

RESOLUTION TO CREATE PLANNED UNIT DEVELOPMENT

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

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 R1-A to R1-B, and then to Planned Unit Development ("PUD"); 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; and

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

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 approving a rezoning from R-1A to R-1B of 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; and

WHEREAS, the remainder of the Site is still zoned R1-A; and

WHEREAS, on June 15, 1998, the Town Board adopted a resolution, with certain conditions and limitations, creating Sewer District No. 7 encompassing the same 179.57 acres of Parcel Nos. 51.00-1-3 and 51.00-1-4, bounded by Baseline Road, Staley Road South Parkway and the Empire Pipeline Easement; and

NOW, THEREFORE, BE IT

RESOLVED, that the application filed by the Applicant to amend the Zoning Map of the Town of Grand Island for 283.4 acres of land in Section 51, Block 1, Parcels 1, 2, 3 and 4 on the Tax Map of the Town of Grand Island, located southerly of Staley Road, easterly of Baseline Road, northerly of Love Road and northwesterly of South Parkway and the New York Thruway (I-90) and which is bounded and more particularly described in Exhibit A annexed hereto, from R-1A - Single Family Residential District and R-1B - Single Family Residential District to a Planned Unit Development (PUD) District to be known and described as "Adult Lifestyle Planned Unit Development at Southpointe" is hereby approved as consistent with the health, safety, morals and the general welfare of the community; and be it further

RESOLVED, that "Adult Lifestyle Housing" has the same meaning as "housing for older persons" as used in the Fair Housing Act, 42 U.S.C. §§ 3607(b)(2), as amended, and regulations adopted thereunder, provided that such housing does not include a nursing home or similar facility that requires approval from the New York State Department of Health; and be it further

RESOLVED, that Adult Lifestyle Housing includes, but is not limited to, the following types of residential units: patio homes, detached homes, townhouse villas, condominium apartments, apartment flats and assisted living units; and be it further

RESOLVED, that "Ancillary Uses" means facilities and services specifically designed to meet the physical, commercial or social needs of occupants of Adult Lifestyle Housing, including but not limited to small scale commercial, food and retail facilities and services, personal services, medical and health care offices, community center and recreation facilities and services, and internal transportation facilities and services; and be it further

RESOLVED, that said PUD shall consist of two (2) Parcels as set forth on the annexed sketch annexed hereto as Exhibit B: Parcel A is Section 51, Block 1, Parcels 3 and a portion of Parcel 4 located in Farm Lot 33 on the Tax Map of the Town of Grand Island; Parcel B is Section 51, Block 1, Parcels 1, 2 and a portion of Parcel 4 located on Farm Lot 33 on the Tax Map of the Town of Grand Island (Parcel A and Parcel B are bounded and more particularly described on Exhibits C and D hereto, respectively); and be it further

RESOLVED, that Parcel A of said PUD shall be used solely and exclusively for Adult Lifestyle Housing and Ancillary Uses as defined herein and to the extent set forth hereafter and Parcel B shall be used solely and exclusively for those uses permitted in a R-1A (Single Family Residential District) zone; and be it further

RESOLVED, that Parcel A may contain a maximum of five hundred sixty-eight (568) units of Adult Lifestyle Housing, a maximum of thirty eight thousand (38,000) square feet of mixed commercial, retail and office use, and a maximum of thirty thousand (30,000) square feet of medical office use; and be it further

RESOLVED, that Parcel B may contain a maximum of seventeen (17) single family residential dwellings; and be it further

RESOLVED, that no use variance or special use permit shall be authorized to vary any individual area use designations on Parcel A or Parcel B, as the subject use limitations are intended to accomplish the development of an integrated Adult Lifestyle Housing plan and Ancillary Uses on the entirety of the 283.9 acre Site, and it is the Town Board's stated intention herein that a variation of this original intention from Adult Lifestyle Housing to non-Adult Lifestyle Housing on Parcel A, or a change in use from single family residential on Parcel B, would be a material deviation from the Board's overall plan; and be it further

RESOLVED, that building permits within this PUD District shall be issuable upon compliance with this legislation and upon obtainment of site plan approval in accordance with the Town of Grand Island Building Zone Ordinance; and be it further

RESOLVED, that the Town of Grand Island Planning Board shall not, without the consent of the Applicant, in considering an application for site plan approval review for the uses described herein:

(1) Adjust the number of units of Adult Lifestyle Housing allocable to Parcel A or the number of single family residential housing units allocable to Parcel B as prescribed above;

(2) Materially adjust the number of types of units of Adult Lifestyle Housing as depicted on the "Southpointe - A Planned Community Master Plan," dated October 1997 ("Southpointe Master Plan"), a copy of which is annexed hereto as Exhibit E.

