

# Charlotte Community Association

## GENERAL MEETING MINUTES

Monday, May 2, 2016, 7 pm

The Roger Robach Community Center, 2<sup>nd</sup> Floor

### OUR MISSION

*To build a stronger community and to enhance the lives of our residents by providing a forum for sharing information, connecting neighbors and stakeholders, and fostering civic engagement while preserving and promoting the heritage of the Village of Charlotte.*

### Call to Order / Attendance

Meeting called to order by President Clare Stortini at 7:05 pm. **CCA Board In Attendance:** Clare Stortini, President; Jonathan Hardin, Vice President, Patti O'Brien, Treasurer; Sue Roethel, Secretary; Directors: Donna Bour-Purdy, Mary Chambers and Tommy Borrelli. There was a quorum of the board to conduct business and about 100 people in attendance. Tony Micciche led the Pledge of Allegiance.

### BOARD REPORTS

#### President's/Vice President's Reports:

- President Stortini welcomed two new board members—Mary Chambers and Tommy Borrelli, who were appointed to serve the remaining terms of two vacant Director seats that each expire December 31, 2016.
- Membership forms are located on the table for those interested in joining the CCA.
- A donation box for the Veterans Outreach Center is also on the table. Collections will go to residents of Roger's House and Otto's House.
- The Board participated in City Living Expo on 4/16 at City Hall. The City of Rochester invited the CCA to host a similar but neighborhood-specific event called Celebrate City Living in Charlotte (details follow below in the Planning & Zoning Committee report).
- Vice President Jonathan Hardin reported that the CCA participated in Clean Sweep and Kite Flight events that were held on 4/30 and 5/1, respectively. He commended all of the volunteers (about 50) on their efforts throughout the neighborhood this weekend. Although the weather was cold and rainy for Kite Flight, several families did come down to the beach to participate. At one point there were 32 kites flying!

#### Treasurer's Report:

- Treasurer Patti O'Brien, Treasurer reported that the CCA made \$238 at Kite Flight from selling hot dogs, coffee, and hot chocolate, plus kites, t-shirts and hats. Additional CCA t-shirts and hats are still available for \$2.

#### Safety & Security Committee Updates:

- Vice President Jonathan Hardin and Safety & Security Committee member Trevor Purdy met recently with Principal Wakili Moore, Vice Principal Leandrew Wingo, and Social Worker Callie Andler of the Leadership Academy for Young Men (LAYM), which is housed in the Charlotte High School building on Lake Ave.
- The purpose of the meeting was to open lines of communication rather than ignore the issues. Discussions centered on how the school and community can work together to help the students, who are bused in from all areas of the City. They do not have an automatic connection with the neighborhood, and a small percentage of them do not want to be at the school, causing them to act out. There is a need for change in perspectives on both sides: the students and neighbors.
- The S&S Committee will work with the school social worker to post volunteer opportunities for the students. Seniors need 20 hours of community service to graduate. Possible volunteer opportunities are the annual spring Clean Sweep and mini-sweeps during the rest of the year.
- The LAYM currently serves grades 7-12. Jonathan will work to get statistics on student population, particularly the number of students enrolled in each grade level.
- School administration will work with buses to have the students arrive as closely as possible to entrance times in an effort to minimize any disturbances in the school area. The outer doors are locked once the school day begins. Time changes are proposed for the city schools next year, so the S&S Committee will need to get additional information on this.
- Principal Moore acknowledged some of the issues with problem students that the Safety & Security Committee is concerned about. He said that any incidents should be reported to the school at 585-324-7760 x1025 or x1028.
- The Rochester City School Board voted recently to close Charlotte High School earlier than expected, so it will close in June. The building will then become exclusively for the LAYM. Jonathan will outreach to Elizabeth Hallmark, the School Board representative for the LAYM.
- In addition to Jonathan Hardin and Trevor Purdy, other Safety & Security members are Bel Baxter and Sue Kroll. The Committee meets the 2<sup>nd</sup> Tuesday of every month at 6 pm at the LDR-CharPit. Meetings are open and all are welcome to attend.

