

# Town of Grand Island - Regular Meeting # 4

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 6<sup>th</sup> of March 2023.

Present:	John C. Whitney	Supervisor
	Peter J. Marston	Councilman (* via Zoom)
	Michael H. Madigan	Councilman
	Thomas A. Digati	Councilman
	Christian J. Bahleda	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Supervisor John C. Whitney called the meeting to order at 8:00p.m.  
Assistant Pastor David Chi from Bible Presbyterian Church gave the Invocation.  
Councilman Peter J. Marston 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:* Sean Hopkins

## **PUBLIC HEARING:**

### **Local Law Intro #8 of 2022 – Amend Chapters 295 and 407 of the Town Code – Roadside Farm Stands**

A Public Hearing was held on Monday, March 6, 2023, at 8:00p.m. for the purpose of hearing anyone who wants to comment on the Local Law Intro #8 of 2022 – Amend Chapters 295 & 407 of the Town Code – Roadside Farm Stands.

*Speakers:* None

Supervisor John Whitney declared the Public Hearing closed.  
A motion was made by Councilman Digati, seconded by Councilman Bahleda to refer Local Law Intro #8 of 2022 – Amend Chapters 295 & 407 of the Town Code – Roadside Farm Stands to the Town Board.

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

## **MINUTES:**

A motion was made by Councilman Marston, seconded by Councilman Digati to approve Minutes of Workshop Meeting #3, January 30, 2023, Minutes of Workshop Meeting #4, February 6, 2023, Minutes of Regular Meeting #3, February 6, 2023, and Minutes of Workshop Meeting #5, February 23, 2023.

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

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## **CONSENT AGENDA:**

1. Building Permits Issued – January 2023 & February 2023
2. Meeting Minutes – Board of Architectural Review – January 17, 2023

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

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

## **COMMUNICATIONS – TOWN BOARD:**

### **COUNCILMAN MICHAEL H. MADIGAN:**

#### **Request to Amend Fee Schedule – Special Use Permit – Solar Application Fees**

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to adopt the following resolution:

WHEREAS, the Town of Grand Island Town Board (the “Town Board”) annually adopts a consolidated fee schedule in January of each year.

WHEREAS, the members of the Town Board have reviewed the fee schedule adopted on January 3, 2023, and have determined that certain modifications need to be made as relate to applications for Special Use Permits for solar projects, and

WHEREAS, the below amendment is being proposed to be added to the consolidated fee schedule for the 2023 fiscal year, and

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby adopts the below fee to be added to the consolidated fee schedule for the 2023 fiscal year.

#### **SPECIAL USE PERMIT (SOLAR) APPLICATION FEE:**

Initial

Varies

The Applicant shall deliver to the Town Board, along with its Special Use Permit application an amount equal to one percent (1%) of the estimated cost of the project (the “Initial Deposit”). This sum shall be held by the Town in a non- interest-bearing account, and these funds shall be available to the Town to pay consultants and attorneys engaged by the Town to assist in application review. Following the grant or denial of the application, the Town shall return to the Applicant any excess remaining in escrow. If the escrow account has been depleted prior to grant or denial of the application, the Applicant shall deposit such funds necessary for the Town to pay any outstanding fees to said consultants.

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Modification

Varies

The same terms shall apply to any request for modifications of the Special Use Permit as initial applications except that the deposit shall be one percent (1%) of the estimated cost of the project modification.

Renewal \$ 50.00

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

## **Appointments – Historic Preservation Advisory Board**

A motion was made by Councilman Madigan, seconded by Councilman Digati to appoint Phyllis Martin as the Alternate to the Historic Preservation Advisory Board with a term expiring December 31, 2023, and appoint Denise Dewey to the vacant position on the Historic Preservation Advisory Board with a term expiring December 31, 2024.

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

## **COUNCILMAN – PETER J. MARSTON:**

### **Request to Amend Fee Schedule – Building Permit Fees**

A motion was made by Councilman Marston, seconded by Councilman Madigan to amend the Fee Schedule as follows:

New SFD up to \$300K or 3,000 sq/ft.	Plumbing Cond. Lines	Plumbing New SFD	500 sq/ft. or \$50K Resid. Add/Alter.	9,600sq/ft. or \$400K New Commercial	Decks/ Docks/ Sheds	850sq/ft.(avg.) Garage
\$450/\$750	\$100/\$125	\$180/\$225	\$210/\$425	\$1,210/\$2,500	\$100/\$125	\$120/\$175

\*Fees reflect the 2022 fee followed by the 2023 fee.

