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Village of Aurora
456 Main Street
Aurora, NY 13026

Re: Comments on proposed PDD zoning law amendments

Dear Mayor Murphy and members of the Village Board of Trustees,

The proposed new Planned Development District (PDD) marks an important step forward in preparing for the redevelopment of the Wells College campus. However, the proposed amendments in their current form contain flaws that may lead to unintended consequences. The Wells Legacy Society would urge the Village Board to rectify these problems before adopting the amendments.

Our concerns are summarized as follows: the current proposal removes the campus Institutional zone from the current law's established districts, table of uses and dimensional table (draft zoning law amendments pp. 33, 36, and 53), and places a new campus PDD zone in the regulations and on the zoning map. But the PDD does not permit any by-right use of the property without Village Board approval at the conclusion of an additional, lengthy PDD process. Thus, the current draft proposal will effectively eliminate *all* use by-right of the Wells College campus until *after* the PDD application and approval processes have been completed. The application and approval processes are exceedingly (and perhaps unnecessarily) complex and will take considerable time. As a result, the timely and appropriate redevelopment of this important property could be thwarted unintentionally by the adoption of an otherwise laudable new PDD district.

As background, remember that the PDD is a regulatory structure that permits a landowner to *apply* to the Village to create a new, more flexible zoning district for its property with collaboration, oversight, and approval by the Planning Board and Village Board of Trustees. (See the draft process in 6A.05.) Permitted uses in the PDD do not exist until *after* application has been made by the owner and approved by the Village. (See §6A.04(A)(4).) The PDD zone essentially creates a blank canvas and invites the landowner to make a proposal, but in itself, it does not provide basic zoning regulations for the campus. This leaves the campus in a zoning vacuum — and with no permissible uses — until the landowner completes the PDD process.

This problem can be easily corrected. First, rather than eliminating the Institutional zoning district from the zoning law, the better approach is to retain the Institutional zone both in the text and on the zoning map. Then, with respect to the PDD district, *amend only the zoning law text at this point and not the map.*

This would permit the landowner to apply for *future* zoning map amendments as needed to provide for flexible, mixed-use development on campus, while allowing for continued Institutional uses such as offices for a new not-for-profit owner. It is premature to amend the zoning map (Draft Zoning Law amendments p. 237, and Comprehensive Plan draft revisions pp. 27-28) in order to place the PDD on the real estate at this time. Instead, by adopting the PDD regulations, the Village Board of Trustees would make the PDD available to the landowner for a rezoning of the property in the future, when and if the landowner is prepared to activate the benefits of a PDD.¹

Second, with respect to the draft zoning regulation, the Board should *consider revising the proposed "Minimum Area"* for the new PDD. As drafted, the minimum area for a PDD application "shall be the entirety of the land area designated as the WC PDD on the Village of Aurora Zoning Map," which is the entire campus.² This means that "any application for planned development approval shall include all parcels and lands comprising the WC PDD within a single, comprehensive development proposal." (See §6A.04(A)(1)). This would require the new landowner to provide all of the detailed information required by §6A.06 for the entire campus, before proceeding with the redevelopment of any part of the campus. But a phased approach might make more sense.

For example, as currently drafted, if the new landowner wished to propose multi-family residential use for Dodge, Leach, and Weld dormitories under the PDD, it would need to submit a rezoning application describing the soil characteristics and limitation, vegetative cover, site drainage, site ingress and egress, parking, landscaping, etc., for the *entire* campus. Considering the size of the campus (25 main buildings on 127 acres) and the sheer complexity of the redevelopment project, the new owner reasonably may prefer to provide complete details only for the current phase of development. *Given that the campus is already built*, with vegetation and travelways etc. already established, it may be in the best interests of both the Village and the new owner to lower this barrier to redevelopment.

Third, the required application components (§6A.06) appear to be unnecessarily complex, given that the campus is already developed and that redevelopment of the existing buildings is the likely future scenario. The "description of natural site characteristics," for example, might be required only if the landowner proposes to engage in land disturbing activities of a certain magnitude. Assuming these draft regulations are perhaps template language for a "greenfield" site, could they be revised to reflect the developed nature of the College campus? Likewise, might it be it possible to simplify the proposed establishment process in §6A.05? It appears to be more complex than that found in some other Village and Town PDDs in NYS.

¹ See, for example, the Cazenovia College process, where the campus currently retains its "College District" zoning, but the new owner plans to apply for PDD zoning. https://www.eaglenewsonline.com/cazenovia_republican/village-board-updated-on-caz-college-campus-and-athletic-center-zoning-processes/article_5da01509-99b0-4067-9abe-e64789e2f05e.html

² These are possible errors in the proposed zoning map amendments. The municipal services building is zoned Open Space / Recreational and the PDD is placed on the separately owned golf course (so it would need to be included in the application process for campus redevelopment). The "President's House" has been spot-zoned to Lakefront Residential, but the new owner may or may not use it as a home.

The Village Board may wish to ask the Planning Board to revise the application components and review procedures as an integrated unit, to achieve a process that provides all necessary information to the Village Board for review, but at a level that will encourage the redevelopment of campus.

Finally, with respect to the timing of the adoption of the ordinance, the Village Board may wish to *review the proposal with the future owner of the campus* - the entity that will be directly affected by the amendment — if it has not already done so. At this time, it appears that the Hiawatha Institute for Indigenous Knowledge will own the campus. HIIK will need to become familiar with the PDD district, and its views as to the feasibility of redeveloping the campus under this district might be considered before the district is adopted. If the question of future ownership becomes uncertain, then the Board may choose to adopt these new regulations without the benefit of this feedback.

In conclusion, the current draft proposal eliminates any by-right use of the Wells College campus by removing the Institutional zoning and applying the new PDD zoning to the campus. The future use and redevelopment of any portion of the campus would be possible only at the conclusion of a lengthy and complicated rezoning application and approval process that would be required to address the entire campus as a whole. By making corrections to the proposal, the Village Board can create a new PDD that will provide a very effective vehicle for the timely and appropriate redevelopment of the campus, while providing for meaningful levels of community review, comment, and approval.

Thank you for considering these remarks and for your considerable efforts on behalf of the Village of Aurora.

Sincerely,

Rachel Snyder, Co-President
Kathleen Dooley, Board of Directors

Cc: Les Lo Baugh, Jr., HIIK President and CEO

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The Wells Legacy Society, incorporated two weeks after the college's closure announcement, promotes the local and regional preservation of Wells' rich history and nationally significant legacy in Aurora and the Finger Lakes region.

www.WellsLegacySociety.org