

# Village of Skaneateles Planning Board Meeting September 2, 2015

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Public Hearing in the matter of the application of Kim Weitsman for Site Plan Review to add 18 car parking lot, berm, plantings, formal vegetable & cutting garden, walkway, pavilion and garden fence at the property addressed as 53 West Genesee Street in the Village of Skaneateles.

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

                  Riccardo Galbato, Attorney for the Planning Board  
                  Dennis Dundon, Clerk to the Boards  
                  Jorge Batlle, Village Historian

                  Bob Eggleston, Architect, on behalf of the applicant  
                  Kim Weitsman, Applicant  
                  Adam Weitsman, on behalf of the applicant  
                  Clove Weitsman, on behalf of the applicant  
                  Doreen Simmons, Esq., on behalf of the applicant  
                  Austin Johnson, on behalf of the applicant  
                  Alex Sholte, on behalf of the applicant

                  John Pidhirny, 16 W Lake St., Skaneateles  
                  Jo Ann Eberhardt, 65 W Genesee St., Skaneateles  
                  Brian Anderlewich  
                  David & Amy Allyn, 14 W Lake St., Skaneateles  
                  Doug Clark, 24 W. Lake St., Skaneateles  
                  David Duggan, 10 W. Lake St., Skaneateles  
                  Linda Roche, 39 W. Lake St., Skaneateles  
                  Jennifer Young, 46 W Lake St., Skaneateles  
                  Lindsay Kowalski, 54 W Lake St., Skaneateles  
                  Brian Leitsch  
                  Mary McLaughlin, PhD, Marcellus  
                  John Capojalo, Marcellus  
                  Mary Anne Winfield, 2408 Wave Way, Skaneateles  
                  Mary Kennedy, Jordan St, Skaneateles  
                  Tom Bryant, Mexico  
                  Steven Donnelly, Binghamton  
                  Meg Keady, 16 Griffin St., Skaneateles  
                  Joanne Moore, 8 Goodspeed Pl., Skaneateles

Michael DeRosa, Auburn  
Melissa Downing, Jordan  
Doug Shattell, Mexico  
James Rothenburg  
Tim McNally, 4215 Highland Ave., Skaneateles  
William Gilbane, 85 E Genesee St., Skaneateles  
Mark Congel, 3395 E Lake Rd., Skaneateles  
Peter "Matt" Alexander, 174 E Genesee St., Skaneateles  
Paula Latessa, Johnson City  
Alfred Latessa, Johnson City  
Betty Congel, 6 Wicklow Dr., Skaneateles  
Janice Hoffman, 54 E Lake Rd, Skaneateles  
Allan Isserly  
Pat & Gerald Carroll, 7 E Elizabeth St., Skaneateles  
Pat Gridley, 14 E Elizabeth St., Skaneateles  
Richard Charles, 37 Jordan St., Skaneateles  
Beth O'Sullivan, 10 Leitch Ave., Skaneateles  
Dan Ford, 26 State St., Skaneateles

Chairman Kenan called for the matter of Kim Weitsman for the Krebs Restaurant at 53 West Genesee Street at 7:27 pm, opening the public comment portion of the meeting. Mr. Eggleston asked to comment first, then introduced himself and presented, "The question of parking at the Krebs has been a little bit of an ongoing question; how do we best be sensitive to the contiguous neighbors but yet also meet some of the concerns about parking on West Genesee Street. When this was approved, the concept was that there would only be 8 parking spaces beyond the building and it was expected, as when the Lovelesses ran the restaurant for 100 years and their predecessors the Krebs, that patron parking would be on Genesee Street. And again what the Weitsmans would like to do is find some sensitive solution to take responsibility for some of the increased parking and also be sensitive to the residential nature of the neighborhood. This is a unique restaurant; it has a 100 year history of being located in a residential neighborhood. What we are finding is that West Genesee Street; the parking is at a premium. Even Griffin Street and West Lake Street are being consumed by, not only, patrons of Krebs but by patrons of the rest of the Village commercial area, employees of various downtown commercial areas. And what the experience has been is that many patrons to the Krebs have to walk 2 or 3 blocks on a busy day to find parking to be able to get back to the Krebs where they have dropped off their party for the Krebs experience."

Mr. Eggleston continued, "One of the things that we have focused on is what's changed since the Loveless family operated this in the 1900s and 2000s. And very briefly, we have kind of outlined this in a narrative, West Lake Street parking has been reduced to 11 spaces. That's a reduction of probably 30 parking spaces when they used to park all the way along West Lake Street. And since they did the street improvements you can see even more evidence – there are only 11 spaces, if people park properly in those spaces. The restructuring of the municipal parking lot in the Village center, with a two hour limit, has forced a lot of the downtown employees to find other parking – West Genesee Street and some of the other residential streets

have become those parking places for all-day parking by employees. The Village has more special events and draws more people; this is great for the Village and the economy and the vibrancy of the Village. We are lucky to have this problem, but during the summer and even into Dickens Christmas season, there is competition for parking on West Genesee Street. The original Krebs restaurant was open May to October and the current restaurant is open all year around. So in the winter months, unlike the downtown area, the Village does not remove the snow between the curb and sidewalk, which makes it easier to park along the edge of the road and get out of your car. It's a challenge fighting 4 foot snow banks trying to get in and around in safety."

