marston, seconded by Councilwoman Baney to seek an Economic Consultant to Peer Review all submissions of TC Buffalo for Project Olive/Amazon. The Economic Development Advisory Board may assist in recommendations.

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

Safety Plan for Reopening – Golden Age Center

Jennifer Menter addressed the Town Board with a phased plan to open the Golden Age Center. Virtual Recreation Programs have been conducted since June successfully. Transportation, construction project, lunch program, indoor/outdoor programs, Community Center programs to roll in weekly as outlined. Deep cleaning, PPE, maintenance, staffing, hours, public access, and controls will all be according to the CDC guidelines.

A motion was made by Councilman Digati, seconded by Councilman Marston to allow all re-opening phases, including the transportation program proposed by the Recreation Supervisor Jennifer Menter at the Golden Age Center to move forward through August 17, 2020, subject to Town Attorney approval.

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

Adult Softball Programs

A motion was made by Councilman Digati, seconded by Councilman Madigan to inform Recreation Supervisor Joseph Menter that effective immediately, no adult softball leagues will be allowed to use the Kaegebein # 3 field on Sundays and to the extent possible, all adult men's softball games are to be moved off that field indefinitely.

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

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Town of Grand Island - Workshop Meeting #32

EXECUTIVE SESSION:

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to enter into Executive Session at 7:31p.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

Town Assessor Judy Tafelski was present in Executive Session.

Town Assessor Judy Tafelski left Executive Session at 7:42p.m.

ADJOURN:

A motion was made by Councilman Digati, seconded by Councilwoman Baney to return to the Regular Workshop and adjourn at 8:01p.m.

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

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk

Town of Grand Island – Regular Meeting #14

**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 3rd of August, 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
	Charles W. Malcomb	Town Attorney

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

Councilwoman Jennifer L. Baney gave the Invocation.

Councilman Michael H. Madigan led the Pledge of Allegiance.

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

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

PROCLAMATION:

National Airborne Day – August 16, 2020

PUBLIC COMMENTS:

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

Speakers:

*Via ZOOM – Cheryl Chamberlain, Katherine Hastings, Cathy Rayhill, Dave Reilly, Mike Rayhill, Nicole Gerber, Brooks Rimes, Maureen Phillips, Thomas Igiel, Fred Rinard, Steve Schnepf, Patrick Davis, Betty Lou Tranter, Michael W. Rayhill, Tricia Palmeri, James Sniadecki, Roger Cook, Marybeth Sheehan, Sean Christian Rustowicz, James Mazza, James Daigler

MINUTES

A motion was made by Councilman Digati, seconded by Councilman Madigan to approve Minutes of Workshop Meeting #31, July 20, 2020 and Minutes of Regular Meeting #13, July 20, 2020.

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

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Town of Grand Island – Regular Meeting #14

CONSENT AGENDA:

1. Meeting Minutes – Technology Advisory Board – June 18, 2020
2. Meeting Minutes – Board of Architectural Review – June 16, 2020
3. Meeting Minutes – Conservation Advisory Board – June 25, 2020

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

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

COMMUNICATIONS – TOWN BOARD:

SUPERVISOR JOHN C. WHITNEY:

Project Olive – Set a Public Hearing:

- A. Grand Island Commerce Center/Project Olive/R-1A Land, Preliminary Plat – 2 Lot Proposal
- B. Application for Planned Development District – Project Olive – Local Law Intro #10 of 2020 – Rezoning SBL #23.00-1-50, 2780 Long Road and SBL #23.00-1-26.1, Bedell Road – M-1 to PDD, including the development plan and incentive zoning application.

A motion was made by Councilman Madigan, seconded by Councilman Digati adopting the Resolution Setting Town Board Special Meeting and Continuation of Public Hearing for Project Olive – TC Buffalo Development Associates, LLC – Project Olive for August 13, 2020 at 7:00 PM:

WHEREAS, TC Buffalo Development Associates, LLC (the “Applicant”) has submitted an application for a development of approximately 145.4 acres of land located at 2780 Long Road for use as an e-commerce storage and distribution facility for consumer products, commonly known as Project Olive (the “Application”); and

WHEREAS, the Town Board held a public hearing on the Application on June 11, 2020, held the public hearing open, and has been continuing to accept written comments; and

WHEREAS, continuation of the public hearing on the Application is necessary and appropriate;

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

1. Continuation of the public hearing for the Application, and all approvals requested related thereto including Local Law Intro No. 10 of 2020, shall be held at a special meeting of the Town Board on August 13, 2020 at 7:00 PM.

2. The public hearing shall be held as set forth in the below notice, which has been published as required by applicable law:

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Town of Grand Island – Regular Meeting #14

NOTICE OF TOWN BOARD SPECIAL MEETING AND TC BUFFALO DEVELOPMENT ASSOCIATES, LLC - PROJECT OLIVE PUBLIC HEARING – AUGUST 13, 2020 AT 7:00 PM

PLEASE TAKE NOTICE that the Town Board of the Town of Grand Island will hold a special meeting on August 13, 2020 at 7:00 PM for the purpose of continuing the public hearing on the application of TC Buffalo Development Associates, LLC for a development of approximately 145.4 acres of land located at 2780 Long Road for use as an e-commerce storage and distribution facility for consumer products, commonly known as Project Olive.

The continuation of the public hearing will be conducted with both an in-person component at the Town Hall, 2255 Baseline Road, Grand Island, NY 14072, and a virtual component. The in-person component will require compliance with all Department of Health guidelines regarding capacity restrictions and social distancing requirements. Masks must be worn by all members of the public at all times during the public hearing. At the Town Hall, persons wishing to speak will be admitted up to allowable capacity limitations. Members of the public may be required to wait outside of the Town Hall until other speakers have concluded and have exited the building. Audio of the public hearing for those waiting outside of the Town Hall will be broadcast on speakers. Additionally, there will be a virtual component of the public hearing via ZOOM with a telephone dial-in number, as permitted by Executive Order 202.1 and Executive Order 202.15, as extended.

The ZOOM public meeting at which the public hearing will be conducted will be accessible either with a computer, smartphone, or tablet with internet connection. Alternatively, the meeting may be joined by telephone. The Town Board has been accepting written public comments on the below matters by e-mail at publiccomments@grand-island.ny.us, by fax at 716-773-9618, and by U.S. mail to the Town Clerk at 2255 Baseline Road, Grand Island, NY 14072. Written public comments shall continue to be accepted until 4:00 PM on August 14, 2020. The Town Board asks residents who wish to speak to please let us know in advance by e-mail to publiccomments@grand-island.ny.us or by fax at 716-773-9618, or U.S. mail to the Town Clerk at 2255 Baseline Road, Grand Island, NY 14072. Registration is highly encouraged but spoken comments will be accepted at the meeting even in the absence of such registration.

The public hearing will include all aspects of the Project Olive application and all approvals requested, including, but not limited to, the proposed local law changing the zoning designation for the property (Local Law Intro No. 10 of 2020), the incentive zoning application, the proposed development plan, and environmental or other impacts.

Pursuant to Town Code §407-20 and §407-120(C)(2), a supplemental application for incentive zoning has been submitted. In accordance with Town Law § 261-b(h) and Code § 407-20(B), TC Buffalo proposes a payment to the Town of \$10 million, to be deposited into a trust fund for specific community benefits authorized by the Town

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Town of Grand Island – Regular Meeting #14

Board. TC Buffalo proposes that a portion of the payment be used for various infrastructure improvements desired by the Town relative to the Project, such as road and water utility improvements, and that the remainder be used to fund various community benefits, including funding towards the construction of a community center and for improvements to the Grand Island Bike Trail (including connection to the multimodal path currently proposed at the Site).

Pursuant to Town Code §407-20(C) and §407-120(C)(2), the zoning incentives requested, as provided in more detail in application materials available on the Town and applicant's websites, include the below.

- Minimum Lot Frontage
 - Required: 150 feet
 - Proposed: 120 feet (existing lot frontage)
 - Percent Deviation: 20%
- Minimum Lot Width
 - Required: 150 feet
 - Proposed: 120 feet (existing lot width)
 - Percent Deviation: 20%
- Maximum Building Height (in stories)
 - Required: maximum of 4 stories
 - Proposed: 5 stories
 - Percent Deviation: 25%
- Maximum Building height
 - Required: maximum of 45'
 - Proposed: 87.31'
 - Percent Deviation: 94%
- Off-street Parking Requirements
 - Required: 4,043 spaces, plus one space per employee
 - Proposed: 1,855 spaces
 - Percent Deviation: 54%
- Lighting Requirements
 - Required: Maximum height of 20'
 - Proposed: 25' on building, 40' on poles
 - Percent Deviation: 25%/100%
- Watercourses
 - Required: Cannot alter the course of a natural watercourse without Town Board approval.
 - Proposed: Relocation of feeder creek.
- Side Yard Setback
 - Required: 50' minimum setback when adjacent to Residential Zoned Lots
 - Proposed: 11' to sound wall
 - Percent Deviation: 78%
- Front Yard Setback
 - Required: 65 foot minimum front yard setback
 - Proposed: 42' to sound wall
 - Percent Deviation: 35%

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Town of Grand Island – Regular Meeting #14

Copies of the application materials are available on the Town's website:

<http://www.grandislandny.us/> and on the website provided by the applicant, www.tcbuffalograndisland.com. In accordance with Executive Order 202.1, the meeting will be recorded and transcribed. The recording will be available on the Town's YouTube channel. Residents who do not wish to speak at the public hearing, but wish to watch the proceedings, may do so on the Town's YouTube channel, accessible by link on the Town's website.

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

Island Landings Subdivision – Phase II – Affidavit Documenting Corrections

A motion was made by Councilman Marston, seconded by Councilman Digati to authorize the Supervisor to sign the Affidavit Documenting Corrections for Island Landings Subdivision – Phase II.

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

COUNCILWOMAN JENNIFER L. BANEY:

Traffic Safety Advisory Board – Project Olive

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to receive and file the correspondence from the Traffic Safety Advisory Board regarding Project Olive.

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

Traffic Safety Advisory Board – Southpointe Planned Development

A motion was made by Councilwoman Baney, seconded by Councilman Digati to receive and file the correspondence from the Traffic Safety Advisory Board regarding the Southpointe Planned Development.

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

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN ATTORNEY – PETER GODFREY:

Authorization Filing Counterclaims Regarding Violations of Zoning Law and Consent Order and Judgment

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to adopt the Resolution Authorizing Filing Counterclaims Regarding Violations of Zoning Law and Consent Order and Judgment:

WHEREAS, Anne Fahning ("Fahning") has commenced a lawsuit in Erie County Supreme Court against the Town of Grand Island (the "Town") and the Town Board under Index No. 802142/2020 seeking, among other things, an order setting aside

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Town of Grand Island – Regular Meeting #14

as null the Town Board's denial of Fahning's application for a Special Use Permit to operate a short-term rental (the "Action"); and

WHEREAS, Fahning is a resident of the Town, residing at 2186 East River Road, and is the owner of 2012 East River Road (the "Property"); and

WHEREAS, the Town Zoning Law prohibits any short-term rentals in the Town; and

WHEREAS, Fahning and the Town were involved in prior litigation in *Fahning et al. v. Town of Grand Island et al.*, Index No. 801542/2017 (the "2017 Litigation"); and

WHEREAS, the 2017 Litigation was resolved by a Consent Order and Judgment granted on October 16, 2017 (the "Consent Order"), which extended Fahning's ability to use the Property as a short-term rental until April 15, 2019, after which date she would be "prohibited from utilizing the Property for short-term rentals, as defined in the Town of Grand Island Code, as amended by the Local Law."

WHEREAS, Fahning continued to operate the Property as a short-term rental after that date, and continues to try to do so now, and therefore has violated the Zoning Law; and

WHEREAS, the Town authorizes the filing and prosecution of counterclaims against Fahning in the Action to abate and enjoin violations of the Zoning Law and Consent Order and Judgment.

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

1. Filing and prosecution of counterclaims in the Action on behalf of the Town to abate and enjoin Fahning's violations of the Zoning Law and Consent Order is hereby approved and authorized.

This Resolution shall be effective immediately upon its adoption.

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

Acceptance of Drainage Easement and Land Swap – Industrial Drive

A. Adoption of a Resolution, (subject to permissive referendum), Accepting the Drainage Easement, Authorize the Supervisor to sign Drainage Easement, Conveyance Agreement, and related documents

A motion was made by Councilman Marston, seconded by Councilman Digati to adopt the following Resolution:

Monday, August 3, 2020 - 6

Town of Grand Island – Regular Meeting #14

WHEREAS, GSPP Grand Island B Land, LLC (“GSPP Land”) owns real property having an address of 126 Industrial Drive, Grand Island, New York, comprising approximately 8.731 acres, and known as Section, Block and Lot No. 23.00-1-17.111 (the “GSPP Land Parcel”), on which an affiliate operates a solar array under a certain special use permit issued by the Town Board of the Town of Grand Island (the “Town”) originally on June 19, 2017 (expired) and renewed on April 15, 2019 (the “Special Use Permit”) following its acceptance of that certain site plan application originally on December 18, 2017 (expired) and renewed on April 15, 2019 (the “Site Plan”);

WHEREAS, in connection with the approval of the Site Plan and the issuance of the Special Use Permit, the planning board of the Town requested that a portion of the GSPP Land Parcel be dedicated to the Town for the purpose of enabling the safe and efficient turnaround of vehicles at the termination of Industrial Drive (the “Dedication Area”);

WHEREAS, in connection with the conveyance of the Dedication Area, the Town has determined that it is in the best interest of the Town to convey certain real property owned by the Town to GSPP Land for the purpose of drainage associated with the construction and operation of the solar array contemplated by the approved Site Plan (the “Conveyance Area”);

WHEREAS, the total square footage of the Dedication Area and the Conveyed Area are generally speaking equivalent and each area of real property are of equal value;

WHEREAS, in addition to the conveyance of the Dedication Area to the Town, GSPP Land has further agreed to grant the Town a drainage easement over certain areas of the GSPP Land Parcel (the “Drainage Easement”) and to pave a driveway on a portion of the Dedication Area;

WHEREAS, GSPP Land has agreed, at its sole cost and expense, to construct a paved roadway and turnaround as part of the dedication to the Town;

WHEREAS, the terms and conditions of the above-described transaction are memorialized in the attached Conveyance Agreement;

WHEREAS, the Town of Grand Island Town Board, as SEQRA lead agency, has conducted a full review of potentially adverse environmental impacts from the action pursuant to the State Environmental Quality Review Act (“SEQRA”) and duly issued a Negative Declaration pursuant thereto; and

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

1. The Town hereby accepts the Dedication Area in substantially the location described in Exhibit A attached hereto.
2. The Town declares the Conveyance Area to be surplus property.

Monday, August 3, 2020 - 7

Town of Grand Island – Regular Meeting #14

3. The Town hereby approves conveyance of the Conveyance Area in substantially the location described in Exhibit B attached hereto.
4. The Town hereby accepts the Drainage Easement in substantially the form attached hereto as Exhibit C, with such nonmaterial amendments, additions or alterations as may be determined appropriate by the Town's legal counsel.
5. The Town approves of this transaction subject to the construction of the paved roadway and turnaround, as memorialized in the attached Conveyance Agreement.
6. The Town hereby approves and incorporates by reference the attached Conveyance Agreement and authorizes the Town Supervisor to execute the same and all related documents and to take all steps necessary to effectuate the transaction described herein.
7. The Town directs the publication of the notice for a permissive referendum, as may be required.
8. This resolution shall take effect immediately.

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

DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT H. WESTFALL: **NYSDOT Grand Island Blvd. Accessibility Project – PIN 5762.27 – Authorize Change** **Order No. 1**

Change Order No. 1 covers two significant field changes:

Field change no. 1 is the ditch from Sta 21+00 to 27+00 RT is required to be piped creating closed drainage system instead of re-grading the ditch to create positive drainage as per plan. The drainage cannot be completed per plan because there is a shallow existing water main in this area.

