

City of Dunkirk Planning Board Meeting Minutes
November 27th, 2017

Present: John Mackowiak, Ed Schober, Andy Bohn and Frank Torain. Also present: Rebecca Yanus (Director of Development) Edward Hayes (Recording Secretary), Rich Morrisroe (City Attorney), Ashley Switzer (Project Manager, STEL), Tom Whitney (Executive Director, STEL) and Nicole Gugino – Observer.

Absent: Chris Piede

Meeting was called to order by John Mackowiak at 6:00p.m. located in the Mayor's Conference Room, in City Hall. A quorum was present.

Acceptance of meeting's minutes: No Minutes from July 10th (Meeting was postponed)

Communications from the Public and Petitions: None

Old Business: None

New Business: Rebecca Yanus spoke on the Restore NY Application the City will be submitting to the State. She stated the City has been working with the owners of the property at the corner of Washington Avenue and Lake Shore Drive East. The owners Gerry Bertges and Alan Shaw. The grant application is to put in for redevelopment of the building. The grant application is due December 15th. Their property is eligible for \$1,000,000 and they would have to match 10% with their own money. They have already spent \$30,000 to repair the roof and that would count toward their match. Rebecca stated essentially they would invest \$70,000 to potentially get a \$1,000,000 and that is a great deal.

Rebecca said she would need to notify supply with the application a letter from both the Planning and Zoning Boards stating they are aware of the project. Rebecca explained it would be a mixed use building with the top three (3) floors as loft apartments and the first floors as some type of retail/bar/ restaurant component which can be flushed out as the project moves forward.

Andy Bohn just asked for confirmation on the names of the two owners. Frank Torain and the rest of the Board stated that they think the first floor would be ideal for a brewery.

Site Review – 80 King Street and 10 N. Main Street – STEL – Ashley Switzer and Tom Whitney

Edward Hayes explained that Southern Tier Environments for Living Inc. (STEL) is here to review the minor changes that were made to their original site plans for 80 King Street and 10 N. Main Street. They just completed their review with the City of Dunkirk Zoning Board of Appeals and were approved for all of their changes to the two (2) properties. Edward Hayes introduced Ashley Switzer, Project Manager, and Tom Whitney, Executive Director, for STEL.

Tom Whitney said originally the sites were going to be renovated but in reviewing the feasibility and cost of renovation they decided to go with demolition. He gave an example of HVAC at 10 N. Main Street and there was not enough room to accommodate the system without major cost to redo upper floors and roof and it made much more sense to go with demolition and rebuild. The buildings just didn't have the architectural integrity and these new builds have much better curb appeal. The same was the situation for 80 King Street with the major fire damage, insulation issues and exposure to the open air for several years. They have more cost certainty with the rebuild but they will still be built as originally noted. The single family will be single family; the four (4) bedroom apartments will be four (4) bedrooms. 80 King

Street is a duplex with a one (1) bedroom and a two (2) bedroom apartment. The architect did new plans but the resulting building will be much better.

Andy Bohn asked where 80 King Street is in relation to the apartment complex that burnt down. Ashley Switzer explained it's about 15 houses down toward the lake (North) near Talcott and King Street. Ashley said they also had other houses near Mary's Deli on Main Street. Ashley also stated she and the City Building Inspector, as well as their environmental engineer, visited the site earlier that day. Ashley said that house caught fire in July of 2015 and she promised the last board that would be the first house to get demolished.

John Mackowiak asked if the house would be on a brand new foundation and Ashley responded yes.

Frank Torain asked if the apartment was a duplex and Ashley Switzer stated it was and this unit is earmarked for STEL's consumers.

John Mackowiak asked if all codes will be met and Ashley Switzer said yes. Tom Whitney stated they just went to the City Zoning Board Meeting and obtained the variances they needed. Ashley said the variances and Planning Board approval were the last steps needed to get their building permit.

John Mackowiak asked about start dates. Ashley Switzer stated they are targeting for a construction/finance closing date in mid-December. Tom Whitney stated that he hopes it closes in December but it could go to January and as soon as closing takes place they will start construction the next day. Tom stated there are number of funding/financing pieces and they are they are trying to coordinate to start the project.

