**DRAFT**

**Planning Board November 28, 2018 Public Hearing and Regular Meeting Minutes**

The meeting was held at the Aurora Firehouse meeting room at 7:00 pm

**Present:** Chairperson Pat Bianconi, Pat Foser, Michele Murphy, Pam Sheradin and Frank Zimdahl

**Others Present:** Clerk Ann Balloni, ZBA member Laura Holland, CPP Chairperson Chris MacCormick, Inns of Aurora General Manager Sue Edinger, and Village Resident Sandra Groth

**Call to Order:** Ms. Bianconi called the meeting to order at 7:00 pm.

**Changes to the Agenda:** No changes

**Approval of Minutes:** On motion by Ms. Murphy, seconded by Mr. Zimdahl, the Planning Board voted to approve the September 26, 2018 minutes.

AYES: Bianconi, Foser, Murphy, Sheradin and Zimdahl

NAYS: None

Motion carried unanimously.

**Announcements:** Ms. Bianconi informed the Board that she is working with Mayor Bennett on drafting a solar law.

**Visitor Welcome:** Ms. Bianconi welcomed all visitors and there were no comments.

**Public Hearings for Application #18-35 for a** **Special Use Permit to** **Use 441 Main St as Offices for the Inns of Aurora and** **#18-36 for a Special Use Permit to Use 396 Main St as Offices for the Inns of Aurora**

Ms. Edinger explained a sequence of events that led to submitting applications #18-35 and #18-36. The Inns of Aurora submitted an application in August 2017 to convert Taylor House (396 Main St) to a conference center. The application was denied by the Village Code Enforcement Officer because the Village Zoning Law Table of Uses does not allow conference centers in the Residential Zone.

The Inns of Aurora requested that the Village Board amend the Table of Uses to allow conference centers, but the law has not been amended. Ms. Edinger reiterated that the Village has requested a Global Environmental Impact Study (GEIS) for all the Inns properties, but the Inns can only proceed with a GEIS if there is a current project proposed. As the Inns of Aurora’s plan is to use residential property that they own for commercial purposes not allowed in the Village Zoning Law, the process is at a standstill.

The Village Code Enforcement Officer, Patrick Doyle, issued a Cease and Desist Order on October 18, 2018 to the Inns of Aurora upon discovering that 396 and 441 Main St were being used by the Inns of Aurora for offices, uses that require a Special Use Permit per the Village Zoning Law. Ms. Edinger immediately responded to the Cease and Desist by submitting Applications #18-35 and #18-36 for Special Use Permits to come into compliance with the Village Zoning Law.

Ms. Bianconi read an email from Mr. Doyle (attached) outlining his rationale for forwarding Application #18-35 and #18-36 to the Planning Board for Special Use Permit consideration. Mr. Doyle notes that the Village Zoning Law Table of Uses allows for Professional Offices in the Residential Zone with a Special Use Permit.

**Application #18-35 for a Special Use Permit to Use 441 Main St as Offices for the Inns of Aurora**

On motion by Ms. Foser, seconded by Mr. Zimdahl, the Planning Board voted to deem Application #18-35 complete.

AYES: Bianconi, Foser, Murphy, Sheradin and Zimdahl

NAYS: None

Motion carried unanimously.

**Public Hearing****:** On motion by Mr. Zimdahl, seconded by Ms. Foser, the Planning Board voted to open the Public Hearing for Application #18-35 at 7:12 p.m.

AYES: Bianconi, Foser, Murphy, Sheradin and Zimdahl

NAYS: None

Motion carried unanimously.

**Public Comment:** No comments

On motion by Ms. Sheradin, seconded by Ms. Murphy, the Planning Board voted to close the Public Hearing for Application #18-35 at 7:13 p.m.

AYES: Bianconi, Foser, Murphy, Sheradin and Zimdahl

NAYS: None

Motion carried unanimously.

**#18-36 for a Special Use Permit to Use 396 Main St as Offices for the Inns of Aurora**

On motion by Ms. Sheradin, seconded by Mr. Zimdahl, the Planning Board voted to deem Application #18-36 complete.

AYES: Bianconi, Foser, Murphy, Sheradin and Zimdahl

NAYS: None

Motion carried unanimously.

**Public Hearing****:** On motion by Ms. Murphy, seconded by Ms. Sheradin, the Planning Board voted to open the Public Hearing for Application #18-36 at 7:14 p.m.

AYES: Bianconi, Foser, Murphy, Sheradin and Zimdahl

NAYS: None

Motion carried unanimously.

**Public Comment**

**Chris MacCormick:** Mr. MacCormick believes that it is best for the buildings to be used rather than stand idle as others have in the past. Mr. MacCormick added that, as a neighbor, he is agreeable to the offices, but prefers the conference center idea and noted that Taylor House was “quasi-institutional” for many years as the Wells College President’s House and hosted many events in that capacity.

**Laura Holland:** Ms. Holland questioned if the Village Attorney was consulted due to the unclear wording of allowed uses under the current zoning law. Ms. Holland warned of potential unintended consequences without a clear interpretation of intent from the Village Attorney.

