

March 23, 2017

**EAST AURORA PLANNING COMMISSION
Public Comment & Review of 41 Hamlin Avenue Development**

Present:

Dan Castle, Chairman
Lowell Dewey, Vice Chairman
Geoffrey Hintz
Angela Griffis
Kristen Cameron
Randy West
Bud Babcock, Alternate
Bill Kramer (Code Enforcement Officer)
Mayor Kasprzak
Nancy Burkhardt (Secretary)

Also in Attendance:

Peter Sorgi: Project Attorney
Rob Savarino: Project Developer
Chris Wood: Project Engineer

Chairman Dan Castle requested a motion to open the meeting at 7pm noting that a quorum was present. Member Lowell Dewey opened the meeting; Seconded by Randy West.

Member Randy West requested a clarification of what would be the layout of the meeting for the evening. Chairman Castle replied that the purpose of the meeting is for community feedback and to pose questions to the developer regarding this development. The Planning Commission will be discussing this project in the next Planning Commission meeting on 4/4/17 at 7pm.

There is a contract to purchase property contingent upon DEC approvals for Brownfield clean-up. There are three layers of approval needed from the Village: Planning Commission to make a recommendation to the Village Board. The Village Board will hold a public hearing. First request is for a rezoning, vote by the village board, further review to then occur through the SEQR process.

Presentation from Chris Wood of the drawings, layout, and design of the building:

Rezoning to an RGN for an apartment project (letters from attorney have been sent to surrounding neighbors)

Main points on the architecture of the buildings:

- 15 apartment units: 5/10 - 2 story units at 32 feet tall. Each unit will contain: garage/parking space = 2 spaces per/apartment
- 1 driveway on Hamlin, farthest away from Fillmore as allowable
- Deep lots, building will be pushed against the commercial development
- Transitional area commercial -> residential
- Existing 6 foot fence - part of the commercial plaza

- Seeking a rezoning to change the use of the property from residential to apartments
- Zoning classification is consistent with the comprehensive plan of the Village's
- Current layout only allows for apartments.
- Rental fee structure will range from \$1500-\$1900/monthly
- Each unit has their own private entrance and garage. 1st floor units range in square footage: 1250 1277; 2nd floor 865 - 1500 square feet.

STEPS:

1. Development plan for site plan approval
2. One Variance needed from ZBA for 22 foot setback opposed to 35 foot setback
3. DEC for Brownfield clean-up and remediation: Phase II Study to identify contaminants (4-5) months - Upon acceptance, will require for clean-up to bring it up to residential specifications.

Comments from Planning Commission

- Randy West: Redesign has not been accomplished as suggested in the last meeting
- Lowell Dewey: Placement of the building, how to complete the layout like a normal residence
Stormwater, lighting, maintaining of driveway - this will come through in the later design phase
- Angela Hintz: Peter Sorgi mentioned earlier that clean up of the site would be cost prohibitive to erect one or two single family homes; Angela asked Peter if he could provide more information regarding this statement to the public.

Points made by Rob Saravino: Hydraulic lift, (buried gas or oil tank?), a former bus depot which appears to have all of the appearances of contamination, without knowing. The government will work with developers to help remediate the Brownfield. 12-15 units needed to offset the developer's expense. Location, compatibility, demand vs. supply, impeccably maintained. (Sorgi: 3 million in investments, to prevent any degradation in maintenance or landscaping).
This will be achieved through high rents. Market Study to be completed to verify demand by empty nesters or working professionals.

Randy West posed the following question to the developer: Apartments vs condominiums?

Responses:

Saravino: Apartments allow for the flexibility of getting out when they are ready to move on, make a greater commitment. Provides flexibility. Condos, will inherent have a ceiling which prevent an appropriate ROI. Investor is taxed at an original income. Banks will be more likely to jump on board.

Sorgi: References the study showing for greater need for apartment style housing. Walkability is key, and EA offers this.

Dan Castle asked diversity for house is appropriate, however, why are we not considering senior only housing, as there is a GREAT need?

Responses:

Saravino: We are considering this as an option, however, we need a greater piece of land before committing. Mirror Lake example. Moderate income senior housing (ie income qualified senior housing). Most seniors are in the middle of these two versions of housing. How do you build a building to allow for these middle seniors, while keeping it affordable.

Sorgi: In short, this option is not feasible at this location.

David Roach: 65 Hamlin. Estimate of remediation cost? And how was it derived if you don't know the scope of contamination yet? What was the purchase opportunity for others - what else could be developed on this spot?

Sorgi: Because of the frontage, there can only be two lots. This is the only idea put forth by a developer, and the developer is willing to work with the community on the design/lighting/landscaping to have everyone be onboard with this. Cost prohibitive for 2 homes. Flagged lots, which would not be allowable, could be 5 lots

Not part of the legal criteria for rezoning.

