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Planning Commission
City of Jamestown, ss:

Proceedings by Authority

Via Zoom Conference

The regular meeting of the Planning Commission for the City of Jamestown, New York was held on Tuesday, April 21, 2020 at 3:35 p.m.

Members Present: Chairman Greg Rabb, John LaMancuso, Jeffery Nelson, Regina Brackman, Mike Laurin, Jeffery Lehman

Members Absent:

Others Present: Director of Development Crystal Surdyk, Edmund Schober, Kelly Haaksma, Steven Ricca, Steven Ald, Katie Castro

Chairman Rabb called the meeting to order.

Chairman Rabb: The first thing on the agenda is the credit union application. We do have a presenter.

Mr. Schober: I can begin to give you kind of the overview of what we're doing. We're looking at constructing a 2,300 square foot, full-service credit union on the site that is bordered by West 5th Street, Clinton Street and an alley which is now privately owned and is no longer a city street. This will be a walk-up bank as well as a drive thru bank. Our intent is to really make it, it is a building that has numerous fronts, so we didn't really want to put a back side on the building. We wanted to treat it nicely on all visible sides. We've incorporated some of the stone from the building that we're talking down., We're going to salvage that and use it as accents around the columns in our entrance canopy as well as a projecting bay that faces West 5th Street. The drive thru lane that currently exists there, we're going to maintain that same traffic pattern. You enter off of Clinton, exit onto West 5th Street. We'll resurface it, repave it, that sort of thing. We're going to have 13 parking spots available onsite, including one handicapped accessible, right by the main entrance. There will be a lot of green space, a lot of mature trees on the site that we're gong to leave. We're going to plant some ornamentals and other landscaping around the existing pilon sign that exists at the corner of West 5th and Clinton. Kelly, if there's anything that you'd like to add to that, but that's kind of the outline and the summary.

Ms. Haaksma: No, that's good.

Chairman Rabb: Before I ask if anybody else has questions and for staff recommendation, the only thing that I was thinking about when I was looking at the plans, was, you said Martyn Alley is no longer a city street. But, aren't you showing an exit onto Martyn Alley?

Mr. Schober: You should have received a revised site plan that will show that we are no longer doing that.

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Chairman Rabb: Ok, because I'm going off of the old hard copy, I got quite some time ago. It was just easier to look at during the course of the meeting.

Mr. Schober: We are not connecting at all to parts of the alley. Entering off of Clinton, exiting off of Clinton for the parking lot, exiting through the drive up onto West 5th Street.

Chairman Rabb: Before I ask if anybody else on the commission has questions, Crystal, is there a staff recommendation?

Ms. Surdyk: Yes, the staff recommendation is to approve and accept the SEQR finding.

Mr. Schober: I should point out one thing that everybody likes to know and it's an important fact, that we will be handling site drainage onsite. We're putting in two catch basins. One in the parking lot, one further out in the lawn so that we can contain the drainage. That will be piped to the existing storm sewer connection that is near the corner of Clinton and West 5th Street. That was something I reviewed with Jeff Lehman.

Chairman Rabb: Okay, thank you. Did anybody else have a question? Everybody thinks they're ok?

All members answered yes.

Chairman Rabb: Well, that was easy. Can I have a motion to approve the Environment Assessment Form?

Moved by Mr. Nelson, seconded by Mr. Laurin.

The commission voted to approve the Environment Assessment form 6 – 0.

Chairman Rabb: Can I have a motion to approve the site plan?

Moved by Mr. Nelson, seconded by Mr. LaMancuso.

The commission voted to approve the site plan 6 – 0.

Chairman Rabb: Thank you very much. It's all approved.

Mr. Schober: Thank you very much.

Chairman Rabb: Crystal for my signature; do you want to sign it with your initials next to my name or what do you want to do?

Ms. Surdyk: We can do that. Do you have the ability to print it out and sign it?

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Chairman Rabb: I don't have a printer at home

Ms. Surdyk: I can print it and drop it at your door; you can sign it and I can take it.

Chairman Rabb: Or we can do it through the U.S. Mail, we still do that. I do it all the time.

Ms. Surdyk: Jenn, what do you think?

Ms. Williams: I think either way would be fine; either bring it to him or do it through the mail, I think, would be fine.

GATEWAY LOFTS DISCUSSION

Chairman Rabb: The next item is the Gateway discussion. Who is going to start that off?

Ms. Castro: I will do that. Hi everyone, my name is Katie Castro and I'm pleased to meet many of you that I do not know. I am the chair of the board of directors at Community Helping Hands. On behalf of our board, of our staff, of our volunteers and of our clients, I want to thank you first and foremost before I say anything else for allowing the voice of Community Helping Hands to be heard in this conversation relevant to the Gateway Lofts Project. We know that you value our community and the work that we do as an agency and so, we're just grateful for the opportunity today to be able to talk to you about what the Gateway Lofts Project means to us an agency. How it originated and how we see its opportunity to impact the future of our community. So, thank you. As many of you know...

Chairman Rabb: Katie, could I just interrupt you please? I don't think we ever met, did we?

Ms. Castro: No, we have not met.

Chairman Rabb: Are you the brand-new chairperson, or have you been there a while?

Ms. Castro: I have been there since the beginning of 2019.

Chairman Rabb: Oh, how did we not bump into each other someplace?

Ms. Castro: I'm not certain.

Chairman Rabb: Let me just say something before you start. I'm delighted to hear about how much and how important this project is to you and I can only speak for myself as chairman. I don't plan to speak for the whole commission, but you probably are aware that at the

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last commission meeting, that a decision has been made. And that decision still stands. I don't know if at the end of this discussion somebody is going to request some action from us, but there's really nothing we can do. But on the other hand, I'm happy to hear everything you have to say. I just wanted to put that upfront.

Ms. Castro: I do appreciate your upfrontness, so thank you for saying that. We are going to be asking for a change in that declaration today. But first, we have a couple of other representatives here that you can see on this call. My particular role today is just to speak for Community Helping Hands and our role in this project, and why we are so passionate about continuing to see it move forward in our community and the timely nature of it all. How important it is that we continue to move forward in a timely nature.

Chairman Rabb: I don't mean to interrupt you again, but the decision has been made. That's something that can be changed, so, I'm willing to listen to you and what everyone else has to say as I have for the last three years. But a decision has been made, unanimously by the commission, so I don't know what you're going to ask us to do, but I would say that, most likely, while I knew you were coming to discuss with us, no one has let me know, unless somehow I lost this in the process of working from home, that indeed we were going to be asked to take an action. The action has been taken, it's over. But, again, I'm sorry to interrupt you a second time, so I'll shut up and just listen to what you have to say.

Ms. Castro: I would love to be able to share that with you, and then like I said, there's some other members from our team that will have some other things to share. But I just really want to make clear our passion for this project and how it originated, because I think so often as we talk about footage and specs and financial fears and occupancy rates, we lose the vision and heart of the project. If you would indulge me for just a few moments, I just want to share with you about the origination of this project. The Gateway Lofts Project didn't begin because Community Helping Hands wanted another project, or a pat on the back. It was born instead because of the people we serve and because of the people we serve alongside. As many of you know, the majority of our clients, our work experience participants, of our volunteers and even our staff struggle to find affordable, safe and quality housing in our community. In fact, even currently as we're on this call today, some of our very own staff, we only have five people on staff at Community Helping Hands, and some of our very own staff are currently couch surfing because they're three most recent rentals are now homes condemned by the city. These are individuals who are employed as part time employees with our agency, who have children and dependents and who cannot thrive without the basic need of their housing, needs being stable, secure and safe. As a board at Community Helping Hands, we began to envision a vision that we believe has been in tandem with God of housing that would meet that criteria of safe, secure and stable. Both for our larger community for the City of Jamestown, the city we all love, but also for the network that we have forged of clients, volunteers and staff at Community Helping Hands that all require this. As we began to dream about what this housing project could look like, we dreamed of collaboration. Of diversity and inclusion, of empowerment and of the synergy that we believe housing projects in our county have yet to see. And then, the Gateway Lofts Project was born. Housing project, of course, but so much more than that. We've worked hard to dream up, both up here in theory and words and vision and big descriptive adjectives as well as down here in specs, in drawings and MOU's and funding applications to put together

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what we believe will provide for individuals and families currently living in the City of Jamestown the ability to progress along the spectrum of self-sufficiency.

