

Village of Aurora Board of Trustees April 14, 2021 Public Hearing Minutes

The meeting was held via Zoom at 6:00 p.m.

Present: Mayor Bonnie Bennett, Trustees Grace Bates, Matt Bianconi, Thea Miller, and Janet Murphy

Others Present

Village Officials: Clerk Ann Balloni, Planning Board member Pat Foser, ZBA members Karen Hindenlang & Laura Holland

Inns of Aurora: General Manager Sue Edinger, Attorney Wendy Marsh, and Outdoorsman Matt Stevenson

Cayuga County Economic Development Agency: Tracy Verrier

Local Residents: Marie Dentes, Robin Driskel, Jacci & Virgil Farlow, and Randi & Steve Zabriskie

Public Hearing for Inns of Aurora Moratorium Law Appeal: On motion by Trustee Bianconi, seconded by Trustee Murphy, the Village Board voted to open the public hearing at 6:03 pm, for the Moratorium Law appeal submitted by the Inns of Aurora.

AYES: Bennett, Bates, Bianconi, Miller and Murphy

NAYS: None

Carried unanimously.

Mayor Bennett referred to section 5 of the Moratorium Law (Local Law #1 of 2021) regarding the appeal process, and the appeal letter from the Inns of Aurora (attached).

Trustee Bianconi disclosed that his cruise business operates from the Inns of Aurora dock, but he receives no financial benefit from the IOA.

Ms. Marsh reiterated her argument that Application #20-19 should be exempt from the moratorium as it is a pending application, submitted on October 1, 2020.

Mayor Bennett explained that the purpose of the moratorium is to give the Boards time to focus on updating the Village Master Plan and Zoning Law, rather than complicated reviews of non-residential applications.

Mayor Bennett read comments from the Village Code Enforcement Officer, Dan Green (attached) dated April 12, 2021. Mr. Green confirmed receipt of the February 10, 2021 revised Application #20-19, attached to the appeal letter, dated March 18, 2021, and acknowledged that "sufficient information" is included for the design concept and he will consult the village zoning law to determine if more detailed site plans are necessary for CPP/Planning Board review.

The IOA appeal letter mentions review of Application #20-19 by the Planning Board, though the application never made it that far. Mayor Bennett corrected the mistake and reviewed the application timeline as follows: Application #20-19 was received on October 1, 2020. On October 18, 2020, former Code Enforcement Officer Patrick Doyle, newly hired Code Enforcement Officer John Greer, and Planning Board Chairperson Pat Bianconi met with IOA General Manager Sue Edinger for a discussion. Application #20-19 was incomplete at that time due to an insufficient site plan and lack of a subdivision request as the tent structure is located on two separate tax parcels.

Officer Greer sent a letter to Ms. Edinger dated November 16, 2020 requesting a proper site plan be submitted with Application #20-19, per section 903 of the village zoning law. The village received the revised application on February 10, 2021, the same day that the Moratorium Law was passed.

Ms. Marsh and Ms. Edinger referred to Officer Doyle's initial determination that the new tent did not require a permit. However, Mayor Bennett explained that when it was understood that the frame of the tent would remain in place year-round, Officer Doyle issued a Temporary Operating Permit for the use of the tent from June 26, 2020-November 26, 2020. Officer Doyle further instructed the IOA to submit an application for a "permanent structure", prior to the expiration of the Temporary Operating Permit, and confirmed that the tent did not require a Special Use Permit for excavation.

Ms. Marsh lamented that the Inns of Aurora did not receive prior notice that the Village Board was considering a temporary moratorium while they had a pending application. Mayor Bennett noted that incomplete applications are not "pending", and the Moratorium Law was introduced at the January 20, 2021 Village Board meeting.

