

EAST AURORA PLANNING COMMISSION  
REGULAR MEETING

January 5, 2010

6:30 PM

Present: Dan Castle, Chairman  
Carol Smith  
Stacy Oar  
Laura Mehl  
Lowell Dewey  
Randy West  
Don Wynes  
Alternate Bud Babcock

Also Present:  
Code Enforcement Officer, William Kramer  
Deputy Clerk, Sue Wolff

Others Present:  
Leslie Stewart, owner of 97 Hamburg Street  
Charles Snyder, Contractor for project  
Bonnie Groh, 105 Hamburg Street  
5 Members of the Public

Mayor Clark Crook  
Trustees: Weberg, Kasprzak & McDonnell

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**Review of Changes to Development Plan for 97 Hamburg Street**

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Chairman, Dan Castle called the meeting to order at 6:33 PM

Stacy Oar made a motion to approve the minutes as written from 10/6/09 for 411 Main Street, seconded by Carol Smith with a unanimous vote to follow.

Laura Mehl made a motion to approve the minutes as written from 11/3/09 on the informal meeting to discuss the West End of the Village, seconded by Don Wynes and passed unanimous.

Chairman, Dan Castle asked the owner of 97 Hamburg Street to clarify the changes made to the Development Plan, approved by the Village Board on 4/21/2008.

Leslie Stewart, owner of 97 Hamburg Street spoke briefly on the changes to the development plan for that location. Leslie mentioned that the original development plan was approved for a second story with apartments on the upper level. Leslie went on to explain that the cost for the construction of the second story would not be

made up through the rental of the apartments, so the second story was omitted to save on construction costs. She said that this was the only change.

Member, Randy West questioned Leslie if there were any parking or lighting changes being made.

Leslie said that the lighting would not be affected since the original plan called for ground lighting only and the parking would not change either.

Resident Bonnie Groh from 105 Hamburg Street questioned if drainage would be changed in any way. She mentioned that at the time of the original development plan approval she had attended the meeting and questioned drainage at that time and was assured that no draining of water would be drained onto her property. The minutes from 4/2/08 were read aloud by Member, Lowell Dewey with regards to the comment made by Architect, Greg Schneider that two of the three catch basins would be moved slightly providing better drainage along the property line for 105 Hamburg Street.

Member, Lowell Dewey felt after reading the minutes from that meeting that it should not be the expense of the developer to fix the problem of pooling on the resident driveway, but if the resident wanted to tie into the catch basin, she should be allowed to at her expense.

Contractor, Charles Snyder said that all the water that lands on that property would be taken care of with the catch basin in the parking lot. Resident, Bonnie Groh said that she was not concerned about the parking lot area but was concerned about the center catch basin. Again she mentioned, that she was told the center one was supposed to be moved slightly to help with runoff.

Member, Randy West questioned if there would be any changes to the parking and how many parking spaces were proposed.

Leslie Stewart said that the parking would not be changed and there would be a total of 14 parking spaces. She also discussed the fact that the walls were being constructed in such a way as to accommodate a second story at a later date if it would be a more sound investment.

Randy West questioned if there were extra parking spaces figured in for the proposed apartments. Leslie said that there were extras for the apartments.

Chairman, Dan Castle felt that it might be a nice idea to have fewer parking spaces, and have more green space and that Code Enforcement Officer William Kramer would help with deciding the number of spaces that could be eliminated while still insuring it meets code.

Randy West made a motion to approve the changes for 97 Hamburg Street with the following findings:

1. Consideration of reducing parking spaces, if allowed by code.
2. Consideration of the neighboring property at 105 Hamburg Street to permit connection to the catch basin.

Seconded by Don Wynes and unanimously approved.

This portion of the meeting closed at 6:45 PM

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

Also Present:  
Code Enforcement Officer, William Kramer  
Deputy Clerk, Sue Wolff

Others Present:  
Pasquale Owners,  
Darrell Martin, Architect for Pasquale's – 242 Main Street  
Owners of Pasquale's Ronald Woltz & Eugene Wachala  
6 Members of the Public

Mayor, Clark Crook  
Trustees, Weberg, Kasprzak & McDonnell

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**Preliminary Review for Pasquale's – 242 Main Street**

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Since there were no representatives in attendance from Pasquale's this portion of the meeting was tabled until February 2, 2010.