#### **Planning & Zoning Committee Update:**

- Board Liaison Sue Roethel reported the CCA will host an event called Celebrate City Living in Charlotte on June 25<sup>th</sup>, 11am-2pm at the Port of Rochester Terminal Building. It will be a resource fair targeting potential home buyers and renters that will highlight the benefits of becoming a resident of Charlotte. All are welcome to participate.
- P&Z Committee member Tom Brewer is helping the board to plan and execute this event. They are reaching out to local community groups and businesses, realtors and lenders, and other home-related agencies to reserve support tables at the event.

- Harbor Master Marianne Warfle said that the marina will be open and a tall ship will be in the harbor during the weekend of June 25<sup>th</sup>, so the Port of Rochester should have plenty of extra visitors to coincide with the Celebrate City Living in Charlotte event.

## CITY OF ROCHESTER UPDATES

1. **Rochester Police Department (RPD)**: Capt. Ray Dearcop, Lt. Jeff Koehn, and Crime Prevention Officer Kelly O'Hara were present. Jonathan Hardin, CCA Vice President and Board Liaison to the Safety & Security Committee, presented the officers with a check for \$75 in support of the Rochester Police Foundation's Blue and Gold Gala event on Saturday, May 7<sup>th</sup>. The donation will help support the following activities of the Foundation:
  - Develop and implement public safety committee
  - Assist families of fallen officers
  - Work with the Police Activities League on youth outreach programs
  - Operation of a baseball tournament with police officers for our City's youth
  - Recognize retired and fallen officers at the Walk of Honor
  - Family Night at Frontier Field for officers & their families
  - Supports officers
  - Improves youth and community relationships

Lt. Koehn provided a monthly update for the neighborhood:

  - Property crime was down
  - Two officers were involved in shootings in Lake Section (not in Charlotte)
  - Logistical planning starting now in support of Memorial Day; RPD will work with Sheriff's Dept. again; snow fence will be used again and stay up through July 4<sup>th</sup>
2. **Rochester Fire Department (RFD)**: Not available for update.
3. **Northwest Neighborhood Service Center (NSC)**: Ron Penders gave the following updates:
  - Turning Point Park surveillance camera installation had to go before the Zoning Board; will be (hopefully) approved by end of May or first of June; wiring is in place already
  - Dunkin' Donuts should have approval by the end of this week; permit is for 1 year to complete project
  - Snug Harbor is moving slowly; put pressure on them to move toward foreclosure or push receivership to make improvements; meeting May 5<sup>th</sup>; feedback from courts will be helpful; 7 units currently occupied (Note: audience comments were that it's an eyesore, a roof is falling down, and the inspector needs to be cited.)
  - Charlotte Neighborhood Outreach event scheduled for July 12<sup>th</sup>; annual event hosted by City of Rochester with neighborhood associations; last year's event was at Charlotte High School but poorly attended; CCA is not agreeable to CHS this year and looking at alternatives; Ron likes the CHS location and wants to see more advertising this year to increase attendance
  - Tape Con Building – City inspector was there today and roof that was falling down has been removed; Ron can send an update
4. **City Council NW Representative**: Molly Clifford deferred her report this evening to give more time on the agenda for the City's update on the Port of Rochester.

- Open Meeting Coffee Break at 11 am this Saturday at Cannonball Café; no agenda; all are welcome; she holds these the first Saturday of every month

## GUEST PRESENTERS

1. **Joseph (Joe) Santacroce, Nothnagle Realtor** – He is the new owner of the previous Ira J. Jacobson American Legion Post #474 at 90 St. John’s Park. The property is currently zoned R1 (residential), but the building is commercial type. Joe would like to have it rezoned as Harbor Village Zoning for commercial use and keep it as a restaurant/bar. He is looking for a commercial tenant to operate it. He has been doing property restoration for over 10 years, and he plans to restore the building to its original Victorian style when it was a convent, circa 1924, the Our Lady of Mercy Mother House. He’s looking for historical photos to assist with the restoration. Virginia Kobylarz, who is active with the Landmark Society of Rochester, offered to help. Joe was told that the Catholic Diocesan office on Buffalo Rd. would have photos in their archive.
2. **Baye Muhammad, Commissioner of Neighborhood and Business Development; Zina Lagonegro, Director of Planning and Zoning; Rick Rynski, Economic Development Specialist; and Mark Gregor, Environmental Quality Manager** – They were invited to present an update on the Port of Rochester Marina and Mixed Use Development Project.