Field change no. 2 is to pipe the ditch adjacent to 1976 Grand Island Blvd. at Sta 15+00LT to improve vehicular and pedestrian safety throughout the area. Removing the deep ditch will eliminate the steep drop off and need to install a railing.

The total of Change Order No. 1 is an increase of \$66,251.25 to Nova Site Company's contract and will be included in supplemental #3 to the grant agreement.

A motion was made by Councilman Digati, seconded by Councilwoman Baney to accept the recommendation of the Town Engineer and approve Change Order No. 1 for the NYSDOT Grand Island Blvd. Accessibility Project – PIN 5762.27 in the amount of \$66,251.25 to Nova Site Company's awarded contract amount.

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

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Town of Grand Island – Regular Meeting #14

TOWN ACCOUNTANT – PAMELA BARTON:

Employee Vacation Proposal

Proposed:

- All employees be allowed to sell back up to eighty (80) hours of vacation, provided at least eight (80) hours are used. (CSEA)
- All employees be eligible for vacation sellback when at the 120-hour accrual level. (Teamster and AFSCME)
- All employees be eligible to carryover up to eighty (80) hours into 2021. (all units and non-union)

A motion was made by Councilman Digati, seconded by Councilman Madigan to approve the employee vacation proposal regarding vacation sellback and carryover rules due to the COVID-19 pandemic and to authorize the Supervisor to draft and sign any MOU's when necessary with the Bargaining Units as necessary to memorialize this one-time event for the employees of the Town of Grand Island.

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

Budget Amendment – Golden Age Center

A motion was made by Councilman Marston, seconded by Councilman Madigan to approve the following budget amendment/transfer for 2020:

Decrease Cash – Trust & Agency Funds	005.0005.0200	Credit \$115
Decrease Liability – MOW Donations	005.0005.0086	Debit \$115

Increase Cash – General Fund	001.0001.0200	Debit \$115
Increase Liability – MOW Donations	001.0001.0604	Credit \$115

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

CODE ENFORCEMENT OFFICE:

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

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

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

Special Use Permit Renewal – Arlene Clark, 3059 Second Avenue – Home Occupation/Barber Shop

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to renew the Special Use Permit for Arlene Clark, 3059 Second Avenue – Home Occupation/Barber Shop. The site has been inspected and it is unchanged.

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

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Town of Grand Island – Regular Meeting #14

Special Use Permit Renewal – Northpoint Vantage, 2420 Love Road – Home Occupation, Embroidery, Silk Screening, Fabric & Sports Apparel

A motion was made by Councilwoman Baney, seconded by Councilman Marston to renew the Special Use Permit for Northpoint Vantage, 2420 Love Road – Home Occupation, Embroidery, Silk Screening, Fabric & Sports Apparel. The site has been inspected and it is unchanged.

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

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

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

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

Tower Permit Renewal – Upstate Cellular Network (Verizon) – 1639 West River Road

A motion was made by Councilwoman Baney, seconded by Councilman Digati to renew the Tower Permit for Upstate Cellular Network (Verizon) – 1639 West River Road. The site has been inspected and it is unchanged.

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

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

A motion was made by Councilman Madigan, seconded by Councilman Digati to table the Special Use Permit Renewal – Grand Island Development, LLC – 1611 Whitehaven Road – Solar Array Project.

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

Special Use Permit Renewal – Gail Villani, 5302 East River Road – Keeping up to 1 Agricultural Animal

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to renew the Special Use Permit for Gail Villani, 5302 East River Road – Keeping up to 1 Agricultural Animal. The site has been inspected and it is unchanged.

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

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

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

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

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Town of Grand Island – Regular Meeting #14

Resignation – Code Enforcement Officer

A motion was made by Councilman Marston, seconded by Councilwoman Baney to accept the demarcation letter from CEO Ronald Milks for William Shaw noting his last day of employment was July 6, 2020 as a Code Enforcement Officer. A certificate of appreciation will be sent to Mr. Shaw.

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

TOWN ASSESSOR – JUDY M. TAFELSKI:

Request to Split off 127.50' x 250.00' Lot from SBL #37.03-3-37.111

A motion was made by Councilman Madigan, seconded by Councilman Marston to accept the recommendation of the Town Assessor and approve the request to split off 127.50' x 250.00' lot from SBL #37.03-3-37.111, creating a building lot, subject to the payment of applicable Recreation Fees.

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 #131922 - #132056

General	\$53532.00
Highway	\$18121.97
Sewer	\$21633.49
Water	\$4943.58
Trust & Agency	\$150.56
Capital	<u>\$156263.99</u>
Total	\$254645.68

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

UNFINISHED BUSINESS:

Special Use Permit Application – Karen Panzarella, 2894 East River Road – Bed & Breakfast

Remains Tabled.

Southpointe PDD – Development Concept Plan – Revised

Remains Tabled.

SUSPEND THE RULES:

A motion was made by Councilwoman Baney, seconded by Councilman Marston to Suspend the Rules to consider a permanent appointment of Recreation Supervisor - Senior Citizens.

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

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Town of Grand Island – Regular Meeting #14

Permanent Appointment – Recreation Supervisor – Senior Citizens

A motion was made by Councilman Marston, seconded by Councilman Madigan to move Jennifer Menter from the provisional appointment to a permanent appointment in the position of Recreation Supervisor – Senior Citizens. There is no change to either Salary Grade or Step required.

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

SUSPEND THE RULES:

A motion was made by Councilman Marston, seconded by Councilman Digati to Suspend the Rules to consider a position change.

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

Appointment – Real Property Appraiser

A motion was made by Councilman Marston, seconded by Councilman Digati to promote Jacqueline McGinty to Real Property Appraiser, Grade 8, \$28.16/hr., effective August 4, 2020.

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:

* Via ZOOM – Mike Rayhill, Carolyn Meaney

FROM THE BOARD:

- Meals on Wheels
- Communication
- Amazon Project
- Social Media

MEMORIAL ADJOURNMENT:

A motion was made by Councilman Digati, seconded by Councilman Madigan to adjourn the meeting at 10:13p.m.

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

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

Gertrude "Trudy" Walbert
William T. "Bill" McKibben
Bryce David Shipman

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk

Monday, August 3, 2020 - 12

****TOWN OF GRAND ISLAND**
ZONING BOARD OF APPEALS**

**MINUTES
July 2, 2020**

MEMBERS PRESENT: Chairman Marion Fabiano, Bob Mesmer, John Braddell, Betty Harris, and alternate, Dan Drexell

MEMBERS ABSENT: Tim Phillips

OTHERS PRESENT: Ron Milks, Code Enforcement Officer
Rhonda Tollner, Zoning Clerk
Jennifer Baney, tech support

RECEIVED
TOWN OF GRAND ISLAND
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7 PM 2:54

*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 Zoning Board of Appeals of Grand Island will be held electronically via the Town's website link/You Tube Channel instead of a public meeting open for the public to attend in person. Members of the public may view the Town Board's meetings by connecting to the You Tube Channel via the Town's website: www.grandislandny.us. or be heard by connecting via the zoom link provided on the Town's website.

Chairperson, Marion Fabiano opened the meeting at 7:00 p.m. and introduced the members of the Zoning Board of Appeals and explained the process.

NEW BUSINESS:

1) 1060 Ransom Road – Kim and Rob Domagala

The property is zoned R1D and is a corner lot. The Applicant is requesting to install a 6 ft. high fence near the property line along Bishops Gate Road. Section 407-19A(2) states all structures shall be no closer to the right of way than the minimum front yard setback of the adjacent lot. The setback on Bishops Gate is 35 ft. The location of the fence would encroach 2 ft. into the setback making a 33 ft. front yard setback from Bishops Gate necessary, also Zoning Code 407-155D, sets the maximum height of an accessory structure in the setback at 3 ft. high. the proposed fence is 6 ft. in height making a 3 ft. height variance necessary.

Appearing via phone was Mr. Rob Domagala. He explained to the Board that because his lot is between two busy streets, he would like the fence for privacy and safety of his grandchildren. The fence would be located inside a row of hedges along Bishops Gate that have been there forever. He would remove the old hedges for a nicer, cleaner look from the street.

A **motion** was made by Mesmer / Harris to close the public hearing. All in favor.

A **motion** was made by Mesmer / Braddell to **GRANT** the request for a 33 ft. front yard setback variance from Bishops Gate for a fence on a corner lot at 1060 Ransom Road.

A **motion** was made by Mesmer / Braddell to **GRANT** a 3 ft. height variance for a fence on a corner lot at 1060 Ransom Road.

Roll Call:

Ayes: Fabiano, Harris, Braddell, Mesmer, Drexelius

Noes: None

Carried

Rationale:

1. This action was taken because the granted variance should help with privacy and safety of the children
2. This action was taken because the variance request will not produce an undesirable change in the character of the neighborhood

2) 2308 Sixth Street – John Yensan

This property is zoned R1A. The Applicant requesting to construct a new 30' x 40' x 20.25' (800 sq. ft.) agricultural building. Town Code section 407-142E sets the maximum height for an accessory structure at 18 ft. making a 2.25 ft. height variance necessary.

Appearing before the Board via zoom was Mr. John Yensan. Mr. Yensan described his building as an agricultural building to store tractors and farm equipment. Chairman Fabiano asked Mr. Yensan if the building would look like a garage and he replied yes to match his current home and garage. Chairman Fabiano asked again if this was an agricultural building, and Mr. Yensan replied yes.

Speaker, Code Enforcement Officer, Ron Milks made a statement to the Board members. Because of the size of the structure, concrete floors and the fact that Mr. Yensan is not in the Ag District, the Building Department considers this building to be a garage, making a garage space variance as well as a height variance necessary. The Board members agreed. Chairman Fabiano asked Mr. Yensan if he was prepared to request both variances and

Mr. Yensan replied yes. He currently has about 1340 sq. ft. and would like to request a variance for 1440 sq. ft. for the garage.

A **motion** was made by Braddell / Harris to close the public hearing. All in favor.

A **motion** was made by Drexelius / Mesmer to **GRANT** the request for a 2.5 ft. height variance to construct a 30' x 40' x 22.5' agricultural building at 2308 Sixth Street. No commercial use.

A **motion** was made by Drexelius / Mesmer to **GRANT** the request for a 1440 sq. ft garage space variance for the construction of a 30' x 40' x 20.5' detached garage at 2308 Sixth Street.

Roll Call:

Ayes: Braddell, Mesmer, Drexelius, Harris, Fabiano

Noes: None

Carried

Rationale:

1. This action was taken because the Board recognizes the need for storage
2. This action was taken because the proposed variance would not create a detriment to nearby properties

3) 11 River Oaks Drive – Paul Tupis

This property is zoned R1C. The Applicant is requesting to construct a 36' x 36' x 22' detached garage. Zoning Code 407-23 allows 1200 sq. ft. of garage space. The applicant currently has 662 sq. ft of garage space. The proposed building will be 1296 sq. ft totaling 1958 sq. ft. making a 758 sq. ft. garage space variance necessary. Zoning Code 407-31 sets the maximum height of and accessory structure at 18 ft. making a 4 ft. height variance necessary. The applicant will meet all other setbacks.

Appearing via Zoom was Mr. Paul Tupis. He was requesting the garage space to store his boat and trailer along with some yard equipment. He said the previous homeowner had a parking pad on the East River side of the lot where he stored his boat, and he would prefer to have the garage storage. Board member Braddell asked Mr. Tupis where this building would be in accordance to the adjacent home on East River. Mr. Tupis replied the garage would be a few feet forward towards East River than the adjacent home on East River because he didn't want to remove the large trees on his property and he still meets the front yard setback. Mr. Braddell stated he was concerned how it would look if traveling on East River Road. Mr. Tupis replied he plans for the building to look like his home and fit the neighborhood.

A **motion** was made by Harris / Drexelius to close the public hearing. All in favor.

A **motion** was made by Drexelius / Braddell to **GRANT** a 758 sq. ft. area variance to construct a 36' x 36' detached garage at 11 River Oaks Drive.

A **motion** was made by Drexelius / Harris to **GRANT** a 4 ft. height variance for the height of a detached garage at 11 River Oaks Drive.

Roll Call:

Ayes: Harris, Fabiano, Mesmer, Braddell, Drexelius

Noes: None

Carried

Rationale:

1. This action was taken because the requested variance conforms to the neighborhood and would be aesthetically better than a parking pad
2. This action was taken because the Board recognizes the need for storage

4) 1897 West River Pkwy – Richard and Bonnie Fitzgerald

This property is zoned R1A. The Applicants are requesting to construct a second 30' x 40' detached garage. The applicant currently has a 308 sq. ft. attached garage and a 572 sq. ft. detached garage. The proposed building will be 1200 sq. ft. making a total of 2080 sq. ft. Zoning Code 407-23A allows 1200 sq. ft. of garage making a 880 sq. ft. garage space variance required.

Appearing via zoom was Richard and Bonnie Fitzgerald. They stated they were requesting to build a second garage behind their current garage and it would look similar to the current garage. Chairman Fabiano asked Mrs. Fitzgerald if they had a current survey showing the porch, garage and current shed locations and Mrs. Fitzgerald stated that the architect provided a plot sketch of their lot. Chairman Fabiano said that they had noticed that the old survey did not match the architectural drawing that was provided and our garage space square footage calculation also didn't match. The Board had questions at to the current driveway, distance from property lines and the exact location of the current garage. After brief discussion it was decided that the Fitzgerald should provide a current as is survey before rendering a decision.

The public hearing will remain open.

A **motion** was made by Mesmer / Harris to **TABLE** the request for a 880 sq. ft. area variance to construct a 30' x 40' detached garage at 1897 West River Pkwy.

Roll Call:

Ayes: Mesmer, Drexelius, Harris, Fabiano, Braddell

Noes: None

Carried

5) 4924 East River Road – Paul Harper

This property is zoned R1B. The Applicant is requesting to Split the river side portion of 4924 East River Rd. off of the main parcel (the main parcel does have a SFD on it). In doing so, the remaining portion of the main lot at 4924 would be left with 80 ft. of frontage. §407-5C. states no lot area shall be reduced, altered or subdivided as to create a nonconforming lot. Thus, the need for a variance to make the main parcel conforming. Schedule I requires a 120 ft. of frontage making a 40 ft. lot frontage variance for the mainland parcel necessary. Part II of this project is to merge the newly created waterfront parcel with an adjacent parcel to create a new waterfront parcel. This new parcel would be 289 ft. frontage by 235 ft. depth (also non-conforming) . Zoning Code schedule I requires a RB1 depth to be 250 ft. making a 56 ft. yard depth variance required. The granting of these variances in no way renders these parcels as merged or as a legal building lot unless all other required permits and approvals are obtained.

Appearing before the Board via zoom was Paul Harper. Mr. Harper stated his family owns all the properties involved in this variance request. He would like to separate the waterfront portion from 4924 East River and attach it to the stand alone parcel adjacent to it to make a lot more suitable for building a home on the waterfront. Chairman Fabiano read section 407-5.C of the zoning Code. She stated that the variance request was very substantial and self created. This request would create two non-conforming lots which the ZBA is not a custom to doing.

A **motion** was made by Mesmer / Drexelius to close the public hearing. All in favor.

A **motion** was made by Mesmer / Drexelius to **DENY** a 40 ft. frontage variance for less than the required frontage of the original / main parcel after the split of the waterfront portion at 4924 East River Road.

A **motion** was made by Mesmer / Drexelius to **DENY** the request for a 56 ft. yard depth variance for the parcel split of 4924 East River Road.

