

City of Dunkirk Planning Board
Meeting Minutes- May 3rd, 2018

Consent Agenda:

Meeting date: Special Planning Board Meeting on May 3rd, 2018 called to order at 5:40pm in Mayor's Conference Room

Present:

- Wilfred Rosas- Mayor
- Rebecca Yanus – Director of Planning & Development
- E.J. Hayes- Planning Board Secretary
- Rich Morrisroe-City Attorney
- Randy Woodbury- DPW Director
- Chris Piede- Planning Board Chairman
- Andy Bohn - Planning Board Member
- Frank Torain – Planning Board Member
- John Mackowiak – Planning Board Vice Chairman
- Ed Schober – Planning Board Member

Also Present:

- Jim McCarthy- Dunkirk Observer
- Chris Wood – Carmina, Wood & Morris DPC
- Bill Gugino – Erie Land Development
- Mark Baerwaldt – Erie Land Development
- Valerie Mackowiak – Otter Street Resident
- James Ziembra - Otter Street Resident
- Bridget Mackowiak - Otter Street Resident
- Rich Sullivan - Otter Street Resident
- Pat Sullivan - Otter Street Resident

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AGENDA:

- Call to Order
- Acceptance of March 2018 Minutes
- Communications from the Public and Petitions

Motion to accept March, 21st 2018 by Andy Bohn, second by Ed Schober

New Business:

Final Site Review – 469 Lake Shore Drive, East (Villa's at Battery Point) – Mr. Bill Gugino & Mr. Mark Baerwaldt (Erie Land Development) and Chris Wood (Carmina, Wood & Morris DPC Engineer)

Battery Point Villas Presentation:

Rich Morrisroe - City Attorney- Recently a law was passed via a council resolution allowing the City to sell a lot directly without going through a public auction process which is prescribed by

the NYS law if there's no local law in place to trump it; which is why we created this local law to sell the parcels and built in the language including paper streets and also adjacent neighbors, whether it's a City lot that's been demolished or behind it, you all would get 1st say so. For that process you'd sit down with Tom & Randy and work out a price, it then goes before council then I'd draft the deed. As far as the infrastructure issue, we intend to reserve an easement in order to build a drain pipe where the ditch is to cover it over with a drain pipe in place to allow it to drain out.

Randy Woodbury –DPW Director - There will be some City utilities in that strip therefore we reserve the right to maintain those. I've been directed under the Mayor's console to have DPW fix the drainage in that area and we have also put together a proposal for funding.

Chris Wood- The parcel is around 31 acres which the project will take up about 8 acres of that; we're looking at 96 units with about 235 parking spaces, providing two per unit along with visitor space. The drainage drawing grading plan includes the bio-retention highlighted in green which treat the water; DEC requires water quantity and quality and also that we stay within a certain acres as well. The green highlights show water quality, blue highlights show quantity storage; some questions were raised about a particular one being in the 30 ft strip of land that you all were discussing however, we do have the ability to move that back on our properties which there will be no proposed infrastructure in that strip.

James Ziemba, City resident, asked if they were going to move that drain with the 30 inch pipe. He stated when they put in that drain they never got an easement for it, he added that water coming in from that area comes in and hits the people on the west side of Otter Street which begin to crack his foundation and he invested \$10,000 to repair it.

Chris Wood- We wouldn't be touching that as part of our project or our property however if the City chooses to do something with that issue they can take care of that. Male resident asked if the engineers heard the review from the County planning board comments regarding the project which he then goes on to read the comments from them out loud stating, "the wet land delineation that was prepared in July of 2017 indicates that the proposal will not impact any on site wetlands or buffer areas; however the online environmental resource mapper from the NYS Dept. of Environmental Conservation appears to show a representation of federal wetlands located directly within the project site. Projects that will have an impact on wetlands or buffer areas often require a fresh waters wetlands permit from the DEC."

Chris Wood- Addresses the comment stating, it wouldn't be from DEC as federal but from the Army Corp of Engineers. The dash lines on the actual plan drawing represent the wetland boundary; he stated the federal wetland mapper is very generic and almost 100% of the time they're found to be not accurate.

Rebecca Yanus- Stated they will be submitting it, and the delineation plans were already approved by the NYS DEC.

Chris Wood- Stated federal wetlands do not have a buffer; however, DEC wetlands do have a buffer.

Rebecca Yanus- are there any plans for sidewalks or bike paths?

Chris Wood- We have sidewalks within the site however I don't know if the site is big enough for a bike path. Bill is building this in phases, far as phase 1; we haven't gotten that far although there is a sidewalk along the street where we can connect that, which will be for pedestrians to walk up and down the street.

Andy Bohn- Phase 1 will be four buildings, correct?

Chris Wood- Correct.

Frank Torain- What's the time table for this project far as start to finish?

Bill Gugino- We're working on approval tonight.

Frank Torain- What do you expect in terms of getting started?

Bill Gugino- I couldn't give you a definite end date but we hope to start building in the summer.

Chris Piede- Do you have green space plans for along Route 5, something that would be visual along that route?

Chris Wood- We do have some street trees plans for trees along the front. The buildings will have their typical foundation plantings along with a series of pine trees we're planting as a buffer from the neighbors. There will also be several dumpster enclosures on site with a 6 foot board on board fence around them with a gate.

John Mackowiak- how would you describe site lighting in general?

Chris Wood- we have a series of site lights on the properties consisting of LED fixtures which provides more of a uniformed light spread which will be done in the last phase.

John Mackowiak- anything planned for signage?

Chris Wood- not that I know of, I'm assuming there will be a ground type sign with the name.

John Mackowiak- if we could just have an overview of the storm drainage plans.

Chris Wood- throughout the parking lot there are designated water catch spaces; the grading plan is designed as such to where everything goes into that. There will be a 6in deep area where the water will go to be treated because DEC requires the water is treated which then the water will be stored in the blue areas.

Public Comment Question/Answer on Presentation:

Q- Valerie Mackowiak, City resident - in the area of the apartments where the last apartment buildings sit where the last properties are, there are no trees there which I think it would be a good idea to extend them.

Q- Valerie Mackowiak, City resident - where the wetlands are, are you guys going to cut down any of those big trees?

A-Chris Woods responded stating that they won't be proposing anything beyond the wetland line due to that fact that all their work will be on the South side of that.

Q-Richard Sullivan, City resident - Can they put a light at the end of the last building? I'm more worried about when you rent the apartments out; you're not going to get all A-1 people.

A-Chris Woods stated that the lights that they put on the building are designed not to shine out but to shine downward; stating that they can't police everything that goes on at the complex but when you're renting something out that's brand new at a higher rent level the application screening process is going to have to pass certain criteria.

Q-Frank Torain asked what the average rent would be at these complexes.

A-Chris Woods stated around \$1,200 a month.

Q- James Ziemba, City resident - As far as the blue area, you mentioned 90,000 cubic ft; what happens if we get some extremely heavy rains with the run-off and it overflows those areas?

A-Chris Woods stated that there is a spillway and it would go into the wetlands. He stated that would have to be an extreme storm, which this area hasn't seen in probably 100 years.

Q- James Ziemba, City resident - if you're doing the 4 units first; would the retention climb go in with the 4 units.

A-Chris Woods stated the retention climb would go in first which is part of the 1st phase.

Q- Valerie Mackowiak, City resident - how deep is it?

A-Chris woods stated it's around 5ft deep. Female audience member asked will it be fenced in; Chris stated that it will be fenced in.

Q- James Ziemba, City resident - stated that at the last meeting it was said they were going to take it more down toward Cedar Street, not the direction you guys have it running now.

A-Chris stated that the 30 sq ft that everyone is discussing is not their property to touch because its City property. Chris stated that if they put in the ditch it would create a man hole leading underground and leading out to the lake. Randy Woodbury stated that once the ditch is repaired it can compensate the water traveling through it. Male audience member asked the time frame of the ditch repair and how it will affect the project. Randy Woodbury stated they're not sure on an exact time but it is a top priority; however at the moment they are looking for increased funds so it doesn't have to be done with tax payer's money but with grant funding. Male audience member asked if the 30 inch pipe is unable to handle the amount of water coming down in there and what will be the plan after that.

Randy Woodbury -stated it's a core gated steel pipe which unfortunately those do have a life span. However the advantage to using a plastic pipe is it will last a long time, so the goal is to put in a bigger pipe using a high grade plastic pipe. Male audience member again asked what the time frame will be for building the drainage.

Mayor Rosas- stated that as was said at the last meeting, it's a matter of how much it all will cost. He reiterated that he has directed the DPW director to look into it and see how much it will cost. The goal is to do this project the right way and hopefully take care of not only this drainage issue but all of them throughout the City which they have put in a proposal with the State for funding. Although he continues, stating be it with or without State funding they are still going forward with correcting the drainage issue pertaining to this project, however it makes it much easier to do it with accuracy with State funding. He stated he cannot answer at the moment whether it will happen this year or next, however when it is done it will be done right.

E.J. Hayes- the Deputy Director briefly reviewed the language for the Resolution which would include plans with additional language stating the sight plans must be available to the building inspector and the planning department for review. Additional pine trees will be added to the west side of the property for additional privacy to the residents and any signage that's proposed for the site will need to come back to the planning board for review and approval.

- ❖ Motion to accept the site plans made by Ed Schober, seconded by Andy Bohn, contingent upon further review by the Planning & Development Department and City Building Inspector to incorporate the changes discussed including: additional trees in the barrier along the western property line, also to see future signage plans and lastly future planning for lighting.

Adjournment:

Chris Piede concluded meeting & stated the next meeting will be tentatively scheduled for June 23, 2018. Andy Bohn motioned to adjourn motioned, seconded by Frank Torain, meeting concluded 6:40pm.