

**PLANNING BOARD MEETING**  
**MINUTES: JANUARY 10, 2022**

**MEMBERS PRESENT:** Bruno, Lare, Starzynski, Stessing, Worrall  
Alternate member: Bowman

**MEMBERS ABSENT:** Duchscherer, Greco

**OTHERS PRESENT:** Councilmen Digati, Marston, Town Engineer Bob Westfall, Code Enforcement Officer Kasey Morgan and Those Listed Herein.

Chairman Bruno opened the meeting at 7:04 P.M.  
Mr. Bowman will be a voting member at this meeting.

**ELECTION OF OFFICER: VICE CHAIRMAN**

It was moved by Bruno – Worrall to nominate Bob Starzynski, Vice Chairman.  
There were no other nominations.  
Roll Call: Ayes – Bruno, Worrall, Bowman, Lare, Stessing  
Noes – None  
Carried

Mr. Starzynski is elected Vice Chairman.

**MINUTES:** Planning Board Meeting – December 13, 2021

Page 3, Panepinto Subdivision – 3 Lots – Whitehaven Rd.  
It was moved by Starzynski – Bowman to rescind the second motion because the paperwork has not been filed.

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

It was moved by Stessing – Starzynski to **APPROVE** the minutes as amended.

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

**VOUCHER:** Arlene Ehde, Recording Secretary - \$93.33

It was moved by Starzynski – Worrall to **APPROVE** the voucher for payment.

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

**2022 SCHEDULE OF PLANNING BOARD MEETINGS**

Application Deadline as Deemed  
Completed by Code Enforcement  
Friday – 4:00 P.M. (except where noted)

Planning Board Meetings  
Monday – 7:00 P.M. (except where noted)

December 22, 2021 (Wednesday)	January 10, 2022
January 28, 2022	February 14, 2022
February 25, 2022	March 14, 2022
March 25, 2022	April 11, 2022
April 22, 2022	May 9, 2022
May 27, 2022	June 13, 2022
June 24, 2022	July 11, 2022
July 22, 2022	August 8, 2022
August 26, 2022	September 12, 2022
September 23, 2022	October 11, 2022 (Tuesday)
October 28, 2022	November 14, 2022
November 23, 2022 (Wednesday)	December 12, 2022
December 22, 2022 (Thursday)	January 9, 2023

Received and filed.

**REFERRALS**

1. FROM: Town Engineer  
RE: SOUTHPOINTE PDD  
REVISED DEVELOPMENT CONCEPT PLAN

Douglas Scheid, AIA appeared representing Associated Grand Island LLC, along with Attorney Jeffrey Palumbo on ZOOM, requesting approval of a revised Development Concept Plan for the Southpointe PDD.

He explained that the original Concept Plan was approved in 2000. The following revisions are proposed:

- They are proposing a gated connection to Glen Avon Rd. for emergency access.
- Removed 2 midrise apartments, 144 units.
- Added 2 midrise, 4 story buildings, which will be less than the 45' height limit. Elevation will resemble the buildings in the Herron Pointe project. The buildings will have a gable or hip roof. Drawings have not been done at this time. If the height exceeds the 45', they would need a variance. Mr. Scheid commented that this is a PDD and technically there is not a height variance in a PDD.
- Six unit townhome buildings have been revised to 4 units with more space between buildings. Distance appears to be approximately 40', as required by Code.
- A community center, pool and dog park have been added. Community center is for this development, not the public. There will be sidewalks on one side of the road. Sidewalks will give access to the dog park.
- Subdivision C will have a private road owned by the Home-Owners Association. They will also own the wetlands and be responsible for them.
- Subdivision A and B will have dedicated Town roads with sidewalks on both sides.
- Subdivision A and B has not changed since the last submission. It will not have use of the community center.
- Subdivision A is within the PDD. Lots along Baseline Rd. are zoned R-1B and are wider and deeper.

There was a discussion regard the Glen Avon Rd. emergency access. Mr. Scheid commented that this was requested by the residents as they did not want to see Glen Avon turned into a main traffic point. The gated emergency access will have to be worked out with Traffic Safety and the Fire Co. The road will have a regular width pavement. Mr. Scheid stated that in 2013 the plan had a road. In 2017 they cut it off. Now, they put it back for emergency, fire access. Board members discussed changing Glen Avon from an emergency access. It is a paper road.