Roll Call:

Ayes: Fabiano, Harris, Braddell, Drexelius, Mesmer

Noes: None

Carried

Rationale:

1. This action was taken because the variance request was quite substantial and self-created
2. This action was taken because the benefit sought by the applicant can be achieved by some method other than a variance

6) 2871 Whitehaven Road – Diane Luther

This property is zoned R1A. The applicant is requesting to shift their property line by 14 ft. and merge it to the adjacent parcel. The applicants parcel has 154 ft. of frontage x 320 ft. which is less than the 3 acres required by Schedule I, making this parcel legal non-conforming. Zoning Code 407-17H. states if the yard was already less than the minimum yard requirement for equivalent new construction, the yard shall not subsequently be reduced any further. §407-5C states "no lot area shall be reduced, altered or subdivided as to create a nonconforming lot" thus, making a variance for less than the required 3 acres necessary to make the lot a conforming parcel.

Appearing via zoom was Diane Luther. She stated that she would like to sell a 14 ft. strip off the west side of her lot to her adjacent neighbor. She would still have the required frontage for a R1A but was unaware of the property depth and acreage requirement. Chairman Fabiano read the section of Code 407-5C stating that no lot should be subdivided or altered to create a non-conforming lot. Mrs. Luther's lot is non-conforming before she even tries to split it because it doesn't meet Schedule I lot requirements for a R1A zoning. This is a self- created hardship.

A **motion** was made by Braddell / Mesmer to close the public hearing. All in favor.

A **motion** was made by Braddell / Mesmer to **DENY** the request to split 14 ft. of frontage from 2871 Whitehaven Road.

Roll Call:

Ayes: Mesmer, Braddell, Drexelius, Harris, Fabiano

Noes: None

Carried

Rationale:

1. This action was taken because of the size of the lot
2. This action was taken because the alleged difficulty was self created

7) 1460 East River Road – Ryan Shirley

This property is zoned R1D. The Applicant is requesting to install a 4 ft. high fence in the required front yard setback. This is an unusual corner lot that is faced by 3 streets, Hennepin, East Park and East River. The applicant would like to encroach 12 ft. into the 35 ft. from Hennepin / East park setback

making a 23 ft. front yard setback variance necessary for the location of the fence. Zoning Code 407-155D sets the maximum height for an accessory structure in the front yard at 3 ft. making a 1 ft. height variance necessary. Also, the applicant would like to construct a 12' x 30' deck on the riverside portion of the lot. Zoning Code 407-18A sets the front yard setback from East River Road at 90 ft. from center of ROW. The applicant is requesting to be 63 ft. from center making a 27 ft. front yard setback variance from East River Road for the location of a deck necessary.

Appearing via zoom was Ryan Shirley. Mr. Shirley stated they had just purchased the lot and have a 3 year old child with special needs. The lot is unusual intersecting with three streets. Mr. Shirley would like to install a 4 ft. black vinyl chain link fence for the safety of his children. The front yard setback he is requesting is because it is the lowest elevations of the lot. The yard is at a higher elevation than the streets that surround it so there would be good visibility over as well as through the fence.

Speaker, via phone, Nicole of 1556 East Park was concerned about the type of fencing and said she was in favor of the chain link.

Speaker, via zoom, Cynthia Dutton, 1560 East Park was opposed to the fence because she felt it would block her view of the river from her front window.

Speaker, via letter to the Board, Daniel Jordan of 1450 East River is in favor of the fence.

Speaker, via phone, Sydney Cohen, 83 Hennepin is in favor of the fence.

A **motion** was made by Braddell / Drexelius to close the public hearing. All in favor.

Chairman Fabiano stated they should consider these projects separately, first a motion was in order for the fence project.

A **motion** was made by Drexelius / Harris to **GRANT** the request for a 23 ft. front yard setback from Hennepin and East Park for the location of a fence on a corner lot at 1460 East River Road.

A **motion** was made by Drexelius / Mesmer to **GRANT** the request for a 1 ft. height variance for a fence in the setback on a corner lot at 1460 East River Road.

Roll Call:

Ayes: Harris, Mesmer, Drexelius, Braddell, Fabiano

Noes: None
Carried
Rationale:

1. This action was taken because the Board recognizes the need for safety of children and pet on corner lots, also the fence will not obstruct the view of oncoming traffic
2. This action was taken because the requested variance will not create a detriment to nearby properties

A **motion** was made by Drexelius / Mesmer to **GRANT** a 27 ft. setback from center of ROW of East River Road for the placement of a deck providing all other approvals necessary are obtained at 1460 East River Road.

Roll Call:

Ayes: Harris, Braddell, Drexelius, Fabiano, Mesmer

Noes: Harris, Braddell, Drexelius, Fabiano, Mesmer

Carried

Rationale:

1. This action was taken because the variance request will not obstruct the view because its below street level
2. This action was taken because it conforms to other structures in the area

CORRESPONDANCE: NONE

OLD BUSINESS:

1) 1952 East River Road-Margaret Bauman

This property is zoned R-1B. The applicant has an existing fire damaged 6 car garage. A variance was granted on July 16, 1981; for a 6-car garage on a parcel without a primary structure. The Applicant is in the process of combining the two lots. The Applicant is proposing to re-construct the 6-car garage and add a second floor and the new height of the structure will be 23.5 feet. Section 407-142E sets the maximum height of an accessory structure at 18 feet, making it necessary for a 5.5-foot height variance.

After reviewing Ms. Bauman's submitted design plans last meeting, the Board TABLED Ms. Bauman application and asked her to provide more information in regards to the use of the building and what the need for the second floor would be. There was some confusion as to what the building was designed to be. The drawing called the structure a garage and resembled a dwelling unit over a garage. Ms. Bauman went back and forth calling it a garage and "the shop." It was also discussed that now that the two parcels were combined a second variance would be needed for garage space if it were a garage which the prints indicate. The public hearing was closed last meeting.

On June 18, 2020 Appearing via zoom was Margaret Bauman and her daughter, Laurie Kalman of 3496 Sandy Beach Road. The Board discussed their concerns to Ms. Bauman about the appearances and use of the garage. Ms. Bauman stated that she felt she was given miss-information and would like to Table her request again to get answers to the concerns she had and resolve any questions about the design or use. The application was tabled.

Appearing via zoom was Margaret Bauman of 1952 East River and her daughter. Chairman Fabiano asked Ms. Bauman if she had brought new information to the meeting. Ms. Bauman said yes she had spoke to a representative of the Ags and Markets District and he was going to send something to the building department.

Speaker, Code Enforcement Officer Ron Milks stated that he had spoke to Mr. Sommers of the Ag District and also sent renderings of the proposed building but had not gotten a response in time for the meeting. Officer Milks said the variance if for 5 ft. in height. If the Board was unsure of the use they could grant with conditions to make sure it is used for agricultural purposes.

A **motion** was made by Mesmer / Harris to close the public hearing

Roll Call:

Ayes: Harris, Braddell, Mesmer, Fabiano, Drexelius

Noes: None

Carried

APPROVE MINUTES:

A **motion** was made by Harris / Braddell to Approve the March 5, 2020 ZBA Minutes as written.

Roll Call:

Ayes: Fabiano, Mesmer, Braddell, Phillips, Harris

Noes: None

Carried

OTHER MINUTES RECEIVED:

Board of Architectural Review Minutes –

Planning Board Agenda – February 10, 2020

Planning Board Minutes – January 13, 2020

Town Board Agenda – Regular Meeting # 3, Feb. 3, 2020

Town Board Minutes – Regular Meeting # 2, Jan. 21, 2020

A motion was made by Braddell / Mesmer to adjourn the meeting at 7:48 p.m.
Minutes prepared by Rhonda Tollner, Zoning Clerk.

Town of Grand Island Technology Advisory Board Meeting

Minutes 06.18.2020

RECEIVED

2020 AUG -6 PM 12: 01

Called to order the regular meeting of the Technology Advisory Board at 7:06PM. CLEAR
This marks the first session meeting via Zoom and is also posted to Youtube: <https://www.youtube.com/watch?v=GqzG6n02DMk>

Roll Call (X=present)

* Alternate

X	Christian Bahleda	Ex	Robert Christmann
Ex	Ethan Huber	Ex	Robin Kwiatek (Secretary)
X	Michael Lockett	X	Paul Roeder
X	Judy Schmidt	X	Dan Shvimer (Vice Chair)
X	Ron Stipp (Co-Chair)	X	James Watts (Co-Chair)
X	* Taylor Kaufman	X	* Ryan McDonnell

Liaison: Tom Digati

Guest: Jim Sharpe

Motion by Mike Lockett, second by Paul Roeder to approve the minutes from February 27, 2020 (carried 9-0) with the following changes:

Social Media Policy: Clarified management personnel "plus two point-people on the town board in addition to supervisor's assistant."

Introductions of existing and three new board members (Ryan, Taylor, Christian).

2020 Technology Board Focus

Technology Satisfaction Survey: Sent out and results published last year. Feedback varied. Next steps: Look to get feedback to Spectrum. Keep on radar to revisit later, as there have not been a lot of complains and everything will continue to be put to the test with many staying home.

Town Document Standards: Technology Board to set town document standards. Town Board is already improving; partially COVID-driven. Will engage Technology Board more going forward. Possibly look into a helpdesk/webmaster person as a town employee to manage town document standards processes. Possibly filter this through other committees and liaisons. Potentially create guidance on MS Word to PDF. Look into Office Lens. Recommendation for Technology Board to review other board agendas/minutes to identify best practices.

Recording of Meetings: COVID pushed town to go to streamed/recorded meetings ahead of schedule. Conference room set up with webcam and microphone. Will continue after COVID restrictions.

Broadband Project

Recapped project history for new members.

Recapped recent Greenlight Networks discussion for new members.

Conduit for future fiber going in with new sidewalk project.

Dark Sky Policy

This is with the planning committee.

Spectrum Franchise Agreement

Received another payment. Tom reviewed latest agreement. Discussed general overview of franchise fees and agreement.

New Business/Resident Issues

Verizon landline issues tabled as resident with the issue was not available and there are known issues that Verizon has just remediated.

Request from local business for High speed internet access from Town Commons to enable streaming. Will keep in mind for existing (and future, such as the gazebo) opportunities to connect a Wi-Fi access point. Another potential solution would be for Spectrum to add a hotspot (Tom to get a contact number at Spectrum and also send to Jim W.

Next meeting July 16th, 2020

Motion by Jim Watts, second by Paul, to adjourn at 8:44pm (carried 9-0)

PLANNING BOARD MEETING

VIA ZOOM

MINUTES: JULY 13, 2020

MEMBERS PRESENT: Bruno, Duchscherer, Greco, Starzynski, Stessing
Alternate member: Bowman

MEMBERS ABSENT: Lare, Worrall

OTHERS PRESENT: Councilman Marston, Bob Westfall, Town Engineer, Ron Milks, Code Enforcement Officer and Those Listed Herein.

Chairman Bruno opened the meeting at 7:08 P.M.

Mr. Bowman will be a voting member at this meeting.

MINUTES: Planning Board Meeting – June 8, 2020

It was moved by Greco – Stessing to **APPROVE** the minutes as submitted.

Roll Call: Ayes – Greco, Stessing, Bowman, Bruno, Duchscherer, Starzynski
Noes – None
Carried

Joint Planning Board/Town Board Meeting – June 11, 2020

It was moved by Stessing - Duchscherer to **APPROVE** the minutes as submitted.

Roll Call: Ayes – Stessing, Duchscherer, Bowman, Bruno, Greco, Starzynski
Noes – None
Carried

VOUCHER: Arlene Ehde, Recording Secretary – June 8th meeting - \$261.05
June 11th meeting - \$159.83

It was moved by Duchscherer - Greco to **APPROVE** the vouchers for payment.

Roll Call: Ayes – Duchscherer, Greco, Bowman, Bruno, Starzynski, Stessing
Noes – None
Carried

REFERRALS

It was moved by Bruno – Duchscherer to move #2 to #1 and add #3 to #2.

Roll Call: Ayes – Bruno, Duchscherer, Bowman, Greco, Starzynski, Stessing
Noes – None
Carried

2020 AUG 13 AM 10:09

RECEIVED

1. FROM: Town Engineer

RE: GRAND ISLAND COMMERCE CENTER/PROJECT OLIVE/R-1A LAND
PRELIMINARY PLAT – 2 LOT PROPOSAL

Kimberly Nason, Esq., attorney with Phillips Lytle LLP appeared via Zoom. Also present was Amy Dake, Traffic Engineer, James Murray-Coleman and Andy Ernesto, TC Buffalo Development Associates and Michael Finan, Langan Engineering.

Ms. Nason explained that they are proposing a PDD for the 145 acres of the M-1 zoned parcel. They are asking that the 62 acres, zoned residential to the west, be subdivided along the zoning line. Most of the 62 acres are undevelopable due to DEC wetlands. TC Buffalo is going to purchase the 62 acres to serve as a buffer and remain undeveloped through a deed restriction or conservation easement. In subdividing the 62 acre parcel, it will have its own SBL#. The property does not have legal road frontage. Sunset Dr. abuts this property. It is a paper street with no ownership and unimproved. This would be creating a new parcel that does not conform to land subdivision. The Town could restrict land development on this parcel.

If this is granted, there would be a total of three parcels. There are actually two lots zoned M-1 that are part of the PDD application and the 62 acre R-1A zoned lot. Three separate SBL#'s.

There was a discussion regarding an Exception to the Subdivision Regulations to create two parcels and conservation easements and deed restrictions.

It was moved by Bruno - Bowman to recommend **APPROVAL** to split the R-1A parcel from the M-1, asking the Town Board to waive the road frontage on the R-1A parcel and any subdivision requirements that the Town Board deems necessary. R-1A parcel to become a permanent buffer or conservation easement, to be determined by the Town Board.

Roll Call: Ayes – Bruno, Bowman, Duchscherer, Greco, Starzynski, Stessing
Noes – None
Carried

2. FROM: Town Board

RE: APPLICATION FOR PLANNED DEVELOPMENT DISTRICT – PROJECT OLIVE
LOCAL LAW INTRO #10 OF 2020 – REZONING SBL #23.00-1-50, 2780 LONG RD.
AND SBL #23.00-1-26.1, BEDELL RD. – M-1 TO PDD

3. FROM: Code Enforcement Officer

RE: TC BUFFALO DEVELOPMENT ASSOCIATES – LONG RD.
PROJECT OLIVE – SBL #23.00-1-50 AND SBL #23.00-1-26.1
REZONE M-1 TO PDD/SITE PLAN

Kimberly Nason, Esq., attorney with Phillips Lytle LLP appeared, via Zoom. Also present was Amy Dake, Traffic Engineer, James Murray-Coleman and Andy Ernesto, TC Buffalo Development Associates and Michael Finan, Langan Engineering.

Ms. Nason stated that since the last meeting in March, they have responded in writing to comments from this Board, Town Boards, DOT, NYS Thruway Authority, Erie County Department of Public Works and others. Town consultants have reviewed reports and gave their comments. The driveway has been moved east of the pump station and the sound barrier has been moved as well. They are working on getting a bus stop in front of the proposed building. There is a multi-use path along the east side of the property. Lights on the Bedell Rd. entrance have been changed to reduce spillage on the neighbors.

They are here this evening to answer any outstanding questions this Board may have.

Ms. Nason stated that they are asking for the rezoning of SBL #23.00-1-50, 2780 Long Rd. and SBL #23.00-1-26.1, Bedell Rd. from M-1 to PDD. The PDD zoning is a unique type of development. It is a beneficial type of development.

Mr. Greco questioned whether they spoke to the NYS Thruway Authority regarding the entrance ramps from Niagara Falls and on the south end of the Island. Amy Dake, Traffic Engineer, stated that the Thruway Authority had no comments regarding the length of the ramps. They were more concerned about the intersections of Long Rd. and Grand Island Blvd. and not the ramps.