(3) Materially adjust the location of buildings and structures as reflected on the Southpointe Master Plan, except as based upon site-specific considerations or factors; and be it further

RESOLVED, that development of the Adult Lifestyle Planned Unit Development at Southpointe on Parcel A may proceed in three phases: Phase I, Phase II and Phase III; and be it further

RESOLVED, that the PUD District, in addition to the requirements of the Town of Grand Island Building Zone Ordinance, shall be bound by the State Environmental Quality Review Act ("SEQRA") Findings Statement adopted by the Town Board on June 15, 1998, including but not limited to the following, and further, that each of the following shall be required, prior to site plan approval:

(1) Prior to the issuance of a Certificate of Occupancy for any building in Phase I of the Adult Lifestyle Planned Unit Development at Southpointe, the Applicant shall complete, or cause to be completed, infrastructure improvements required for said Phase, including but not limited to the following:

(a) At the intersection of Staley Road and Grand Island Boulevard, (i) change the westbound shared left turn and through traffic lane to a dedicated left turn lane and (ii) change the right turn lane to a shared through and right turn lane.

(b) Complete and have operational, to the reasonable satisfaction of the Town Engineer, the Pump Station No. 7 project, as specified in the Town Board's June 15, 1998 SEQRA Findings Statement for the Adult Lifestyle Planned Unit Development at Southpointe.

(2) Prior to the issuance of a Certificate of Occupancy for any building in Phase II of the Adult Lifestyle Planned Unit Development at Southpointe, the Applicant shall complete, or cause to be completed, infrastructure improvements required for said Phase, including but not limited to the following:

(a) At the intersection of Staley Road and Grand Island Boulevard, add a separate signal phase for the westbound traffic and a separate signal phase for the northbound traffic, unless (i) such signal changes have been previously undertaken by another entity or (ii) a necessary governmental approval, after reasonable best efforts by the Applicant, has not been granted.

(3) Prior to the issuance of a Certificate of Occupancy for any building in Phase III of the Adult Lifestyle Planned Unit Development at Southpointe, the Applicant shall complete, or cause to be completed, infrastructure improvements required for said Phase, including but not limited to the following:

(a) At the intersection of Staley Road and Grand Island Boulevard, a right hand turn lane on the southbound approach on Grand Island Boulevard.

(4) No later than the date of the filing of any site plan approval for any phase of the Adult Lifestyle Planned Unit Development at Southpointe, or the entire development, with the Clerk of the Town of Grand Island, the Applicant shall have taken measures satisfactory to the Town Board to preserve in perpetuity (a) the approximately 73.35 acres of State and/or Federally

designated wetlands on Parcel A and Parcel B, which areas are designated as "Existing Wetlands" on the "Southpointe, A Planned Community Master Open Space Plan," dated October, 1997 ("Southpointe Master Open Space Plan"), which Plan is annexed hereto and made a part hereof as Exhibit F (other than the 2.7 acres of wetlands to be impacted, as noted on said Plan), (b) the 91.6 acres designated as "Wetland Mitigation" on such Plan, and (c) the 18.9 acres depicted as "Buffer (Previously)" on said Plan. The site plan shall designate such areas for preservation; provided, however, that if any or all of such areas are transferred to a land conservancy or similar organization the Applicant shall bear all costs relating to the transfer or conveyance of such interests in such properties and any stewardship or similar costs associated with such properties.

(5) In the event that the Town of Grand Island acquires ownership of and/or the development rights to any of the areas described in the immediately preceding subsection, the Applicant shall bear all costs relating to the transfer or conveyance of such interests in such properties and any maintenance and related expenses associated with said properties.

