

# Town of Grand Island - Regular Meeting #14

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 15<sup>th</sup> of August 2022.

Present:	John C. Whitney	Supervisor
	Peter J. Marston	Councilman
	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.  
Supervisor John C. Whitney gave the Invocation.  
Councilman Thomas A. Digati led the Pledge of Allegiance.

The Meeting was conducted via ZOOM and streamed live on the Town's website – [www.grandislandny.us](http://www.grandislandny.us)

## **PROCLAMATION:**

**National Airborne Day – August 16, 2022**

## **PUBLIC COMMENTS:**

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

*Speakers:* Nicole Gerber, David Reilly

## **PUBLIC HEARING:**

**Radisson Redevelopment – 100 Whitehaven Road:**

**A. Concept Plan and Related Incentive Zoning Application**

**B. Correspondence – Planning Board**

A Public Hearing was held on Monday, August 15, 2022, at 8:00p.m. to hear anyone who wants to comment on Radisson Redevelopment – 100 Whitehaven Road Concept Plan and Related Incentive Zoning Application.

*Speakers:* Rose Bugman, Joe LaLonde, June Crawford, Cathy Rayhill, Katherine Hastings

A motion was made by Councilman Digati, seconded by Councilman Madigan to refer the Radisson Redevelopment – 100 Whitehaven Road Concept Plan and Related Incentive Zoning Application along with correspondence from the Planning Board to the Town Board.

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

**Monday, August 15, 2022 - 1**

# Town of Grand Island - Regular Meeting #14

## **MINUTES:**

A motion was made by Councilman Marston, seconded by Councilman Madigan to approve Workshop Meeting #19, August 1, 2022, and Minutes of Regular Meeting #13, August 1, 2022.

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

## **CONSENT AGENDA:**

1. Golden Age Center – Facility Usage – June 2022
2. Building Permits Issued – July 2022
3. Meeting Minutes – Zoning Board of Appeals – July 7, 2022
4. Meeting Minutes – Planning Board – July 11, 2022

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

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

## **COMMUNICATIONS –TOWN BOARD:**

### **SUPERVISOR JOHN C. WHITNEY:**

#### **Monthly Supervisor’s Report – May 2022**

The Supervisor reported Cash Balance-Operating A/C of \$5,065,598 on May 1, 2022

Total Receipts of \$934,866

Total Disbursements of \$1,802,541

Operating A/C Interest \$243

Operating A/C Balance \$4,198,166

Investment Interest \$2,870

Investment Balance \$15,382,501

Total Cash Balance as of May 31, 2022, \$19,580,668

No action by the Town Board.

#### **Monthly Supervisor’s Report – June 2022**

The Supervisor reported Cash Balance-Operating A/C of \$4,198,166 on June 1, 2022

Total Receipts of \$2,395,263

Total Disbursements of \$2,202,095

Operating A/C Interest \$270

Operating A/C Balance \$4,391,605

Investment Interest \$4,467

Investment Balance \$15,570,587

Total Cash Balance as of June 30, 2022, \$19,962,192

No action by the Town Board.

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

**Monday, August 15, 2022 - 2**

# Town of Grand Island - Regular Meeting #14

## Set Ferry Village Tour Fee

A motion was made by Councilman Madigan, seconded by Councilman Marston to approve the Ferry Village Tour Fee at \$10 per person and amend the Fee Schedule accordingly. The tours will be conducted by the Historical Preservation Advisory Board. The funds will be deposited in the General Fund of the Town.

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

## Proposed Zoning Changes – Roadside Farm Stands

A motion was made by Councilman Madigan, seconded by Councilman Digati to refer the proposed zoning changes regarding Roadside Farm Stands to the Planning Board, Code Enforcement Office, Long Range Planning Board and the Engineering Department for review and comments.

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

## COMMUNICATIONS – OTHER TOWN OFFICIALS:

### TOWN CLERK – PATRICIA ANDERSON FRENTZEL:

#### New Hire

Town Clerk, Patricia Anderson Frentzel informed the Town Board she has appointed Kristin Ochs as Part-time Deputy Town Clerk effective August 15, 2022. Kristin will start as a Deputy Town Clerk (PT) at Grade 6, Step A - \$20.67 per hour August 15, 2022. On September 1, 2022, Kristin will have a short-term status change to Seasonal, subject to the completion of all the necessary pre-employment paperwork.

No Action by the Town Board necessary.

### TOWN ATTORNEY – PETER GODFREY:

#### Special Use Permit Application – NYSOLAR LLC, SBL #:36.00-1-28 – Emery Farm, 2595 Whitehaven Road – Solar Energy Farm – Set Public Hearing

##### A. Correspondence – Planning Board

A motion was made by Councilman Digati, seconded by Councilman Marston to set a Public Hearing for Monday, September 19, 2022, at 8:00p.m. for the purpose of hearing anyone who wants to comment on a Special Use Permit Application – NYSOLAR LLC, SBL #:36.00-1-28 – Emery Farm, 2595 Whitehaven Road – Solar Energy Farm.

