

# Residents, Town Board clash over how to manage future Grand Island growth

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The latest skirmish in the long-running Grand Island warehouse war took place last week. That's when boos and cries of "shame" rained down on the Grand Island Town Board after a board majority rejected a new law that would subject massive warehouse and distribution centers to heightened scrutiny. Residents had packed Town Hall to implore the board to pass the oft-debated zoning change, contending it was needed to protect them from the traffic, pollution and loss of green space inflicted by these large facilities.

"You guys, you all represent us. And you're either with us or against us," said resident Janice Wieckowski. "Nobody here tonight talked about how we want 150,000-square-foot mega-warehouses. Nobody." Instead, the board voted down the zoning law and, in its place, proposed a different local law that would impose a temporary ban on all commercial projects larger than 25,000 square feet.

Grand Island Supervisor Peter Marston Jr. said the town needs to take a comprehensive look at future development and this broader law – which applies to all commercial construction and not just warehouses and distribution centers – is a better way to go. "Grand Island is developing, and it will continue to develop, and if we don't get this stuff right it's not going to be good," Marston said. This didn't satisfy the audience members at the May 6 Town Board meeting, most of whom abruptly got up and left after the zoning law rejection and before the board accepted Marston's counterproposal.

The Town Board is considering a zoning change that would subject plans for massive warehouses and distribution centers to heightened scrutiny. However, Erie County officials have come out against the proposal, arguing even the latest, less-restrictive version of the zoning amendment could have dire economic consequences.

The fight over large-scale commercial development heated up in 2020, when a company working on behalf of Amazon introduced plans for a five-story, nearly 4 million-square-foot warehouse on Long Road near the I-190. The project ran into stiff opposition before Amazon pulled the plug on the \$300 million development, now slated for the Town of Niagara. In December 2020, Acquest Development, the property owner, came back with a proposal for a single-story, 1.1 million-square-foot warehouse there.

While the Amazon project required a rezoning, the Acquest warehouse fits within its light-industrial and research, or M-1, zoning. The Acquest project is moving through the review process as the town wrangles with how best to guide future development.

A two-year-old proposal by Acquest Development for a giant warehouse on Grand Island is stirring up the same kind of heavy opposition that the former Amazon venture generated, prompting calls for a moratorium on such facilities. Opponents say the island is not suitable for large-scale facilities that produce heavy traffic volume. Last summer, then-Council Member Michael Madigan proposed a six-month moratorium on new warehouses or distribution centers. However, the Town Board never approved Madigan's idea, instead proposing to permanently amend the zoning code. The zoning amendment went through numerous adjustments as town officials gradually shrank permissible building sizes.

This year, the town produced a final version barring distribution centers in M-1 and M-2 districts while allowing warehouses up to 75,000 square feet per building or 150,000 square feet for multiple buildings across single or connected properties.

Construction of a distribution center could have proceeded with a rezoning or use variance while a larger warehouse would have required a special-use permit. However, the town Planning Board and the Erie County Department of Environment and Planning recommended against the zoning amendment, with county officials arguing the regulation would sharply curtail business activity and economic growth.

At the May 6 Town Board work session, Marston said a zoning change that only applies to warehouses and distribution centers is a “whack-a-mole” approach that doesn’t address wider issues related to commercial development. That’s why, Marston said, he supports a six-month ban on all commercial structures larger than 25,000 square feet in the town’s business districts. “Let’s just put it in park and figure it out and do it right,” he said.

Deputy Supervisor Thomas Digati said he has concerns about the enforceability of the zoning amendment because, he said, it would be difficult for the town to define “warehouses” and “distribution centers” in ways that would stand up to legal scrutiny.

While officials have insisted the proposed laws aren’t a response to a specific project, any action that blocks the Acquest warehouse could prompt a lawsuit from the company. Council Member Dan Kilmer at the work session said he understands Marston’s reasoning but he believes the board could both approve the zoning amendment and look into big-picture development concerns.

Later that evening, at the Town Board meeting, about a dozen residents backed the zoning change, arguing members had waited long enough to act to protect residents’ interests. Several noted board members had campaigned on promises to address the issue. “I am absolutely stunned and sick to my stomach that, after all this time, you’re yet again going to kick this can down the road,” said Cathy Rayhill, an advocate for responsible growth on the island.

Kilmer introduced the zoning amendment, but the motion failed for lack of a second from another member. At that point, audience members booed and shouted their disgust. Council Member Christian Bahleda threatened to have attendees removed if they couldn’t keep quiet and, when one man kept speaking, directed an officer to escort him out. At that point, much of the audience also got up and left.

Afterward, the Town Board voted 3-1, with Kilmer the no vote, to direct Town Attorney Peter Godfrey to draft a local law for the six-month moratorium. The Town Board must hold a public hearing before it can vote on the measure.