I'm kind of a nerd and I love the intersection between leadership strategies, motivation theories and social justice. So, I have to share with you Maslow's Hierarchy of Needs for just a moment so that you too, can dream along with us and understand why Gateway Lofts is so much more than just a housing project. It is a wholistic help toward a future with more than just equality. A future with equity. With equal opportunity and equal access for individuals and families living in poverty within our city. Maslow's Hierarchy is something that you're all familiar with and it contains these all familiar levels in a triangle figure with the bottom being physiological needs, second level, safety needs, third level, love and belonging, fourth level, esteem and fifth, self-actualization. Along the lines of physiological needs, the Gateway Lofts Project has a baseline. They'll provide shelter to those who need it. And because of the services of St. Susan's and Community Helping Hands, we'll be able to provide food, clothing, furniture and households. On the level of safety, that second level, the project will provide security, access to needed services via caseworkers and other not for profit providers that will be in the building and proximate healthcare because of its location in the medical corridor. On that third level of love and belonging, one of the things that Community Helping Hands is best known for, is the incredible community, friendship a sense of connection that we provide to all who access our services. In fact, in a recent funding pitch, the United Way, they marvel at our unique ability to empower people because of the belonging that individuals experience when they come into contact with Community Helping Hands. Many of our DSS workers actually end up volunteering or staying with us for years after their initial mandated tenure is long over because they experience a sense of family that they're unwilling to give up on. In fact, when we had to close our operations for COVID-19 it was actually difficult to get our volunteers to agree not to come in. They experience a family and it's our hope to continue that incarnation of family, community and of belonging just from not the first floor but into all the floors above it at the Gateway Lofts Project. That fourth level, esteem, is self-respect, the ability to give back. At Community Helping Hands, one of our core beliefs is empowering people to help themselves and to help others. That latter piece, "to help others" is really important to us. We consistently invite all individuals who access our services to give back to the community by volunteering alongside us. In many ways, that's how that belonging and sense of loyalty and connecting is first fostered. At the Gateway Lofts Project, we will have many nonprofits on the first floor, ourselves included, which will provide volunteer opportunities and ways to give back for the esteem needs of our residents. And finally, on the tippy top level of self-actualization, for a sense of opportunity, we will continue to operate our workforce development program right there within the building with no transportation barriers and without language barriers, as it is a current priority within our agency to provide services in both Spanish and English to individuals who are ready to take the next step in developing skills for the work force. They'll be able to complete onsite training, job experience workshops and access to a work force coordinator who will be checking in on and encouraging their progress regularly. We intend to level the floor for opportunity and self-actualization. All of you who are gathered today on this call, we implore you to ally with us as we seek to in genuine partnership with individuals and families in our community who are living in poverty and isolation. Let's give them a hand up together. This is, we believe the next iteration of Community Helping Hands and its actually the next iteration of what innovative, wholistic help could actually look like in our great city. Thank you so much for allowing me to proceed with that. I appreciate it.

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Chairman Rabb: Thank you, Katie for sharing your commitment to the project. I certainly appreciate that and I was jotting some things down while you were talking. I haven't done this ever, at a Planning Commission, but since you had the opportunity to express some of your interests and concerns, I feel the need to talk a little bit about my commitment to housing throughout my entire life. I'm past retirement age although I've chosen to keep working mainly because I enjoy it so much, except this remote stuff. I'm not too keen on that. I actually miss my students, many of whom have housing problems. I have students who couch surf, I have students who have been kicked out of their homes, I have students who live in housing that's inadequate and I worry about it and do what I can to help them, all the time. I would share your commitment to try to do what you're trying to do, the only difference between you and me, just looking at your picture, it's clear to me at you are considerably younger than I am, and I certainly will not inquire as to your age. You know, I'm 68 years old and so I've been doing all of this longer than some of you have been alive and I'm going to ask you to just let me say a couple things please. One of the degrees I have is actually a Master's degree in Urban Planning from I think is the best planning school in the whole country, the University of Illinois at Urbana Champagne. While I was there studying for two and a half years, I concentrated on housing. My whole background is in housing. I went off and continued to do other things, but when I graduated in 1978, that's a long time ago, I spent my two a half years working there planning principles in general, but with a very strong commitment to housing because at the time I was still living at inner city Buffalo. Really inner-city Buffalo. Not the suburbs, not downtown, not the improved parts, but the middle of the city. I saw some of the housing conditions there and my mother owned our own home and it was modest and small but we kept it up. Although, I saw what was happening in the neighborhood so that was actually why I got into housing because I lived in it, felt it and understood it, I think and still do.

After I got my degree, my very first job was as a neighborhood organizer on another inner-city job in Buffalo. While we were primarily a human services organization, it was called Baily Delavan, I don't even know if its still there, but we were a human services organization, right in the neighborhood in an old storefront. One of the things we dealt with on a daily basis was people trying to find adequate housing; this was still the late 70's. Sadly, this is not something new, this is something that been going on for a long time. After that I came down to the Southern Tier and was the housing specialist under the Appalachian Regional Commission for the Southern Tier West Development, primarily working in Salamanca. I lived in Allegheny County because my job was to work with rural communities, and I did mostly in Allegheny County trying to improve their housing. Which, if you go to the rural areas, it's often even worse than in the cities. I did do work in Dunkirk, which did and still does have problems. I became very aware of what was going on in Dunkirk. I worked in Olean. Worked in a little village of Andover which most people don't even know exists. I spent a lot of time there, its almost out of the county. After that I moved up, I guess I moved up, I went to the west side of Buffalo and I was the first Executive Director and started West Side Housing Services. Our job was to improve the west side. By the time I left, we were regarded as the most successful of six NHS's, and that agency still exists, I'm very proud to say, today; improving the lives of people all though the westside. During all the time, I was and continue to be a member of Housing Opportunities Made Equal in Buffalo. One of the preeminent fair housing organizations in Buffalo. That started in the 60's. I joined in the late 70's. I'm still a member, even though I don't live in Buffalo. I was on the board for a very long time and because of my service to the

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organization, I'm officially classified as "a friend" of home by the organization. I'm on their stationary and then recently was asked, because I am considering retiring from Jamestown Community College, if I would start teaching Public Administration graduate courses in Buff State in this area.

I'm not saying this to talk about how wonderful I am, although I kind of like the way I turned out. I've heard stuff through the years in the community that is appalling that people have said about me. I went through that little review there just to let you know where I'm coming from. That's kind of an old-fashioned phrase that I don't even like anymore, but my whole background has been trying to help people get better housing. If anybody is in support of improved housing for the people of Jamestown its me. I campaigned for office numerous times, for myself, for others. I won some, I lost some. I've walked every street in this city and went to homes where sometimes I was appalled at the conditions I saw people living in. But, out of respect for them I knocked on their door and asked for their vote. There were a lot of people who wouldn't go into certain neighborhoods and I said "What are you afraid to see how people in the city actually live?" Some people live in pretty abysmal conditions. That just fueled my fire and my passion even more. So, my commitment is there, Katie, and anybody else who is taking my word at face value. My commitment is there. But, also because of being trained as professional planner I have an obligation to do the job of the Planning Commission even when it may be personally uncomfortable, or even when I may like a project, but it's not in compliance with my understanding of the law. When I was City Councilman, I took pressure for doing what I thought was right and that came with the territory.

