

City of North Tonawanda

DONNA L. BRAUN
City Clerk-Treasurer
dbraun@northtonawanda.org

Lori Swartz
Assistant City Clerk

Denise Proefrock
Assistant City Treasurer

OFFICE OF THE CITY CLERK - TREASURER
VITAL STATISTICS
CITY HALL
216 PAYNE AVENUE
NORTH TONAWANDA, N.Y. 14120

Treasurer's Office: (716) 695-8575
Clerk's Office: (716) 695-8555
Fax: (716) 695-8557

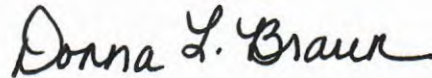
COMMON COUNCIL WORKSHOP AGENDA

June 9, 2022

The following meeting has been scheduled for TUESDAY JUNE 14, 2022:

- | | | |
|---|---|--|
| 6:30 PM NT Historic Preservation
Kristin Derby | - | Re: Nomination for Designation of
Landmark or Historic District |
| 6:45 PM Elizabeth Harvey Apartments | - | Re: Extend PILOT Program |
| 7:00 PM Common Council | - | Re: General Discussion |

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer

PROPERTY INFORMATION

Property Address: 848 Payne Avenue
North Tonawanda, NY 14120

Name of Property (if applicable): Memorial Pool

Tax Map ID No.: _____

Zoning Classification: Recreation

Parcel Size: _____

Present Use of Property: Swimming Pool

Historic Use of Property: Swimming Pool

Designation Sought (check one): Landmark Historic District

Year of Construction: 1948

Original architect (if known): Wesley Bintz

Original builder (if known): Joseph M. Wrazin

Original and subsequent owners of the property, including dates of ownership (if known):
City of North Tonawanda

Describe the architectural style of the property:

Bintz style pool

Describe primary building materials:

Foundation: Reinforced concrete Roof: Open

Walls: Brick/Concrete Other: _____

How does the property in its present condition materially differ from the property as originally constructed? Describe material alterations or additions to the property subsequent to its original construction (include dates if known). Attach photographs of alterations if available:

Alterations include: art moderne entrance facade removed and replaced by brick
during ADA upgrades, glass block window replacing original windows

Describe the present condition of the property:

The Pool retains high character and has continued as a swimming pool
in limited use although there are minor leaks, cracking of the concrete decking, and
a worn liner.

Describe site and surroundings (e.g., outbuildings, landscaping, neighborhood):

Payne Park and the surrounding neighborhood reflect the Post War expansion of the City.

Are there any presently known threats to the property?

Yes

No

If yes, describe:

The Pool will be decommissioned which leaves an uncertain future for the structure.

Is the property associated with any personages of historic significance?

Yes

No

If yes, identify and explain:

Wesley Bintz was the architect and is significant as his design was patented and fiercely protected. The Pool is also associated with Robert J. H. Kiphuth, the Yale University and Olympic Swim Coach who dedicated the pool.

Describe the historic significance of the property (i.e., why it merits designation as a landmark or historic district). Indicate relevant sources of information. Attach additional sheets as needed:

See attached

CERTIFICATION

APPLICANT: I hereby certify that this application is accurate and complete to the best of my knowledge.

Applicant's Signature: Kristin Derloy Date: 4/18/22

OWNER: (if different from applicant, and if owner concurs in application): I have read and familiarized myself with this application and do hereby consent to its submission and processing.

Owner's Signature: [Signature] Date: 4/29/22

NORTH TONAWANDA PAYNE AVE MEMORIAL POOL - 1948

HISTORY OF THE RESOURCE

The North Tonawanda Payne Avenue Memorial Pool represents a mid-to-late career example of Wesley Bintz's work, as well as an example of his style choices evolving to meet the preferences and popular aesthetics of the time. The style applied to the facade of the pool is definitively Post-World War II, and is a style the Bintz consistently uses between 1947 and at least 1950. By 1953, his design changes again to a Mid-Century Modern style. As a Bintz pool overall, the North Tonawanda Pool is significant as an example of the work of a master, in this case, a master swimming pool designer. The design of the pool is definitively Bintz - he protected his patent vigorously - and they are becoming ever more scarce, in New York and throughout the country. There are estimates of 100-170 Bintz Pools that were built throughout the country made by scholars, historians, and enthusiasts, but there is no national survey to confirm which are still extant. Newspaper articles suggest only about 12 of these pools are still standing in some form. The Pool was dedicated in August 1947 by Tonawanda-born Robert J. H. Kiphuth, the head coach of Yale University men's swim team. The Pool officially opened following completion of construction in the summer of 1948.

