

**BUFFALO URBAN RENEWAL AGENCY**  
**September 11, 2008**  
**ROOM 209**

**MEMBERS AND  
OFFICERS PRESENT:**

Mayor Brown, Chairman  
Alisa Lukasiewicz, Corporation Counsel  
Council Member LoCurto  
Council President Franczyk  
Council Member Kearns  
Commissioner Reilly  
Commissioner Penksa

**MEMBERS ABSENT:**

Virginia Oehler  
Andrew Eszak

**SECRETARY:**

Scott C. Billman

**OTHERS PRESENT:**

Steven Carmina, Carmina Wood Morris, PC  
Bryan Cacciotti, Homefront  
Sue Barnes, WVAC  
Mary McCracken, Marina Park  
Mart Kowal, Marina Park  
Charles Siaglione, Marina Park  
Awne Martin, Beakwaters  
Sherry Dellebovi, Portside/WVAC  
David Bunis, Marina Park  
Michelle Baron, BERC  
Jim Dentinger, McGuire Development  
Kitty Lysiak, Rivermist/WVAC  
Dr. Frank Mascaro, WNY MRI  
Carla Kosmerl, OSP  
Ellen Warner, Portside  
Francisco Guzman, OSP, BURA  
Peter Jasen, Marina Park  
Richard Shaugnessy, Portside  
Dr. Joseph Serghany, WNY MRI  
Maria Scinta, OSP  
Greg Bernas, OSP

Mayor Brown called the meeting to order at 9:49 a.m. Council President Franczyk made the motion to waive the reading of the minutes of the **July 31, 2008** meeting, and that they are accepted; seconded by Commissioner Reilly and carried unanimously.

**Mayor Brown stated that Agenda Item 12a would be presented first to accommodate interested parties with limited timeframes.**

## **Agenda Item 12a – Developer Designation – Waterfront Professionals, LLC**

Due to multiple individuals interested in purchasing and developing 240-260 Lakefront Boulevard, a 2.4 acre vacant BURA owned parcel of land (“Property”), The Request for Proposals (RFP) was issued September 2007 with proposals due on December 10, 2007. Proposals were received from Benderson Development, Savarino Companies and Waterfront Medical Professionals, LLC. The plan submitted by Benderson consists of a high rise with 42 units and an 11 unit low rise and a parking ramp with total project costs estimated at \$24 million. The plan submitted by Savarino consists of 16 townhouse units with projected costs estimated at \$6 million. The plan submitted by Waterfront Medical Professionals, LLC consists of an 8 story, 18 unit mid rise complex and 8 patio homes with total project costs estimated at \$15 million.

A review committee was formed (consisting of OSP staff, John Hannon and Maria Scinta, David Stebbins of the ECIDA, and Susan Barnes and Sherry Dellebovi representatives of Waterfront Village Advisory Council) to make recommendations to the Executive Director of the Office of Strategic Planning. Each member was asked to assign points to each proposal based upon the Quality of Plan, accomplishment of other project and neighborhood revitalization objectives, capacity to implement the development plan and financial considerations. All respondents made a presentation and were interviewed by the committee. Shortly after the interviews, Benderson withdrew their proposal citing market conditions and their ongoing development projects as the reason for withdrawing.

The overall consensus of the committee, based on the RFP Response Score Sheet and interviews, is that it would be in the City’s best interest to designate the Waterfront Medical Professionals, LLC, as the developer of the property (aka Casa Luce Project). Members of the committee believed the Waterfront Medical Professionals proposal was more innovative, allowed more physical access to the water’s edge for public green space and the market demand is greater for high-rise units. With the approval from the Board, construction will begin in the summer, 2009.

On behalf of Waterfront Medical Professionals, Steven Carmina of Carmina, Wood & Morris, PC, introduced the plans for the last remaining residential Waterfront Village parcel with a thirty-minute power point presentation. Extensive research went into Mr. Carmina’s plans for development which addressed major issues that may have residents concerned, such as, the amount of green space remaining, a shadow study, accommodations for residential parking, etc. Mr. Carmina stated this would be a unique development because there is no profit margin and the condominiums would be sold “at cost” to the owners specifications. He added the reason for this is to have a community of friends residing in one building.

