**Village of Aurora Community Preservation Panel/Planning Board Joint Public Hearing Minutes, January 7, 2015**

**Present**

**CPP:** Chair Chris MacCormick, Jeff Blum, Dan DiSanto, Ed Easter, and Claire Morehouse

**Planning Board:** Chair Patricia Bianconi, Pat Foser, Michele Murphy, Pam Sheradin, and Frank Zimdahl

**Others:** Village Clerk Ann Balloni, Brian Brown, Jill Fudo, Tom Gunderson Laura Holland, John Marshall, Conrad Murphy, Ronan Murphy, Randall & Steven Zabriskie

**Call to Order:** Chair MacCormick called the public hearing to order at 7:02 pm.

**Application #14-40 from Wells College for a Demolition Permit at 595 Poplar Ridge Road (Tax Map #193.09-1-3)**

Chair MacCormick reminded those present that reviewing the application was procedural as the building was demolished without a permit and in violation of the Village Zoning Law.

Brian Brown, Director of Facilities, Operations, and Services at Wells explained that, together with Wells College President Tom deWitt, the goal of their project was to add a recycling component to the trash container already located on the property. Having the trash and the recycling on the same site was more efficient for staff and, as the plan came together quickly, Mr. Brown apologized for his oversight of forgetting to go through the proper process.

Mr. Brown acknowledged the error but argued that both he and President deWitt questioned village officials, in subsequent meetings following the demolition, how they should know that a permit was needed? As all projects in the Village of Aurora require, at the very least, a discussion with the code/zoning officer; the response from the Panel was “when in doubt, ask.”

**SEQR:** (attached) The applicant submitted Part 1 of the short Environmental Assessment Form (EAF) and the CPP/Planning Board had the following comments/corrections:

* Question 4 – include “Agricultural” under adjoining land uses
* Question 5 – change to “Yes” under if the proposed action is permitted and consistent with the comprehensive plan
* Question 13 – change to “No” regarding whether the proposed action adjoins regulated wetlands or waterbodies
* Question 19 – change to “No” regarding whether the proposed action adjoins an active or closed solid waste management facility

Mr. Brown initialed the changes on the EAF.

Discussion ensued on what was contained in the barn prior to the demolition. Many in the community were concerned that asbestos materials had been stored there in the past. Mr. Brown replied that the building contained “roofing materials, tires, gutters, lumber, and aluminum”. Everything was sent to Seneca Meadows landfill and Mr. Brown denied that there were any hazardous materials stored in the barn. Mr. Brown further explained that the disposal company would not have risked transporting hazardous materials to Seneca Meadows and a copy of their report is included in the application file.

Mr. Brown commented that a nearby building known as the “rat lab” was used for asbestos storage and that would be dealt with accordingly.

**Public Comment**

**Dr. Linda Schwab:** Chair MacCormick read a letter (attached) from Village Historian, Dr. Linda Schwab, expressing her disappointment that, as the proper procedures for demolition were not followed, she was unable to document the building for the historic record. Dr. Schwab also expressed concern regarding the contents of the barn prior to demolition.

**Tom Gunderson:** Mr. Gunderson remarked, as the former head of Buildings and Grounds for Wells College, that the original intention of the barn was for housing a manure spreader.

**John Marshall:** Mr. Marshall expressed concern that Wells would continue to circumvent the law if they were allowed to proceed without any repercussions.

On motion by Zimdahl, seconded by Easter, the CPP and Planning Board members voted to declare Application #14-40 a Type II Action, ending the SEQR process.

AYES: CPP – MacCormick, Blum, DiSanto, Easter, and Morehouse. Planning Board – Bianconi, Foser, Murphy, Sheradin, and Zimdahl

NAYS: None

Motion carried unanimously.

On motion by Easter, seconded by Morehouse, the CPP and Planning Board members voted to close the Public Hearing at 7:42 pm.

AYES: CPP – MacCormick, Blum, DiSanto, Easter, and Morehouse. Planning Board – Bianconi, Foser, Murphy, Sheradin, and Zimdahl

NAYS: None

Motion carried unanimously.

Chair MacCormick called the regular meeting of the Community Preservation Panel to order at 7:44 pm. All remained present.

**Approval of Minutes:** On motion by Blum, seconded by DiSanto, the CPP voted to approve the December 3, 2014 minutes.

AYES: MacCormick, Blum, DiSanto, Easter, and Morehouse

NAYS: None

Motion carried unanimously.

**Changes to the Agenda:** None

**Announcements:** None

**Visitor Recognition:** Chair MacCormick welcomed all visitors and there were no comments.

**Old Business:** No Old Business was discussed

**New Business**

**Application #14-40 from Wells College for a Demolition Permit at 595 Poplar Ridge Road (Tax Map #193.09-1-3)**

Chair MacCormick remarked that everyone in the village is subject to the Village Zoning Law and that the CPP is bound by the zoning law to review application #14-40, even retroactively. Mr. MacCormick further commented that the CPP is receptive to reasonable requests for demolition and, had Wells College followed the proper procedure, the application would most likely have been approved.