DESIGN

Wesley Bintz first received his patent paperwork approval in February 1926. While Bintz' designs varied, the vast majority of his pools has specific features: They were an ovoid shaped structure which allowed for an easy transition from the deep end to the shallow end. They also housed all of the operations and the locker rooms underneath the pool. Visitors would typically enter the pool area through a staircase past the locker rooms. The above ground structure contained the pool, locker rooms, mechanics within the ring of the pool its self. Bintz pools were suited for urban environments to accommodate different topographies and sizes. The design became popular saving time, money, and space. Advertisements were often geared towards Municipal leaders identifying these features. The North Tonawanda Memorial Pool is about the 5th generation of design of Wesley Bintz pool that was a drastic departure in style from his earlier pools which included the covered observation deck with vertical structure element. Of the six pools that were built using this style, North Tonawanda is the only pool of this particular Bintz style that is still open for swimming.

SIGNIFICANCE TO COMMUNITY

Drownings, racism, and lack of air conditioning contributed to the push for Municipal Swimming Pools across the country. Pools were seen as a way to regulate swimming lessons and alleviate community conflict at beaches, most notably after the events of the Summer of 1919. Specifically, the Tonawandas are a community surrounded by water where there has been constant public and municipal support for safe swimming facilities. Wesley Bintz came to the City Council meeting in September 1946 to testify about the design, costs, and project timelines.

The North Tonawanda Memorial Pool is a living memorial to the men and women who served in World War II. The dedication plaque from 1947 specifically acknowledges both genders, which is uncommon for the time period. The Pool featured floodlights allowing visitors to swim past sundown. The Pool was popular and well used from Day 1. Recreational swimming, races, sports carnivals, and amenities contributed to an average of over 1300 children using the facility daily during the swim season in the early 1950's. A State grant was awarded in 1985 for maintenance and accessibility upgrades. This is when the original Art Moderne façade was altered. The changes made were a response to the continued needs of the community. Population decreases, the increasing popularity of home pools, and advances in air conditioning have contributed to a declining daily use. However, there are still large groups of the community that the current pool serves with affordable admissions and swimming lessons. A recent public survey in February 2020 identified the public's support of having a public pool and recognition of the historic importance to the community. The structure is one of only a small number of iconic buildings in the city and located on a major thoroughfare visible to all

The preservation of this structure is important to architectural significance, it's original intention as a living memorial, the story of the post-war North Tonawanda community, and the greater conversation involving the Bintz Pools throughout the state and/or country.



June 2, 2022

BY ELECTRONIC MAIL

Donna Braun, City Clerk
City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Re: Elizabeth Harvey Apartments PILOT application
525 Oliver Street, North Tonawanda, New York (the "Project")

Dear Ms. Braun:

In connection with the above referenced property, we are submitting this letter to request the Common Council's consideration of an extension of the existing Payment In Lieu of Taxes Agreement (the "PILOT") for the Project, a copy of which is enclosed. The Project is an affordable housing complex, currently owned by an affiliate of Visually Impaired Advancement (f/k/a the Olmsted Center for Sight) ("Current Owner"). We represent People Inc., a 501(c)(3) not-for-profit corporation, in connection with the acquisition of the Project by an affiliate of People Inc. from the Current Owner.

Upon such acquisition, People Inc. will undertake renovation of the Project, with work to be funded by the New York State Housing Finance Agency ("HFA") in order to preserve the affordability of the Project for an additional thirty (30) years and People Inc. will be continuing the use of the Project strictly as affordable housing and committing to an extended term of restricted rents and affordability, all in accordance with the same laws and regulations which govern the Project currently. A total of approximately \$2,000,000 is being allocated to upgrade the apartment and common areas including new flooring, lighting, cabinets, and appliances. A major focus of the renovation is updating the building's plumbing and mechanical systems to increase energy efficiency. As such, to ensure the continued financial viability of the Project, while several years still remain on the existing PILOT, we respectfully request the Common Council's consideration of extending the PILOT upon its existing terms, with payments increasing at 3% per year, for a term of thirty (30) years effective upon the closing of the acquisition of the Project. A copy of the projected payment schedule is enclosed herein.

Please advise as to any additional documentation or applications you may require in connection with this request. Thank you in advance for your time and consideration.

Very truly yours,

A handwritten signature in blue ink that reads 'Constance C. Giessert'.

Constance C. Giessert, Partner
Cannon Heyman & Weiss, LLP

CCG:bks
Enclosure

PROPOSED PILOT PAYMENT SCHEDULE - ELIZABETH HARVEY APARTMENTS

<u>Year</u>	<u>Payment Amount</u>
1	\$6,916.00
2	\$7,054.00
3	\$7,195.00
4	\$7,339.00
5	\$7,486.00
6	\$7,636.00
7	\$7,789.00
8	\$7,945.00
9	\$8,104.00
10	\$8,266.00
11	\$8,431.00
12	\$8,600.00
13	\$8,772.00
14	\$8,947.00
15	\$9,126.00
16	\$9,309.00
17	\$9,495.00
18	\$9,685.00
19	\$9,879.00
20	\$10,077.00
21	\$10,279.00
22	\$10,485.00
23	\$10,695.00
24	\$10,909.00
25	\$11,127.00
26	\$11,350.00
27	\$11,577.00
28	\$11,809.00
29	\$12,045.00
30	\$12,286.00

PAYMENT IN LIEU OF TAXES AGREEMENT

This Agreement is made as of the ____ day of January, 2001, by and between THE CITY OF NORTH TONAWANDA, a municipal corporation organized and existing under the laws of the State of New York (the "City"), and EPO - HARVEY APARTMENTS, L.P., a limited partnership organized and existing as a redevelopment company under the laws of the State of New York (the "Partnership").

