

**Village of Skaneateles
Planning Board Meeting
February 5, 2015**

Variance Recommendation in the matter of the application of Nicholas A. Pitarys to vary the strict application of Section 225-A5 Density Control Schedule for Side yard setback, left; Side yard set-back, right,; Both side yards combined; and Percentage of structure width/lot width to install a natural gas generator at the property addressed as 98 West Lake Street in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
Brian Carvalho, Member
Stephen Hartnett, Member
Douglas Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board
John Crompton, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Nicholas Pitarys, Applicant
Gale Pitarys, on behalf of the applicant

Susan Jones, Village Trustee
Robert Eggleston, Skaneateles
Kim Weitsman, Skaneateles
Doreen Simmons, Esq., Skaneateles
Eloise Luchsinger, Skaneateles
F. L. Gorman, Esq., Rochester
Charlie Wallace, Skaneateles
Bill Marquardt, Esq., Skaneateles
Tom Malinowski, Syracuse
Matt Napierala, Manlius
Paula Conan, Skaneateles

Absent: William Eberhardt, Member

Chairman Kenan called the meeting to order at 7:30 pm and announced the application of Nicholas Pitarys for 98 West Lake Street. Mr. Pitarys introduced himself and presented, "We had a generator installed and Saxton Electric did the work. When they completed the job, they called and talked to John Crompton so he could have the panel board inspected and approved. At that time he said that I needed a building permit for the generator. So I was called on New Years day and informed that I needed to talk to John. I did come down on Friday January 2, 2015 and John said that I needed a variance. He could not approve the building permit. So we went

through the formality, I filled out all the paperwork and submitted it on that following Monday.” Chairman Kenan, “It appears the issue is it is alongside the house so it diminishes the side yard set-back. Does that sound right?” Mr. Pitarys, “Yes. Both sides of the house I needed like 35 feet and I didn’t have it.” Chairman Kenan, Yes, there’s a left side and right side and combined. You are only affecting the right side. Does anyone have any questions?”

Member Carvalho, “The work is done?” Chairman Kenan, “The generator has been installed?” Mr. Pitarys, “Yes. The one thing we talked about too is that once spring comes we are going to blend the landscaping in with the rest of the yard.”

Chairman Kenan, “Does anyone have a motion to suggest?” **Member Hartnett, “I move that we recommend to the ZBA that they approve the side yard variances for the already existing pad and generator.” Member Sutherland seconded the motion.** Upon the unanimous vote of the members present in favor of the motion, Chairman Kenan declared the motion passed. It was noted that the ZBA meeting will be February 24, 2015. This matter was concluded at 7:34 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
February 5, 2015**

Site Plan Review and Density Control & Critical Impact Permit Recommendations in the matter of the application of Skaneateles Recreational Charitable Trust (SRCT) to construct a 33,000 SF building addition for ice rink and gymnasium and to relocate driveways and utilities at the property addressed as 97 State Street in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
 Brian Carvalho, Member
 Stephen Hartnett, Member
 Douglas Sutherland, Member

 Riccardo Galbato, Attorney for the Planning Board
 John Crompt, Code Enforcement Officer
 Dennis Dundon, Clerk to the Boards

 Robert Eggleston, Architect, on behalf of the applicant
 Charlie Wallace, on behalf of the applicant
 Bill Marquardt, Esq., on behalf of the applicant
 Tom Malinowski, on behalf of the applicant
 Matt Napierala, on behalf of the applicant

 Susan Jones, Village Trustee
 Paula Conan, Skaneateles

Absent: William Eberhardt, Member

Chairman Kenan called for the next item at 8:36 pm and announced the application of SRCT for the property at 97 State Street. Mr. Marquardt introduced himself and presented, "I am here on behalf of the Skaneateles Community Center board, that's our new d/b/a, formally known as SRCT. We are here tonight to essentially follow up on a vision that W.G. Allyn kicked off in 1999. If you remember, W. G. Allyn started a conversation in our community about the status of recreational facilities back then, which consisted mainly at that time of the aging Austin Park pavilion. Through a number of town hall hearings the SRCT gathered ideas from the community which culminated in the design of the existing Community Center. I think most of you are familiar with what that is – it consists of the rink, the aquatic complex and the fitness center. What you may not recall is that when the project was initially proposed, reviewed and approved, it was approved with two skating rinks, and it was approved as a phased project. It was done so because there was still remaining useful life in the skating rink down in Austin Park. The idea was to squeeze all of the useful life out of that, and eventually develop the second rink down the road."

Mr. Marquardt continued, “The Town operated the Community Center for the first 10 years, and the YMCA took over in 2010. Since that time we have been quite pleased as a board with the operations that the Y has done – specifically membership has skyrocketed from 1,900 members up to almost 4,000 members. That has translated obviously into a lot of revenue which has made the place sustainable going forward into the future. About two years ago our board recognized that it was time to start to pursue the completion of that original vision and the development of the second ice rink. The refrigeration grid at Austin Park is on its last legs and so earlier this spring we began fundraising to construct this proposed addition. The projected cost right now is roughly \$4.5MM. We are fortunate to have a bequest from W.G. Allyn in the amount of roughly \$1.5MM which led to a \$3MM campaign we started in June. We have had great response from the community which has put us in a position now to start our application process. We are going to build; we hope to start construction in spring and finish up in the fall/early winter. The only thing I’d like to emphasize before I turn it over to our architects is that we are essentially replacing the existing ice operations at the old Austin Park Arena and relocating them up in the Community Center. So once this replacement rink has opened the Town has expressed its desire to get out of the ice business and cease rink operations down at Austin Park. I did email today a set of the SEQR materials and I have a hard copy that I will deliver to Attorney Galbato. It was a very thorough complete environmental review back in 2000; it was a Type 1 action with a long form EAF, a draft environmental impact statement, comments resulted in a final impact statement that culminated into a findings statement that included the mitigation steps that were taken. So we are happy to be here tonight. It has been a long time coming -- and with that I’ll turn it over to Bob Eggleston, who is a member of the Community Center and who also has volunteered to help in this process.”

Mr. Eggleston introduced himself and presented, “I serve on the steering committee; I am not the architect of record; we have VIP and Matt the site engineer, who are also here. I wanted to help shepherd this through the zoning process. This property is in Public Lands Zoning District. As Bill had indicated earlier, the original intent was that this would be built and then donated over to the Village. It turned out that they decided it was best for SRCT to maintain ownership of it but it still qualifies as being in the Public Lands District. The use of a gym/fitness center is a site plan review use allowed in the Public Land District, so we are here for a site plan review. We also will need a Critical Impact Permit; there’s a couple criteria that spur that – the size of the building, the number of parking spaces (although that was approved prior) and a couple of other things there. Then also, the interesting thing in Public Lands is there is no density control schedule. That’s because usually the Public Lands properties are unique and fit in different neighborhoods and different criteria. So the Trustees will actually make a motion to approve the density control that we are proposing for the property, when they have their public hearing for Critical Impact.”

