

**BUFFALO URBAN RENEWAL AGENCY**  
**March 12, 2009**  
**ROOM 209**

**MEMBERS AND**

**OFFICERS PRESENT:**

Andrew E. Eszak  
Alisa Lukasiewicz, Corporation Counsel  
Council President Franczyk  
Commissioner Penksa  
Council Member Kearns  
Virginia Oehler

**MEMBERS ABSENT:**

Mayor Byron Brown  
Commissioner Reilly  
Council Member LoCurto

**SECRETARY:**

Scott C. Billman

**OTHERS PRESENT:**

Richard Stanton, Esq.  
Carla Kosmerl, OSP  
Darryl McPherson, Division of Audit  
Sherry Dellebovi, Waterfront Village Advisory Council  
Sue Barnes, Waterfront Village Advisory Council  
Frank Lysiak, Waterfront Village Advisory Council  
Howard Hain, Waterfront Village Advisory Council  
Edwin Fidler, Resident  
John Hannon, OSP  
Mary McCradeon, Marina Park Condos  
Greg Bernas, OPS  
Steve Carmina, Carmina Wood Morris PC

Mr. Eszak called the meeting to order at 9:40 a.m. Council President Franczyk made the motion to waive the reading of the minutes of the **February 12, 2009** meeting, and that they are accepted; seconded by Corporation Counsel Lukasiewicz and carried unanimously.

**WATERFRONT REDEVELOPMENT**

**Agenda Item 5a – Developer Designation Extension- Waterfront Real Estate of Buffalo, LLC**

Submitted to Agency Members for approval, is a request to extend for a six-month period, Waterfront Real Estate of Buffalo, LLC as the Redeveloper of 240-260 Lakefront Boulevard. The BURA Board approved the original designation on September 11, 2008. The property consists of a 2.4 acre vacant BURA owned parcel of land adjacent to Portside and Marina Village Condominiums in Waterfront Village.

Waterfront Real Estate of Buffalo, LLC is a joint venture development team formed between Western New York Medical Arts and McGuire Development Company, LLC. In addition, the group is working in conjunction with the following: Dr. Frank J. Mascaro and Dr. Joseph E. Serghany, Western NY Medical Arts, McGuire Development Company, Carmina and Wood Architects, R&P Oak Hill Development, Sam Iraci, Jr., Project Consultant and Environmental Design and Research (EDR).

Waterfront Real Estate is proposing to construct an eight story, fifteen unit mid-rise complex and eight patio homes with total project costs estimated at \$15 million. During the initial six month designation the development team has been conducting environmental due diligence, securing the remaining funding commitments and are current on their designation fees. Due to the location of the parcel and its past industrial use the developer seeks to perform additional environmental investigation before proceeding to the development stage through a Land Disposition Agreement.

Ms. Oehler questioned Mr. Steven Carmina, Carmina Woods P.C., if he would be applying for tax abatement. He responded that he will be applying for the abatement and that he feels he was entitled to apply whether granted or not.

Mutual concerns were raised by Sherry Dellebovi, Sue Barnes and Frank Lysiak of the Waterfront Village Advisory Council as well as Edwin Fidler a resident of Waterfront Village, regarding public green and open space with waterfront access, tax abatements, decreased market values and view obstructions for the end townhouses. Mr. Carmina addressed these concerns and stated that by minimizing the structure and by lowering the parking ramp will increase the views and also minimize shadows. Mr. Eszak also added that these plans will still need to be modified and that Waterfront Real Estate of Buffalo, LLC is still in the "first stage, the planning stage" and will need the six (6) month extension to "iron out the details and perform additional investigations."

Various residents raised concerns that a meeting between the Redeveloper and the Waterfront Village residents was necessary to obtain their input on the project before granting an additional six (6) month extension. Mr. Carmina agreed to meeting and stated that he would be able to do so with in the next three (3) weeks so they extension approval was not held up.

Council Member Kearns indicated that he wanted Item 5a tabled for two (2) weeks so Mr. Carmina could meet with the residents during that time.

Richard Stanton, Esq., stated that postponing the designation would be detrimental for legal reasons that he did not wish to disclose to the BURA Board.

**Council Member Kearns made a motion to table Item 5a; seconded by Council President Franczyk. The motion failed with a 3-3 vote (in favor: Council Member Kearns, Council President Franczyk and Ms. Oehler; opposed: Corporation Counsel Lukasiewicz, Mr. Eszak and Commissioner Penksa).**

After further debate, Commissioner Penksa suggested amending the Designation to include additional conditions. This condition included meeting with the residents of Waterfront Village in three weeks, three months and for a third time within six months.

Mr. Fidler requested that Mr. Carmina provide proof of what has been completed such as soil boring and investigation and that some signs of progress should be shown before granting an additional extension.

Mr. Eszak reiterated that the project is still in the first stage and the Developer will have to return numerous times for additional approvals.

**Mr. Eszak made the motion to approve the item as amended; seconded by Commissioner Penksa. The motion failed with a 3-3 vote (in favor: Mr. Eszak, Commissioner Penksa, and Corporation Counsel Lukasiewicz; opposed: Council President Franczyk, Council Member Kearns and Ms. Oehler.**

**Corporation Counsel Lukasiewicz made the motion to reconsider the item; seconded by Mr. Eszak. The motion passed with a 4-2 vote with Council President Franczyk and Council Member Kearns opposing.**

**Corporation Counsel Lukasiewicz made the motion to table the item until next BURA meeting on March 26, 2009; seconded by Ms. Oehler. The motion passed with a 5-1 vote with Council President Franczyk opposing.**

## **HOME**

### **Agenda Item 9a – East Side Housing Opportunities Development – Phase II, SEQR Negative Declaration**

Submitted to Agency Members for approval is a proposal to undertake the construction of 50 low-income, single family homes in the Masten Park and Cold Springs neighborhoods. The project will be partially financed with \$1.6 million in HOME funds administered by BURA. Prior to the implementation of the above development, the requirements of the N.Y. State Environmental Quality Review Act (SEQR) must be satisfied. The project is an “Unlisted Action” for which BURA, acting as lead agency, has completed a coordinated environmental assessment. It is submitted in accordance with Section 617.7 of the regulations, that the anticipated impacts resulting from the proposed action will not have a significant adverse impact on the environment.

**Corporation Counsel Lukasiewicz made the motion to approve the item contingent on Agency Counsel approval of all Agreements; seconded by Ms. Oehler and carried unanimously.**

**Corporation Counsel Lukasiewicz made the motion to accept Late File Item 9b; seconded by Commissioner Penksa. Motion passes with a 5-1 vote with Council Member Kearns opposing.**

**Late File Agenda Item 9b - East Side Housing Opportunities Development – Phase II – 50 Homes and 1 Community Center Masten Park and Cold Springs Area Developer – Belmont Shelter Corp. and NRP Group LLC**

Submitted to Agency Members for approval is a request to allocate a total of \$1.6 million in HOME funds to Belmont Shelter Corporation and/or NRP Group LLC or a to-be-formed corporation that will be 100% owned by Belmont Shelter Corporations. The project is new construction of fifty single-family homes and one community building. There will be 25 four bedrooms, 2 bath homes and 25 three bedroom, 2 bath homes.

Fifteen percent of the units will be targeted to families at 30% AMI with rents ranging from \$225-\$239 and 85% of the units will be targeted to families at 50% or AMI with rents ranging from \$501-\$559. Since all of the homes will contain three or four bedrooms, it is expected that larger families will be attracted to the homes. Additionally, fifteen percent of the homes will be constructed, as fully handicap accessible for the physically disabled special needs population.

Overall, the homes will meet visibility standards and contain numerous universal design features such as switches placed lower on walls, outlets placed higher on walls, non-slip flooring or lower pile carpeting, and lever faucets. Other notable design features include the incorporation of Energy Efficiency and Green Building features. Each home has been designed (and received a certificate of compliance) to exceed the New York Energy Star HOME program from NYSERDA.

Execution of the HOME funding contract and actual implementation of the project is contingent upon the completion of relevant HUD environmental review procedures by BURA and the release of project funds by HUD.

**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.**

There being no further business to discuss, Council President Franczyk a motion to adjourn the meeting; seconded by Council Member Kearns and carried unanimously.

The meeting was adjourned at 11:15 a.m.

Buffalo Urban Renewal Agency  
March 12, 2009

The next regularly scheduled meeting will be held at **9:30 a.m., March 26, 2009**, in Room 209 City Hall, Buffalo, New York.

**Respectfully submitted,**

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

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