

**Village of Skaneateles
Planning Board Meeting
June 4, 2015**

To consider a recommendation to the Village Board of Trustees regarding the request from Trason Skaneateles, LLC for a reduction in the amount of the required Letter of Credit covering the Parkside Village Subdivision.

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

 Riccardo Galbato, Attorney for the Planning Board
 Shannon Harty, Director of Municipal Operations
 Dennis Dundon, Clerk to the Boards

 James Lanning, Village Trustee
 David Colegrove, Skaneateles
 Margaret Purcell, Skaneateles
 Cynthia Brennan, Skaneateles
 Jack Severance, Skaneateles
 Katie Severance, Skaneateles
 Pat Carroll, Skaneateles
 Nancy Cihon, Skaneateles
 Bob Eggleston, Skaneateles,
 Joshua Lagrow, Skaneateles
 Tom Blair, Skaneateles

Chairman Kenan called the meeting to order at 7:30 pm announcing the request from Trason Skaneateles. Ms. Knupp introduced herself and presented, “Our request is two-fold. One we would like to change from the letter of credit to have the Village hold the funds in escrow and second, we would like a reduction in the amount. Shannon and I have spoken and we have basically that same punch list that was done last time. However, there has been some concern with the builders as far as the lack of detailed drainage plan. That drainage plan was just submitted late yesterday. Shannon is concerned that there might be some other issues that might come up – say with some swales or what not – that we haven’t ironed out yet. So I think that our last estimate was \$173 something with the punch list, so we figured if we bumped it up to \$200,000 that would cover any concerns that the Village may have while we work out any possible issues related to approval of the new drainage plan.”

Chairman Kenan, "So the request would be to reduce the letter of credit to \$200,000 and make it cash rather than a letter of credit." Ms. Knupp, "Correct." Chairman Kenan, "And of course we are to recommend to the Trustees, and the Trustees would make the decision on what to do." Ms. Knupp, "Correct." Chairman Kenan, "Are you comfortable with that number?" DMO Harty, "I am comfortable. As you recall, the Board had already approved this at the last meeting to go to \$173,600. The issue of the drainage came up literally the day before the Village Board meeting, where they were also going to also approve it. So the timing worked out OK. So the Village Board didn't act on it. I am comfortable with it – it works out to some \$25,000 - \$26,000 that we are going to now hold. It is construction of some drainage swales and then there's the legal issue of easements that would need to be obtained; we'll be able to do that with the home builders before the mortgages are closed. I believe we caught this in time. We are going to avoid what would have been a very long-term hassle for the Village."

Chairman Kenan, "OK. Now there has been some concern expressed about the silt fences and so on; the maintenance of that. Who's responsible for that?" Member Carvalho, "Storm water runoff. Who's responsible for all of that?" DMO Harty, "That's a conversation I had with Cori today. I'm going to have to talk with the Code Enforcement Officer. In the absence of having a singular site contractor at all times – we have individual builders – I need to talk with John Crompt to figure out how we get that enforced and what kind of sign-off the individual home builders have agreed to. It's an issue. Anyone who's driven up there; you can see there's debris all over the road. It's an issue for the residents who have now moved in." Ms. Knupp, "Our issue right now is we only have two lots that we still own. So every single other lot has been sold. So it is difficult for us to enforce something on something that we no longer own. However, a large portion of them are still owned by builders. I do think that the Village would have the powers to be able to enforce. If there's dirt on the roads from my understanding and I know that Shannon has talked with some of the builders. The difficulty that we run into is that everybody says it's the other person's fault." Chairman Kenan, "Presumably the problem with siltation and dirt on the roads is from the builders, not the homeowners." Ms. Knupp, "Correct. And there's a couple of the sidewalks – and I know it's supposed to be getting fixed I haven't checked – that have some cracks. The builder is going to be fixing on those and we are following up with that. We still need to discuss whose responsibility it is. Our assumption was that once we sold the lot – and while those were being sold we had Tobin put up silt fences in the back. At this point, if we don't own the lot, we see that as something that the owner, in this case the builder; their responsibility to take care of that."