Mr. Eggleston continued, “Just as a very quick recap, earlier this year we did come in for a lot line relocation and because the properties were never merged, the driveway was built over onto Austin Park, there were sewer lines that came down, there was electric that came up, and so what we got approval from this committee was to do a lot line relocation square foot for square foot. The SRCT acquired this property; the Village acquired this property. The maps have been prepared, the easements have been put together and are in the final review by the SRCT’s lawyer

and Mike Byrne for finalizing the easements for a sewer easement, electric easement to come up. So that's all ready to come back to the Trustees for their final acceptance and approval. So what we are looking at doing is putting on a 33,000 SF addition which will be an ice rink and also a gymnasium. This is approximately 3,000 SF larger than the initial plan that was looked at back in 2000 when this was built. It is pretty much, except for a few thousand square feet, pretty much the same proposal that was originally intended. All the site work was done in preparation for that. Because we did add a few more feet there is a service road that's getting relocated just a little bit to fit around the side and also there's a storm sewer which will be relocated outside the perimeter of the building."

Mr. Eggleston continued, "So we have the existing heated indoor rink with large seating capacity for spectators. There's locker rooms existing for the hockey players; we have the general services in the center core and snack bar; we have the aquatorium with locker rooms for that; and then as planned we will have this rink and we have added a gymnasium to the program from what was originally proposed. Now that the YMCA is the manager of the facility, they have found that this would be a use that is important to a lot of the programs. They would be able to have 2 volleyball courts in it; they would be able to have high school gymnasium basketball fit in here. This would not be a spectator gymnasium. It is strictly for programs and uses. The plan is that this rink will be kept open 12 months out of the year. It is also considered, shall we say, the practice rink, so you can have one group in here, another group in there. This rink will shut down during the summer, but this rink does have the spectators, so this is the only rink that you'll have the games and figure skating shows and things like that. What this does, it replaces what was down at Austin Park Pavilion because that will be decommissioned as an ice rink and will be maintained as an outdoor recreation pavilion. This will be the rink that replaces it."

Mr. Eggleston continued, "There is also a little bit of work relative to some of the internal locker rooms just to make it fit the programs a little bit better. They have worked it out so the Zamboni that services this rink will also be able to service this rink. The area of disturbance is under an acre. We do not need a SPPDS permit. Everything was put in place anticipating this so there's just a little bit of adjustment that we need to do. All the storm water for this addition was calculated originally in the 2000 approval, so there's no change in any of that necessary. There's several areas that we have taken a look at that are probably of concern to the Planning Board. One is the water usage. We are anticipating that this would have about an 800 GPD water usage. That would be for the additional participants. Again, this facility already accommodates the functions for the pool, the fitness center, and the ice rink. There's no additional shower rooms and that; we are adding a few more toilets on the second floor to facilitate the necessary bathroom count to meet the building code. That's in an existing space that was anticipated for bathrooms in the future. In looking at the water usage of Austin Pavilion, it is very easy to track what the impact of that is on the hockey use, because that's pretty much the only activity going on between October and March/April. The water usage down there is actually about 1500-1600 GPD. One of the things to consider is that's an old facility; it doesn't have the water saving toilet facilities that are now required. That accounts for the decrease in usage of water once we come up here. The sewer usage we anticipate will only be 650 GPD. The reason for that is there will be 150 GPD average throughout the year for the use of the Zamboni and ice. That water does not make it to the sewer because it is humidified into the air and the Zamboni sometimes

drops the ice shavings outside. So we are anticipating 650 GPD there. That happens to be offset by the number of gallons that are used at Austin Park during the October through March season. So we see a net zero difference once the ice rink is no longer used down at Austin Park.”

Mr. Eggleston continued, “We are working on the electric usage to understand the impacts of that. In the six months that Austin Park is used for the ice rink, we have some data that says there is 43,000 KWH is the typical monthly use, and the demand use is between 244 – 304 KW. So basically, that use will be decommissioned and not used at the Austin Pavilion and will come up here. With the new equipment we will be using LED lighting; a much more efficient use than the mercury-halide lights down at the Austin Pavilion. It’s going to be a lot more efficient running an ice rink today up at the Community center than down at the Austin Pavilion. This is now an enclosed rink in a small facility. Whereas the existing ice rink is a large area with spectator seating, thus is basically a thermos bottle that has a rink, enough room to get around it and that’s it. So it is a much more efficient space. Austin Park is an open-air facility and the best they have are tarps. So it’s going to be a lot more efficient keeping the ice here than it would be down at Austin Park.”

Member Sutherland, “What do you anticipate happening at the other pavilion; the one you are leaving?” Mr. Eggleston, “I think Austin Pavilion has a lot of community uses like it is now. It is going to be up to the community and the Village to see how might it get used in the winter.” Member Sutherland, “Who manages and maintains that going forward?” Mr. Eggleston, “The Village owns Austin Pavilion and the Town manages the recreation program down there, and will continue to manage it without ice; so it will just be the concrete floor and the open-air pavilion with the tarps used appropriately. Obviously there are a lot of uses that go there now during the summer. There haven’t been a lot of uses in the winter because the ice rink has been there.”

Mr. Wallace introduced himself as chairperson of SRCT, “The Town and Village Trustees have talked about this and I believe the plan is to form a committee at some point in time to determine what the highest and best use should be of the Austin Park Pavilion going forward; whether it’s going to become a field house or an outside amphitheater so there can be concerts inside and the annual events that are already occurring. I believe the thought is that they would form a committee with interested citizens to address what it should be used for once the hockey facility is shut down.”

Mr. Eggleston, “The other aspect of the project that I wanted to point out is that in the planning process we have committed \$25,000 to an engineering report relative to the ‘green’ technologies and how they might play in. They have already pointed out a number of ways that the current facility can reduce its energy usage as well as looking at a number of options relative to the new. Obviously the new facility will automatically have LED lighting and those kinds of things. They are looking at a number of things like replacing existing lighting with LED lighting. That’s probably the easiest thing to do. They do have a ‘green committee’ which is continuing to study these options. Not only are we decommissioning an antiquated energy hog building, we are bringing it up state of the art new technology but we are also committing \$200,000 in the budget for ‘green’ technology. So we do totally understand as a public, civic building that the

Community Center wants to play a role in helping to lead the way as to what appropriate sustainable ideas are for incorporating into this facility.”

