

# Town of Grand Island – Regular Meeting #11

A regular meeting of the Town Board of Grand Island, New York was held at the Town Hall, 2255 Baseline Rd., Grand Island, NY at 8:00p.m. on the 17<sup>th</sup> of June, 2019.

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

Supervisor Nathan D. McMurray called the meeting to order at 8:00p.m.  
Pastor Calvin VanderMey from Bible Fellowship Center gave the Invocation.  
Councilman Peter Marston, Jr. led the Pledge of Allegiance.

## **PUBLIC COMMENTS:**

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

Speakers: JR Tripi, Bill Shaw, Robert Lutnick, Dan Ryan, Jim Mulcahy, Sam Hunt

## **PUBLIC HEARINGS:**

### **Local Law Intro #7 of 2019 – Amend Chapter 407-10 of the Town Code Regarding M-1 Principal Uses**

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

A Public Hearing was held on Monday, June 17, 2019 for the purpose of hearing anyone who wanted to comment on Local Law Intro #7 of 2019 – Amend Chapter 407-10 of the Town Code Regarding M-1 Principal Uses.

Speakers: Dan Drexilius

Supervisor McMurray closed the Public Hearing.

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to adopt Local Law #5 of 2019 amending the Town of Grand Island Zoning Code regarding Principal Uses on the same lot in the M-1 Zoning District as follows:

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

Section 1: Section 407-10 of the Town of Grand Island Code is hereby amended by replacing the definition of USE, PRINCIPAL, to read in its entirety as follows:

USE, PRINCIPAL

The primary function of a site, building or facility. Only one principal use is allowed per lot, except in the Town Center Districts, Business-Hamlet (B-3) District, and M-1 Light Industrial and Research (M-1) District.

Section 2. **Severability Clause.** If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board of the Town of Grand Island hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any

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one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 3. **Effective Date.** This local law shall be effective immediately upon filing with the New York Secretary of State.

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

## **MINUTES:**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve Minutes of Regular Minutes of Workshop Meeting #19, May 13, 2019, Minutes of Workshop Meeting #20, May 15, 2019, Minutes of Workshop Meeting #21, May 20, 2019, Minutes of Workshop Meeting #22, May 30, 2019, Minutes of Workshop Meeting #23, June 3, 2019 and Minutes of Regular Meeting #10, June 3, 2019.

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

## **CONSENT AGENDA:**

1. Building Permits Issued – May 2019
2. Golden Age Center – Facility Usage – May 2019
3. Meeting Minutes – Zoning Board of Appeals – May 2, 2019
4. Meeting Minutes – Planning Board – May 13, 2019

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

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

## **COMMUNICATIONS –TOWN BOARD:**

### **SUPERVISOR NATHAN D. McMURRAY:**

#### **Monthly Supervisor’s Report December 2018**

The Supervisor reported Cash Balance-Operating A/C of \$2,462,385 on December 1, 2018

Total Receipts of \$2,447,672

Total Disbursements of \$3,485,270

Operating A/C Interest \$363

Operating A/C Balance \$1,425,149

Investment Interest \$13,618

Investment Balance \$11,239,433

Total Cash Balance as of December 31, 2018, 2018 \$12,664,582

No action by the Town Board.

#### **Monthly Supervisor’s Report Monthly Supervisor’s Report January 2019**

The Supervisor reported Cash Balance-Operating A/C of \$1,425,049 on January 1, 2019

Total Receipts of \$7,074,048

Total Disbursements of \$6,048,509

Operating A/C Interest \$550

Operating A/C Balance \$2,451,137

Investment Interest \$15,260

Investment Balance \$14,111,128

Total Cash Balance as of January 31, 2018, 2018 \$16,562,265

No action by the Town Board.

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## **Monthly Supervisor’s Report February 2019**

The Supervisor reported Cash Balance-Operating A/C of \$2,451,137 on February 1, 2019

Total Receipts of \$4,375,753

Total Disbursements of \$4,542,942

Operating A/C Interest \$783

Operating A/C Balance \$2,284,732

Investment Interest \$20,857

Investment Balance \$17,026,830

Total Cash Balance as of February 28, 2019, 2018 \$19,311,561

No action by the Town Board.