He also asked if this development would be tax free. What is in it for Grand Island? Ms. Nason stated that it will not be tax free. They will ask for a PILOT program. Details would have to be worked out. They submitted economic feedback to the Economic Advisory Board. There will be a substantial amount to the Town and School District. It could bring 2.7 million dollars in taxes.

Chairman Bruno asked if they reached out to the adjoining property owner. Mr. Finan stated that they spoke to them and have offered to purchase their home. The home owners are contemplating a sale. They would probably demolish the home and make a wider entrance. He also asked, why didn't the driveway for employees come off the Alt Blvd. extension instead of Bedell Rd. Alt Blvd. is within Army Corps wetlands. They wanted the least amount of disturbance to the wetlands. Prior developer considered the Bedell Rd. location also.

Mr. Duchscherer read his prepared statement, as a citizen, taxpayer and member of the Planning Board. Copy follows.

David C. Duchscherer

July 13, 2020

Planning Board Member Comments

RE: Proposed Project Olive, Rezone M-1 to PDD

- I. Introduction: The Planning Board's Role is an important one in reviewing an application, ascertaining its veracity relative to the Comprehensive Plan, Zoning Ordinances and most importantly the purpose and nature of the plan as it impacts the Town and its residents.**
- II. Plan...This plan is to build on a M-1 zoned property and to have it approved as a Planned Development District (PDD). The PDD plan, thus sets, the zoning and site criteria. However, in doing so, waivers are requested both as required by the M-1 districts and of the Town's Zoning ordinance. These include**
 - 1. Number of stories, 5 requested vs 4 allowed in an M-1 District**
 - 2. Height, 87' requested vs 45' allowed in an M-1 (note this is an over 7 story building as calculated by Grand Island Ordinances), and since the building is set up approximately 15' above existing grades will read more like a 100' tall building of 9 stories.**
 - 3. Parking, 1800 cars requested vs approx. 4,000 cars required in the Town Ordinances**
- III. Engineering studies have been commissioned by the Town and some of them, by my review, has some predicted negative impact on the Town of Grand Island. These include, noise, (... a high wall on the west side of the Long Rd. driveway adjacent to the nearest home), traffic, NYSDOT issues, Sanitary Sewers, Water supply, stormwater, and lighting.**
- IV. The traffic study has been well documented and professionally prepared. The truck traffic of one truck every 3 minutes is projected. However, it is what is not covered that is of concern. A truck is 3 times the length of a car (60' vs 20') and 10 times the weight (20 T vs 1 T). The increase length and weight have not been considered. A truck occupying 3 times the space in a traffic jam should not be counted as just one more vehicle. Furthermore the increased traffic on the 2 I-190 bridges at Long and Bedell will increase**

185% and 272% respectively. The rates of deterioration on both will increase dramatically. When, in the life of these bridges, which are now over 50 years old, they are replaced and out of service how will trucks access the property? All will, of necessity, use Whitehaven and West River. Neither is set up for this traffic and it would be a serious detriment to the people that live on these roads. We also have heard at the public meeting that the truck traffic on the North GI Bridge will increase 25%. The studies do not discuss the truck traffic as separated from the automobile traffic instead lumping them all together. We all have experienced the Friday evening traffic jam on the northbound, south bridge caused by the removal of the toll barriers and the throttling effect that the toll booths had on the 5 lanes funneling to 2 lanes. To think that this situation will not be impacted is not rational.

- V. Construction Truck Traffic....The construction truck traffic will be excessive and has not been considered in the documents. The post construction activity equals 1 truck every 3 minutes. During construction, on the other hand, large amounts of fill are required. Up to 20' of fill in some area and cuts as much as 48' with rock expected to be encountered. The applicant reports 100,000 cy of fill (stone) is required.....I personally think it's significantly more... However, over an estimated 6-12-month construction period for site work construction this equates to 150-160 trucks per day just for the stone fill. Massive amounts of concrete via trucks or an onsite concrete plant will further impact the hundreds of trucks per day coming to and from the site. This impact will also affect the I-190 bridge over Long Road. If approved, reconstruction of Long Road and this bridge should be a requirement.
- VI. Process.....The process adopted by the applicant, while not in violation of the Town ordinances are, never the less, not in concert with the way we typically do business here on the Island and, in my experience, on the Planning Board. This process includes a preapplication process, followed by a concept plan and then a detailed plan. This conversation is designed to solicit ideas and support from the Town professionals, engineering and zoning, and Boards while minimizing the financial investment of the applicant. In this case the applicant elected to jump directly to the Detail Plan submission and skipped, for whatever reason, the give and take conversation between the Town and the applicant. The result is a

significant expenditure of time and money on both parties. Furthermore, why the secrecy of the ultimate end user/tenant. What if the tenant is NOT Amazon as rumored? Could it be a different corporation that is not in concert with our values? Think Tonawanda Coke.

- VII. PILOT and Lease..... We have heard from the applicant that a Payment in Lieu of Taxes (PILOT) will be requested. It is not yet finalized. My experience with PILOTS on other public and private projects is that most of the time they include a 5-10-year time frame of no or reduced payments to the political entities of an amount that is less than what might ordinarily be calculated based on current taxing practices. The PILOT is not yet in place, but we see some proposed figures that anticipate an average annual payment of approximately \$2.7 M/year to the Town. This is a small percentage of the Town's total budget. The payments are less in the early years. What we do not see in the analysis is an offset of the \$2.7M to increased services that must be provided to the applicant. (Sewer, Water, highway, etc.) We should know what it is before we approve rather than after particularly when we are anticipating, maybe even relying on, some level of tax relief/payment, starting immediately rather than in the out years of the agreement. We also should be aware of some of the important lease terms namely the extent of the lease....5 years, 10 years, etc. and the terms for renewal. How will the Town feel at renewal time when the threat will be to leave the building and the Island without some additional tax breaks. Think the Bill's stadium and the Erie County Lease.
- VIII. Compatibility....The key ingredient for me is the lack of compatibility. I respectfully disagree with the Long-Range Planning Committee's letter to the Town Board of June 15, 2020. Note that the page numbers do not match up with the references and the economic development references to agritourism, ecotourism and commercial development are mis referenced since this is an industrial application. Furthermore, how this project complies with the referenced community and social capital section on page 56 is not evident. Section 407-110 par. A of the Town code states that to the "maximum extent possible.... the character of the proposed use is comparable with the surrounding neighborhood and in harmony with the Town's comprehensive plan". Looking to the current edition of the Comprehensive Plan, page 49, says any industry should "fit inconspicuously

with the surrounding land” and that it should fit with the “existing infrastructure” that is available. Furthermore, the Comprehensive Plan, pages 64-65, includes a detail layout of the I-190/Long Road area and says that an industrial business in this area should include “...trail connections, infill development and a cluster of buildings in a park like setting”. This project clearly is NOT compatible with the Town’s comprehensive plan and not in any way comparable to the surrounding neighborhood as required by the Town code. Adjoining property owners should not be subject to a change of zoning when they relied on that zoning information when buying a home or property.

- IX. Conclusion: Because of the negative impact on the Town’s infrastructure, the lack of compatibility with the Comprehensive Plan, the violation of the Town Code, the waivers requested relative to the zoning and PDD requirements and the general sense that the Town of Grand Island is just the wrong place for this massive industrial complex, my vote is no.
- X. If, despite this significant negative information and the overwhelming negative comments from our fellow residents the project is approved by the Town Board it should at a minimum include the following:
 - 1. Identification of the tenant and an assurance that that entity will actually occupy the building. We don’t need another Oxy Chemical building sitting vacant on the island. .
 - 2. Negotiations of the final PILOT agreement BEFORE the approval takes place so that the Town, School District and County all know what, if any, the financial implications will be
 - 3. Aware of important Lease terms and parties to the lease. (IE when will it expire or be subject to re-negeotiations)
 - 4. Reconstruction of Long Road between Grand Island Blvd and the Driveway to the facility
 - 5. Re-construction of the two bridges over the I-190 at Long and Bedell Roads with a minimum of 50-year life
 - 6. Oil and Water separators on all storm lines from the parking areas to protect the downstream watersheds
 - 7. Movement of the SW corner of the Parking lot back to the 50’ setback line of Feeder Creek

8. Since this is a PDD very clearly indicate the drawing or drawings that constitute the approved PDD.

Mr. Greco wanted more information on the Pilot program of approximately 2.7 million dollars. However, an agreement has not been finalized.

It was moved by Starzynski – Duchscherer to recommend that the Local Law Intro #10 of 2020, Rezoning SBL #23.00-1-50, 2780 Long Rd. and SBL #23.00-1-26.1, Bedell Rd., M-1 to PDD be **DENIED**.

Roll Call: Ayes – Starzynski, Duchscherer, Stessing
Noes – Bowman, Bruno
Abstaining - Greco
Carried*

*It was later interpreted by the Town Attorney that the motion did not carry.

The Site Plan is not addressed because of the vote on the rezoning.

Mr. Murray-Coleman stated that Mr. Duchscherer's comments were well thought out. There is a lot of information that is flowing back and forth between the Town and this team in terms of economic development, traffic, safety and the compatibility of this project with the Town. Unfortunately, some of the information is not making it to this committee in a timely way.

The economic impact is still being negotiated with the County. Those numbers are changing. They are refining the numbers with input from the Town. Before making a decision, it is important to fully understand the economic impact of this project not only for the Town but for the school as well.

They are talking to the County regarding the reconstruction and the traffic impact to Long and Bedell Rds. They are trying to get a better understanding of how they are constructed. The historic construction of those roads. They have applied for a permit to do core borings along Long Rd. to understand the makeup of the road and to provide a recommendation for a reconstruction program to support construction vehicles and operating vehicles when the project is completed. There is some misinformation about the number of trips and the amount of traffic. They are working with the Traffic Safety Advisory Board, the County and the Thruway Authority. He believes the traffic is overblown in some regard. He will get the correct data to the Planning Board. He would like to address the percentage increase in a better way. If there are issues with traffic, they are prepared to implement mitigation.

The building is 100' tall. It is against the highway. It will be seen by folks along Long Rd. and West River Rd. They have proposed alternates in composition and color to make it more attractive, trying to accommodate the people.

The property is zoned for industrial use. The Town will get an economic return and they will solve all the off-site problems. The Town would have the same problems and no one to solve the problems if another project would take, maybe ten years.

They have been patient and they will continue to be patient. They are willing to work with the Town to accommodate changes.

2.7 million dollars is about 10% of the total tax revenue. It would be a benefit for the Town and school.

They would like to continue to work with this group and the rest of the township.

Ms. Nason stated that they would like to respond to some of the items raised in Mr. Duchscherer's letter.

They would like clarification on the traffic percentages. It is being reviewed by other authorities, like the ECDPW and the Thruway.

Both plans were submitted simultaneously and there is concern about the PDD. The Town Code does contemplate simultaneous submissions and does reference a unique development. That is what a PDD is for. A PDD is also to get feedback from the Advisory Boards and to be able to incorporate project changes in response to comments received. They have incorporated project changes including the multi-use path and now the purchase of the 62 acres.

They will try to reach compromises and work with the Town on this project which will bring significant benefits to the Town. They would like to continue the dialog and respond to the comments, trying to work together.

4. FROM: Long Range Planning Committee

RE: Project Olive
Received and filed.

Mr. Duchscherer commented that he disagrees with the correspondence that this development is compatible with the Comprehensive Plan.

Mr. Starzynski noted that this item should have been listed under Communications.

5. FROM: Town Board

RE: KAREN PANZARELLA – 2894 EAST RIVER RD.
SPECIAL USE PERMIT APPLICATION – BED & BREAKFAST

It was moved by Bruno – Duchscherer to **TABLE** as the applicant or representative was not present at this meeting. Applicant will be notified.

Roll Call: Ayes – Bruno, Duchscherer, Bowman, Greco, Starzynski, Stessing
Noes – None
Carried

6. FROM: Zoning Clerk

RE: REGIE PRISCA NOFIELE-KAWO YOUNG – 2332 STONY POINT RD., SBL #37.01-3-16
SPECIAL USE PERMIT APPLICATION – KEEPING 1 AGRICULTURAL ANIMAL AND 8 CHICKENS

Ms. Young appeared, via Zoom, requesting a Special Use Permit for the keeping of one agricultural animal and eight chickens at 2332 Stony Point Rd. The property has 2.94 acres and is zoned R-1D. She is proposing to purchase a goat and eight chickens.

A coop is proposed and is shown on the drawing. She stated that she would purchase a small barn, or possibly a shed, for the goat. Barn would be attached to the coop.

Structures will be 20' from each property line and 200' from her dwelling and the neighbors, as required by Code.

It was moved by Stessing – Starzynski to recommend **APPROVAL** of the Special Use Permit to allow the keeping of one agricultural animal (goat) and eight chickens. Applicant is to show the barn on the drawing for the Zoning and Engineering Departments.

Roll Call: Ayes – Stessing, Starzynski, Bowman, Bruno, Duchscherer, Greco
Noes – None
Carried

7. FROM: Code Enforcement Officer

RE: MAGIC MIST AUTO WASH – 2965 GRAND ISLAND BLVD.
SITE PLAN APPROVAL

Kristin L. Savard, PE, owner/President, Advanced Design Group appeared, via Zoom, requesting Site Plan Approval for Magic Mist Auto Wash at 2965 Grand Island Blvd., between Long and Bedell Rds. This is a 3-1/2 acre parcel with 495' of frontage, located in the North Business District.

Craig and Karen Heidemann have closed on the property. This will be their fourth car wash in the area.

The proposed building is a four bay coin operated car wash with equipment, storage and office space at the end of the building. They are showing 60' from the ROW and 110' from the center line of Grand Island Blvd. Town Code requires 65' from the ROW and 115' from the center line. The reason for the 60' is there are power lines in the back of the parcel. Moving the power lines would be costly. There are 55' behind the building for adequate circulation for cars coming in, getting around each other and queueing up. This is a matter of operating at maximum efficiency. They do not want two poles in the parking area.

In an aerial photograph, all the buildings are at the setback. This project would not impede sight lines.

A setback variance will be required or possibly a waiver because of the power lines.

Landscaping, lighting and signage are shown on the plan. Four trees are proposed in the front yard and three along the south property line. Utility tie-ins will include water, sewer, storm water, electrical and communications. There will be one access drive to Grand Island Blvd. There is a sidewalk project ongoing on Grand Island Blvd. However, this proposed site is not part of the sidewalk project.

Mr. Milks stated that this project is subject to the Design and Performance Standards. The

Town can approve a smaller setback.

It was moved by Bruno – Starzynski to recommend that Site Plan Approval be **GRANTED** with the 60' setback in lieu of the 65' setback and we recommend waiving the sidewalk requirement.

Roll Call: Ayes – Bruno, Starzynski, Bowman, Duchscherer, Greco, Stessing
Noes – None
Carried

8. FROM: Code Enforcement Officer

RE: THERMO FISHER SCIENTIFIC – 3175 STALEY RD
SITE PLAN APPROVAL – 2 PART EXPANSION

Kristin L. Savard, PE, owner/President, Advanced Design Group appeared, via Zoom, along with Mark Sadkowski, Patrick Whitehead and Scott Verost from Thermo Fisher Scientific, with a site plan for a two part expansion of Thermo Fisher Scientific at 3175 Staley Rd.

The site is currently under construction for a site plan application submitted in 2017 for a new driveway.

They are now proposing two additions. Northeast addition is the Liquid Core addition with 37,280 s.f. It will be constructed over existing pavement. This construction will need a side yard variance. They have letters of support from the adjoining property for the construction of this addition and the variance.

The southwest addition is in the vicinity of the loading dock and has 25,500 s.f. The driveway, previously approved, will be pushed a bit toward the northwest.

They will use public utilities except sanitary as they have an onsite sanitary sewer treatment plant, which is approved, monitored and regulated by the DEC.