But Planning Commission members are volunteers, serving without pay because we care about our community. I don't like, and I'm not saying you're doing this Katie, because certainly you are not, but when pressure is put on us, or things are said about us, I can only assure you that everybody on this commission, and we're all different, and sometimes we agree and sometimes we disagree, but I think everyone here, I think in all the times I was chairman and was before I went on council has always been committed to do what is best for our community, because even if we're older we're going to be here, hopefully, a lot longer. But we have to do it within the constraints within the planning documents and the New York State SEQR law. We can't do things that the law doesn't allow. I can love a project and still have to vote against it and that's very difficult to do but this commission, and we have old members, new members, I've always been very proud of how thoroughly they have taken any project under consideration before making a judgment. I don't usually do these kinds of speeches at commission meetings, maybe I've been tied up at home too long and I have a captive audience, but I just wanted to make sure Katie, because you and I don't know each other very well; some of the other folks here know me. Actually, I don't think sometimes do know my background. But, improving housing has been my life's goal. Emotionally, I'm with you on this project. The question though becomes, can we approve it under the existing plans and the SEQR law. I think we did our due diligence, that we have been doing this for three years. I've never spent as much time on a project as I have this. What you just saw with the credit union was a snap. Sometimes they are. Sometimes delightfully we can get through them really quickly. Sometimes we can't; and when I think about this project or other decisions I made or bodies that I'm the head of make, and I go home at night and I think about it, talking to my cats or thinking about it before I fall asleep I always have gone to bed with a clear conscience that we did what was right even when some people didn't like it, and even when some people would often bad mouth us. I just said, well, that goes with the job. I guess with that, I appreciate you listening to me. But, Katie, if you want to ask

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me a question, I'd be happy to take questions or comments from you and then I'll turn it over to anyone else who wants to speak as well as other members of our commission. Did you have anything for me Katie?

Ms. Castro: No, nothing specific, but I would like to say that I hear you and I appreciate that commitment to housing and our community, and I actually, just over the weekend developed a workshop for nonprofits, and businesses on generational synergy, on building generational synergy. And so, I love that you brought up our age difference because its something I think that's something that enhances teams and all initiatives so I appreciate you bringing that to light, because its something that adds to the strength of a project. We believe in particular that part of what makes this Gateway Lofts Project so compelling is the diversity and inclusion comment that we hope to capture within it. I don't have anything further but I would love to turn it over to Steve Ald who is here to represent the Gateway Lofts Project as well. So, Steve if you wouldn't mind picking up.

Mr. Ald: I appreciate that Katie and Dr. Rabb. I hope that there is a way that this project can legally go forward and attorneys have talked to me about ways that that could happen. I'm an attorney, but I don't practice so I'm not coming here today with legal advice on how to make it happen, but I'm assured that there is a path forward that will allow us to be successful in bringing this project to fruition. We saw quite a lengthy memo generated yesterday. I'll start with the topic of the ESHI funding. It was raised that it's only a five-year commitment. Actually, that is kind of unusual in New York State. Most mental health or support service commitments are for one year only. Which for a time was a deterrent for investors to invest in tax credit projects that serve people with disabilities, but over the years, investors have begun to realize that New York State doesn't ever withdraw support services once they are funded. It renewed every five years so that the state has a chance, or every year in most cases. So, the state has a chance to look at the provider; make sure the provider is still doing a good job, and if the provider is not, they don't remove the funding, they give it to another agency. They ask another agency to step in and take over. Once these beds are funded, they're going to remain funded for as long as there are people with mental illness that need to services. Its possible that they'll come up with a cure for mental illness and then they wouldn't need the funding anymore, but that's the only way that this funding is going away, if mental illness goes away. I want to reassure everybody that this isn't something that is going to blow up on us in five years; this is permanent supportive housing. I'm at a loss of what else to talk about with respect to... Katie, do you remember anything else that you wanted or that you thought would be helpful for me to talk about?

Ms. Castro: I think it would be great to reference; I think on that document that circulated last night there was a point about the quantity of housing that is available currently in the City of Jamestown. It would be great to reference the study that was done by GAR.

Mr. Ald: Yes, so, the market study of course, we've talked about the market study before and how the lower your capture rate, it means the less percentage of the total number of people available for the units you have to capture in order to fill your building. So, the lowest percentage is better. You have to be 20% or less to be funded by the funding agency that we're seeking tax credits from. If you're under 10% you're considered to be very, very competitive.

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We're under 4%, our capture rate. There's a huge demand, off the charts demand in Buffalo and our project will help satisfy that and it's not going to negatively effect the other landlords in Jamestown that have quality, affordable housing because we're only going to need less than 4% of the people that are eligible to live there. There's 95% left over for everybody else.

Ms. Castro: Steve Ricca, did you have anything to add?

Mr. Ricca: Yes, I do. Dr. Rabb, thank you for your thoughts and background information. No one would disagree that your career has been focusing on quality housing, nor would anybody challenge your commitment and love for the City of Jamestown which is well earned and totally understandable. The more time spend with the folks in the city and the people in the community, the more I want to come back. The discussions from our perspective, we feel basically could be summed up as, this project has more benefits than detriments. The project solves more problems that it creates and we have a respectful professional, disagreement nonetheless, on certain points. You've referred to the 2010 Neighborhood Revitalization Plan as something that requires compliance. I tend to look at the comprehensive 2010 Neighborhood Revitalization plan and all comprehensive plans as fluid organic documents that are subject to change. That are intended to be flexible and that allow for interpretation. This is the way I look at it. It's the way that New York State Law looks at it. It's the way your Zoning code looks at it. The City of Jamestown Zoning Code talks about direction and intent. It uses the word compliance, but it says compliance with direction of intent. So, from my perspective and from my client's perspective we look at this as a situation where there's wiggle room to come to a mutually acceptable decision.

The focal point of our discussions has almost always centered on the 2010 Neighborhood Revitalization Plan. And, in fact, on February 18th when there was a vote to adopt a positive declaration, if my recollection serves me correctly, it was on the basis of a perceived noncompliance with the 2010 Neighborhood Revitalization Plan. Because of the differences that we have and the differences in interpretation of viewpoints that we have about what that means and what the law requires, I was surprised by the vote. I was surprised by the fact that it was the second time that kind of vote was made. I was surprised because during that interviewing time between the first and the second vote a lot of stuff happened. A lot of conversations occurred; a lot of information was exchanged. Following the JPC meeting on the 18th of February, we didn't just sit back and lose interest in the project, we wondered to ourselves, what could be done to bridge the gap. We had a meeting on March 3rd. The meeting on March 3rd, I don't think you were there Dr. Rabb, you might have had some difficulties with your car or some such thing. It was however a very well-attended meeting in that it involved not only a couple members of the Jamestown Planning Commission but also members of the City Council, other members of the community, the press, representatives of STEL, Community Helping Hands and there was a very robust discussion about a whole array of issues. Some of them from my perspective were more socioeconomic and cultural, others were urban planning, others concerned site plan consideration, zoning variances and the like. But what was pretty clear at the end of that meeting, from our perspective, was that there were issues that we hadn't done a very good job of shedding enough light on. Issues about why this project is different. issues about why expectations and perceptions based on other projects in the City of Jamestown and elsewhere really shouldn't drive how this project is judged. I've referred to it as a unicorn because it's unique in a number of ways. It's unique not only because of those multi facets that it allows and provides in terms of

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urban revitalization, environmental remediation, a service rich environment. All of these other things, its also unique in the sense that it's very time sensitive. We've got a bunch of nonprofit organizations that are working on time sensitivity that makes the requirement of an environmental impact statement sound like really bad news. After endeavoring in 2019 to sort of cut to the chase and provide the type of mitigation at we thought the 2010 Neighborhood Revitalization Plan called for, we find ourselves in a position where we're not exactly sure what our next move should be. I'm used to getting, and the law requires written SEQR determination. I didn't really press for one because we've been focusing more of efforts since February 18th on communication and talking.

We know, and I believe that we've done a good job of putting our best foot forward. Larry Scalise can correct me if I'm wrong here. Among other things, he's gone and looked at other facilities that are done and developed and operated by STEL. He has issued a summary of his thoughts about that. I get the impression he thinks it was a positive experience. The facilities are well maintained to the best of his ability to see and that this was not a situation where STEL was allowing its other facilities to fall into disrepair. I also understand that two of the more vocal council members that were expressing concerns about the project may have altered their perception or opinions on the project in that idea that we're concentrating poverty and stacking blight upon blight it's really not a fair assessment of what we're trying to do. Be that as it may, we're at a cross roads right now where we have to really know what it is we're being asked to do with a degree of specificity that allows us to make an intelligent decision. I think based upon my review of the SEQR regulations, case law conversations with the City Corporation Counsel, the idea that the positive declaration cannot lawfully be recinded. I just respectfully disagree with it. I don't want to talk up a lot of time having a legal discussion about it, other than to say, I'm confident there's flexibility under the law to do so. I understand that its not something that you necessarily want to do but I don't want miss an opportunity to do say that its something that's possible. On the head of a pin its possible because the regulations don't prohibit it and the DEC guidance acknowledges that there could be a change in circumstances and information that will let you change your mind and what the law requires you do to is explain why you did it. Just like the law requires that a determination of significance be set forth in written form with a reasoned elaboration and reference supporting documentation.