Member Carvalho, "When the builder pulls a permit, is he responsible to have an erosion control plan?" DMO Harty, "I don't know; I'd have to check. That's one of the questions I have for John Crompt. This isn't necessarily abnormal in a subdivision setting; especially now at the end of the phase with the last few houses." Member Sutherland, "One thing to check also is whether John is aware that he should be looking to the builders on that. Some of that you'd have to be Sherlock Holmes to figure out." DMO Harty, "Exactly. What I may work out with him is to have him go out and do some more daily inspections and monitor that construction more heavily. With John, we'll work through it." Member Sutherland, "I think there's a little bit of Sgt. Schultz going on up there, 'I know nothing'. It's time to probably be a little more vigilant." DMO Harty, "It is. And I think particularly now as I told John, I asked him to hold on issuing

building permits for any of those other interior lots, until we have a clear understanding of the grading plans. So that we make sure that we get the correct finished elevations and that we get the drainage swales in.” Chairman Kenan, “Are there just two builders?” Ms. Knupp, “No Harmony Homes, Don Petrocci, Konrad...” Chairman Kenan, “So any new permit application is not necessarily from someone who’s working there now. It could be a new builder.” Ms. Knupp, “It’s possible. We have sold a couple of lots directly to the homeowners who may be bringing in their own builder.”

Chairman Kenan, “I think the building inspector has the ability to stop work on a project for a variety of reasons, and I think this would be one of those reasons.” DMO Harty, “Yes. I think it is a code enforcement issue that I am going to work out with John. We have the ability within our building permit process to tighten the belt on the builders and monitor them.” Chairman Kenan, “Anybody have any question? Anybody have a motion to suggest? Our task is to make a recommendation to the Trustees.” Member Eberhardt, “I want to make clear, Shannon, that you are satisfied.” DMO Harty, “The punch list is as you saw it last month. There is a new item highlighted in yellow that pertains to the engineering and construction of the drainage swales and the easements for those. I am comfortable with that number.” Ms. Knupp, “But we are not assuming that the developer is necessarily responsible for doing that whole portion; I thought we were going to work it out with the builders and come to some agreement.” DMO Harty, “We’ll have to figure that out. It’s a holder until we come to agreement on what the solution is. And I’m comfortable that it’s enough money to hold, whatever way it goes.”

Member Carvalho, “I will make a motion to recommend to the Village Board of Trustees to reduce the amount of the letter of credit to the new value of \$200,000 and also convert it from a letter of credit to a cash deposit.” Member Hartnett seconded the motion. Upon the unanimous vote of the members, the motion was carried. This matter was concluded at 7:37 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Planning Board Meeting
June 4, 2015

In the matter of the application of Steve Boulet to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Both side yards combined; and Percentage of open area; to construct a 12 foot by 14 foot deck adjoining an existing deck at the property addressed as 70 West Elizabeth Street in the Village of Skaneateles.

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

Riccardo Galbato, Attorney for the Planning Board
Dennis Dundon, Clerk to the Boards

David Colegrove, Skaneateles
Cynthia Brennan, Skaneateles
Jack Severance, Skaneateles
Katie Severance, Skaneateles
Pat Carroll, Skaneateles
Nancy Cihon, Skaneateles
Tom Blair, Skaneateles

Chairman Kenan called again for the matter of Steve Boulet for 70 West Elizabeth Street at 8:26 pm. This matter had been called previously during the meeting. There was no one present representing the applicant. Members Eberhardt, Hartnett and Sutherland expressed a preference to hear an explanation of the project. **Member Sutherland, "I move to table the application of Steve Boulet until the applicant or a representative can come to explain what is being proposed. The matter will be scheduled for 7:30 pm on July 2, 2015 at this Board's next regular meeting."** Member Hartnett seconded the motion. Upon the unanimous vote of the members, the motion was carried. This matter was concluded and the meeting adjourned by acclamation at 8:26 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting June 4, 2015

In the matter of the application of Margaret Purcell to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, right; Both side yards combined; Percentage of structure width/lot width; and Percentage of open area; to construct a 20 by 20 foot patio and move deck stairs from north side to east side of deck at the property addressed as 82 State Street in the Village of Skaneateles.

