

CITY OF BATAVIA – CONFERENCE MINUTES

MONDAY, APRIL 24, 2017

Present were Council President Jankowski and Councilpersons Canale, Bialkowski, Viele, Briggs, Pacino, McGinnis, Christian and Tabelski.

Call to Order

Council President Jankowski called the meeting to order at 7:00 PM. Councilperson Christian led the Invocation and the Pledge of Allegiance. She also asked for a moment of silence to pray for Sally Kuzon, former Director of Public Works, who lost her son in an accident recently.

Public Comments

Earl DeLong, 657 East Main St, noted that he lived right next to the proposed housing project and was concerned with potential clientele. He noted that he had done a lot to improve his house and was concerned with privacy and noise issues. He would just like to see concrete plans before it goes further.

Jim Russell, 4 Lacrosse Ave, asked why we needed to make a zoning change at this time. He suggested listening to the comprehensive plan and make changes at that point. He also suggested waiting for results from the county land use study. Mr. Russell noted that right now we have options and choices and felt the best option was retail development. He explained there are already vacant units so we don't need 130 more vacant rooms if you add in another housing project with about 50 units. He asked where these people were going to work and suggested having the BDC look into other options. He noted they couldn't change the 54 units already planned to go up so wanted Council to take more time to consider their options and wait until the comprehensive plan was done. He asked them to get all the facts together before making a change.

Mark Sertl, Rochester, stated that he was the owner of Batavia Gardens at 679 East Main St and based on the current information, saw no reason to object to the rezoning. He noted that DePaul was well known and a high quality operator.

Chuck Ruffino, 105 East Ave, stated that if the property is rezoned then there he had many questions and concerns. He asked how many major rentals were in the City and noted we had limited property because we are surrounded by the Town. He asked why they would take away a major plot of land if they don't have factual, good information to make a decision. He noted that if taxable units were taken away, someone else would have to pay those taxes and that spot zoning had been a problem since he was on Council. Mr. Ruffino stated unless you have a good reason, don't do it. He also reminded Council if they lose out on the sales tax agreement, the City will lose revenue and felt they didn't have all the data to do a good job.

Russ Romano, 406 Garden Dr, noted that he was a realtor and proud to be a city resident. He stated that he tries to convince people this is a nice place to live and was concerned

with the lack of a housing study. He suggested reviewing a housing study before making decisions.

John Gerace, 8795 Rollin Circle, didn't think anyone was against affordable, senior, veteran housing but were concerned with tax revenue and traffic concerns. He noted there were local landlords who already had vacancies who were paying their taxes.

Stacey Falkowski, 214 Naramore Dr, noted that her parents had been in their current apartment for about 15 years but the last few years haven't worked out so well due to the apartment not being easy to move around because of health issues. She noted that she is called frequently to come over to help, they have no opportunity to socialize with others at their current locations and something like DePaul would be wonderful. She stated that the reality was that most of these people have paid taxes their whole lives and options were limited in the City for elderly who can't get around. She felt we needed to be progressive and that we were currently stagnant.

Joe Langen, 5 Franklin Ave, LeRoy, stated that he's had a hard time finding safe, clean and affordable here because the choices are not great. He thinks the DePaul property would make it feel like a community.

Bill Fritz, Stafford, noted that the residents were happy with the current DePaul properties here and in Buffalo and Rochester. He felt that DePaul coming in would help make the not so good landlords better because otherwise they would go to DePaul. He felt we needed to progress.

Susie Ott, 59 Bogue Ave, noted that she used to serve on the BDC board and that any community DePaul had been a part of had been a success.

George Galliford, Batavia landlord, had worked with DePaul and had good relations with them but was concerned with the number of tax abatements these companies are getting. He noted that he's never had an abatement on his taxes and that 30 years of abatement was a long time. He didn't think the City needed 130 new apartments, it was unfair competition for landlords and PILOTs are a joke. He felt PILOT payments should be much more than they are.

Tess Garland, 9256 Putnam Rd, noted that she was a long-time Batavia resident and former employee of DePaul. She noted that DePaul offered wonderful services and, as a school nurse, she sees kids who need these safe, quality housing units.

Frank Ryan, 523 Newberry St, Rochester, represented Eagle Start housing in Rochester and felt there was not enough housing for veterans in Batavia. He stated that veterans were having a difficult time being placed and that DePaul had a splendid reputation.

Colleen Elam, 1414 Harris Rd, Waterport, was in favor of the zoning change. She stated that her son received the services he needed because of the current DePaul housing and that the facility was beautiful. She noted that this kind of housing is very difficult to come by and her son learned how to be successful at DePaul.