Their site has a 2017 SPDES permit. They have submitted information to modify the permit for the two additional expansions. Previously approved drainage plan includes these two additions. Parking, traffic and lighting will be addressed with information submitted for SEQR.

The existing building has 314,000 s.f. Thermo Fisher is in the process of revamping operations. The "Cannon Building" is now home to a large portion of office space. The net employees will drop by 60 at the Staley Rd. location as they move over to the Cannon building.

The Town has concerns about multi-faceted traffic and parking in the area. All required parking will be provided. Mr. Bruno commented that he is looking for more information on traffic and noise.

7/13/20

They are evaluating traffic on Staley Rd. They did a traffic count at intersections, prior to Covid and are coordinating with the Engineering Department. Information will be submitted to Engineering and Building. The number of trucks per day with the new additions will be part of the traffic study. The trucks come off the Thruway, go down Whitehaven to the West River Rd. to Staley Rd. because they cannot make the circle at Grand Island Blvd. and Staley Rd. They expect to have the traffic study in two to three weeks.

On the southwest addition, much of the units are on top of the building. They will be screened and buffered to limit the sound coming from them. At this point, there is no noise study.

On the south property line, a berm buffer was approved in the last site plan. The southwest expansion will provide additional landscaping. They are working with the neighbors to provide buffers.

Clear Harbors removes the hazardous wastes from the property in both liquid and powder form. The waste is currently handled in a garage, which will be removed. The waste will be incorporated inside the new northwest addition. Trucks with the hazardous wastes travel down Staley Rd.

When they meet with the Conservation Advisory Board, any environmental issues will come from them.

Ms. Savard stated that they are not asking for anything that is not permitted in the Code, only a side yard variance. This project is very different from Project Olive. They are two different projects and situations. They are not proposing to change the use of the property. It is consistent with the zoning. The Code allows 40% building coverage, they are at 35%

The north façade of the northeast building addition are loading docks. They are angled so the trucks can get out efficiently. The trucks come down the driveway between the two buildings. They go to the east side of the northeast addition, turn to the west and back into the loading docks. When done, they can pull straight out of the loading dock, go to the west of the existing building, head south and go out the new driveway.

Ms. Savard was asked about the two 2,400 s.f. buildings along the north property line. One is constructed and used for the storage of campus maintenance equipment. It is a pole barn. One is proposed and will be a duplicate of the existing.

On the rendering of the southwest addition. The north elevation is really the south. The south elevation is really north. It will be modified.

On the north elevation that is really south, a portion of the building is lower than the rest of the building. Mechanical units are in the lower building. They were put there to buffer any sound impacts.

Mr. Verost commented that there is some momentum behind this expansion because they

are a major player in the production of a potential vaccine for Covid. How they can support production of a vaccine puts a lot of pressure on their business.

Ms. Savard stated that they intend to answer questions, come back to the next meeting and move forward as quickly as they can.

It was moved by Starzynski – Greco to **TABLE** pending receipt of the following information:

- Application for a variance.
- Input from the Conservation Advisory Board. Environmental study.
- Traffic study. Also look at the traffic circle.
- Noise study. Existing ambient noise, what future condition would be.
- Parking study.
- Lighting diagram.
- Hazardous waste removal program.
- Truck movement around the facility.

Roll Call: Ayes – Starzynski, Greco, Bowman, Bruno, Duchscherer, Stessing
Noes – None
Carried

Meeting temporarily adjourned at 9:41 P.M., resumed at 9:50 P.M.

9. FROM: Town Engineer

RE: SOUTHPOINTE PDD
DEVELOPMENT CONCEPT PLAN – REVISED

Douglas Scheid AIA and Attorney Jeff Palumbo appeared, via Zoom, requesting approval of a revised Development Concept Plan for the Southpointe PDD.

Mr. Scheid explained that at the July 8, 2013 meeting, the Planning Board recommended approval of the Concept Plan. It was sent back to the Town Board to approve and redefine sanitary sewer district. There are now small changes to the Concept Plan after meetings with the Town Board, other officials and the public.

They had to redo the wetland delineation as the wetland delineation done in 2013 had expired from the DEC. Another 1.3 acres of wetlands were added, making it impossible to construct without impacting more wetlands. They now have a design that will not impact any wetlands. A bridge over wetlands along the ditch on Staley Rd. is proposed.

At the request of the Town Board, traffic and sewer studies have been done. Traffic impact has been minimized as this is a much smaller development. There are approximately 6 miles of road versus 10 miles in 2013. They worked on a design to avoid a connection to Glen Avon. A report was received from the Traffic Advisory Board.

7/13/20

There are about the same amount of units. The assisted living has been moved to an out parcel with a connection on Baseline Rd. Development on Staley, Love and Baseline Rds. is basically unchanged. Southpointe West remains unchanged. Southpointe East, Carl Rd. extension is reduced in scale and does not traverse the gas line. Southpointe Core has single family attached homes. Two midrise apartment units are proposed. There are 2 units per acre with approximately 87% open space. Code requires 25%. Open space under PDD is defined as anything that is not roads, parking spaces or buildings.

They worked on downstream sewer capacity analysis and modeling with the Town and a sanitary engineer.

Commercial development, as well as skilled nursing has been removed from the site. Originally there was 30,000 s.f. of commercial and 30,000 s.f. of skilled nursing. WNY has an abundance of skilled nursing, no demand. Job potential went down because commercial has been omitted.

In building, they will disturb about 112 acres of the 184 acres.

Apartment units are a little smaller, conservative and more affordable. They will target the aging population, 55 and over.

Mr. Starzynski commented that this plan is markedly different than the 2013 plan. It was devoted to commercial, retail, office space and medical related office space. Buildings were 4 to 6 stories in height. In this submittal there are two 6 story buildings. It was noted that there is a height limit.

Is it permissible to build a newly created road over the pipeline? It is an easement on land owned by the developer. They can build over it.

For this development, the originally created sewer district will have to be modified. This will be a new sewer area south of the pipeline. Mr. Westfall commented, in order to create a sewer district, the Town needs an approved development Concept Plan. This is needed as a tool to go through SEQR, sewer district and final plan. Mr. Scheid commented that without a sewer expansion, we can't do anything.

This project will blend with the single family development on Love, Baseline, Staley and Carl Rds. The single family attached and two midrise buildings are buried back in the forest and will be hard to see. All the trees will remain. This is in response to public comments.

There are walking paths from Baseline Rd. that wrap around the wetlands and tie back into the pipeline.

Townhomes are 4 and 2 unit buildings. There is approximately 20' between the buildings. Code requires 60'. Mr. Scheid commented that this is a PDD. In the previous plan, the townhomes may have been a little further apart, but 60' is a big number. However, the Board would like to see more than 20'. Townhomes will be owner occupied. HOA will take

care of maintenance, common grounds, ponds, etc.

There is no "T" turnaround for school buses or emergency vehicles. They could put in an emergency road. In speaking with the Fire Department, in case of fire, they can reach a 6 story building.

Staley Rd. will be included in the sewer district. Sidewalks could be incorporated on Staley Rd. There are sidewalks on the public roadways.

The two subdivisions, Southpointe West and Southpointe East, will comply with existing zoning for R-1D and R-1B, having property setbacks and building area for these zonings.

Midrise apartment complex area will be a separate parcel, separately deeded. They are rentals. Single family lots will be separately deeded. A HOA is not planned for the apartment complex or the single family homes.

Concept Plan can be referenced by the Transmittal Memo sent to the Town Board, dated April 30, 2020 and by Drawing C02.00, Title 2020-05-07, Comprehensive Plan.

It was moved by Duchscherer – Greco to recommend **APPROVAL** of the Development Concept Plan for the Southpointe PDD with the understanding that the story height on the midrise apartments and space between the townhomes will be considered at the site plan phase.

Roll Call: Ayes – Duchscherer, Greco, Bowman, Bruno, Stessing, Starzynski
Noes – None
Carried

10. FROM: Zoning Clerk

RE: CERTIFIED AUTOBROKERS – 1693 GRAND ISLAND BLVD.
PRELIMINARY SITE PLAN SKETCH FOR DISCUSSION ONLY

Chris Wood, Carmina Wood Morris, appeared via Zoom, along with Chris Taylor and Mr. Silvestri with a site plan sketch for 1693 Grand Island Blvd. The property is in the South Business District. They will acquire 1703 Grand Island Blvd., which will be incorporated into the site for a total of 2.3 acres.

A Special Use Permit would be needed for 1703 Grand Island Blvd. for auto sales. The building on this site would be demolished.

They are proposing an addition to the existing 3,500 s.f. building for a total of 20,000 s.f. They have 51 parking spaces and are showing car storage areas for 89 cars.

In the South Business District 115' setback from center line of Grand Island Blvd. is required. They are showing 93'. The existing building is further back than the building they will demolish. Town Board could grant a lesser setback.

7/13/20

The proposed addition will have a more contemporary look than the existing building, which will remain as is. There will be a two story space with glass for transparency to show the cars. Brick, aluminum panels, glass and architectural stone matching the existing building will be used in the construction.

There are two curb cuts on the properties. They will eliminate the north curb cut with access through the south curb cut.

Snow storage and storm water retention to the rear of the property.

Parking has been a problem. The problem should be alleviated in the future. They feel comfortable with the amount of car storage and parking they are showing.

They were reminded to answer all the questions on the Site Plan Application. This will be an improvement of what is currently there. This is the front door of the Island. Landscaping will be important to this Board.

The existing building will be in operation during the expansion. They will be using temporary office space during the construction. The location will be indicated on the site plan.

Site plan should show lighting and signage.

No action at this time.

COMMUNICATIONS – OTHER OFFICIALS

1. FROM: Town Board
RE: MINUTES – May 18, June 1, 2020

Received and filed.

2. FROM: Board of Architectural Review
RE: MINUTES – February 18, 2020

Received and filed.

3. FROM: Zoning Board of Appeals
RE: MINUTES – March 5, June 18, 2020

Received and filed.

COMMUNICATIONS – OTHERS

1. FROM: NYS Parks, Recreation & Historic Preservation
RE: LWRP REVIEW REQUEST – BUCKHORN SHORELINE HABITAT ENHANCEMENT

Chairman Bruno stated that LWRP is working with their planner. This will eventually come back to us. LRPC is also reviewing.

UNFINISHED BUSINESS

1. FROM: Code Enforcement Officer
RE: ADRIAN'S CUSTARD & BEEF – 2352 GRAND ISLAND BLVD.
SITE PLAN REVISION

Due to Covid, their outdoor seating is on a temporary hold. To remain **TABLED**.

2. FROM: Code Enforcement Officer
RE: YOUR EVERY DAY K9, LLC/CHRISTOPHER FIELS – 1791 GRAND ISLAND BLVD.
SITE PLAN APPROVAL

To remain on the **TABLE**.

It was moved by Bruno – Bowman to **ADJOURN** at 10:41 P.M.

Roll Call: Ayes – Bruno, Bowman, Duchscherer, Greco, Starzynski, Stessing
Noes – None
Carried

Respectfully submitted,

Arlene Ehde, Recording Secretary

JENNIFER R. MENTER
Recreation Supervisor -
Senior Citizen

CARRIE L. MESMER
Recreation Leader -
Senior Citizen



**TOWN OF GRAND ISLAND
GOLDEN AGE CENTER**

3278 Whitehaven Road
Grand Island, NY 14072
(716) 773-9682/9683
goldenage@grand-island.ny.us
August 13, 2020

TO: Town of Grand Island Town Board

FROM: Jennifer Menter, Recreation Supervisor – Senior Citizens

RE: Usage of the Golden Age Center Facility for July 2020

Please see the Activity Participation Totals below for the month of July 2020 at the Golden Age Center:

Eblasts, Sharing of Resources, Sharing Virtual Recreation & May Golden Voice

E-blasted 243 Golden Age members (3) times in July to keep them updated: 729

Daily Phone Calls coming in and going out to seniors with staff: 7/1/2020 – 7/31/2020:

Welfare Checks/Meals on Wheels questions/Sharing resources/etc. 275

Daily Activities & Usage:

Meals on Wheels 598

- Including recruiting the help of (4) new volunteers, taking senior volunteers off their routes to protect their health during the pandemic

Mask Distribution Drive to the community 95

Trips to drive out masks to the mailboxes of seniors in need, dropping off Meals on Wheels supplies at Elderwood for program & for volunteers, dropping off Prize Bingo winnings to socially-isolated seniors who played Zoom Prize Bingo and items needed to socially-isolated seniors 55

Zoom Opportunities:

1:1 Technology Assistance over the phone, Trivia/Social programming, Fun with French, Prize Bingo, Technology Assistance, Virtual Travel Club, Coffee Social, Music/Dance Parties, paper crafting, Matter of Balance 124

Total Monthly Attendance: 1876

*****Reminder: All of these numbers are based on the fact that our senior service needs are dramatically different and have shifted during COVID -19. Our lunch numbers, and transportation numbers are ELIMINATED and Meals on Wheels numbers (including volunteer needs and demands) are HIGHER during this time due to the COVID-19 pandemic and our program numbers are very different due to using a Virtual platform during this time.*****

Respectfully submitted,

Jennifer R Menter
Jennifer R. Menter

Recreation Supervisor – Senior Citizens

RECEIVED
2020 AUG 13 AM 11:09
TOWN OF GRAND ISLAND
CLERK

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

August 13, 2020

To: Town Board
Re: Agenda

For Your Information – No Action Necessary

Due to the retirement of James Daluisio I have promoted Dan Mathes to Laborer and hired Thomas Kalman as caretaker at \$17.15 per hour per the AFSME contract.

Due to a medical leave I have hired Dakota Bower as a temporary caretaker at \$17.15 per the AFSME contract.

Thank you.

Richard Crawford

Richard Crawford
Highway Superintendent

RECEIVED
2020 AUG 13 AM 10:29
TOWN OF GRAND ISLAND
HIGHWAY DEPARTMENT

DEPARTMENT OF ENGINEERING
& WATER RESOURCES

ROBERT H. WESTFALL, P.E.
Town Engineer

LYNN M. DINGEY
Asst. Civil Engineer

CHRISTOPHER M. DANN
Assistant Municipal Engineer



THE TOWN OF GRAND ISLAND

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

Town Board Agenda: August 17, 2020

August 10, 2020

To: Town Board

From: Robert Westfall, P.E.
Town Engineer

Re: NYSDOT Grand Island Blvd. Accessibility Project
PIN 5762.27 Comptrollers Contract # D035733
Supplemental Agreement (SA#3) Authorization

RECEIVED
2020 AUG 10 AM 9:25
TOWN OF GRAND ISLAND

Honorable Town Board:

Attached, please find a copy of the Resolution authorizing the agreement including Supplemental Agreement No. 3 with the New York State Department of Transportation for the Grand Island Blvd Accessibility Project that includes the installation of sidewalks on Grand Island Blvd from Webb Road to Fantasy Island.

Supplemental Agreement #2 (SA#2) authorizes additional Federal Funding for the project bringing the total Federal share to \$1,240,000. The Local share of \$579,700 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.

We are hereby requesting the Town Supervisor be authorized to sign the supplemental agreement (SA#3) with the New York State Department of Transportation for the above referenced project.

ld

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.

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 \$579,700 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. 1 in connection with the Project, and it is further

RESOLVED, this resolution shall take effect immediately.

DEPARTMENT OF ENGINEERING
& WATER RESOURCES

ROBERT H. WESTFALL, P.E.
Town Engineer

LYNN M. DINGEY
Asst. Civil Engineer

CHRISTOPHER M. DANN
Assistant Municipal Engineer



THE TOWN OF GRAND ISLAND

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

Town Board Agenda: August 17, 2020

August 10, 2020

To: Town Board

From: Robert Westfall, PE
Town Engineer

Re: Professional Services Agreement
Town Hall HVAC Upgrades – Phase 1
M-69-2019

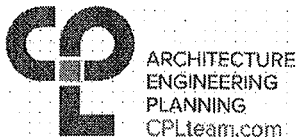
RECEIVED
TOWN ENGINEER
2020 AUG 12 AM 11:27
GRAND ISLAND, N.Y.