(6) Prior to the issuance of a Certificate of Occupancy for any building in Phase I of the Adult Lifestyle Planned Unit Development at Southpointe, the Applicant shall set aside for twenty-five (25) years from the effective date of this Local Law (i) five acres of property between the Empire Pipeline easement and Spicer Creek acceptable to the Town Engineer and (ii) land which, in the reasonable judgment of the Town Engineer, affords reasonable access to such facility from Carl Road (collectively, the Overflow Land"), which Overflow Land shall be designated on the site plan (and any subdivision plat approval for the Site for the uses described herein) for use by the Town of Grand Island as a wet weather overflow retention facility. In the event the Applicant seeks to transfer Parcel A and Parcel B after ten (10) years from the effective date of this Local Law, the Town shall be provided the option of acquiring said Overflow Land at no cost.

(7) Within thirty (30) days after the completion of construction of Phase I of the Adult Lifestyle Planned Unit Development at Southpointe on Parcel A, but not later than the issuance of a Certificate of Occupancy for any building in Phase I of the Adult Lifestyle Planned Unit Development at Southpointe, the Applicant shall pay to the Town of Grand Island the sum of Thirty Three Thousand Six Hundred (\$33,600) Dollars toward the Town's planned upgrading of Pump Station No. 8.

(8) Within thirty (30) days after the completion of construction of Phase II of the Adult Lifestyle Planned Unit Development at Southpointe on Parcel A, but not later than the issuance of a Certificate of Occupancy for any building in Phase II of the Adult Lifestyle Planned Unit Development at Southpointe, the Applicant shall pay to the Town of Grand Island the sum of Fifty Seven Thousand (\$57,000) Dollars toward the Town's planned

construction of wet-weather upgrades at the Wastewater Treatment Plant

(9) Within thirty (30) days after the completion of construction of Phase III of the Adult Lifestyle Planned Unit Development at Southpointe on Parcel A, but not later than the issuance of a Certificate of Occupancy for any building in Phase III of the Adult Lifestyle Planned Unit Development at Southpointe, the Applicant shall pay to the Town of Grand Island the sum of Fifty Nine Thousand Four Hundred (\$59,400) Dollars toward the mitigation of effects of Town-wide overflow problems; and be it further

RESOLVED, that any site plan approval for the Adult Lifestyle Planned Unit Development at Southpointe shall require a reasonable performance bond for infrastructure improvements, including the infrastructure improvements required above; provided, however, that no performance bond shall be required prior to the issuance of any site plan approval; and be it further

RESOLVED, that should physical construction of the Adult Lifestyle Planned Unit Development at Southpointe on Parcel A not commence within two (2) years of the issuance of site plan approval for Phase I of said development or site plan approval for the entire project, the zoning of the PUD (Parcel A and Parcel B) shall, upon the filing by the Town Board of a determination that such construction has not commenced, revert to the underlying zoning (R-1B for Parcel A and R-1A for Parcel B); and be it further

RESOLVED, that the Applicant shall certify to the Town every other year, and with each application filed with the Town Planning Board for Phase II and Phase III, that the Adult Lifestyle Planned Unit Development at Southpointe on Parcel A complies with the standards of the Fair Housing Act, including but not limited to the requirement that eighty (80) percent of the designated occupied units be occupied by at least one person at least fifty-five years of age; and be it further

RESOLVED, that the Applicant shall file with the Town a copy of reports and certifications required to be filed with the United States Department of Housing and Urban Development pursuant to the Fair Housing Act that relate to a showing of compliance with said Act; and be it further

RESOLVED, that should the Town Board determine, after written notice to the Applicant (or successor) and a reasonable opportunity for such person to be heard, that the Adult Lifestyle Planned Unit Development at Southpointe on Parcel A does not comply with the requirements of the Fair Housing Act or other applicable laws allowing Adult Lifestyle Housing, the zoning of the PUD (Parcel A and Parcel B) shall, upon the filing of such determination with the Town Clerk of the Town of Grand Island, revert to the underlying zoning (R-1B for Parcel A and R-1A for Parcel B); and be it further

RESOLVED, that the site plan shall reflect and depict any and all State and Federally designated wetlands consistent with the Southpointe Master Open Space Plan; and be it further

RESOLVED, that no construction shall be permitted within the State designated wetlands to be preserved in perpetuity, in accordance with the requirements above; and be it further

RESOLVED, that no construction, except as related to the creation of wetlands or corollary enhancement of uplands, shall be permitted within the areas depicted as "Wetland Mitigation" depicted on the Southpointe Master Open Space Plan; and be it further