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

Riccardo Galbato, Attorney for the Planning Board
Dennis Dundon, Clerk to the Boards

Margaret Purcell, Applicant

James Lanning, Village Trustee
David Colegrove, Skaneateles
Cynthia Brennan, Skaneateles
Jack Severance, Skaneateles
Katie Severance, Skaneateles
Pat Carroll, Skaneateles
Nancy Cihon, Skaneateles
Bob Eggleston, Skaneateles,
Joshua Lagrow, Skaneateles
Tom Blair, Skaneateles

Chairman Kenan called for the matter of Margaret Purcell for 82 State Street at 7:38 pm. Ms. Purcell introduced herself and presented, "There is a small wooden porch there now that is kind of in need of repair. I'd like to turn the stairs, make them a little bit wider and face out the other way so they are not such a steep pitch. Where there is an existing little flower bed – to remove that and put in a patio. Just a beautification." Chairman Kenan, "And the issue is reduction of open area and alteration to a nonconforming existing condition. Any questions?" Member Sutherland, "Is there any landscaping between you and your neighbor to the south? Some sort of screening?" Ms. Purcell, "It is just an open area now. Part of what I'd like to do is along the side of the patio is put some shrubbery or trees. To kind of soften it, because it is just a big open area right now."

Member Eberhardt, “I will make a motion that we recommend to the Zoning Board of Appeals to approve the variances as requested on the application dated 9/11/14 by Margaret Purcell.” Member Sutherland seconded the motion. Upon the unanimous vote of the members, the motion was carried. This matter was concluded at 7:40 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
June 4, 2015**

In the matter of the application of Steve & Linda Chow to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, right; Both side yards combined; Percentage of structure width/lot width; and Percentage of open area; to construct a 6 by 12 foot addition to an existing deck and convert it to a screen porch, and to alter a second floor window at the property addressed as 3 West Austin Street in the Village of Skaneateles.

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

 Riccardo Galbato, Attorney for the Planning Board
 Dennis Dundon, Clerk to the Boards

 Robert Eggleston, Architect, on behalf of the Applicant

 David Colegrove, Skaneateles
 Cynthia Brennan, Skaneateles
 Jack Severance, Skaneateles
 Katie Severance, Skaneateles
 Pat Carroll, Skaneateles
 Nancy Cihon, Skaneateles
 Joshua Lagrow, Skaneateles
 Tom Blair, Skaneateles

Chairman Kenan called for the matter of Steve and Linda Chow for 3 West Austin Street at 7:41 pm. Mr. Eggleston introduced himself and presented, "They have an existing house on West Austin Street that has a 10 by 12 deck on the back of the house. They would like to make it a screen room, but they would also like to make it just a little bit bigger because they have a very nice back yard. This way they can deal with the bugs. They would like to make the deck, keeping the existing deck, just adding in 6 more feet making it 16 feet and then they will put he screen room over it. There's a window up in the peak that's a little odd, so they are going to replace that – because the roof comes up they will just pop that out and make it a more unified combination; composition." Member Hartnett, "When you say pop that out, how far are you extending it?" Mr. Eggleston, "Just a foot, to make a little window bench. The existing property is nonconforming in that its open area is 79.7%, the right side yard is 8.9, combined side yards are 29.4. Part of it is due to the fact that it's a little 'L-shaped' lot. The rear yard is 10.6 on this existing patio. The widths are 69.2% where 65 is required. The actual variance itself will have

the continuation of a 12 foot side yard set-back even though the house is 8.9 at that side. The open area is decreased to 79.1%, less than 1% difference. Otherwise we are expanding a non-conforming structure; it's totally in the back; it's really not seen from the street."

