

Town of Grand Island – Regular Meeting #9

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 16th of May, 2011.

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

Supervisor Peter McMahon called the meeting to order at 8:00p.m.

Reverend Russell Burr from New Apostolic Church gave the Invocation.

Councilman Richard Crawford led the Pledge of Allegiance.

PROCLAMATION:

Western New York Safe Boating Week

PUBLIC COMMENTS:

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

Speakers: None

PUBLIC HEARING:

Local Law Intro #2 of 2011 – Amend the Schedules in the Zoning Code for the Central, North and South Business Districts

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 Local Law Intro #2 of 2011 a request to amend the Schedules in the Zoning Code for the Central, North and South Business Districts.

Speakers in Favor: None

Speakers in Opposition: None

Supervisor McMahon declared the Public Hearing closed.

A motion was made by Councilman Billica, seconded by Councilwoman Cooke to adopt Local Law #2 of 2011 amending the Schedules in the Zoning Code for the Central, North and South Business Districts as follows:

Be it hereby enacted by the Town Board of the Town of Grand Island as follows:

SECTION I. The Zoning Code of the Town of Grand Island, Chapter 49 of the Town Code, is hereby amended as follows:

1. Schedule 2, Bulk Schedule for the TC Districts, is replaced in its entirety by Schedule 2, Central, North and South Business District Zones Bulk Schedule, as shown on the attached Revised Schedule 2.

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Schedule 2 – Central, North and South Business Districts – Bulk Schedule

	Minimum	Maximum		Minimum		Maximum	
	Lot Area	Density	Minimum	Front		Building	Maximum
	In Acres	Gross	Lot	Yard	No. of	Height	Building
<u>District</u>	<u>or Sq. Ft.</u>	<u>Units</u>	<u>Frontage</u>	<u>Depth</u>	<u>Stories</u>	<u>in Feet</u>	<u>Coverage</u>
Central Business District	3 acres	6.1	70	15	4	35	25%
North/South Business District	3 acres	12.5	70	30	3	40	30%
Note: Additional Setbacks are established in § 49-18 and the Design & Performance Standards							
Notes:							
1. Excluding Enclosed Garages and Carports							
2. 60 Feet between main buildings, 30 feet between other buildings							
3. As required by the abutting residential district							

2. Schedule 4, Zoning Schedule of Use Controls for Business and Commercial Districts, is hereby revised to Remove the Town Center Zones and add the North, South, and Central Business District Zones, as shown on the attached Revised Schedule 4.

SECTION II This Local Law is effective upon filing with the Secretary of State.
 APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
 Noes 0

The following 7 (seven) pages contain Schedule 4.

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APPROVAL OF MINUTES:

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to approve Minutes of Workshop Meeting #31, April 29, 2011, Minutes of Workshop Meeting #32, May 2, 2011, Minutes of Workshop Meeting #33, May 2, 2011, Minutes of Regular Meeting #8, May 2, 2011, and Minutes of Workshop Meeting #34, May 4, 2011.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

CONSENT AGENDA:

1. Golden Age Center – Vehicle Usage – April 2011
2. Golden Age Center – Facility Usage – April 2011
3. Building Permits Issued – April 2011
4. New York State Police – Letter of Appreciation
5. United States of America Before the Federal Energy Regulatory Commission – Niagara River Community Hydrokinetic Project
6. United States of America Before the Federal Energy Regulatory Commission – Niagara River Community Hydrokinetic Project #2
7. State of New York, State Office of Real Property Tax Services – Notice of Tentative State Equalization Rate for the 2011 Assessment Roll
8. Meeting Minutes – Planning Board – April 11, 2011

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

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

COMMUNICATIONS –TOWN BOARD:

SUPERVISOR McMAHON:

Branches of Niagara Campground – Building Permits for Cabins

A motion was made by Councilman Crawford, seconded by Councilman Roesch to authorize the Code Enforcement Officer to issue up to twelve building permits for additional cabins up to 500 square feet and issue certificates of occupancy upon completion.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Monthly Supervisor's Report – April 2011

The Supervisor reported a cash balance of \$360,659 on April 1, 2011

Total Receipts of \$1,764,875

Total Disbursements of \$956,036

Operating A/C Interest \$81

Operating A/C Balance \$1,169,578

Investment Interest \$3,298

Investment Balance \$9,997,663

Total Cash Balance as of April 30, 2011 \$11,167,241

No action required by Town Board.