Commissioner Muhammad: At this time, Edgewater Resources, LLC has **not** submitted revised site plans yet, but they are expected to do so this week. Tonight’s focus will be to review questions that the CCA posed in a letter to the Mayor’s office in April, followed by an open Q&A. Mark Gregor will give an update on the engineering aspects of the marina, and Zina Lagonegro will review the planning process. The Commissioner invited citizens to contact him directly or Project Manager Rick Rynski with any future questions. His Intent is to ensure the community that the City is here to have a dialogue and continued relationship. He said, “We are all here for mutual benefit; I am here to serve and come to a happy medium.”

Mark Gregor: Construction at the Port started in 2012 with added parking. The marina construction started in 2013, and last fall (2015) excavation was substantially completed. After selection of the marina operator, SG Marine, the entrance to the marina from the river was opened in late March 2016. Dock installation and utility hookups will be completed by May 12<sup>th</sup>; the contract ends May 27<sup>th</sup>. Final paving of the boat launch will be finished, the Link Building will be renovated and converted into the new Boater Services Center, and River St. will be reopened. Also, the overlook project from Lake Avenue to the lighthouse at the western abutment of the swing bridge will be completed. The marina officially opens to the public May 21-27. Applications for boat slips are currently being accepted. Contact the Harbor Master (hired by SG Marine), Marianne Warfle, at [mwarfle@sg-re.com](mailto:mwarfle@sg-re.com) or 585-944-3438 or 428-7432. For more information, go to the Port website at [www.portofrochestermarina.com](http://www.portofrochestermarina.com).

Zina Lagonegro: She provided President Stortini with a hard copy of the M-D Marina District Zoning Code 120-77.2, adopted in 2012, to share with the community. The Marina District Code is also available at: <http://ecode360.com/8679474>. Additional information regarding the project is available at: <http://www.cityofrochester.gov/article.aspx?id=8589960790>. As stated earlier by the Commissioner, no revised site plans have been received yet from Edgewater. Once they are submitted the plans are subject to a Site Plan Review and dispositioned as one of the following: 1) approved; 2) approved with conditions; or 3) denied. The plan review process is to ensure that the

design complies with all State, County and City code requirements. The first step is share the drawings with the review team and seek comments. For major projects such as this one, reviews involve codes for building construction, fire department, mechanical/elevator, fuel/gas, plumbing, energy conservation, handicapped accessibility, residential, and property conservation. The next step is to compile the collected comments into Preliminary Site Plan Findings that will be shared with the developer. All residents and businesses within 100 ft. of the proposed construction site must be notified by postcard within 10 days that an application for a building permit has been received. It is up to Zina's discretion if she wants to expand that radius of required notification. Zina said she would post the drawings on the City's website once they are available. Citizens can also view the plans at City Hall and submit comments. She said there would be a public part of the process but was not sure when a public hearing would be scheduled.

**Q&A Session:** In a letter to the Mayor dated April 10<sup>th</sup>, the CCA Board outlined its understanding of the revised project plans as presented by Greg Weykamp, Edgewater President and Principal in a meeting he called on March 29<sup>th</sup>. He stated then that he would be submitting revised site plans soon but did not provide any written information. The Board's letter to the Mayor also posed a series of questions that the Commissioner and his team addressed below, in addition to open questions the audience had.

**Q: What is the approval process regarding the movement of Phase I of the Project from NE corner to NW corner?**

A: Until we receive updated plans from Edgewater, we cannot go through the process; there's not enough information to respond at this time.

**Q: Where is the NW corner?**

A: The Phase 1 building is moving to the corner of Lake Ave and Corrigan St., which is a change from the original plans to construct it on the NE corner of Parcel 1.

**Q. What about the underground parking and potentially displaced above-ground parking?**

A: We will not have final plans on parking until we see the updated plans from Edgewater. Understand that in projects such as this, there are always changes and disturbances. There will be some construction disruption of parking.