Laura Mehl made a motion to close the meeting at 6:50 PM, seconded by Carol Smith with a unanimous vote.

Pasquale representatives arrived late to the meeting. Chairman, Dan Castle reopened the meeting at 7:18 PM and asked the owners of Pasquale's to explain what they would like to do.

Gene Wachala said that he & his partner Ron Woltz need to expand their kitchen area. One of the thoughts was to put an addition out the rear of the building to the fence line. Gene went on to explain that 27 years ago they were granted a development plan that gave them a fence along the rear of property with green space. Now with the growth of their business they are proposing to utilize that green space for a kitchen addition. Randy West questioned Gene if that was for a kitchen addition only, or if it was to include extra dining. Gene replied that

there was a second question/proposal that was being asked tonight. The second part of the proposal was, if arrangements could be made to purchase the Dennis Nourse property at 10 North Willow, which is to the rear of Pasquale's, would the Planning Commission allow the demolition of the residence to make a parking lot expansion along with a larger addition to the rear of building for extra dining and kitchen area.

Dan Castle as well as other members of the Planning Commission agreed that demolition is not what they ever want to consider, especially when it involves a well kept residential home. The Planning Commission members felt there were other possibilities to get around demolition, such as possibly renting out the house, and making a parking lot to the rear of 10 North Willow along with moving the fence closer to the house if purchased, which would allow an expansion to the rear of the building.

Dan Castle also mentioned that the property at 10 North Willow, if purchased, would have to be rezoned from R to MM.

The Planning Commission members all agreed that there were several options discussed tonight with the owners and that now they, (the owners) had to decide which option would work the best for them and come back to the Planning Commission with a Development Plan for review.

This portion of the meeting closed approximately 7:50 PM.

EAST AURORA PLANNING COMMISSION  
REGULAR MEETING

January 5, 2010

6:51PM

Present: Dan Castle, Chairman  
Carol Smith  
Stacy Oar  
Laura Mehl  
Lowell Dewey  
Randy West  
Don Wynes  
Alternate Bud Babcock

Also Present:  
Code Enforcement Officer, William Kramer  
Deputy Clerk, Sue Wolff

Others Present:  
6 members of the public

Mayor, Clark Crook  
Trustees, Weberg, Kasprzak & McDonnell

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Informal Discussion with Mayor, Clark Crook on Dissolution of the Village

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Mayor Clark Crook spoke to the Village Planning Commission on the Dissolution of the Village. The Mayor told everyone in attendance that there are many necessary steps to be taken, and planning is of the utmost importance. One of the first steps is to see if grant monies are available and to start doing studies to see if dissolution would even be cost effective. Once the studies have been completed, the information must be reviewed and given to the public to let them decide for themselves. The Mayor explained to everyone, that if the Village does nothing on this, and it is left up to the public they could present the Village with a referendum by the end of March with as little as 400 signatures. Once this referendum is presented, it would then be put to a vote without having the benefit of any of the proper studies/facts completed. The Mayor feels it is best to be prepared ahead of time rather than being blindsided.

Several of the Planning Commission members voiced their opinions, stating that they didn't see a need to start any studies, and that it was a waste of grant monies. They felt that they're not hearing any such desires by Village residents to dissolve the Village.

Chairman, Dan Castle thanked the Mayor for presenting the Planning Commission with the information tonight and suggested that they continue to keep the lines of communication open with future discussions.

The Mayor said that he would be glad to come again to discuss any new information that he receives.

This informal meeting closed approximately 7:15 PM

EAST AURORA PLANNING COMMISSION  
REGULAR MEETING

January 5, 2010

7:51 PM

Present: Dan Castle, Chairman  
Carol Smith  
Stacy Oar  
Laura Mehl  
Lowell Dewey  
Randy West  
Don Wynes  
Alternate Bud Babcock

Also Present:  
Code Enforcement Officer, William Kramer  
Deputy Clerk, Sue Wolff

Others Present:  
John Apgar, owner of 111 Hamburg St.  
Dan Patti, of 357 South Street  
Bonnie Grow of 105 Hamburg St.  
3 Students

Mayor, Clark Crook  
Trustees, Weberg, Kasprzak and McDonnell

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**Informal Meeting/Discussion for 111 Hamburg Street**

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Chairman, Dan Castle opened the informal meeting at 7:51 PM and asked John Apgar, owner of 111 Hamburg St. to discuss his intentions/plans for that building.