Mr. Eggleston continued, "On West Genesee Street, between West Lake Street and Kane Avenue, there's approximately 60 on-street parking spaces. These spaces are not marked and it is not uncommon to find cars parked random; it isn't as efficient as it could be. There are spaces away from curbs and it does limit the spaces. We had come into the Planning Board with what I'm going to call Plan A. That was to add 18 parking spaces that were in a large space directly behind the adjacent property. It was a large traditional parking lot about 25 feet off the property line here, we were about 70 feet off the west, and a couple hundred feet off the south side. The reason for addressing the parking at this time is they are getting ready to put in the formal gardens and vegetable gardens that will be growing the produce that will be used in the kitchen for The Krebs. We did offer planting buffers around it and berms to help screen the cars and all of that. One of the things we really wanted to do was to have a conversation with the neighbors and that has actually occurred in the last month since we presented that initial plan. We came up with a revised plan that substantially reduced the area that we were going to cover with parking, by putting 6 parking spaces right along the existing driveway and we had 9 parking spaces in the back, making it a lot more condensed than what we had proposed before. So we had cut the amount of hard surface tarvia in half, being sensitive to getting some plantings around this to help shield and buffer this area. We have had a general meeting at The Krebs with the neighbors as a whole, we have distributed this plan, we have had conversations individually with a number of the neighbors. We came up with the C Plan, which was just recently distributed this week to the neighbors. One of the things that we took into account, especially for Mr. Johnson who is the most exposed residential neighbor to the property, is we took out the 6 perpendicular parking spaces and put in 3 parallel parking spaces. That way you don't have the headlights that get through to plantings interfering with their back yard. So we are down to 12 spaces in that area. We sent this around to people and we had a few more comments. In this plan that we dated today, because this is a working kitchen garden we do have to have some tools and things readily accessible to it, so we originally were going to put a structure in here, maybe a kind of architectural element incorporated into the gardens, but instead on the advice of one of the neighbors, we have created a more physical barrier, by putting this shed over here so it is accessible to the gardens, and a 6 foot fence that wraps around that will capture any of the headlights and help contain the impacts of the parking in that area. We have vegetation and things going into this area."

Mr. Eggleston continued, "So that is the primary development and speaks to the Weitsmans' interests in working with the neighbors; taking their suggestions to try to find a plan that works both for the neighborhood, for The Krebs and for the community in general. I think by helping to take some of the parking off Genesee Street it does help the other businesses that do rely on

the extra parking overflow onto Genesee Street, [unintelligible], and West Lake Street. We are trying to get a total holistic community approach for this. This new plan, by the way, we have reduced the new hard cover from over 6,900 SF to 2,900 SF and we are 85 feet off the west boundary (where we used to be 25 feet); we are 55 feet off the east boundary and we are 240 feet off the south boundary, which has improved those areas. As for as any lighting; we are using bollard low level lighting to make safe access back there. It will be on after dark until the patrons leave at the end of the day. It will not be on the days that The Krebs is not open. One of the other things that the Weitsmans have offered is a restrictive covenant that the Weitsmans would be willing to put on the property, to run with the deed. Different from most covenants, this would actually be enforceable by the neighbors. They would have the ability to take action on this should the Village not take action on it. They would be required to restore it back to what was approved and any legal fees incurred by the neighbors in enforcing this would be reimbursable. That is a very strong commitment that the Weitsmans have. The Weitsmans have done everything that they said they were going to do. They said they were going to restore this, even though it might have been easier to tear it down, they restored this, at greater cost, into the Krebs. They had committed to the Village that they were going to restore this historic, iconic restaurant for the Village to maintain the charm. As we look at this plan we have tried to make as harmonious relationship as we can, realizing this is a commercial use in a residential area – but it does have a 100 year history and we have tried to provide landscaping and buffers to make it as palatable as possible. For the safety of vehicular circulation on and off the street, we do have a 16 foot-wide driveway so two cars can come and go from the parking lot in a safe manner. The interior circulation and parking area; we tried to break it up so it is not one massive parking area but it is small parking areas that we are able to safely traverse, with proper turning opportunities and backing up opportunities. The landscaping; they are committed to doing a stellar job with the landscaping and protecting the adjacent residential uses. There are only a few minor variances that are required that are not untypical for the community. With that I'll ask if the Planning Board has any questions? I realize this has been a plan in progress but it has helped to mature the plan and make it better.”

Chairman Kenan, “I think that what we will do is we will proceed with the public hearing and see what, if anything, the people have to say. We will start with the lady who wanted to speak a few minutes ago.” Dr. McLaughlin is in favor of the plan. She leads a company that is focused on disability issues and has twice received grants from The Krebs. She explained that her interest is pedestrian access and noted that Skaneateles is a pedestrian oriented Village and noted the absence of a crosswalk at the restaurant, She described her's and Mr. Capojalo's own experiences with having been struck by a vehicle. She noted that there is plenty of land to decrease the potential for accidents. Ms. Moore noted that she has submitted email comments. Mr. LaTessa is in favor and noted that handicapped users need these parking spots to access the restaurant. Mr. Duggan is an adjacent neighbor in opposition to the plan. He has expressed his concerns that this is a residential neighborhood that should not be transformed into a commercial neighborhood; that its residential character should be respected. Mr. Gilbane expressed the need to be very concerned about pedestrian safety while crossing the street. Village Historian Battle said that he had noticed in previous plans a gazebo structure that he noticed was missing now. He suggested its inclusion in the center to be historically accurate as was shown in period photographs. The formal garden was the source of fresh flowers included on each table nightly. Ms. Eberhardt stated that employee cars park all the way up Genesee St. past her house to the