Mary Ellen Wilber, 205 Liberty St, noted that there were so many points brought up and that projects bring up a lot of concern. She asked where all the people would come from to fill the apartments since any census she had seen showed the population going down, not growing. She noted that she had worked with the despaired population and that was where her heart lies.

Chris Syracuse, DePaul employee for 27 years, noted that they try to be humble and sincere with what they have to offer and a lot of people live in dysfunctional situations. He noted they offer beautiful, safe properties and no one has ever said that they regretted DePaul coming into their community. He felt that the people that would move in already live here and they offer a therapeutic community.

John Roach, 116 Grandview Ter, stated that if not for DePaul, they wouldn't be having the public hearing. He suggested waiting for the county study to see if there's a need. He noted that the comprehensive plan predicts a 9% drop in the county population and 7% vacancy rate in apartments. He asked if anyone had a plan to fill the vacant apartments that would be left. He couldn't see justification for the project.

Tom Christensen, 25 Liberty St, wanted to add voice of support for the project. He felt it would add to the quality of life and would be a benefit.

Council Response to Public Comments

None.

Communications

Care-A-Van is looking to hold cookouts on Thursdays from June 1 – August 31 from 5:00 – 8:00pm in Austin Park. They have paid for the pavilion rental for all dates. Council approved.

GLOW YMCA 5K is scheduled for Thursday, August 3rd at 6:00pm in Centennial Park to raise funds for the GLOW YMCA. Council approved.

Living Waters requested to hold an outreach in Austin Park on Sunday, July 30th from noon to 5pm. Council approved.

Batavia Concert Band submitted an application for concerts in Centennial Park on Wednesdays from June 28th to August 9th at 7:00pm. Council approved.

Council President's Report

Council President Jankowski announced the next regular City Council Business meeting to be held on Monday, May 8, 2017 at 7:00pm at the City Hall Council Board Room, 2nd Floor, City Centre.

Mr. Molino wanted to recognize the new fire chief, Stefano Napolitano, who stood to a warm welcome.

Public Hearing

A – To Adopt and Ordinance Amending Chapter 190 Entitled “Zoning” of the City of Batavia Municipal Code to Amend the Zoning Map of the City of Batavia

Motion to open the public hearing was made by Councilperson Bialkowski, seconded by Councilperson Viele and on roll call approved 9-0.

Ashley Champion, attorney for DePaul, noted that they were here to address any specific comments and concerns from the public. She noted they had met with the planning board who recommended rezoning to C2. She noted that documents were submitted showing how the project fit with the comprehensive plan and the land use plan and the rezoning request fit with that as well. She noted that both the City and County planning boards agreed it was a fit to change to C2.

Mark Fuller, DePaul President, noted that this project was the front gate to the community and felt the change to C2 was the right zoning for that.

Robert Gerace, 103 Elm St, noted that he had been involved with some different zoning issues with the City and felt the City had to look down the road to what’s coming into Batavia before making these decisions. He noted they needed the big picture to see what type of housing was needed and it needed to be looked at and studied.

Bill Cox, 111 North Spruce St, was concerned that Council had the authority to pass the zoning change. He noted that a lot of time had been spent coming up with the comprehensive plan and part of it was the ZBA. He noted that he wasn’t speaking for or against the project but wondered why have the ZBA if Council wanted to limit their authority. He stated that if Council voted on this rezoning, the ZBA wouldn’t be able to review it. Mr. Cox noted that something as mundane as a traffic light takes months but this is getting pushed through. Let ZBA review it, he stated.

Ray Chaya, 266 East Ave, stated he was there representing the BDC and that the BDC was in favor of the project. He believed the housing project was a great step to developing the east end and complimented what was already there. He thought it was a positive thing for the community.

Councilperson Bialkowski made a motion to close the public hearing, seconded by Councilperson Briggs and on roll call, approved 9-0.

Amendment of the Zoning Map to Rezone Premises from an I-1 District and R-2 District to a C-2 District

Mr. Molino noted that this wasn’t a vote on a housing project but rather a zoning change. Council President Jankowski asked what the negative side of making this change would be since we have limited industrial zoning in the City. Mr. Molino noted that a change to a C-2 has a variety of uses and is consistent with the uses in that area and with plans for that area. He noted that it’s been zoned industrial for 50 years but mostly commercial property. He noted that there is not a lot of industrial growth and it’s not likely to happen

in that area given its history. He noted that the railroad tracks are no longer active in that area so not likely to have industrial development there. Councilperson Canale asked how Robb's Glass got in there if it's not industrial. Mr. Molino noted that it is light industrial or light commercial. Councilperson Canale asked if nothing was done with the rezone, what could be brought into that area? Mr. Molino noted that most there now are non-conforming use but if the rezone changed to commercial they could do more with their businesses because they wouldn't be non-conforming anymore. Councilperson Canale asked if it was changed to C-2 would the planning board still have to approve any project that would go there. Mr. Molino noted that they would and multiple other steps would take place before a project is approved.