The lots with frontage on Baseline Rd., Love Rd. and Staley Rd., which are within a sewer district, must have sidewalks. There was a discussion regarding Subdivision E and sidewalks along the corner of Baseline and Staley Rds. Subdivision E has Federal wetlands. Mr. Scheid stated that the resolution for the sewer district included the requirement for the developer to make sure the wetlands were in perpetuity, nothing can be built.

It was moved by Stessing – Bowman to recommend **APPROVAL** of the revised Development Concept Plan providing,

- Sidewalks are to be included for Subdivisions A, B and D.
- Midrise apartments kept at 4 stories.
- Glen Avon shall be an unrestricted thoroughfare.
- Subdivision C has a Home-Owners Association.
- Subdivision E will be addressed with a site plan, as part of the procedure.

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

1/10/22

There has been talk about the clearing of the land for Southpointe. Chairman Bruno asked Mr. Scheid if they cleared where they are going to be building so that when they are ready for the roads, sidewalks, buildings, new grading, those areas are cleared. Mr. Scheid agreed. Mr. Westfall stated that the survey for the topo for that parcel was one of the most accurate surveys they have seen because it was done with a drone. They had to take down the brush, then fly drone mapping to build the digital model in the development area. Mr. Scheid commented that Grand Island is really flat. In subdivisions today, we need to establish grade. Roads will be built up, we need to put wetland depressions in to the low areas and it needs to drain. If you cut any part of where a tree falls, or add grade to it, the tree will die. They will save the trees where they can. Chairman Bruno commented that people think of a tree and the ball, but it is the canopy to consider. If a dozer is driven inside the canopy circle, the tree will die. Mr. Scheid was thanked for his input.

It was moved by Bruno – Stessing to move #1 from Unfinished Business, Gun Creek Subdivision, to #2 in Referrals.

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

2. FROM: Town Engineer

RE: GUN CREEK SUBDIVISION PDD, PHASE 3, 57 LOTS  
FINAL PLAT APPROVAL

Paul Bliss appeared, representing the developer, requesting Final Plat Approval for 57 lots in Phase 3 of the Gun Creek Subdivision PDD.

He explained that Phases 1, 2 and 4 are completed or finishing now. Phase 3 is minus a few lots, which will be in the next Phase. They will install all the trails that apply to this Phase. These are nature trails. They are not paved, they will have wood chips.

There was a discussion regarding connectivity of the trails possibly to the school property. Students could walk to the high school/middle school campus. There would have to be a discussion between the Town Board, school Officials and the developer. Mr. Bliss commented that there are shrubs and vegetation. It is not an open trail.

Extending the trail along the stream bed to the west was suggested. Adding benches or rock for seating was also discussed. Mr. Bliss commented that benches would require maintenance.

It was moved by Bruno – Starzynski to recommend **APPROVAL** of the Final Plat for 57 lots in Phase 3 of the Gun Creek Subdivision PDD, asking the developer to extend the trails along the creek to the west side, if possible, and add some type of stone/rock seating areas at the end of the trail.

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

It was moved by Bruno – Starzynski to move #2 from Unfinished Business, Local Law Intro #11 of 2021 – Rezoning portion of SBL #38.11-2-6.11 to #3 in Referrals.

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

3. FROM: Town Board

RE: LOCAL LAW INTRO #11 OF 2021 – REZONING PORTION OF SBL #38.11-2-6.11  
WHITEHAVEN ROAD – B-1 TO R-2

A letter from the Long Range Planning Committee was referred to this Board at the January 3<sup>rd</sup> Town Board Meeting, too late to be included on this month's Planning Board's agenda.

To date, the Board has not seen the letter. Councilman Digati provided a copy. In reviewing it quickly, the LRPC found that such a plan was not consistent with the goals and objectives set forth in the Town of Grand Island 2018 Comprehensive Plan adopted by the Town Board on September 17, 2018. It also mentions that this parcel is part of a Hamlet, waterfront commercial, and a tax revenue generator compared to a residential use.

Attorney Sean Hopkins and Frank Grebenc appeared via ZOOM regarding this matter. Mr. Hopkins stated that when the Town wanted to down zone the property, they fought to keep the commercial zoning. The parcel went from 25 acres to 14 acres. They have been trying to market this parcel for 20 years with no success.

They have not seen the letter from the LRPC. The residential use they are proposing makes more sense. As a vacant parcel, it is not generating very much in taxes. The Town has success with commercial on Grand Island Blvd. That is where the larger commercial uses belong. Mr. Hopkins cannot see it being a water-based use. He cannot see where there will be a commercial use that would take up 14 acres.

Councilman Digati informed Mr. Hopkins that the letter from the LRPC is on the Town's website with the January 3<sup>rd</sup> Town Board agenda.