**Q: What is the timing for review and approval?**

A: Initial phase (Site Plan Review) usually takes 30 days, depending on the quality of the application. It's difficult to put a timeline on site plan review. There's quite a bit of negotiation. Assessment takes up to 4 months for approval.

**Q: Are there additional permits needed?**

A: Depends; handled by Department of Environmental Services.

**Comment noted by Ann Salter from the Landmark Society of Rochester and the Charlotte-Genesee Lighthouse:** A full Section 106 review is a HUD requirement due to the proximity to a landmark—the lighthouse.

**Q: Will there be a full community review process?**

A: There will be public review process; postcards will go out to residents and businesses within 100 feet of the project. We have the option to extend this range for distribution. The site plans will be posted on the City's website and made available for viewing at City Hall. You can send comments via email or mail.

We cannot determine at this point whether or not there will be a public hearing. Zina makes the final decision.

**Q: Why no public hearing?**

A: Code compliance does not mandate a public hearing for a Land Disposition Agreement (LDA).

**Q: What can be done to close gap to keep residents informed?**

A: We will ensure that there will be continued communication with the CCA President.

**Comment noted by CCA member and CCDC board member Tom Riley:** Section 120 of the Zoning Code was the subject of design charrettes held in 2012. They were unanimously approved by the CCA and the Charlotte Community Development Corporation as new Harbor District Standards.

**Q: How many of those present (tonight) knew about the zoning code changes in 2012? The building is now moving to the NW, close to Lake Ave. Why does the City not know about this?**

A: We know about the change, but do not have the revised plans and, therefore, cannot make and comments or assumptions at this time.

**Comment noted by former CCA Board member Sue Miller:** There are revised plans with multiple redesigns; the public needs to be kept informed on all of this.

**Q: We have been going over this for years. Why is the building moved up to Lake Avenue more West? What is the reason?**

A: The City does not know the reason. We are waiting to see the revised plans; today we do not have the information.

**Q: In the Request for Proposals (RFP) procedure for NYS, there are requirements for specific identified locations that need to be met. Funding goals have not been met. Building location has now changed. How many changes are necessary before this RFP is not valid? When would a new RFP be justified?**

A: We are waiting for the revised plans and hope with this last submission that there will be no further changes. Changes have to fall in line with the Harbor District Plan.

**Q: The RFP requires very specific specifications which have not been met. Under an RFP can a different location change the validity of the RFP procedure? How many changes are allowed?**

A: (Zina responded) I do not have the answer. There are always changes in every single project; we are trying to work with this developer.

**Q: I am confused. I've seen a number of revisions; Edgewater already requested 10 – 15 changes. Why have you not seen the drawings?**

A: Original plans were submitted with deviations that required variances, and those deviations were pointed out to the developer. This is the first project under the new Zoning Code. A message was sent to the developer, but the City has not seen a revised building design.

**Q: How many boat slits have been rented?**

A: (Marianne Warfle responded) We have 16 inquiries and 15 slips rented. Some interest has been on the transient slips.

**Q. Who is responsible for maintenance of the marina and docks?**

A. The City is responsible. The Operations group in the Department of Environmental Services (DES) is working collaboratively with SG Marine, who has been contracted to manage the marina, docks and boater services. It includes the total perimeter around the marina and designated parking (45 spaces).

**Q: Will the Port building be painted?**

A: Patch will be painted; coordinating activities with the City.

**Q: Is there going to be a ribbon cutting?**

A: It should be sometime the week of May 23<sup>rd</sup>.

**Q: The CCA newsletter stated that Edgewater did not yet have funding; where is the funding for the project?**

A: That is what we have been told; Edgewater has a couple of months to secure funding.

**Q: In view of changes in building location, height, etc., will you be sending out a new RFP? It appears that you are wiring someone in instead of allowing others to bid. How about the other bidders? Changes should require a new RFP. This process does not appear to be legal.**

A: Changes do incur in proposals; there are almost always changes. Reasonable tolerances are incorporated into the process. We have the same development program; projects have been reshuffled within the same site.