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

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

#### Amend Fee Schedule – Time of Sales Infiltration Inspections – Homes on Private Disposal Systems

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to amend the Fee Schedule adopting a “Zero Fee” inspection for homes utilizing Private Disposal Systems while the Town Code proceeds with the Local Law adoption process of Time of Sale Infiltration and Ingress Inspections (I/I) – Homes on Private Disposal Systems updates and changes.

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

**Monday, August 15, 2022 - 3**

## Town of Grand Island - Regular Meeting #14

### Award Bid – Bituminous Resurfacing of Various Town Roads – Job # M-14-2022

Town Engineer Robert Westfall informed the Town Board that on August 10, 2022, the following bids were received for the Bituminous Resurfacing of Various Town Roads – Job # M-14-2022:

Amherst Paving	\$210,025.00
Robinson Paving	\$231,102.70*
Milherst Construction	\$233,035.00

\*(note: Robinson Paving had a math error in their book for bid item 2.0, the total should have been \$27,873 not \$27,843 with a total bid of 231,102.70 rather than \$231,072.70 reported at the bid opening.)

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

### Hire Consultant/Peer Review – Stormwater Review – Long Road Distribution Facility

A motion was made by Councilman Bahleda, seconded by Councilman Marston to authorize the Supervisor to sign an agreement with Invictis Civil Engineering P.C. to provide consultant services under SEQR to review the stormwater system for the Long Road Distribution Facility. Under the provision of SEQR, the applicant shall have placed in escrow with the Town funds to pay for this service.

APPROVED Ayes 4 Marston, Digati, Bahleda, Whitney  
Noes 1 Madigan

### RECREATION SUPERVISOR – JOSEPH MENTER:

#### Part-time Hires

A motion was made by Councilman Madigan, seconded by Councilman Digati to approve the following hires, effective August 16, 2022, subject to the completion of the necessary pre-employment paperwork:

Lenzie Humphrey	Recreation Attendant – Yr. 1 Aide	\$13.75/hr.	Part-time
Justin Podgorny	Recreation Attendant – Yr. 2 Aide	\$14.00/hr.	Part-time

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

### TOWN ASSESSOR – JUDY M. TAFELSKI:

#### Law Offices of Gary R. Ebersole – Request to Split/Merge Property – 3044 Grand Island Boulevard, SBL #:23.02-3-68 and Grand Island Boulevard, SBL #:23.02-3-65.1

A motion was made by Councilman Digati, seconded by Councilman Marston to approve the request of the estate of Marion Little to split off a 70x74x50 foot triangle (backland) from SBL #23.02-2-68 – 3044 Grand Island Blvd. and be merged with SBL #23.02-3-65.1 (vacant lot) on Grand Island Blvd. The Engineering and Zoning Departments are in agreement pending the filing of appropriate paperwork with the Erie County Clerk's office.

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

**Monday, August 15, 2022 - 4**

# Town of Grand Island - Regular Meeting #14

## CODE ENFORCEMENT OFFICE:

### Special Use Permit Renewal – Donald Darnley, 948 Legion Drive – Permit for a Federal Firearms License from the Owner’s Residence

A motion was made by Councilman Marston, seconded by Councilman Bahleda to renew the Special Use Permit for Donald Darnley, 948 Legion Drive – Permit for a Federal Firearms License from the Owner’s Residence. The site has been inspected and there are no changes.

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

### Special Use Permit Renewal – Jason Sokody, 1939 Grand Island Boulevard – Automotive Collision Repair Shop

A motion was made by Councilman Madigan, seconded by Councilman Digati to renew the Special Use Permit for Jason Sokody, 1939 Grand Island Boulevard – Automotive Collision Repair Shop. The site has been inspected and there are no changes.

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

### Special Use Permit Renewal – Sandy Beach Yacht Club, 1851 Winter Road – Parking Lot

A motion was made by Councilman Bahleda, seconded by Councilman Marston to renew the Special Use Permit for Sandy Beach Yacht Club, 1851 Winter Road – Parking Lot. The site has been inspected and there are no changes.

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

### Special Use Permit Renewal – Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens

A motion was made by Councilman Madigan, seconded by Councilman Digati to renew the Special Use Permit for Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens. The site has been inspected and there are no changes.

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

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

A motion was made by Councilman Digati, 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 there are no changes.

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

## **Town of Grand Island - Regular Meeting #14**

### **Special Use Permit Renewal – Christopher Fiels, 2249 Bush Road – Home Occupation, Dog Training Facility**

A motion was made by Councilman Madigan, seconded by Councilman Marston to renew the Special Use Permit for Christopher Fiels, 2249 Bush Road – Home Occupation, Dog Training Facility. The site has been inspected and there are no changes. The pre-existing conditions remain in effect.