Honorable Town Board:

Attached, please find the Professional Services Agreement for the above referenced project for design, bidding and construction administration in the amount of \$46,000 (plus reimbursable). The bonding authorization for the project is already in place.

We hereby request the Town Supervisor be authorized to sign the Professional Services Agreement.

RHW/ld
Attachment



July 30, 2020

Mr. Robert H. Westfall, P.E.
Town Engineer
Town of Grand Island
2255 Baseline Road
Grand Island, NY 14072

**RE: PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES:
TOWN HALL HVAC UPGRADES – PHASE 1
REVISION 1**

Dear Mr. Westfall:

Thank you for the opportunity to submit this proposal for professional engineering services associated with the subject project. It is our understanding that the project scope is to prepare complete bid documents and provide construction administration services associated with HVAC systems upgrades, Phase 1, at the Town Hall. The Phase 1 scope of work will consist of:

- Replace the air handling unit and outdoor condensing unit.
 - The new air handling unit will be variable-air-volume (VAV), with hot water heating coil and direct-expansion (DX) cooling coil.
 - New refrigerant piping with insulation.
 - Temporary provisions to include zone dampers in the boiler/mech room will be required to maintain zone control. These will be removed if/when the Phase 2 distribution work is completed.
 - The existing thermal zones will remain as-is.
 - All existing distribution ductwork outside of the mech room will remain as-is.
- Ductwork modifications within the boiler/mech room.
- The existing boilers, hot water pumps, and distribution will remain.
- New DDC controls system to operate the new and existing equipment.

Based on our project understanding, Clark Patterson Lee is prepared to offer the following professional design services in support of this project:

- On-site field visit(s) to review and document existing building systems; and to meet with appropriate staff familiar with the existing building systems.
- Review meetings with the Owner – two (2) anticipated.
- Mechanical/HVAC Design
 - Review of existing systems and drawings.
 - Design HVAC improvements as previously enumerated.
 - Design of a new direct-digital-control (DDC) system to control all new and existing HVAC equipment.
- Electrical Design



- Power distribution design to accommodate HVAC work.
- Fire alarm work associated with the new air handling unit.
- Generate AutoCAD floor plans based on existing Owner drawings.
- Prepare complete Construction Documents (drawings and specifications) for demolition and new work.
- Prepare a final Opinion of Probable cost at the 75% construction document level.
- Provide bidding assistance including responding to RFIs and attending a pre-bid walk-through.
- Contract administration services including responding to RFIs, issuing contractor change directives, issuing a punchlist, attending construction meetings (6 meetings estimated), and construction contract close-out.

CPL will perform these professional design services for a **fixed fee of \$46,000**.

- The following services are **excluded** from this fee proposal:
 - Hazardous materials inspection, sampling, testing, and design.

Project reimbursables have been estimated and included in the fixed fee above. Reimbursable expenses are defined as:

- Document reproduction.
- Postage and delivery costs.
- Mileage (IRS reimbursement rate).
- Pre-construction contractor services, if applicable.
- Jurisdictional approval fees, if applicable.

Thank you again for the opportunity to submit this proposal. Please provide written acceptance of this proposal if you wish to engage our services. Also, please feel free to contact me to discuss the proposal, (716) 852-2118, Ext. 1046, or dhart@CPLTeam.com.

Very truly yours,
CPL

A handwritten signature in black ink that reads "David R. Hart".

David R. Hart, P.E.
Vice President

Accepted by:

Robert H. Westfall, P.E.
Town of Grand Island

Date



Grand Island Town Hall
 HVAC System Renovations
 Opinion of Probable Cost
 Revision 2
 June 26, 2020

Phase 1 - Air Handling Unit and Condensing Unit Replacement, Controls Replacement

Proposed HVAC System	Qty.	Unit	Material	Labor	Unit Cost	Extended Cost
Demolition	1	LS	-	-	-	12,000
Variable-Air-Volume (VAV) Air Handling Unit	1	EA	157,000	24,600	181,600	181,600
AHU Concrete Pad Repairs	1	LS	-	-	-	5,000
Air-Cooled Condensing Unit	1	EA	73,000	12,000	85,000	85,000
Condensing Unit Concrete Pad Repairs	1	LS	-	-	-	3,000
Valves	4	EA	200	75	275	1,100
Refrigerant Piping	150	LF	16	14	30	4,500
Refrigerant Charge	1	LS	-	-	-	1,500
Heating Hot Water Piping	20	FT	16	14	30	600
Supply/Return Air Ductwork	1,000	LB	0.80	8.00	8.80	8,800
Air Duct Accessories	1	LS	-	-	2,000	2,000
Hangers and Supports	1	LS	-	-	-	6,000
Pipe Insulation	170	LF	6	10	16	2,720
Duct Insulation	1,000	SF	1.5	4.0	5.5	5,500
HVAC Controls System	100	PT	-	-	600	60,000
Associated Electrical Work	1	LS	-	-	90,000	90,000
Sub-Total						469,320
15% Contingency						70,398
Total						539,718

Phase 2 - Air Distribution, Fin-Tube Radiation, and Zoning Improvements

Proposed HVAC System	Qty.	Unit	Material	Labor	Unit Cost	Extended Cost
Demolition	1	LS	-	-	-	10,000
Heating Hot Water Piping	700	LF	12	12	24	16,800
Valves	70	EA	75	50	125	8,750
Supply/Return Air Ductwork	2,100	LB	0.80	8.00	8.80	18,480
Air Duct Accessories	1	LS	-	-	3,000	3,000
VAV Terminal Units with Reheat Coils	35	EA	1,350	200	1,550	54,250
Hangers and Supports	1	LS	-	-	-	7,000
Fin-Tube Radiation	300	LF	67	35	102	30,500
Pipe Insulation	700	LF	4	8	12	8,400
Duct Insulation	2,100	SF	1.5	4.0	5.5	11,550
HVAC Controls System	140	PT	-	-	500	70,000
New Lay-in Ceilings	16,000	SF	-	-	2	32,000
Sub-Total						270,730
15% Contingency						40,610
Total						311,340
Grand Total - Phase 1 and Phase 2						851,058

DEPARTMENT OF ENGINEERING
& WATER RESOURCES

ROBERT H. WESTFALL, P.E.
Town Engineer

LYNN M. DINGEY
Asst. Civil Engineer

CHRISTOPHER M. DANN
Assistant Municipal Engineer



THE TOWN OF GRAND ISLAND

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

Town Board Agenda: August 17, 2020

August 12, 2020

To: Town Board

**From: Robert Westfall, P.E.
Town Engineer**

**RE: Grand Island Town Hall Elevator Addition
Job No. M-69-2018**

Honorable Town Board:

We hereby request authorization to re-advertise the above referenced project for bids on Friday, August 28, 2020 and to receive bids on Wednesday, September 23, 2020 at 10:00 AM local time.

lmd

2020 AUG 13 AM 9:10
RECEIVED
TOWN OF GRAND ISLAND

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



To: Supervisor John Whitney & Town Board Members
From: Tom Dworak, **Parks Department** Crew Chief
RE: **Title / Rate Change**
Date: Monday August 17th, 2020

Items for Agenda: August 17th, 2020

1. The Parks Department requests permission to **change the title and rate of pay** of the following employees:

<u>Name</u>	<u>Title</u>	<u>Effective Date</u>	<u>Seasonal/Part Time</u>	<u>Rate of Pay</u>
Nicholas Falbo	Parks Senior Worker	August 5 th , 2020	NO CHANGE	\$13.55
Henry Grunzweig	Parks Senior Worker	August 10 th , 2020	NO CHANGE	\$13.55
Gary Roesch	Parks Crew Chief	August 31 st , 2020	Part Time	\$14.30

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



To: Supervisor John Whitney & Town Board Members
From: Tom Dworak, Parks Department Crew Chief
RE: **Status Change**
Date: Monday August 17th, 2020

Items for Agenda: August 17th, 2020

1. The Parks Department requests permission to **status change** of the following employees:

Name	Title	Effective Date	Seasonal/Part Time	Rate of Pay
Joseph Killian	Parks Crew Chief	August 28 th , 2020	Seasonal	No Change

Tom Dworak

RECEIVED
2020 AUG 12 AM 10:58
TOWN CLERK
GRAND ISLAND, N.Y.

BUILDING DEPARTMENT

RONALD MILKS
Code Enforcement Official

WILLIAM SHAW
Code Enforcement Official

ROBERT HASSETT
Building Safety Inspector



THE TOWN OF GRAND ISLAND

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

MEMO

August 7, 2020

For: Town Board Agenda – August 17th, 2020 Meeting

From: Ron Milks – Code Enforcement Officer *RM*

Re: Whitehaven & Alvin Rd. – Solar Park

The applicant for this project has submitted and compiled a packet of information regarding their proposed project of the solar park. A review in comparison to the new town solar law was performed and no apparent deficiencies were found in the submission. Therefore, I am providing this information to the board for your comments and potential approval of the projects various steps, which are before you currently. I have outlined the various steps below to assist with you the procedural process.

- Decision on rezoning of the parcels, providing the public hearing is officially closed (Covid shutdown)
- Decision on the SEQR document which is previously reviewed by Engineering
- Decision on the site plan following the Planning Board review and potential statement of conditions (such as no subdivision of frontage from Whitehaven Rd, and termination of the special use permit due to decommissioning of the site would terminate the use of the easement into the parcel from Alvin, additional landscaping concerns, etc.)
- Decision on the Special Use Permit for the project and potential statement of conditions (such as no subdivision of frontage from Whitehaven Rd, and termination of the special use permit due to decommissioning of the site

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TOWN OF GRAND ISLAND
200 AUG 11 PM 12:29

would terminate the use of the easement into the parcel from Alvin,
additional landscaping concerns, etc.)

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

Cc: Town Clerk



July 27, 2020

Town of Grand Island
Robert Westfall – Town Engineer
Ronald Milks – Code Enforcement
2255 Baseline Rd
Grand Island, NY 14072

RE: Solar Park 4 Confirmation of Amended July 6, 2020 Solar Ordinance Compliance

Dear Mr. Westfall and Mr. Milks,

We would like to thank you for your time and efforts regarding our application for a proposed Major Solar Energy System. In response to the Town Board decision made on the July 20, 2020 Town Board Meeting, we are reaching out to you to provide documentation of how our proposed solar project satisfies all the requirements of the Town's Solar Ordinance.

Please find the list of requirements stated by the July 6, 2020 version of the Solar Ordinance with a brief note stating how the project complies. For ease of reference, we are attaching relevant documents to this letter.

Kind regards,

Patrick Brown
Vice President, Project Development
BayWa r.e. Solar Projects

Brian Tran
Associate Development Manager
BayWa r.e. Solar Projects



1. July 6, 2020 Solar Ordinance Requirements

#	Section	Requirement	Note
1	C.1	The requirements in this section shall apply to all solar energy systems installed or modified after the effective date of this ordinance, excluding general maintenance and repair	Solar Park 4 is a proposed solar project seeing SUP and Site Plan approval and will comply with all requirements of the July 6, 2020 version of the Solar Ordinance.
2	C. 2	Solar Energy System Installations for which a valid building permit has been issued or, if no building permit is presently required, for which installation has commenced before the effective date of this local law shall not be required to meet the requirements herein.	The Project will obtain a building permit prior to commencement of construction
3	C. 3	All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the New York State Uniform Fire Prevention and Building Code Act and the Town Code.	Advanced Design Group was contracted to conduct all civil work and drafting to make sure the project complies.
4	C. 4	Nothing contained in this provision shall be construed to prohibit "Collective Solar" installations or the sale of excess power through a "net billing" or "net metering" arrangement in accordance with New York State Public Service law 66-j or similar New York State or Federal Law or regulation.	The Project will comply with this requirement
5	C. 5	All Solar Energy Systems shall be designed, erected, and installed so as to prevent undue glare from falling on adjoining properties or creating traffic safety issues.	The project will comply with this requirement. Please see section regarding glare, screening, and visual simulations, below.

#	Section	Requirement	Note
6	E. 1	Major Solar Systems are permitted through the issuance of a special use permit and site plan review in accordance with this Chapter in the M-1, M-2, R1-A, R1-B, R1-C, and R1-D Districts. The minimum lot size required is five acres in the M-1 and M-2 Districts, twenty-five acres in the R-1A District and fifteen acres in the R1-B, R1-C, and R1-D Districts. In addition, Major Solar Systems must meet the criteria set forth below	Project is located within the R1-A zone, and is approximately 50+ acres in size, as shown in the site plan.
7	E. 2(a)	The total coverage on a lot, including freestanding solar panels shall not exceed 80%	Lot coverage is 33%, as stated in the site plan.
8	E. 2(b)i,ii,iii	The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 20 feet in height above the ground. The minimum setback from property lines shall be 25 feet, unless adjacent to residential neighbor. A landscaped buffer of trees, shrubs, or bushes shall be provided around all equipment and solar collectors to provide screening from adjacent properties and roads.	Panels are 77.2in tall as stated by the manufacturer. The closest distance from fence to property line is found on Alvin Rd, and is over 300' away, as shown on the presentation given to the Town Planning Board. Existing vegetation will be retained to the extent possible to provide natural screening from adjacent buildings, parcels, and roadways. Please see photos attached of the site's vegetative state, as Exhibit A .

#	Section	Requirement	Note
9	E. 2(c).ii	Removal of trees and other existing vegetation shall be limited to the extent necessary for the construction and maintenance of the solar facility. Removal of existing trees larger than six inches in diameter at breast height (DBH) should be minimized to the extent possible. Removal of any prime agricultural soil from the subject parcel is prohibited.	Minimal tree clearing will be done to preserve the natural vegetation to provide natural screening surrounding the Project. There are no prime agricultural soil located on the property.
10	E. 2(c).iii	Proposed major solar systems shall not negatively impact Federal or NYS DEC State recognized wetlands.	A wetland delineation has been conducted by Don Wilson of Wilson Environmental, and submitted to Army Corps for concurrence. The State has reviewed the project and stated no impact. In lieu of a JD, Don Wilson has provided his professional opinion, attached to this document as Exhibit B .
11	E. 2(c).iv	Proposed major solar systems shall not negatively impact the viable of prime agricultural soils on-site.	No prime agricultural soil on-site. The project will comply with this requirement.
12	E. 2(c).v	Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.	Entrance of the site will be via easement through a commercial property. Road within the project will be of compacted dirt.
13	E. 2(c).vi	All on-site Utility and transmission line shall to the extent feasible, be placed underground.	The Project will comply with this requirement as feasibly possible in coordination with National Grid.

#	Section	Requirement	Note
14	E. 2(c)vii, ix	Solar collectors and other facilities shall have anti-reflective coating and be designed and located in order to minimize reflective glare and/or glint toward any inhabited buildings on adjacent properties and roads. Major systems or solar farms shall not obstruct solar access to adjacent properties.	Solar collectors and equipment are designed by the manufacturer to minimize glare to the extent possible. The Project will comply and will not obstruct solar access to adjacent properties.
15	E. 2(d)j	A sign not to exceed eight square feet shall be displayed on or near the main access point and shall list the facility name, owner, and phone number. A clear visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations not to exceed four square feet.	The project will comply with these requirements.
16	F. 1(a)(b)(c)(d)(e)(f)	Verification of utility notification. Any foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement. Name, address, and contact information of the applicant, property owner(s), and agent submitting the project. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for duration of the project, including easements and other agreements, shall be submitted. Site Plan: Site plan approval is required. Blueprints signed by a Professional Engineer or Registered Architect of the solar installation showing the layout of the system. Property Operation and Maintenance Plan: a property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, etc.	The project has an interconnection agreement with National Grid, and system upgrades are stated. Please see the SUP and Site Plan applications for administrative information. The project and property are owned entirely by BayWa r.e. a Professional Engineer was hired to draft the layout of the system. Operation and maintenance are minimal as the project is self-sufficient. No personnel are needed to actively manage the site, with an O&M crew (2 -3 people) coming once a month to clean modules and mow/trim vegetation.

