Chairman Don McCord presiding

Members: Diana Holt, Mary Ellen Humphry, Jamie Johnson, Britt Mead, Rick Mathews, Tracy Bennett

Others: Becky Jackson, Vince Luce, Rob Genthner, Mayor, Steve Rudnicki, Pete Holt, Judy Einach, Jennifer & Fred Johnson, Applicant - Sam Savarino (via phone)

7:30 A.M. PUBLIC HEARING SPECIAL USE/2 S. PORTAGE ST. CE WELCH BUILDING

The Chairman opened the Public Hearing and dialed Developer Sam Savarino to join the meeting to present an update the project and answer any questions anyone has.

He noted they were a bit behind schedule but hopeful to begin construction if not early in 2025, beginning the abatements over the winter of 2024-25. The plans have not changed much from the original design. The building was all electric but will now be all electric with no carbon footprint. Nothing has changed with the site, no changes with exterior and interior, the 46-unit count, and less than 4,000 sq. ft. of commercial space.

Don McCord asked where they are with the Market Rate decision. The direction before was to utilize a private funding program which gets a supplement through NYS Home and Community Renewal, called the PLP Program. It’s a supplement that goes along with the private financing for the project so it would be privately financed it’s not utilized low-income housing tax credits or anything like that. It requires that the average of the units in the entire building be at 80% area median income and be affordable to tenants. It is not anticipated that there would be some units that would be less than 80% median income; some more than 100% median income but the average would be 80% and that comes with a supplement on the financing.

He noted the negative on that, there would be some income restrictions for the tenants on the units. The tenant cannot rent a unit if they are above the limits of their immediate income. It is not inconsistent with what the market study showed over there. It indicated that it’s not rents at an average of the rest of the County are not supportable in Westfield.

They are looking at the possibility of issuing PLP making it a full market project. The difference being there would be absolutely no income limits for any of the tenants that would be there so no one would be precluded from renting there no matter what income they had.

They adjusted the Market Study and shared it with a couple of local people. Not able to achieve the rents that you could have in the rest of the County, it’s just not supportable according to the Market Study. But you could increase the rents from what they were before. In return for not having any restrictions on tenants. This leaves a gap which they are trying to overcome by various means. One being having an all-electric building.

He noted he had shared with the IDA and folks at the Village, which was the original Market Study.

They had spoken to Andrew Thompson and the engineers about having an all-electric building and it was thought they were getting close with the draw they might have that might require some additional capital to provide that electrical service to the building.

As a concession, it was agreed to take the hot water heaters and make them gas fired ones which lessened the load a little. Lenders and others have been pushing to have an all-electric building to eliminate the carbon footprint. Their thoughts are that somewhere along the line the building would require to have a retrofit, they incentivize you with a bit of a break with some of the interest rate. They went back and confirmed the electrical draw for an all-electric building which was originally out there.

It was suggested that the on-demand heaters could be considered, which is something they are investigating as well.

It was inquired as to the possession of a Contract. The exterior has already been approved so that portion is not in question. The Special Use Permit would expire after 12 months if the project has not moved forward. The Special Use is currently being revisited.

A resident stated it was his understanding that the building was sold by the Town to Sam Savarino under certain conditions, if this Special Use Permit is not approved as listed, are we in breach of the contract? Chairman noted that’s a question for someone besides him.

Are we having a discussion with the decision or are we just having an information meeting. The specifics of that Contract are not known, and it seems from this point forward there is a need for a Special Use Permit to go forward. If that is not forthcoming, aren’t we, the Village, in breach of contract? It was stated that the Town had signed a contract. So, the Village is not a party to the contract? So, does that put the Town in breach? And is the 46- unit number, low income, cast in concrete or can the Village say we will give the Special Use Permit subject to it not being low income.

Chairman McCord replied that is not an option and noted that the final decision is not whether it is low-income or not as that is not legally an option for us. The exterior has already been approved as none of that has changed. Under our Law if a project has not moved forward within 12 months, the Special Use Permit expires so we are just revisiting that Special Use Permit at this meeting.

The question was asked what the percentage was of the low-income. Sam Savarino replied that HCR would recognize it 50% area median income, there aren’t any units that would be that. There would be some units that the lowest would be 60%, the highest would be 110%,

the average of all of them together would be 80% so a more useful term would be Mixed- Income, not low-income. The low-income projects usually benefit from a more robust subsidy from the State and low-income housing tax credits and was never contemplated for this.

Don noted that there is confusion for people as to the “Town” and the “Village” of Westfield.

The IDA is not us, and in fact is not even Chautauqua County.

Are there any tax concessions being given by the Town, Village or County.

Don stated that would be the IDA’s purview.

Once the Market Study is received, it will be shared with Mayor Lutes and the Board members.

Noted were some conditions/language from last time:

The developer had to comply with the requirements and any additional infrastructure fees, they would be responsible for paying for those. It was a condition of the permit but was not necessarily adhered to. There had been some debate over a transformer that was to be paid for by developer or the Village, so we bought a $40,000 Transformer.

There were some changes to the project that would reduce it to $750 kV load which would require an additional 94 amps on the system. Our independent consultant had informed us that it would put us a little too high when it came to “peak” loads. The load can be adjusted but some type of upgrade on the system uptown would cost between $75-$109,000.

Diana stated that the Developer is going to monitor that the tenants follow the parking regulations, who physically will manage and monitor the building? It will be exposing the Village employees to a lot of extra work. We don’t have an answer to that.

Savarino would pay a monthly fee to the Village to maintain the parking but since the Village and Town have the same Attorney, we would have to inquire of that Attorney what exactly was in the agreement.

Mayor Lutes noted that it had been part of the Agreement for the Welch building that there would be one parking space for each apartment so that would use up 46 of those spots, not sure if that is a purchase thing or an agreement.

The Board made a motion by Diana Holt, seconded by Tracy Bennett and was carried unanimously to table further discussion pending receipt of additional information.

Items to be discussed further:

Share Updated Market Study

Questions on electric use

SEQRA Approval

Additional work for Village workers to contend with

Village to pursue the exact Agreement

Contact Olean to check on building there done by Savarino

Having a Manager on-site is imperative

CLOSE PUBLIC HEARING FOR 2 S. PORTAGE

The hearing will remain open pending further discussion.

MINUTES

The board made a motion by Diana Holt, seconded by Jamie Johnson and was carried unanimously to approve the July 10th minutes.

There being no further business the meeting was adjourned on a motion made by Diana Holt, seconded by Mary Ellen Humphry and was carried unanimously.