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

### **Special Use Permit Renewal – T. Duffy MacGuire, 3062 Whitehaven Road – Bed & Breakfast**

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to renew the Special Use Permit for T. Duffy MacGuire, 3062 Whitehaven Road – Bed & Breakfast – 3 rooms. The site has been inspected and there are no changes. Log book of guests to be maintained and owner advised to post emergency exit routes near guest rooms.

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

### **Special Use Permit Renewal – Allyson Gracie, 4776 East River Road – Home Occupation – Acupuncture**

A motion was made by Councilman Marston, seconded by Councilman Madigan to renew the Special Use Permit for Allyson Gracie, 4776 East River Road – Home Occupation – Acupuncture. The site has been inspected and there are no changes.

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

### **PLANNING BOARD:**

#### **Taco Bell, 1754 Grand Island Boulevard – Site Plan Approval**

A motion was made by Councilman Marston, seconded by Councilman Bahleda to table the Site Plan Approval for Taco Bell, 1754 Grand Island Boulevard, pending SEQR review.

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

#### **Tops Plaza, 2160 Grand Island Boulevard – Proposed 4,776 S.F. Outparcel (2022) – Site Plan Approval – SEQR**

Supervisor John Whitney presented the SEQR – Short Environmental Assessment Form for Tops Plaza, 2160 Grand Island Boulevard – Proposed 4,776 S.F. Outparcel (2022) – Site Plan Approval. Mr. Whitney informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilman Marston, seconded by Councilman Bahleda to issue a Negative Declaration for Tops Plaza, 2160 Grand Island Boulevard – Proposed 4,776 S.F. Outparcel (2022) – Site Plan Approval.

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

# **Town of Grand Island - Regular Meeting #14**

## **Tops Plaza, 2160 Grand Island Boulevard – Proposed 4,776 S.F. Outparcel (2022) – Site Plan Approval**

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to grant Site Plan Approval for Tops Plaza, 2160 Grand Island Boulevard – Proposed 4,776 S.F. Outparcel (2022) , subject to having 100 banked parking spaces in the area south of the existing Tops.

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

### **COMMUNICATIONS – GENERAL:**

#### **Rivertown Center, SBL #37.03-1-21.11, 37.03-1-61, 37.03-1-13.111 – Grand Island Boulevard and Baseline Road – Thirty (30) Day Extension of the Negotiation Period**

A motion was made by Councilman Digati, seconded by Councilman Marston to approve the request for an additional thirty (30) day extension of the Negotiation Period until Thursday, September 15, 2022 (“August Extension”).

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

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

A motion was made by Councilman Digati, seconded by Councilman Bahleda to pay Vouchers #139045 - #139183

General	\$ 53,023.18
Highway	\$ 15,108.76
Sewer	\$113,607.60
Water	\$ 13,694.33
Capital	<u>\$ 68,622.62</u>
Total	\$264,056.49

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

### **UNFINISHED BUSINESS:**

#### **Preliminary Plat – 859-891 East River Road Minor Subdivision – 4 Lots – Subdivision 118**

- A. Correspondence – Planning Board**
- B. Correspondence – Engineering Department**

Remains Tabled.

### **SUSPEND THE RULES:**

A motion was made by Councilman Madigan, seconded by Councilman Marston to Suspend the Rule to consider authorizing the Supervisor to sign Authorize the Supervisor to Sign – NYS Thruway Authority Sewer Agreement for Welcome Center – Addendum No. 2.

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

**Monday, August 15, 2022 - 7**

## Town of Grand Island - Regular Meeting #14

### Authorize the Supervisor to Sign – NYS Thruway Authority Sewer Agreement for Welcome Center – Addendum No. 2

A motion was made by Councilman Madigan, seconded by Councilman Marston to authorize the Supervisor to sign Authorize the Supervisor to Sign – NYS Thruway Authority Sewer Agreement for Welcome Center – Addendum No. 2, subject to the approval of the Town Attorney.

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: Nancy Killian

#### **FROM THE BOARD:**

- **Garbage/Recycle Issues**
- **National Night Out Recap**
- **Ferry Road Tours; Go Bills!**
- **Next Town Board Meeting – Tuesday, September 6, 2022**

#### **ADJOURNMENT:**

A motion was made by Councilman Madigan, seconded by Councilman Marston to adjourn the meeting at 9:00p.m.

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

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

Viola Liddell	Lawrence Prosser
Barbara Johnson	Sharon Tanchak
Anthony Federio	Kurt Villani

Respectfully submitted,

Patricia Anderson Frentzel  
Town Clerk