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

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

### **TOWN CLERK – PATRICIA ANDERSON FRENTZEL:**

#### **Authorize Supervisor to Sign Agreement – Erie County SPCA**

A motion was made by Councilman Madigan, seconded by Councilman Marston to authorize the Supervisor to sign the agreement with the Erie County SPCA, effective March 1, 2023.

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

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

### **Lang Boulevard Streetlights – LED Streetlight Conversion Project – Job # M-120-2019**

A motion was made by Councilman Madigan, seconded by Councilman Digati to table the Lang Boulevard Streetlights – LED Streetlight Conversion Project – Job # M-120-2019 matter.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney

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Noes 0

## **Employee Department Transfer – Sewer Department to Water Department**

A motion was made by Councilman Marston, seconded by Councilman Digati to authorize the reassignment/transfer of Timothy Krecisz from Maintenance Worker in the Wastewater Department to Maintenance Worker in the Water Department. The move is lateral with no change in pay or impact to the currently approved 2023 budget. The transfer is effective March 6, 2023.

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

## **Appointment – Laborer, Wastewater Department**

A motion was made by Councilman Madigan, seconded by Councilman Digati to approve the hire of Colin Thompson as a Laborer in the Wastewater Department, effective March 13, 2023, \$20.32/hr. (Start), per the AFSCME Contract, subject to the completion of the necessary pre-employment paperwork.

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

## **Baseline Road Waterline Reconstruction – Easements – Job # M-205-2020**

Town Engineer Robert Westfall reported that several unsuccessful attempts to obtain a temporary easement at 2004 Love Road for the construction of the new waterline on Baseline Road. With construction set to begin the week of March 6<sup>th</sup>, the Town was left with no other option than to obtain the easement through the legal process.

A motion was made by Councilman Digati, seconded by Councilman Bahleda to adopt the following resolution Authorizing the Acquisition by Eminent Domain of a Temporary Easement for purposes of Water line Construction at 2004 Love Road, Grand Island, New York, for the public purpose of constructing a water line to service the properties in the area, determining that as said acquisition is de minimis in nature so that the public interest will not be prejudiced by the construction of the project, and the project was the subject of a duly noticed public hearing and is therefore an exempt acquisition under EDPL §206, and authorizing all steps necessary to acquire the temporary easement.

WHEREAS, the Town of Grand Island has undertaken the Consolidated Water District Improvements, including the Baseline Road Waterline Replacement Project (the “Project”); and

WHEREAS, the Town Board issued an Order at its August 20, 2018 meeting calling for a public hearing to be held at the Town Hall, Grand Island, New York, on September 4, 2018 at 8:00 o'clock p.m. (prevailing time) or shortly thereafter to consider the Project and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of the Order, certified by said Town Clerk, the first

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publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted; and

WHEREAS, a duly noticed public hearing on the Project was held on September 4, 2018, on the Project; and

WHEREAS, on September 4, 2018, the Town Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act ("SEQRA") process, having taken a hard look at the potential impacts of the Project issued a Negative Declaration for the Consolidated Water District Improvements, including the Baseline Road Waterline Replacement Project; and

WHEREAS, thereafter the Town Board held a separate public hearing specifically on the Baseline Road Waterline Replacement Project, in accordance with the Town Board Order of June 6, 2022, calling for a public hearing to be held at the Town Hall, Grand Island, New York on June 27, 2022 at 8:00 o'clock p.m. (prevailing time) or shortly thereafter, to consider the Project, including the Baseline Road Waterline Replacement Project, and ordering the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted, and the public hearing duly held at the time and place stated in the notices.

WHEREAS, thereafter the Town Board authorized and proceeded with the Project, including the acquisition of all required easements except for a Temporary Easement for purposes of Water line Construction at 2004 Love Road, Grand Island, New York, which the property owners have declined to provide; and

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

1. The Town Board finds that the acquisition of a temporary easement at 2004 Love Road, Grand Island, in accordance with the Map attached as Schedule A and attached hereto, is a public purpose.
2. The Town Board finds that said acquisition is de minimis in nature so that the public interest will not be prejudiced by the construction of the project, and the project was the subject of a duly noticed public hearing and is therefore an exempt acquisition under EDPL §206.
3. The Town Board finds that because of the timing of the construction an emergency exists as defined in EDPL Article 2.
4. The Town Board finds that because of the existing infrastructure and the

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nature of the upgrade Project there are no feasible alternatives to the proposed acquisition.