#	Section	Requirement	Note
17	F. 1(g)I,ii,iii,iv	A landscaping and screening plan is required to show adequate measures to screen through landscaping, grading, or other means so that the views of Solar Panels and Solar Energy Equipment from adjacent properties and roadways will be minimized.	Existing vegetation will be retained to the extent possible to provide natural screening from adjacent buildings, parcels, and roadways.
18	F. 1(h)	Applications for a special use permit for Solar Energy Systems larger than 10 acres shall include a visual impact assessment of the solar energy system with respect to public roadways and adjacent properties.	A visual simulation was created for the project as shown in previous Planning Board meetings and can be obtained upon request (due to large file size).
19	F. 1(i)	Fencing requirements. All high voltage electric equipment, including any structure for storage batteries, shall be enclosed by a fence, as required by NEC, with a self-locking gate to prevent unauthorized access. Fencing must be black vinyl coated 18ga chain link fence.	The Project will comply with this requirement.
20	F. 1(j)	Ownership changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within [30] days of the ownership change.	The Project will comply with this requirement.

#	Section	Requirement	Note
21	G. 1, 2	Major Solar Energy Systems shall have a decommissioning plan signed by the owner and/or operator of the Solar Energy System, include financial security in the amount of 125% of the removal cost with a 2% annual escalator for the life of the project, reduced by the amount of the estimated salvage value. and shall be submitted by the applicant	The Project will comply with this requirement. For projects throughout the US, we've supplied these when the Project reached COD, to account for field accuracy. We would like to take this requirement as a Condition of Approval to provide the plan and estimate at COD. Attached as Exhibit C is our template Decommissioning Plan that we include with all our projects. This will be modified to conform to the requirements of the Solar Ordinance.
22	G. 3	Upon cessation of electrical generation of a Solar Energy System on a continuous basis for eighteen months, the Town may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within one year of notification	The Project will comply with this requirement
23	G. 4	If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.	The Project will comply with this requirement

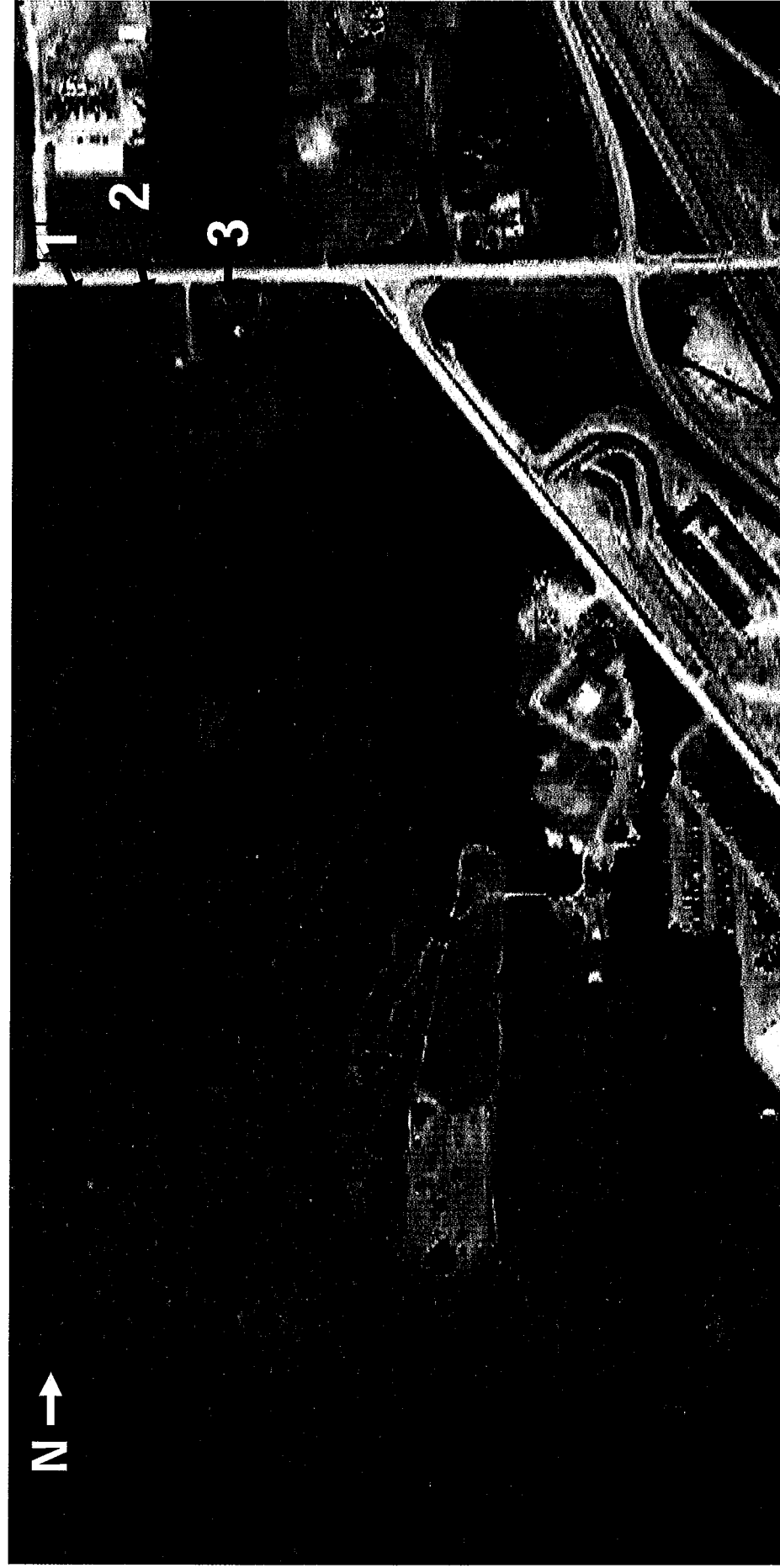


BayWa r.e.

Exhibit A – Existing Conditions



Existing Conditions



re.think energy



Existing Conditions



1. Facing south, western edge of the property, the project cannot be seen.



2. Facing south, further east on Whitehaven, the project is hidden by trees

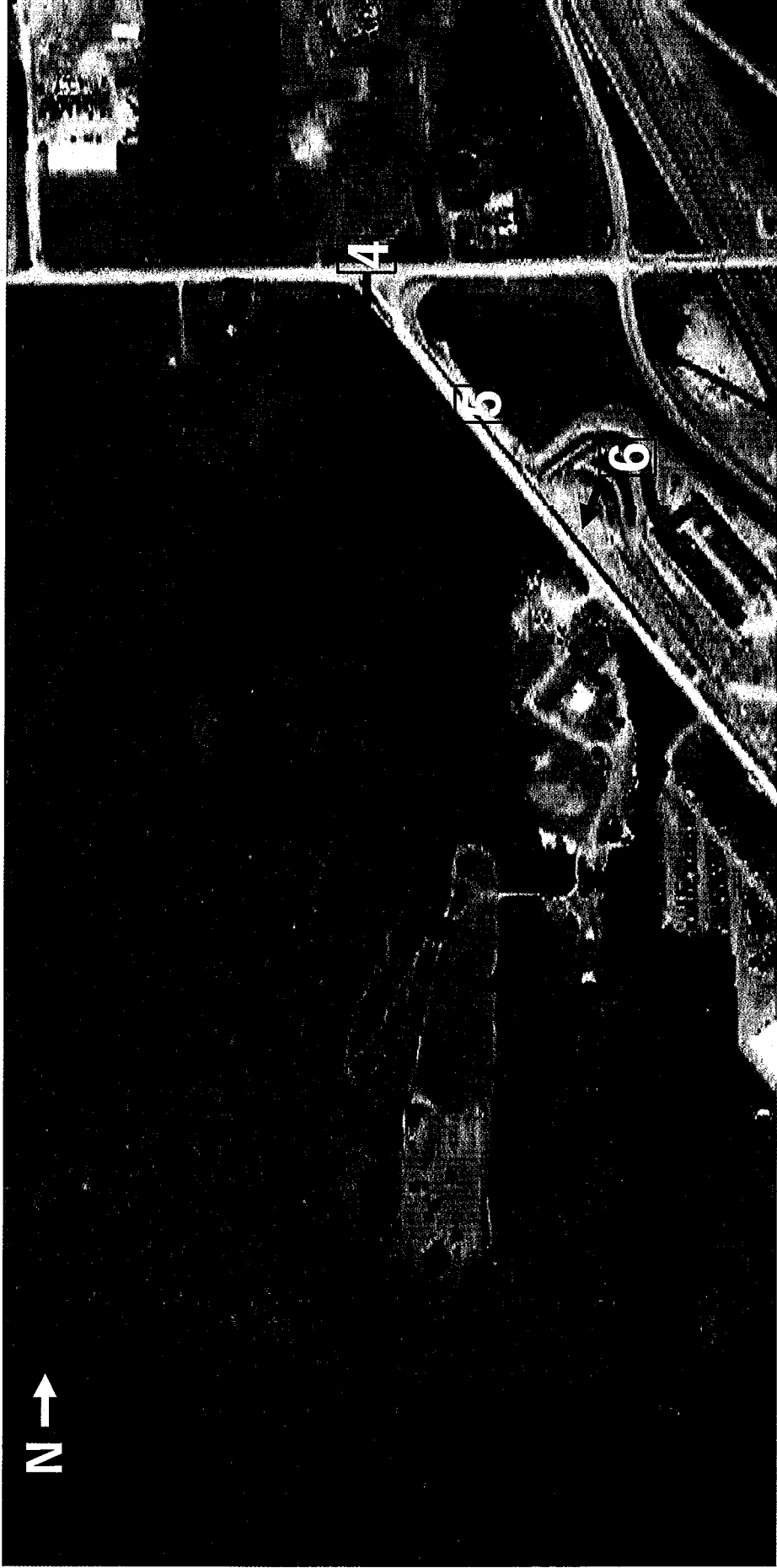


3. Facing south, the project is hidden by trees and an existing house.



Existing Conditions

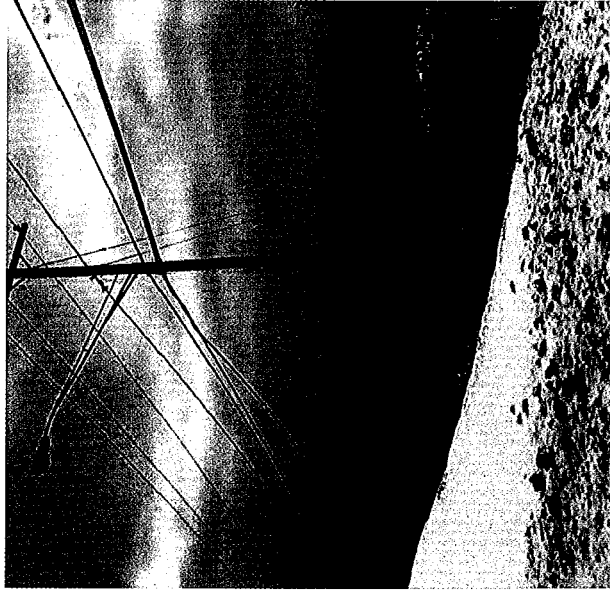
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re.think energy



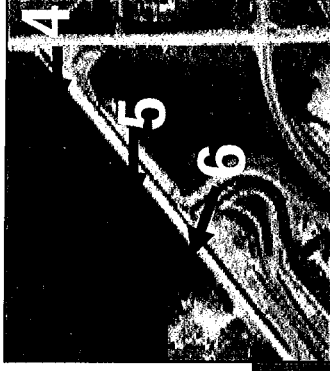
Current Conditions



4. Facing south, eastern corner of the property, the project is not visible



5. Facing west, along Alvin road, the project is hidden by trees

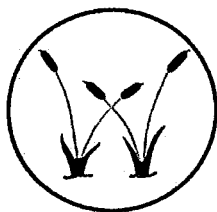


6. Facing west, from the visitor center, at an elevation, the project is hidden



BayWa r.e.
renewable energy

Exhibit B – Wetland Impact Opinion



July, 24, 2020

Brian Tran
Associate Development Manager
BayWa r.e. Solar Projects LLC
17901 Von Karman Ave., Suite 1050
Irvine, CA 92614

Subject: Proposed Solar Park Energy Project, South of Whitehaven Road, West of Alvin Road, Town of Grand Island, Erie County, New York.

Dear Mr. Tran:

This pertains to the application submitted on behalf of **BayWa r.e. Solar Projects LLC** to the Town of Grand Island Planning Board for a 4 MW solar array and associated access roads and facilities on the project site. The project sponsor (BayWa) has retained Wilson Environmental Technologies, Inc., to act as their Wetland Consultant, which included conducting both a federal and state wetlands delineation for the project site. The wetland delineation has been submitted to both regulatory agencies with a request for a Jurisdictional Determination (JD). Due to the Covid19 Pandemic, we are currently awaiting the JD from the U.S. Army Corps of Engineers (USACOE) Buffalo District, while we have the JD from the New York State Department of Environmental Conservation (DEC). Upon such time that we receive the JD from the USACOE we will submit the proper Joint Application for Permit.

Specifically, the project will involve the construction and operation of the solar facility and will not involve any permanent loss of jurisdictional wetland area, as all solar panels are to be mounted to pier supported frame systems. The supports are single steel post units which are driven into the ground. Electrical connections within the array are cabled above ground (utilizing a cable tray that sits on top of the ground) and thus will not require any trenching. Trenching is required to carry conduit from solar panel row edge to pad-mounted equipment which is then directed to a primary meter pole interconnection equipment area. Construction of the solar facility will require construction of access roads, as well as a staging area. Both the access road and staging will likely not impact jurisdictional regulated wetland.

New York State Department of Environmental Conservation regulates all activities within state regulated wetlands include a regulated 100 foot adjacent area (buffer) that surrounds the wetland. The Corps of Engineers regulatory responsibilities under Section 404 of the Clean Water Act (CWA) establishes jurisdiction over the discharge of dredged or fill material into Waters of the United States (WOUS), including wetlands.

1879 Whitehaven Road – Suite 3 – Grand Island, New York 14072
Phone: (716) 565-3000 – Fax: (716) 775-9140 — Email: wet@wilsonenvironmental.com ;
don@wilsonenvironmental.com

Subject: Proposed Solar Park Energy Project, South of Whitehaven Road, West of Alvin Road, Town of Grand Island, Erie County, New York.

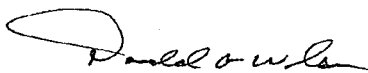
A recent regulatory rule change adopted by the US Environmental Protection Agency and the US Army Corps of Engineers defining WOUS, including wetlands. The final rule specifically clarifies that waters of the United States do not include the following:

- Groundwater, including groundwater drained through subsurface drainage systems;
- ephemeral features that flow only in direct response to precipitation, including ephemeral streams, swales, gullies, rills, and pools;
- diffuse stormwater runoff and directional sheet flow over upland;
- ditches that are not traditional navigable waters, tributaries, or that are not constructed in adjacent wetlands, subject to certain limitations;
- prior converted cropland;
- artificially irrigated areas that would revert to upland if artificial irrigation ceases;
- artificial lakes and ponds that are not jurisdictional impoundments and that are constructed or excavated in upland or non-jurisdictional waters;
- water-filled depressions constructed or excavated in upland or in non-jurisdictional waters incidental to mining or construction activity, and pits excavated in upland or in non-jurisdictional waters for the purpose of obtaining fill, sand, or gravel;

Because numerous wetlands outside of the DEC wetlands will not be jurisdictional by the USACE, based on the final rule, these "Isolated" pocketed wetlands will not be subject to regulation under Section 404 of the Clean Water Act.