I could have started to prepare a draft environmental impact statement but I wasn't quite sure what the scope of it would be. Sure, I heard a verbal vote on February 18th. That vote focused on the 2010 Neighborhood Revitalization Plan. I then noticed in the press that there were conversations about other things that should be addressed in the Environment Impact Statement and that possibility seems to be reinforced by the outline of possibility's that we received late last night which over a pretty wide waterfront. So if this is a situation where the exercise of preparing an Environment Impact Statement for my client and its not for profit partners is going to require an inordinate amount of recourses and time, that really just, if we're all trying to accomplish quality housing in the City of Jamestown and we are going to be sensitive to the time constraints that theses funding procedures demand, we're not meeting our mutual best interest. I think the project is also unique and different in a very significant way under the law. I've mentioned it before. I haven't dwelled on it too much. I've been focusing most of my time and efforts on trying to figure out how we can better highlight the overriding benefits of this project unless I'm lawyering, frankly. It's an inescapable truth that approximately half of the people that are going to live in this facility have special needs. Substance abuse issues, mental health issues. These are folks that always have a hard time

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finding housing. They not only have limited financial means and often tragic backgrounds but they're quite often susceptible to a community attitude that, lets just not do this here. This is something that echoes in my brain, in my practice all the time. I may not be 68, but I'm 58 and I've seen an awful lot in 30 years of legal practice. What I would suggest is that we've made compromises. We have been respectful. Have we disagreed? Yes, we have. Have we gotten frustrated at times? Absolutely. When I look at situations like this and I look at the protected status of people with disabilities; I see under the Americans with Disabilities Act, the Rehabilitation Act, other federal statutes, the steps that we are required to mitigate and make reasonable accommodations. Municipalities have an obligation too. Municipalities need to reasonably accommodate people in these protected categories. Now, here, that should not be a bitter pill. That should be something that we both embrace. I was struggling to find a model. How do I mitigate this project? How do I comply with the 2010 plan? What form of mitigation does that take? I'm pretty sure I heard from Chairman Rabb and others; it doesn't mean you have to do a 1:1 demolition of buildings for every unit that you construct. What it does mean, however, is that we share a common goal in not only preventing this property from falling into disrepair in itself becoming blight, but in making sure that there's a stable neighborhood around it. We are more than willing and have been to enter into a mutually acceptable mitigation plan that would really be the end result of an Environmental Impact Statement process.

I guess if there's something that we're asking for today. I think Chairman Rabb has already given me an answer to part of it is that I think we would either prefer that the Jamestown Planning Commission rescind its positive declaration and are confident that its legally permissible to do so, not only because I think that there's new information that has been brought to light by the good people of Community Helping Hands and consultation with city leaders and Planning Director Surdyk. But, also frankly because one can easily reexamine SEQR regulations and come to the conclusion, and we can get into this in a any degree of detail later, its probably best if I do so with the city corporation counsel's office. There's a very strong argument to be made that this project is a type two action that is exempt through SEQR. It's an argument that I've made in the past. It's one based upon changes in the law that occurred within the past year or so. I think it's more than worth closer examination, particularly since it could lead to us all arriving at a very positive result. If, however, the Jamestown Planning Commission does not want to go that route, is not willing to consider rescinding its positive declaration. I think its fair and reasonable and frankly our entitlement under SEQR for the city to issue to us a written determinization of significance. So that we can respond to it, so that we can know what it is we're responding to. The next step would be to do scoping and determine what the contents of that document would look like. From our perspective, based upon the verbal positive declaration on February of this year, really the only issues should be, how do we remain consistency with the 2010 Neighborhood Revitalization Plan? It should really be the centerpiece to the document. That shouldn't be something that leads to endless public meetings and hearings and exchange of paper. I mentioned before I had a hard time finding model for what that mitigation would look like. That's because I don't believe there is one. I don't believe and that's my understanding, and somebody correct me if I'm wrong, that there has not been new quality, affordable housing built in the City of Jamestown since the 2010 Neighborhood Revitalization Plan. Over the past decade, I am not aware of a model that would guide us moving forward. In conclusion I would submit to you that we would respectfully request that you either the rescind the positive declaration and allow us to put all our resources on a robust mitigation plan or very promptly issue to us a written determination of significance so that we can make intelligent decisions on

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how to move forward. Those decisions will include decisions that we make in consultation with the city corporation counsel's office because I have a legal obligation to do my job too. I have to protect the rights and interest of my client including those that are protected under federal antidiscrimination statutes. I guess that's really what I have to say.

Mr. Ald: I'm reminded by your comment, Steve, of the sense of urgency that you indicated to the board. We are, are you're aware of, there's significant environmental contamination on the property. It's a significant threat to health if its not cleaned up. The DEC is being patient with us because they're aware of our projected timelines. They check with us, ask us when we're going to start construction, and we can tell them the funding agency is scheduling us for closing in September or October of this year. They're patient then. If they hear the funding agency has taken us off their schedule because of the positive declaration and the delay that that would mean, the DEC, one of their options is to come in and clean it up themselves. They would remove all of the tenants. St. Susan's would be removed, Community Helping Hands would be removed. The DEC will clean it up, they will pay for the cleanup. They will put a lien against the property. Nobody will be able to use brownfield tax credits on the property. Instead of being more valuable to a developer because of the brownfield tax credits, it will be extremely expensive to take on this property, because before you did anything with the property to improve it, you would have to pay off the DEC lien. If we delay too much here, the DEC is going to lien this property. Its going to stand vacant until the property falls in on itself. That's happening right now in the Village of Silver creek, Silver Creek School. STEL and CODE, CODE before STEL both tried to get the Silver Creek School funded and rehabilitated, was unsuccessful and now the building has an estimated cost of over \$1 million to tear it down. Silver Creek doesn't have a \$1 million, the county doesn't want to do it, so it's just falling in on itself. I'd hate to have that happen to Jamestown and this building. The other reasons why delay is bad for us, Community Helping Hands can only stay around so long, funding the maintenance, the upkeep of this building. It's terribly expensive. Its mostly vacant right now. It needs to be used to be an efficiently run building. Finally, I would just mention, the longer we delay, things are starting to impact us, like in January of this year, we lost 20% of the value of the tax credits that will be coming to us because we're putting the solar panels on the roof. So now that's looking like it might be less likely to be affordable to us because we're not going to get the same value that we thought. And in January of 2021 another 20% of so of the value of the tax credits will disappear. The solar incentives are going away. Those are just a couple of things that are pushing us to hopefully get this positive declaration rescind, rather than try to produce an EIS and go down that road.

Mr. Raimondo: Thank you for that Steve. I don't know if you can hear me. I know Crystal and I have done a lot of work on this in the upcoming weeks I know Crystal had some things to say. Not to put her on the spot, unless she wanted me to speak to those.

Ms. Surdyk: I'm not sure exactly what you're referring to so if you want to, what you had in mind.

Mr. Raimondo: I'm sorry, my name is Elliott Raimondo, I'm the Corporation Counsel since January. I discussed with the mayor and Crystal to some extent the procedure for how this could possibly be worked on. We looked at the plans when you first came along and

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STEL had worked with us on some of those criticisms that were combed out in the prior sessions how to try to mitigate those. I won't speak to those concerns right now. I believe we thought on a procedural aspect that if Community Helping Hands and STEL can rescind their application and then resubmit it at another Planning Board Commission meeting, after some consideration, there wouldn't be a need for a positive declaration from the last meeting and there could be some sort of agreement worked out.

Chairman Rabb: You got cut out of that a little bit. I think what I heard you say was rather than rescind, in effect, they would withdrawal the application and resubmit it with the new information. It that the way I heard you say it?

Mr. Raimondo: Yes.

Chairman Rabb: That's the way I've always understood it. Both as a planner and like Steve Ald, I have my law degree and I teach law. I do a lot of work on it but I don't practice. That was my understanding of the way it would be handled.

Mr. Ricca: We are willing to do that.

Mr. Ald: That would be, I think, just as quick as anything.

