

## 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 7<sup>th</sup> of March, 2011.

Present:	Peter A. McMahon	Supervisor
	Mary S. Cooke	Councilwoman
	Richard W. Crawford	Councilman
	Gary G. Roesch	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Excused:	Raymond A. Billica	Councilman
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Supervisor McMahon called the meeting to order at 8:00p.m.  
Supervisor McMahon gave the Invocation.  
Councilwoman Mary Cooke 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:* None

### **EVIDENTIARY HEARING:**

#### **Abandoned Mobil Station, 2333 Grand Island Boulevard**

The owner of the property has been on site during the week and has made some effort to clean up the site and bring the property into Town Code compliance.

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to table the Evidentiary Hearing for the abandoned Mobil Station, 2333 Grand Island Boulevard pending future action by the owner.

APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

### **PUBLIC HEARINGS:**

#### **Bond Resolution – \$350,000 Increase and Improvements of Facilities of the Consolidated Sewer District (Wastewater Pump Station No. 6)**

A Public Hearing was held at 8:00p.m. for the purpose of hearing anyone who wants to comment in favor or in opposition to a Bond Resolution for a \$350,000 increase and improvements of facilities of the consolidated Sewer District (Wastewater Pump Station No. 6)

*Speakers in Favor:* None

*Speakers in Opposition:* None

Supervisor McMahon declared the Public Hearing closed.

#### **Approve the Increase and Improvement of Facilities of the Consolidated Sewer District (Wastewater Pump Station No. 6)**

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to adopt the following resolution for a \$350,000 increase and improvements of facilities of the consolidated Sewer District (Wastewater Pump Station No. 6):

WHEREAS, the Town Board of the Town of Grand Island (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Grand Island Consolidated Sewer District (the "District") and has directed the Town of Grand Island Engineering Department, competent engineers

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licensed in New York, to prepare a map, plan and report for the District's sewer system improvements that include certain capital improvements at Pump Station 6 and the installation of approximately 1,760 lineal feet of 8-inch PVC pressure pipe, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively, the "District Improvement"); and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be a maximum amount of \$350,000; said cost to be financed by the issuance of serial bonds of the Town in the amount of \$350,000, offset by any federal, state, county and/or local funds received; and

WHEREAS, the Town Board has given due consideration to the impact that the increase and improvement of the facilities of the District may have on the environment and on the basis of such consideration, the Town Board found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, which has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board issued an Order at its February 7, 2011 meeting calling for a public hearing to be held at the Town Hall, Grand Island, New York, on March 7, 2011 at 8:00 o'clock P.M. (prevailing time) to consider said increase and improvement of facilities of the District 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 this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (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;

NOW THEREFORE BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$350,000; and it is hereby

DETERMINED, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District; and it is hereby

DETERMINED, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible, and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an amount not to exceed \$350,000, said amount to be offset by any federal, state, county and/or local

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funds, and the costs of said increase and improvement of facilities shall be annually apportioned among the District by the Town Board, and the amounts so apportioned shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law, and it is hereby

FURTHER ORDERED, that within ten (10) days after adoption of this Resolution and Order, the Town Clerk shall record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

APPROVED Ayes 4       Cooke, Crawford, Roesch, McMahon  
          Noes 0

### **Approve Bond Resolution – \$350,000 Increase and Improvements of Facilities of the Consolidated Sewer District (Wastewater Pump Station No. 6)**

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to adopt the following resolution approving the Bond Resolution for a \$350,000 increase and improvements of facilities of the Consolidated Sewer District (Wastewater Pump Station No. 6):

A BOND RESOLUTION, DATED MARCH 7, 2011, OF THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE CONSOLIDATED SEWER DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$350,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$350,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Grand Island, Erie County, New York (the "Town"), has determined to proceed with the Increase and Improvement of Facilities of the Consolidated Sewer District (the "Improvement Project"); and

WHEREAS, the Town Board desires to undertake the construction of the Improvement Project including, but not limited to, certain capital improvements at Pump Station 6 and the installation of approximately 1,760 lineal feet of 8-inch PVC pressure pipe, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively, the "Sewer System Improvements").