There is a parcel zoned B-1 that does not belong to Mr. Grebenc. It is approximately 300'x648'. No plans have been submitted to the Town on this parcel.

Mr. Worrall stated that he is not opposed to a different zoning district or a mixed-use district as long as it stays in line with the Comprehensive Plan.

It was moved by Worrall to DENY the rezoning based on the Long Range Planning Committee's recommendation.

No second. Motion lost.

1/10/22

It was moved by Starzynski – Lare to **TABLE**, keeping it in Unfinished Business, pending the opportunity of this Board to review the letter from the Long Range Planning Committee and further discussion.

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

4. FROM: Town Board

RE: LOCAL LAW INTRO #9 OF 2019 – TREE ORDINANCE

This matter has not been referred to this Board at this time. However, it is on tonight's agenda for discussion. Councilman Digati stated that there has been a Public Hearing and there is going to be another workshop meeting tomorrow. There should be another formal referral based on the changes from the workshop. If there are significant changes, there should be another Public Hearing.

After a discussion, the Board made the following comments:

181-2. Purpose.

First paragraph – should refer to Town Board, not residents.

Fifth bullet point – Town Board, not residents.

End of first page, top of second page – Nothing speaks to educating the public of the Importance of tree preservation. If there are funds available, part of the funds should be allocated to having the Conservation Advisory Board or others, sending out a newsletter to residents with the importance of reforestation and reasons thereof. This whole document is how punitive the Town will be if anyone violates these basic provisions. Why are we still referring to the Emerald Ash Borer?

181-3. Definitions.

B. Clear Cutting

Not a good definition.

E. Tree Topping

National Grid does not shape a tree, when trimming.

181-4. Town Tree Advisory Board.

A. Do not need another Advisory Board. Already have Conservation Advisory Board. Matters could be handled by the Town Board and Planning Board.

181-6. Species and Location of Trees.

A. Design Standards, South, Central Business Districts say 50 feet.

181-9. Removal of Trees.

A. End of first sentence add, within a municipal right of way.

181-10. Removal of Trees on Commercial Property or Housing Developments.  
Remove this section. It needs to be reconsidered.

181-11. Enforcement and Penalties for Offenses.

A. Who is in charge of enforcing?

B. Follow the same type of penalties as others in the Town, such as the type of penalty charged if one does not get a building permit.

D. (3) Where is the tree species list? List should be attached to this law.

There was further discussion with Councilmen Marston and Digati on the following:

- Adopting Design Standards for residential subdivisions including architectural landscaping designs. Not everyone was in favor.
- In the Subdivision code there is a two tree requirement in the front yard setback. Some residents may not want two trees in the front yard. Developer does not do landscaping.
- Slightly increase the amount of green space requirements on projects.
- Most residents appreciate green space. Town should promote green space, not necessarily preservation of existing trees. Through education, promote reforestation efforts and green space.
- Do we need to look at reducing parking for more green space?
- The goal of this law is not necessarily preserving green space.
- The expense to the developers with enacting this law.
- The Tree Ordinance was originally presented to get Tree USA status to be able to apply for grant money.
- It is public versus private.
- Private property should be out of the Tree Ordinance.
- A Town sponsored tree farm was suggested.

#### **COMMUNICATIONS – OTHER OFFICIALS**

1. FROM: Town Board  
RE: MINUTES – November 15, December 6, 2021  
Received and filed.
2. FROM: Board of Architectural Review  
RE: MINUTES – November 16, 2021  
Received and filed.
3. FROM: Zoning Board of Appeals  
RE: MINUTES – November 4, December 2, 2021  
Received and filed.

#### **UNFINISHED BUSINESS**

1. FROM: Town Board  
RE: ACCESSORY USES AND STRUCTURES – PROPOSED CODE MODIFICATIONS  
To remain on the **TABLE**.

2. FROM: Code Enforcement Officer  
RE: EMERY FARM SOLAR – 2595 WHITEHAVEN RD.  
SPECIAL USE PERMIT APPLICATION  
(Tabled 12/14/20 until it is referred.)  
To remain on the **TABLE**.

3. FROM: Code Enforcement Officer  
RE: LONG ROAD DISTRIBUTION FACILITY – 2780 LONG RD.  
SITE PLAN APPROVAL  
To remain on the **TABLE** until such time as SEQR is resolved.

It was moved by Starzynski - Bowman to **ADJOURN** at 9:00 P.M.

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

Respectfully submitted,

Arlene Ehde, Recording Secretary