Mayor Bennett referenced section 5 of the Moratorium Law to explain the criteria for hardship that the Village Board must consider in making their determination on the appeal:

- A. An application shall be submitted in writing setting forth: 1.) the reasons for the appeal; 2.) the specific hardship suffered by the applicant as a result of the implementation of this local law; 3.) the manner in which a variance from the provisions of this local law will benefit the health, safety and welfare of the residents of the Village and 4.) evidence that the application if permitted to proceed would comply with the existing Zoning Law, local laws, and the Village of Aurora's Master Plan. The application must contain all materials, including a detailed plan of the development and/or uses proposed that would be required for the particular development sought if the application were to be processed in the absence of this moratorium. In addition, it must contain certified topographical documentation showing all environmental features on the property including slopes, wetlands, and open water.

Public Comment

Marie Dentes: Ms. Dentes submitted a letter (attached) expressing concern that the Inns of Aurora will no longer support local not-for-profits and community events such as the Book Lovers Ball unless the appeal is granted.

Randi Zabriskie: Ms. Zabriskie referred to the new bathrooms proposed for the Aurora Inn in Application #20-19. Ms. Zabriskie hosts fashion shows at the Aurora Inn through her business, Jane Morgan's Little House, and recognizes the need for additional bathrooms.

Virgil Farlow: Mr. Farlow asked to be considered for the comprehensive plan update committee. Mr. Farlow noted that the village should be supportive of the Inns of Aurora and other local businesses.

Steve Zabriskie: Mr. Zabriskie agrees that the Inns of Aurora should be supported in their endeavors.

Robin Driskel: Ms. Driskel echoed the sentiments of Ms. Dentes and Mr. Farlow and added that she feels the tent is beautiful.

Nancy Gil: Ms. Gil noted that the hardship appeal does not meet the criteria of “benefitting the health, safety and welfare of the residents of the Village” and, therefore, should not be granted.

Mayor Bennett read the letter from Ms. Dentes, a letter from Tracy Verrier (attached) congratulating the Village on updating their comprehensive plan, and Dr. Linda Schwab (attached) who does not believe the IOA appeal meets the criteria for hardship set forth in the Moratorium Law.

Ms. Edinger applauds the village for revising their Master Plan/Zoning Law but remarked that a concern of the moratorium is that the IOA will miss the construction season to complete the project. Mayor Bennett questioned Ms. Edinger when they planned to start the project and Ms. Edinger replied that they were hoping for this fall but, realistically, they are looking at spring 2022. Mayor Bennett noted that, unless it is extended, the 9-month moratorium expires on November 18, 2021. Ms. Edinger replied that the Planning Board can take months to grant an approval and they cannot afford to miss next year’s construction season. Mayor Bennett countered that the Planning Board issues determinations when a file is complete and incomplete applications extend the process.

Trustee Bates questioned if the IOA received small business grants/loans due to the pandemic and Ms. Edinger confirmed that they did. Trustee Bates questioned if Ms. Dentes concern about the IOA no longer supporting village not-for-profits was valid. Ms. Edinger answered that the future of the Inns of Aurora properties is in doubt once Pleasant Rowland dies. The goal is for the business to sustain itself without Ms. Rowland’s financial support. Currently, the IOA is not profitable and though they would like to continue supporting the village non-profit events such as the Book Lovers Ball and community dinners, it may not be possible without support from the village boards for their projects.

Trustee Bianconi questioned why the tent structure and kitchen renovation/new bathrooms were submitted as one application. Ms. Marsh replied that that was her decision based on Officer Doyle’s recommendation.

Trustee Murphy commented that the discussion was veering away from the point of the public hearing which is to determine if the IOA’s appeal meets the criteria for hardship per the moratorium law.

Mayor Bennett noted that the Village Board will make their determination at their April 21, 2021 regular meeting.

Adjournment: On motion by Trustee Bates, seconded by Trustee Murphy, the Village Board voted to close the Public Hearing for the Inns of Aurora appeal and adjourn the meeting at 6:55 p.m.

AYES: Bennett, Bates, Bianconi, Miller, and Murphy

NAYS: None

Motion carried unanimously.

Respectfully submitted,

Ann Balloni
Village Clerk