Fire Hall. Relocating employee parking would open up additional spaces for patrons that would exceed the requested new spaces. Ms. Keady said that even on Sunday cars are parked along Griffin Street nearly to Hannum. Crossing safety can be addressed by using the crosswalk located 200 yards down that could have warning lights installed for additional safety. Additionally the Town property next to Ace Hardware could be paved. Alternatives should be investigated before a forced change is made to further commercialize a residential neighborhood. Mr. Alexander is in favor and commented that he has witnessed people struggling with the snow banks in winter. It would be appropriate and a benefit to public safety and the Village as a whole to grant the application.

Ms. Simmons is here on behalf of Judy Kasper (in favor) who owns the entire southern boundary of The Krebs property. She asked to have the Board informed that what the Weitsmans have done is marvelous. She has absolutely no objection whatsoever to the additional parking spaces and wonders why it could not be more. She feels that the neighbors knew there was a restaurant on that property, which was much more active than it is now. Mr. Weitsman, "My wife owns The Krebs. After the last meeting we did what we promised we would do and met with the neighbors at The Krebs one night during the week. We have had the restaurant open for about a year and we have never once push this down the neighbors' throat. We have always backed off. We originally started with 60 spaces. After the last meeting we have narrowed it down to 12 spaces. I wrote down every objection that the neighbors had and we put this into the plan. I was very careful of where the Allyns live; we actually walked it out to make sure that we would not be interfering with their home. We walked the other side to make sure we wouldn't be interfering with their home. Outside of this place, we haven't had one complaint about The Krebs; not being open late, not having a rowdy crowd. Our average customer is 50 and older – 60 to 70% of our business. We don't have a younger crowd there. We are only asking for 12 spaces; we put in a lot of time and effort to change this plan to make everybody happy. We are down to 12 spaces. We are putting a beautiful garden in back. I think the gazebo idea would be a great idea. We would work with the Village Historian to help us draw it out; to tell us exactly what should go there, and we will build an exact replica of what he's asking for, board by board. If he wants to plan it, we'll build it and put it right on this spot. My wife has worked really hard on this restaurant. I know the charity aspect doesn't really deal with parking, but it does. We don't want to deter people that are coming here. And speaking for my employees that are here, I don't think it is fair for our employees to be parking down at Ace Hardware. I'm not going to let our employees walk from Ace Hardware in 20 degrees below weather to get to work. I don't think that's fair; I think they deserve better. Our employees do not park in our lot. They do park as far away as they can. There is definitely a parking crisis in the town and we are just trying to help out a certain portion of our guests. Thank you."

Mr. Allyn (abutting neighbor in opposition) said that Amy and he are very impressed with what has transpired with The Krebs. "But it is still asking for parking in a residential area, and we just can't go along with that. The car alarms, the snow removal, the dumping of bottles, the trash pickup we are already getting with just the 10 spots. Adding another 18 will just further enhance that noise that we are experiencing. The Allyns are against it." Mr. Pidhirny (adjacent neighbor in opposition) mentioned that his house and deck are closest to the proposed parking. He agrees with Mr. Allyn that there already is parking and a dumpster "there's plenty of noise". Further development invades his privacy and peace and affects his property value. "I am against the

whole proposition.” Mr. Clark (adjacent neighbor in opposition) said that he has a screened-in back porch and patio in the back of his home, with no air conditioning, so he can hear what goes on. He mentioned that he had submitted a letter. “These nice folks bought a restaurant in a residential area with no parking.” He contrasted that with his experience on Jordan Street, where patrons had difficulty finding parking. He suggested that The Krebs strike deals with churches or explore a valet option. Ms. Winfield (in favor) understands the neighbors’ concerns but also understands that this has been a commercial business for more than 100 years and an asset to the Village. Employees from other businesses and restaurants park near The Krebs. “It’s a good thing to support this.” Mr. LaTessa (in favor) said that The Krebs is not near Village parking. “They need some extra spaces for handicapped.” Ms. Hoffman (in favor) said she seconds everything that Mr. LaTessa said. Any objection is “completely unreasonable.” Since they own the land they should have the right to have parking spaces. Ms. Young (neighbor in favor) believes this is an area for compromise and that the Weitsmans should be encouraged. Mr. Bryant (in favor) congratulates the owners for restoring the restaurant and creating jobs. Ms. Roche (neighbor in favor) said the restoration of the restaurant creates “an asset” that brings commerce and visitors to the community. “I 100% support it.” Mr. Johnson (employee in favor) believes that if the support for the charitable causes could grow with more parking “how could you possibly even challenge it?” Mr. Rothenburg (in favor) believes that The Krebs has brought a lot to the community and “maybe the town should start supporting them a little bit.” Ms. Kowalski (neighbor in favor) noted that in the absence of public transportation, “people need to drive here.” Ms. Congel (in favor) believes that the owners have supported the Village, and “that for 3 days a week or 4 days a week you can put up with it.” Mr. Sholte (employee in favor) believes that the addition of the garden will benefit the environment and benefit the restaurant and bring more commerce into the area. Mr. Pidhirny (neighbor opposed) said, “Everybody who is within earshot or sight lines of the property is against it; if you live someplace else, it doesn’t matter.” The owners bought property “without any parking. They now have 10 parking places and a dumpster...there are solutions – make them work without impeding the immediate neighbors.” Ms. LaTessa (in favor) is handicapped and would like to see the neighbors have a handicap and try to find a place to park and experience the difficulties. She does not want to be “left off at the curb like some dog. They need to have this parking area.” Mr. Donnelly (in favor) believes that everything has been done to cater to the neighbors. What the owners are asking for “is well within reason.” Mr. Leitsch (in favor) understands the neighbors’ concerns but feels they are not considering the benefits of the garden. “This is going to be spectacular. It will be a plus to anyone around here.” Ms. Kennedy “does the Board represent the whole Village or just a select few?” Ms. Simmons (in favor) offered some conclusions – it is clear that there is a parking problem in this Village. West Lake Street has lost parking areas. “The time has come to give the Weitsmans this limited additional parking.” She said they are willing to continue conversations with the neighbors. The legal document that was offered is extraordinary – giving neighbors the right to challenge them in court should they propose other changes in the future. Mr. Eggleston read an email that had been received from Scott Feldmann which is in the file.

