

Town of Grand Island - Regular Meeting #17

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 3rd of October 2022.

Present: Peter J. Marston Deputy Supervisor
Michael H. Madigan Councilman
Thomas A. Digati Councilman
Christian J. Bahleda Councilman
Karen M. Cooney Deputy Town Clerk
Charles W. Malcomb Town Attorney

Excused: John C. Whitney Supervisor

Deputy Supervisor Peter J. Marston called the meeting to order at 8:00p.m.
Highway Superintendent Richard Crawford gave the Invocation.
Deputy Supervisor 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: John Chin, Jennifer Chin, James Sedita, Sharon Kern

PUBLIC HEARINGS:

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

A Public Hearing was held on Monday, October 3, 2022, at 8:00p.m. to hear anyone who wants to comment on the Special Use Permit Application – NYSOLAR LLC, SBL #:36.00-1-28 – Emery Farm, 2595 Whitehaven Road – Solar Energy Farm.

Speakers: Nicole Gerber, Dave Reilly, Ed Switzer, Tony Cimpi, Jay Bernie

Deputy Supervisor Peter J. Marston declared that the Public Hearing will remain open.

Local Law Intro #5 of 2022 – Rezoning Portion of SBL #: 64.05-3-1.12, Fix Road – R-1A to R-1D

A. Request to Split/Merge Property – SBL #: 64.05-3-1.12, Fix Road and SBL #: 64.05-3-40, 326 Fareway Lane and SBL #: 64.05-3-41, 316 Fareway Lane

A Public Hearing was held on Monday, October 3, 2022, at 8:00p.m. to hear anyone who wants to comment on Local Law Intro #5 of 2022 – Rezoning Portion of SBL #: 64.05-3-1.12, Fix Road – R-1A to R-1D.

Speakers: Tom McAuliffe, Artie McAuliffe, James Niland

Deputy Supervisor Peter J. Marston declared that the Public Hearing closed.

A motion was made by Councilman Digati, seconded by Councilman Bahleda to refer Local Law Intro #5 of 2022 – Rezoning Portion of SBL #: 64.05-3-1.12, Fix Road – R-1A to R-1D to the Town Board.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

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MINUTES:

A motion was made by Councilman Madigan seconded by Councilman Digati to approve Workshop Meeting #22, September 19, 2022, and Minutes of Regular Meeting #16, September 19, 2022.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

CONSENT AGENDA:

1. Golden Age Center – Facility Usage – July 2022
2. Meeting Minutes – Board of Architectural Review – August 16, 2022
3. Meeting Minutes – Historic Preservation Advisory Board – September 21, 2022

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

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

COMMUNICATIONS – OTHER TOWN OFFICIALS:

HIGHWAY SUPERINTENDENT – RICHARD W. CRAWFORD:

Staley Road Speed Study

A motion was made by Councilman Digati, seconded by Councilman Madigan to approve a TE-9 speed study on Staley Road from 45MPH to 40MPH between Grand Island Boulevard and West River. A request for a TE-9 to the county will be sent as per the recommendation of the Traffic Safety Advisory Board.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Inventory of Highway Department Machinery, Tools & Equipment – 2022

Annual Inventory Report

Highway Superintendent Richard Crawford presented the annual inventory of all machinery, tools, implements and equipment for the Grand Island Highway Department.

FYI – No Town Board action was necessary.

NYS Highway Law – Section 284 Amended Agreement – 2022

Highway Superintendent Richard Crawford informed the Town Board that the NYS Highway Law – Section 284 Amended Agreement for 2022 reflects the money budgeted for the general repairs and improvements for the year 2022 in the amount of \$407,190.00.

FYI – No Town Board action was necessary.

Request Permission to Sell Surplus Equipment at Auction – Fall 2022

A motion was made by Councilman Digati, seconded by Councilman Bahleda to authorize the Highway Superintendent to send surplus equipment items to auction. Sales will be facilitated by the internet-based auction house Auctions International Inc.

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Items:

- 2002 L8500 Sterling Dump with new Radiator – (Highway)
- Ingersol Rand Type 20 Air Compressor – (Highway)
- Assorted Vehicle Filters – (Highway)
- Husqvarna Weed Whip – Non-Working – Highway)
- 2011 Ford F-150 pickup – (Highway)
- 2001 Ford F-150 Pickup – (Water Department)

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Authorize Supervisor to Sign – Software/Service Agreement – Tree Inventory

The parameters of the tree grant the Town received was to maintain the Town’s tree inventory with accurate and up-to-date information.