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Improvement.

NOW THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the Sewer System Improvements pursuant to an Increase and Improvement of Facilities proceeding of the Consolidated Sewer District (the "District") in the Town. The estimated maximum cost of said purpose is \$350,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$350,000 of the

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Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds. The cost of such improvement is to be paid by the issuance of serial bonds, and by the assessment, levy and collection of assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Unless paid from other sources, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation

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thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

1. (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

2. Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. This Resolution is effective immediately.

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said Town and designated as the official newspaper of said Town for such publication.

APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

### **Final Plat Approval – Waterford Park, Phase 4**

#### **A. Planning Board – Waterford Park, Phase 4 – Final Plat Approval**

A Public Hearing was held at 8:00p.m. for the purpose of hearing anyone who wants to comment in favor or in opposition to Final Plat Approval for Waterford Park, Phase 4.

*Speakers in Favor:* None

*Speakers in Opposition:* Brian Burns, Craig Walker

Supervisor McMahon declared the Public Hearing closed.

A motion was made by Councilman Crawford, seconded by Councilman Roesch to accept the recommendation of the Planning Board and grant Final Plat Approval for Waterford Park, Phase 4.

APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

### **APPROVAL OF MINUTES:**

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to approve Minutes of Workshop Meeting #12, February 7, 2011, Minutes of Workshop Meeting #13,

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February 7, 2011, Minutes of Regular Meeting #3, February 7, 2011, Minutes of Workshop Meeting #14, February 8, 2011, Minutes of Workshop Meeting #15, February 9, 2011, Minutes of Workshop Meeting #16, February 15, 2011, Minutes of Workshop Meeting #17, February 17, 2011, Minutes of Workshop Meeting #18, February 25, 2011 and Minutes of Workshop Meeting #19, February 28, 2011.

APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

### **CONSENT AGENDA:**

1. Time Warner Cable – Developments Affecting Time Warner Cable Subscribers in the Western New York Division – February 1, 2011 & February 25, 2011
2. New York State Department of Environmental Conservation, Office of General Council, Region 9 – Grand Island Hunting Restrictions
3. Meeting Minutes – Grand Island Traffic Safety Advisory Board – January 11, 2011 & February 8, 2011
4. Meeting Minutes – Zoning Board of Appeals – December 2, 2010
5. Meeting Minutes – Board of Architectural Review – January 18, 2011
6. Meeting Minutes – Planning Board – December 13, 2010
7. Meeting Minutes – Joint Planning Board and Town Board Meeting – January 10, 2011
8. SEQR Lead Agency Designation – Lorentz Pond, 2555 Staley Road – DEC No. 9-1446-00659/00001
9. County of Erie, Department of Environment and Planning – Final 2011 Annual Action Plan
10. Golden Age Center – Vehicle Usage – February 2011
11. Golden Age Center – Facility Usage – February 2011
12. Schedule of Planning Board Meetings – 2011

A motion was made by Councilwoman Cooke, seconded by Councilman Crawford to approve the consent agenda as distributed.

APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

### **COMMUNICATIONS –TOWN BOARD:**

#### **SUPERVISOR McMAHON:**

#### **Special Use Permit Application – Mary Beth and Jeffrey A. Smith, 2655 Fix Road – Commercial Horse Boarding Operation**

A motion was made by Councilwoman Cooke, seconded by Councilman Crawford to table the Special Use Permit Application for Mary Beth and Jeffrey A. Smith, 2655 Fix Road for a Commercial Horse Boarding Operation pending SEQR.

APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

### **DEPARTMENT OF ENGINEERING & WATER RESOURCES – JOHN WHITNEY:**

#### **Hire Full Time Position – Wastewater Treatment Plant Operator Assistant**

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to accept the recommendation of the Town Engineer and appoint Timothy Burns as a Full-time Wastewater Treatment Plant Operator Assistant effective immediately at the pay rate of

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\$15.80 per hour with a starting date to be mutually agreed upon subject to the completion of all the necessary paperwork.

APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

### **RECREATION DIRECTOR – LINDA TUFILLARO:**

#### **Authorization to Bid Equipment**

A motion was made by Councilman Crawford, seconded by Councilman Roesch to approve the request of the Recreation Director to advertise for bid for a small tractor to replace a 1973 John Deere hi-lift.

APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

### **TOWN ACCOUNTANT – PAM BARTON:**

#### **2010 Budget Transfers**

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to accept the recommendation of the Town Accountant and approve the following budget transfers needed to balance each fund in preparation for the year ended December 31, 2010. All the transfers are being made within the same fund. No additional appropriations of fund balance are necessary.

#### General:

DEPT	ACCOUNT NAME	ACCOUNT NUMBER	TRF NEEDED	FROM A/C	\$	FROM DIFFERENT DEPT
TOWN BOARD	PROF SVCS	001-1010-0409	3,021.00	001-1010-0198	3,021.00	HEALTH BONUS
TRAFFIC CONTROL	REP/MAIN EQUIP	001-3310-0421	2,146.00			
	DEPT SUPPLIES	001-3310-0443	5,599.00	001-1990-0475	7,745.00	CONTINGENCY
UNCLASSIFIED	DEBT MGMNT FEES	001-1989-0419	308.00	001-1990-0475	308.00	CONTINGENCY
POLICE	REG PAY	001-3120-0100	2,905.00	001-3120-0431	2,511.00	GAS & OIL
				001-3120-0407	394.00	UTILITIES
ANIMAL CONTROL	REG PAY	001-3510-0100	95.00	001-3510-0409	95.00	PROF SVCS
			14,074.00		14,074.00	

#### Highway:

DEPT	ACCOUNT NAME	ACCOUNT NUMBER	TRF NEEDED	FROM A/C	\$	FROM DIFFERENT DEPT
MACHINERY	REP MAINT EQUIP	002-5130-0421	5,885.00	002-5130-0200	5,885.00	EQUIPMENT
MISC B & W	REG PAY	002-5140-0100	2,215.00	002-5110-0100	2,215.00	GENERAL REPAIRS
		TOTALS	8,100.00		8,100.00	

#### Sewer:

DEPT	ACCOUNT NAME	ACCOUNT NUMBER	TRF NEEDED	FROM A/C	\$	FROM DIFFERENT DEPT
OPNS & MAINT	EQUIPMENT	003-8130-0200	475.00	003-8130-0407	475.00	UTILITIES
		TOTALS	475.00		475.00	

APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

### **ZONING OFFICE:**

#### **Special Use Permit Renewal – Glen Wallace, 917 North Colony Road – Bed & Breakfast**

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A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to renew the Special Use Permit for Glen Wallace, 917 North Colony Road for a Bed & Breakfast. It has been inspected and it is unchanged.

APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

### Special Use Permit Renewal – Elderwood Senior Care at Riverwood, 2850 Grand Island Boulevard – Adult Care Facility/2 Story Addition

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to renew the Special Use Permit for Elderwood Senior Care at Riverwood, 2850 Grand Island Boulevard for an adult care facility and 2 story addition. It has been inspected and it is unchanged.

APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

### COMMUNICATIONS – GENERAL:

#### Resignation – Golden Age Center Cook

A motion was made by Councilwoman Cooke, seconded by Councilman Crawford to accept the resignation of Maria Leszczak as a Cook at the Golden Age Center with regret and send a certificate of appreciation to Mrs. Leszczak.

APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

#### Retirement – Wastewater Department

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to accept the notice of retirement of Raymond Gress as a Wastewater Plant Operator with regret and send a certificate of appreciation to Mr. Gress.

APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

### REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to pay

#### February:

Vouchers #100284 – 100312	
General	\$131,615.20
Sewer	\$ 37,140.64
Water	\$ 36,851.84
Garbage	<u>\$105,964.31</u>
Total	\$345,462.45

#### March:

Vouchers # 100325 – 100512	
General	\$ 85,023.88
Highway	\$ 53,242.82
Sewer	\$ 42,493.94
Water	\$ 14,643.68
Capital	\$167,661.85
Fire	<u>\$ 35,000.00</u>
Total	\$398,066.17

APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

### UNFINISHED BUSINESS:

#### Local Law Intro #2 of 2009 - Rezoning of Business Districts

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to adopt Local Law Intro #2 of 2009 as Local Law #1 of 2011 to amend the Town Zoning Code to replace the Town Center Districts with Town Center Business Districts as follows:  
Be it hereby enacted by the Town Board of the Town of Grand Island as follows:

SECTION I. Article XIII of Chapter 49 of the Town Code of Grand Island Amended

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The Town Center (TC) District of Chapter 49 of the Town of Grand Island Town Code is hereby amended to read in its entirety as follows:

### **§ 49-64. Purpose**

The Town Center Business Districts bring together diverse land uses in a unified development districts serving the center of Grand Island. By creating the Town Center Business Districts, the Town is encouraging the development of a dense, compact, mixed use district to serve as the commercial destination and civic center for the Grand Island community. While retaining an automobile friendly aspect, the Zone also seeks to create a campus or village atmosphere hospitable to pedestrian access and circulation. The Town Center Business District is separated into the following Sub-districts:

- A. NBD North Business District.
- B. CBD Central Business District.
- C. SBD South Business District.

### **§ 49-65. Principal Uses and Structures**

I. The following are Principal Uses in the North and South Business Districts (NBD and SBD):

#### **A. Commercial Uses:**

- 1. Restaurants up to 5,000 sq ft. in area.
- 2. Banks, savings and loans, and credit unions.
- 3. Personal services and instructional establishments.
- 4. Professional or general business offices.
- 5. Animal hospital or veterinary clinics.
- 6. Automobile wash, gas stations, motor vehicle repair service or motor vehicle service facilities.
- 7. Convenience stores (with or without gas pumps).
- 8. Drive-thru business, including restaurants, banks, and drug stores.
- 9. Nurseries (including growing of plants, retail and wholesale sales).

#### **B. Retail Uses:**

- 1. Retail stores up to 5,000 square feet in area.
- 2. Retail plazas and mixed-use facilities up to 15,000 square feet in area.

#### **C. Public and Community Uses:**

- 1. Houses of worship.
- 2. Public and private schools.
- 3. Parks and playgrounds.
- 4. Fraternal clubs and lodges.
- 5. Nursery schools, or day care centers.
- 6. Public, private, trade or industrial schools, and other educational facilities.
- 7. Civic activities and services including, but not limited to library, civic center, police or fire stations, or amphitheatre.

#### **D. Entertainment and Recreation Uses:**

- 1. Recreational and amusement enterprises conducted entirely within a completely enclosed building.

#### **E. Hospitality Industry Uses:**

- 1. Motels and motor courts.
- 2. Bed and Breakfast establishments.

#### **F. Medical and Research-Related Uses:**

- 1. Assisted and independent living facilities.
- 2. Hospitals, nursing homes, and skilled nursing facilities.