Member Carvalho “I move that we close the public hearing.” Mr. Sutherland seconded the motion. Upon the unanimous vote of the members present and voting in favor of the motion the hearing was closed. Chairman Kenan suggested that the Board continue this matter to its next meeting to give the public comments due consideration.

**Member Sutherland, “I move that we close the hearing and continue this matter to our meeting of Thursday October 1, 2015 at 7:30 pm.” Member Hartnett seconded the motion.** Upon the unanimous vote of the members present and voting, the motion was carried 4-0. This matter was concluded at 8:25 pm. Mr. Eggleston thanked the Board.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards



**Village of Skaneateles  
Planning Board Meeting  
September 2, 2015**

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Public Hearing in the matter of the application of Nick McKeon for Site Plan Review and Critical Impact Permit to change the use of an auto body shop to restaurant and taproom at the property addressed as 37 Jordan Street in the Village of Skaneateles.

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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

Bob Eggleston, Architect, on behalf of the applicant  
Richard Charles, on behalf of the applicant

Pat & Gerald Carroll, 7 E Elizabeth St., Skaneateles  
Pat Gridley, 14 E Elizabeth St., Skaneateles  
Beth O'Sullivan, 10 Leitch Ave., Skaneateles  
Dan Ford, 26 State St., Skaneateles

Chairman Kenan called for the matter of Nick McKeon for 37 Jordan Street at 8:28 pm, asking "is it on the agenda?" Mr. Dundon confirmed that it is on the agenda, but that the application was withdrawn and thus the Public Hearing was administratively cancelled, noting that Richard Charles has a new application for that property before the Board tonight. Chairman Kenan, "So we don't need to take any action on that and move on?" The actions were recapped for Member Sutherland. Chairman Kenan asked for a summary of 37 Jordan. Mr. Dundon explained that 37 Jordan is the former Trabold's body shop that is now owned by Mr. Charles and that 39 Jordan is the office building currently occupied by Delmonico Insurance, and also containing one dwelling unit and one hotel room. With no action required, this matter was concluded at 8:31 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards



# Village of Skaneateles Planning Board Meeting September 2, 2015

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In the matter of the application of RJK Properties to vary the strict application of Section 225-A1-3, Permitted Use chart; to change the use of a property in the Residential A2 District from a (Residential Uses) Dwelling, one-family to (Commercial Uses) Lodging at the property addressed as 87 West Elizabeth Street in the Village of Skaneateles.

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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

Richard Charles, 37 Jordan Street  
Pat & Gerald Carroll, 7 E Elizabeth St., Skaneateles  
Pat Gridley, 14 E Elizabeth St., Skaneateles  
Beth O'Sullivan, 10 Leitch Ave., Skaneateles  
Dan Ford, 26 State St., Skaneateles

Chairman Kenan called for the matter of RJK Properties for 87 West Elizabeth Street at 8:31 pm, asking if there was anyone representing the applicant present. No one came forward. Chairman Kenan, "It is an application change the use of the property in a Residential A2 District from one-family to commercial uses Lodging, which would require a use variance. It appears that this is all we have; there's been no material submitted that would support an application for a use variance. Am I right on that?" Attorney Galbato, "Yes, Mr. Chairman. No financials were submitted. Among other things, as you mentioned this application would need a use variance and this Board would be charged with reviewing that and giving a recommendation to the Zoning Board of Appeals. Part of the test of a use variance is to provide the Board competent financial evidence that they cannot realize a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence. I did not see that in the application."

Chairman Kenan, "I would suggest that the proper disposition of that is a negative decision based on lack of substantial evidence that would support the use variance requested." Attorney Galbato, "You would be recommending to the Zoning Board of Appeals to not approve the application as presented?" Chairman Kenan, "Yes, for those reasons." Member Hartnett, "I'll make that motion." Member Sutherland seconded the motion. Upon the unanimous vote of the members in favor, the motion was carried. Attorney Galbato, "I think it is important

to point out that the meeting started just before 7:30 and now it is 8:30 and neither the applicant nor his representative is present.” This matter was concluded at 8:32 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

# Village of Skaneateles Planning Board Meeting September 2, 2015

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In the matter of the application of Dan Ford to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Both side yards combined; Percentage of open are; Percentage of structure width/lot width; and Section 225-69D Nonconforming Buildings, structures and Uses, Extension or Expansion; to replace front stoop with a 28 SF porch and to replace 170 SF patio/roof with deck at the property addressed as 26 State Street in the Village of Skaneateles.