Chairman Rabb: I need to exercise caution on this, because I don't know if anyone else for the project wants to speak, and I certainly have spoken a lot, but I'm just the chairman, I don't make the decisions. I have a vote obviously, but we have other members of this commission that I think would like to speak or ask questions unless you've got something else you like to add in here.

Mr. Ald: One more thing, Dr. Rabb. The mitigation plan is very flexible. I just wanted to point that out. And, maybe that's one thing that we would resubmit as a new mitigation plan. I think it was John LaMancuso that brought up the possibility of instead of finding houses to demolish and remove from the market, we would invest in housing that needed some minor repairs that would make it habitable or bring it up to code, that kind of thing, stop it from being one of the houses that needs to be demolished in Jamestown. So that is a change to the mitigation plan that we would be very open to doing that. We have no objections at all. It sounds like a very good idea to me.

Chairman Rabb: With that, I would invite other members of the commission, including our city council liaison to ask questions or make comments.

Councilman Nelson: I guess just a couple of comments from me. I'm only the liaison but I am the councilman from the sixth ward, so it is in my ward so I care very deeply about the project. It's been three years in the making, I think. At first, I was excited about it then I had questions and some doubts and concerns and I feel like they've been answered and I really support the project now. I have a great deal of respect, Greg, for your opinion on this and you have a lot more experience than I do in these matters, but I'm just a spectator in this, and I think

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anyway that it can happen, and I'm looking at about six attorneys, so I'll let them figure out how that is supposed to happen. But, as a councilman from the sixth ward I do support this.

Chairman Rabb: Thank you Tom. Since its in your ward, I always take that very seriously. When someone has a project that is going to be in their ward and speaks up about it pro or con, so your comments are well received and taken very seriously. Not that we make political decisions, because the way we have the Planning Commission set up, at least in our city, we're sort of immune from political considerations. Although, given that this is a small town lots of us have reasons we're involved in politics. We're supposed to keep it out of that. But I realize you're speaking as the person chosen by the people in your ward to represent the best interest of the ward and I know you do that and I appreciate that. Can I hear from commission members with questions or comments?

Mr. Nelson: I'd like to make one if I can. I'm Jeff Nelson, I'm not showing up in the pictures, but I think with the name you remember who I am. In any event, I like, for the most part, I really like the project. I like its intent, the way its being done, the way its been proposed is I think is good, it's a positive for the community in many ways. It's a negative in some ways, also, I think. There's not a way to immediately fix it and take a better route that might be a better situation for families. I tend to feel strongly that families should be living out in an area where there's other families, diverse families if you will, where the kids, I shouldn't say it that way, but I've always called my own kids, kids, the children can mix well with others. I don't mean just at the time they might spend in school, but in things that go on in the neighborhood. So I like the idea of neighborhood housing as well as it can work with lower income people, middle income people, upper income people because you never really know how the kids all working together can affect each other in a way that may bring those that a disadvantaged in some way up to a higher level by the time they come out of high school, not doing just what they do in school, but because there's other ways in way they associate with each other that is a positive for their future growth. At the same time, there aren't any more plans like that that are out in the field if you will. I know that there's the desire to fill up the space. I don't disagree with what's being done, I only have this other reservation and I think if there's things that can be done to advance the project then we should probably take that path because I do think the housing is needed. That's kind of where I stand.

Chairman Rabb: Thanks, Jeff. Do any other commission members want to weigh in on this with questions or comments?

Mr. LaMancuso: If I could say a couple things, Greg? Katie, it's nice meeting you. Thanks for joining us. I'm not sure if this is your first meeting but it's nice meeting you and thank you for being here. I just want to echo Greg's comments a little bit about housing and everyone on the commission. I don't think any of us take the issue of affordable housing in the city lightly. I don't think any of us are unsympathetic to that concern. It's something that I'm very concerned about and I know others are too. Quality, affordable housing, I think it's critically important to the future of the city. If you or anyone else interpreted our decision from February as us being opposed to the project in general and not liking the project, I don't think that's the case at all. I also wanted to say, I read the letter, and thank you for doing the letter. I think the letter was really well written and it sets forth a lot of information about the project. It's

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a good summary. It also answers several important questions about the project so thank you to Katie, and Shawn and Steve, I think who put the letter together.

In any event, I also wanted to say that at least personally, I don't appreciate the suggestion that the Planning Commission is voting to delay anything. The Planning Commission is not voting to delay this project. We had an obligation at our meeting in February to consider New York State law, which we all talk about as SEQR and we had a recommendation from the Planning Department to issue a positive declaration, and we all carefully considered that and that's what we did. We didn't vote to delay this project or disapprove this project, we tried to follow the law as best we could and made a positive declaration on an application where I think the applicant itself has admitted that this is a type one project even though I think Steve mentioned otherwise earlier. I thought I read correspondence where the applicant was acknowledging that this was a type one action under SEQR where its more likely where there's a possibility of a significant environmental impact. Those are just a few of the things I wanted to say, Greg. I also wanted to talk a little bit about what Steve said. I think I agree with Steve. I think that the mitigation is probably better done as a fund perhaps not much different from the JRC Community Development Block Grants that have been done over the years. I think that program has invested I think I read \$900,000 in city neighborhoods, which is fantastic. I think there was a review done by CZB in 2017 on that particular project and CZB showed that it was a success. It truly did help some of the neighborhoods reduce blight and encourage investment. I agree with Steve. I think that instead of having a mitigation fund set aside for demolishing properties, I think that those monies would better mitigate the adverse effects of this particular project by being included in some sort of neighborhood revitalization matching grant program like the JRC has done over the years. I just wanted to touch upon that too. Thank you.

Chairman Rabb: Okay, thank you.

Mr. Ald: Chairman Rabb, I just wanted to respond to one point that Mr. LaMancuso brought up that was that the letter that we produced said that the Planning Commission voted to delay. That's on me. That was my idea to say that, because Steve Ricca had written up about a two-paragraph legal explanation about what happened and why and it was just two paragraphs of legalese that was starting out the letter and I thought no one is going to read this. They are going to get halfway through this legalese and that's it, they're going to throw it away. So, I just summed it up by saying "we've been delayed." I thought that was accurate because if we do an environmental impact statement, that is going to involve a lot of time and possibly kill the project, so I apologize if that was offensive but that's on me. I short handed it so that everybody wouldn't just throw away the letter.

Mr. LaMancuso: That's ok. If I may, Greg, I think I have a thick skin, I think Greg does too, and a lot of us do so nobody should be too concerned about me being offended. I just felt like Greg said, we're volunteering. We're trying to do the best we can for the city and do what's right for residents, so the idea that we're just turning down this project because of some personal believes of we want to delay this thing so that it dies on the vine, as I think has been said before, is just not true. I think we're trying our best. I'm glad you brought up that the idea of delay and the EIS because I wanted to ask. How long do you think this process is going to take? I think its been said now for many months and multiple times that the project may not be

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able to go forward if you have to do an EIS. How long will that take? Is that not something that can be done in a month or two?