## **Monthly Supervisor’s Report March 2019**

The Supervisor reported Cash Balance-Operating A/C of \$17,026,830 on March 1, 2019

Total Receipts of \$1,019,586

Total Disbursements of \$1,198,848

Operating A/C Interest \$792

Operating A/C Balance \$2,106,261

Investment Interest \$22,715

Investment Balance \$16,538,189

Total Cash Balance as of March 31, 2018, 2018 \$18,644,450

No action by the Town Board.

## **Monthly Supervisor’s Report April 2019**

The Supervisor reported Cash Balance-Operating A/C of \$2,106,261 on April 1, 2019

Total Receipts of \$2,833,174

Total Disbursements of \$2,994,860

Operating A/C Interest \$802

Operating A/C Balance \$1,945,377

Investment Interest \$21,109

Investment Balance \$17,194,813

Total Cash Balance as of April 30, 2019, 2018 \$19,140,190

No action by the Town Board.

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

### **TOWN ATTORNEY – PETER GODFREY:**

#### **CSEA – Memorandum of Agreement**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to authorize the Supervisor to execute the CSEA Memorandum of Agreement, subject to any changes as to form which may be necessary and appropriate by the Town Attorney as follows:

This Memorandum of Agreement (“Agreement”) is made this 17<sup>th</sup> day of June 2011 by and between the Town of Grand Island (“Town”) and Civil Service Employees Association Local 1000 (“CSEA”) (collectively “Parties”).

WHEREAS, the Parties have entered into a collective negotiations agreement effective January 1, 2019 through and including December 31, 2022 (“CBA”); and

WHEREAS, the Parties have determined, on a non-precedential basis to adjust the pay grade designation of certain titles and employees;

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NOW THEREFORE, IT IS HEREBY AGREED by and between the Parties as follows:

1. Effective the first full pay period following the execution of this Memorandum of Agreement, the Titles included in Grades 3 and 4 of the Wage Schedules set forth in Appendix A of the CBA shall be modified, and a new Grade 4.5 shall be added to the Wage Schedules set forth in Appendix A of the CBA, as follows:

GRADE 3: CLERK TYPIST C

GRADE 4: ACCOUNTING CLERK TYPIST B  
CLERK TYPIST B  
RECREATION LEADER-SENIOR CITIZENS

GRADE 4.5 CLERK TYPIST A  
ACCOUNTING CLERK TYPIST A

2. Set the rates of pay for the newly established Grade 4.5 in each period and at each step of the Wage Schedules set forth in Appendix A at the midpoint between Grade 4 and Grade 5.

3. Linda Koch and Cheryl Zito shall be re-designated as Clerk Typists A and designate Elizabeth Velocci as Accounting Clerk Typist A, all of which will be eligible for compensation at the newly created Grade 4.5.

4. This Agreement is based upon the unique facts and circumstances with respect to the matters herein and nothing contained in this Agreement will not establish a precedent for any other matter.

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

## **DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT WESTFALL: Hire Summer Helper – Water Department**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to hire Nathan A Stroh as a Seasonal Water Laborer, \$11.60/hr., effective June 18, 2019 with starting dates based on availability and completion of the necessary pre-employment paperwork.

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

## **Award Contract – Lift Station 8 Forcemain Replacement – Job #M-8-2018**

Town Engineer Robert Westfall reported that on June 12, 2019 four bids were received for the Lift Station 8 Forcemain Replacement Job # M-8-2019.

<u>Contractor</u>	<u>Base Bid</u>
Milherst Construction, Inc.	\$2,703,075.00
Kandey Company, Inc.	\$2,984,276.00
Mark Cerrone, Inc.	\$3,197,784.00
Accadia Site Contracting, Inc.	\$3,225,950.00

After careful review by the Town's consultant, GHD, the bids were reviewed and GHD recommends award to Milherst Construction, Inc. in the amount of \$2,703,075.00.

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to accept the recommendation of the Town Engineer and award the bid for the Lift Station 8 Forcemain Replacement Job # M-8-2019 to Milherst Construction, Inc. in the amount of \$2,703,075.00.

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

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## **Authorize Supervisor to Sign Professional Services Agreement – Water Department SCADA Improvement – Job #M-230**

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to authorize the Supervisor to sign the Professional Services Agreement with Wendel for the engineering services, including design, bidding, administration, and computer system engineering & fabrication for the Water Department SCADA Improvement – Job #M-230 in the amount of \$120,245.00. The bonding authorization for the project is already in place.

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

## **NYS DOT Grand Island Boulevard Accessibility Project – PIN 5762.27 Comptrollers Contract #D035733 – Supplemental Agreement (SA#1) Authorization - REVISED**

Town Engineer Robert Westfall presented a resolution authorizing the agreement including REVISED Supplemental Agreement No. 1 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.

The Supplemental Agreement #1 (SA#1), authorized at the June 3, 2019 Town Board Meeting, has been revised to include an additional \$52,000 in Federal funding for the project. Therefore, increasing the Town's share by \$13,000 for a total of \$273,000.00. A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to authorize the Supervisor to sign the revised supplemental agreement (SA #1 – Revised) with the New York State Department of Transportation as follows:

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 an 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

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RESOLVED, that the sum of \$273,000 is hereby appropriated or appropriated from the 2017 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 \$260,000, 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.

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

## **SUPERVISOR – JOSEPH MENTER:**

### **Part-time Hire**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to hire Ela Sorel, PT Recreation Attendant, effective June 18, 2019, \$12.90/hr., subject to the completion of the necessary pre-employment paperwork.

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

### **Seasonal Pay Rates**

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to transfer the following employees to Seasonal pay rates, effective June 17, 2019 as follows:

<u>Name</u>	<u>Title</u>	<u>Rate of Pay</u>
Brian Brennan	Recreation Attendant – Yr. 3 Instructor	\$13.90 / hr.
Zachary Cooney	Recreation Attendant – Yr. 3 Leader	\$12.00 / hr.
Lexi Diaz	Recreation Attendant – Yr. 1 WNYSI	\$15.65 / hr.
Adam Heftka	Recreation Attendant – Yr. 3 Instructor	\$13.90 / hr.
Leah Jasek	Recreation Attendant – Yr. 2 Leader	\$11.80 / hr.
Julie Klein	Recreation Attendant – Yr. 1 Instructor	\$12.90 / hr.
Justin Kozlowski	Recreation Attendant – Yr. 2 Leader	\$11.80 / hr.
Julia Lawley	Recreation Attendant – Yr. 3 Leader	\$12.00 / hr.
Nathan Link	Recreation Attendant – Yr. 1 WNYSI	\$15.65 / hr.

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Collin McMahon	Recreation Attendant – Yr. 3 Instructor	\$13.90 / hr.
Gracie McNamara	Recreation Attendant – Yr. 1 Instructor	\$12.90 / hr.
Tiffany Melendez	Recreation Attendant – Yr. 2 Leader	\$11.80 / hr.
Jake Nowak	Recreation Attendant – Yr. 1 WNYSI	\$15.65 / hr.
Christopher O'Connor	Recreation Attendant – Yr. 2 Leader	\$11.80 / hr.
Michael Podgorny	Recreation Attendant – Yr. 2 Instructor	\$13.65 / hr.
Chelsea Robillard	Recreation Attendant – Yr. 1 Instructor	\$12.90 / hr.
Trevor Samplinski	Recreation Attendant – Yr. 2 Leader	\$11.80 / hr.
Eliza Sarigiannis	Recreation Attendant – Yr. 1 WNYSI	\$15.65 / hr.
Christopher Serra	Recreation Attendant – Yr. 3 Instructor	\$13.25 / hr.
Bonnie Stephens	Recreation Attendant – Yr. 3 WNYSI (PT)	\$16.65 / hr.
Laura Szczepankiewicz	Recreation Attendant – Yr. 3 WNYSI	\$16.65 / hr.
Stephanie Voyzey	Recreation Attendant – Yr. 3 WNYSI	\$16.65 / hr.
Jadon Wegrzyn	Recreation Attendant – Yr. 3 Instructor	\$13.90 / hr.
APPROVED	Ayes 5	Kinney, Madigan, Baney, Marston, McMurray
	Noes 0	

### **CODE ENFORCEMENT OFFICE:**

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

A motion was made by Councilwoman Kinney, seconded by Councilman Marston 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 cleared, no panels are installed.

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

#### **431 Park Place – Conservation Easement Violation**

A motion was made by Councilwoman Baney, seconded by Councilman Marston to authorize the Supervisor to give written notice of a Conservation Easement Violation to the resident at 431 Park Place (SBL#38.13-5-16) in reference to a pond

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

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

A motion was made by Councilman Marston, seconded by Councilwoman Kinney 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 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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

A motion was made by Councilman Marston, seconded by Councilwoman Baney 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 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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## **Tower Permit Renewal – Crown Castle – 3078 Staley Road**

A motion was made by Councilman Madigan, seconded by Councilman Marston to renew the Tower Permit for Crown Castle, 3078 Staley Road. The site has been inspected and there is a fallen tree on the west fence. The CEO will notify the owner. Otherwise the site is unchanged.

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

## **Tower Permit Renewal – Crown Castle – Bedell Road Bikepath**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to renew the Tower Permit for Crown Castle, Bedell Road Bikepath. The site has been inspected and it is secure and unchanged.

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

## **Request Permission to Advertise for Position – Full Time Building Safety Inspector**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to authorize the Code Enforcement Office to advertise for a new Full-time Building Safety Inspector position.

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

## **GOLDEN AGE CENTER: Status Change**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to change the status of Victoria Mordaunt, Recreation Attendant from Part-time to Seasonal, effective June 24, 2019.

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

## **PLANNING BOARD:**

### **Island Landings Subdivision – Phase 2 (4 Lots) – Final Plat Approval**

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to accept the recommendation of the Planning Board to grant Final Plat Approval for Island Landings Subdivision, Phase 2 (4 lots), subject to the payment of the required Recreation Fees.

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

### **Grand Island Secure Storage, 1730 Baseline Road – Site Plan Approval – Proposed Expansion**

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to table the Site Plan Approval for Grand Island Secure Storage, 1730 Baseline Road – Site Plan Approval – proposed expansion, pending SEQR.

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



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## **Kathleen M. Lorentz, 2555 Staley Road – Request to Split Property – SBL #:36.00-3-12.11**

A motion was made by Councilwoman Kinney, seconded by Councilman Martston to accept the recommendation of the Planning Board to grant the request of Kathleen M. Lorentz, 2555 Staley Road, SBL #36.00-3-12.11 to split the property, subject to the payment of the required Recreation Fees.

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

## **Thermo Fisher Scientific, 3175 Staley Road – Site Plan Approval – Truck Driveway, Grading and Cold Storage Building**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to table the Site Plan Approval for Thermo Fisher Scientific, 3175 Staley Road – Truck Driveway, Grading and Cold Storage Building, pending the comments from the Conservation Advisory Board Meeting on June 27<sup>th</sup> and SEQR.

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

## **REPORT OF THE AUDIT COMMITTEE:**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to pay Vouchers #127932 - #128053

General	\$ 49,374.28
Highway	\$ 14,607.31
Sewer	\$ 719.60
Water	\$ 818.75
Capital	\$153,202.58
Garbage	\$121,696.45
Fire	\$ 2,100.00
Total	\$342,518.97

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

## **UNFINISHED BUSINESS:**

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

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to adopt the following resolution for the Special Use Permit Application – Jie Zhu, 2568 Oakfield Road – Bed & Breakfast:

WHEREAS, Jie Zhu (the “Applicant”) has applied for a special use permit to operate a Bed & Breakfast at the Property; and

WHEREAS, the Property is non-conforming in that there are two principal uses on the same lot, both single-family residences, one being the primary original structure, and the other a cottage; and

WHEREAS, the Applicant has sought a determination from the Town’s Code Enforcement Officer regarding use of the Property for a bed and breakfast because non-conforming uses generally may not be expanded or altered; and

WHEREAS, the Code Enforcement Officer has determined, by letter dated May 2, 2019, that the non-conformity is the second, cottage structure, not the original structure; and

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WHEREAS, consideration of the special use permit application for a Bed & Breakfast in the original structure would not implicate the alteration or expansion of the non-conforming use; and

WHEREAS, the Town Board has considered the application, supporting materials, public comments, including the comments made at the public hearing, and has duly deliberated thereon;

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

1. The application for a special use permit is hereby granted for the following reasons:

A special use permit is permitted with a special use permit in the zoning district where the Property is located. This represents a legislative determination to allow such uses, provided that they meet the criteria to protect the neighborhood. The Town Board finds that the criteria are met. The proposed use is consistent with the intent of the zoning district. § 407-116(A). In addition, the proposed use fits in with the general character, height, and use of a structure or structures. § 407-116(B)(1). The primary structure in which in which the short term rental is proposed is an are existing structure and will be used for overnight accommodations, which, while different from a completely residential use, is substantially similar. No significant exterior changes to the structure is contemplated. This is not a new construction development, so the open space requirement and the treatment of grounds will not be impacted by the proposed use. § 407-116(B)(2). The Town Board finds that there will not be a significant adverse impact on the surrounding properties and neighborhood. There is adequate screening and the owner is required to be on-premises during guest stays, which as the Town Board previously found, mitigates the impact from transient rentals. The Town Board has determined that bed and breakfasts are permitted in this location. § 407-116(B)(3). The Town Board has conditioned approval on adequacy of parking, and the Town Board finds that additional parking requirements will not be significant in any event. § 407-116(B)(4). The street capacity is adequate for the use and any increase in traffic or other impacts will be negligible and mitigated. § 407-116(B)(5). Based on the record, the proposed use will not be detrimental to the public health, safety, and welfare of the community.

2. The special use permit is subject to the following conditions: (a) the owner/resident must be present at all times during guest stays, as is required for bed-and-breakfasts; (b) no short-term rental of any kind is permitted for the cottage structure on the property; (c) a maximum of one guest room with a maximum of two guests per room is allowed; and (d) one additional parking space consistent with Town requirements must be created so that adequate and appropriate parking for guests will be provided and properly designated, with one space for the designated guest room (the additional parking space must be outside of the right-of-way and on-street parking for guests will not be permitted).

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

## **Local Law Intro #5 of 2019 – Rezoning SBL #64.15-2-53, 365 Elmwood Road – B-2 to R-1E**

**A. Correspondence – Planning Board**  
Remains tabled, pending SEQR.

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## Local Law Intro #6 of 2019 – Rezoning Portion of SBL #36.00-1-6.111 Niagara Falls Campground, LLC – M1 to CR

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

Remains tabled, pending SEQR.

### **SUSPEND THE RULES:**

A motion was made by Councilman Marston, seconded by Councilwoman Baney to Suspend the Rules to consider a request for the Supervisor to sign a Consent and Crossing Agreement with Whitehaven Solar A, LLC.

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

### **Authorize the Supervisor to Sign Consent and Crossing Agreement with Whitehaven Solar A, LLC.**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to authorize the Supervisor to sign the Consent and Crossing Agreement between the Town of Grand Island and Whitehaven Solar A, LLC, subject to any changes as to form recommended by the Attorneys for the Town, and subject to Permissive Referendum as required by law.

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

### **PUBLIC COMMENTS:**

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

Speakers: None

### **FROM THE BOARD:**

- Primary Election Day – Tuesday, June 25<sup>th</sup>
- Paddles Up Event – July 27<sup>th</sup>

### **ADJOURNMENT:**

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to adjourn the meeting at 8:56p.m.

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

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

Michael Mosher	Marilyn Laman
Leonard VanderVoort	Nancy Peterson
Viola Achkar	Geraldine Burruano

Respectfully submitted,

Patricia A. Frentzel  
Town Clerk

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