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN CLERK – PATRICIA A. FRENTZEL:

Retirement – New Hire

Town Clerk Patricia Frentzel informed the Town Board that she has hired Becky Sommer-Stuffkosky as a Full-time Deputy Town Clerk effective May 2, 2011 at the rate of \$17.05 per hour. No action by the Town Board necessary.

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TOWN ATTORNEY – PETER GODFREY:

Create Lighting District #46 – Park Place Phase V – Set Public Hearing

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to adopt the following resolution to set a Public Hearing for Monday, June 6, 2011 at 8:00p.m. for the purpose of hearing anyone who wants to comment in favor or in opposition to creating Lighting District #46 – Park Place Phase V:

WHEREAS, a petition has been filed with the Town Clerk, signed and acknowledged in the manner required by law by a sufficient number of property owners, together with a map, plan and report for the creation of the Park Place Phase V Lighting District No. 46; and

WHEREAS, the boundaries of the proposed district are as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Grand Island, County of Erie, State of New York, being part of lots 50 and 52 and more particularly described on Schedule “A” filed in the Town Clerk’s office, and

WHEREAS, the improvements proposed consist of an electric street lighting system serving said Park Place Phase V, and

WHEREAS, the estimated annual expense of supplying of said electrical street lighting is \$1,006.46, with an expected annual cost to the typical property in the proposed District (which typical property is a single family home) of \$63, which said expense shall be levied and collected from the several lots and parcels of land within said Lighting District in just proportion to the amount of benefit conferred upon the same, except as otherwise provided by law.

NOW, THEREFORE, be it ORDERED, that a meeting of the Town Board of the Town of Grand Island will be held at the Town Hall, 2255 Baseline Road, Grand Island, New York, on June 6, 2011 at 8:00 p.m. on said day, to consider creation of said district including the environmental significance thereof and to hear all persons interested in the subject thereof, concerning the same, and for such other and further action on the part of said Town Board, with relation to the premises; and

BE IT FURTHER ORDERED, that the map, plan and report referred to herein, including the explanation of how the cost to the typical property was determined, may be reviewed at the office of the Town Clerk, 2255 Baseline Road, Grand Island, New York, during normal business hours; and

BE IT FURTHER ORDERED, that the Town Clerk shall publish a copy of this Order at least once in the official newspaper of the Town, the first publication of which is to be not less than ten nor more than twenty days before the date set herein for the public hearing, and shall also cause a copy of this Order to be posted on the sign-board of the Town maintained pursuant to Town Law §30(6), not less than ten nor more than twenty days before the date set herein for the public hearing.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

DEPARTMENT OF ENGINEERING & WATER RESOURCES – JOHN WHITNEY:

Hire Summer Intern

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to accept the recommendation of the Town Engineer and appoint Jessie Petit as a Summer Intern (Full-time, Seasonal) in the Engineering Department at the rate of \$12.24 per hour, effective May 16, 2011 subject to the completion of the necessary paperwork.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

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Appointment – Water Plant Operator Assistant

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to accept the recommendation of the Town Engineer and appoint Gillman Cody Clarke as a Water Plant Operator Assistant at the starting rate of \$15.80 per hour as per the ASME Contract to fill an existing position, effective May 16, 2011 subject to the completion of the necessary paperwork.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

NYSDEC General SPDES Permit for Stormwater Discharges – Annual Report for Public Comment

The New York State Department of Environmental Conservation (NYSDEC) requires regulated small Municipal Separate Storm Sewer Systems (MS4s) to obtain coverage under a State Pollutant Discharge Elimination System (SPDES) for the discharge of storm water from Town owned storm sewer systems.