Chairman Kenan, "Where's the 6.1? Oh I'm sorry, that's the shortage." Mr. Eggleston, "That's the shortage. It is 12 feet. Any questions? This used to be Carl Fleegle's house." Attorney Galbato, "Both side yards combined?" Mr. Eggleston, "What I'm saying is the effect of the addition; the addition itself has 77 foot combined side yards, but the house is only 29. This is an existing condition. We are not going all the way across, just 12 feet wide. So that doesn't generate a new variance."

Member Sutherland, "I move that we vote to recommend that the ZBA approve the variances that are requested so the project can proceed." Member Hartnett seconded the motion. Upon the unanimous vote of the members, the motion was carried. This matter was concluded at 7:45 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Planning Board Meeting
June 4, 2015

In the matter of the application of Martin & Tara Lynn to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Side yard set-back, right; Both side yards combined; Percentage of structure width/lot width; and Percentage of open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to remove an existing porch and to construct a new front porch at the property addressed as 38 Academy Street in the Village of Skaneateles.

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

Riccardo Galbato, Attorney for the Planning Board
Dennis Dundon, Clerk to the Boards

Robert Eggleston, Architect, on behalf of the Applicant

David Colegrove, Skaneateles
Cynthia Brennan, Skaneateles
Jack Severance, Skaneateles
Katie Severance, Skaneateles
Pat Carroll, Skaneateles
Nancy Cihon, Skaneateles
Joshua Lagrow, Skaneateles
Tom Blair, Skaneateles

Chairman Kenan called for the matter of Martin & Tara Lynn for 38 Academy Street at 7:46 pm. Mr. Eggleston introduced himself and presented, "Their existing porch is rather small, a small portico. They would like to have an actual functional porch that would be 8 feet wide and 34 feet long, stretching across the front of the house. The garage currently comes in front of the house; a more suburban look. The new porch will come in front of the porch so it helps the garage to set back. The property is an existing nonconforming property in that the open area is 83.6%, the left side yard is only 3.9, the right side yard is 6 feet; the combined is 9.4 feet. That actual width of the structure is 83.5%, so those are the existing nonconforming aspects. We will be decreasing the open area to 81.8%, and we have a 6.7 foot side yard set-back, which is less nonconforming than existing. That's the only 2 variances that we are creating,"

Chairman Kenan, "I'm going to ask a question for Mr. Sutherland. Will the porch have a railing?" Mr. Eggleston, "It will not, because it is only a foot down to ground. It is actually going to be a concrete stone front because it is so close to ground." Mr. Sutherland, "One of the things we have found is that the railing itself makes the porch more comfortable if you are sitting there. If you are sitting there without the railing, it is sort of like you are on view. With the railing it creates just a little bit of separation. It is not a safety it is more a perception thing, you feel more comfortable walking by if someone is sitting on the porch and there's that little bit of separation." Chairman Kenan, "A degree of shelter." Mr. Eggleston, "What they actually were planning on doing is putting shrubbery on front to give that containment. They thought it was a softer effect. I can take that comment back to them for consideration."

Member Hartnett, "I move that we recommend to the ZBA that they approve the application of Martin and Tara Lynn for 38 Academy Street for the variance for 225-A5 density and 225-69D nonconformity." Member Carvalho moved to amend the motion to include, "with the suggestion that the ZBA require that a railing be constructed on the porch." Member Sutherland seconded the motion as amended. Upon the unanimous vote of the members, the motion was carried. This matter was concluded at 7:52 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
June 4, 2015**

In the matter of the application of Joshua Lagrow to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, right; Both side yards combined; Percentage of structure width/lot width; and Percentage of open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to remove an existing deck, construct a 12 by 14 foot patio and construct a 24 by 26 foot attached garage with 16 by 24 foot bonus room above at the property addressed as 57 State Street in the Village of Skaneateles.