**Q: There has always been a parking issue at the Port. With additional shops and restaurants, are there plans to build a ramp at the north end of the parking lot? This is the only access to the lake, and City residents should have access to free parking. What is the City doing to address the loss of parking?**

A: (Mark responded) There are no plans for a parking garage. Such a structure would cost about \$20,000 per space. If that is a desire, we need a formal request from the CCA and must put through a capital improvement project. Only 200 parking spaces will be compromised; there are still over 900 parking spots available.

**Q: Trying to cover a great deal in little time here (at the meeting). Many people have objections that have not been resolved. Why can't they be addressed? The Port of Rochester is a community asset that is being treated as a Charlotte concern, but it is really much bigger. Is there a possibility that remaining meetings can be announced well in advance and to the general public?**

A: After the site review process, the developer will bring the project back and have communication with the community. We have a site review process that we must follow.

**Q: We do not have anyone from Edgewater present (tonight), although they have a vested interest. We have no revised plans yet. Will this meeting be counted as a community review?**

A: No, it will not.

**Q: First, the RFP mandated that Edgewater have secured funding, but after more than 2 years they still do not have it. Why isn't there a deadline? Why have they never met the secured funding requirements? Why is the City tolerating this?**

A: (Baye responded) Things have happened. EB-5 Capital Funding is the most difficult to receive. Edgewater has been given a deadline within the next couple of months—to June 30<sup>th</sup>—to secure this funding. We are expecting that he (Greg Weykamp) secures his financing.

**Q: Funds were a requirement to be secured as part of the RFP; why has this not happened?**

A: (Baye responded) If funds are not secured by June 30<sup>th</sup>, we must move on.

**Q: How can the city take away public parking land and give it to the developer for his gain without giving us a replacement for that parking?**

A: Less than 200 spaces have been compromised. This happens all over the city. You have 900 spots; this is a normal situation for a more vibrant area. No community that is growing has a perfect parking situation.

**Q: (Posed by County Legislator Tony Micciche): What is the current cost to my taxpayers? Do you project any additional cost for taxpayers? What is the current cost of the marina?**

A: Public cost so far for the marina and roadway is approximately \$22M. State and Federal share is \$6M, and the City's share is \$16-18M.

**Q: Did you go over budget; how much?**

A: Don't know at this point. The project closes out at the end of the calendar year (2016). Final figures will be determined then.

**Q: (Comments and question posed by Bill Brown): There was a report released in June, 2015 by LaBella Associates and Foundation Design. In the report there are several inaccuracies that affect the projected foundation construction costs for the building. You need to look at what is going on below the ground. The report does not address the additional costs involved with a deep foundation system needed for the subsurface conditions at the Port. Is this a profitable business to engage in? There is not enough testing. The 2015 report contradicts what was reported earlier by LaBella in 2009. The developer has the responsibility to know where they can build. Will you give me the time to show you the inadequacies of this report?**

A: (Baye responded) Yes, we can schedule a meeting.

**Q: Will the new building really have 135 underground parking spaces?**

A: Yes, as far as we know.

**Q: Contaminated materials like iron and steel slag were found in the project area. What is being done with it?**

A: Iron slag is not contaminated to a degree that would cause concerns. DEC approved the removal, and we will use that material as backfill at the Interloop and other areas in the City.

**Q: Why was the fill was rejected?**

A: Soft sedentary material was rejected; to be used for clean cover by the City.

**Comment by Virginia Kobylarz:** Charlotte used to be a Village of 200; we have corporate and historic memory. The concern is where we are. We have a Lighthouse and Light House Point (Irondequoit project) Everything to the north of these is swamp. There was concern with the O'Rorke Bridge when it was being built, and several modifications needed to be made due to the unstable ground materials. NYS gave the community the bridge design we wanted, but we are on swamp land.



**Q: Thank you for being here and for your time. Are there any architects or engineers on the project that live in this part of the city?**

A: (Zina responded) I do not specifically know where my employees live; however, I believe that most employees in the department live within the City limits.

## **ADJOURNMENT**

The meeting was adjourned at 8:56 pm.

Minutes submitted by Sue Roethel, CCA Secretary, and Mary Chambers, CCA Director.

## **UPCOMING EVENTS**

6/6 CCA General Meeting, 7:00 pm, Robach Community Center  
Guest Presenters: Impact Earth/Farmers Market 2016