RESOLVED, that there shall be affirmative covenants running with the land and to the Town as a party which are satisfactory to the Town Attorney and which require that the uses shall comply with the use allocations for Parcel A and Parcel B set forth above; and be it further

RESOLVED, that the Applicant shall establish a Homeowners Association, and the by-laws of said Association and the Offering Plan for units of the Adult Lifestyle Planned Unit Development at Southpointe shall contains restrictions requiring that the uses shall comply with the use allocations for Parcel A and Parcel B set forth above; and be it further

RESOLVED, that the Homeowners Association shall be responsible for the upkeep and maintenance of (1) common areas of the Adult Lifestyle Planned Unit Development at Southpointe, including but not limited to open space, bicycle trails, walking trails and parkland and (2) private roadways and road medians, unless such areas are dedicated or conveyed to the Town of Grand Island; and be it further

RESOLVED, that the site plan shall comply with the open space corridor, greenbelt, walking trail and bicycle path requirements consistent with the Town of Grand Island Parks, Recreation and Open Space Plan; and be it further

RESOLVED, that the architectural style of the Adult Lifestyle Planned Unit Development at Southpointe on Parcel A, to the extent approved by the Town of Grand Island Architectural Review Board, shall be consistent with the Design Guidelines/Development Controls/Architectural Standards annexed to the 1997 Draft Environmental Impact Statement for the Adult Lifestyle Planned Unit Development at Southpointe; and be it further

RESOLVED, that the site plan shall provide for dedication to the Town of Grand Island of Southpointe Lane, the main access to the Adult Lifestyle Planned Unit Development at Southpointe on Parcel A as depicted on the Southpointe Master Plan; and be it further

RESOLVED, that the site plan shall provide for an extension of Glen Avon Road from the Site to connect with Love Road; and be it further

RESOLVED, that the entrances to the Adult Lifestyle Planned Unit Development at Southpointe from Staley Road and from Baseline Road shall be in the general vicinity of the entrances shown on the Southpointe Master Plan, subject to approval of the Town of Grand Island for the Staley Road entrance and the County of Erie Highway Department for the Baseline Road entrance; and be it further

RESOLVED, that erosion and sediment control measures which are in accordance with the New York Guidelines for Urban Erosion and Sediment Control shall be provided and included in the site plan approval process; and be it further

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

ROLL CALL

AYES: CRAWFORD, MOREAU, COOKE, HEFTKA, MCMAHON

NOES: NONE

ABSENT: NONE

Dated: JUNE 15 , 1998

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EXHIBIT A

LEGAL DESCRIPTION

TOWN OF GRAND ISLAND

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 30, 31, 33 and 34 of said Island and more particularly bounded and described as follows:

BEGINNING at the intersection of the northerly highway boundary of Love Road as a 66.0 foot wide right-of-way with the easterly highway boundary of Baseline Road as widened by the County of Erie and as shown on Erie County Department of Public Works road reconstruction Map SK171-13; thence North $88^{\circ}57'50''$ East along the northerly highway boundary of Love Road as a 66.0 foot wide right-of-way a distance of 1,127.25 feet; thence North $01^{\circ}11'42''$ West along the westerly line of lands conveyed under Liber 8241, Page 207, a distance of 2,009.18 feet to a point on the north line of Lot 30; thence North $89^{\circ}17'31''$ East along the northerly line of Lot 30, also being the northerly line of Map Cover 1551, a distance of 884.63 feet to a point on the east line of Map Cover 1551, thence South $01^{\circ}17'08''$ East along the easterly line of Map Cover 1551 a distance of 1,018.92 feet to a point on the north line of Map Cover 2271; thence North $89^{\circ}08'51''$ East along the northerly line of Map Cover 2271 a distance of 472.58 feet to a point on the west line of Lot 31; thence North $01^{\circ}17'08''$ West and along the westerly line of Lot 31 a distance of 30.80 feet; thence North $88^{\circ}35'24''$ East along the northerly line of Map Cover 2271 a distance of 960.17 feet; thence South $01^{\circ}24'36''$ East along the easterly line of Map Cover 2271 a distance of 145.42 feet to a point on the northerly highway boundary of South Parkway; thence northeasterly along the northwesterly highway boundary of South Parkway along a curve to the right having a radius of 3,308.25 feet a distance of 428.27 feet; thence northeasterly and northwesterly along the westerly right-of-way of the New York State Thruway as acquired by the New York State Department of Transportation as shown on Appropriation Map 852, Parcel 852, recorded under Liber 5260, Page 1, the following twelve (12) courses and distances;