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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  
Dan Ford, Applicant

Richard Charles, 37 Jordan Street  
Pat & Gerald Carroll, 7 E Elizabeth St., Skaneateles  
Pat Gridley, 14 E Elizabeth St., Skaneateles  
Beth O'Sullivan, 10 Leitch Ave., Skaneateles

Chairman Kenan called for the matter of Dan Ford for 26 State Street at 8:33 pm. Mr. Eggleston introduced himself and presented, "This is a nonconforming lot as typically are in the lower State Street area. There are 4 areas of nonconformity: open area, left side yard, combined side yard and maximum width as a percent of the lot width. So we need a variance for expansion of a nonconforming structure. Right now there's just a very simple stoop platform on the front; what they would like to do is enlarge it slightly and put on an appropriately-proportioned Greek revival stoop. Also they are going to take off the vinyl siding and put in cement board and put back the trim the way it ought to be for a Greek revival house. We want to bring back the front to the way it should look. There is a side porch that has another entrance; they are going to turn it into a glass porch that's only accessible from inside the house. On the back there is a back roof over a patio area. What we are going to do is put on a 12 by 16 deck; I have cut the corners on the deck to give our required 10.5 feet between the garage and the deck, which eliminates a variance for that separation. The idea is that we would be putting a French door back here and a deck that would give you a nice private outdoor living space. So the variances that are directly affected by the application is that we are going to maintain the open space at 72%, we do have

the left side yard – while it is less than the existing, it is 3.5 and it's 1.8 but it is less than the existing, I'm sorry, 2.4 for the new work, and the combined side yards. Do you have any questions relative to this application?"

Chairman Kenan, "I see in the first page of the application that it is a contract to purchase. I think we need to know that the seller agrees with making the application." Mr. Eggleston, "My understanding is that because there is a contract to purchase that he has the vested rights to make the application. I'll let Rick respond to that." Attorney Galbato, "The applicant can do it as a contract vendee. It is a binding contract as far as you know, Bob? No contingencies?" Mr. Ford, "It is an estate sale. There are no contingencies and the closing is scheduled for Tuesday." Chairman Kenan, "And is Dan Ford the buyer?" Mr. Ford, "RealTeam USA is my corporation." Attorney Galbato, "Mr. Chairman, I'm fine with that as a contract vendee." Chairman Kenan, "He can bind the seller? And the property?" Member Eberhardt, "Can't we make it contingent on the transition of the property?" Mr. Eggleston, "It's irrelevant because by the time we get to ZBA you will own it." Chairman Kenan & Member Eberhardt, "That doesn't make it irrelevant." Attorney Galbato, "You could make your recommendation to the ZBA, if they grant the variance that it is conditioned on the transaction taking place." Member Eberhardt, "What's the current material?" Mr. Eggleston, "It's all vinyl siding..." Mr. Ford, "Aluminum." Mr. Eggleston, "Aluminum siding, so we are going to be putting on cement board siding. We are committing to the front and are you doing the sides right now?" [Unintelligible response]

Member Carvalho, "And this building is going to remain residential?" Mr. Eggleston, "Yes. We are going to park cars in there; we are not going to park cars. It is going to remain a single family home." Member Hartnett, "Owner occupied?" Mr. Eggleston, "I have no idea. I mean it will be legally occupied as a single family dwelling. And I don't think you could insist otherwise."

**Member Eberhardt, "I will make a motion that we recommend that the Zoning Board of Appeals approve the variances as requested on the drawings dated 8/21/2015, contingent on the transition of the property from the current owner to Dan Ford." Member Carvalho seconded the motion.** Upon the unanimous vote of the members in favor, the motion was carried. This matter was concluded at 8:42 pm

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

# Village of Skaneateles Planning Board Meeting September 2, 2015

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In the matter of the application of Richard Charles to change the use of a property in the Downtown D District from Vehicular Services to any one of Physical fitness; Office, Licensed Professional' or Commercial Services and to pave the south parking area, add a catch basin and add 2 by 2 stone posts at entrance driveway at the property addressed as 37 Jordan Street in the Village of Skaneateles.

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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  
Richard Charles, Applicant

Pat & Gerald Carroll, 7 E Elizabeth St., Skaneateles  
Pat Gridley, 14 E Elizabeth St., Skaneateles  
Beth O'Sullivan, 10 Leitch Ave., Skaneateles

Chairman Kenan called for the matter of Richard Charles for 37 Jordan Street at 8:44 pm. Mr. Eggleston introduced himself and presented, "Richard Charles had purchased this property a year or so ago and he originally had put together a lease with Nick McKeon to turn it into a restaurant -- you saw it last time. In looking at it, the restaurant was going to have a substantial commitment of dollars and time, and Nick wasn't in a rush to get it done right away. So they mutually agreed that this was not the time to do the restaurant, so Richard is looking for a viable tenant. He has talked to several people, and one of the challenges is that some of these uses are very similar, but every time there is a different use it means going to the Trustees for a change of use. We have done this for 3 other buildings in town; asked for a blanket approval for several similar uses. We did it for Byrne dairy, we did it for the former Framboise restaurant and we did it for the Hood building. While he has a very strong candidate to turn this into a personal fitness gym, he also has had some inquiries for the uses -- Office, Professional Office, Personal Service, Physical Fitness and Commercial Services. The Commercial Services specifically would be a contractor who would use it as an office and a place to store materials; a very low impact use. Basically I have gone through; and the property would allow 2 different uses without a variance to be in here. I doubt the building would be subdivided into two different separate uses like the Hood building could be 3 separate uses. As far as the parking and that type of thing, we do have