Mr. Eggleston continued, “Parking, there are 250 cars approximately on-site. It was anticipated that this new rink would be added. In the narrative that I gave you, I’d like you to go to the last two pages. One of the things that we asked Dorothea Hughes, who is the director of the YMCA and manages this operation, we asked what are the big events that the Community Center hosts. She has listed 7 different events that occur where they fill the parking lot. The Zoning Law recognizes that you don’t necessarily want to provide 100% of the cars for the peak biggest thing; you have other ways of dealing with it. If you go to the next page, we have a little map. This is actually what the YMCA hands out when they have these big events – the swim meets, the hockey tournaments, that type of thing. We have included in here is the service agreement between the Village and the Community Center where they have reciprocal parking. We have Austin Park here and there are times when this fills up – soccer, little league. They have parking along in here but they run out of parking. They have the right to use this parking. Likewise the Community Center has the right to use this parking when it has these events. They also have agreements to use a school parking lot over here, the Waterman parking here, the State Street parking here. This is all very walkable, through the park to the Community Center. And also you have the parking at the Austin Pavilion where they can use paths to come up. So we will continue to manage parking for large events by issuing this to participants. If you have teams coming in for all day, we say unload the bus and then go park it in these remote locations. And it has all worked very well.”

Mr. Eggleston continued, “In addition to the 7 items listed here, they anticipate that once we have this expansion completed they see that there would be youth hockey games and tournaments that would be; I counted up that there would be about 20 weeks during this period where they could have additional large events. But we are talking 120 players and 250 adults which this parking lot – we are talking a smaller big event if you will – this parking lot could handle that plus handle the fitness and swim people. In a management role they would never have a swim meet and a hockey tournament at the same time. We have also posted down here what the hours of operation for this. So through the litany of things that you may be interested in, we have the site work which is fairly minimal at best and had been anticipated, the water usage, the sewer usage, the electric usage, the parking and are there any other questions that you have relative to your site plan review for this project?”

Chairman Kenan, “Any questions for Bob or anybody? So according to that big pile of paper that Bill brought with him, the environmental review was done and but for the fact that the gymnasium was added, it covers the scope and impacts of this.” Ms. Conan, “May I ask one question? Bob, I think you said that the old Austin Pavilion, when it is operating, is using 43,000 KWH monthly. Under the new plan, when the new ice goes on, is it anticipated that the new KWH usage will be less than that but 12 months per year? What’s your prediction?” Mr. Eggleston, “Right now we are finalizing that. What we plan on doing for the Public Hearing for the Critical Impact, we will actually have documented water usage, sewer usage and electric usage. We probably have 90% of that done and we are compiling that together. What I do want to assure the Board and yourself is that this empirical data will be available prior to the Public hearing for Critical Impact. We are hoping that between taking out of service an antiquated

facility, bring it up and using some smart technologies for reducing energy consumption in the new facility but also in the existing facility that we are obviously striving to get as close to a net zero difference as possible. I'm not sure that we quite have that exact answer yet, but we are getting very close to it. That's why early on, we committed to the engineering study and committed to \$200,000 in the budget for the 'green' technology and energy savings."

Chairman Kenan, "Dennis, why does the agenda refer to density control?" Interrupting, Mr. Eggleston, "There is no density control schedule for Public Lands District. If you read the definition for Public Lands, the Trustees make a determination..." Mr. Dundon, "They set the density control parameters. However, if you had a concern about some aspect, this Board could make a recommendation to the Trustees as to how they might handle it. I am sure it would be welcomed and listened to." Chairman Kenan, "So we need to do a site plan review, and make a recommendation to the Trustees on Critical Impact Permit and density control if we so choose." Mr. Eggleston, "In the building permit application on page 2 we have the existing and the proposed set-backs. So the front yard set-back now is 536, that remains the same. The left side yard to the south goes from 68 feet to 34 feet and it allows room for the sewer line and the drive to pass around it and it abuts the park. On the right side that remains the same at 216 feet and the rear yard decreases from 310 to 289 feet."

Chairman Kenan, "OK. Does anyone have any questions?" Member Carvalho, "A comment. I am a long time member and a heavy user of the Community Center and a big backer of it. I was reminded this week as I was paying my electric bill about the controversy that went on a year ago, with a lot of negative press to the Community Center and to Village officials as far as the usage of this facility and the impact on our electric rates. I see that you mentioned that you have a \$200,000 budget for 'green' technologies. I suggest that to get ahead of that some of that negative feedback that maybe you need a more robust budget and maybe you need to be looking at things like geothermal and solar and putting those types of things somewhere in this building into this project." Mr. Eggleston, "Yup, and we are totally aware of that. We don't want facts to get in the way of opinion, and I think that's a lot of what happened last year, was there was a lot of opinion put out there that was not backed up by facts. One of the things that we will be doing in our energy electric use report, will actually address what the impact is on the whole system. We have already got the numbers of what's not going to happen down at Austin Park as a result of that rink being brought up to the Community Center, but we also hope to have some numbers and realistic ideas about what's happening. One of the big issues with the electric is not as much the usage but the peak demand. What that does is the moment that; well when everyone goes home and turns on their tea pot, all of a sudden the generator gets taxed and we need this much power – but only for a little while or whatever. That's one of the things that slightly complicates – it's not an easy 'this is how many KWH we are using' but what is the peak demand and what happens with. Are there technologies where we can cycle the ice condensers during an off-peak period which helps to smooth out the whole thing. That's what a number of the studies and things we are doing is to help get some real answers. What we will promise for the Critical Impact Public Hearing is facts that will support the answers on what we are projecting as far as electric usage." Member Carvalho, "I understand that but I think you probably want to do a little better that offsetting – using the old one as offsetting – you probably want to do a little more robust effort just like this Village Hall did." Mr. Eggleston, "I hear you. That is part of the program."

Mr. Wallace, "We have applied for a grant with the Central New York Community Foundation to supplement the \$200,000 allocation in our budget for LED lighting. That hopefully will come through. We are going to apply with the NYSEDA Cleaner, Greener Communities program. They are supposedly going to come out with new funding allocations sometime in first quarter of this year; we were told it was imminent, but now they don't really know when that is going to happen. The problem is timing with the NYSEDA program. If it comes out in first quarter and people apply, we probably won't know until June or July if we are being awarded any monies, and then to get a commitment probably July to August. So even if we apply, we don't know whether or not we will be awarded any funds. So we are looking at those avenues and we are looking at other things where we can bolster or supplement that \$200,000 allocation with additional grants and that type of thing. It's a tight budget -- I don't want to keep people here too late, but we hired a campaign consultant -- this was 3 years or 4 years ago -- to tell us how much he felt we could raise for this project. He interviewed, I think, 25 potential major donors to get their opinion on the expansion plans and to ask what they would be willing to commit to. Based on that information, he came back to us and said he thought we could raise somewhere between \$4MM and \$4.5MM. So our original scheme for the expansion was much more grandiose than what we have now. We realized we had to pare this thing back to the base building. As Bob alluded to the existing locker rooms in the existing rink are being reconfigured to give us the total locker rooms we need for both rinks as opposed to building new ones in the expansion. So we pared in down as much as we possibly can in order to keep everything within the \$4.5MM maximum amount. But we did put the \$200,000 in here as well. So we are trying to get other grant sources, other funding sources, to do other energy conservation measures, but there's a finite amount of money."