Dr. Joseph Serghany and Dr. Frank Mascaro were present to support the development plan stating that they plan on being residents of the complex along with more than fifty (50) other medical professionals and close friends.

Residents of the Waterfront Village were present at the Board meeting and objected to such plans for development. Their concerns were:

- The plans should not provide tax incentives for future Waterfront Village Developments;
- The plans do not provide adequate common open space and waterfront access; and
- The property values of existing residences will decrease.

Sherri Dellebovi, a member of the Waterfront Village Advisory Council, does not support tax abatement for new housing in Waterfront Village. The advisory council believes that tax incentives offered by the tower will provide unfair advantages to the new units over the existing units.

Mary Kowal from Marina Park agreed that residents and visitors presently use the open space, that is the site for the new development, as common are for open space and waterfront access. She stated that the Waterfront Medical Development project would not compliment existing building that the *orange* building would not blend well with the existing structures. She added that a pool is no longer added in the development plans. The development has limited public access that would only be beneficial to the new residents and the development will obstruct views of the waterfront.

The main concern of the residents is the decrease in their property value with the implementation of this new project.

Peter Jasen, a Waterfront Village resident, introduced market figures consisting of 21 existing units up for sale with 162 days being the average time on the market. Three years ago there were 13 units that sold and were on the market for approximately 110 days. He concluded that this meant the property values are dropping and the construction of twenty-six (26) additional units would not help.

Dr. Serghany contested the fact that this would impact the sales of the existing homes in the Waterfront Village stating that the units to be constructed will be sold to medical partners and friends. This project will not have to sell "additional units" and that many are pre-sold. He continued by stating that the reason for lacking sales is because the existing homes are being sold at nearly double of what the cost is to build them. The Casa Luce Project is being sold "at cost" and a portion of the money is coming out of the pockets of the medical investors seeking to purchase the units.

The Waterfront Village Advisory Council recommended that this project be tabled and that the City develop an overall plan for the Waterfront area before approving the Casa Luce Project. They believe the existing projects should be completed before adding additional units to avoid saturating the market.

Council President Franczyk agreed with Ms. Barnes and the Advisory Council and moved to table this item. The motion to table the item was seconded by Council Member Kearns. The motion was denied by a vote of 4 to 2 (voting no: Mayor Brown, Commissioner Reilly, Commissioner Penksa and Council Member LoCurto; voting yes: Council President Franczyk and Council Member Kearns).

Mayor Brown indicated support for the project stating that this is just what the City needs. The project will attract suburban residents to the City and promote continued growth.

(Corporation Counsel Lukasiewicz arrived at the meeting and the Chairman duly noted her appearance.)

Commissioner Reilly addressed the concerns of the residents regarding the impact on the existing properties. He stated that it is essential to move forward on this project and the approval would be subject to the following additional conditions within the developer designation: (1) further analysis of potential negative impact on existing properties, (2) conformance to the City's development guidelines and (3) prior to the next approval by the BURA Board, Developers must produce letters of interest from potential purchasers in the high rise portion of the project.

**Commissioner Reilly made the motion to approve the item with the above conditions; this motion was seconded by Commissioner Penksa. The developer designation was approved with a 6-1 vote with Council President Franczyk opposing the motion.**

### **COMMUNITY DEVELOPMENT BLOCK GRANT**

**Agenda Item 3a – Has been removed from the Agenda**

**Agenda Item 3b – Ellicott Sign & Storefront Program Contract Amendment  
Budget Revision CD #907-32**

Submitted to agency members for approval, is a request to amend the agreement with the Buffalo Economic Renaissance Corporation for the Ellicott Sign & Storefront Program to increase the contract, CD 907-32 by \$5,488.00. With approval of this amendment, the new contract total is \$40,488.00. The program provides grants for façade improvements to small businesses located in the Ellicott District. The maximum amount of assistance is \$2,500.00. To be eligible for assistance, applicants must be a small business that serves all the residents of the surrounding neighborhood and be located in a low/moderate income neighborhood. The increase in assistance will aid an additional three (3) business owners in the Ellicott District.

