

City of Dunkirk Planning Board Meeting Minutes
February 28th, 2018

Present: Chris Piede (Chairman), John Mackowiak, Ed Schober, Andy Bohn and Frank Torain. Also present: Rebecca Yanus (Director of Development) Edward Hayes (Recording Secretary), Rich Morrisroe (City Attorney), Wilfred Rosas (Mayor), Randy Woodbury (DPW Director), Mark Baerwaldt (Erie Land Development), Bill Gugino (Erie Land Development) Troy Sasse, Jolie Sasse and Nicole Gugino – Observer.

Also Present: Don Williams (1st Ward Councilman) Michael Civiletto (4th Ward Councilman), Valerie Mackowiak, Bridget Mackowiak, Matthew Carman, Patrick Poweski, Tim Wdowiasz, Richard Sullivan and James Ziemba.

Meeting was called to order by Chris Piede at 5:32p.m. located in the Mayor's Conference Room, in City Hall. A quorum was present.

Acceptance of meeting's minutes: November 27, 2018 Minutes – Motion to accept by Andy Bohn, 2nd by Ed Schober.

Communications from the Public and Petitions: None

Old Business: None

New Business:

Pre Site Plan Review – 23-25 Lake Shore Drive East– Troy and Jolie Sasse

E.J. Hayes introduced Troy and Jolie Sasse to discuss their plans for their newly acquired property located at 23-25 Lake Shore Drive, East (Former Dunkirk Macaroni Company).

Jolie Sasse begins meeting with background information on her and her husband Troy. They are licensed physical therapist who recently moved to Shorewood although they have a practice in Angola and are now looking to relocate the practice to Dunkirk. They are looking to renovate the building of 23-25 Lakeshore Dr. The 1st phase of renovations includes renovating the 1st floor with such things as interior paint and remodeled floors. Partition walls are already in place, allowing for 3 offices, a physical therapist room and 3 bathrooms (2 upper 1 lower) that would have to be updated to meet ADA standards. The current owner has yet to turn on the water, however electric is functional in the building.

1st floor renovations include receptionist desk where patients walk in, stairwell being blocked off with fire approved locked doors and patients having access to the ADA compliant bathroom. There is an existing freight elevator already inside which they are possibly thinking about turning it into glass doors or a metal cage for safety precautions. Hand tap accessibility with grab bars placed at the corner of the building outside is a possible renovation; along with creating an entrance on the Lakeshore street side so the basement level can be used for a bar/restaurant setting; their hoping to have the 1st floor space functional within a 3-4 month time span. Once renovations are done, if a new tenant approached them and wanted to move in and utilize the space of the 1st floor they are willing to move into the basement or any space available to accommodate the needs of any new tenants. Some ideas mentioned for the 2nd floor renovations include loft style apartments equipped with an elevator for passenger use which they would either use the existing elevator or put in a new exterior glass elevator; and also blend in the existing gray garage with a matching color to the brick building. Jolie stated some long terms goals for the building include replacing and or refurbishing the windows, it's all contingent upon energy efficiency,

being the cost is usually \$1,000 per window. Installing ventilation, fans, wiring and a sprinkler system are all long term goals. She stated the previous owners did have a new roof put on the building 2 years ago. Troy Sasse stated his wife's practice does take all insurance types and although their practice may not be a staple for tourist they are hoping that with the renovating of the building and different ideas such as the waterfront view lofts it will become a tourist attraction. Julie stated she is not versed in Spanish but she can get through a lot of diversities due to her experience working with many different races in Buffalo NY.

Rebecca Yanus stated they have been working with Allen Shaw and Jerry Burgess who are the current owners; they also have ideas to use the building as a mixed use. They put in an application for grant funding through RestoreNY which they will find out if they will receive the funding within the next few weeks. They will be able to transfer the grant funding to the new owners as long as they can meet the 10% matching funds of the grant; the grant would be \$1 million to help them renovate the building.

Julie Sasse made mention that Allen has taken the time to make the elevator functional, as it was not function the 1st time they went in but he was able to get that up and going. They recognize that although the parking area is small, they are not looking to get variance for parking and are okay with the off street parking set-up.

She states their vision is more so for a wrap around drop-off pick-up kind of set up which is what they currently use at their location in Angola. She says that she is more than willing to wheel in patients with wheel chairs and assist the wheel chair van and help the little group home patients get all their patients in and out of the van be it winter, summer or rain. She adds that they are willing to do things such as taking patients cars over to the parking lot and parking them for the patients. Julie states that there business hours are currently Mon, Wed & Fri 8am-1pm with evening hours being from 1pm-6pm. So even with whatever summer activity happening parking should not be an issue for either businesses, as they also do not work on holidays or weekends.

E.J. Hayes discusses the packet on the proposed planning board meeting schedule. The only discrepancy was the December planning board meeting that was moved to the 3rd due to the holiday, all other meetings will be on the 4th Wednesday of the month. A motion was made to change the meeting from the date of the 21st, to the 3rd which is as follows: *John Mackowiak made a motion to accept Resolution #2018-1 Approval of 2018 Planning Board Schedule. The motion was seconded by Ed Schober. All voting aye.*

Site Plan Review – 469 Lake Shore Drive East (Villa's at Battery Point) – Bill Gugino and Mark Baerwaldt (Erie Land Development)

E.J. Hayes stated that last May Bill & Mark introduced their initial site plans; the current meeting was for their final site plan approval. The packet given at the meeting included all zoning board stipulations and site plans.

Bill Gugino stated that the original site plans included possibility for retail which they have taken out of the revised site plans; it now will be all parking and no possibility of retail. There will be 12 buildings, with 8 units in each building. The initial plan included 7 two bedrooms and 1 one bedroom, the revised plan will be all two bedrooms two baths. The lower 1st floor will meet all ADA requirements and the buildings will be sprinkler equipped. The engineers are working on the drainage plans and are designing the storm water run-off; the retention area will have a pipe that holds any immediate water and if the area needs to be drained it will drain to the design coming out to Cedar Street.

James Ziembra stated the water currently goes toward the cliff which ends up behind his house and the Mackowiak's. He stated the 24 inch pipe is limited, because it's full so that's where all the water ends up which in turn will upset a lot of people. He says there's no way to take all that water and push it through a

12 inch pipe considering the pipe is clogged, and has been there for at least 40 plus years. Bill explained that their not changing anything, their just simply making it flow better. Randy Woodbury, City Public Works Director, explained that the pipe is galvanized making it only capable of a 20yr life span. He states that it's the City's responsibility to replace it and he suggested a larger plastic pipe which DPW is capable of doing.

Tim Wdowiasz commented that when it rains or melts over on Otter Street it freezes up and the City has to come put a special salt down so his main concern is when Erie Land Development goes to build up top the wetlands are going to be deep. Randy explains again that it's not the responsibility of the developers to address the drainage issue, it's up to the City to correct the issue; once that's done, then the developers would have to prove that their project is not going to cause any damage to the corrected structure before developing on it. A question was asked to Randy about what happens if they develop on the area and it doesn't work, do they get fined or ticketed? Rebecca stated that the developers would have to already have those calculations done through the environmental SEQRA, that way whatever amount of land they are turning into non-pervious pavement is accounted for.

Randy Woodbury further explained that the plan has to be designed by licensed or registered design professionals who are strongly policed. The City Attorney Rich Morrisroe clarified that if anything went wrong it would be in code violation, so you have the City and it would be the State, so the designer's license could be on the line, DEC also has a measure of authority as well. Rich also stated funding regarding the drainage is an issue for the City public works department. He acknowledged State Funding could be a possibility or property tax increases, which no one likes to do, is why the issue hasn't been addressed in 20 years.

The Mayor stated their goal is to make everyone happy. He stated he has already instructed the DPW Director to put in for funding for the issues concerning drainage and flooding. He acknowledges that the issue is a City issue and it will be taken care of regardless if development takes place on that land or not. He did state that he feels that development should still take place at some point. He stated that if the need arises to have to raise taxes then that is what he will propose, however he states that he believes the issue can be taken care of without raising taxes.

James Ziemba asked if the sewage plant has enough capacity to accommodate all the new residents that will be housed there with the new development of the housing units or will the sewage plant be updated and what the plan is for that future issue. Mayor Rosas stated that a resolution was just passed at the last meeting for a \$14 million project for the wastewater treatment plant.

Randy Woodbury stated that they do have the capacity for residential type wastewater and the money that is going into the plant right now is to increase the industrial capacity which will increase the economic phase for the City. Randy stated that the Athenex sewer is going to go under Route 5 where there is a wastewater line already in place put in by the sub division. He adds that they will not be using the piping on the south side of Route 5 but they will push it across and use the newer piping on the north side of Route 5.

City Attorney Rich Morrisroe stated last fall they had an issue come up about the site plan and the point of access, the paper street was to be dated over to the developer to provide for access for the dumpster enclosures for those buildings. However at previous meetings discussion between him the Mayor and Rebecca and they have agreed the best thing to do is leave the paper street as City owned property. He stated doing it this way gives both property owners on both sides of the street universal rights to access. They are currently looking into having an easement recorded at Mayville which will address any issues of both property owners on either side of the street.

Residents asked about the existing ditch. Randy Woodbury stated he has already spoken with the Mayor and suggested the City should cover it up; he and the Mayor are working on ideas for funding.

Andy Bohn asked where the property line is in reference to the 66ft. Bill Gugino stated that the 5th house was brought down to 66ft; he explained that the paper street is between the 33ft and the 66ft.

A resident asked if they as the co-owners could build upon that land also. The Mayor explained that it could be proposed to Council. A resident asked if they had the option to buy it. The Mayor explained that would be a decision for Council because he as Mayor does not have the authority to sell it to them.

Tim Wdowiasz asked about fire protection and what will happen due to the water pressure on Otter Street. The Mayor stated that he is aware of the fire hydrant issue throughout the City and he has been working with the fire chief and DPW director address the issue, which they have taken care of a good percentage of the hydrants that were not functional. The Mayor stated that during a DPW Committee meeting issues were brought up regarding the lack of curb and sidewalks; he states that an issue such as this would be more appropriately discussed at one of those meetings. He acknowledged that he is aware of the issues within the City but asked that the meeting stayed on task regarding the topic of discussion being development. He stated that he does care about the issues of the City and does not want that misunderstood, he reiterates the fact that he is working on addressing each concern one at a time however the City issues are not a reason to deny future progress for development within the City.

Ed Schober stated that the design the developers have presented is more of a conceptual design verses a finalized layout. He stated that once the engineers are present a lot of questions and concerns will be able to be addressed through them as they will be able to come up with a drainage concept.

Motion was made as follows: *Ed Schober made a motion to accept Resolution #2018-2 Approval of the Battery Point Concept Plan and reappear to Board with stamped Site Plans. The motion was seconded by Andy Bohn. All voting aye.*

Andy Bohn goes on to clarify to a resident with questions regarding the easement what exactly it is and how far it goes, which as Rebecca explained to her also the easement would be 10 ft in from their (the developers) end.

City Attorney Rich Morrisroe stated that the legal option is to do an easement that is permissive on both sides which could be permanent or temporary. If the City was selling the paper street they would have to do an auction process which the property owners bidding the 33ft would have to auction it which then they'd bid on ownership of that half. They would have to basically discontinue the street and then auction of the street by parts concerning that 33ft. he stated the issue with doing it that way were the owners had their 33ft on one side and the developers had their 33ft on the other side, the City would have major problems trying to dig in between everyone's property lines and put in the drain pipe. The temporary solution would be an easement.

Frank Torain made a motion for adjournment at 7:02p.m., seconded by Ed Schober. Carried, all voting aye.

The next meeting is: **Wednesday, March 21st, 2018 at 5:30pm**