

INSERTION # 6
TOWN BOARD 6/15/98

143V

RESOLUTION TO CREATE SEWER DISTRICT NO. 7

On a motion by MOREAU, seconded by HEFTKA, the following Resolution was adopted by the Town Board of the Town of Grand Island, New York (the "Town Board"):

WHEREAS, Frontier Developments Partnership ("Applicant") owns 283.9 acres of property located west of the New York State Thruway, designated on the Tax Map of the Town of the Town of Grand Island as parcel Nos. 51.00-1-1, 51.00-1-2, 51.00-1-3 and 51.00-1-4 (the "Site"); and

WHEREAS, Applicant filed an application with the Town Board of the Town of Grand Island (the "Town Board"): (i) to change the District Classification of and Zoning Map for the Site from R-1A to R-1B, and then, to Planned Unit Development; and (ii) to create a new Sewer District No. 7 for approximately 179 acres of the Site, in connection with a project denominated as the "Adult Lifestyle Planned Unit Development at Southpointe (Open Space Preservation Alternative)" (collectively the "Proposed Action"); and

WHEREAS, at its January 20, 1998 meeting, the Town Board, as lead agency under the State Environmental Quality Review Act ("SEQRA"), accepted a Draft Supplemental Environmental Impact Statement ("DSEIS") as complete in terms of its scope, contents and adequacy for circulation to involved and interested agencies and the public pursuant to SEQRA, and issued a Notice of Completion; and

WHEREAS, on February 10, 1998, the Town Board held a Public Hearing on the DSEIS for the Proposed Action, the request for rezoning of the Site and the request to create a new sewer district in accordance with SEQRA, Town Law §§ 209-d and 265, and Article IX of the Town of Grand Island Zoning Code; and

WHEREAS, on April 20, 1998 the Town Board accepted the Final Supplemental Environmental Impact Statement for the Proposed Action;

WHEREAS, on June 15, 1998, the Town Board adopted Findings for pursuant to SEQRA approving, with certain conditions and limitations, the Proposed Action;

WHEREAS, on June 15, 1998 the Town Board adopted a resolution denying the application to rezone the entire Site from R-1A to R-1B; and

WHEREAS, on June 15, 1998, the Town Board adopted a resolution rezoning from R-1A to R-1B 179.57 acres of the Site, comprising all of parcel No. 51.00-1-3 and a portion of parcel No.

143w

51.00-1-4, bounded by Baseline Road, Staley Road South Parkway and the Empire Pipeline Easement; and

WHEREAS, Sewer District No 7. is proposed to encompass this same 179.57 acres of the Site, comprising all of parcel No. 51.00-1-3 and a portion of parcel No. 51.00-1-4, bounded by Baseline Road, Staley Road South Parkway and the Empire Pipeline Easement, which is more particularly described as follows:

BEGINNING at the intersection of the east line of Baseline Road at its intersection with the south line of Lot 34; thence easterly along the south line of Lot 34, a distance of 2,572.73 feet more or less to the east line of Lot 34; thence continuing easterly along the south line of Lot 33, a distance of 1,924.24 feet more or less to the westerly line of the New York State Thruway; thence northerly along said west line of Thruway a distance of 17.14 feet to a point; thence continuing northerly along said west lane of Thruway a distance of 33.46 feet to a point; thence north, 04°, 43', 47" west a distance of 300.5 feet to a point; thence north, 18°, 43', 34" west a distance of 337.6 feet to a point; thence north, 29°, 46', 59" west a distance of 349.3 feet to a point; thence north 39°, 27', 58" west a distance of 321.6 feet to a point; thence north, 48°, 55', 46" west, a distance of 306.3 feet to a point; thence north 58°, 02", 55" west a distance of 403.4 feet to a point; thence north 60°, 36', 22" west a distance of 514 feet to a point; thence north 84°, 36', 40" a distance of 676.49 feet to the southerly line of Staley Road; thence along said southerly line of Staley Road, a distance of 2,303.97 feet to a point; thence south 43°, 39', 57" west, a distance of 42.34 feet to a point on the easterly line of Baseline Road; thence south 1°, 26', 56" east along the easterly line of Baseline Road, a distance of 1,164.17 feet to a point; thence south 88°, 33', 04" west a distance of 5 feet; thence south 01°, 26', 56" east a distance of 761.35 feet to the point of place of beginning.

Subject to any easements, rights-of-way, agreements, etc. of record; and further

WHEREAS, the improvements initially proposed by the Applicant were (1) pump station; eleven thousand (11,000) feet, more or less, of eight (8) inch gravity sewer; one thousand four hundred (1,400) feet, more or less, of twelve (12) inch gravity sewer; and three thousand one hundred (3,100) feet, more or less, of eight (8) inch force main; and

o

o

123X

WHEREAS, construction for the new District will be financed privately, with no capital cost expense to the Town; and

WHEREAS, Using 1997, average parcel capital tax for all districts of five dollars and fifty-four cents per one thousand dollars of assessed valuation, and a 1997 operation and maintenance tax rate for all districts of four dollars and nine cents per thousand gallons of water use, the overall user costs for proposed Sewer District No. 7 are: Capital cost of \$25,334; and Operation and Maintenance Cost of \$108,717;

NOW, THEREFORE, BE IT

RESOLVED, that the application with the Town Board of the Town of Grand Island to create Sewer District No. 7 on 179.57 acres of parcel No. 51.00-1-3 and parcel No. 51.00-1-4, as shown on the Tax Map of the Town of the Town of Grand Island, in connection with the Project denominated as the "Adult Lifestyle Planned Unit Development at Southpointe (Open Space Preservation Alternative)" is hereby APPROVED as consistent with the health, safety, morals and general welfare of the community, subject all of the following conditions:

1. The construction for the new District will be financed privately, with no capital cost expense to the Town.

2. Applicant will construct Pump Station No. 7 project before opening Phase I of the project. The Pump station No. 7 project requires, at a minimum, that Applicant: (a) demolish old Pump Station No. 7; (b) construct an 18-inch diameter gravity sewer from the Carl Road area to an 18-inch diameter gravity sewer to be installed by the Applicant; and (c) construct on the Site a new pump station which shall have a capacity of 1,000 gallons per minute.

3. Applicant shall pay the sum of \$150,000 to the Town for sewer mitigation as follows: (a) \$33,600 toward the Town's planned upgrading of Pump Station No. 8 at the completion of Phase I of the Adult Lifestyle Planned Unit Development at Southpointe (the Project); (b) \$57,000 toward the Town's planned construction of wet-weather upgrades at the Wastewater Treatment Plant at the completion of Phase II of the Project; (c) \$59,400 toward the mitigation of effects of Town-wide overflow problems at the completion of Phase III of the Project.

4. Applicant shall set aside five acres of land on the Site between the Empire Pipeline easement and Spicer Creek for Town use as a wet weather overflow facility, and shall also provide land affording access to this facility from Carl Road (collectively, the "Overflow Land"). Applicant will make the Overflow Land available for up to 25 years. If Applicant seeks to transfer the property to a third party after ten years, the Town shall first have the option of acquiring the Overflow Land at no cost; be it further

143Y

RESOLVED, that the Town Clerk shall enter a copy of this Order in the Minutes of the Town Board.

ROLL CALL

AYES: MOREAU, HEFTKA, COOKE, CRAWFORD, MCMAHON

NOES: NONE

ABSENT: NONE

Dated: JUNE 15, 1998

1855\sevres.2