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

 Riccardo Galbato, Attorney for the Planning Board
 Dennis Dundon, Clerk to the Boards

 Robert Eggleston, Architect, on behalf of the Applicant
 Joshua Lagrow, Applicant

 David Colegrove, Skaneateles
 Cynthia Brennan, Skaneateles
 Jack Severance, Skaneateles
 Katie Severance, Skaneateles
 Pat Carroll, Skaneateles
 Nancy Cihon, Skaneateles
 Tom Blair, Skaneateles

Chairman Kenan called for the matter of Joshua Lagrow for 57 State Street at 7:53 pm. Mr. Eggleston introduced himself and presented, "The Lagrows had received a variance to put a detached garage on the property two and a half years ago and then it was renewed. They have the right to come in and tear down their detached garage and put a larger two-car garage 15 feet off the back and 3 feet off the side. In reconsidering, they prefer that the garage were attached. We looked at a number of different things; one of the problems is that the house is only 17 feet off the side property line. So what we have proposed is that the garage would be 3 feet off the property line but just attached to this back piece – so they can get this garage and connect up to have this bonus room up over the garage be attached to the house where the kids can play. The appearance is basically going to be as a detached garage; it's just going to be closer to the house. It is definitely behind the house. It has the same 3 foot set-back, but because we are attached to

the house it is required to have a 15 foot set-back. The rear yard is conforming. The variances that we are asking for are the expansion of a nonconforming structure, the open area is 81.3% currently as approved and 29.4 foot front set-back. Putting the attached garage on will be a 3 foot side yard, both side yards will be 33.7 feet where 35 is required, and the maximum width is 68.5% vs. 65% allowed, but it never occurs all at the same place because the two are offset. We will increase the open area to 82.2%. So that is the nature of what this request is for.”

Chairman Kenan, “So the site plan shows the existing garage and then it seems to show some other construction off the rear of the house?” Mr. Eggleston, “There used to be a detached garage and a deck. But the deck will be under a part of the new proposed garage, so they have to relocate the deck over here.” Chairman Kenan, “What are the doors over here?” Mr. Eggleston, “That’s gates actually, from the original.” Chairman Kenan, “And the deck is now gone anyway?” Mr. Eggleston, “The deck is gone and we’ll have; they used to come out this door to get to the deck and now they’ll be coming out this door and crossing over the patio instead of a deck.” Member Sutherland, “What is the fenestration? It was approved originally for 6 over 6, but 4 over 4 is what was installed.” Mr. Eggleston, “We’ll do 4 over 4. We’ll match the house.” Member Hartnett, “The original was approved over two years ago? When was it extended?” Mr. Lagrow, “It was 2 ½ years ago for 2 years. A year ago we got it updated; not updated but renewed.” Mr. Eggleston, “They can come in and get the permit for the previous garage.” Member Hartnett, “And that had a two year timeframe on it?” Chairman Kenan, “So that’s still current?” Mr. Lagrow, “Yes. We just had our second son. The thought of them being 40 feet away in a room above the garage as opposed to 30 feet way...” Member Carvalho, “This is attached just at the first level?” Mr. Eggleston, “Coreect.” Member Carvalho, “So what’s the gap in there?” Mr. Eggleston, “It’s several feet. What happens this is the gable, so the peak of the gable is here. So this is coming down, this is a little connector there. Right now we have about a 4 or 5 foot, but this ascends as it goes away from the other house.” Chairman Kenan, “In the connector, does it peak here and then go down?” Mr. Eggleston, “Correct.”