3 parking spaces in the front, we do have 4 parking spaces available on the side. For any of these uses, while parking is not required to be on site, it would satisfy the actual demand for any of the offices or low impact uses of that nature. We've also run through the water usage; all of these water usages are low impact – offices it's 15 gallons per person, you probably wouldn't have more than 4 – 5 people in here as an office. The Trabold's historic water use was 139 GPD. The highest proposed use would be 212; that would be 5 gallons per SF for personal service, I'm sorry, physical fitness gym without shower facilities. That would be 212 GPD – so we have a minimal increase in water usage. I have gone through the Critical Impact criteria for any and all of these uses and addressed that, and again what Richard is looking to do is to get the building cleaned up, get it back viable, useable, and especially at this time he felt the restaurant was probably too big an impact and had a lot of issues with it. This is keeping the existing building, cleaning it up and making it viable again.”

Member Sutherland, “This would come back to us under a Downtown D review?” Mr. Eggleston, “Downtown D is part of this and again, you know, it's when you get into the elements, you know, we do have traditional lines to the building, we are not changing any of that – unlike what we were taking with the restaurant had more changes more improvements. It does have the parking, you know, behind the building or on the side of the building, it is set back – the parking is actually 80 feet from the street. Again, I think it does fit most of the Downtown D criteria as far as appropriate uses – it's sort of an infill use.” Member Sutherland, “Here's the thing that hits me; if we do a site plan review now in anticipation of something, I think we'd rather have the site plan in response to a particular use. Allowing any one of a number of uses seems illogical to me, it cleans up something that could otherwise be an issue. I don't know that I'd want to consider all of the other stuff now, not knowing what the use is, because some of the uses might have...” Member Carvalho, “I looked up the 5 uses because they are all similar – this would allow gym, dance studio, beauty salon, barbershop, dry cleaning, laundromat, general business, architect, engineer, lawyer, plumber, electrician, carpentry, printer or off-premise catering. Based on the fact that this is a residential area...” Mr. Eggleston, “Excuse me – this is a Downtown D mixed use area.” Member Carvalho, “I understand that is the category, but people are living all around it. It is a neighborhood. I don't think we should give *carte blanche* to what goes in there.” Chairman Kenan, “I'm not sure how you can respond to the Critical Impact questions with a definitive answer. It's not going exceed whatever it should be under those questions. They are vague and general, but the nature of the use would depend how you would answer them. I think that's a difficulty in having a Chinese menu of uses to choose from.” Mr. Eggleston, “And you also understand the difficulty of having a 2 month minimum process for any change of use – going from an office to professional office, like what's the difference. The most immediate and highest probability is the physical fitness gym. While the deal is not sealed, it is a very high probability that will be the use. But at the same time there are some questions about whether that will actually come to fruition as opposed to having an office in there. If you think that things are a little too wide and varied – and again you have done this on 3 other buildings before in the Downtown D area. We need to have a little bit of flexibility here – if the gym doesn't show up we have to start the two months all over again.”

Member Sutherland, “Brian, your comment; is it Personal Service that kind of throws this for you?” Member Carvalho, “Personal Service allows dry cleaner, laundromat...” Member Sutherland, “Yes. If Personal Service wasn't one of the...” Mr. Eggleston, “We'd be glad to

drop that.” Member Carvalho, “Commercial Service would be a concern, too.” Mr. Eggleston, “A contractor. The thing is a contractor; what an ideal place, it’s similar to what the body shop was, except this is just a place where you would have; I mean there would be low impact of people coming and going as opposed to some of the other uses. If you want to talk more specifically about the Physical Fitness, there is a main space and a small alcove, there’s a handicapped toilet in there and a lobby space. If we proceeded with the Physical Fitness, gym it’s a large open space for having workout equipment, he has classes with 8 – 10 people in it and then the activities are from 7 in the morning until maybe 8 at night. It’s not late night activities. It’s immediately adjacent to the municipal parking lot, and there are some on-site parking spaces that can accommodate the employees and some of the people using this.”

Member Sutherland, “Brian looking at this one again. If Commercial Services was deleted and Personal Service was deleted; does a fitness gym, office and professional office work?” Member Carvalho, “I’d be OK with that.” Chairman Kenan, “So what are the three uses you were suggesting? Physical Fitness?” Mr. Eggleston, “13, 14 and 16 in the Use Table. That’s Office, Professional Office and Physical Fitness Gym.” Attorney Galbato, “13 is Office, general business; 14 is Office, licensed professional including architect, engineer or lawyer; and 16 is Physical Fitness including a gym or dance studio.” Chairman Kenan, “Is that your suggestion?” Member Sutherland, “It is. But what I’m stuck with is a site plan approval now, rather than in response to the actual use when it comes forward. I don’t know how to deal with that.” Attorney Galbato, “Well he would still have to come back for a recommendation to the Trustees for Critical Impact, a two month period.” Member Sutherland, “I am sensitive to the 2 months, but I don’t want to give up the ability to look at a particular use and how it might affect.” Attorney Galbato, “You are better off then doing the recommendation to the Trustees, but not the site plan, with the understanding that any of those 3 that would be approved by the Trustees, would come back for Site Plan Approval and Downtown D design standards. Now you are cutting down the applicant’s time by one month.”