Even with the final rule notwithstanding, the project, based on the information which accompanied the project to the Town indicates that the proposed work will not involve a discharge of dredged or fill material into WOUS. The project plan also shows no activity within the state regulated wetlands or buffer area. The cutting of vegetation above ground surface within a federal jurisdictional wetlands is not regulated and is not considered to be a negative impact. Therefore, it is our professional opinion that the project as proposed will not have any negative impacts on jurisdictional wetland.

Sincerely,



Donald G Wilson
Professional Wetland Scientist (Certified)
President.



BayWa r.e.
renewable energy

Exhibit C – BayWa Decommissioning Plan Template

(PROJECT NAME)
DECOMMISSIONING PLAN

Prepared by (TBD)
Prepared for: ()
Dated: ()

1. INTRODUCTION

1.1 Project Background

(Project description, size, location and acreage of land use). The solar photovoltaic power array owned by (Solar Project LLC), ("**Project**"), is anticipated to operate for a period of no less than 20 years under a power purchase agreement from (Utility/Commercial-Industrial Consumer). It is anticipated that the Project will use the existing technology up to an additional (twenty years) for a total operating period of (40) years. At the completion of its operating life, the Project will either be redeveloped with modern equipment, or it will be decommissioned and removed from the site in accordance with this plan.

1.2 Objectives

The objective of this Decommissioning Plan, ("**Plan**"), is to provide the requisite financial surety to guarantee the decommissioning of the Project.

1.3 Plan Conditions:

Prior to commencing with any decommissioning activities in accordance with this Plan, (Solar Project LLC) will provide documentation to process the appropriate permit(s). If the Project is to be redeveloped, a new building plan permit will be processed before any installation of new equipment. Decommissioning the Project will allow the parcels that were changed under the Project's (CUP/SUP) to be returned to their original zone classifications.

2. DECOMMISSIONING OF FACILITY AFTER CEASING OPERATION

2.1 General Environmental Protection

During decommissioning and restoration activities, general environmental protection and mitigation measures will be implemented. Many activities during decommissioning will be comparable to the construction phase, including the use of heavy equipment on site, preparing staging areas, and restoring constructible areas.

2.2 Pre-Decommissioning Activities

Prior to engaging in decommissioning activities, (Solar Project LLC) will provide documentation to process the appropriate permits in accordance with all relevant county, state and federal statutes in place at the time of decommissioning.

Prior to any decommissioning or removal of equipment, staging areas will be delineated as appropriate. At the end of the Project's useful life, it will first be de-energized and isolated from all external electrical lines. All decommissioning activities will be conducted within designated areas; this includes ensuring that vehicles and personnel stay within the demarcated areas. Work to decommission the collector lines

and Project-owned transmission lines will be conducted within the boundaries of the municipal road allowance and appropriate private lands.

2.3 Equipment Decommissioning and Removal

The basic components of the Project are photovoltaic (PV) modules, mechanical racking system, electrical cabling, inverter racks, transformers and concrete pads as described below.

- **Modules:** The modules will be removed by hand and placed in a truck to be returned for recycling or disposal as described below in section 2.4.
- **Mechanical racking system:** will be removed with an excavator with a demolition thumb. The recyclable metal will be loaded on trucks and hauled away in accordance with section 2.9.
- **Inverters Racks and Inverters:** The inverters and its racks will be removed by hand and loaded on trucks for recycling in compliance with section 2.5.
- **Transformers:** Transformers will be removed in compliance with section 2.5 and then loaded on to a truck with a crane and sent for recycling.
- **Concrete pads:** The equipment will be disconnected and transported off site by truck. The concrete foundations and support pads will be broken up by mechanical equipment (backhoe-hydraulic hammer/shovel, jackhammer), loaded onto dump trucks and removed from the site. Smaller pre-cast concrete support pads and/or pre-manufactured metal skids will be removed intact by cranes and loaded onto trucks for reuse, or will be broken up and hauled away by dump trucks.

2.4 PV Module Collection and Recycling

All modules will be disconnected, removed from the trackers, packaged and transported to a designated location for resale, recycling or disposal. Any disposal or recycling will be done in accordance with applicable laws and requirements. The connecting underground cables and the junction boxes will be de-energized, disconnected, and removed. The mechanical racking system supporting the PV modules will be unbolted and dismantled by laborers using standard hand tools, possibly assisted by small portable cranes. All support structures will be completely removed by mechanical equipment and transported off site for salvage or reuse. Any demolition debris that is not salvageable will be transported by truck to an approved disposal area. Other salvageable equipment and/or material will be removed for the site for resale, scrap value or disposal.

2.5 Electrical Equipment and Inverters

All decommissioning of electrical devices, equipment, and wiring/cabling will be in accordance with local, state and federal laws. Any electrical decommissioning will include obtaining required permits, and following applicable safety procedures before de-energizing, isolating, and disconnecting electrical devices, equipment and cabling.

Decommissioning will require the removal of the electrical equipment, including inverters, transformers, underground/aboveground cables and overhead lines. Equipment and material may be salvaged for resale or scrap value depending on the market conditions.

2.6 Roads, Parking Area

All access roads and the parking area will be removed to allow for the complete rehabilitation of these areas unless the landowner provides written consent to retain these features. Typically, the granular base covering of these areas will be removed using a wheel loader to strip off the material and dump trucks to haul the aggregate to a recycling facility or approved disposal facility. The underlying subsoil, if exhibiting significant compaction (more likely for the site entrance road than the interior access roads), will then be diced using a tractor and disc attachment to restore the soil structure and to aerate the soil. Clean topsoil will be imported on site by dump truck, replaced over the area and leveled to match the existing grade.

2.7 Other Components

Unless retained for other purposes, removal of all other facility components from the site will be completed, including but not limited to surface drains, access road cross-culverts, and fencing. Anything deemed usable shall be recovered and reused elsewhere. All other remaining components will be considered as waste and managed according to local, state, and federal laws. For safety and security, the security fence will be dismantled and removed from the site after all major components, PV modules, tracker system and foundations have been removed.

2.8 Site Restoration

The following activities will be undertaken to restore the site to substantially its previous condition;

- Site cleanup, re-grading to original contours and, if necessary, restoration of surface drainage swales and ditches.
- Any trenches/drains excavated by the Project will be filled with suitable materials and leveled.
- Any road, parking area will be removed completely, filled with suitable sub-grade material and leveled.
- Any compacted ground will be tilled, mixed with suitable sub-grade materials and leveled.
- Topsoil will be spread as necessary to ensure suitable conditions for vegetation re-growth and reseeded with native seed mix to promote vegetation.

The project fence and existing fire access roads may remain in place upon written consent of the landowner.

2.9 Management of Wastes and Excess Materials

All waste and excess materials will be disposed of in accordance with local, state and federal laws. Waste that can be recycled under municipal programs will be done accordingly. Waste that requires disposal will be disposed of in a state licensed facility by a state licensed hauler.

2.10 Emergency Response and Communications Plans

During decommissioning, (Solar Project LLC) will coordinate with local authorities, the public, and others as required to provide them with information about the ongoing activities. Besides regular direct/indirect communication, signs will be posted at the Project facility to give information to the local

public and visitors. The (Solar Project LLC) contact information (telephone number, email and mailing address) will be made public for those seeking more information about the decommissioning activities and/or reporting emergencies and complaints. All inquiries will be directed to the (Solar Project LLC) Representative who will respond to any inquiry. In the event of an emergency, (Solar Project LLC) will mobilize its resources to the site to respond to the event. Personnel involved in decommissioning will be trained in the emergency response and communications procedures. Emergency response procedures will be prepared prior to decommissioning.

3. PROJECT DECOMMISSIONING COST ESTIMATE

3.1 Cost Estimate:

(Solar Project LLC) shall provide a detailed Decommissioning Cost Estimate, prepared by a (State) Licensed Engineer, prior to the issuance of building permits, which shall include the following:

- a) the gross estimated cost to perform Decommissioning as set forth in Section II above ("**Gross Cost**");
- b) an increase of the Gross Cost by 10% in order to eliminate any discrepancy in cost estimation techniques ("**Contingency**");
- c) the estimated resale and salvage values associated with the Project equipment ("**Salvage Value**");
- d) a reduction from the Salvage Value by 10% such that only 90% of the Salvage Value can be used as a credit against the Gross Cost and Admin Factor. The Salvage Value multiplied by 90% is the ("**Salvage Credit**").

Thus the Decommissioning Cost Estimate formula is:

Gross Cost + Contingency - Salvage Credit = the "**Decommissioning Cost Estimate**".

The Decommissioning Cost Estimate shall include a table allocating the net cost estimate across the Project area, based on the percentage of generating capacity in megawatts (MW) on each property ("Allocation Areas"). The Allocation Areas will be divided based upon the lease areas, however Allocation Areas will reference the underlying land, in case ownership of the underlying land changes control during the life of the Project.

3.2 Security:

(Solar Project LLC) will provide an amount equal to the Decommissioning Cost Estimate (as determined by a (State) Licensed Engineer, per section 3), ("**Decommissioning Security**"). Decommissioning Security shall be provided by (Solar Project LLC) prior to the Commercial Operation Date.

The Decommissioning Security may be in one of the following forms: (i) cash to be held in escrow by the County Treasurer at a Bank, or (ii) a letter of credit from a financial institution reasonably acceptable to the County which shall be irrevocable unless replaced with cash or other form of security reasonably acceptable to County (each a form of "**Acceptable Credit Support**").



FOR TOWN BOARD AGENDA: AUGUST 17, 2020

MEMO

TO: Town Board

FROM: Planning Board

DATE: August 12, 2020

RE: KOERNTGEN SUBDIVISION - FIX RD. -- SBL #63.02-1-2
FINAL PLAT APPROVAL

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2020 AUG 13 AM 10:09
TOWN OF GRAND ISLAND, NY

James Daigler, P.E., Daigler Engineering, P.C., appeared at the August 10th Planning Board Meeting, via Zoom, representing the owners of the Koerntgen Subdivision on Fix Rd., SBL #63.02-1-2, requesting Final Plat Approval for the Koerntgen Subdivision consisting of two lots.

He stated that since Preliminary Approval, the drainage and grading plan has been provided. The existing drainage is protected by a private drainage easement.

Mr. Westfall stated that Engineering is comfortable with the plan.

The adjacent three lot subdivision is a separate subdivision. It has a different owner with different financing.

It was moved by Stessing – Duchscherer to recommend **APPROVAL** of the Final Plat for the Koerntgen Subdivision on Fix Rd. Recreation fees have been paid.

Roll Call: Ayes – Stessing, Duchscherer, Bruno, Greco, Lare, Starzynski, Worrall
Noes – None
Carried

David Bruno
Chairman

/ae

Planning Board



The Town of Grand Island

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

FOR TOWN BOARD AGENDA: AUGUST 17, 2020

MEMO

TO: Town Board

FROM: Planning Board

DATE: August 12, 2020

RE: FALLETTA SUBDIVISION - FIX RD. -- SBL #63.02-1-3
FINAL PLAT APPROVAL

James Daigler, P.E., Daigler Engineering, P.C., appeared at the August 10th Planning Board Meeting, via Zoom, representing the owners of the Falletta Subdivision on Fix Rd., SBL #63.02-1-3, requesting Final Plat Approval for the Falletta Subdivision consisting of three lots.

Mr. Westfall stated that Engineering has approved the plan.

Two septic systems are shown on one of the lots. Mr. Daigler stated that they are minimizing wetland impacts. One of the septic systems is for the single-family home and one for a residential second structure, a non-inhabitant space, such as a barn with toilet facilities. This is a single-family subdivision.

It was moved by Starzynski – Bruno to recommend **APPROVAL** of the Final Plat for the Falletta Subdivision on Fix Rd. Recreation fees have been paid.

Roll Call: Ayes – Starzynski, Bruno, Duchscherer, Greco, Lare, Stessing, Worrall
Noes – None
Carried

David Bruno
Chairman

/ae

RECEIVED
2020 AUG 13 AM 10:09
TOWN OF GRAND ISLAND



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

FOR TOWN BOARD AGENDA: AUGUST 17, 2020

MEMO

TO: Town Board

FROM: Planning Board

DATE: August 12, 2020

RE: GRAND ISLAND COMMERCE PARK – GRAND ISLAND BLVD. – SBL #24.03-1-36
SITE PLAN APPROVAL

Dave Mazur, owner of the property and Matthew Zarbo, P.E. appeared at the August 10th Planning Board Meeting, via Zoom, requesting Site Plan Approval for two 10,000 s.f. buildings and associated parking/driving infrastructure, located on Grand Island Blvd., SBL #24.03-1-36.

Mr. Westfall commented that a different name is needed for this project as Grand Island Commerce Park is being used for another project. Mr. Mazur stated that he will work on it.

Mr. Greco stated that he would abstain from voting because there was no address on Grand Island Blvd. and he could not find the property. Mr. Westfall noted that an address is not assigned until there is a building permit. They work with SBL#'s. Mr. Zarbo commented that an aerial photo has been provided, the lot is circled and a cross street, Baseline Rd., is shown.

Mr. Bruno commented that a split rail fence is shown in the front, but it doesn't go to the property line. It is being proposed in this way because of the grading and it is an aesthetic appeal around the pond. They were asked if the tree line could run a little further.

Mr. Bruno would like to see the handicapped parking spaces in front of each building. Mr. Mazur stated that some units may not have foot traffic. He would like to start with the four spaces that are shown and he will add spaces on an "as needed" basis in front of the buildings, if a tenant needs them.

A shed belonging to the Day Care Center is on this property. Mr. Mazur has asked them to move it.

The Design and Performance Standards requires an island at the entrance. This is not a circulation lot. This Board can evaluate and recommend that the island be waived.

Mr. Mazur was asked if these proposed buildings would be similar to his new building with the

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2020 AUG 13 AM 10:00
TOWN OF GRAND ISLAND

hair salon and the eye doctor. These buildings will be multi-colored. Stone will be used on the first 4', then another color and the roof line will have a third color. Mr. Westfall noted that he will be going to the Board of Architectural Review.

There will be lighting on the building and three poles in the parking lot.

Mr. Duchscherer would like to see a fence for a separation between this property and the Day Care Center and he suggested moving the trash to the northeast corner, where it would be less conspicuous. Mr. Zarbo stated that there is a significant drainage way behind that area. The trash will be enclosed on all four sides. It would be difficult to put the trash elsewhere and there is more room for trash pick up at the proposed location. The kids' play area is fenced in and the Day Care trash is near their proposed location. Mr. Mazur stated that the trash area is 300' off the Boulevard. He is okay with the front fence, but not 400' of side fencing. There is a bar and restaurant on the other side with no fencing. Plantings as screening in lieu of a fence and screening by the trash area was discussed.

It was moved by Bruno – Starzynski to recommend **APPROVAL** of the Site Plan contingent on,

- handicapped parking spaces placed in front of the buildings at conception,
- landowner request the Town Board to waive the island entrance as depicted in the Design and Performance Standards,
- landscape screening on the south side including around the trash area,
- pine trees every 20' up to the trash area.

Roll Call: Ayes – Duchscherer, Lare, Starzynski

Noes – Bruno, Stessing, Worrall

Abstaining – Greco

Not carried

It was moved by Bruno – Worrall to recommend **APPROVAL** of the Site Plan contingent on,

- handicapped parking spaces placed in front of the two buildings,
- landowner request the Town Board to waive the island entrance at Grand Island Blvd. as depicted in the Design and Performance Standards.

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

Noes – Duchscherer, Starzynski

Abstaining – Greco

Carried

David Bruno
Chairman

/ae