**Council President Franczyk 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 Reilly and carried unanimously.**

## **HOME**

### **Agenda Item 9a – CHDO Program**

HOME regulations require that 15% of our yearly allocation be set aside for use by Community Housing Development Organization's (CHDO). HOME regulations also allow for CHDO's to receive operating expenses up to \$50,000 per agency. Submitted to Agency members, for approval, is a request from the Office of Strategic Planning to contract with individual CHDO's for \$1,395,596 in projects and \$465,187 in operating expenses.

**Council Member LoCurto 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 Council President Franczyk and carried unanimously.**

## **OTHER BUSINESS**

### **Agenda Item 12b - Meals on Wheels, Inc. Expansion SEQR Negative Declaration**

Submitted to Agency members, for approval, is a proposal to undertake the construction of a major new, one-story 27,000 square feet processing building adjacent to its existing headquarters facility in the City's New Buffalo Industrial Park at Bailey Avenue and Dingens Street. BURA proposes to partially finance the project with \$100,000 under the CDBG Program. Prior to the implementation of the above action, the requirements of the N.Y. State Environmental Quality Review Act (SEQR) must be satisfied. The project is an "Unlisted Action" for which BURA has completed an uncoordinated environmental assessment. It is submitted, in accordance with Section 617.7 of the regulations, that the impacts resulting from the proposed action will not have significant adverse impacts on the environment.

**Council President Franczyk 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 Council Member Kearns and carried unanimously.**

**Mayor Brown stated that Agenda Items 12c and 12d would be reviewed together.**

**Agenda Item 12c – Sycamore Village: Property Transfer**

Submitted to Agency members, for approval, is a request to approve the transfer of the following sublots located in the Sycamore Village Subdivision to approved buyers at the stated purchase price:

<u>NAME</u>	<u>SALES PRICE</u>
375 SYCAMORE STREET	190,257.00
381 SYCAMORE STREET	190,503.00
385 SYCAMORE STREET	201,765.00
397 SYCAMORE STREET	202,839.00
407 SYCAMORE STREET	183,145.00
415 SYCAMORE STREET	211,261.00
419 SYCAMORE STREET	206,787.00
423 SYCAMORE STREET	212,348.00
427 SYCAMORE STREET	217,318.00

435 SYCAMORE STREET	193,073.00
245 MORTIMER STREET	203,717.00
7 SYDNI LANE	211,861.00
15 SYDNI LANE	193,073.00
19 SYDNI LANE	205,827.00
25 SYDNI LANE	205,151.00
31 SYDNI LANE	206,953.00
37 SYDNI LANE	207,284.00
41 SYDNI LANE	210,549.00
20 MATTHEWS STREET	*225,000.00
26 MATTHEWS STREET	*225,000.00
30 MATTHEWS STREET	*225,000.00
36 MATTHEWS STREET	*225,000.00
40 MATTHEWS STREET	*225,000.00
46 MATTHEWS STREET	*225,000.00
52 JEFFERSON AVENUE	203,234.00

\* Not to exceed \$225,000.00

Sales of BURA owned the Common Council and BFSA must also approve property. Requests for such approval will be issued after BURA Board approval.

**Agenda Item 12d – Sycamore Village: Continuation of Engineering Services**

Submitted to Agency members, for approval, is a request from the Buffalo Urban Renewal Agency's, Division of Housing to enter into and execute a supplemental consulting contract and provide for the compensation to be paid therefore in the amount of \$57,000. Under original consulting contract, the fifth article – titled Extra Work, BURA and the Consultant have the authority contingent upon BURA Board approval, to request extra work of the engineering firm of Nussbaumer & Clarke, Inc.

The firm has completed the work in their initial contract. The additional scope of work consists of the professional engineering design and land surveying services supplemental to the original contract agreement for the subdivision located at the corner of Sycamore and Jefferson in the City of Buffalo.

The additional work incorporates all the labor charges to get the project completed through to the construction phase and providing surveys and legal descriptions of the individual lots.

**Commissioner Reilly 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 Council President Franczyk and carried unanimously.**

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

The meeting was adjourned at 11:16 a.m.

The next regularly scheduled meeting will be held at **9:30 a.m., September 25, 2008**, in Room 209 City Hall, Buffalo, New York.

**Respectfully submitted,**

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

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