

Village of Skaneateles
Zoning Board of Appeals Public Hearing
June 25, 2013

In the matter of the application of **Finger Lakes Luxury Homes, Inc.** for a change of use to retail plus two dwelling units; and to vary the strict application of Section 225-A5 for Lot area, Lot width and Building height; and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion at the property addressed as **46 East Genesee Street** in the Village of Skaneateles.

Present: Lisa Banuski, Chairman
Craig Phinney, Member
Larry Pardee, Member
Stephen Hartnett, Member

Riccardo Galbato, Attorney for the ZBA
Dennis Dundon, Clerk to the ZBA

Bob Eggleston, architect, on behalf of the applicant

Absent: John Crompton, Member

Chairman Banuski opened the Public Hearing at 7:48 pm announcing the application of Finger Lakes Luxury Homes, Inc. for 46 East Genesee Street. Mr. Eggleston introduced himself and said, "Rick Moscarito has amended his project by just a little bit. What I'll do is just go over the changes. First of all the front is exactly like it was before without any changes. What's different is that we have pushed out the garage an extra 5 feet from what was approved – from 26 to 31 – and then the first floor we have pushed out 8 feet. This allows us the change of use – instead of the first floor being all retail, it's going to be a small retail on the street and then a 1 or 2 bedroom apartment on the first floor – independent of the dwelling that will be Rick's retirement dwelling on the 2nd, 3rd and 4th. So this is pushed out a little bit further. And on the 2nd floor what was originally proposed as an open porch, is now an enclosed porch or sunroom. The 3rd floor and 4th floor are pretty much exactly as originally proposed, with the same amount of living space and deck space. The other major change is that we flipped the elevator and the stairway from the west side over to the east side to make the circulation work a little better. The stairway is now an enclosed stairway on the basement 1st and 2nd floor and is only an external stair from the 3rd floor down to the 2nd floor deck – internal to the private dwelling unit. One of the advantages there is you don't have that stairway going all the way up that becomes an attractive nuisance for non-residents."

Mr. Eggleston continued, "So the change of use from what was the original approval was it's now 2 dwelling units and a smaller retail space, whereas before it was a large retail space and one dwelling unit. The variances remain the same. For the lot width we're supposed to be 30

feet for the retail and 30 feet for the residential. The lot size is 3000 for each use, so a 9000 SF lot is required. As we had discussed before, that part of the Zoning Law really does not match the fabric of this area – it's not uncommon for a 25 foot wide lot. They encourage the mixed use. And we still have the 4.5 story, which is the same as it was before. We do have a letter of support from Julie Sharpe. I did talk with Eloise Luchsinger. Eloise was given the plans and given a letter that she could sign – she just wanted to digest it and not sign right away. When I spoke to her she seemed pretty favorable; in fact she liked the fact that we were changing the elevator and stair over to the east side. We have still maintained the profile of the building is behind, and the gray *poche* is Eloise's building and all of the elements of our building are behind Eloise's building and they are behind Julie's except for where the elevator comes up. In the back the view tends to be towards the east, towards the church, and Eloise has a very nice view looking right down to St. James' Church. Are there any questions relative to the modifications that were put before you?"

Chairman Banuski said, "No. I actually think the elevations in the back are a real improvement over what's there now. It makes more sense to have the buildings line up more in the back anyway. So I don't have any objections. When you say push; I saw one of the questions in the SEQR – the snow – they just plow it into the lake?" Mr. Eggleston, "Right." Chairman Banuski, "Storage of the snow is to the south. So that's just tradition? Everybody just plows it in?" Mr. Eggleston, "It may not actually get plowed into the lake but it is plowed towards the lake." Chairman Banuski, "And eventually, the more snow you get the more you're pushing in. I don't have any more questions." Member Pardee said, "I only have one. And that is the parking. By the current regs it looks like you need 5 parking spaces for this building." Mr. Eggleston, "We are required, by the current regs, to have 3 parking spaces. We have 4. The reason is, for the main dwelling unit which is over 1500SF we are required to have 2 parking spaces. For the first floor unit, which is between 1000 and 1500, we are required to have 1.5. And in the regulations it says fractions under $\frac{3}{4}$ are dropped. So we are required to have 3 parking spaces. The current regulations say that the retail space today, parking is not required to be on-site. After the moratorium that's what finally came about. The reality is that we do have 4 parking spaces and I can see where one of the outside parking spaces could easily be used by an employee of the retail space during the day and an extra parking space for a residential guest."

Chairman Banuski said, "I thought Bruce did a good job addressing that as well, and saying that with the Critical Impact, that they could consider that and they did – at the Planning Board. And the response is that this is a building that with the square footage as office space, requires 17 parking places." Member Pardee said, "But remember the Krebs. The Planning Board got into the parking situation at the Krebs, and decided on no additional parking beyond the handicapped spots. That's a big change of heart to me." Mr. Eggleston, "There's some inconsistency there." Chairman Banuski said, "But it is different neighborhoods. This is Downtown D, that's a residential district. I do think that was the big thing – and the objections of all the neighbors to a parking lot." Mr. Eggleston, "Having worked on the subcommittee that reworked the parking regulations, they personally didn't end the way I wanted it to. I think the \$7,500 fee was totally out of place and it made it very lucrative for people to invest lots of money in 'rebuttable presumption' to get your way out of having to pay it – since it was so unreasonable, especially for small additions. The Chamber came in real strong saying 'in this depressed economy we

don't want to have the land owners pay, let the people who park pay – but don't raise the fee now.’”

Chairman Banuski said, “None of us is satisfied with what our parking rules are, but the truth is it is not an issue for us tonight. But at least I feel some comfort that the Planning Board brought it up and discussed it, so we can consider this in the environmental impact and all of that.”

Chairman Banuski opened the public comment portion of the hearing saying, “Are there any comments in favor of this application? Anyone here want to talk? I'm really surprised you don't have anyone here. Any comments against?” Member Hartnett said, “And nothing in any letters.” Mr. Eggleston, “Just Julie's.”

Chairman Banuski said, “Then I move we close the Public Hearing.” Member Hartnett seconded the motion. Upon the unanimous vote of the members present in favor of the motion, **Chairman Banuski continued, “I will move that we approve the variance application to vary Section 225-A5 for lot area, lot width and building height, and 225-69D non-conforming buildings, structures and uses for 46 East Genesee Street. The approval is based on 8 pages of drawings dated 24 May 2013. This is a Type 2 transaction, and construction is to be completed in 2 years.”** Member Phinney seconded the motion.

Upon the unanimous vote of the members present in favor of this motion, Chairman Banuski declared, “The motion is passed.” Mr. Eggleston thanked the Board. This matter was concluded at 8:00 pm. After some discussion about the upcoming month's business, the meeting was adjourned by acclamation at 8:01 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