Mr. MacCormick then asked for assurance from Mr. Brown that Wells did not try to bypass the process as a consequence of the CPP’s denial of application #12-02 from Wells College to demolish McMullen House. Mr. Brown responded that forgetting to submit an application was due to his losing perspective in his rush to complete the project.

CPP member Dan DiSanto commented that, as Wells has had to come before the CPP many times with past applications, pleading ignorance to the process appeared disingenuous. However, Mr. DiSanto reiterated that the application would most likely have been easily approved, given the explanation for the demolition, which then brought up the question, “What is the recourse?”

On motion by DiSanto, seconded by Morehouse, the CPP voted to approve Application #14-40, retroactively.

AYES: MacCormick, Blum, DiSanto, and Morehouse

NAYS: None

ABSTAIN: Easter

Motion carried.

Chair MacCormick issued the applicant a Certificate of Appropriateness.

Discussion ensued on what, if any, penalty should be enforced. As the code/zoning officers are responsible for enforcement, the committee can only make a recommendation.

On motion by DiSanto, seconded by Morehouse, the CPP voted to recommend that the Code Enforcement Officer/Zoning Inspector levy a $100.00 fine against Wells College.

AYES: MacCormick, Blum, DiSanto, Easter, and Morehouse

NAYS: None

Motion carried unanimously.

Mr. Brown, in reaction to the fine, remarked that he and President deWitt both saw an easy fix to a problem they deemed an “eyesore” to the campus. Mr. Brown argued that President deWitt is taking Wells College in a positive direction and a single mistake made with the intention of improving a “first impression” of the campus to potential students should not be viewed too harshly. CPP member, Jeff Blum replied that a trash container on the site is more objectionable than a barn.

Chair MacCormick concluded that there was strong community reaction to the demolition and a $100 fine was a mere token to demonstrate the committee’s dissatisfaction with Wells attempt to circumvent the village zoning law.

**Application #14-43 from Tom Gunderson for an Excavation for Placement of a Caboose at 287 Main St (Tax Map #182.17-1-4.2)**

Mr. Gunderson presented preliminary plans to place a Lehigh Valley Railroad caboose on his property as an adjoining structure to the renovated railway station. The caboose would be used as additional sleeping space for visiting friends and family members. The caboose would be equipped with a bathroom, but not kitchen facilities, and Mr. Gunderson stated that the only plan is for personal use, not as a rental. Two options for the location of the caboose were presented.

Option 1 has the caboose located southeast of the train station and behind Dorie’s. Due to significant trees between Dories and the caboose, Mr. Gunderson commented that the caboose would not be visible from Dories.

Option 2 has the caboose placed just behind the adjoining property to the east, which Mr. Gunderson also owns.

Mr. Gunderson explained that the locations have to be evaluated as there is significant delivery and cost concerns for placement of the caboose. The caboose will be set on rail ties, which require excavation, and the excavation is also needed for installing the water/sewer lines. The caboose is 31’ long X 10’ wide X 13’ high.

Mr. MacCormick commented that, as the train station is visible from Cayuga Lake, the caboose would enhance the view as a companion piece especially as it is from the Lehigh Valley Railroad which ran along the lakeshore.

On motion by Blum, seconded by DiSanto, the CPP voted to approve Application #14-43 as submitted with either option.

AYES: MacCormick, Blum, DiSanto, Easter, and Morehouse

NAYS: None

Motion carried unanimously.

Chair MacCormick issued the applicant a Certificate of Appropriateness.

**Application #14-44 from Randall & Steven Zabriskie for an Addition and Alteration at 349 Main St (Tax Map #181.16-1-23.1)**

The Zabriskie’s architect, Jill Fudo, presented plans which included:

* Expanding the living room and kitchen
* Creating a master bedroom suite with a balcony
* Installing a lift
* Replacing a patio and stairs leading to the lake

As the building was built before current setback requirements, the applicants were instructed to discuss with the Village Zoning Inspector if a variance is required.

On motion by DiSanto, seconded by Blum, the CPP voted to approve Application #14-44 as submitted.

AYES: MacCormick, Blum, DiSanto, Easter, and Morehouse

NAYS: None

Motion carried unanimously.

Chair MacCormick issued the applicants a Certificate of Appropriateness.

Chair MacCormick informed those present of the possibility of a six month moratorium on permits in the village that require board review. The moratorium would not affect simple building permits for general repairs. The Village Board of Trustees is considering the moratorium in order for the boards and an ad hoc committee to focus on amending the current village zoning law. A public hearing is scheduled for January 21, 2015 beginning at 7:30 pm.

On motion by Morehouse, seconded by Blum, the CPP voted to adjourn the meeting at 8:35 pm.

AYES: MacCormick, Blum, DiSanto, Easter, and Morehouse

NAYS: None

Motion carried unanimously.

**Next Meeting:**  TBD

Respectfully submitted,

Ann Balloni

Village Clerk