A motion was made by Councilman Digati, seconded by Councilman Bahleda to authorize the Supervisor to sign the Software/Services Agreement with Davey Resource Group in the amount of \$10,000 for the period 1-1-2023 through 12-31-2028 for the ‘TreeKeeper’ software. The fee is to be paid out of the Tree Removal Budget – 001.8560.0429.

APPROVED Ayes 3 Marston, Digati, Bahleda
Noes 1 Madigan

TOWN ATTORNEY – PETER GODFREY:

SEQR – Radisson Redevelopment – 100 Whitehaven Road

Town Attorney Charles Malcomb presented the Full Environmental Assessment Form – Parts 2 & 3 to the Town Board for the Radisson Redevelopment – 100 Whitehaven Road. Mr. Malcomb informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

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

WHEREAS, the Town Board of the Town of Grand Island has received and reviewed an application package seeking creation of a Planned Unit Development (PDD), including the provision of incentives in accordance with the Incentive Zoning (IZ) Provisions to allow creation of a PDD of less than the required acres (the “Application”), to facilitate the redevelopment of the existing 263-room Grand Island Radisson Hotel to a mixed-use multi-family and commercial development complex (the “Project”) of an approximately 10-acre portion of 100 Whitehaven Road (tax parcel Id.#’s: 38.11-2-4 and 38.11-2-2); and

WHEREAS, the Town Board has before it the first step in the planned unit development process, the approval of a concept plan for the Project; and

WHEREAS, the Town Board also has before it the proposed amenity under the Incentive Zoning statute; and

WHEREAS, the Town Board has duly considered the Full Environmental assessment Form, the comments of other agencies, the comments at the public hearing, 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

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WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has in the negative declaration 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 its review and examination of the known facts relating to the Proposed 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 supplemental environmental impact statement will not be prepared.

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

3. The Town Attorney is 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 4 Madigan, Marston, Digati, Bahleda

Noes 0

Radisson Redevelopment – 100 Whitehaven Road – Approval of the Concept Plan Town Board of Town of Grand Island

A motion was made by Councilman Madigan, seconded by Councilman Digati to adopt the resolution approving the Concept Plan for the Radisson reuse and redevelopment Planned Use Development, 100 Whitehaven Road, Town of Grand Island as follows:

WHEREAS, on July 25, 2022 JB Earl Company and ELEV8 Architecture (collectively the “Applicants”) submitted an application package seeking creation of a Planned Unit Development (PDD), including the provision of incentives in accordance with the Incentive Zoning (IZ) Provisions to allow creation of a PDD of less than the required acres (the “Application”), to facilitate the redevelopment of the existing 263-room Grand Island Radisson Hotel to a mixed-use multi-family and commercial development complex (the “Project”) of an approximately 10-acre portion of 100 Whitehaven Road (tax parcel Id.#’s: 38.11-2-4 and 38.11-2-2) (hereinafter the “Site”); and

WHEREAS, the request for PDD and IZ was made to allow residential uses in addition to those permitted in the B-1 General Business District because the B-1 General Business District does not permit residential uses and the PDD has a minimum acreage requirement; and

WHEREAS, on August 1, 2022, the Town Board declared itself Lead Agency for the purposes of the State Environmental Quality Review Act (“SEQRA”) process and classified the action as Unlisted; and

WHEREAS, additional traffic and survey materials related to the (Amended) PDD and IZ Application were filed by the Applicants on August 4, 2022.

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WHEREAS, on August 8, 2022, the Town of Grand Island Planning Board reviewed the Project and recommended approval of the Application with the condition that the PDD be limited to the area of the Site (approximately 10 acres) to be redeveloped by the Applicants; and

WHEREAS, on August 15, 2022, the Town Board held a public hearing to solicit public comments on the Application and directed the Applicants to provide additional materials related to the proposed Town Incentives; and

WHEREAS, during the Town Board work session held on September 6, 2022, the Applicants presented additional details regarding the proposed Town Incentives; and

WHEREAS, in response to comments received from the Town Board on the proposed Town Incentives, the Applicants made further revisions and submitted the revised plans to the Town Board on September 14, 2022; and

WHEREAS, on October 3, 2022, the Town Board issued a Negative Declaration pursuant to SEQRA; and

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

1. The Project and proposed PDD is consistent with the Town of Grand Island Comprehensive Plan.
2. The PDD provides for the development of a publicly accessible walkway and parkland providing greater access to the Niagara River waterfront.
3. The PDD is compatible with existing development in the surrounding area and does not unduly burden existing Town infrastructure or services.
4. The existing Radisson Hotel complex has sufficient water, sewer, stormwater, electric, telephone, highway access, parking and loading for the proposed uses.
5. The internal parking and roads are adequate for the anticipated uses for the PDD.
6. There is adequate access for fire-fighting equipment, police and other emergency vehicles.
7. That the Town Board, in reviewing the Concept Plan, has considered the factors set forth in Section 407-121(a) of the Town Zoning Code, including the proposed residential uses and their locations, density, location of vehicular and pedestrian traffic, location and extent of utility systems and public and private open space.
8. The proposed density is consistent with the expressed desire for higher-density residential development for this area in the Comprehensive Plan.
9. That the Concept Plan is hereby approved as consistent with the health, safety, morals and the general welfare of the community.
10. That building permits for development within said PDD shall be issued upon compliance with this legislation and upon obtaining detailed plan approval in accordance with Article XXVI of Chapter 407 of the Town of Grand Island.

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11. With respect to the request for Incentive Zoning to permit a PDD on an approximately 10-acre parcel, the Town Board finds that the incentive package proposed on September 14, 2022 is an adequate exchange of public amenities for the requested reduction in the required PDD lot size, conditioned upon a mutually agreeable dedication agreement providing public access to the dock and pathway being executed between the Applicants and the Town.
12. That the PDD for the Site retains permission to use all uses allowed in the B-1 General Business District as of the date of this approval, subject to any special use permits required, and the requested multi-family residential uses.
13. That dedication of the amenity and construction of the amenity and any recreational pathway or facility open to the public shall be completed prior as part of the first phase of any work (should the Applicant choose to divide the Project into phases) and prior to any certificate of occupancies being issued for any new or amended use.
14. That this resolution is effective immediately.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Radisson Redevelopment – 100 Whitehaven Road – Referral of the Detail Plan to the Planning Board

A motion was made by Councilman Digati, seconded by Councilman Bahleda to refer the Radisson Redevelopment – 100 Whitehaven Road – Detail Plan to the Planning Board for review and recommendation.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT H. WESTFALL: Community Development Block Grant – 2023 – Set Public Hearing

A motion was made by Councilman Madigan, seconded by Councilman Digati to set a Public Hearing for Monday, October 17, 2022, to hear anyone who wants to comment on potential projects for the 2023 Community Development Block Grant application.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Appointment – Laborer – Wastewater Department

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to appoint Omar S. Sortino to the Wastewater Department as a Laborer, FT, at the rate of \$19.17/hr. (Start) as per the AFSMCE Contract, effective October 17, 2022, subject to the completion of the pre-employment paperwork.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Authorize Supervisor to Sign Two-Year Contract – Street Lighting Maintenance and Emergency Service Contract

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Town Engineer Robert Westfall informed the Town Board that on September 28, 2022, the Town received bids for the Street Lighting Maintenance and Emergency Service Contract. The Town received 3 responses. Two responses were no bid/not interested at this time. The third bid was provided by Power & Construction Group.

Wendel reviewed Power & Construction Group's bid and recommends the Town Board authorize the Town Supervisor to sign a two-year contract (October 2022 – September 2024) for the Street Lighting Maintenance and Emergency Service Contract with Power & Construction Group.

A motion was made by Councilman Digati, seconded by Councilman Bahleda to accept the recommendation of the Town Engineer, and authorize the Supervisor to sign the two-year contract (October 2022-September 2024) for the Street Light Maintenance and Emergency Service Contract with Power & Construction Group as per the submitted bid sheets.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

Authorize Supervisor to Sign Contract for Construction of Facility Improvements:

A. Town Hall – M-59-2022

B. Wastewater Plant Digester Walls – M-102-2022

C. Pump Station #1 Room – M-134-2022

Town Engineer Robert Westfall reported that under the Master Intergovernmental Cooperative Purchasing Agreement (MICPA), and piggybacking provisions for contracts through US Communities, bids were opened on September 27, 2022, by The Garland Company for the Roofing Material and Services Proposal, Town of Grand Island Town Hall / Pump Station #1 / WWTP with the following results:

Pump Station #1 Roof Replacement: Arrow Sheet Metal Works, Inc.	\$59,493.00
Town Hall Plaza Deck Rehabilitation: Flex Epoxy Flooring	\$107,958.00
Town Hall Concrete Wall Panel Rehabilitation: Flex Epoxy Flooring	\$14,969.00
Town Hall Brick/Mortar Repairs: Raymond E. Kelley, Inc.	\$2,711.00
Town Hall Plaza Deck Knee Wall Repairs: Flex Epoxy Flooring	\$17,465.00
Wastewater Plant Digester Walls Rehabilitation: Flex Epoxy Flooring	\$31,897.00

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After careful review, Mr. Westfall hereby requests the Town Board award the above proposals for work to The Garland Company and specified Contractors in the amount of \$234,493.00

A motion was made by Bahleda, seconded by Councilman Madigan to accept the recommendation of the Town Engineer, and authorize the Supervisor to sign the Roofing Material and Services Proposal with Garland/DBS, Inc. and specified contractors in the amount of \$234,493.00.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

CODE ENFORCEMENT OFFICE:

Resignation – Part-time Code Enforcement Officer

A motion was made by Councilman Madigan, seconded by Councilman Digati to accept the notice from the Code Enforcement Office that Douglas Learman's last day as a Part-time Code Enforcement Officer was March 1, 2022.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Tower Permit Renewal – Crown Castle – 318 Baseline Road

A motion was made by Councilman Digati, seconded by Councilman Bahleda to renew the Tower Permit for Crown Castle – 318 Baseline Road. The site has been inspected and it is unchanged.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilman Digati, seconded by Councilman Bahleda to pay Vouchers #139467-#139619

General	\$ 54,755.75
Highway	\$ 23,254.08
Sewer	\$ 75,799.01
Water	\$ 18,110.92
Capital	\$157,694.31
Garbage	\$136,733.62
Fire	<u>\$365,562.50</u>
Total	\$831,910.19

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
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.

Dog Sheltering Lease Agreement

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A motion was made by Councilman Bahleda, seconded by Councilman Digati to authorize the Supervisor to sign a two-year Lease Agreement with Island Pet Lodge with proposed increases to nightly/monthly rental rates: \$20/night to \$30/night and \$200/month to \$350/month, subject to the approval of the Town Attorney.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

SUSPEND THE RULES:

A motion was made by Councilman Madigan, seconded by Councilman Digati to Suspend the Rules to consider setting a Public Hearing for the Override of Real Property Tax Cap.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Override of Real Property Tax Cap – Set Public Hearing

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

WHEREAS, the Town Board of the Town of Grand Island has proposed a local law to permit an override of the limit on the amount of real property taxes that may be levied by the Town of Grand Island pursuant to General Municipal Law §3-c, and to allow the Town Board of the Town of Grand Island to adopt a budget for fiscal year 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c; and

WHEREAS, the Town Board of the Town of Grand Island has not yet determined whether it is necessary to adopt a budget that would require a tax levy in excess of the tax levy limit as defined by General Municipal Law §3-c, but is proposing the override as an exercise of local control over the Town’s finances and in order to provide the Town Board with the necessary flexibility should the adoption of the 2023 budget require a real property tax levy in excess of the tax levy limit, including as a result of the NYS DEC consent order placed upon the Town of Grand Island during 2010, which essentially constitutes an unfunded mandate and which has created unforeseen fiscal circumstances within the Sewer Fund; and

WHEREAS, the Town Board of the Town of Grand Island has determined that the adoption of the local law is a Type II Action and are therefore not subject to the requirements of the State Environmental Quality Review Act (“SEQRA”).

NOW, THEREFORE, BE IT RESOLVED, that a public hearing will be held by the Town Board of the Town of Grand Island on the 17th October 2022, at 8:00 p.m., at the Town of Grand Island Town Hall, located at 2255 Baseline Road, Grand Island, New York, at which hearing parties and interested citizens shall have an opportunity to be heard on the adoption of a Local Law to override the tax levy limit established in General Municipal Law Section 3-c for the 2022 fiscal year budget; and

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BE IT FURTHER RESOLVED that the Town Clerk of the Town of Grand Island shall be authorized and directed to publish public notice of said public hearing.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
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:

- Richard Earne passing
- Go Bills!
- Thank you to the residents for feedback on projects
- Welcome students

ADJOURNMENT:

A motion was made by Councilman Marston, seconded by Councilman Madigan to adjourn the meeting at 9:03p.m.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

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

Frances Fanara	Alfred Bykowicz
Margaret Tyran	Elizabeth Stafford
Richard Earne	Scott Hughes

Respectfully submitted in the absence of the Town Clerk,

Karen M. Cooney
Deputy Town Clerk

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