- (1) North $54^{\circ}19'37''$ East a distance of 296.3 feet;
- (2) North $42^{\circ}56'04''$ East a distance of 210.0 feet;
- (3) North $30^{\circ}02'08''$ East a distance of 351.9 feet;
- (4) North $11^{\circ}27'58''$ East a distance of 307.8 feet;
- (5) North $04^{\circ}43'47''$ West a distance of 300.5 feet;
- (6) North $18^{\circ}43'34''$ West a distance of 337.6 feet;
- (7) North $29^{\circ}46'59''$ West a distance of 349.3 feet;
- (8) North $39^{\circ}27'58''$ West a distance of 321.6 feet;
- (9) North $48^{\circ}55'46''$ West a distance of 306.3 feet;
- (10) North $58^{\circ}02'55''$ West a distance of 403.4 feet;
- (11) North $60^{\circ}36'22''$ West a distance of 514.0 feet;

LEGAL DESCRIPTION

TOWN OF GRAND ISLAND

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 30, 31, 33 and 34 of said Island and more particularly bounded and described as follows:

BEGINNING at the intersection of the northerly highway boundary of Love Road as a 66.0 foot wide right-of-way with the easterly highway boundary of Baseline Road as widened by the County of Erie and as shown on Erie County Department of Public Works road reconstruction Map SK171-13; thence North $88^{\circ}57'50''$ East along the northerly highway boundary of Love Road as a 66.0 foot wide right-of-way a distance of 1,127.25 feet; thence North $01^{\circ}11'42''$ West along the westerly line of lands conveyed under Liber 8241, Page 207, a distance of 2,009.18 feet to a point on the north line of Lot 30; thence North $89^{\circ}17'31''$ East along the northerly line of Lot 30, also being the northerly line of Map Cover 1551, a distance of 884.63 feet to a point on the east line of Map Cover 1551, thence South $01^{\circ}17'08''$ East along the easterly line of Map Cover 1551 a distance of 1,018.92 feet to a point on the north line of Map Cover 2271; thence North $89^{\circ}08'51''$ East along the northerly line of Map Cover 2271 a distance of 472.58 feet to a point on the west line of Lot 31; thence North $01^{\circ}17'08''$ West and along the westerly line of Lot 31 a distance of 30.80 feet; thence North $88^{\circ}35'24''$ East along the northerly line of Map Cover 2271 a distance of 960.17 feet; thence South $01^{\circ}24'36''$ East along the easterly line of Map Cover 2271 a distance of 145.42 feet to a point on the northerly highway boundary of South Parkway; thence northeasterly along the northwesterly highway boundary of South Parkway along a curve to the right having a radius of 3,308.25 feet a distance of 428.27 feet; thence northeasterly and northwesterly along the westerly right-of-way of the New York State Thruway as acquired by the New York State Department of Transportation as shown on Appropriation Map 852, Parcel 852, recorded under Liber 5260, Page 1, the following twelve (12) courses and distances;

- (1) North $54^{\circ}19'37''$ East a distance of 296.3 feet;
- (2) North $42^{\circ}56'04''$ East a distance of 210.0 feet;
- (3) North $30^{\circ}02'08''$ East a distance of 351.9 feet;
- (4) North $11^{\circ}27'58''$ East a distance of 307.8 feet;
- (5) North $04^{\circ}43'47''$ West a distance of 300.5 feet;
- (6) North $18^{\circ}43'34''$ West a distance of 337.6 feet;
- (7) North $29^{\circ}46'59''$ West a distance of 349.3 feet;
- (8) North $39^{\circ}27'58''$ West a distance of 321.6 feet;
- (9) North $48^{\circ}55'46''$ West a distance of 306.3 feet;
- (10) North $58^{\circ}02'55''$ West a distance of 403.4 feet;
- (11) North $60^{\circ}36'22''$ West a distance of 514.0 feet;

(12) North 84°36'40" West a distance of 676.49 feet to the southerly highway boundary of Staley Road (66.0 feet wide); thence South 89°04'06" West along the southerly highway boundary of Staley Road a distance of 2,303.97 feet; thence southerly along the easterly highway boundary of Baseline Road the following ten (10) courses and distances:

- (1) South 43°39'47" West a distance of 42.34 feet
- (2) South 01°26'56" East a distance of 1,164.17 feet;
- (3) South 88°33'04" West a distance of 5.0 feet;
- (4) South 01°26'56" East a distance of 761.35 feet;
- (5) South 01°49'15" East a distance of 788.69 feet;
- (6) North 88°10'45" East a distance of 5.0 feet;
- (7) South 01°49'15" East a distance of 200.0 feet;
- (8) South 88°10'45" West a distance of 5.0 feet;
- (9) South 01°49'15" East a distance of 1,002.62 feet;
- (10) South 46°40'43" East a distance of 35.44 feet to the Place or Point of

Beginning.

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

Containing 283.883± Acres.

EXHIBIT B

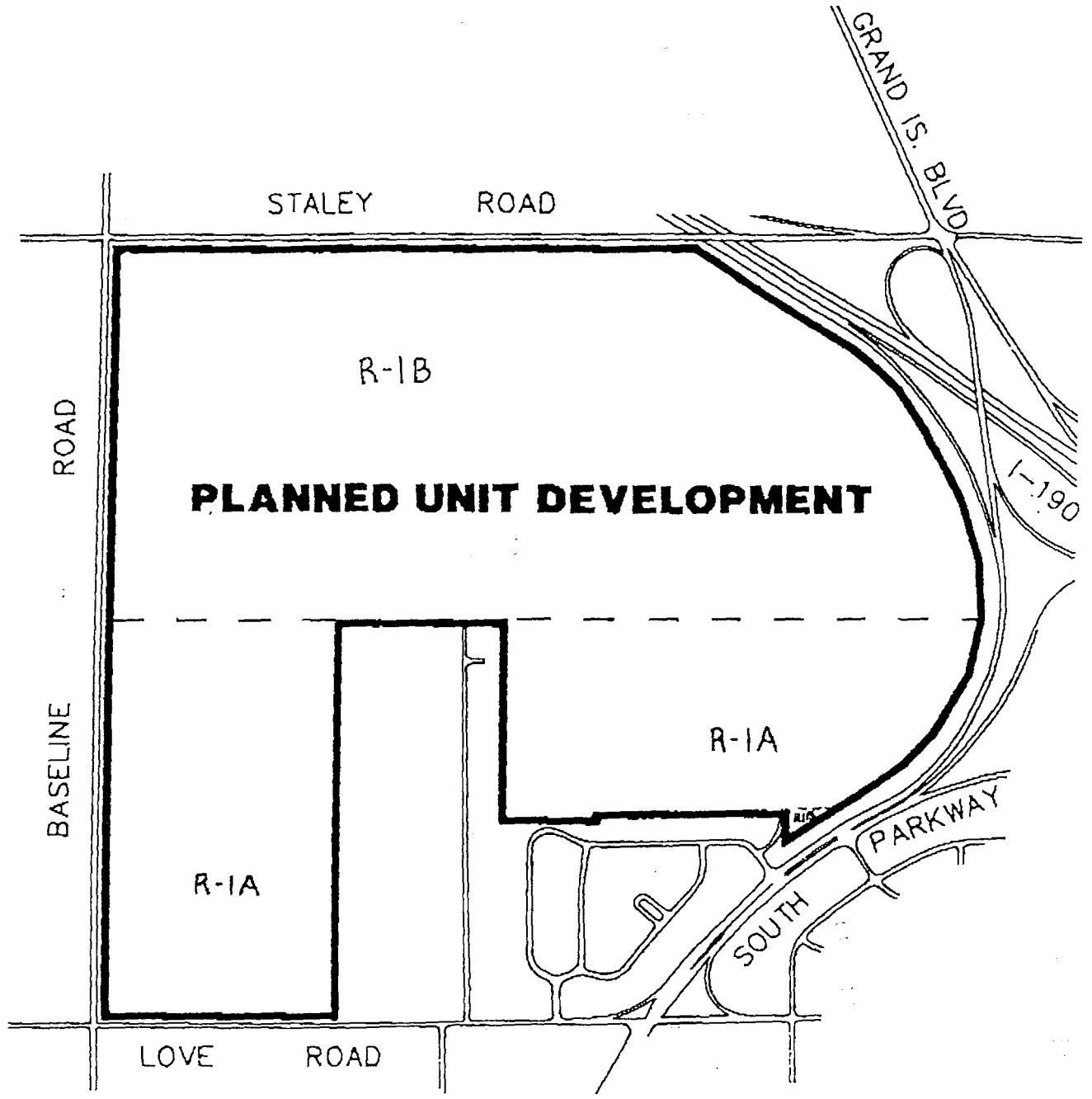


EXHIBIT C

Exhibit C to Resolution

ALL THAT TRACT OR PARCEL OF LAND in the Town of Grand Island, County of Erie and State of New York, being part of Lot 30, bounded and 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.

EXHIBIT D

ALL THAT TRACT OR PARCEL OF LAND in the Town of Grand Island, County of Erie and State of New York, being part of Lots 30 and 31, bounded and described as follows:

BEGINNING at the intersection of the north line of Lot 31 and the west line of the New York State Thruway; thence west along the north line of Lot 31, a distance of 1199.44 feet to a point; thence continuing west along the north line of Lot 31, a distance of 724.80 feet to a point; thence continuing west along the north line of Lot 30, a distance of 510.26 feet to the east line of property shown on a map filed in the Erie County Clerk's Office under Cover Number 1551; thence south $01^{\circ} 17' 08''$ east, a distance of 1018.92 feet to a point; thence north $89^{\circ} 08' 51''$ east, a distance of 472.58 feet to a point; thence north $01^{\circ} 17' 08''$ east, a distance of 30.80 feet to a point; thence north $88^{\circ} 35' 24''$ east, a distance of 959.88 feet to a point; thence south $01^{\circ} 24' 36''$ east, a distance of 145.42 feet to a point; thence northeasterly along a curb having a radius of 3308.25, an arc distance of 428.27 feet to a point; thence north $54^{\circ} 19' 37''$ east, a distance of 296.3 feet to a point; thence north, $42^{\circ} 56' 04''$ east, a distance of 210.0 feet to a point; thence north $30^{\circ} 02' 08''$ east, a distance of 351.9 feet to a point; thence north $11^{\circ} 27' 58''$ east, a distance of 307.8 feet to the point or place of beginning.

ALL THAT TRACT OR PARCEL OF LAND in the Town of Grand Island, County of Erie, State of New York, being part of Lot No. 30 and more particularly bounded and described as follows:

BEGINNING at the intersection of the east line of Baseline Road and the north line of Lot 30; thence south $01^{\circ} 49' 15''$ east, a distance of 788.69 feet to a point; thence north $88^{\circ} 10' 45''$ east, a distance of 5 feet to a point; thence south $01^{\circ} 45' 15''$ east, a distance of 200 feet; thence south $88^{\circ} 10' 45''$ west, a distance of 5 feet; thence south $01^{\circ} 49' 15''$ east, a distance of 1,002.62 feet; thence south $46^{\circ} 40' 43''$ east, a distance of 35.44 feet; thence north $88^{\circ} 57' 50''$ east, a distance of 1127.25 feet; thence north $1^{\circ} 11' 42''$ west, a distance of 2,009.18 feet to the north line of lot 30; thence easterly along the north line of lot 30 to the point or place of beginning.

EXHIBIT E

Master Plan
October 1997
Found in DSEIS Alternative 4
January 1998

EXHIBIT F

Open Space Master Plan
October 1997
Found in DSEIS Alternative 4
January 1998

STATE OF NEW YORK :
COUNTY OF ERIE : ss
TOWN OF GRAND ISLAND :

*file copy
cc: [unclear]
[unclear]
[unclear]
[unclear]*

I, **BETTY Y. LANTZ**, Deputy Town Clerk of the Town of Grand Island, Erie County, New York, do hereby certify that a REGULAR meeting of the Town Board of the aforesaid Town on **APRIL 20, 1998** the following action was taken subject to Town Board approval:

1. ACCEPTANCE OF THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (FSEIS) FOR THE PROPOSED SOUTHPOINTE PLANNED UNIT DEVELOPMENT


MOTION: It is moved to **ACCEPT** the Final Supplemental Environmental Impact Statement (FSEIS) for the proposed Southpointe Planned Unit Development submitted by the applicant and modified by Appendix "A" hereto as satisfactory with respect to its scope, content and adequacy, that a Notice of Completion shall be filed and published in accordance with the law and that public comments will be received by the contact person for the Lead Agency until the close of business on May 4, 1998.

