

**PUBLIC HEARING
PROPOSED SAVARINO PROJECT
AUGUST 20, 2013**

The Village of Gowanda Board of Trustees public hearing was called to order by Mayor McKeever at at 6:10 p.m. at the Gowanda Fire Hall. The pledge of allegiance was recited.

Present: Mayor Heather McKeever
Trustee Carol Sheibley
Trustee John Certis
Trustee Dale DeCarlo
Trustee Paul Zimmermann

Village Employees: Village Clerk Kathy Mohawk, Village Attorney Deborah Chadsey, Building Inspector/Code Enforcement Officer Gary Brecker

Media Present: Phil Palen, Cable Channel 22
Samantha McDonnell, Observer

Public Present: Elmar and Karin Hutzenlaub, Jack Torrance, Barb Nephew, Ron and Ellie Andolsek, Deborah Doctor, Terrie DeHos, Ed Kota, Shirley Troutman, Shirley Kota, Carol Ognen, Patti and Rusty Pound, Tom Povhe, Rob Gaylord, Lewis and Jean Gabel, John Walgus, Dennis Tingué, Marcia and James Sweet, Mark Nephew, Karen Jentz, John Weider, Dan Miller, Alan Nephew, Jay Frantz, Diana Freeman, Whitney Nephew, Jordan Garrow, Walter Darling, Lorissa Darling, Mary Bolo Burr, Dorothy Holocinski, Robert Tiller, Joe and Janet Vogtli, Don and Carol Lazar, Andy Burr, Bob Bennett, Don and Lynn Offhaus, Marilyn Coudrey, Bill Fedor, Dorothy Selan, Ron Clabeaux, Irene Koch, Sam Savarino, Kevin Hays, Tim Greenan, Paula Winship, Shannon Kota, Ed Cygan, Anne and Earl Clabeaux, Gloria Tomaszewski, Paula Schueler, Linda Boats, Mark Hojnacki, Rose Anne Haynoski, Sue and Ed Christopher, Roberta and Richard Leisner, Ruth Murphy, Jeanne Glende, Charity and Joe Sweda, Wanda Koch, Christine Bialaszewski, Sallie and Paul Locke

Mayor McKeever thanked the residents for attending the hearing. Village Attorney Chadsey indicated that because of the large turnout, the hearing would be held open for 5 days for the purpose of allowing public comment for those who wanted to submit any comments in writing. The hearing began with Mr. Greenan with Savarino Companies making a brief presentation of the project. He stated that Savarino Companies has been involved in the community and they wanted to invest. He stated that in October of 2011 the company went into contract with the owner of the old Burger King to buy the property with the intent of building a medical office building at the Jamestown Street location. Mr. Greenan stated that at that time the company spoke with the Village to make sure what they wanted to locate on the site was possible. Shortly after they entered into the contract with the owner, they were contacted by the State of New York looking for a new location for the Zoar Valley

Clinic. In December of 2012, Savarino Companies came to agreement with the State. They hired a design contractor to build a nice building up to the road, with glass across the front, which will work for both retail and/or office space. Savarino Companies has a ten year lease with the tenant. Mr. Greenan came to the planning board in March of 2013 for site plan approval. Savarino Companies got a hostile reception to the plan from the planning board. They spent time until August dealing with the site plan and the various concerns of the Village and the planning board. They are requesting approval of the site plan. Mr. Greenan stressed that this is a big investment for the company and they have received written commitment from their tenant. The building will house 20 offices. Most of the employees live in the Village. Many clients are in outreach programs. The regular business hours are Monday through Friday, 9 to 5. Mr. Greenan indicated that the planning board recommended site plan approval to the Village Board with some conditions. One condition dealt with the parking situation. Savarino Companies will make the parking lot available to the public during off hours. The planning board issued a conditioned negative declaration and SEQR. He requested the Village Board grant the site plan.