Mr. Eggleston, "One of the other things I did fail to bring into the conversation that actually gets relevant here is while this is a not for profit entity, we actually are creating a number of jobs. With this new facility there will be 1 full-time job and 5,432 part-time job hours. It works out to there will be 4 FTE jobs created by that. The creation of jobs becomes critical when applying for grants. I don't want to speak out of turn, but I do know that the Village did apply to the New York Power Authority for an extra 100 KW allotment and one of the criteria is jobs there, which this addition will help to satisfy." Mr. Wallace, "Clearly we do want to be good stewards and reduce consumption but getting the 100KW additional allocation will reduce the amount of market rate power that will have to be purchased during the winter months and therefore keep rates down for the ratepayers."

Chairman Kenan, "Any other questions? How about a motion or two -- one to deal with site plan review, one to deal with Critical Impact and if we choose, any commentary for the Trustees' benefit on density control." Attorney Galbato, "Can we first address the SEQR? The Board should determine if this is a substantial change in the project as originally proposed. As the Board is aware, on or about August 4, 2000 the Skaneateles Planning Board which was lead agency accepted the final Environmental Impact Statement. The notice of completion of the Final Environmental Impact Statement stated in part the 'the facility will be constructed in multiple phases and would ultimately consist of two ice rinks, a central lobby area, an indoor aquatic facility, meeting rooms, offices, locker rooms, and other spaces for community uses.' So if the Board determines that it is not a substantial change under SEQR then you don't need to

do...” Chairman Kenan, “Would someone like to make that motion?” **Member Carvalho, “I will make that motion that it is not a substantial change to the project as originally approved and that the Planning Board affirms its August 4, 2000 findings under SEQRA.” Member Hartnett seconded the motion.** Upon the unanimous vote of the members present in favor of the motion, Chairman Kenan declared it approved. **Member Hartnett, “I make the motion that we approve the Site Plan dated January 23, 2015.” Member Sutherland seconded the motion.** Upon the unanimous vote of the members present in favor of the motion, Chairman Kenan declared it approved. **Member Hartnett, “I move that we recommend approval of the Critical Impact Permit by the Village Trustees with the recommendation that SRCT continue to pursue alternative energy sources and energy efficient technologies for the facility.” Member Sutherland seconded the motion.** Upon the unanimous vote of the members present in favor of the motion, Chairman Kenan declared it approved. The SRCT representatives thanked the Board.

This matter was concluded and the meeting adjourned by acclamation at 9:19 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
February 5, 2015**

Site Plan Review and Critical Impact Permit Recommendation in the matter of the application of Robert Hood to permit various uses at the property addressed as 11 Fennell Street in the Village of Skaneateles.

Present: **Bruce Kenan, Chairman**
 Brian Carvalho, Member
 Stephen Hartnett, Member
 Douglas Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board
 John Crompton, Code Enforcement Officer
 Dennis Dundon, Clerk to the Boards

Robert Eggleston, Architect, on behalf of the applicant

Susan Jones, Village Trustee
 Kim Weitsman, Skaneateles
 Doreen Simmons, Esq., Skaneateles
 Eloise Luchsinger, Skaneateles
 F. L. Gorman, Esq., Rochester
 Charlie Wallace, Skaneateles
 Bill Marquardt, Esq., Skaneateles
 Tom Malinowski, Syracuse
 Matt Napierala, Manlius
 Paula Conan, Skaneateles

Absent: **William Eberhardt, Member**

Chairman Kenan called for the next item at 7:35 pm and announced the application of Robert Hood for 11 Fennell Street. Mr. Eggleston introduced himself and presented, “Bob Hood has owned for a number of years the property at 11 Fennell Street, It’s had a number of uses historically over the years. It started out as a farm implement store. It then became McLoughlin’s retail store. Most recently it has been a fitness center – Monster Sports and then Salt Fit. Salt Fit is leaving and he’s been marketing; looking at what he can do with the property. The building itself is 5,200 SF on the first floor with 1,666 SF on the lower floor. The main building; what you have is the 1600 SF part is the 2 story part – it’s an old barn that was retrofitted – they put this metal building on the front that has a 10 foot deep porch. The property has 13 parking spaces; there are 7 parking spaces on the street, including handicapped spaces, 3 along the side, 3 in the back. Then Bob Hood owns this adjacent property that was recently

redeveloped into apartments and office space. He has 6 spaces there that are designated for use by this property.”

Mr. Eggleston continued, “The property is 95 feet wide and 1300 SF. What this application; he has had several inquiries as he’s been trying to rent this. It’s really too large a building to rent for one use. He has had a number of inquiries of various sorts from retail, office, professional office. It has the physical fitness in there. What he would anticipate is that they will probably want to divide this into smaller spaces. What he’s thinking – this is Fennell Street over here – is the likelihood (he is actively pursuing one tenant which would be an office use) that would actually occupy this western portion which is about 2,500 SF. He can see this easily dividing into maybe two other spaces – this being a smaller space of about 700, this being about 2,000 or 3,000 SF for the other. And then there is the lower level that is interconnected by a stair; this is 1,300 SF. This is currently where Salt Fit has some locker rooms and there’s a utility room down there. What he was looking for, as we have done on a couple of other large facilities where we are looking to find tenants, is to get a blanket approval for a change of use for similar kind of uses.”

Mr. Eggleston continued, “Again, what we are looking at is Office, Professional Office, Personal Service, Physical Fitness (current use) and Retail – that we would be able to put in a combination over the next 5 years. The purpose of this is it takes 2 months to go through a zoning process every time you come in for another tenant that comes in. These are very similar uses that have similar effects on the commercial neighborhood. So as we did with Byrne Dairy, as we did with East Genesee Street, the former Smith Barney property – we came in and got a blanket critical impact use approved for that. By zoning we are allowed to have up to 3 different uses; you are required to have 30 feet of frontage for each commercial use, so we could have 3 different uses and not require any variances. Again, this would just be site plan review for a couple of them and critical impact for all of them.”

Mr. Eggleston continued, “In that we have 19 cars available for the site; the current zoning law does not require daytime commercial parking to be on site, but it does have an effect on the neighborhood. This actually has 19 cars and most of the uses we are talking about require 300 SF per car, which 19 cars would actually support 5,700 SF of building use. Again, while it’s not required to have on-site parking, we do have one of the more generous parking lots available for commercial buildings in the Downtown D District. There is handicapped parking; both levels independent are handicap accessible – this is straight entrance and if you put more access points across here they are all accessible. The back is accessible; the lower level is accessible through the back. One of the other concerns of course is about the amount of water usage. Currently there is 78 GPD for the last 19 months; this is actually while the building has been underutilized. This would support 5 employees at 15 GPD per person. Again this is when the building was underutilized. If you go back when Monster Sport was more actively used, you will find a higher history on the usage of the water. One of the critical impact criteria is whether the impact would be more than 400 GPD of water usage. At 400 GPD that would support an additional 26 employees. Again the uses we are talking about: office, professional office, retail, personal service, physical fitness are all relatively low water usages compared to residential or other usages that require more water.”