WHEREAS, the Partnership will be the owner in fee simple of certain real property located at the corner of Oliver and Wheatfield Streets in the City of North Tonawanda, New York and the County of Erie (the "Property"); and

WHEREAS, the Partnership will obtain title to the Property for the purpose of constructing housing for handicapped and elderly persons of low income, pursuant to Article V of the Private Housing Finance Law of the State of New York (the "PHFL"); and

WHEREAS, the Partnership was formed in order to facilitate the development and construction of the Project by the Elizabeth Pierce Olmsted M.D. Center for the Visually Impaired (the "Sponsor"), a not-for-profit corporation organized under the laws of the State of New York, by using federal low-income housing tax credits in order to raise financing for the Project, and had the Sponsor taken title to the Project in its own name, it would have been entitled to a full exemption from real property taxes without the requirement of an agreement for payments in lieu of taxes; and

WHEREAS, during the term of this Agreement, the rents to be charged for apartment units in the Project may be no greater than those permitted by the New York State Division of Housing and Community Renewal pursuant to the Low-Income Housing Tax Credit provisions of Section 42 of the United States Internal Revenue Code, as amended; and

WHEREAS, in order to make the undertaking of this project economically feasible for the Partnership, it is necessary to obtain tax relief from the City on the improvements, while still providing payments to the City and the County to compensate for services provided by them which are utilized by the Project; and

WHEREAS, the City wishes to grant the Partnership such tax relief as permitted pursuant to Section 125 of the PHFL, in order to facilitate the rehabilitation of the structure situated on the Property; and

WHEREAS, on January 22, 2001, the Common Council of the City, after a public hearing as contemplated by Section 114 of the PHFL, approved the plan of the project for the Property submitted by the Partnership; and

WHEREAS, on January 22, 2001, the Common Council of the City duly adopted a Resolution approving the project as to conformity with the provisions and purposes of Article V of the PHFL, granting a real property tax exemption to the Property under Section 125 of the PHFL, and authorizing the Mayor to enter into a Payment in Lieu of Taxes Agreement with the

Partnership providing for payments as set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants herein described, the receipt and sufficiency of which are hereby acknowledged, it is hereby agreed as follows:

1. *Grant of Exemption.* The City hereby grants to the Partnership an exemption from local and municipal taxes, other than assessments for local improvements or by special districts, under the provisions of Section 125 of the PHFL and pursuant to the terms set forth in this Agreement.

2. *Property to Which Exemption Applies.* The property to which this exemption applies is that parcel of property, located at the corner of Oliver and Wheatfield Streets in the City of North Tonawanda, New York, and more particularly described as SBL No. _____, (the "Property").

3. *Exemption From Tax.* Except as provided in paragraph 4 below, the improvements to the Property shall be exempt from any and all real property taxes measured by reference to the assessed value of the Property during the term of this Agreement, provided, however, that the exemption provided in this Agreement shall not apply to assessments for local improvements or by special districts.

4. *Payment in Lieu of Taxes (PILOT).* Notwithstanding the foregoing, during the term of this Agreement, the Partnership shall make annual payments in lieu of taxes (PILOT) in the amounts set forth on Schedule A hereto, less any real property taxes actually required to be made to any taxing authority pursuant to Section 125 of the PHFL. These payments shall be made on or before February 15th of each year, commencing in the year following the completion of the improvements. Late payments will be subject to the same late charges as imposed on the collection of taxes.

5. *Regulation of Rents.* During the term of this Agreement, the rents to be charged for apartment units in the project shall be no greater than those permitted by the New York State Division of Housing and Community Renewal pursuant to the Low-Income Housing Tax Credit provisions of Section 42 of the United States Internal Revenue Code, as amended.

6. *Termination of PILOT.* In the event that the Partnership is in default of the payments as outlined hereinabove for two (2) consecutive years, then the PILOT Agreement shall terminate, the exemption cease, and the improvements will be placed on the assessment roll by the Assessor of the City of North Tonawanda.

7. *Term of Agreement.* This Agreement shall become effective on the first tax status date following execution of this Agreement and continue for a term of 25 years thereafter.

**SCHEDULE A
PAYMENTS IN LIEU OF TAXES**

<u>YEAR</u>	<u>TOTAL PAYMENT</u>
1	1,724
2	1,776
3	1,829
4	1,884
5	1,940
6	1,999
7	2,059
8	2,210
9	2,184
10	2,249
11	2,317
12	2,386
13	2,458
14	2,532
15	2,608
16	2,686
17	2,767
18	2,850
19	2,935
20	3,023
21	3,114
22	3,207
23	3,303
24	3,402
25	3,505