

**BUFFALO URBAN RENEWAL AGENCY**  
**January 15, 2009**  
**ROOM 209**

**MEMBERS AND**

**OFFICERS PRESENT:**

Mayor Byron Brown  
Council Member LoCurto  
Commissioner Reilly  
Andrew E. Eszak  
Alisa Lukasiewicz, Corporation Counsel  
Council President Franczyk  
Commissioner Penksa  
Council Member Kearns  
Virginia Oehler

**MEMBERS ABSENT:**

None

**SECRETARY:**

Scott C. Billman

**OTHERS PRESENT:**

Carla Kosmerl, OSP  
Darryl McPherson, Division of Audit  
Jessica Keltz, Heart of the City  
Isabel Hartenberg, Heart of the City  
John Hannon, OPS Real Estate

Mayor Brown called the meeting to order at 9:43 a.m. Council Member LoCurto made the motion to waive the reading of the minutes of the **December 4, 2008** meeting, and that they are accepted; seconded by Council Member Kearns and carried unanimously.

**HOME**

**Agenda Item 9a – HOME Fund Allocation to Central Park Commons Development aka Amherst Station Cazenovia Recovery Systems, Inc. – Developer**

Submitted to Agency Members for approval, is a request to allocate a total of \$880,000 in HOME funds to Cazenovia Recovery Systems, Inc. to provide for the partial demolition, rehabilitation and addition to an existing three story masonry building at 2665 Main Street near Amherst Street. The project will consist of office space for Cazenovia Recovery Systems, Inc. on the first floor and the remainder of the building will have twenty-four (24) apartments, nineteen 1-bedroom and five 2-bedroom units. The project includes the demolition of a 1 story wood frame building and garage. A minimum of four (4) HOME assisted units will be created for occupancy by qualified low-income households.

The building is designed with NYSERDA standards and will be LEED certified. Section 504 handicapped accessibility standards will be complied with and two units will be fully accessible and all units fully adaptable. All units will be affordable for households with incomes at or below 50% of area median income with four of the units set aside for

households in recovery from substance abuse.

**Corporation Counsel Lukasiewicz made the motion to approve the item contingent on certification of funds by the Agency's Office of Administration and Finance and Agency Counsel approval of all Agreements; seconded by Ms. Oehler and carried unanimously.**

## **OTHER**

### **Agenda Item 12a – Developer Designation – Heart of the City Neighborhoods**

Submitted to Agency Member for approval, is a request from Heart of the City Neighborhoods, Inc. (HCN) for an extension of their designated developer status for six (6) that expired on December 20, 2008. The properties are vacant lots know as 294, 298, and 302 Hudson between West Avenue and Plymouth Avenue.

Last year, HCN submitted a \$1 million grant application to the New York State Division of Housing and Community Renewal (DHCR) to support the construction of two (2) four unit apartment buildings with units ranging in size from 900-1100 sq. ft. Unfortunately the application was not approved. HCN, with strong encouragement from DHCR, reapplied for funding of the project in December 2008. DHCR deemed the HCN project feasible and the proposal has been mailed to the Albany office for final approval, which should take approximately 30-45 days from receipt of the proposal from the Buffalo office.

Isabel Hartenberg, Spokesperson for Heart of the City, requested permission to seek alternative funding sources should HCN be denied funding from DHCR.

The designation will consist of the following provisions:

- a. The designation period will be for a six (6) month period beginning December 20, 2008 and expiring on June 20, 2009. The Redeveloper will provide the Agency with either an award letter from DHCR or alternate financing in at least the same amount as the DHCR requests.
- b. Submission by the Redeveloper of a detailed site plan for approval by the City of Buffalo Planning Board and construction plans, including landscaping for approval by the Agency. Submission of both the detailed site plan and construction plans shall be submitted by no later than June 20, 2009.
- c. Submission of a colored rendering of both properties suitable for presentation to the Agency and Common Council which shall be submitted prior to Agency Board approval of LDA.