Mr. Apgar told the Planning Commission that he purchased the property about one year ago, and since that purchase he has been actively trying to resell for a price of \$89,900. Mr. Apgar further mentioned that the assessed value at the time of purchase was \$168,000. At that time he asked the Town Assessor to come and reassess the property, the assessor came and lowered the assessment to \$89,900 the now asking price. (Please Note: upon review of records at the Village Hall the property has been assessed since 2005 for \$78,900 with no change to the assessment.) Mr. Apgar explained further that he has questioned CEO, Bill Kramer several times and doesn't seem to be getting very far with him, the building is an eyesore, it is a hazardous building, and has major rot in it. Mr. Apgar said that he has had Mr. Hartloff, who has helped, in the past, move several buildings, and even Mr. Hartloff feels that the structure is beyond repair. Mr. Apgar said that he could take and saw some of the beams up and bring them to the PC to show them the rot that is in the building, but instead

wanted to invite everyone to an open house this Saturday, 1/9/10 @ 10:00 AM for everyone to see the deplorable condition the building is in.

Member, Randy West asked what the purpose of touring the building was.

Mr. Apgar – “so you can get a look at it”

Randy West – “so you are inviting the Village Board & the Planning Commission”

Mr. Apgar – “yes, anyone can come to walk through” Mr. Apgar again stated that he has been trying to work with the building department but getting nowhere. He also mentioned that it was a possibility that he would consider moving 155 Oakwood Ave. to this property if allowed to demolish present building. He also discussed that because the move would involve a State Highway he would need a lot of cooperation from everyone to make that happen.

Upon hearing of the possible move of 155 Oakwood Avenue, all the Planning Commission members thought that would be nice.

Mr. Apgar explained further that he understands that there is much negativity about demolishing properties in the Village, but feels that this building is beyond repair and has been let go for three plus decades.

Member, Randy West, questioned Mr. Apgar – when you purchased this property, were you aware of its condition, and the procedures/steps that the Village code states about demolition, and how it is necessary for a development plan to be brought in?

Mr. Apgar – I don’t have a development plan at the present time.

Member, Carol Smith questioned Mr. Apgar again, asking him when he purchased, if he realized it was in such horrible condition, and did he have thoughts from the beginning of demolishing it?

Mr. Apgar – right from the start I knew this building was in terrible, terrible condition.

Member, Randy West asked Mr. Apgar at the beginning if he had looked at the code to see that a development plan was a necessary part before demolition would be allowed?

Mr. Apgar said – “No, to be honest with you I didn’t”

Mr. Apgar went on to explain that he has talked to people in the Village and they have all told him it couldn’t be done because for one reason it is a historical building, to which it was noted that it was the First Church of Christ.

Member, Stacy Oar asked Mr. Apgar what he wanted there on that site.

Mr. Apgar replied that at the present time, he doesn’t have any plans. He said he would like to see First Niagara Bank build at that location. Mr. Apgar said that he has talked to the Bank, as well as many others, but there is no interest from anyone at this time.

Chairman, Dan Castle explained to Mr. Apgar that he had heard of demolition, for this property, for the first time last night, at the Village Board Work Session. He went on to explain that the Planning Commission never wants to hear of demolition, especially when someone purchases a property knowing full well its condition, or when the owner lets it go, until it is in such deplorable condition that he feels demolition is the only answer. Owners should be made, according to codes, to maintain their buildings and not let them get in such terrible

shape. If a structure is structurally unsound, Dan said, and a PE is willing to put his stamp & license on the line, then maybe there would be a possibility of demolition.

Dan Castle thanked Mr. Apgar for coming tonight and for opening up his building on Saturday morning and encouraged everyone to go if possible to view it. Dan also encouraged Mr. Apgar to come back to them with a development plan, once he decides what is planned for, at 111 Hamburg Street. Dan also said that having an empty lot is not what the Planning Commission wants to see happen. Mr. Apgar replied again by saying, the development plan would come after demolition is completed. Dan said that it doesn't work that way with the Planning Commission.

Laura made a motion to close the meeting at 8:10 PM seconded, by Carol Smith with a unanimous vote.

Respectfully submitted,

Susanne M. Wolff  
Planning Commission Secretary