PUBLIC PARTICIPATION

Andrew Burr – 43 Center Street – Mr. Burr wants Mr. Savarino to consider a different location. He presented a list of questions that he feels have not been resolved and passed it around for those present to sign. Those questions include:

1. Is the proposed project consistent with the Harry Sichertman report for downtown revitalization?
2. Is this project consistent with the Master Plan?
3. Is this project consistent with the Smart Growth Initiative promulgated by the State of New York?
4. Has a full environmental assessment been completed?
5. Has the parking lot been purchased to make the parking and building permanent? This caused the Burger King to close in 2010.
6. Has a Phase I environmental study been completed?
7. Was CCIDA status given before a SEQR was complete?
8. Has the FEMA and flood plain issues been addressed?
9. Why is the architecture not consistent with the rest of the business district?
10. What is the long-term cumulative effect of the current proposal?
11. Has a DOT and/or traffic study been completed?
12. OMH requires local community input; will Savarino relocate this project consistent with the desires of the community?
13. What other tenants could occupy this structure in the future period?

He feels that Savarino Companies made misrepresentations to the Cattaraugus County Industrial Development Agency to secure tax preference. He quotes from the minutes of that meeting that the Burger King has been vacant since 1999, that the building is blighted, that the project is expecting 19 new jobs to be created. He stated he feels these statements are incorrect. He stated that everyone in the room should go on record as opposed to this site. He feels a Phase I environmental study and a traffic study should be

done also. Mr. Burr stated that if Savarino Companies were truly our partners, they would have worked with the Village officials and not gone behind their backs to Cattaraugus County.

Bob Bennett – 360 Buffalo Street - Mr. Bennett feels the environmental issues are the most important. He presented a list of concerns:

1. Has there been a Phase 1 study done to determine possible ground contamination with hydrocarbons, or TCE's. We have documentation in tax rolls that tax remediation has been granted on Torrance Place. Could this problem be migrating? I believe the max allowable contamination of TCE's is 3 ppb in ground water.
2. If we check Village history I believe we will find that there used to be a gas/service station on that property before it was owned by United Oil out of Warren, PA.
3. Ground water testing should be completed before any decision is made by the Board.
4. Has a FEMA and Flood plain issue been addressed?
5. What is the Villages master plan for business growth, and does this project help us achieve that goal.
6. We need a complete and full environmental study completed.

Marilyn Coudrey – 155 Dawson Drive - Her main concern is that the State is presently leasing the space for 10 years. What then? Is it going to come off the tax roll? Why can't the building be put on land the State already owns.

Don Offhaus – 130 Walnut Street – He stated that some of the planning board members do not live in the Village. Village Attorney Chadsey advised that is permissible. The planning board looks at site plan review and the Building Inspector looks at code compliance. Mr. Offhaus asked what credentials the planning board members have since they are all new.

Mr. Greenan replied that as the property owner Savarino Companies has the “right to build”. He indicated the Village would need a valid reason for denying the project.

Mr. Offhaus stated he read an article in the paper that if the project was not approved, the Village would be sued. Village Attorney Chadsey advised that it is not the forum to discuss potential litigation. Mr. Greenan stated that Savarino Companies always respects what the Village has to say. Mr. Offhaus asked what percentage of this public meeting will influence the Village Board when they vote. Village Attorney Chadsey indicated that 100% of the opinion will have an influence.

Bill Fedor – Perrysburg – He owns several pieces of property in the Village. He offered an alternative to the downtown site. He owns 11 acres across the street from the fire hall.

Irene Koch – 337 Jamestown Street – She read a prepared statement: “A mental health treatment center at this Jamestown Street location will put the facility and its purpose on

display. Client privacy will be impossible to maintain. Across the street are three eating places with an outdoor seating beside one of them. Jamestown Street is a main thoroughfare with frequent foot and bike traffic as well as trucks and autos. The Burger King property has street exposure on two sides with other views by adjacent parking lots. Given that Gowanda is a small village, no one is truly anonymous so there must be a careful choice of location for clients requiring confidential services.

There are other locations in the village that would better serve this purpose. One example is the Water Street site currently occupied by the print shop building.”

She feels the Burger King property should be used as a commercial site, not for a treatment facility.