Mr. Eggleston, “But what the proposed plan is that we are going to pave this front parking area. We are going to keep this back parking area gravel, we are going to replace this with a privacy 6 foot fence. I am sorry that the plan says ‘existing’ but the plan was to replace that; it’s a chain link fence now. Those are the improvements whether it is the physical fitness gym, the office or the professional office.” Chairman Kenan, “Where does the paved drive end? Mr. Eggleston, “We were going to end it right here.” Chairman Kenan, “Right at that corner; right at the 13 foot dimension?” Mr. Eggleston, “Correct. We are working with the office; the Director of Municipal Operations. Right now there is a drainage problem here. It kind of goes across to Curt Feldmann’s catch basin. When he developed Skaneateles Boutique Hotel, he put a catch basin in that came out to Fennell Street and comes down and ties in to the only storm sewer on Fennell Street in front of this building here. What we are proposing, and Curt’s in total agreement, is that we will extend that out and actually run the water instead of over the surface we will run it in a pipe over to there. One of the things that Shannon has asked is that we create an easement for that area, which we are willing to do. I think at the time that Curt did it, it was in the good-old-boys days of sounds like a good idea. So I don’t think that Curt’s was ever formalized so we’re working with Shannon on that.”

Chairman Kenan, "What's your desire?" Member Sutherland, "Again, I'm OK on those uses. I still prefer to see a site plan review when we know who the tenant is." Chairman Kenan, "So you would suggest a recommendation to the Trustees for Critical Impact approval for those 3 uses?" Member Sutherland, "Yes." Attorney Galbato, "Conditioned upon no permit will be issued unless and until Site Plan approval and Downtown D standards review." **Member Sutherland, "I move that we recommend to the Trustees that they approve a blanket Critical Impact Permit for change of use to Office, general business; Office, licensed professional; or Physical Fitness for a period of five years, conditioned upon no permit being issued unless and until Site Plan approval and Downtown D District Design Standards approval is obtained from the Planning Board for the specific use being proposed." Member Carvalho seconded the motion.**

Upon the unanimous vote of the members in favor, the motion was carried. **Member Eberhardt, "I make a motion that we declare the Planning Board lead agency, that this is an unlisted action receiving uncoordinated review and that we issue a negative declaration." Member Hartnett seconded the motion.** Upon the unanimous vote of the members in favor, the motion was carried. This matter was concluded at 8:58 pm

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles  
Planning Board Meeting  
September 2, 2015**

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In the matter of the application of Rick Moscarito for Special Use Permit and Critical Impact Permit to change the use of a property in the Downtown D District from Dwelling, one-family to Hotel at the property addressed as 6 Fennell Street in the Village of Skaneateles.

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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

Pat & Gerald Carroll, 7 E Elizabeth St., Skaneateles  
Pat Gridley, 14 E Elizabeth St., Skaneateles  
Beth O'Sullivan, 10 Leitch Ave., Skaneateles  
Richard Charles, 37 Jordan Street

Chairman Kenan called for the matter of Rick Moscarito for 6 Fennell Street at 8:58 pm. Mr. Eggleston confirmed that he was representing the applicant. Chairman Kenan, "I'm going to read a statement: On September 1<sup>st</sup> of this year, the Board of Trustees passed a Moratorium, Local Law #2 of 2015, which stated that 'a moratorium is hereby declared with regard to applications for change of use of dwelling units to lodging or hotel rooms and applications for Special Use Permits for lodging in the Commercial C or Downtown D Districts'. As such we cannot hear the application tonight and request that the applicant resubmit for consideration to the Code Enforcement Officer after the moratorium is lifted."

This matter was concluded at 8:59 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards



**Village of Skaneateles  
Planning Board Meeting  
September 2, 2015**

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In the matter of the application of Rick Moscarito for Special Use Permit and Critical Impact Permit to change the use of a property in the Downtown D District from Dwelling, two-family to Hotel at the property addressed as 46 East Genesee Street in the Village of Skaneateles.

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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

Pat & Gerald Carroll, 7 E Elizabeth St., Skaneateles  
Pat Gridley, 14 E Elizabeth St., Skaneateles  
Beth O'Sullivan, 10 Leitch Ave., Skaneateles  
Richard Charles, 37 Jordan Street

Chairman Kenan called for the matter of Rick Moscarito for 46 East Genesee Street at 9:00 pm. Mr. Eggleston confirmed that he was representing the applicant. Chairman Kenan, "I'm going to direct that the same statement be incorporated, to wit: On September 1<sup>st</sup> of this year, the Board of Trustees passed a Moratorium, Local Law #2 of 2015, which stated that 'a moratorium is hereby declared with regard to applications for change of use of dwelling units to lodging or hotel rooms and applications for Special Use Permits for lodging in the Commercial C or Downtown D Districts'. As such we cannot hear the application tonight and request that the applicant resubmit for consideration to the Code Enforcement Officer after the moratorium is lifted."