Mr. Ricca: Environmental lawyers generally use, as a rule of thumb, six to nine months for an optimistic time period, and here's why. As Dr. Rabb certainly knows, you basically boil down to its peak components. You have a draft environmental impact statement and a final environmental impact statement. Under the regulations as they're currently written you can't just go ahead and prepare and draft an environmental impact statement and submit it for public review. You have to have a public scoping session. When I say, if we cannot avoid doing an environmental impact statement and that's something that both the JPC is going to require and we're going to acquiesce to, and by the way, it's something that under the rights it's technically that. It's the joint responsibility of the lead agency or the applicant. In fact, it's the applicant that prepares the draft, submits it to the city. But before they do that, they submit a proposed scope. Then you have to hold a proposed public meeting on that and people comment on the proposed scope. And given the realities of public meetings and the fact that people are nonlawyers and people are lay people and people have different perspectives, it ends up being a very long, sort of public hearing situation where they wouldn't probably look too much different from the very detailed public hearing that we had in the fall of 2018. Once you do that, there's some finagling of what the drafted environmental impact statement looks like when it's presented. Then you have to have a public comment period that's at least sixty days long, although that varies on when you have the public hearing and when you close the public comment period and so on and so forth. The six to nine-month period generally can be explained by virtue of the transactional cost and time to put together the scope and then enlist an environmental consultant to prepare the draft environmental impact statement. Then that's subjected to a public hearing. Once that public hearing occurs and all the comments are received, they have to be, basically, digested, organized and responded to in a final environmental impact statement. If all goes well and everything happens perfectly, that right there just tends to be a six-month long period. Because I still have questions in my mind as to what environmental impact statement will be mutually satisfactory, because I don't know the exact scope of it, because I don't know whether we're going to be called upon to address a bunch of very complex societal economic things. I suspect there would be some discussion about that. I guess without getting any further into the weeds, I would just say that it is certainly not something that can be done within a month. It would be highly unusual to have it be completed even within three months. I've certainly been involved in environmental impact statement processes that have gone on for years by virtue of supplemental environmental impact statements, etc., etc. We're not lazy, we're not afraid of doing study. But, frankly, to some extent I feel like an environmental impact statement might end up looking like a repackaged version of the all the stuff, to the extent that we've been trying to focus on, not just the 2010 Neighborhood Revitalization Plan, but all of the available plans that are posted on the city website and I think we have done so. We thought we were kind of getting to the same result in a different way. Maybe too much information. Certainly not a month. Three months would be a blazing fast timeline for an EIS. I'd rather we spend our time and limited resources on working out something we could be proud of and not burden you and your staff and my not-for-profit client and its partners with more hearings. I think we've pretty fully discussed the project in a public forum on so many occasions that I think we could do an intelligent job of developing mitigation in a different way. If it means withdrawing the application and resubmitting, that

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would be wonderful. We certainly don't want to have a third positive declaration as a result at the end of that. So, in a perfect world we might have an agreement in principal that the objective of a withdrawal of our application and resubmission would be to focus all of our efforts on developing a neighborhood stabilization fund that is as successful as the CZB project. The one that CZB wrote about.

Chairman Rabb: The JRC Neighborhood Block Challenge.

Mr. Ricca: We have put numbers on the table. We've, I think, expressed the concern that when we first sent in our proposal the number was \$350,000 that was a long ago. Everybody's been working hard to try to come to a resolution and the funding situation really hasn't gotten better and our resources really haven't gotten greater. Things have been going down. We would want to stick to the essential parameters of what we were talking about and we would hope the focus would be on shaping it into a form that would suit your purposes more closely.

Ms. Surdyk: Can I say something here? I think something that has been probably at the top priority in a lot of different conversations that I've been a part of with Planning Commission members, with the Housing Committee members and with the folks from the Gateway Team; neighborhood stabilization is something that we are all very concerned about. We were talking about the mitigation plan. Steve Ald, can you talk to us a little bit more about STEL's long-term plans in the city that is in addition to this specific neighborhood stabilization fund that we've all talked about as being a part of this mitigation plan. Can you talk about what that other long-term vision is and where you are in terms of that and how that actually plays into what this mitigation plan looks like? I don't know that anyone on the Planning Commission has actually heard anything about it. I know I only started to hear some details about it very recently so I think its something that's important for everyone to hear about because even though it's not something that is necessarily a part of this project, it's something that from STEL's perspective, adds to this project, when we're talking about neighborhood stabilization, in a way that we haven't been able to connect those dots yet and I think that that's something that we need to be able to do.

Mr. Ald: What one of the things that we are thinking about... when we demo a house, we would take ownership of the property that the house was on and then build new housing where we've demoed old housing. This is something that were're doing right now in the City of Dunkirk, in conjunction with the Chautauqua County Land Bank, just like we're propping here. We took a lot of vacant lots, we took a lot of houses that we thought we could rehabilitate the houses at first. Turns out it's way more expensive to rehabilitation than it is to simply demo it and build a new one. When you have to have the super high energy efficiency levels that are required by the source of funding that we use. So, our plan was to use this opportunity to acquire a number of lots in the City of Jamestown. My executive director, Tom Whitney, talked to your mayor about where he would like us to do that and what I hear that on 60, on Main Street where you're coming in, there's many vacant lots there and houses that are in bad shape there on Main Street, demo those and build new houses. It's called infill housing. That's what we would hope to do to be the next step after we use our money to buy these houses and demo them, the next step would be to build new ones in their place.

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Chairman Rabb: Steve, I know this is separate from what we're trying to do today, but, the only thing I would say about that, which I think is a good idea, if you can do that, I know some people are worried because Main Street doesn't look nice enough for people who come into the city. But if you go down the numbered streets between Main and Washington, one of my concerns is except for a few streets there's a couple exceptions there, the housing on those streets makes Main Street look perfect. I worry about the people that live in some of those houses. Its really quite frightening. If this goes forward, I would just suggest, because I have no other power than to suggest, looking at some sites on those numbered streets where things are really bad. But on the other hand, on some of those numbered streets there's actually functioning communities of poor people who are doing the best they can. I campaign on those streets so many times and you can very quickly realize which streets, even though they look bad, could really get a boost if one or two of the houses were torn down and new ones were built. It would have a magic transformation which would actually be stronger than Main Street. I have no problem making Main Street look nicer for visitors, but I've consistently been worried more about those who live on the numbered streets in sometimes dangerous conditions. Even though there really are some interesting, functioning communities down there where people help each other and get along. Every time I show up, sometimes in some of the neighborhoods, even though most of the folks down there know me now, they get nervous that this white guy is wandering down in the neighborhood. I make a practice of going everywhere. As long as you say hello to people, everybody is friendly. Even the drug dealers are friendly, at least to me.

Mr. Ald: I agree, that that's an area of the city that's ripe for development. I'm very much attracted to that particular area of Jamestown because what most developers run away from, that's what I like, because the more deplorable the conditions are, the easier it is to get the funding to do it. I had already looked at the numbered streets as a source for a lot of vacant lots. There's a lot of vacant lots down there and also some really dilapidated houses, unoccupied sometimes, so those are gold to us.

Chairman Rabb: Glad to hear that. I don't want to put you on the spot, Mike, but I know you had some strong opinions about the Gateway Project and again, I'm not putting you on the spot but I want to make sure you have a chance.

Mr. Lauren: I guess my general concerns are still the need for more housing, and if we develop more housing, I'm afraid it's going to be superior housing like we talked about. And the housing is going to be really nice. Is that going to have effects on the current housing, the current vacancy rates. What is going to happen to those properties? I think the project that you are proposing is tremendous and there's a lot of support for everyone who is going to be living there and everyone in the community. But its just those secondary effects of what's going to happen to our current housing stock in conjunction with population decline and looking ten or fifteen years down the road. Are we going to have an increase in vacancy rates even without this project, let alone adding another 144 units, I guess is what potentially could be taken from the current community? And the other is going to be occupied by the homeless. Is that right?

Mr. Ald: Yes, that's right.

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Mr. Laurin: So that's just my general concerns for that. We certainly have a lot of social programming here to try to help the residents who are in Jamestown. And adding in this project I don't think there's going to be a strong increase in what they are currently doing. I think they are doing a really good job doing everything that they can. So, adding another venue may make some of it more accessible, but it make it less accessible to those services. That's just my vernal thoughts right now.

Chairman Rabb: Thank you.

Mr. Nelson: A comment if I might. I think Mike shared a good track with what he's saying and the idea of doing something on those side streets, the numbered streets if you will, instead of on the main streets is a good thing. We do have a lot of excess housing in the city if you think about it in the terms of having very old houses built in old neighborhoods to fit old conditions that disappeared a long time ago. There are a lot of house that could come down and lots could be split if you will, to adjoining houses. Increase the lot sizes and very well increase the value of housing in the area and that would be good; another aspect of it. There are things that need to be done in a lot of existing neighborhoods besides close by where the project is or even on Main Street.

Chairman Rabb: Thank you, Jeff.

