

EAST AURORA PLANNING COMMISSION
REGULAR MEETING

March 2, 2010

6:30 PM

PRESENT:

Carol Smith
Laura Mehl
Lowell Dewey
Stacy Oar
Randy West
Alternate Bud Babcock

ABSENT:

Dan Castle, Chairman
Don Wynes

Also Present:

Code Enforcement Officer William Kramer
Clerk Typist Diane Dodge

Others Present:

John Apgar, Applicant (Arrived at 6:55 PM)
Dan Patti (Arrived at 6:55 PM)
Trustee Libby Weberg (Arrived at 7:10 PM)

Co-Chairman Lowell Dewey, stating there was a quorum present, noting that the applicant was not present, opened the meeting at 6:33 PM.

Carol Smith made a motion to approve the minutes as written from February 9, 2010 seconded by Laura Mehl, with a unanimous vote to follow.

Review of Development Plan for 33 Kelter Court

Co-Chairman Lowell Dewey, commented that although the applicant was not present, the commission could still review the proposed development plan. Code Enforcement Officer Bill Kramer explained that the Development Plan was fairly simple.

After brief review of the proposal and the site location, Carol Smith questioned if there was enough allotted room with the proposed porch addition for a vehicle, especially with all the snow. She noted that the driveway was very narrow, barely enough room now for a car.

Randy West questioned why the Planning Commission was reviewing a simple addition to a residential structure. CEO Bill Kramer explained that because the property was in a RGN District, any exterior improvements that required a building permit, needed to have a site plan.

Lowell Dewey commented that there were several items of concern. First the applicant should have a plan view, showing the property lines, at the very least. On that plan view, there should be the house location, and the exact location of the proposed porch. Lowell stated there were structural concerns of the foundation of the posts. There should be more detail shown, as to the extent of the porch, than what was currently on the site plan. CEO Bill Kramer commented that he thought the applicant was supposed to be bringing additional information tonight, but as they had not shown up yet, he would check the building department files for the original survey and development plan.

It was noted that the Oakwood Ave. access had been blocked off, not allowing access to the apartments at all, and Mr. Apgar had recently blacktopped the original emergency access entranceway from Main Street, and was now the only access to the apartments.

CEO Bill Kramer and Bud Babcock gave a brief review of the original development plan from 1990 and concerns at that time for the emergency access to the property with the narrow driveway. The Planning Commission and Village Board had determined that the main access was to be from Oakwood Avenue, but, as it would only be wide enough to allow one emergency vehicle at a time, an emergency access "roadway" was to be created from Main St., that was not meant for daily vehicular traffic, but emergency access only. This roadway was to be constructed of concrete blocks, strategically placed to allow grass to grow in between and make it look like green space, but would support an emergency vehicle if necessary.

Due to the fact the development plan did not show enough structural detail, Co-Chairman Lowell Dewey asked for a motion to table the matter, until the applicant submitted detailed drawings showing setbacks and other concerns addressed earlier, to be specific: a complete plan view showing: property lines, house location, proposed porch cover, and structural foundation detail.

Laura Mehl motioned and Carol Smith seconded to table the matter. There being no further discussion Lowell Dewey closed the hearing at 6:50 PM with a unanimous vote. Mr. Kramer was directed to notify the applicant.

Respectfully submitted,

Diane Dodge
Clerk Typist

EAST AURORA PLANNING COMMISSION
REGULAR MEETING

March 2, 2010

6:30 PM

PRESENT:

Carol Smith
Laura Mehl
Lowell Dewey
Stacy Oar
Randy West
Alternate Bud Babcock

ABSENT:

Dan Castle, Chairman
Don Wynes

Also Present:

Code Enforcement Officer William Kramer
Clerk Typist Diane Dodge

Others Present:

John Apgar, Applicant (Arrived at 6:55 PM)
Dan Patti (Arrived at 6:55 PM)
Trustee Libby Weberg (Arrived at 7:10 PM)

Development Plan for 111 Hamburg Street

Co-Chairman Lowell Dewey then moved on to the next agenda item, the Development Plan for 111 Hamburg Street, which is a request for the demolition of a multi-family apartment building. There was a brief discussion on the deplorable conditions of the building as seen from the walk-thru on January 9th, 2010. It was noted that all the utilities had been cut off approximately 1 year ago, the floors were buckled, the roof had started leaking, and that the property had deteriorated greatly since that time. The applicant, Mr. Apgar, had previously informed the Planning Commission, that his intent upon purchasing the property from auction was to demolish it. Mr. Kramer commented that approximately two years ago, all four apartments had been occupied, were not in very good conditions, but habitable.

Mr. Apgar and Dan Patti arrived at 6:55 PM. Lowell Dewey filled Mr. Apgar in on what they had discussed so far. The condition of the building was reiterated, and Mr. Apgar presented pictures taken of the premises, showing the irreparable conditions. Mr. Apgar

said that the building had been locked up, and he had bought the property unseen. Lowell commented that it was a shame that the building was allowed to deteriorate to this extent, either with or without tenants, that the building had quite a bit of history, and that the Planning Commission had no intent to tell Mr. Apgar to restore it. Mr. Apgar commented that if he could do it, he would.