Member Eberhardt, “So there is electric but no plumbing?” Mr. Eggleston, “Correct, we are not putting any plumbing in it. What it is, is to give them a little more play room for the kids. They wanted it attached versus detached.” Mr. Lagrow, “I’ll also say this. The neighbors like this. I think you know Fran behind us. Her and her daughters like this plan a lot better. They did not like it so far back in the lot. This decreases the size of it and brings it forward.” Member Carvalho, “This is a one-car or two-car garage?” Mr. Eggleston, “Two-car garage. What happens is you put a car in there and put the other in that way. The likelihood is that one car will be in there all the time.” Mr. Eggleston submitted letters from neighbors for the record.

Member Eberhardt, “I will make a motion that we recommend to the Zoning Board of Appeals to approve the application dated 4/24/15 for Josh & Lauren Lagrow.” Member Carvalho seconded the motion. Upon the unanimous vote of the members, the motion was carried. This matter was concluded at 8:02 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
June 4, 2015**

In the matter of the application of Jack & Katie Severance for a Special Use Permit to operate a bed & breakfast homestay and to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of open area; to change the use to a single-family dwelling with a 2 bedroom bed & breakfast and to add a patio at the property addressed as 34 State Street in the Village of Skaneateles.

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

Riccardo Galbato, Attorney for the Planning Board
Dennis Dundon, Clerk to the Boards

Robert Eggleston, Architect, on behalf of the Applicant
Jack Severance, Applicant
Katie Severance, Applicant

David Colegrove, Skaneateles
Cynthia Brennan, Skaneateles
Pat Carroll, Skaneateles
Nancy Cihon, Skaneateles
Tom Blair, Skaneateles

Chairman Kenan called for the matter of Jack & Katie Severance for 34 State Street at 8:03 pm. Mr. Eggleston introduced himself and presented, "The Severances had made an application to convert the large home into a two-family home. There were some concerns that were raised over that; they had rethought the application and have withdrawn that application. It is a large home and they thought when they were looking to purchase it that it would make an appropriate two-family home and it would easily split up to that. One of the other things that they had thought about, and something that Katie has experience doing, is having a bed & breakfast ["B&B"]. So they have decided to make this application for a 2 bedroom B&B, which is a special permit use allowed in the A2 District. We do have a variance that's required for that. The coverage of the property as is with one outdoor parking space and one garage parking space is 85.1%, which is conforming. The B&B would require two additional cars, so adding 360 SF of existing pavement to allow for the two additional parking spaces, plus also in the back the tarvia extended back and they didn't like the tarvia and they really wanted a patio in the very back. So they have proposed putting in a 263 SF patio that's on the ground. It would be paver bricks. While the

house has porches on the north side and on the south side, they are all visible from the street. This is actually a nice little private area tucked in the back of the lot. So that will decrease the open space to 82.6%. So we are asking for the variance for the 82.6% open space for the property. We have put together a narrative that has explained the existing conditions, the proposal. This is their primary home, so they will have just two bedrooms. We have a diagram showing the guest rooms that will be on the second floor and then they have the parlor and dining room in which the guests would be served breakfast. They would only serve breakfast; they would not serve any other meals – and it will only be for the guests as required under Section 225-40. There will virtually be no major interior changes to the house. They are taking down a wall between a very small bedroom and the guest room to make a small little sitting area for that guest room suite. The other has an interconnected sitting area and bedroom area. So each guest will have a small sitting area, the bedroom and a bathroom. As far as exterior changes there are no changes planned except repairs. They do have a south porch that will be repaired and they will be putting in the patio. So the house will maintain the single-family character and the interior will remain as a single-family home. I have addressed all the issues relative to Section 225-40 and also the definition. We also went through the criteria for the variance which you have in the narrative to look at. Do you have any questions relative to this application?"

Member Carvalho, "How does the parking work?" Mr. Eggleston, "There's enough room in here that the cars can pull in. They actually park slightly at an angle. If the Severances have two cars on-site the others; there's enough room in actuality to work around." Member Carvalho, "It just looks the way they've drawn it that you always have two cars blocked in all the time." Mr. Eggleston, "I can redraw it to put them at a slight angle and show them not blocked in, if that's what you'd like to see. They have had family over before – maybe 5-6 cars without anyone blocked in."

Chairman Kenan, "Would you explain again the reduction in open area? You said something about increased pavement, but it looks like reduced pavement in the plan." Mr. Eggleston, "Open area is buildings, structures and required parking. It is not driveway, it is not walkway. Right now as a single-family house you have the garage and one parking space (180 SF). We have to add 2 more parking spaces. Even though we are not adding and pavement, we have to add it to the calculation. So there is no physical change; it's just that you have to add required parking..." Attorney Galbato, "For the two additional rooms of the B&B." Mr. Eggleston, "Correct. You are required 1.25 cars per guest room and the Zoning law says once you get to three-quarters you round up, otherwise round down. So the 2 ½ parking spaces for the guest rooms translates into 2 required parking spaces. So we added 360 SF there. The other addition is the permeable patio, paver bricks, there, that's 263 SF. There will be no built physical changes to the property. Member Sutherland, "Is there some way to screen it so you are not always looking a 3-4 cars sitting there? Landscaping. It's one of those really visible spots as you are coming down State Street." Mr. Eggleston, "Sure. If we were to add some landscaping or maybe some bushes on that inside curve of the driveway, that would be acceptable to you?" Ms. Severance, "That's fine." Mr. Eggleston, "We only need a four foot high bush. We could do that." Member Sutherland, "Something that's either evergreen or dense enough that it will do the job all four seasons."

Attorney Galbato, "Is the single-family dwelling going to be connected to the two rooms of the B&B?" Mr. Eggleston, "It is all interconnected. It functions as a single family." Chairman Kenan, "And where would the breakfast be served?" Mr. Eggleston, "In the dining room. There is a formal dining room." Chairman Kenan, "So in the family dining room?" Mr. Eggleston, "They have a little kitchen nook off over here, there is an open family room. They have like a formal archway and a formal dining room, then an archway and the parlor. So it would be served in the dining room." Chairman Kenan, "So the B&B occupants would occupy the guest rooms and at the proper time the dining room, but none of the rest of the house?" Mr. Eggleston, "They could occupy the parlor. The idea is that the guests would have free-rein of the front of the house. They would have their private space in the back of the house. They used to have pocket doors between the family room and the dining room."

Chairman Kenan, "Any questions or observations? We could entertain comments if anybody has any." Ms. Brennan, "I submitted a letter today. This would be the first B&B outside the commercial area. The Severances have done a lovely job outside and we are very concerned though, that this does change the character of the neighborhood. It puts a business establishment in a residential area. We have pointed out some of our concerns. This really affects this application but really is more global. This truly sets a precedent. This will be the first B&B in an A2 residential area. I know Bob pointed out the Benjamin Porter house right next to the library. That may be in an A2, but that's directly adjacent to the Downtown District. This would be the first B&B that is actually in an established A2 residential neighborhood." Chairman Kenan, "OK. Thank you."

Mr. Eggleston, "Just to correct the record, The Rodemachers is in A1 District, Ben Porter is in A2 District, just down the street, West Genesee Street, the former Mannilla house, that's a B&B in A2, and I believe the Hannum House at one point was a B&B in A2. So actually, all the B&B that I am aware of are in the A1 or A2 Districts." Ms. Carroll, "I just think it's akin to living next to a hotel. We already have a problem in the Village where people are renting their houses as short-term vacation rentals. The issue has come up. It is not legal. I think this is a distinction without a difference. Ok, if we can't be a short-term vacation rental then let's be a B&B." Mr. Eggleston, "I do think the distinction is that it is a single-family home. It is not non-owner occupied dwelling where people come in to have a party. I think there is a lot more control when the owners are at home when you have guests. That's what makes it more appropriate to be in the residential district, as opposed to a hotel that would not be appropriate."

Ms. Brennan, "One of our concerns is there is really not a lot of oversight in this community as to what's going on. Pat just referenced all the short-term vacation rentals that apparently have proliferated and are bringing in lots of money for the owners. We are concerned that somebody gets an application for a B&B approved and suddenly they are no longer living there and it turns into a short-term vacation rental – and there isn't a lot of oversight in the community and not a lot of enforcement. My other point is taking a home off the residential rolls. The school district is losing children. It affects my property values. If I were a parent with young children I would be very concerned. When we have a kindergarten class with 78 children in it, that's a real concern. I see this community as a gold mine for investors and I'm afraid that's going to set a precedent for outside investors to come in." Chairman Kenan, "The issue of vacation rentals and

enforcement may be something you would like to take up with the Trustees at some point. This Board does not control that.”

Attorney Galbato, “There’s two issues for this Board and they are both recommendations. One is an advisory opinion on the request for a variance and the second would be an advisory opinion on the issue of the Special Permit, both to the Zoning Board of Appeals.” Chairman Kenan, “Is County Planning involved in this?” Attorney Galbato, “Yes, I talked with Dennis before the meeting and he’s going to do a referral to County Planning, yes.”

Member Carvalho, “I had one more thing I wanted to read. As far as area variances we are supposed to take into consideration the benefit to the applicant weighed against the detriment to the health and safety of the neighborhood. It seems like in this situation, they bought an investment property and that’s to their benefit – but there could be a detriment to the neighborhood in accepting this area variance; as far as the character of the neighborhood.” Mr. Eggleston, “I’d like to point out to that point that this is one of the few homes in the A2 District that conforms to the 85% open space. Most of the houses along lower State Street are in the 50 to 75% open space. All the variances that you looked at today are in the 80% range. I think this – and the change in open space is not due to built structures.” Member Carvalho, I was not talking about open space but rather the area variance having to do with the B&B.” Mr. Eggleston, “That’s not an area variance. But the 5 part balancing test does not apply to the special permit, it applies to the open space. What you have to consider are the criteria for Section 225-40, and you will see that we have met them.” Attorney Galbato, “And also Section 225-39 on Special Permits.” Member Eberhardt, “It is supposed to be owner-occupied.” Mr. Eggleston, “It’s owner-occupied. Correct. This is the Severances primary home.”

Ms. Brennan, “I was under the impression that the 5 criteria did apply to the special use permit and not the area variance.” Mr. Eggleston, “No. It applies to the area variance.” Attorney Galbato, “Mr. Chairman, there are two things. One is the area variance for the open space which has been discussed, and whenever you are considering an area variance there is a 5 part balancing test – and that provision of the code is on the last page of my memo to the Board. Also you have the provision for Bed & Breakfast Homestay which comes under 225-40. You also have that provision—the 4 sections of that plus a definition under 225-4. A B&B requires a Special Permit which the ZBA will consider, and that has 7 parts under 225-39 I, and you have excerpts of that in the memo as well. It is just a little bit confusing because the area variance is not because of construction, it is because the use is proposed to be changed which affects how you calculate open area, as Bob indicated in his presentation.”

Chairman Kenan, “Does the Board have a direction they would like to go? [pause] One of the things that Board could do if they are not prepared to recommend for or against, is they could always pass it on to the Zoning board without a recommendation. Anyone?”

Member Sutherland, “Let me suggest that we pass this on to the ZBA without a recommendation, other than if they were to approve the B&B, that there would be adequate screening of the parking area from 321, so the presence of the cars wouldn’t be quite as pronounced.” Member Hartnett seconded the motion. Upon the affirmative vote of

Chairman Kenan and Members Carvalho, Hartnett and Sutherland, the motion was carried. Member Eberhardt abstained. This matter was concluded at 8:25 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