Ashley Switzer explained that in order for demo variances have to come from the State as well.

John Mackowiak asked about local contractors. Ashley Switzer said the general contractor is Resetaritis Construction out of Buffalo; however, they have a few local subcontractors involved. Tom said they went with Resetaritis Construction because they have good experience scattered sight development, which was important to the NYS Housing Authority. This is 49 units which is not a small project.

Ed Schober asked what stipulation the Zoning Board put on the project. Rich Morrisroe, City Attorney, replied that it was that they followed proper protocol with demo and ordinances. Rich said it was straight forward. Rich said there was a slight variance with setback on one property and a few feet with frontage, nothing contentious about the decisions.

John Mackowiak asked about other properties in the area and Tom said that most properties are rentals in this area. John asked if any neighbors appeared at Zoning Board Meeting. Rich Morrisroe said no one was present. John also asked about length of rentals/leases. Ashley Switzer said 80 King was for STEL consumers and need a stable environment so that is more long term. Ashley said they do a one (1) year lease but their funding sources will allow for two (2) year leases as well.

John Mackowiak asked about basements. Ashley Switzer replied the two (2) bedrooms have half basement and the other half on grade and laundry would be on the first floor for renters. STEL will also be providing washers and dryers for renters which are an added benefit to renters.

Frank Torain asked about thickness of the wall between units. Ashley Switzer stated they are approximately 6-8 inches thick with fire stop protection and insulation.

John Mackowiak asked about property maintenance and storing equipment. Tom Whitney stated that each unit has a storage area and that 80 King Street will have property maintenance done by STEL staff and 10 N. Main Street will be maintained by the tenants but if there was an issue STEL will ensure property is maintained

John Mackowiak asked about adequate parking for the units. Tom Whitney explained 80 King Street will have adequate parking and 10 N. Main Street can park on the street and STEL will be working with the Dunkirk Housing Authority to see if they can rent a parking space for the tenant(s) if possible.

Andy Bohn made a motion to accept Resolution #2017-5 Authorizing Approval of Project at 80 King Street with the determination that they follow the stipulation set forth by the Zoning Board of Appeals and all City Codes are adhered to. The motion was seconded by Ed Schober. All voting aye.

Andy Bohn made a motion to accept Resolution #2017-6 Authorizing Approval of Project at 10 N. Main Street with the determination that they follow the stipulation set forth by the Zoning Board of Appeals and all City Codes are adhered to. The motion was seconded by Ed Schober. All voting aye.

Ashley Switzer and Tom Whitney (STEL) thanked everyone for their time and support of the project and Tom stated in about a year we can look at planning a ribbon cutting ceremony for the project.

Edward Hayes announced to the Board that before we adjourn he wanted to give a quick updated on the status of the next Planning Board Meeting for the Battery Point Villas Project. Edward stated he spoke with the developers earlier that day at an event and asked about the updated site plans which include the drainage plans. He said the developers have the plans just about complete and we should be able to schedule a meeting just after the holidays in early January.

Rebecca Yanus stated that the developers will be having a meeting with the CCIDA Board to get approved for funding for the project. John Mackowiak asked what time the meeting would take place. Rebecca stated that it would be at the Fredonia Incubator and she believed the meeting was scheduled for 10:00am.

John Mackowiak stated a neighbor approached him about the unopened street (behind Otter Street) that runs perpendicular to Lake Shore Drive.

Rebecca Yanus stated that the City did approve a quitclaim deed to the developers for that street, not to build on, but access for part of their drainage plan and some pieces like that. The developers will be bringing more details to the Planning Board to answer questions like that.

Rich Morrisroe stated that the City Council approved this and that he is just waiting on a property description from the DPW Director because a description does not currently exist and then that will be filed.

John Mackowiak asked the City Attorney if they were approached about acquiring the land. Rich Morrisroe explained the property is about a ten (10) foot strip and was never designated, outside of on paper, as a paper street it was just essentially open field/land.