Mr. Dewey commented that the question was whether there was enough information on the sketch to know what the site would look like if the building was taken down. The commission did not need any further presentation unless there were additional questions.

Mr. Babcock asked if it was Mr. Apgar's intent to remove the foundation or just push the material in. Mr. Apgar responded that the only part of the building, the rear 25% of the building, actually has a basement in it. The rest is laid-up stone; it would be graded to the same level of the existing lawn. Mr. Dewey questioned if it would be graded so there would be positive drainage away from it, there would be no pooling of water, and that it would be able to be mowed. Mr. Apgar responded positively to all of those concerns.

Randy West questioned how this would impact any work that may be done in the future, having the remaining foundation underground. Mr. Apgar said it would have to be excavated out if it would be in the build site area.

Laura Mehl questioned how the drainage would affect the neighboring property to the north. Mr. Apgar said there would be no effect to the neighboring property; in fact it would be better than having the roof run off that exists now.

Mr. Dewey asked Mr. Apgar if he had plans for the site. Mr. Apgar responded that he did not have plans at the present time, but had a few ideas. He added that the problem was that the building was there, and that after the building was demolished, he could move forward and do something with the site.

Carol Smith asked how soon he would like to start the demolition. Mr. Apgar's response was that weather permitting, he would like to start pretty quick.

Laura Mehl questioned about any asbestos removal. Mr. Kramer informed them that an Asbestos Report had already been done, that the asbestos would be removed before the demolition began.

Mr. Dewey asked if his intent was to sell the property or develop it himself. Mr. Apgar's response was that it would still be for sale, but in the meantime, he was still investigating into moving 155 Oakwood Ave. over, if it was feasible. Mr. Kramer informed him that the process for the demolition for that building was well underway.

Mr. Dewey asked if it was his intent to build a commercial use on the site, and if it would be a structure that would resemble a house. Mr. Apgar responded that it would most likely be for a commercial or business use, but he did not want to tell them anything that may mislead them in any way. Randy West informed Mr. Apgar that the Village is

moving ahead with their design guidelines, and there will be something to address the aesthetics of developments as measures to protect property owners and encourage development. He also informed Mr. Apgar that he would be back in front of the Planning Commission whenever he had a new site plan, and that the site plan should be done professionally, not just a pencil sketch.

Randy West commented that, for the purpose of not establishing a precedent, the members of the Planning Commission should all agree that this house was uninhabitable and irreparable at the point in time it was purchased. We don't want to encourage people to purchase houses that are marginal, and then just let them go. We will agree that the level of decay that was seen, we can safely assume was before the purchase of the property.

Randy West had concerns about the nature of the fill, did not want over time, to see the outline of the foundation. CEO Kramer stated that Village Code required that the fill should be of such nature that it will not rot or decay, such as clean gravel or select fill.

There being no further discussion, Stacy Oar motioned, and Carol Smith seconded, to accept the demolition plan as rendered, with the following conditions

- That Code be followed with respect to backfill and finish grade

- That the site be top soiled and seeded as soon as possible

- That there be positive drainage off the site, with no standing water

- That trees be saved as indicated on the site plan

- That the applicant return to the Planning Commission as the plan develops

Randy West stated he would like to add findings, for the purpose of dealing with the issues of development, with respect to demolition by neglect.

We find, based upon visual inspection of the property, that it appears that the building was irreparably damaged and rotted at the time of purchase, and therefore, the applicant is not responsible for a demolition by neglect.

Lowell Dewey stated that the Planning Commission is therefore, recommending the Village Board accept the demolition of this structure.

Randy West stated the Planning Commission was accepting a lawn as a site plan, which has implications for other developers that are likely to come forward or have in the past. He wanted to reinforce the fact that the Planning Commission is accepting the request for demolition and a lawn as a site plan, almost under duress, due to the unique circumstances of the uninhabitable, irreparable condition of the building, it being a health hazard and an eyesore to the neighborhood, and that it was unreasonable to expect the applicant to repair the building. This acceptance should in no way say anything about the Planning Commission's future ability to require developers to have a more developed site plan.

Upon being put to vote, approval for demolition was unanimously approved.

Lowell Dewey then filled Mr. Apgar in on the Commission's concerns and questions regarding the development plan for 33 Kelter Court, specifically that the site plan did not have enough detail and there were concerns about the narrowness of the street in regards to emergency access. Mr. Apgar assured the Planning Commission that there was sufficient room, as he had 10 wheelers in and out with no problem. The Planning Commission requested that Mr. Apgar return next month and submit a plan view to show the extent of what he was proposing.

There being no further discussion, Carol motioned to adjourn. With a second from Randy, and a unanimous vote, the meeting was adjourned at 7:20 PM.

Respectfully submitted,

Diane Dodge
Clerk Typist