Jack Torrance – 95 North Chapel Street – He advised that the charge to the Village Board is to take the recommendation of the Planning Board and then either approve the site plan, approve the site plan with conditions or disapprove it. One of the most important things for every decision that is made is documentation. Chapter 34 of the Village code is Flood Damage Protection. A permit is required. Who is signing off on that process? Building Inspector Brecker advised it has not been signed off on yet as it is still an issue. The water and sewer departments should also sign off on the site plan. The conditions and design should also be reviewed and signed off on by the fire department.

Barb Nephew – 28 Aldrich Street – She feels this is the wrong site for the facility. She feels the Village should be sensitive to the needs of the community, the business owners and the patients for their confidentiality. She reiterated that the Cattaraugus County IDA minutes state this project will create 19 new jobs. Those jobs are just being moved from Erie County across the bridge. The parking is going to be inadequate with vans being unloaded. She advised that Cattaraugus County held a public hearing on the project back in March. It was advertised in the Salamanca Press and the Olean Times. There were 3 people at the public hearing. Ms. Nephew suggested this was very much under the radar. She reported that in our community there are 3 WNYDDSO homes, 3 STEL residences, and 5 homes which were purchased by HOME.

Ed Kota – 80 Beech Street - Mr. Kota asked what happens after 10 years? When are we going to stop the State from coming in and taking everything away that we should have? He suggested there are all kinds of other places to locate this facility, like the AVM building or the old Moose.

Village Attorney Chadsey stated that Mr. Greenan would respond after everyone has a chance to speak since most of the concerns are about the building being taken off the tax roll and the site begin a bad location.

Shirley Kota – 80 Beech Street – She worked at the prison and Gowanda Psychiatric Center. She feels the Village has been a dumping ground for many years and it needs to stop.

Rob Gaylord – 180 Buffalo Street – He stated he was very involved in the Academy Place project so he is familiar with Savarino Companies. We welcome the reinvesting in

the Village. He feels Savarino should have known the community better and worked to find a different location. Mr. Gaylord indicated the community has been involved with mental health since 1897. Savarino Companies took a business risk which is now in jeopardy. The community would have been supportive of the project if they had been contacted first and Savarino Companies worked with the community to locate this project at a different site.

Mark Nephew – 28 Aldrich Street – Mark Nephew stated he read through the contract and there is no mention of a reduction in the base year for taxes on this project. The amount will be \$42,000. He cited the Padavan Law which talks about siting mental health facilities. If Savarino went through the process, they would see all the saturation in the area. Mr. Nephew feels Savarino should be made to build for flood protection and do it without the PILOT program.

Karen Jentz, Smithcrest Drive – She is in support of the project. She knows the site has been flooded so that issue needs to be addressed. She retired from the State of New York as an Outpatient Unit Chief. She previously supervised the Zoar Valley Clinic. On September 11th, they moved from an old building to trailers. Since that time, the clients have had to deal with flooding (even from ceilings), Corrections turning off the electric and the water. It is not possible for the clinic to go on Corrections land. She indicated the State has been looking for new sites. The old Moose is not owned by the State. The clinic offered to buy it but the State sold it to a private owner. They looked at the old Ames building. The clinic wanted the State to do the site maintenance but the State refused. She indicated the State looked at the old Jehovah Witness building and almost had a deal with them but lost to TLC. Tri-County indicated the clinic could have the site when the hospital moved up on the hill but that is not going to happen. They looked at the property across the street from the school but were told by the State there are issues being across the street from a school. They looked at the old print shop but it is not a big enough site. The current clinic building is about to fall down. Close to 300 people in the community receive services through Zoar Valley Clinic. They not only serve the chronically mentally ill but also depression, short-term anxiety, PTSD, etc. Several people after the flood came for crisis services. Mental illness is a disease just like any other disease. They need to be treated in an environment that is helpful to them. Most people who receive services are productive citizens in the community.