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- G. Residential Uses:
    - 1. Single Family Detached Residence structures at a density of up to 8 units per acre.
    - 2. Single Family Attached Residence structures at a density of up to 8 units per acre.
    - 3. Duplex residences at densities of less than 8 units per acre.
    - 4. Multi-family Residential Developments at up to 8 units per acre.
  - H. Other Uses:
    - 1. Uses of a light-manufacturing nature employing electricity of other unobjectionable motor power or processes free from objectionable noises, fumes, odors, dirt, dust, or vibrations which can be detected beyond the walls of a completely enclosed building not exceeding 30,000 square feet.
- II. The following are Principal Uses in the Central Business District (CBD):
- A. Commercial Uses:
    - 1. Restaurants.
    - 2. Banks, savings and loans, and credit unions.
    - 3. Personal services and instructional establishments.
    - 4. Professional or general business offices.
    - 5. Animal hospital or veterinary clinics.
    - 6. Drive-thru business, including restaurants, banks, and drug stores.
  - B. Retail Uses:
    - 1. Retail stores up to 15,000 square feet in area.
    - 2. Retail plazas and mixed-use facilities up to 60,000 square feet in area.
  - C. Public and Community Uses:
    - 1. Houses of worship.
    - 2. Public and private schools.
    - 3. Parks and playgrounds.
    - 4. Fraternal clubs and lodges.
    - 5. Nursery schools, or day care centers.
    - 6. Public, private, trade or industrial schools, and other educational facilities.
    - 7. Civic activities and services including, but not limited to library, civic center, police or fire stations, or amphitheatre.
  - D. Entertainment and Recreation Uses:
    - 1. Bars, taverns, and nightclubs.
    - 2. Recreational and amusement enterprises conducted entirely within a completely enclosed building.
  - E. Hospitality Industry Uses:
    - 1. Hotels.
    - 2. Bed and Breakfast establishments.
  - F. Medical and Research-Related Uses:
    - 1. Assisted and independent living facilities.
  - G. Residential Uses:
    - 1. Single Family Attached Residence structures at a density of no less than 9 nor more than 16 units per acre.
    - 2. Multi-family Residential Developments at a density of no less than 9 nor more than 16 units per acre.

### § 49-66. Accessory Uses

The following are accessory uses, buildings, and structures permitted in the NBD, SBD, and CBD Districts, provided that all accessory uses of buildings are not constructed until the main building has been constructed:

- 1. Indoor and outdoor recreation facilities such as swimming pools, saunas, exercise studios, tennis courts, bike and walking trails and pedestrian plazas and courts which are provided for the exclusive use of the occupants of the primary permitted use.

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2. Satellite television receiving antenna.
3. Transit shelters and street furniture.
4. Off-street parking and loading areas subject to the provisions of this Code.
5. No more than one (1) accessory structure for the exclusive and customary storage or maintenance needs of the primary permitted use including the storage of maintenance vehicles.
6. Temporary buildings for uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
7. Signs pursuant to Town Code Chapter 36.
8. Fences, walls and hedges subject to the provisions of this Code.
9. Outdoor storage for new or used car or trailer lots.

### **§ 49-67. Uses upon Issuance of a Special Permit**

The following are special permitted uses subject to the provisions of Article XXIV.

- I. North and South Business (NBD and SBD) Districts
  - A. Commercial Uses – Stand Alone Buildings:
    1. Restaurants over 5,000 sq ft. in area.
    2. Kennels.
  - B. Retail Uses:
    1. New or used car, trailer sales, boats or recreational vehicles and accessory repair departments.
    2. Retail stores from 5,000 to 15,000 square feet in area.
    3. Retail stores – retail plazas and mixed-use facilities from 15,000 to 30,000 square feet in area.
  - C. Public and Community Uses:
    1. Essential public services.
  - D. Entertainment and Recreation Uses:
    1. Bars, taverns and nightclubs.
    2. Recreational and amusement enterprises not conducted entirely within a completely enclosed building.
  - E. Hospitality Industry Uses:
    1. Hotels.
  - F. Residential Uses:
    1. Single Family Attached Residence structures at a density of no less than 9 nor more than 12 units per acre.
    2. Multi-family Residential Developments at a density of no less than 9 nor more than 12 units per acre.
- II. Central Business District (CBD):
  - A. Commercial Uses – Stand Alone Buildings:
    1. Automobile wash, gas stations, motor vehicle repair service or motor vehicle service facilities
    2. Convenience Stores (with or without gas pumps).
  - B. Retail Uses:
    1. Retail stores – retail plazas and mixed-use facilities over 60,000 square feet in area.
  - C. Public and Community Uses:
    1. Essential public services.
  - D. Entertainment and Recreation Uses:
    1. Recreational and amusement enterprises not conducted entirely within a completely enclosed building.
  - E. Hospitality Industry Uses:
    1. Motels and motor courts.
  - F. Residential Uses:

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1. Single Family Attached Residence structures at a density of up to 9 to 12 units per acre.
2. Multi-family Residential Developments at up to 9 to 12 units per acre.

SECTION II To comply with the amendments in Section I above, the following miscellaneous changes are made to Sections of Chapter 49, to read as follows

### § 49-20. **Districts Established.**

For the purposes of promoting the public health, safety, morals and general welfare of the Town of Grand Island, the town is hereby divided into the following districts:

R-1A	Low Density Single Family Residential District.
R-1B	Single Family Residential District.
R-1C	Single Family Residential District.
R-1D	Medium Density Single Family Residential District.
R-1E	High Density Single Family Residential District.
R-2	Attached/Detached Single Family Residential District.
R-2A	Attached/Detached Waterfront Single Family Residential District.
R-3	Multiple Family Residential District.

Town Center Business Districts:

	NBD North Business District.
	CBD Central Business District.
	SBD South Business District.
B-1	General Business District.
B-2	Waterfront Business District.
B-3	Hamlet Business District
CR	Commercial Recreational Facilities District
M-1	Light Industrial and Research District.
M-2	Industrial District
OS	Open Space District.
EED	Enhanced Environment Overlay District
M/E	Mining/Excavation Overlay District
PDD	Planned Development Districts

### § 49-27. **Special Setback Requirements**

- B. In the North, South, and Center Business Districts, in accordance with the powers authorized to the Town by Town Law §274-a (5), the Town Board may approve a site plan with smaller setbacks than those required in Paragraph A of this Section, for structures and uses complying with the rules and goals of the Design Requirements for the North, South, and Center Business Districts.

### § 49-126. **General Standards for Reviewing Town Center Business Districts ((NBD, CBD, SBD), Hamlet (B-3), and Enhanced Environment Overlay District (EED) Developments.**

SECTION III This Local Law is effective upon filing with the Secretary of State

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

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to appoint Anne Fahning to the Board of Assessment Review for the balance of a term expiring September 30, 2012.

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APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

### Tower Permit Renewal – Crown Castle USA, Inc. – Bedell Road Bikepath

Remains Tabled.

### Tower Permit Renewal – Crown Castle USA, Inc. – 3078 Staley Road

Remains Tabled.

### PUBLIC COMMENTS:

This is an opportunity for residents to comment on any matter regarding Town government on any subject.

Speakers: Kim Yung  
Re: Student Safety Near High School

### FROM THE TOWN BOARD:

**Councilman Roesch:** Town Board Workshops, Miracle League Baseball Field

### ADJOURNMENT:

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to adjourn the meeting at 8:28p.m.

APPROVED Ayes 4 Cooke, Crawford, Roesch, McMahon  
Noes 0

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

Carol Harris	Harold Mills, Jr.
Edwin Webb	Daniel Moran
Edward Hardison	Edward Rebmann, Sr.
Sandra Kujawa	Elizabeth Fancher
Yvonne Martin	Ruth Noble
Rosalyn Butler	Jane Cook
Dolores Albertsson	Thomas Hirsche
Edward Radecki	Donald Wilkinson
Richard Hinkle	William Morrish
Imelda McDonnell	Mary Downs

Respectfully submitted,

Patricia A. Frentzel  
Town Clerk

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