INSERTION #2

MOVED: Crawford SECOND: Moreau
ROLL CALL: Ayes: Crawford, Moreau, Cooke, Heftka, McMahon
Noes: None
CARRIED

I do further certify that the members of the Town Board are as follows: Peter A. McMahon, Supervisor; Mary S. Cooke, Councilwoman; Richard W. Crawford, Jr., Councilman; Andrea L. Moreau, Councilwoman and Michael E. Heftka, Councilman.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the Town of Grand Island, Erie County, New York this **27th** day of **APRIL, 1998**.


BETTY Y. LANTZ
DEPUTY TOWN CLERK

(SEAL)

RESOLUTION

On a motion by Councilman Crawford, seconded by board Member Moreau, the following resolution was adopted by the Town Board of the Town of Grand Island, New York:

WHEREAS, a petition for a zoning amendment by Frontier Development Partnerships ("Applicant") was received by the Town board of the Town of Grand Island on October 23, 1997 requesting that the 283.9 acres Site located between Love Road, Baseline Road, Staley Road and South Parkway (the "Site") be rezoned from R1-A to R1-B and then to Planned Unit Development ("PUD"); and

WHEREAS, the Applicant filed with the Town Board an application to create a new Sewer District No.7 on approximately 179 acres of the Site north of the Empire Pipeline easement and to connect the proposed project's sewers to existing Town sewers; and

WHEREAS, the requests for creation of a new Sewer District No. 7 and rezoning of the Site are in connection with the proposed mixed-use development of the Site that would include (1) 568 units of various types of adult Lifestyle Housing targeted for retired adults, (2) 17 market rate single family residential units, and (3) 83,000 square feet of retail and commercial use (comprised of 38,000 square feet of mixed commercial and office uses and a 15,000 square foot community center along Main Street of the proposed services along the New York State Thruway), collectively denominated as the "Adult Lifestyle Planned Unit Development at Southpointe (Open space Preservation Alternative)" (the "proposed action"); and

WHEREAS, the Town board of the Town of Grand Island is the designated Lead Agency for the environmental review of the proposed action under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the proposed action is based on Alternative 4 (the Open Space Preservation Alternative) discussed in the July 1997 Final Environmental Impact Statement for a previous proposal advanced by the Applicant; and

WHEREAS, the Applicant prepared a Draft Supplemental Environmental Impact Statement ("DSEIS") for the proposed action; and

WHEREAS, the Town Board, as Lead Agency, adopted a resolution on January 20, 1998 accepting the DSEIS for the proposed action as satisfactory with respect to its scope, contents and adequacy for the purpose of commencing public review; and

WHEREAS, a Public Hearing on the DSEIS was held on February 10, 1998 at 8:00 PM at Town Hall, 2255 Baseline Road, Grand Island, New York, in conjunction with a public hearing on the Applicant's request to rezone the Site and to create sewer District No. 7; and

WHEREAS, period for involved and interested agencies and the public to comment on the DSEIS expired on February 24, 1998; and

WHEREAS, the Board has received numerous comments on the DSEIS; and

WHEREAS, the Board directed the Applicant to prepare a Final Supplemental Environmental Impact Statement ("FSEIS"); and

WHEREAS, the Applicant submitted a preliminary FSEIS to the board and its consultants on or about March 27, 1998; and

WHEREAS, the Applicant submitted revised preliminary FSEISs in response to comments by the Board and its consultants during April 1998; and

WHEREAS, the Board's consultants have recommended that the preliminary FSEIS submitted on or about April 17, 1998 be accepted as satisfactory with respect to its scope, content and adequacy, provided that the minor revisions noted in Appendix "A" hereto are made.

NOW, THEREFORE, be it

RESOLVED, that the Town Board, as Lead Agency, hereby accepts the FSEIS, as submitted by Applicant on or about April 17, 1998 and modified by Appendix "A" hereto as satisfactory with respect to its scope, content and adequacy; and be it further

RESOLVED, that a Notice of Completion shall be filed and published in accordance with law; and be it further

RESOLVED, that comments on such FSEIS will be received by the contact person for the Lead Agency until the close of business on May 4, 1998; and be it further

RESOLVED, that the Town Clerk shall enter a copy of this Resolution in the minutes of the Town Board.

Dated: April 20, 1998