Whitney Nephew – 28 Aldrich Street - She advised she does mental health counseling and agreed with many of the statements made by Ms. Jentz. She really feels it is the wrong location. She indicated that the Village Board can approve the project, approve it with conditions or disapprove. She feels that when it comes to mental health services, you cannot skimp on privacy and confidentiality. There is nothing about this site that will make it private or confidential. It needs a discrete location and we need to keep looking for another place.

Mike Hutchinson – Retired Public Works Superintendent for the Village of Gowanda. He has been involved in about \$30 million of capital projects over the past 37 years. He was involved in the successful Academy Place project. It was successful because they

solicited public input. He indicated that Mr. Savarino was involved with that project and was paid more than the contract amount. Mr. Hutchinson feels this is another Savarino money grab. He asked if a SEQR was issued. Village Attorney Chadsey advised a conditioned negative dec has not yet been published. It has a 30 day comment period. Mr. Hutchinson referred to the Siecherman report which has been the guidance for downtown development. The unique architectural features of the downtown district are emphasized. One of the issues in the report is insufficient parking on Jamestown Street. He asked that in the SEQR the parking and traffic issues be addressed. Why wasn't a Phase I environmental assessment done? Are there any curb cut permits required? Building Inspector Brecker indicated there are none. Mr. Hutchinson advised that the PILOT was issued by Cattaraugus County IDA but that cannot be approved until SEQR has been completed. Village Attorney Chadsey advised that the County has not contacted the Village to request a SEQR. Mr. Hutchinson requested a copy of the list of involved agencies. Mr. Hutchinson feels it is wrong to give tax breaks to millionaires. Mr. Savarino does not pay his fair share of taxes to this community.

Jeanne Glende – 372 Buffalo Street – When she first moved here, the Village had a feel of “homey”. She still wants to live in a town that feels “homey”. She feels this project will take the Village backward. The village needs “quaint” things.

Joe Vogtli – Bagdad Road – He feels Mr. Greenan should get a chance to respond to the questions being asked. He referred to the comments by Ms. Jentz who indicated this site is entirely adequate for the needs of the clients. Mr. Vogtli indicated that before the Savarino Companies became involved, he dealt with the State who looked at many sites in the Village that were not appropriate.

Janet Vogtli – Collins – She is a member of the planning board. She stated the planning board had a checklist of items that needed to be reviewed. Village Attorney Chadsey was counsel to them during the entire process. All of the comments made this evening were already discussed by the planning board. They have no say in the location of the clinic. Much of the information given out this evening is incorrect. She hopes the correct information is forthcoming.

Don Lazar – 37 Caroline – He stated the Burger King is a business location and should stay a business location. Let the State build somewhere else.

Terri Dehos – 101 Beech Street/8 Jamestown Street – She lives here and has been a hairdresser for over 30 years. Parking on Jamestown Street is limited. She said there are no handicapped parking spaces. She feels people won't come downtown if there is no place to park.

Mr. Greenan said Savarino Companies believes in Gowanda or they wouldn't be investing. He believes the Village is not at all callous to mental health. Coming from West Seneca, he indicated that once the developmental center closed, the Town of West Seneca has the highest concentration of group homes than anyplace in the entire State of New York. He understands the concerns real people have. Savarino Companies is a

builder. The State came to them seeking proposals. If the tenant moves out in 10 years, Savarino still has half of the mortgage to pay. He contends the company is very concerned about the tenant and what is best for them. He feels it would be an asset in the community. The taxes to be paid will be about \$40,000 over the next ten years and then increase to about \$80,000. Mr. Greenan said this is bringing new tax dollars into the Village. Savarino Companies did the environmental studies. The site is not located in the plume. Building Inspector Brecker is making them go through the proper steps for the floodplain permit. He is asking that they be treated fairly under the Village ordinance and they promise to be responsible landlords.

Mayor McKeever advised all concerns will be taken into consideration. Village Attorney Chadsey advised the hearing will be open for written comments for the next five days.

The hearing was closed at 7:45 p.m.

Respectfully submitted,

Kathleen V. Mohawk
Village Clerk

NOTE: Attached are statements that were submitted from the public during the five-day open period as well as the sign-in sheet from the hearing.