

Town of Grand Island - Workshop Meeting #78

A workshop meeting of the Town Board of Grand Island, New York was held at the Town Hall, 2255 Baseline Road, Grand Island, NY at 8:00a.m. on the 5th of October, 2015.

Present:	Mary S. Cooke	Supervisor
	Gary G. Roesch	Councilman
	Raymond A. Billica	Councilman
	Christopher K. Aronica	Councilman
	Patricia A. Frentzel	Town Clerk
	Dan Spitzer	Town Attorney

Supervisor Cooke called the meeting to order at 8:01a.m.

NEW ITEMS

Authorize Supervisor to Sign – Termination of Restrictive Covenants for Heron Pointe, fka Grand Island Boulevard (“Project Site”)

A motion was made by Councilman Aronica, seconded by Councilman Billica to adopt the following resolution and authorize the Supervisor to Sign – Termination of Restrictive Covenants for Heron Pointe, fka Grand Island Boulevard (“Project Site”) as follows:

Whereas, Restrictive Covenants were recorded at the Erie County Clerk’s Office on June 3, 1999 by Barry A. Weinstein, Richard F. Brox and Lee Singer (collectively “Property Owner”) in Liber 10952 of Deeds at Page 3476 restricting the development of real property comprised of approximately 27.9 acres with frontage on Grand Island Boulevard (“Project Site”). More specifically Paragraph No. 1 of the recorded Restrictive Covenants states as follows: “The density of any dwelling units erected on the property shall not exceed six (6) dwelling units per acre.”

Whereas, Paragraph No. 4 of the Restrictive Covenants provides the Town of Grand Island with the power to enforce the maximum allowable density of the development of the Project Site of six dwelling units per acre as set forth in Paragraph 1 of the Restrictive Covenants by stating as follows: “The provisions contained herein shall be enforceable at law or in equity by any owner of the property or by the Town of Grand Island against any person or persons violating or attempting to violate the covenants and restrictions contained herein and in any action to enforce the provisions herein, the enforcing party shall be entitled to recover its legal fees and expenses in the event that the Court shall determine that the owner or subsequent Grantee has violated the provisions contained herein.”

Whereas, at the time the Restrictive Covenants were recorded at the Erie County Clerk’s Office on June 3, 1999, the Project Site had a different zoning classification than the current zoning classification.

Whereas, subsequent to June 3, 1999, the Town Board amended the zoning classification of the Project Site to Central Business District (“CBD”).

Whereas, the Project Site is currently zoned CBD pursuant to the official Zoning Map of the Town of Grand Island.

Whereas, Schedule IV of the Town of Grand Island Zoning Code (titled “Zoning Schedule & Use Controls”) requires that the development of property zoned CBD as attached residential dwelling units be at a minimum density of nine units per acre.

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Whereas, on July 20, 2015, the Town Board granted Site Plan Approval for the development of the Project Site as 232 attached dwelling units known as the Heron Pointe Project, and the approved Heron Pointe Project complies with the minimum density of nine units for the developable portion of the Project Site per Schedule IV of the Zoning Schedule & Use Controls.

Whereas, the Town Board has been asked to adopt a resolution for the purpose of consenting to the termination of the Restrictive Covenants;

Whereas, the Town Board has determined that the adoption of a resolution consenting to the termination of the Restrictive Covenants is a Type II action pursuant the State Environmental Quality Review Act;

Now therefore be it resolved by the Town Board of the Town of Grand Island as follows:

1. The Town Board consents to the termination of the Restrictive Covenants.
2. The Town Board authorizes the Supervisor to execute an affidavit for the purpose of consenting to the termination of the Restrictive Covenants by the Town Board once the content and form of such affidavit has been approved by the Town Attorney.
3. A copy of the recorded affidavit consenting to the termination of the Restrictive Covenants and the recording receipt shall be provided to the Building Department, Engineering Department, Town Attorney and Town Clerk's Office immediately upon recording.
4. This resolution is effective immediately.

APPROVED Ayes 4 Roesch, Billica, Aronica, Cooke
Noes 0

General Discussion:

Local Law Intro #8 of 2015 – Amend the Town Code Regarding R-2 Zoning – Additional changes made to Draft dated 8-13-2015 – Town Attorney to provide a new Draft to Town Board for consideration and new Public Hearing after Planning Board review.

EXECUTIVE SESSION:

A motion was made by Councilman Billica, seconded by Councilman Aronica to enter into Executive Session at 9:07a.m. for the purpose of obtaining legal advice from the Town Attorney.

APPROVED Ayes 4 Roesch, Billica, Aronica, Cooke
Noes 0

A motion was made by Councilman Roesch, seconded by Councilman Aronica to return to the regular workshop at 9:50a.m.

APPROVED Ayes 4 Roesch, Billica, Aronica, Cooke
Noes 0

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Code Enforcement of Signs:

A motion was made by Councilman Roesch, seconded by Councilman Aronica that given the recent *Town of Gilbert* Supreme Court decision, a directive that the Code Enforcement Office is to stop removing signs, and the Highway Superintendent shall remove signs in the right-of-way for public safety purposes.

APPROVED Ayes 4 Roesch, Billica, Aronica, Cooke
Noes 0

A motion was made by Councilman Billica, seconded by Supervisor Cooke to direct the Town Attorney to revise the Sign Code to comply with the *Town of Gilbert* Supreme Court decision in order to protect the Town.

APPROVED Ayes 4 Roesch, Billica, Aronica, Cooke
Noes 0

ADJOURN:

A motion was made by Councilman Billica, seconded by Councilman Aronica to adjourn at 9:57a.m.

APPROVED Ayes 4 Roesch, Billica, Aronica, Cooke
Noes 0

Respectfully submitted,

Patricia A. Frentzel
Town Clerk