As part of the EPA requirements, the Draft Annual Report must be available for public comment. Copies of the report will be on file at the Town Clerk's office, the Grand Island Memorial Library and at the Town's website: www.gigov.com beginning May 16, 2011.

Public comments on the Annual Report will be accepted until May 27th, 2011.

No action by the Town Board is necessary.

RECREATION DIRECTOR – LINDA TUFILLARO:

Summer Hires

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to accept the recommendation of the Recreation Director and approve the hiring of Peter Pitts as a Recreation Attendant, 3rd year – part time at \$9.75 per hour for five months, and Christopher McDonnell as a Recreation Attendant, part time at \$8.00 per hour for five months (maintenance until July 5th, then programs until mid August) effective May 17, 2011, subject to the completion of the required paperwork.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

CODE ENFORCEMENT OFFICER – KEVIN M. KOCH:

Request for Permit – Martin's Fantasy Island – 4th of July Fireworks

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to authorize the Code Enforcement Officer to issue a permit for the public display of fireworks at Martin's Fantasy Island on July 4, 2011. Rain date of July 5, 2011 if necessary.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

ZONING OFFICE:

Special Use Permit Renewal – Parkland Enterprises, Inc., Ransom & Stony Point Roads – Service Station & Convenience Store

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to renew the Special Use Permit for Parkland Enterprises, Inc., Ransom & Stony Point Roads – Service Station & Convenience Store. The site has been inspected and it is unchanged.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

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Special Use Permit Application – Christopher J. Taylor (Certified Auto Brokers, Inc.), 1693 Grand Island Boulevard – Used Car Sales – Set Public Hearing

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to set a Public Hearing for Monday, June 6, 2011 at 8:00p.m. for the purpose of hearing anyone who wants to comment in favor or in opposition to a Special Use Permit Application for Christopher J. Taylor (Certified Auto Brokers, Inc.), 1693 Grand Island Boulevard for a used car sales business.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

PLANNING BOARD:

SEQR – APP Pharmaceuticals, 3159 Staley Road – Site Plan – Lyophilizer Expansion

Supervisor McMahon presented the SEQR – Short Form Environmental Assessment Forms for a request for APP Pharmaceuticals, 3159 Staley Road for a Site Plan – Lyophilizer Expansion. Mr. McMahon informed the Town Board that the proposed action is an unlisted action under SEQR and after reviewing the project information in Parts 1 & 2 of the SEQR Short Form the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilman Billica, seconded by Councilman Roesch to issue a Negative Declaration for APP Pharmaceuticals, 3159 Staley Road for a Site Plan – Lyophilizer Expansion.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

APP Pharmaceuticals, 3159 Staley Road – Site Plan – Lyophilizer Expansion

A motion was made by Councilman Billica, seconded by Councilman Roesch to accept the recommendation of the Planning Board and approve the Site Plan for APP Pharmaceuticals, 3159 Staley Road – Lyophilizer Expansion.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

SEQR – Special Use Permit Application – Sparks Trading Post, 2630 Bedell Road – Commercial Riding Stable/Farm

Supervisor McMahon presented the SEQR – Short Form Environmental Assessment Forms for a request for a Special Use Permit for Sparks Trading Post, 2630 Bedell Road for a Commercial Riding Stable/Farm. Mr. McMahon informed the Town Board that the proposed action is an unlisted action under SEQR and after reviewing the project information in Parts 1 & 2 of the SEQR Short Form the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to issue a Negative Declaration for Special Use Permit for Sparks Trading Post, 2630 Bedell Road for a Commercial Riding Stable/Farm.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Special Use Permit Application – Sparks Trading Post, 2630 Bedell Road – Commercial Riding Stable/Farm

A motion was made by Councilman Roesch, seconded by Councilman Crawford to accept the recommendation of the Planning Board and approve the Special Use Permit for Sparks Trading Post, 2630 Bedell Road subject to the applicant obtaining a variance from the Zoning Board of Appeals for the keeping of any number of horses above the allowed 38. Currently the applicant has 44 or 45 horses on site.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

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COMMUNICATIONS – GENERAL:

Retirement – Water Department

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to accept the retirement of Stephen Ciszek as Waterplant Operator effective May 27, 2011 with regret. A certificate of appreciation will be sent to Mr. Ciszek.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Retirement – Wastewater Department

A motion was made by Councilman Billica, seconded by Councilwoman Cooke to accept the retirement of Thomas Blonski as Wastewater Sanitary Chemist effective May 31, 2011 with regret. A certificate of appreciation will be sent to Mr. Blonski.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

County of Erie, County Executive – Erie County Community Development Block Grant Consortium

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to continue to remain a member of the Erie County Community Development Block Grant Consortium.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Block Party – Robert Mesmer – Love Road & Alt Boulevard – Wednesday, July 13, 2011 – Set Public Hearing

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to set a Public Hearing for Monday, June 6, 2011 at 8:00p.m. for the purpose of hearing anyone who wants to comment in favor or in opposition to the closing of Alt Boulevard from Love Road to 1030 Alt Boulevard on July 13, 2011 for the purposes of a block party

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to pay Vouchers # 101080 – 101209

General	\$ 53,218.33
Highway	\$ 1,728.42
Sewer	\$ 22,845.85
Water	\$ 8,878.27
Capital	\$ 7,547.58
Garbage	\$106,414.31
Total	\$200,632.76

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

UNFINISHED BUSINESS:

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

Remains Tabled.

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

Remains Tabled.

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

Remains Tabled.

SEQR – Local Law Intro #1 of 2011 – Rezoning – Portion of Whitehaven Farms PDD, Whitehaven Road from R-2, C-R & PDD to C-R & PDD

A. Planning Board – Whitehaven Farms PDD, Whitehaven Road – Concept Development Plan (Revised), Part of River Oaks

Supervisor McMahon presented the SEQR – Short Form Environmental Assessment Forms for Local Law Intro #1 of 2011 – Rezoning a portion of Whitehaven Farms PDD, Whitehaven Road from R-2, C-R & PDD to C-R & PDD. Mr. McMahon informed the Town Board that the proposed action is an unlisted action under SEQR and after reviewing the project information in Parts 1 & 2 of the SEQR Short Form the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to issue a Negative Declaration for Local Law Intro #1 of 2011 – Rezoning a portion of Whitehaven Farms PDD, Whitehaven Road from R-2, C-R & PDD to C-R & PDD.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Local Law Intro #1 of 2011 – Rezoning – Portion of Whitehaven Farms PDD, Whitehaven Road from R-2, C-R & PDD to C-R & PDD

B. Planning Board – Whitehaven Farms PDD, Whitehaven Road – Concept Development Plan (Revised), Part of River Oaks

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to adopt Local Law #3 of 2011 to rezone a portion of Whitehaven Farms PDD, Whitehaven Road from R-2, C-R & PDD to C-R & PDD

SECTION I. The Zoning Code of the Town of Grand Island, Chapter 49 of the Town Code, is hereby amended by amending the Zoning Map of the Town of Grand Island as follows:

1. Parcels B-3 and B-4, as described on Exhibit A (filed in the Town Clerk's office), are rezoned to C-R.

2. Parcels A-1, A-2, A-3, A-4, and C-1, as described on Exhibit B (filed in the Town Clerk's office), are rezoned to PDD.

SECTION II. All requirements and conditions of the Development Concept Plan for the Whitehaven Farms PDD apply to the property rezoned to PDD.

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

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Quotes – Topsoil, Concrete & Water/Wastewater Repair Materials

Town Engineer John Whitney reported that on April 26, 2011 quotations were received for the purchase of topsoil and concrete repairs to be done by/for the Town. Quotations were also received for the purchase of miscellaneous Water/Wastewater repair materials.