Dan Castle P.C.: Issue for the rezoning is in relation to the context of the size & layout of the design? The current owner does not bear responsibility to provide clean-up to the property?

Responses:

Sorgi: Rezoned with a condition of density.

Saravino: Assumed to be a Brownfield.

Lowell Dewey: letters and enforcement on the property, why has the Village not pursued holding the former owner more accountable?

Response Bill Kramer C.E.O.: Owner attempted to clean-up and develop the property, however, he was unable to accomplish. Bill has entertained many questions from developers; however nothing went past the questioning phase.

RGN zoning exist in multiple areas in the village. There exists one in addition to those existing on the outskirts of the village (i.e. near Pasquale's).

Dan Castle P.C. : Redoing of the zoning code - 4.5.17 - public meeting to occur at the Senior Village. Development plans will reveal more information about Sewer lines/power lines/traffic count. SEQR form will reveal traffic congestion study. (7 cars per peak hour).

Additional Comments from Concerned Citizens

Joseph Spahn: 58 Buffalo Road: Law of Notifications. Public Hearing - no notifications are needed, and if notifications are sent out, only to neighbors abutting the property within a 300ft radius. Also, will this development affect the movement of wildlife?

159 Parkdale: There will need to be a stop sign installed on Fillmore - also holds a concern that this type of housing will encourage for transient neighbors.

Paul Porter - 62 Paine Street (appointee to Planning Commission). Will there be handicap accessibility for those who have mobility issues? LEED Certification?

Response: Savarino: They will not be following the typical LEED Certification do the paperwork needed. Would rather like to invest the money into the construction of the units rather than seek certification. They are cleaning up a contaminated site.

Celene Rinkman - 159 West Fillmore: Tax role concerns

Response: Sorgi: Taxable Value will be added to the tax rolls. This project is definitely an enhancement. Landscaping will be better than most. This will be added to the tax roll, and in result, will hopefully provide relief to the Village.

Daniel Scheff 30 Hamlin: Question posed to the Planning Commission: If this project was placed in front of you, how would you feel?

Responses: Dan Castle: I would like to see the development plan. Currently lives next to Hamlin Ave, deals with people not picking up after themselves on a fairly regular basis. Not a fair question in this point of the process -

Randy: Does not see this inherently negative project. (Ex: Manhattan - essentially one of the greatest thriving Villages in the world). Villages cannot thrive in a vacuum. Not economically feasible. It is dragging property values down. Does not oppose putting 15 apartments in this location when seeing what the current situation is. Will work hard to make sure the

Randy West: The Action before us is rezoning. And the nature of the units being purposed cannot be taken into consideration - apartments and condos are within the same RGN zoning. Make an evaluation of some form of multi-unit facility can exist on this property. The board cannot distinguish whether apartments or condos shall exist in this location.

Daniel Scheff, 30 Hamlin: Brought up the following concerns:

- Headlights shining in their home will be an issue.
- Why is the Village settling? Failing to promote the unique identity. Is not in harmony with architecture style. Will not preserve the historical character/increases visual clutter.
- 19 Hamlin is the last remaining portion of the historical farmland.
- It will amplify the effects of commercial development.
- Detrimental to the aesthetics of the area; detrimental to the traffic flow.

Question: Dan Castle P.C.: Can a clarification be made for sewer improvements? He would like to understand if possible to fix the problem.

Response Chris Wood: 2500 gallons/day will require for a downstream capacity monitor as per the DEC. Will require for iodine test - I & I - test to require for sewer capacity flow.

Jason Kurzman, 170 Fillmore: Will this apartment complex require for the individual responsibility of the garbage totes? Are there additional stipulations for details and designs?

Response: Dan Castle: All of that is part of the development plan, and that would be all necessary for this to move forward.

68 North Willow: Threshold for environmentally liability costs? Is there a financial commitment ceiling?

Response Sorgi: Would not be able to draw the line, as the ability to earn the credit back may make up this difference in expected cost.

Dan Castle: will this be part of the development plan? What is the experience of moving through the DEC timeline?

Question: Dan Castle: Is it fair to say Peter that if you don't qualify for the Brownfield program, this project is dead in the water?

Response: RAS: We cannot say yes or no to that

Comments from Planning Commission Members:

Dan Castle : What is best for the village seems to be the developer's motivation.

Geoffrey Hintz : We are all residents, and we are all volunteers. We work on behalf of the betterment of the Village as a whole.

Randy West: Growth should be encouraged but controlled.

Lowell Dewey: We just chased away a large development. So we are not in favor of all developments.
Angela Griffis: I have received phone calls from both sides of this issue

RAS Developers final comment on the number of apartments: 15 the most appropriate ROI for the developers - while maintaining the look and attractiveness of these apartments.

At 9:15pm, Dan Castle asked for a motion to adjourn. Randy moved to adjourn, Geoffrey seconded the motion.

Respectfully submitted,

Nancy Burkhardt
Deputy Village Clerk