Mrs. Rohler: Do you mind if I address Mike and Jeff's comments briefly? Hi everyone, I've been kind of the quiet presence on the call. I started three years ago with this project and I'm still very much a passionate advocate for it and trying to support Community Helping Hands in this. Mike, I really wish Marie was on the call, because I think what's important about the vacancy rate is that there is a vacancy with studio apartments. For example, if you look at those studio apartments, they have a pretty high vacancy rate. I don't know that there's necessarily housing for people who are disabled, which is why I wish Marie was on the call. All of it, this is handicapped accessible. For anyone who is disabled, no need to build a ramp on an old house. Again, that sort of narrative that there is too much housing and there's a vacancy is not really borne out by both the statistical evidence and to the anecdotal evidence that many, many agencies that I work with now at United Way see. I've heard on numerous occasions from the Anew Center which deals with victims from domestic violence, with the UCAN City Mission, with the YWCA and their transitional housing for women and children, that people are staying longer in shelter, particularly families, because their case managers can not find them housing. Katie's husband also works for the County Department of Mental Hygiene and he works with the homeless population and he has the same sort of both statistical evidence and stories that while some of think there's so much vacancy, there truly is not when you're looking for affordable and quality housing for people who don't have that many options. I feel like that's just an important thing to address from the standpoint of somebody who has worked with many of these agencies and seen the data that they've submitted to us. And, Jeff, I wanted to say one thing about your comment, which I very much appreciated when you were talking about people of different socio-economic means and children building relationships with each other. If you actually look at the income levels in these apartments, set aside the permanent support of housing piece of it, and just the affordable housing. If you look at three bedrooms, the maximum income is \$40,000. So, you're going to have working families. We've been talking a

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lot about essential workers and groceries store workers and people who work at Walmart. They do not make this much in a year. They are working full time at minimum wage. I fully suspect that there are going to be, yes people on public assistance, there's no doubt that will be some of the residents of this project, but people who are working hard to better their families and better their lives and they're going to be living here too. Again, in this community, \$40,000 is still very much the working poor, but people who are working full time jobs. I think it is important to note that because I think we get the sense sometimes that it's people on public assistance or in need of services that will be living here. But it's not. It's working families that have struggled to find quality housing for many years. Some of us on this call, Greg included with his students have long term relationships with these people who need this kind of opportunity set before them. That's all I'll say about that. I just feel that it's important to note that, that vacancy thing is not really a reality.

Chairman Rabb: Thank you, Amy. Well, I'm checking the time here and I appreciate the time that you have given, everybody here who's in on the call. Let me see if I can summarize where I think at least as the chairman I stand, and go from there. When I look back at the vote back in February, the vote of coming up with the positive declaration did hinge as so many of you discussed on the mitigation plan. The mitigation plan is something that comes out of the neighborhood plan. I think what I've heard this afternoon and all of you can correct me if I'm wrong. On the part of the sponsors flexibility about how we hand things along some of the lines that John talked about and others. I think rescinding for me is not an option. I think the idea of withdrawing it and putting in the application with the new information, which hinges on the mitigation plan is the key that I think, again, I can't speak for everyone on the commission, I think people are likely to go along with, but we would need to move on that mitigation plan discussion very quickly. The only thing I would ask is that, especially now that I am working remotely from home and don't have a class schedule, that I be involved in any of those discussions and anybody else from the commission who might want to be without violating the open meetings law. If I'm going to come into the meeting and hear from staff, that with this new mitigation plan, they're recommending approval on the third application, I'd like to be able to go into that meeting as chairman going along with that. But I can't go along with that unless you keep me involved all the way through and anyone else who would want to join with us. That would be my recommendation to the commission and I'll leave it open now for anybody else who might want to comment.

Mr. Raimondo: Chairman Rabb, if I could. I know under 61-12 ... (inaudible) you can call special meetings as well as two other members...

Chairman Rabb: Elliot, you're breaking up, can you say that again?

Mr. Raimondo: You have the power to call a special meeting to discuss this as well as two members of the commission.

Chairman Rabb: So, not a special meeting of the commission just a meeting with me and two other members.

Mr. Raimondo: Yes.

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Chairman Rabb: Ok, then I understand what you're saying Elliott. Thank you. That would be fine with me, but again, I'm putting that out there first, especially for the commission and then secondly for the everyone who has an interest in the project regardless of what your interest is.

Mr. LaMancuso: If I could just say a couple more things, Greg. I know everybody in this room is very interested in making sure we have quality, affordable housing in the city and I think that by all accounts it sounds like the units that Steve, and Steve, and Katie and everyone are looking to build are going to be great. But I think at the same time if we are concerned about quality, affordable housing, we also have to be thinking about the people who may be in need of affordable housing in our community who are not going to be able to live in this beautiful building. Who are not going to be one of the few that are able to live there, and given that - let's assume that the project gets built - I don't think anybody can dispute that there's going to be a resulting reduction and demand for the affordable housing that's already in this community. So my thought with that is, all of a sudden private property owners in the city who own affordable housing units, have less money to invest in those units, thereby causing that housing that was affordable to be of a lesser quality, and so maybe the property owner is putting less money into that particular property because there's less demand to rent that property. Doesn't that make it worse for some others in our community who are living in affordable housing and not one of the fortunate ones to get into this new building? I just wanted to say that because I think it bears mentioning.

Chairman Rabb: I think that's a great point John, but what I was hoping and you can certainly comment on this, that the reworked mitigation plan would be designed to address some of the very issues that you brought up.

Mr. LaMancuso: Yes, absolutely, I just wanted to make sure I said that.

Chairman Rabb: I understand that and I think you've got a valid point.

Mr. LaMancuso: Talking about the mitigation though, Greg, specifically, I know that you want to move things along, as far as the mitigation plan goes, I thought that, and everybody can disagree or agree on the commission but my thought with regard to the mitigation plan was perhaps we would, I don't know if we need to talk to property managers or realtors or who Steve and company might want to reach out to in this regard, but it may make sense to think about how much of a reduction in rental income this project might cause for other rental properties in the city and kind of come up with some kind of formula where we could have a reasonable estimate of the amount of investment of the amount of investment in affordable housing in the community that this may cause to be reduced. And work off of that when we're deciding how much in mitigation funds should be set aside to mitigate the adverse effects.

Chairman Rabb: The way I see it, and thank you for that comment, is that the mitigation plan, however we finally structure this, given your comments could potentially do three things. One is, it could provide a method for doing something similar to JRC where substandard housing could be kept and improved, but also that we would still look at some

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reduction in the existing units, because while I understand Amy's point about the disaggregated vacancy rate, the aggregate vacancy rate still shows we have too much housing. I think consistent with the plan, that would have to be part of it but then what you're suggesting also, is to look at what kind of impact any kind of mitigation might have by improving some housing and building new housing would have as an effect on landlords and owners of properties now, that their rents would be even less and they would have less money to invest. I used to be a landlord with one house in the City of Jamestown. One of the reasons I got out of it, it was my original house, was, I couldn't make any money off of it if I did it properly. Keeping it up to code, paying my taxes, I was lucky every year when I broke even. I finally said this is kind of crazy so it drove a responsible landlord out. I'm not saying that there aren't irresponsible landlords. Clearly, there are. But there's also a lot of responsible landlords that you don't want to force them out because that could make things even worse. I think that impact that you're discussing should also be part of the mitigation plan. This might be a unique mitigation plan.

Mrs. Rohler: I feel like - I just want to say maybe this is a risk to say this, but I feel totally confident in the members here who will be part of that task force to develop the mitigation plan to do a wonderful job, but I don't think that it should be the responsibility of the Gateway Lofts to solve the entire affordable housing problem in the City of Jamestown. Some of these side issues of how difficult it might be for a landlord to make this this work. I just want to state that, I guess. It's not up to the project to solve every problem in every unit to make sure that people have all the funds and resources to provide affordable housing. It just seems to me that you're raising the bar by having these units that are very quality and it is hard for the people who won't be able to live there, because I can tell you I bet these will be filled up very, very quickly. People want to live in better conditions than they're living now.

Chairman Rabb: I appreciate that Amy. If it sounds like we're trying to make the mitigation plan more difficult for some, and I know you're not saying this, for some nefarious reason, it just seems to me that I'm not certainly asking the project sponsor to solve all of our issues. However, every time we do have a project that comes before us with housing, it has to address these issues, at least to the extent of talking about them, if not doing something about them. I don't know if we're raising the bar but we would be with this project, which I think would ultimately really helpful down the road, setting a standard which I think is achievable if we all just sit down and work together on it. Then we would say to other developers, well, look at what Gateway did. You should be able to do the same thing.

Mrs. Rohler: I agree, I think the collateral benefit is just shedding light on the issue of affordable, quality housing in our community...