Topsoil

Leo Brenon Topsoil	\$15.00/yard
Bush Trucking & Landscaping	\$15.95/yard
E. Brenon Topsoil	\$17.00/yard
Visone Premium Topsoil	\$19.50/yard
JF Krantz Nursery	\$20.00/yard

Repair Materials

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2011 Price Quote

Item	MJ Pipe & Supply	EJP	K&S Supply	Lock City Supply	Vellano Brothers	Blair Supply
Repair Clamps						
6 x 8		46.34	38.70	36.37	40.75	55.60
6 x 10		62.80	52.50	49.20	55.15	75.45
6 x 12		74.00	61.85	58.29	65.35	88.90
6 x 16		81.61	68.40	67.75	75.95	98.31
6 x 24		154.92	135.70	126.00	141.20	195.08
8 x 8		54.31	45.35	42.50	47.65	65.20
8 x 10		71.93	60.10	56.58	62.95	86.36
8 x 12		87.16	72.70	68.46	76.15	104.53
8 x 16		99.60	83.15	78.60	87.50	119.50
8 x 24		175.67		143.36	158.60	218.57
10 x 8		72.36	62.50	55.90	62.05	89.81
10 x 10						
10 x 12		113.55	98.10	87.20	97.10	140.99
10 x 16		130.47	112.85	101.60	112.70	162.24
10 x 20		174.19	150.75	141.85	154.85	216.66
12 x 12		131.59	113.60	105.45	117.55	163.29
12 x 16		148.80	128.40	120.44	133.75	184.61
12 x 20		206.64	178.95	165.95	182.95	257.26
12 x 24		245.42	246.25	196.48	219.00	353.95
Fire Hydrants						
			1957.00	1893.89	1879.00	
			Kennedy		Mueller	
Gate Valves						
6"		494.48	543.80	512.16	531.00	548.54
8"		749.03	850.35	794.01	827.00	854.88
C-900 PVC Pipe						
6"			4.20/ft	4.93/ft	6.55/ft	
8"				8.55/ft	11.34/ft	
12"				19.44/ft	24.05/ft	
Brass Fittings						
³ / ₄ " Corp			18.50	20.97	28.85	21.04
1" Corp			27.95	31.75	37.90	31.82
³ / ₄ " Union			10.05	11.72	11.15	11.47
1" Union			11.60	12.78	12.15	13.12
³ / ₄ " Curb Stop			36.55	42.95	40.80	41.61
1" Curb Stop			54.95	64.54	61.35	62.55
Copper						
³ / ₄ "			4.80/ft	4.94/ft	6.16/ft	
1"			6.20/ft	6.44/ft	8.02/ft	

** Pricing for all PVC piping and Copper Piping are not guaranteed - call for updated pricing

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After careful review of the bids, Mr. Whitney recommended the Town purchase topsoil from Leo Brenon Topsoil at \$15.00/yard. Water/Wastewater repair materials should be purchased from the supplier with the lowest price for the desired item. Concrete pricing will remain tabled until final review.

A motion was made by Councilman Crawford, seconded by Councilman Billica to accept the recommendation of the Town Engineer and purchase topsoil from Leo Brenon Topsoil at \$15.00/yard. Water/Wastewater repair materials will be purchased from the supplier with the lowest price for the desired item.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

PUBLIC COMMENTS:

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

Speakers: Donald Sparrow, Richard Szafran, James Gately, Dave Gillen, Ronald Ciamaga
Re: Local Law Intro #1 of 2011 – Rezoning – Portion of Whitehaven Farms PDD

FROM THE TOWN BOARD:

Councilwoman Cooke: Sunday, May 22, 2011 at 2:00p.m. – DeGlopper Park – Service Honoring Joe Stefaniak Memorial Day Services; Monday, May 30, 2011 – Memorial Day Services: 7:45a.m. – Cemeteries; 10:00a.m. – DeGlopper Park

Supervisor McMahon: School Board/Budget Vote is Tuesday, May 17th – VOTE!

ADJOURNMENT:

A motion was made by Councilman Billica, seconded by Councilwoman Cooke to adjourn the meeting at 8:56p.m.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

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

Bill Jacobs, Jr.	Dorothy Bascomb
Rev. Edwin Pfohl, Jr.	Arthur Caggiano
Timothy Sheehan	Donald Perry
Susan Overs	Anne Brophy
Monica Kasprzak	Gilbert Smith, Jr.

Respectfully submitted,

Patricia A. Frentzel
Town Clerk

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