John Mackowiak stated that the property owners may be using the land as we speak. Rich Morrisroe stated the SEQR and environmental review has already been done on that lot and that includes the whole lot. All the paper thing is for is for title purposes so they have a super clean title moving forward. It has nothing to do with usage it is a title issue.

Rich Morrisroe explained a similar issue happened in Buffalo years back and no one had thought to check that all the lots lined up and there was a phantom backyard that no one used so they had to clean that up so no one can lay claim to that land. It gives confidence to the lender.

John Mackowiak stated his question was about the other property owners who bought the unopened street property. Andy Bohn explained that the residents did not buy that property; it is still land that belongs to the City. Andy said the City has just allowed the residents to use that land.

Rich Morrisroe stated that it was always assumed that the City property was part of the previous owners land for generations. When a title search was done it was confirmed that the City owned that strip of land. To clear the title the City deeded over that strip of land officially to the new owner.

John Mackowiak stated that he approached the City to purchase that land, behind his home, when he first moved in and he was denied by the City. He said a previous Mayor denied the request from his lawyer because that Mayor felt the City needed access to the ditch that runs behind the homes to do maintenance. He said his neighbor said it was going to be up to the Planning Board about acquiring the property but it sounds like it is a done deal and the neighbors won't have the opportunity to acquire those properties. Rich said the Planning Board does not have any involvement in title transfers.

John Mackowiak said his neighbor came and spoke to the Planning Board. Rebecca Yanus explained that the gentleman came to the City's Development Office and she told the gentleman that the plans for the development of the of the property will be seen by the Planning Board and if there are concerns about the developers potentially building on that property the Planning Board will have a say in that decision.

John Mackowiak stated he believes the neighbor was not concerned with development on that property but was interested in purchasing that property for himself.

Edward Hayes stated that when the gentleman came to speak to staff in the Development Office his question at that time was concerns with development of the land and not personal acquisition of the property.

John Mackowiak asked what happens when the City administration changes. Rich Morrisroe explained that the whole process would have to be introduced again, which requires Zoning Board, Planning Board and City Council approval.

John Mackowiak feels that the neighbors want to acquire the land for their properties. He stated that in the past he recalls a proposal that if there are City lands that are land-locked and not used, the property owners would be offered to purchase the property first. John thought that would be something that would be carried on through administrations.

Rich Morrisroe said that problem is that that process never got further than the proposal stages. There is nothing in the City Code about homestead and vacant lots. Rich said this is something he plans to address with the City Council and it makes a lot of sense and with a lot of scattered and vacant lots in the City. Rich said the Housing Authority has a lot vacant lots they don't want to let go of because they don't know what to do with them. Rich said if there was something in the City Code that addressed this it would make a lot of sense and allow property owners to acquire additional lot space to put in a garage or expand drive ways and lots.

John Mackowiak asked Rich if this was a done deal to which Rich Morrisroe responded yes. John stated he did not think this was fair. Rich stated he could contact his Councilperson or the Mayor. Rich said legally

there is no ground to stand on. Rich said the City owns the property and the City decides what it wants to do with it.

Rich Morrisroe explained that the City decides through its Common Council, who are elected by the people, so if the council only hears from you and not the people, and others don't have an issue with it, the majority rules and if anyone had an issue with this they should have brought it to the councilperson to address. The Council already approved this resolution months ago. This has left the track and I know that is really not what you want to hear.

Rebecca Yanus reiterated that the developers will be coming to the Planning Board Meeting in January and John and the other Planning Board members will have a say in the development plans to make sure they are not encroaching on the existing properties.

Andy Bohn stated that from the initial plans we saw in the spring they are not building right up to the property line. Rich Morrisroe said that the paper street is 10-15 feet and is essentially a buffer zone. Andy also stated he thought the distance was going to be even further than that.

Edward Hayes stated that this can all be addressed at the next meeting and he just wanted to make sure that Board Members had an update before the meeting adjourned.

Frank Torain made a motion for adjournment at 6:35p.m., seconded by Ed Schober. Carried, all voting aye.

The next meeting is: **To Be Determined**