Ms. Holland further recommended revising the zoning law even if it is “bit by bit” and consider extending the commercial district to include Taylor House.

**Sandra Groth:** Ms. Groth noted that the Inns of Aurora currently have offices in Taylor House and questioned if there is a parking plan.

Ms. Edinger responded that the employees will park as they always have, in the Inns of Aurora parking lot or the parking spaces on Court St. Ms. Edinger clarified that she is hoping the offices in Taylor House are only temporary and that they are still exploring ways to make it a conference center and reiterated that once a project is submitted, a GEIS can be completed.

Mr. Zimdahl posited that neighbors seem to be on-board with the conference center idea and that the commercial district could be extended to include Taylor House.

On motion by Mr. Zimdahl, seconded by Ms. Foser, the Planning Board voted to close the Public Hearing for Application #18-36 at 7:30 p.m.

AYES: Bianconi, Foser, Murphy, Sheradin and Zimdahl

NAYS: None

Motion carried unanimously.

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

**New Business**

**Application #18-35 for a Special Use Permit to Use 441 Main St (Tax Map #181.12-1-9) as Offices for the Inns of Aurora**

Ms. Bianconi noted that the project is a Type 2 Action under the State Environmental Quality Review Act, requiring no further environmental review.

Ms. Bianconi read the applicant’s project narrative emphasizing that there is adequate parking on premise; 4 spaces in the driveway and 2 in the garage. Mr. Zimdahl remarked that the narrative also refers to “parking available on the street in front of the property” and noted that there is not any on-street parking in front of 441 Main St. Ms. Edinger agreed with Mr. Zimdahl and clarified that the Inns included alternate parking options in the narrative, but it wasn’t really applicable because there is enough on-premise parking.

The Planning Board reviewed the Special Use Permit criteria in the Village Zoning Law and discussed the following:

Ms. Foser questioned if the application required a Use Variance. Ms. Bianconi referred to Mr. Doyle’s email explaining that, per the Village Zoning Law, professional offices are allowed in the Residential Zone with a Special Use Permit.

Ms. Holland questioned the difference between “professional offices” and “corporate offices”. Ms. Bianconi responded that the Village Zoning Law does not differentiate between or define professional or corporate offices, noting that the wording for Professional Offices, “lawyers, doctors, counselors, private instructors, massage therapists, **and the like**”, leaves it open to interpretation.

On motion by Mr. Zimdahl, seconded by Ms. Sheradin, the Planning Board voted to approve a Special Use Permit for Application #18-35 as submitted.

AYES: Bianconi, Foser, Murphy, Sheradin and Zimdahl

NAYS: None

Motion carried unanimously.

**Application #18-36 for a Special Use Permit to Use 396 Main St (Tax Map #181.16-1-7) as Offices for the Inns of Aurora**

Ms. Bianconi noted that the project is a Type 2 Action under the State Environmental Quality Review Act, requiring no further environmental review.

Ms. Bianconi read the project narrative again noting Ms. Edinger’s assertion that the employees will park as they always have, in the Inns of Aurora parking lot or the parking spaces on Court St. and, occasionally, in the Wallcourt parking lot.

The Planning Board reviewed the Special Use Permit criteria in the Village Zoning Law and discussed the following:

Ms. Foser questioned if there were OSHA requirements now that the building is being used as office space. Ms. Edinger replied that Mr. Doyle has consulted with the architect, Bruce King, and must inspect the building for compliance before a permit can be issued.

Mr. Zimdahl remarked that parking continues to be an unresolved issue in the Village and nothing has changed to accommodate this project.

On motion by Ms. Foser, seconded by Ms. Murphy, the Planning Board voted to approve a Special Use Permit for Application #18-36 as submitted.

AYES: Bianconi, Foser, Murphy, Sheradin

NAYS: Zimdahl

Motion carried 4-1.

The Planning Board discussed the idea of extending the commercial district from Cherry Ave, east to Court St, and north through the Shakelton House property. The members noted that only one property in the area is used as a residential home (part-time), the area borders the commercial district and the buildings are all owned by the Inns of Aurora for current/potential commercial purposes. The Planning Board also stressed that properties north of the Shakelton House along the east side of Main St to Sherwood Road should remain residential.

On motion by Mr. Zimdahl, seconded by Ms. Sheradin, the Planning Board authorized Chairperson Bianconi to draft a letter to the Village Board of Trustees recommending that the zoning from Cherry Ave, east to Court St and north through the Shakelton House property, be changed to commercial.

AYES: Bianconi, Murphy, Sheradin and Zimdahl

NAYS: None

ABSTAIN: Foser

Motion carried unanimously.

**December 26, 2018 Planning Board meeting:** Due to the proximity to Christmas and lack of a quorum, the December 26, 2018 Planning Board meeting is cancelled.

**Adjournment:** On motion by Mr. Zimdahl, seconded by Ms. Foser, the Planning Board voted to adjourn the meeting at 8:05 p.m.

AYES: Bianconi, Foser, Murphy, Sheradin and Zimdahl

NAYS: None

Motion carried unanimously.

Respectfully submitted,

Ann Balloni

Village Clerk