

Village of Skaneateles Planning Board Meeting October 8, 2015

Further discussion 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.

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
Shannon Harty, Director of Municipal Operations

John Pidhirny, 16 W Lake St.
Alan Johnson, 59 West Genesee St.
Matt Benedict, 112 Sinclair St.
Stephen Chabot, 105 Sinclair St.
Steve Morgan, 115 Orchard Rd.
Bill Welch, 114 Orchard Rd.
Sue Welch, 114 Orchard Rd.
Mary Sennett, 19 Goodspeed Pl.
Tim O'Connor, 10 East St.
Jeff Cregg, 3 Fennell St.
Guy Donahoe, Skaneateles
Jessica Millman, 6 West Lake Street
Michael Fogel, Esq., Syracuse
Thomas Fucillo, Esq., Syracuse

Chairman Kenan called for the matter of Kim Weitsman for the Krebs Restaurant at 53 West Genesee Street at 7:30 pm. Attorney Galbato, "Mr. Chairman, the Board at its September meeting closed the Public Hearing on the Krebs/Kim Weitsman application. I reached out to the applicant's attorney, Doreen Simmons, to give time for the applicant – not the Planning Board but the applicant – to reach out to the neighbors as well as the Village to see if an agreeable deed restrictive covenant could be drafted and approved with the adjoining neighbors. Ms. Simmons has agreed to an extension for the Planning Board. In an excerpt from her email of 10/5/15 which I shared with the Board, she indicated that 'Kim Weitsman/Krebs is in agreement to continue until November 5, 2015. We can discuss an additional adjournment then if required. In the interim we will communicate with the adjacent property owners and Village Attorney

Michael Byrne, and Bob Eggleston will otherwise be at the meeting of October 8th should you need it to be placed formally on the record.”

Attorney Galbato continued, “We closed the Public Hearing, and when you close a Public Hearing for site plan review, you have 62 days to make a decision. We would be a few days shy if we did not make a decision tonight by the time of our November 5 meeting. I am recommending for the Planning Board to consider a motion that states *that based on the mutual consent with the applicant, the application and decision for site plan review for the Kim Weitsman/Krebs application is extended and continued to the November 5, 2015 meeting.*” Mr. Dundon, “Mr. Chairman, Mr. Eggleston is currently at a Public Hearing at the Village Hall and will not be able to be here until later.” Chairman Kenan, “OK. I think we can entertain that motion in any event. Does anyone care to move that motion?” **Member Sutherland, “I move that based on the mutual consent with the applicant, the application and decision for site plan review for the Kim Weitsman/Krebs application is extended and continued to the November 5, 2015 meeting.”** **Member Hartnett seconded the motion.** Chairman Kenan and Members Carvalho, Hartnett and Sutherland voted “Aye”, with Member Eberhardt recused. Chairman Kenan declared this matter continued to the November 5 meeting. This matter was concluded at 7:33 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
October 8, 2015**

Review of concerns expressed by both Parkside residents and Director of Municipal Operations Harty as to the adequacy of the drainage plans in Section 4 of the **Parkside Village Subdivision** 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
Shannon Harty, Director of Municipal Operations

John Pidhirny, 16 W Lake St.
Alan Johnson, 59 West Genesee St.
Matt Benedict, 112 Sinclair St.
Stephen Chabot, 105 Sinclair St.
Steve Morgan, 115 Orchard Rd.
Bill Welch, 114 Orchard Rd.
Sue Welch, 114 Orchard Rd.
Mary Sennett, 19 Goodspeed Pl.
Tim O'Connor, 10 East St.
Jeff Cregg, 3 Fennell St.
Guy Donahoe, Skaneateles
Jessica Millman, 6 West Lake Street
Michael Fogel, Esq., Syracuse
Thomas Fucillo, Esq., Syracuse

Chairman Kenan called for the matter of Parkside Village Subdivision at 7:34 pm. DMO Harty, "As you know, there are 4 phases in the Parkside subdivision. Phases 1, 2 and 3 are currently fully built out and they are in the process of building out Phase 4. I presented to you in June, in terms of the Letter of Credit we were holding from the developer for funds related to the final infrastructure – final topping of the pavement, concrete sidewalks and the like and various issues that are still outstanding. As you know, we are holding \$200,000 of the developer's money. There are several things that need to be completed; we are holding that money in escrow in the Village to address those. The original intent was that we were going to have substantial home completion done by this fall. Unfortunately, home construction hasn't proceeded in the time frame that we would have originally thought. Given that, we are not in a position to put the top

course on the road and finalize the storm sewer and storm water infrastructure we thought we were going to do. Not necessarily an issue, in that we are holding cash in an escrow account, however we did receive a letter on September 15 from residents of the subdivision with concerns related to the condition of it. That letter was forwarded to Dr. Ellstein. We did receive a letter from him on October 1 responding to that.”