5. The Town Attorney is authorized to immediately commence a vesting proceeding and proceed with the filing of the acquisition map upon an order from the Court in accordance with EDPL Article 4.
6. The Town Supervisor, Town Engineer, and Town Clerk are authorized to take all steps necessary to effectuate this resolution, including signing any deeds or other legal documents necessary to establish the temporary easement.
7. The Town Engineer and Town Attorney are authorized to obtain bids for appraisal of the value of the temporary easement.
8. That this resolution is effective immediately.

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

### **TOWN ASSESSOR – JUDY M. TAFELSKI:**

#### **Board of Assessment Review Requesting Change of Date to Hold Grievance Day Pursuant to RP-524**

A motion was made by Councilman Marston, seconded by Councilman Bahleda to approve the change of Grievance Day to the fourth Wednesday of May.

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

### **Appointment – Board of Assessment Review Alternate**

A motion was made by Councilman Marston, seconded by Councilman Digati to appoint George Hauss to the Board of Assessment Review as an *Alternate*, with a term expiring September 30, 2023.

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

### **CODE ENFORCEMENT OFFICE:**

#### **Unsafe Structure – 2275 Staley Road**

Code Enforcement Officer Ron Milks reported to the Town Board that pursuant to Town Code Section 125-10 C – Unsafe Buildings and Structures, the property located at 2275 Staley is a dwelling currently vacant and uninhabitable.

A motion was made by Councilman Madigan, seconded by Councilman Digati to accept the recommendation of the Code Enforcement Office and authorize the Code Enforcement Officer to hire a contractor to board up and secure the vacant building located at 2275 Staley Road should the property owner not do so before March 22, 2023. The costs including any legal fees will be assessed against the property taxes.

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

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### **Special Use Permit Application – Kelli Swagel, 2488A Grand Island Boulevard – Operate a Dog Training and Boarding Center, in an existing retail plaza, in the NBD (North Business District) – Set Public Hearing and Refer to Planning Board**

A motion was made by Councilman Digati, seconded by Councilman Madigan to set a Public Hearing for Monday, March 20, 2023, at 8:00p.m. for the purpose of hearing anyone who wants to comment on the Special Use Permit Application – Kelli Swagel, 2488A Grand Island Boulevard – Operate a Dog Training and Boarding Center, in an existing retail plaza, in the NBD (North Business District) and refer the matter to the Planning Board for review and recommendation.

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

### **Local Law Intro #1 of 2023 – Rezoning SBL #:38.11-2-6.11, Whitehaven Road – R-2/B1 to PDD – Set Public Hearing and Refer to Planning Board**

A motion was made by Councilman Marston, seconded by Councilman Digati to designate the Town of Grand Island as lead SEQR agency, to circulate the SEQR for coordinated review, set a Public Hearing for Monday, March 20, 2023, at 8:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #1 of 2023 – Rezoning SBL #:38.11-2-6.11, Whitehaven Road – R-2/B1 to PDD and refer the matter to the Planning Board for review and recommendation.

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

### **Special Use Permit Renewal – Thomas Burkman, 800 Kirkwood Drive – Bed & Breakfast**

A motion was made by Councilman Madigan, seconded by Councilman Marston to renew the Special Use Permit for Thomas Burkman, 800 Kirkwood Drive – Bed & Breakfast. The site has been inspected and there are no changes.

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

### **Master Plumbers License – Kevin Fawcett, Sr.**

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to accept the recommendation of the Plumbing Board and issue a Master Plumbers License to Kevin Fawcett, Sr. in lieu of passing the Town's plumbing test, as per Section 246-9 (B) of the Town Code.

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

### **Proposed Plumbing Code Change**

A motion was made by Councilman Digati, seconded by Councilman Bahleda to refer the proposed Plumbing Code changes to the Town Board.

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

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## REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilman Digati, seconded by Councilman Bahleda to pay

Vouchers #140977 - #141101

General \$129,188.08

Highway \$ 96,066.72

Sewer \$ 30,302.34

Water \$ 30,711.95

Capital \$ 5,475.00

Garbage \$144,202.19

Total \$435,764.28

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney

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:

- Lion's Club Spaghetti Dinner – April 24, 2023 – Ellden's Restaurant
- Go Sabres!

## ADJOURNMENT:

A motion was made by Councilman Madigan, seconded by Councilman Marston to adjourn the meeting at 8:31p.m.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney

Noes 0

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

Kenneth Piechowiak	Gertrude Karl
Otha Dunlop	James Mullany
Earl Wood	Daniel Walsh
Charles Bonner	Alan Sommer
Robert Goulding	Joseph Rumrich
Lois Schneider	Amelia Nicolcia
Amin Wardeh	Donald Scott
Thomas James	

Respectfully submitted,

Patricia Anderson Frentzel  
Town Clerk

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