- d. Submission by the Redeveloper of evidence of equity capital and mortgage financing necessary for the completion of the project which shall be submitted prior to closing.
- e. Payment of a designation fee of Five Hundred Dollars (\$500.00) per month by Redeveloper to the Agency, payable within five (5) days from the date of designation and due thereafter the first day of every month. In the event Redeveloper shall exercise its option to acquire said property pursuant to the Land Disposition Agreement to be negotiated by Redeveloper and Agency, said option fee shall be applied as a credit towards the purchase price. In the event Redeveloper shall not proceed with the redevelopment of the property within the designation period, Redeveloper shall forfeit all monies paid on account and Agency shall retain all such monies. Prior designation payments shall also be applied as a credit towards the purchase price in the event Redeveloper shall exercise its option to acquire said property.
- f. Redeveloper is responsible for performing any soil borings and soil investigations, as per a license agreement to be granted by Agency, for the purpose of determining, to developer's satisfaction, the suitability of the site for its intended use, and the presence or absence of hazardous substances as such term is used in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (C.E.R.C.L.A) 42 USC ss 9601 et seq.: The Hazardous Materials Transportation Act, as amended, 49 USC ss 1801 et seq.: The Resource Conservation and Recovery Act, as amended, 42 USC ss 6901 et seq.: Articles 15 and 27 of the New York State Environmental Conservation Law or any other federal, state, or local law, regulation, rule, ordinance, by-law, policy guidance, procedure, interpretation, decision, order, or directive, whether existing as of the date hereof, previously enforced or subsequently enacted. Environmental investigations/testing shall be completed by no later than June 20, 2009.
- g. In the event DHCR or alternate project funding is obtained, HCN will engage in the negotiation of a Land Disposition Agreement for approval by the Agency and Common Council.
- h. Upon signing of LDA, payment by the Redeveloper to the Agency of a non-refundable deposit, in the amount of ten percent (10%) of the agreed to selling price.
- i. Individuals and or corporations having outstanding taxes, water bills, parking tickets, user fee and/or demolition liens or any other liens owned to the City of Buffalo, or if code violations exist on any property owned by them they are ineligible for designation.
- j. The transfer of 294,298 and 302 Hudson from the City of Buffalo to BURA.
- k. HCN shall provide BURA's Residential Development Division a monthly up-to-date progress report with project schedule and Sources and Uses project budget. In addition, HCN shall provide an original application that is submitted to the DHCR.

The Agency members unanimously agreed to request.

**Council Member Kearns made the motion to approve the item contingent on certification of funds by the Agency's Office of Administration and Finance and Agency Counsel approval of all Agreements; seconded by Andrew Eszak and carried unanimously.**

**Agenda Item 12b – Land Use Agreement – 1127 Main Street**

Submitted to Agency Members for approval, is a request for approval of a Land Use Agreement between the Agency and WNT Veterans' Housing Coalition and Keep Our Kids, Inc., Day Care Center.

The Agency owns an 80' x 146' vacant parcel of land known as 1127 Main Street adjacent to the Best Street Apartments as 1125 Main Street. The lot has been leased by the Agency to the WNY Veterans' Coalition and their tenant, a day care center that also leases commercial space from the Vets at 1125 Main Street. The day care center uses the vacant Agency lot as an outdoor play area. The tenant necessitated the need to revise the existing Land Use Agreement for the lot at 1125 Main Street. The day care center is primarily financed by the Dept. of Social Services and provides services to single income, working mothers.

**Corporation Counsel Lukasiewicz made the motion to approve the item contingent on certification of funds by the Agency's Office of Administration and Finance and Agency Counsel approval of all Agreements; seconded by Commissioner Penksa and carried unanimously.**

There being no further business to discuss, Alisa Lukasiewicz made a motion to adjourn the meeting; seconded by Council Member LoCurto and carried unanimously.

The meeting was adjourned at 9:52 a.m.

The next regularly scheduled meeting will be held at **9:30 a.m., January 29, 2009**, in Room 209 City Hall, Buffalo, New York.

**Respectfully submitted,**

**Scott C. Billman**  
**Secretary**

**Reported by:**  
**Tracy A. Lasker**