Chairman Rabb: The other advantage is if for some reason somebody decides to take the project to court, which could happen, somebody out there trying to stop it, we could point to the mitigation plan that is broader than most people would think of that complies with the plan, complies with the commission. Again, I don't think we're trying to set up an impossible task. We're just, going back to John's comments, just making some suggestions to what we should address so it becomes the gold standard for mitigation plans.

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Mr. Ricca: If I may; I just want to briefly build on what Amy said, what Greg Rabb said and what John has been saying. We can't solve all the problems. We think we're solving a lot of big problems. In terms of incident benefits, let's not overlook the fact in terms of a direct mitigation plan, the project itself is a pretty big mitigation plan. That's what makes the funding package possible. Leaving aside all that stuff that we've talked about over and over again; the real property taxes that this will throw off, the funding of St. Susan's operations and the fact that there's going to be a corresponding benefit. When you take people and you put a roof over their head and when you provide them with services, the reason that make sense from holistic perspective is because there are ancillary economic benefits that the city will enjoy. There are situations in other cities and in other situations where you're an applicant and you submit an application and there comes a time when you feel like you're paying to play. This is not that kind of a situation. But we don't want it to devolve beyond what is fair and reasonable. We like all of the options that your taking about. We definitely will be willing to and want to and are eager to start putting that together in the context of a resubmitted application. But we don't want to lose sight of the fact that there's a very fine line between dealing with economic competition issues and issues that are environmental in nature. Certainly, urban planning and revitalization and blight are environmental considerations and that's why we are eager to start getting into that. When it comes to overall governance, we don't want to become the City of Jamestown and we're not qualified to do so, but we do want to do what's reasonable and realistic within our ability and the resource that we have. I just wanted to kind of reinforce the fact that there's an awful lot of benefits that this project offers. It just can't, it can't resolve the entire housing situation in the City of Jamestown.

Chairman Rabb; Steve, nobody is asking you to do that. If the project goes forward, its certainly a piece of the puzzle. It's a project that is of a scope that we haven't done in a very long time. All I was attempting to do was try to find a way to get to the point where the commission could give the go ahead to the third applicant because the mitigation plan is so good and so well thought out without making it an impossible project and then collecting comments from commission members about what they might like to see. Keep in mind, it will have to come back to us and I don't want you to go through that and then come back to us and we turn you down. If people want to put stuff out there that they think should be in there, I think we should take a serious look at that and at least talk about it so that it shows that we took that into consideration. Without asking you guys to solve all of our problems. Even when John was talking about what JRC did and I'm a member of that board, so, you can take this with a grain of salt, we have had some successes in a lot of neighborhoods, but, those are the more middle and upper neighborhoods that were on the edge and we were afraid they were going to fall over. In the interest of disclosure, I took advantage of the project with my own house here on Lakeview Avenue, because I thought, well why not? Although I waited until I was off city council before I did that deliberately. That's a piece of the puzzle, this is a piece of the puzzle. Just little pieces that could take incremental steps to ultimately take steps to make it better for everyone who lives her still. My thought was, this is the direction we should move in. And then I would be on the meetings and since Elliott said we could have two other people; I would happily take volunteers. You don't have to volunteer right this second but I think the closer the commission is involved in this mitigation plan development the better. Its much more likely to have a successful outcome.

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Mr. Jeff Nelson: I would agree with you, Greg, on that one. I think it's important too, to understand that there's been a lot of changes that have gone on in the city and we're still sometimes talking about what we were seeing many, many years ago. And, it's really gone very much downhill. We've got a lot of difficulties that have gone on with changes in population and what the population is. We really need to go forward and I think that Crystal is a good one to lead it to really looking at this question of housing in the city in a much bigger way. I really do tend to think it would be good for members of the Planning Commission to be working along with that and contributing as much as possible I think for those of us who have been around for a long time, and I think I'm older than you, Greg, so I don't feel bad for you for what you said earlier. We've got a lot of work to do. We've really gone downhill over the last, let's say, fifty years, since I was working on the Brooklyn Square Urban Renewal Project. We all tried to go forward and in a lot of ways we've gone the other way. We need to get at it. So, I think the points made by several people here are very positive in trying to move forward and looking at the city with maybe new eyes.

Chairman Rabb: Thanks, Jeff. I think you are older than me. It's good to have somebody be older than me because most of the time as I get older that's getting harder and harder to do.

Mr. Jeff Nelson: Well, I hit 80 last December.

Mr. Rabb: I'm really glad you're here. Not just because of your age, but because of the knowledge you have for so many years of all these projects.

Mr. Jeff Nelson: You learn a lot; you learn about a lot of the things that you did wrong that you want to do better. You look at things in a direction over a long period of time and you know you're thinking about it, but a lot of people aren't.

Chairman Rabb: I'm looking at the time. I tried to summarize the direction that I think we should go in. It's not that I don't have an interest in everyone else's opinion but I'm particularly interested in the commission's opinion because we're the ones who are ultimately going to have to make that decision which I suppose could be done in a May meeting. It depends on how fast we can move on this. I just attempted to summarize what I think we need to do if we're going to make this move forward. So, I just throw it out there for any last comments.

Mr. Jeff Nelson: I support your thinking.

Mr. Lauren: I agree with you Greg.

Mr. Ald: I did have a comment about the impact of the project on the market. I think that has been quantified by the market study that we are going to have an impact on the market and that's 4% or less of the available people that could live here. We need to capture those. They won't be available for other landlords. So, we're only taking 4%, and that's including homeless units. When they do the market study, they can't take into account that we've got support service dollars to serve homeless people. The market study said 4%, it's

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actually going to be less than that because half of our units are for homeless people and the market study can't take that into account.

Mr. Jeff Nelson: The information that you've collected in that study is something that would be of value to the Planning Commission; if that could be made readily available.

Mr. Ald: We can take a look at that while we are trying to craft the mitigation plan of course.

Mr. Ricca: Chairman Rabb. I'm wondering if this is a situation where in order to effectuate this basic approach, given that there's an opportunity to have three Jamestown Planning Commission members and the fact that I think we've already sort of made a lot of progress in defining what the mitigation plan would look like. Would it make sense to schedule a Zoom meeting or a conference call among a group to be determined by you? You tell us when its convenient for you from a scheduling perspective so that maybe within the next week or so we can have a conversation in which we all sort of come to a collective agreement about the ingredients of the plan and then it will be up to me and my clients and their partners to reduce it to writing maybe in some sort of a conceptual form and then if we could work it out in that informal way we be in pretty good position to resubmit something that will be of no surprise to anybody.

Chairman Rabb: That would be fine with me. I've just got to get Elliott's opinion, because he said I could call a special meeting of myself and two commission members. Is there any kind of notice requirement with that or can I just do it?

Mr. Raimondo: I don't think it's limited to two members. Let me pull that up.

Chairman Rabb: But then isn't there getting into the violation of the open meetings law if we don't do it right?

Mr. Ricca: Elliott, by the way, one of my partners has been a complete and total municipal law nerd, and I'd be more than willing to set up a conference call with you and my partner, Chip Ricco who is a municipal attorney for a number of different towns and villages, and I'm sure he's got this all figured out.

Mr. Raimondo: Yes, I'm going to have to research the open meetings law issue and see...

Chairman Rabb: Every time I get into these decisions on open meetings law, it's almost just assume you're going to be violating unless you can explain how you're not.

Mr. Ricca: I mention that Elliot, because there's is an executive order on it.

Mr. Raimondo: I always go by Marie Carrubba's rule that if there's more than five council members in a room then it's subject to the open meetings law.

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Chairman Rabb: I like the idea of three because I don't want to consume. But if somebody really wanted to be on it, we got up to four, I wouldn't object. I guess I'm looking for volunteers. You can tell you now or you can tell me later but I like the idea of getting this meeting set up ASAP without violating the law and then because Crystal would need to be there.

Mr. Jeff Nelson and Mr. Lauren volunteered to be members of the special task force along with Chairman Rabb and Ms. Surdyk. It was decided that the first meeting of the special task force would be held at 3:30 p.m. on Thursday, April 23, 2020.

Mr. Nelson moved to adjourn the meeting, seconded by Mr. Lauren.

There being no further business, the meeting was adjourned.

Jennifer R. Williams City Clerk/Treasurer