Mr. Eggleston continued, "One of the things that Bob Hood would like to do is to reface the front of the building. It has always had kind of a problem fitting in. What we have come up with is we have this 10 foot deep porch on the front of the building that has two wide pilasters at the end. What we would like to do is to give it a more traditional façade appropriate to the Downtown D standards – where we would actually put in large 12 inch square posts, breaking this up into 6 bays. We would have a combination of windows and doors that would pick up the same rhythm. This would easily accommodate 3 different businesses in the front; whether they have double doors or a door with a window next to it or double windows. So this is the façade we are proposing; we would be finishing it off with cement board bevel siding and traditional trim. We would have the space above on the outside similar to how the signage is. There would be space for sign panels that would go appropriately above entrances for the various tenants as they come on. That would tie in very nicely; this is turned 90 degrees, where you would have approximately 20 feet of frontage for each storefront across the front – where they would all have their individual entrances on the front."

Mr. Eggleston continued, "As far as the types of uses we're talking about they are all low trash-generating uses. We would see any of the trash just being stored inside with a local vendor taking it up to the Transfer Station. There is room in the drive for vehicles to pull in if they have to unload; you have got the drive access here that things could be brought in if you have a UPS or things like that making deliveries. There's room in the back. Also something I want to point out with this – there is a 12 foot wide right of way on the property. I believe this serves the building at 7 Fennell Street, the building that Kirby Janke owns, he also has an access on the east side. When the old teasel barn building was developed, they came up with a traffic pattern where all the traffic for that building comes in by the CVS drugstore, and then it has a one-way drive that comes here, so all the traffic from this property enters out through this driveway access. So that's something that this Board approved about a year ago."

Chairman Kenan, "So is that two-way or one-way?" Mr. Eggleston, "This drive is two-way that serves this building and serves this building, but any of the traffic from the Teasel Barn property – all the traffic exits out this way." Chairman Kenan, "And the edge of pavement is over the property line? Along the outlet?" Mr. Eggleston, "This is the property line. The pavement is on the property line. There happens to be land before you get to the edge of creek which is owned by City of Syracuse." Chairman Kenan, "But the pavement is on the City?" Mr. Eggleston, "No, the pavement is...yes there is pavement that is over the property line; the right-of-way fits on the property. That's what was shown on the adjacent property survey when that was done." Member Sutherland, "Bob the sidewalk looking thing...about 4 or 5 feet wide...is that the right of way that was approved for the adjacent property for a potential future walk?" Mr. Eggleston, "Down along here?" Member Sutherland, "Right here." Mr. Eggleston, "I believe that is the creek walk area that was designated; obviously we can; it would make sense for that to continue along the edge of pavement which gets over onto the City of Syracuse. We would have no problem consenting to the continuation of that." Chairman Kenan, "I think we did that at one point. This has been through a number of site plan approvals over the years and I believe I recall setting aside an easement area for the purpose of creek walk extension on the property, not on the City's property." Mr. Eggleston, "And that could overlap with the right-of-way?" Chairman Kenan, "I don't know how it can. They are two different functions. So parking spot number 13 also overlaps with the right-of-way. Is that Bob Hood's property to the left, where parking spots

14 - 19 are shown?" Mr. Eggleston, "I believe that's Bob Hood – there's a joint venture with Bob Hood, Bill Eberhardt and Ted Kinder." Chairman Kenan, "Is there room to move number 13 over there and move the right of way north so we can set aside land for the creek walk along there inside the property?" Mr. Eggleston, "On the site plan there was a waste recycling enclosure. This is the approved plan I got from Chad Rogers. I think they were saving that for dumpster/recycling – so they could come in this way, grab it and go out." Member Hartnett, "That's when the traffic flow went the other way. They moved the dumpster when they changed it to a one-way." Mr. Eggleston, "All I know is that Chad sent this to me." Chairman Kenan, "Moved it to where?" Member Hartnett, "When this building got approved." Chairman Kenan, "But where did they move it to?" Member Hartnett, "I thought they were moving it back up to here. That was not going to be there when it was going to go that way."

Chairman Kenan, "So what I suggest is if we could move parking space number 13 over onto the other parcel – I don't know if that's doable or not – or do without it – move the right-of-way in far enough that you have room for the extension of that creek walk within the property, whatever the width that is – it looks like 5 feet. I thought that we had set aside by easement; an easement for the creek walk on one of these earlier iterations." Member Sutherland, "Do you have a current survey of this property?" Mr. Eggleston, "I don't have a current survey from after they developed the Teasel Barn property. So..." Member Sutherland, "What I was wondering is there something that would show from a previous approval that should be on a survey?" Mr. Eggleston, "I was not involved in the Monster Sport or Salt Fitness approval, so I'm not sure what was agreed to." Chairman Kenan, "This would have gone way back before then." Mr. Eggleston, "I was involved with when McLaughlin's had this and put the shoe store down below. There is nothing in my records of any easements at that point. I can ask Bob Hood."

CEO Crompt, "Mr. Chairman if I could make a point. That easterly driveway on the right hand side as you are looking at it, that wraps around the back of the building and goes to the new apartment across the street – that is going to be a designated fire lane. So we may want to check with Attorney Byrne before any parking spots are approved; as to where exactly that will go into the area." Mr. Eggleston, "So you are saying there is a fire lane in this area?" CEO Crompt, "Correct." Mr. Eggleston, "So this 12 feet is part of that fire lane." CEO Crompt, "Correct." Chairman Kenan, "What I am suggesting is just move it the 4 feet, 5 feet, whatever it is so there is room between it and the property line to make a provision for the creek walk." Mr. Eggleston, "If this is City of Syracuse, does that become where the creek walk..." Chairman Kenan, "It's tight in any event and it may or may not have terrain that's fitting for it."

Mr. Eggleston, "What I can do and again from a Zoning perspective there is no on-site parking requirement; from a good business standpoint, one wants to have on-site parking, it makes the property more valuable. We can take off space 13 and just lower our count to 18 spaces to reflect the fire lane condition. The practical sense is that the Village feels it is important to have 12 feet to pass by. We don't have control over this property; it has already been paved and used. I don't know what the legal status is of that and I don't know if there would be any objections by the City of Syracuse. From a reality standpoint, the function of a fire lane can pass over in this area. So if there were a car here, I don't see it impeding the requirements for the functionality of a fire lane." Member Sutherland, "Is there a thing where you could keep the space but with something that said that you need to lose the space if the city for some reason said you have to

take up the pavement that's on our property. I think what Bob's saying makes a lot of sense. In reality you can use it, even though it goes over the City's property as it moves around." Chairman Kenan, "The fire lane you are talking about." Member Sutherland, "Why not just let sleeping dogs lie and it ever became an issue at that point you lose 13; but to take it out today seems like something that's really not necessary." Chairman Kenan, "Well the thing I'm interested in is getting the allocation of the land for a creek walk. We have tried to do it anytime something happens along the creek, including this property, and this isn't new conversation. I think it has already been done, but let's not lose it now." Member Hartnett, "It was definitely discussed with the Teasel Building." Mr. Eggleston, "And also Bruce, if this is the creek walk right of way, it is in the driveway part of this building. To have the 5 foot creek walk easement overlap the driveway is not anything new that you haven't already done." Member Carvalho, "That's the sidewalk, the creek walk is back there." Mr. Eggleston, "The reality is we will designate this portion that we have control over for the creek walk, talk to the City about the balance and bring it back over and have it follow this." Chairman Kenan, "No. Bob what I'm saying is move the right of way enough distance that you get the equivalent of the 5 feet of the creek walk within the property up here. Just move the right of way a few feet so there's room for it." Mr. Eggleston, "OK. We can do that."

Chairman Kenan, "Anything else, Bob?" Mr. Eggleston, "I think that pretty much covers what our intent is. Again, what he is offering to do is to make over the front of the building so it is more village appropriate." Chairman Kenan, "Just the front?" Mr. Eggleston, "We are actually talking about how far do we take it down the sides. At this point I can't commit that he is going to do the entire building, I think." Chairman Kenan, "Well, what you are suggesting would be an improvement. It doesn't look much like a Skaneateles building at the present time." Mr. Eggleston, "The back; it's got this siding; I'm not sure about these windows. But you are right. This is I believe it is vertical siding. Maybe I should get him to commit to doing this side here with the beveled siding. I know he is interested; it's also a function of getting a viable tenant in there." Chairman Kenan, "So basically you are asking for a site plan approval that is not specific as to what the occupancy use of any individual tenant is." Mr. Eggleston, "We are looking for a blanket approval for the next 5 years." Chairman Kenan, "For any one of or a mixture of those 5 uses." Attorney Galbato, "Up to 3 tenants." Mr. Eggleston, "Up to 3 uses. We could have 2 office tenants, but that's one use and requires 30 feet." Member Sutherland, "Were you looking for a fourth use for the lower level?" Mr. Eggleston, "What I'm saying is if we have two offices, the Zoning Law requires 30 feet of frontage per different use. We could have five different offices in there and it is one use. If we have office and personal service then it's two uses. If we have office, retail, personal service then it is 3 uses. So we would have up to 3 different uses; otherwise we would have to come ask for a variance."

Chairman Kenan, "OK, Any other questions? Anything else, Bob?" Mr. Eggleston, "No, I think that covers it. There is a site plan review requirement for the professional office and retail sales over 3,000 SF. All the others are permitted by right." Chairman Kenan, "So you'd be looking for a critical impact permit, conditional..." Mr. Eggleston, "What we have done in the past is that you are including a blanket approval for the next five years for the five uses..." Chairman Kenan, "One of which would include retail sales over 3,000 SF." Mr. Eggleston, "You are granting site plan approval for retail sales over 3,000 SF and professional office, and that you would recommend critical impact approval for the 5 different uses. What we are doing

and what we have done in the past, we would put a sunset clause of March 31, 2020, which is 5 years from the critical impact date. And it would probably be based on the condition that I would show a 5 foot right-of-way along the property line for a creek walk and adjust...” Chairman Kenan, “I’d like an easement for the creek walk.” Mr. Eggleston, “We’ll give you an easement then.” Chairman Kenan, “OK.” Mr. Eggleston, “So we will do a 5 foot easement for the creek walk and a right-of-way will be adjusted accordingly.”

Chairman Kenan, “So I think Bob just wrote a motion. Does anyone want to make a motion?” Attorney Galbato, “If the Board wants to act on this tonight, the first motion or part of the motion should be SEQR. Then you have the site plan review, then you have the recommendation to the Trustees.” **Member Sutherland said, “I make the motion that we declare the project to be an unlisted action with uncoordinated review and that we issue a negative declaration for the SEQR process.” Member Carvalho seconded the motion.** Upon the unanimous vote of the members present in favor of the motion, Chairman Kenan announced it had passed. Member Sutherland, “Within the site plan review are we including in that motion the flexibility to accommodate five uses?” Mr. Eggleston, “Site plan approval is required for two of the uses. So probably it would be appropriate to say you are giving site plan approval for those two of the five potential uses.” Member Sutherland, “Rick, can you help us out with a little bit of language?” Attorney Galbato, “Those two uses are professional office and retail greater than 3,000 SF. I would include those two as part of your site plan and also reference the date of the drawings that were shown and submitted, showing up to 3 different tenants on the premises. And then add the provision for revisions to show the easement for the creek walk and the relocated right-of-way.” Member Hartnett, “Bob, do you have someone lined up yet?” Mr. Eggleston, “We are very close at putting a professional office in one of the spaces, but it has not been finalized yet.” Member Hartnett, “And what’s the time line on doing this?” Mr. Eggleston, “Right now that particular lease; they would want to get; I honestly don’t know what; it’s a little too premature to say what is their deadline of leaving their other space. Obviously it’s going to take a couple of months to outfit things, so. That’s where having to come back for each individual one is a problem. I assume you are wondering how soon we need these approved.” Member Hartnett, “Partially, and partially how soon you are planning on doing the exterior work.” Mr. Eggleston, “I think he’d like to get going this spring. He is having it priced up as we speak. I suspect the tenant would like to be in by fall or late summer.”

Chairman Kenan, “So we need a site plan approval that will allow Professional Office and retail over 3,000 SF.” Attorney Galbato, “That’s to the uses, but as part of the site plan they are changing the structure to build a façade to show up to three different tenants. The conditions are going to be the number of years and the review and execution and filing of an easement.” Member Sutherland, “The sunset itself simply refers to the flexibility to change tenants.” Mr. Eggleston, “Once they are in there they are in there. But to have to come back for another site plan review or another critical impact...” Chairman Kenan, “Which one requires the critical impact?” Mr. Eggleston, “All five. Any change of use in the Downtown D.”

Chairman Kenan, “I’ll move that we grant site plan review for professional office and retail over 3,000 SF as two of potentially five different uses, and recommend that the Trustees grant a critical impact permit for all five different uses, which are – general office, professional office, personal service, physical fitness and retail. It is an omnibus site

plan approval that lets the owner of the building put mixtures of these uses in without coming back for further critical impact or site plan approval until March 31, 2020. As conditions to this certain physical improvements will be made to the building as presented here this evening; and an easement 5 feet wide will be granted along the southerly boundary along the creek outlet; and to accommodate this, the 12 foot wide vehicular access easement will be moved sufficiently so that the two do not overlap each other. This approval will be granted for a five year period, with the building improvements to be completed by end of summer. The Board finds that the improvements will be done in conformance with the Downtown D design standards.” Member Sutherland seconded the motion. Upon the unanimous vote of the members present in favor of the motion, Chairman Kenan announced it had passed.

This matter was concluded at 8:12 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
February 5, 2015**

Site Plan Review and Critical Impact Permit Recommendation in the matter of the application of Kim Weitsman to change use to a sushi restaurant at the property addressed as 42 East Genesee Street in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
 Brian Carvalho, Member
 Stephen Hartnett, Member
 Douglas Sutherland, Member

 Riccardo Galbato, Attorney for the Planning Board
 John Crompt, Code Enforcement Officer
 Dennis Dundon, Clerk to the Boards

 Robert Eggleston, Architect, on behalf of the applicant
 Kim Weitsman, Applicant
 Doreen Simmons, Esq., on behalf of the applicant

 Susan Jones, Village Trustee
 Eloise Luchsinger, Skaneateles
 F. L. Gorman, Esq., Rochester
 Charlie Wallace, Skaneateles
 Bill Marquardt, Esq., Skaneateles
 Tom Malinowski, Syracuse
 Matt Napierala, Manlius
 Paula Conan, Skaneateles

Absent: William Eberhardt, Member

Chairman Kenan called for the next item at 8:14 pm and announced the application of Kim Weitsman to change the use of property at 42 East Genesee Street. Mr. Eggleston introduced himself and presented, "We are looking at a property which is at 42 East Genesee Street. This property has been recently redeveloped with commercial on the basement, first floor with residential use on the second, third and fourth floor. There are two parking spaces in the back for residential use off from the common right of way. What the applicant, Kim Weitsman, is making application to use; become the tenant of 1,008 SF which is the bulk of the first floor. The building has a recessed entrance with doors on the front; there's a common space with stairway/elevator that takes you to the lower level commercial and upper level residential. So this is a common space. Their lease would be from this wall back. This would be used for a sushi restaurant. The dining room itself will have 30 seats and there will be a sushi bar that has 8

seats at it. So that's 38 diners total. The kitchen – and the nature of sushi is that you are not required to have open flame cooking – so the kitchen is; there's a closed kitchen and then there's the open sushi bar where a lot of this is made in front of the patrons. There is no need for open flame cooking, no large exhaust system that's associated with a typical restaurant. The cooking is by convection oven, boiling and steamer and there will be just basic exhaust which will be vented up to the roof top."

Mr. Eggleston continued, "The only alcohol that will be served on site will be wine, beer and saki that will be served with the meals. So this isn't a place where you can just go in and get a drink; it's part of the restaurant. There will be no live entertainment; no loud music. The interiors will be designed by Thom Filicia and there will be no exterior alterations to the building. It is just interior alterations. The hours of operation for the restaurant will be Thursday, Friday and Saturday from 5 pm to 11 pm, so it's dinner only on 3 days. It is possible that they might consider limited hours on Sunday but at this point that is not the immediate plan. As far as the operation of the restaurant – the trash will be removed daily from the site so there is no need for a dumpster on site. Deliveries – typical of all the East Genesee Street businesses are made off the street, and typically off hours and definitely not during restaurant hours. What will happen is a lot of the providers already service a number of restaurants, so when SYSCO comes they are making multiple stops to the existing establishments along East Genesee Street. The restaurant will have up to 8 employees at any one time, on site. While commercial parking is not required in the Downtown D District for daytime commercial uses, the standard for restaurants is one car per 100 SF or 1 car per 4 seats. Using this calculation, that would require 9.5 to 10 cars. This is replacing a personal service use, a pilates studio, which had occupied this top floor and the lower floor; they will be just on the lower floor. This space for a pilates use is 1 per 200 SF or 5 cars, so really the impact is an additional 5 cars in the downtown area. Most sushi restaurant patrons are in the village center, either shopping or working or conducting other business, and they will be parking either on the street or in the municipal lot. I think this is the concept that the Trustees had as they were looking at the parking issues in their last go-around on parking and zoning regulations."

Mr. Eggleston continued, "The design standards for water usage of a restaurant is 35 GPD per seat. And that's for a full service restaurant. Typical restaurants would serve up to 3 meals per day and operate up to 120 hours per week. This restaurant will be operating only 18 to 22 hours per week which is 15% of what a typical restaurant would be operating. So the 35 GPD per seat times 38 seats equals 1,330 gallons for a full time restaurant. In that this restaurant is operating 15% of the time, that would be a 200 GPD water usage. Even if we were conservative and say it's 25% water usage, that would be 330 GPD. The design water usage for a fitness center would be 5 GPD per person times 20 people – that would be 100 GPD. The bottom line is the impact on the water usage for this change of use will be less than 400 GPD and that's what the Village Trustees would be looking for as to whether; the impact for sewer and water usage. There will be a grease trap that will be installed as required by the Health Department. This is a permitted use and requires the Critical Impact Permit by the Village Trustees, and also site plan review by this Board. So those are the two things we are looking for, site plan approval and a critical impact recommendation to the Village Trustees."

Mr. Eggleston continued, "I think in wrapping it up, what we have is a quiet restaurant. I think it is fitting for this location. They would like to, once they have gotten their approvals and have finalized everything with the lease, they are looking at a 2 to 3 week build-out for doing the interior alterations. I think the Weitsmans do have a track record in the community – they do what they say they're going to do and they are looking to make this a very nice establishment. I think it will be an asset to the community as another dining option. I do have the critical impact criteria in the narrative; I don't know if you want me to go through those or not."

Chairman Kenan, "I don't think you have to walk through them." Mr. Eggleston, "OK. Are there any questions that the Board has?" Chairman Kenan, "Any questions from the Board?" Mr. Carvalho, "The pilates studio is moving to a different floor, isn't it? This isn't replacing it." Mr. Eggleston, "This is, I believe; the pilates studio uses both floors. They're going to be just using the lower floor so there is no change in use down there." Member Carvalho, "So those cars are not eliminated." Mr. Eggleston, "Correct. Whatever car requirement they had downstairs remains. The fact that they don't have the pilates studio on this floor – those cars would be eliminated. What you are looking at in parking is not the Zoning requirement, because the Zoning requirement is zero. What you are looking at is the impact on the downtown area." Chairman Kenan, "Summarize that. What did you say the numerical impact is, if you cut the pilates studio back?" Mr. Eggleston, "The standard is 9.5 or 10 cars depending on which number you use. The pilates studio would have an impact of 5 cars for this space and now it will be 10, so it's an increase of 5 cars."

Member Carvalho, "I guess my other question is you've got your water usage as 35 GPD and then somehow you have converted that to hours." Mr. Eggleston, "Right. Look, the NYS Health Dept. has a design standard for the maximum amount of water that one would use. It's just like designing a furnace. You design it for the worst day of the year, OK. They are saying a full service restaurant requires 35 gallons per seat of water usage. Now, that's assuming it's a full time restaurant that is open 120 hours a week, OK. They are serving breakfast, lunch and dinner. This restaurant is open 3 days a week, maybe part time a 4th. It's going to be open 18 hours to 20 hours a week OK. So that's 15%; the amount of time this restaurant will be open is 15% of what a full service restaurant would be. If we were to put the Hilltop down here, OK, a big difference in the amount of water usage. If the Hilltop opened 120 hours then this restaurant that will be open 18 to 20 hours. So at 15%, that would be 200 GPD water usage – again that will be averaged throughout the week, through the whole year. I'm not saying that when they are open that they are going to use 200 gallons; they will use 400 gallons, but they are only open half the time, if that makes any sense." Member Carvalho, "Would our approval control the hours they are open?" Mr. Eggleston, "It may. The narrative is that we are open Thursday, Friday, Saturday and possibly Sunday. We would have to come in for an amendment if that were to change, OK, because you are approving the narrative along with the drawings for this, OK. And again back to the water usage – forget 15, I went 25 – we are still 330 gallons. The critical threshold for the Village is 400 GPD usage; that's when I&I kicks in. That's the purpose of running the calculations and the numbers." Member Carvalho, "Is that true?" Attorney Galbato, "What part of that?" Member Carvalho, "As far as the hours." Attorney Galbato, "As part of your site plan review or part of your recommendation, you could put in restrictions that are reasonable or agreed to by the applicant – as part of his narrative, or as part of his presentation or ones that the Board feels are appropriate. But I caution you, because then it goes into -- can those conditions

be enforced. Whether it's number of days, hours, etc. This Board does have the power to place conditions on site plan approval, but they should be; that are objective and could be enforced by the Code Enforcement Officer."

Mr. Gorman, "Excuse me. I know this isn't a public hearing. My name is Francis Gorman. I am an attorney with Harris Beach and I represent Eloise Luchsinger who lives at 44 East Genesee Street. We have some issues with this application; first and foremost is she was actually not notified that the application was pending. So she has received no notice of it. I got a call today about 11:00 saying that it was scheduled for the hearing. We think that the proposal doesn't meet the critical impact requirements. We think it is completely contrary to the development along the north shore there. There haven't been any restaurants there in the past. The hours of operation from 5 'til 11:00 at night, Thursday, Friday, Saturday in what is essentially a residential neighborhood, we think is contrary to the contextual zoning in the Village of Skaneateles. Since the boutique hotel has opened there, my client has unfortunately been exposed to loud noises late at night, people urinating and vomiting late at night. The idea that a sushi restaurant is not going to increase those problems at all – we disagree with that. But at the very least if there is a way to at least table this so we could actually look at the application again – my client didn't receive notice of this and here's my card to the extent that we could be notified in the future."

Chairman Kenan, "Can anybody answer the question on notice? Do you know Dennis?" Mr. Eggleston, "I can answer that. This is a site plan review. This is a public meeting it is not a public hearing. There is no requirement for notice of a public meeting. There will be a Critical Impact Public Hearing held by the Trustees. Probably a number of things that he referred to are probably about 3 weeks too early now. I did contact Eloise to let her know that Kim had made application, and asked her for her availability to sit down and talk. We are in the middle of scheduling a meeting; we are hoping to meet with Eloise next week. I even had that conversation again today with Eloise. So the applicant has reached out to let her know that the application is pending and is going through the process, that there would be a public hearing, and I believe that Mike Byrne or Dennis is obligated to send out notice a week or two weeks before the Trustees' Critical Impact Hearing." Mr. Dundon, "Actually that will be the Village Clerk. Notice is required only for Public Hearings." Chairman Kenan, "So that is correct; notice is required only for Public Hearings." Attorney Galbato, "For Public Hearings, yes. If this Board chose to have a Public Hearing on the site plan, which they can – we have done that in the past on certain occasions – that would require Dennis to send out mailings to the appropriate property owners." Chairman Kenan, "Well, thank you for your comments. Any other questions from the Board? Does anyone want to suggest a way to act on this?"

Member Sutherland, "Well, I'm comfortable moving forward." Attorney Galbato, "Mr. Chairman, if the Board wishes to act tonight, as in the previous application you would need to look at SEQR again. SEQR was completed back when the project was developed years ago." Member Sutherland, "Would we see this again as an unlisted action receiving uncoordinated review?" Attorney Galbato, "Yes. The Board, if it so chose, could indicate that it is not a significant change from what the scope of the previous project was, for purposes of SEQR." Mr. Gorman, "Was that project from a couple of years ago?" Attorney Galbato, "At least five." Mr. Eggleston, "I was not the architect at that time. There was an approval process that approved the

two levels of commercial and three levels of residential. Rick, I would suggest that this might be an unlisted action because it's commercial under X number of square feet; as a 4,000 SF redevelopment in an existing building. So I actually think it would be an unlisted action, or Type 2 action." Mr. Gorman, "Do you have a segmentation issue?" Attorney Galbato, "It wouldn't be Type 2 because under our code it is a change in use and a critical impact. But the Board could choose it to be an unlisted action if it chose, and could comment on the significance, or lack thereof, of the change compared to what was approved years ago when the whole building was reviewed." Chairman Kenan, "That would be the cleanest thing to do."

Member Sutherland, "I was about to make that motion. I make a motion that we view this as an unlisted action with an uncoordinated review and that we issue a negative declaration in the sense that it is not a significant change from what was approved back when the building's redevelopment occurred." Chairman Kenan seconded the motion. Upon the unanimous vote of the members present in favor of the motion Chairman Kenan declared that it was approved. Member Sutherland, "Moving on, I would make a motion that the site plan review be accepted and approved as presented, in drawings that are dated 1/23/15, and narrative dated 1/27/15. The narrative explains the site plan and this motion explicitly includes understandings on all of the things that were described in the narrative, such as hours and days of operation (including the opportunity to be open 12 noon to 6 pm on Sunday), lack of any open flame cooking, and limited liquor service. Also we recommend to the Village Trustees that they approve the Critical Impact Permit."

Mr. Gorman, "What are the hours for Sunday?" Mr. Eggleston, "It was characterized as limited hours and we did not say; it's not going to be 24 hours." Mr. Gorman, "So as long as it's not 24 hours, there's a recommendation?" Mr. Eggleston, "It was mid-day Sunday. I don't know if Kim has any comment on that?" Ms. Weitsman, "Right now there is not a definitive answer that we will be open on Sunday. So it's a very real possibility that it will be zero hours on Sunday. But we are requesting for mid-day possibly." Member Sutherland, "For mid-day would you want to give up us number of hours?" Ms. Weitsman, "12 to 6." Member Sutherland, "I amend my motion to include that opportunity to be open 12 to 6 on Sunday should the applicant close to do that."

Chairman Kenan, "Is there a second? Once again, I will second the motion." Voting in favor of the motion were Chairman Kenan and Members Carvalho and Sutherland. Voting against the motion was Member Hartnett. Chairman Kenan called the motion passed on a vote of 3 to 1. Mr. Eggleston thanked the Board.

This matter was concluded at 8:35 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