Tree Management Plan Presentation

Matt Worth, Public Works Director, noted that about a year ago the process was started to develop a tree management plan. Jerry Bond from Urban Forest Analytics gave a presentation about the trees in the City and where they were at with the project. Mr. Bond gave an overview of the questions regarding Batavia trees and noted that all the documents were on the City's website in the Bureau of Maintenance section of the Public Works department page. He identified the principles and goals, noted there were approximately 3,500 trees on City streets and about 1,800 empty planting sites meaning there was substantial capacity to plant more. Mr. Bond explained that about 60% of the trees were maples and all city trees can be located through GPS on Google Earth. He noted that for every \$1 invested in trees, the tree returned \$1.34 in benefit. He identified what we need including increased tree protection and reviewing the City Code for outdated information. Mr. Bond stated that the plan was to rejuvenate the tree inventory, remove large older trees in poor condition and upgrade the tree management system. He noted that it would be done in two phases with the first happening years 1-7 and the second in years 8-20.

MEGA Community Choice Aggregation (CCA) Presentation

Mr. Molino noted that this program was fairly new but looking to partner with other municipalities to purchase energy at a lower commodity cost. Louise Gava from MEGA noted that this program was already being used on the municipality side but trying to expand to the residents. She noted that consumers pay for delivery and supply and that National Grid would still provide the delivery. Ms. Gava explained that CCA gives cities the authority to aggregate customers in their jurisdiction with others to purchase energy at lower rates. She noted that there were three documents that the municipalities have to put forward including implementation of the plan, a data protection plan and a local law. She stated that this was new to New York but not new to the country and discussed the seven steps to developing a CCA program. She noted that if the City was interested they should have the city attorney review the agreement to move forward. Mr. Molino noted that the next step was bringing the administrator agreement to Council and recommended moving the item to the next business meeting. The agreement would be to work with MEGA to investigate the program and consider how to get other municipalities to participate. Councilperson Bialkowski asked what the cost was. Mr. Molino noted there was none other than staff cost. Council President Jankowski reiterated that if we don't want to do this once we get into it then there is no cost. Council agreed to move the item to the next business meeting.

Vehicle Trade-In Request from Police Department

Chief Heubusch noted that this was a request to dispose of two vehicles to trade in toward the purchase of new patrol cars. Council agreed to move the item to the next business meeting.

Request for Residency Waiver per City of Batavia Municipal Code Chapter 22-9

Mr. Molino noted that there was a request for a waiver for an employee who lives in Wyoming County and her husband works for the Wyoming County Sheriff's Office. Wyoming County denied his request to move to Genesee County so she is hoping to get a waiver from the City which is allowed in the City's code. Council agreed to move the item forward.

2017 Infrastructure Improvements Vine Street Water Main and Elm Street Sanitary Sewer Infrastructure Improvement Project

Matt Worth, Director of Public Works, noted that bids would be opened that week for those projects and would bring a recommendation for award to Council at the next business meeting. He noted that the projects should be completed this summer. Council agreed to move the item forward.

Healthy Schools Corridor Sidewalk Project

Mr. Worth gave an update on the project as they have been working on it for over a year. He noted that they will hope to complete construction in the spring of 2018. Council agreed to move the item forward.

CDBG Stormwater Capital Plan Environmental Review

Mr. Molino noted that the City had received a grant from CDBG for a stormwater capital plan and it required an environmental review. Council agreed to move the item forward.

USDA Grant - Downtown Healthy Living Campus

Mr. Molino noted that the City received a USDA grant to provide funding to the YMCA/UMMC for the healthy living campus. As part of that the City needs to approve the consultant so the funds can pass from the City to UMMC and the YMCA. Council agreed to move the item forward.

Executive Session ... Litigation Matters

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Pacino

WHEREAS, Article 7, Section 105(1)(d), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...proposed, pending

04/24/2017

or current litigation...”.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that upon approval of this Motion, the City Council does hereby enter into Executive Session.

Seconded by Councilperson Viele and on roll call approved 9-0.

* * *

Conference Meeting adjourned at 9:55 PM.

Respectfully submitted,

**Heidi J. Parker
Clerk-Treasurer**