This matter was concluded at 9:00 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards



**Village of Skaneateles  
Planning Board Meeting  
September 2, 2015**

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In the matter of the application of Rick Moscarito for Special Use Permit and Critical Impact Permit to change the use of a property in the Downtown D District from Dwelling, one-family to Hotel at the property addressed as 15 Fennell Street in the Village of Skaneateles.

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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

Pat & Gerald Carroll, 7 E Elizabeth St., Skaneateles  
Pat Gridley, 14 E Elizabeth St., Skaneateles  
Beth O'Sullivan, 10 Leitch Ave., Skaneateles  
Richard Charles, 37 Jordan Street

Chairman Kenan called for the matter of Rick Moscarito for 15 Fennell Street at 9:01 pm. Mr. Eggleston confirmed that he was representing the applicant. Chairman Kenan, "I'm going to direct that the same statement be incorporated, to wit: On September 1<sup>st</sup> of this year, the Board of Trustees passed a Moratorium, Local Law #2 of 2015, which stated that 'a moratorium is hereby declared with regard to applications for change of use of dwelling units to lodging or hotel rooms and applications for Special Use Permits for lodging in the Commercial C or Downtown D Districts'. As such we cannot hear the application tonight and request that the applicant resubmit for consideration to the Code Enforcement Officer after the moratorium is lifted."

This matter was concluded at 9:01 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards



# Village of Skaneateles Planning Board Meeting September 2, 2015

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## General Board Discussion

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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

Chairman Kenan, at 9:02 pm, stated that given the Trustees' action in creating a moratorium, the Board should consider proposing amendments to the Zoning Code to deal with the issue of short-term rentals and any other issues regarding residential uses. Member Eberhardt asked what the Chairman was thinking. Chairman Kenan said that even though he has read it in the Code, he was "surprised when last month's application came up for a hotel room in a building that is obviously not a hotel in any other sense at the present time. I don't understand how it got into the ordinance that way because it doesn't make any sense to me. I think that's the mood of many people in the community. I don't know what the Trustees are thinking, but they decided a moratorium was warranted because of the issue coming up. Much of it is centered around short-term rentals, bed & breakfasts where the owner is not in residence and becomes a short-term rental in effect, the hotel room issues. I think we need a good look at dwelling uses generally, as set out in the Code – take a careful look at how they are being used, how they are being interpreted and make some recommendations to the Trustees on how they should be used and interpreted."

Attorney Galbato, "It is interesting that bed & breakfasts and lodging have additional requirements in the Code for the Boards to look at in addition to the actual Special Use Permit, yet hotel does not." Chairman Kenan, "There is a tourist home in the ordinance and there's a bed & breakfast homestay. The only difference I can see is the bed & breakfast provides breakfast and the tourist home has no food." Mr. Eggleston said he thought tourist home was removed. Attorney Galbato verified that there is just a definition but no listed use. Chairman Kenan noted the uses of hotel and motel with the difference being vehicular orientation. He said "I don't think there is any land in the Village that reasonably would be converted to a motel. I am going to suggest that we take that out and deal with hotel issues. Mobile homes are defined but they

are not permitted anywhere. There's rooming houses. I'm going to suggest that be removed as well. I think that's the same thing, a short-term rental. Rentals are what they are. There is a conflict that I see where a supplemental apartment needs a Special Use Permit in an owner-occupied residence, but if it's in a retail or office space principal building, it requires site plan approval. To me that's just a conflict." He feels it should be one or the other.

Mr. Eggleston said that there is a "new beast" in the short-term rental of dwelling units. The code should have standards for a hotel as it does for lodging and bed & breakfasts. The short-term rental of a dwelling unit has different characteristics, that should be looked at and should be addressed – should they be prohibited or should they be managed. It may be appropriate to talk with someone who has managed short-term rentals and someone who has experienced the ills to see if there is a way to make this work. Member Carvalho said that the Board needs to look at how it affects the character of the Village, too.

Chairman Kenan suggested that everyone "take the issue and delve through the code" in preparation for getting together to decide what the Board wants to recommend as a general approach to the issues. Member Eberhardt, "There's other information I'd like at that meeting if Bruce authorizes you to do it. We fall under other blanket legislation – county and state. There's health inspectors, there's taxes. There's a lot of things that go with having transient people pay you for overnight lodging." Member Hartnett observed that we are not the only Village that's going through this right now. Mr. Dundon suggested some research to determine how various buildings have been permitted to accommodate guests and under what use. Member Sutherland noted a difference between commercial and residential areas. In many cases these are commercial operations that have spread through residential areas. A use that might seem appropriate on Fennell Street might not be in other areas. The Board mentioned the possibility of creating a zone. Mr. Eggleston surmised that the Trustees were purposeful in setting the moratorium in the C and D Districts and have no interest in permitting short-term rentals in the A Districts.

Member Sutherland said that we have issued permits for bed & breakfasts in the A Districts, but it begs the question of whether more such commercial activity in residential districts is desirable. Mr. Eggleston noted that the requirement is for those to be owner occupied which introduces supervision. Member Hartnett noted that it is easy to violate that requirement. Member Eberhardt noted that is almost impossible to enforce.

The Board discussed having a work session as a special meeting which should be scheduled in the near future. Upon motion by Member Sutherland, seconded by Member Eberhardt, the meeting was adjourned at 9:18 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards