

Town of Grand Island - Workshop Meeting #25

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 7:00p.m. on the 4th of June, 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:	Robert Westfall	Town Engineer
	Rhonda Diehl	Secretary to Supervisor

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

Supervisor John C. Whitney called the meeting to order at 7:01p.m.

NEW BUSINESS:

Local Law Intro #1 of 2020 – Rezoning SBL #23.00-3-15, 2570 Grand Island Boulevard – NBD to CR, Local Law Intro #2 of 2020 – Rezoning SBL #36.00-1-15, Grand Island Boulevard – NBD to CR and Local Law Intro #3 of 2020 – Rezoning SBL #23.00-3-6.11, 410 Lang Boulevard – M-1 to CR

A. Correspondence – Planning Board

A Public Hearing was held on Thursday, May 28, 2020 at 7:00p.m. for the purpose of hearing anyone who wants to comment on the Local Law Intro #1 of 2020 – Rezoning SBL #23.00-3-15, 2570 Grand Island Boulevard – NBD to CR, Local Law Intro #2 of 2020 – Rezoning SBL #36.00-1-15, Grand Island Boulevard – NBD to CR and Local Law Intro #3 of 2020 – Rezoning SBL #23.00-3-6.11, 410 Lang Boulevard – M-1 to CR.

Supervisor Whitney acknowledged the Planning Board correspondence.

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to table Local Law Intro #1 of 2020 – Rezoning SBL #23.00-3-15, 2570 Grand Island Boulevard – NBD to CR, Local Law Intro #2 of 2020 – Rezoning SBL #36.00-1-15, Grand Island Boulevard – NBD to CR and Local Law Intro #3 of 2020 – Rezoning SBL #23.00-3-6.11, 410 Lang Boulevard – M-1 to CR, pending SEQR.

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

Local Law Intro #5 of 2020 – Historic Preservation Advisory Board – Creation of up to Two Alternate Positions

A motion was made by Councilman Digati, seconded by Councilman Madigan to adopt Local Law #3 of 2020 amending the Town of Grand Island Code Chapter 180 to Provide for up to Two Alternates for the Historic Preservation Advisory Board as follows:

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Be it hereby enacted by the Town Board of the Town of Grand Island, pursuant to Municipal Home Rule Law § 10, General Municipal Law § 96-a, and General Municipal Law Article 5-k, as follows:

SECTION I. Section 180-5, Historic Preservation Advisory Board, is hereby amended to read in full as follows:

- A.** There is hereby created a volunteer advisory board to be known as the “The Town of Grand Island Historic Preservation Advisory Board.”
- B.** The Advisory Board shall consist of seven members and up to two alternate members. The Town of Grand Island shall be the primary residence of each Advisory Board member. Advisory Board members (except for the alternate, Town Historian, and Historical Society members referenced in § 180-5D below) shall serve a term of four years.
- C.** Up to two alternate members shall each serve a term of two years and be subject to the following provisions:
 - (1)** If a regular member of the Advisory Board is absent or unable to participate on a matter before the Advisory Board, the Chairman shall designate an alternate member to serve in that member’s place. Such designation shall be reflected in the minutes of the meeting(s) at which the substitution is made.
 - (2)** When an alternate member is designated to serve, he or she shall serve with the same powers and responsibilities of a regular member of the Advisory Board.
 - (3)** Alternate members shall regularly attend the scheduled meetings of the Historic Preservation Advisory Board in order to ensure that should the need arise for an alternate to be designated, such alternates are familiar with actions before the Advisory Board.
 - (4)** Alternate members shall serve without compensation.
 - (5)** All provisions related to eligibility, vacancy, removal, and other provisions of state or local law applicable to regular members of the Advisory Board shall be equally applicable to alternate members.
- D.** Appointment of Advisory Board members and up to two alternate members shall be made by the Town Board.
- E.** To the extent available in the Town of Grand Island, the Advisory Board should consist of the following:
 - (1)** All members shall have a known interest in, and shall have demonstrated significant interest and commitment to the field of

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historic preservation, evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, or other serious interest in the field.

- (2)** At least one member shall be the Town Historian, appointed annually;
 - (3)** At least two members shall be representatives of the Grand Island Historical Society, who shall serve two-year terms.
- F.** The Chairperson and Vice Chairperson shall be elected by and from voting members of the Advisory Board. The term of office shall be two years. If the Chairperson or Vice Chairperson cannot fulfill his or her term of office, a successor shall be elected by and from the membership of the Advisory Board to fulfill the remainder of the term until the next regular election.
- G.** If any Advisory Board Member shall resign or otherwise cannot fulfill his or her term of office, the Town Board shall appoint an interim member to serve the remainder of the term.
- H.** The powers of the Advisory Board shall include:
- (1)** To recommend designation of landmarks and historic districts to the Town Board for its consideration.
 - (2)** To advise and recommend to the Town Board on matters of professional consultants as necessary to carry out the duties of the Advisory Board.
 - (3)** To recommend rules and regulations as necessary for the conduct of its business.
 - (4)** To recommend criteria to the Town Board for the identification of significant historic, architectural, and cultural landmarks and/or for the delineation of historic districts.
 - (5)** To collect and evaluate information about significant historic, architectural, and cultural landmarks within the Town.
 - (6)** To make recommendations to the Town Board on acceptance or donation of facade easements and development rights; the acquisition of facade easements and development rights or other interests in real property as necessary to carry out the purposes of this act.
 - (7)** To increase public awareness of the value of historic, cultural and architectural preservation by developing and participating in education programs.

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- (8) To make recommendations to the Town Board concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the Town.
- (9) To recommend acquisition of a landmark or structure by the Town where its preservation is essential to the purposes of this act and where private preservation is not feasible.
- (10) To recommend approval or disapproval of applications for certificates of appropriateness, subject to review by the Code Enforcement Officer, to the Town Board.
 - I. The Advisory Board shall meet at least monthly if any business is pending. Meetings may be held at any time on the written request of any two Advisory Board members. The Advisory Board must meet at least once quarterly.
 - J. A quorum for the transaction of business shall consist of a majority of the Advisory Board members, but not less than a majority of the full membership may recommend a grant or denial of a certificate of appropriateness, to the Town Board.

SECTION II. Severability.

If any clause, sentence, paragraph, or part of this chapter or application thereof to any person or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof or the application thereof to other persons and circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

SECTION III. Effective Date.

This local law shall be effective immediately upon filing with the New York Secretary of State.

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

Local Law Intro #6 of 2020 - A Local Law Amending Chapter 407 of The Town Code of The Town of Grand Island to Modify Incentive Zoning Provisions

A motion was made by Councilwoman Baney, seconded by Councilman Digati to adopt the following Resolution Issuing Negative Declaration for Local Law Amending Chapter 407 of the Town Code of the Town of Grand Island to Modify Incentive Zoning Provisions:

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WHEREAS, before the Town Board of the Town of Grand Island (the “Town Board”) is a local law entitled “A Local Law Amending Chapter 407 of the Town Code of the Town of Grand Island to Modify Incentive Zoning Provisions” (the “Action”); and

WHEREAS, the Town Board is the Lead Agency pursuant to the State Environmental Quality Review Act (“SEQRA”), as it is the only agency that has discretionary approval authority over this Action; and

WHEREAS, the Town Board has determined that the Action is a “Type I” action under SEQRA; and

WHEREAS, the Town Board has duly considered the Action, the full Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c), the draft Negative Declaration, and such other information deemed appropriate; and

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

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

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

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

3. The Town Supervisor and/or Town personnel are hereby authorized and directed to distribute copies of the resolution as necessary and to publish the requisite notice in the ENB.

4. This resolution is effective immediately.

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

A motion was made by Councilman Marston, seconded by Councilman Digati to adopt Local Law #4 of 2020 amending Chapter 407 of The Town Code of The Town of Grand Island to Modify Incentive Zoning Provisions as follows:

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WHEREAS, before the Town Board of the Town of Grand Island (the "Town Board") is a local law entitled "A Local Law Amending Chapter 407 of the Town Code of the Town of Grand Island to Modify Incentive Zoning Provisions" (the "Action"); and

WHEREAS, the Town Board is the Lead Agency pursuant to the State Environmental Quality Review Act ("SEQRA"), as it is the only agency that has discretionary approval authority over this Action; and

WHEREAS, the Town Board has determined that the Action is a "Type I" action under SEQRA; and

WHEREAS, the Town Board issued a Negative Declaration under SEQRA; and

WHEREAS, the Town properly referred the proposed local law to the County, pursuant to Section 239-m of the New York General Municipal Law and considered the response; and

WHEREAS, the Town Board referred the proposed local law to the Town Planning Board and considered the response; and

WHEREAS, the Town Board held a public hearing on the Local Law, and members of the public were heard thereon;

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

1. The attached Local Law Amending Chapter 407 of the Town Code of the Town of Grand Island to Modify Incentive Zoning Provisions is hereby adopted, and shall take effect upon filing with the New York Secretary of State:

Section 1. Section 407-120(C)(2) of the Town Code of the Town of Grand Island is hereby amended to read in its entirety as follows:

(2) In Planned Development Districts, upon approval of a specific detailed development plan as provided for herein, land and buildings may be used for any lawful purposes, as determined by the Town Board, and subject to the limitations and procedures of this article. Any deviations from the zoning restrictions of the current or, if the property is currently zoned as PDD, immediately preceding zoning district(s) will only be granted as incentives following the provision of appropriate amenities as set forth in Section 407-20.

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Section 2. The title of Article IV Yard, Lot, Area and Height Regulations is amended to read in its entirety as follows:

Article IV Yard, Lot, Area, and Height Regulations; Incentive Zoning

Section 3. Section 407-20(B) is hereby amended to read in its entirety as follows:

- B. Applicability. All zoning districts are designated as eligible for zoning incentives. The Town Board may grant any incentives and may require any amenities as permitted by Town Law § 261-b. Incentives may be granted to applicants who offer acceptable amenities to the Town in exchange for the incentives. The granting of any incentive and the requirement of any amenity must be designed to achieve specific goals identified in the Comprehensive Plan as supplemented by the local laws and ordinances adopted by the Town Board, including, but not limited to, provision for community space, parkland, preservation of natural features, and supporting public infrastructure.

Section 4. This Resolution shall be hereby adopted and shall take effect upon filing with the New York Secretary of State in accordance with the Municipal Home Rule Law.

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

Local Law Intro #7 of 2020 – Rezoning SBL #51.00-1-1.1, Love Road – CR to M1 and Local Law Intro #8 of 2020 – Rezoning SBL #51.10-1-42, Glen Avon – R-1B to M1

A. Correspondence – Planning Board

A Public Hearing was held on Thursday, May 28, 2020 at 7:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #7 of 2020 – Rezoning SBL #51.00-1-1.1, Love Road – CR to M1 and Local Law Intro #8 of 2020 – Rezoning SBL #51.10-1-42, Glen Avon – R-1B to M1.

Supervisor Whitney acknowledged the Planning Board correspondence.

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to table Local Law Intro #7 of 2020 – Rezoning SBL #51.00-1-1.1, Love Road – CR to M1 and Local Law Intro #8 of 2020 – Rezoning SBL #51.10-1-42, Glen Avon – R-1B to M1, pending SEQR.

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

Local Law Intro #9 of 2020 – Rezoning SBL #64.15-1-23, 1437 Ferry Road – B2 to R-1E

A. Correspondence – Planning Board

B. Correspondence – Attorney Kevin Schenk

A Public Hearing was held on Thursday, May 28, 2020 at 7:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #9 of 2020 – Rezoning SBL #64.15-1-23, 1437 Ferry Road – B2 to R-1E.

Supervisor John Whitney acknowledged the Planning Board and Attorney Kevin Schenk correspondence.

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A motion was made by Councilman Madigan, seconded by Councilman Marston to table Local Law Intro #9 of 2020 – Rezoning SBL #64.15-1-23, 1437 Ferry Road – B2 to R-1E, pending SEQR.

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

Local Law Intro #11 of 2019 – Rezoning SBL #36.00-2-8.1, Alvin Road – B-1/R-1A to B-1 and Local Law Intro #12 of 2019 – Rezoning SBL#36.00-2-7, 2356 Whitehaven Road – R-1A/B-1 to R-1A

A Public Hearing was held on Thursday, May 28, 2020 at 7:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #11 of 2019 – Rezoning SBL #36.00-2-8.1, Alvin Road – B-1/R-1A to B-1 and Local Law Intro #12 of 2019 – Rezoning SBL#36.00-2-7, 2356 Whitehaven Road – R-1A/B-1 to R-1A.

A motion was made by Councilman Digati, seconded by Councilwoman Baney to table Local Law Intro #11 of 2019 – Rezoning SBL #36.00-2-8.1, Alvin Road – B-1/R-1A to B-1 and Local Law Intro #12 of 2019 – Rezoning SBL#36.00-2-7, 2356 Whitehaven Road – R-1A/B-1 to R-1A, pending correspondence by special counsel and SEQR.

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

Seasonal Crew Chief – Status/Rate Changes

A motion was made by Councilman Digati, seconded by Councilwoman Baney to approve the following pay rate changes:

Name	Title	Effective Date	Seasonal/Part Time	Rate of Pay
Erik Anderson	Parks Sr Worker	April 23 rd , 2020	Rate Change	\$14.30
David M Cole	Parks Sr Worker	May 2 nd , 2020	Rate Change	\$14.30
Joseph Killian	Parks Crew Chief	April 6 th , 2020	Rate Change	\$15.20
Steven Mrzygut	Parks Crew Chief	April 16 th , 2020	Rate/Title Change	\$14.05
Clifford Smith	Parks Crew Chief	April 2 nd , 2020	Rate Change	\$15.20

And further, to approve the following status of the following employees:

Erik Anderson	Parks Sr Worker	TBD	Seasonal	\$14.30
David M Cole	Parks Sr Worker	TBD	Seasonal	\$14.30
Joseph Killian	Parks Crew Chief	TBD	Seasonal	\$15.20
Steven Mrzygut	Parks Crew Chief	TBD	Seasonal	\$14.05
Clifford Smith	Parks Crew Chief	TBD	PT	\$15.20

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

ADJOURN:

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to adjourn at 7:25p.m.

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

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk

Thursday, June 4, 2020 - 8