DMO Harty continued, “I have taken both of those letters and kind of summarized them into this report that I have given to the Board. For the benefit of Parkside that are here I am going to go through each of those major areas of concern and talk about them, where we stand as the Village and what we are going to do going forward:

- In regards to drainage, I am in agreement with the residents. There is a drainage issue. It was identified back in May. There are several items related to the drainage and we are working with the developer on that. We have inadequate inter-lot drainage. We had a preliminary plan from the developer’s engineer recommending some drainage swales. The problem that we have with those at this point is they are incomplete in that we do not have easements to protect those. We are working through that mechanism with the developer. We are holding money in the escrow to ensure that does get done.
- There is an issue with storm water run-off. There is mud, there’s stone, there’s things that are not being done. I just got another copy of the storm water inspections that are being done. The developer does still hold that – he is still responsible. I do have a letter drafted that’s going to go out to the developer tomorrow, identifying and reminding that those items need to be taken care of. If they are not taken care of we will do what we need to do and then we will pull that money from his escrow account. That’s it with regards to the drainage, we are in agreement and we are working towards resolving the matter.
- Vacant lot maintenance; there is a lot of construction stuff that’s being stockpiled on vacant lots. We are aware of it. Dr. Ellstein no longer owns those lots. He is not responsible for them. I forwarded on the comment and concerns to our Code Enforcement Officer. Any debris or refuse is in violation of Village code. He is going to be working with the property owners to get that cleaned up.
- Streetlights was one item that was discussed in your letter. At this point all the streetlights are up and are all working. Hopefully you guys are satisfied with that.
- Road, paving, sidewalks, curbing, trees. Back in June we identified some very substantial punch list items. At this point we are not recommending the developer move forward with that. If we go and top those roads and they get destroyed by construction activity, at that point the Village now owns it. So if you can just be patient with us, we’d like to make sure that when we put that in and we fix all that stuff, that it is left in good condition. We are aware of it and it will get done. If he walks away, we have the money—it will get done.
- The last one is the walking trail parking. I was not aware that there was supposed to be a parking lot, so I guess what I’m going to do is dig around and talk to the Planning Board and find out exactly what was agreed to in terms of a parking area. I guess this is off Packwood?” Mr. Benedict indicated that there were curb cuts and that it is obvious where it is supposed to go.

DMO Harty, "Speaking back to the Board, I feel very comfortable with the position that we are in, with the money that we are holding in escrow. These items will be fully resolved."

Chairman Kenan, "So you see additional correspondence with Dr. Ellstein at this point. And if he doesn't proceed with the things that the Village believes should be done, we delve into the escrow funds." Ms. Harty, "At this point we have to put him on notice that we feel that these items need to be addressed and we have to give him the opportunity to address them himself. If he does not in whatever timeframe we set, then we have the ability and authority to go in and do it." Chairman Kenan, "OK. Very good; thank you." This matter was concluded at 7:40 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting October 8, 2015

In the matter of the application of Mary Sennett 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 open area; and Percentage of structure width/lot width; to install 8 by 8.5 foot concrete slab, add 68 SF to existing paver patio and install 8 foot long by 6 foot high vinyl fence at the property addressed as 19 Goodspeed Place 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

Mary Sennett, Applicant

Michael Falcone, Skaneateles
Tim O'Connor, 10 East St.
Jeff Cregg, 3 Fennell St.
Guy Donahoe, Skaneateles
Jessica Millman, 6 West Lake Street
Michael Fogel, Esq., Syracuse
Thomas Fucillo, Esq., Syracuse

Chairman Kenan called the matter of Mary Sennett for 19 Goodspeed Place at 7:41 pm. Ms. Sennett, "This is for installing a hot tub behind our garage; the Dorothy Sennett memorial hot tub. When my mother was 90, all the girls went to Mirbeau and she was at the aqua terrace. She always said 'you should have a hot tub'. Well she died earlier this year and we sold her house. It was a small house in Marcellus and we split up the money 5 ways. It was a small pot of money and I decided this is the time." Member Sutherland, "I'm not sure how to respond to that." Ms. Sennett, "That's how it came about."

Member Carvalho, "It's not shown on the site plan. It's in addition to what you have got on the pavers." Ms. Sennett, "Right." Chairman Kenan, "What are the variances that are required for this?" Mr. Dundon listed them. Chairman Kenan, "Everything, by a little bit." Ms. Sennett, "It's really the coverage that is new. Our side yards are existing nonconforming. The coverage has been increased slightly." Chairman Kenan, "So all the other variances are existing conditions, the difference is percent of open area because of the introduction of the pavers."

Member Eberhardt, "The neighbors are good?" Ms. Sennett, "I have a letter from Bill Danaher; it would be adjoining his property. I reviewed the plans with him and you can put that in the file." **Member Eberhardt, "I will make a motion that we recommend that the Zoning Board of Appeals approve the variance request for the Sennett application drawing dated August 19 and application dated September 14. Member Sutherland suggested the addition of "Identify the location of the hot tub on the site plan to assist the ZBA." Mr. Eberhardt accepted that additional language. Member Sutherland seconded the motion. Upon the unanimous vote of the members in favor of the motion, the motion was carried. Ms. Sennett thanked the Board. This matter was concluded at 7:45 pm.**

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting October 8, 2015

In the matter of an amendment to approvals granted on March 24, 2014 to Toby & Jessica Millman to change two aspects of the project – Side yard set-back, right from 2.4 to 2.0 feet to accommodate air conditioning compressor and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to add a 3rd floor dormer at the property addressed as 6 West Lake 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

Guy Donahoe, Architect, on behalf of the applicant
Jessica Millman, Applicant

Michael Falcone, Skaneateles
Tim O'Connor, 10 East St.
Jeff Cregg, 3 Fennell St.
Michael Fogel, Esq., Syracuse
Thomas Fucillo, Esq., Syracuse

Chairman Kenan called the matter of Toby & Jessica Millman for 6 West Lake Street at 7:46 pm. Mr. Donahoe introduced himself and presented, “We are here to make a couple of amendments to the application which the Board had recommended for approval back in March. A couple of changes due to our project. We need to add a second compressor for the air conditioning system that would address the third floor expansion. So we would like to locate that condenser right adjacent to the existing condenser on the north side of the house. So that 3 by 3 pad will encroach a little closer to that north side yard. There are a few set-backs addressing the structure itself and the patios and the condenser.”

Chairman Kenan, “So the open area changes to a degree?” Mr. Donahoe, “By the 9 SF.” Chairman Kenan, “Front yard doesn’t change, left yard doesn’t, the right by 0.4 foot, combined obviously it impacts that, the rear is fine. OK.” Mr. Donahoe, “That’s one of the additions we’d like to make. Furthermore, as the planning of the project advanced, we also made some architectural changes. We had added a dormer to the south side of the roof on the rear of the building and we would like to add a dormer on the same south side, but now more to the east;

toward the street side. This is the result of some layout changes that would also remove the second story addition that we had on the back of the home. In the older plans we had removed the single-story addition and we went straight up. That was the one objection.” Chairman Kenan, “And now you are leaving that out?” Mr. Donahoe, “Now we are leaving that out.” Chairman Kenan, “The reduction of that piece of construction and the addition to the dormers; these don’t affect the variances in any way, do they?” Mr. Donahoe, “I would have to ask John to address that. I don’t know if it is expansion of a volume, but I don’t think it affects the variances.”

Chairman Kenan, “For the record, these are the revised site plans.” Member Carvalho, “Is there going to be any landscaping by that condenser?” Mr. Donahoe, “I think there is a little landscaping out there, I don’t know that there will be any additional landscaping.” Ms. Millman, “Our neighbor loves to landscape our yard.” Member Carvalho, “So it’s there already?” Mr. Donahoe, “There is one there already. This will be a second one that’s adjacent to it.”

Member Carvalho, “I’ll make a motion that we accept the changes to the plan eliminating the back two-story addition, adding the dormer and condenser pad for the air conditioner – and the required variances per the plans revised on September 9, 2015, and recommend to the ZBA that they approve the required variances.” Member Sutherland seconded the motion. Upon the unanimous vote of the members in favor of the motion, the motion was carried. Mr. Donahoe thanked the Board. This matter was concluded at 7:51 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
October 8, 2015**

Site Plan Review in the matter of the application of Tom McGraw, McClurg Remodeling/Shehadi to replace an existing dock and deck with new units of the same size and shape at the property addressed as 11 Day Lane 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

Guy Donahoe, Architect, on behalf of the applicant

Michael Falcone, Skaneateles
Tim O'Connor, 10 East St.
Jeff Cregg, 3 Fennell St.
Michael Fogel, Esq., Syracuse
Thomas Fucillo, Esq., Syracuse

Chairman Kenan called the matter of Tom McGraw/McClurg/John & Susan Shehadi for 11 Day Lane at 7:52 pm. Mr. Donahoe introduced himself and presented, "What we are proposing on the Shehadi residence is the removal and reconstruction of the deck and docks that are down on the waterfront and have been there. The dock and the deck have been there for some time and just through the course of mother nature have started to heave and pitch and lean and fall apart. I don't know if the application had any pictures associated with it. Here's a couple of pictures of the current deck and an illustration rendering of its replacement. The deck is being replaced exactly the same; the same elevation, the same configuration, the same height as it currently is with the one exception of upgrading the rail. I have made a couple of images of the rail that's being proposed. Other than that everything else about this remains the same. In the site plan you will notice that all the dimensional requirements remain unchanged. Because this work is being done in the lake yard within 50 feet of the lake, we need to seek Planning Board approval of the Site Plan. We have asked DEC and have received an extension; there are several steel pilings that go into the lake. Usually you have to be out of the lake by October 1st, but DEC has given us an extension to November 1st to drive those pilings."

Chairman Kenan, "How do you control silt when you are in and over the water?" Mr. Donahoe, "I believe the DEC will require a turbidity curtain in the water. They usually do." Member

Carvalho, "So the DEC will give you their requirements with their approval?" Mr. Donahoe, "Yes they will. The permit does."

Member Eberhardt, "I'll make a motion that we declare this a Type 2 action under SEQRA and that we approve the site plan review for McGraw/McClurg/Shehadi dock and deck at 11 Day Lane as presented in the drawings dated 9/16/15. Member Carvalho seconded the motion. Upon the unanimous vote of the members in favor of the motion, the motion was carried. Mr. Donahoe thanked the Board. This matter was concluded at 7:57 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting October 8, 2015

Site Plan Review and Critical Impact Permit recommendations in the matter of the application of Michael J. Falcone to change the use of a section of a property in the Downtown D District from Parking to Outdoor Dining at the property addressed as 18 West Genesee Street in the Village of Skaneateles.

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
Shannon Harty, Director of Municipal Operations

Robert Eggleston, Architect, on behalf of the applicant
Michael J. Falcone, Applicant

Tim O'Connor, 10 East St.
Patrick O'Connor, Andrews Road
Jeff Cregg, 3 Fennell St.
Michael Fogel, Esq., Syracuse
Thomas Fucillo, Esq., Menter Law Firm, Syracuse

At 8:03 pm Chairman Kenan called for Michael J. Falcone for 18 West Genesee Street. Chairman Kenan suggested that while waiting for Mr. Eggleston, "Mike, why don't you explain to the Board what the general approach is." Mr. Falcone introduced himself and presented, "Ever since we have owned this building, and we also own the Packwood House next door, it has been a parking nightmare. The way the cars pull in directly in front of the building, they have a pedestrian walkway behind them. I can say personally that if it weren't for those things that we have on our cars that show backing up, that I may have hit a couple of people. It is very difficult dangerous because you have the pedestrian sidewalk coming behind the parking; which is a peculiar thing, but that's the way it is. It has been that way since we bought the building, and I don't know how many years ago; it was a long time ago. What we are proposing to do is to change that, and create a patio effect in front of the building; continue the brick pavers that have the trees, continue that and a curb. I would be asking the Village to be doing that portion of it. In other words the new curb and the extension of the brick walkway would be at their expense. We would create planters that would stop and eliminate anybody from being able to pull into the building. We would add 3 parking spaces on the right [east] side; between the Packwood House

and that building we would add 3 parking spaces on that dead-end street. It is a public street that goes down into the Packwood House and the Village electric department. We would add 2 parking spaces by extending this patio to the left.”

Mr. Falcone continued, “I have a plan here; it’s larger scale. What we are saying here is there would be 2 additional parking spaces here, we would pick up 3 parking spaces in front, and 3 parking spaces here. We are losing 7 spaces; we would end up with 8. This obviously we would have to get approval from the Fire Department to make sure that this fire lane would still work. In the event that it didn’t, I would suggest that we go back here in front of that electric building and add some parking here for employees.” Chairman Kenan, “And whose land is this?” Mr. Falcone, “It’s the Village. Now we own this and we own this. What would happen here is that this brick would continue, we would have 3 parking spaces in front which I would like to make 15 minute spaces for pickup for the liquor store and Valentines who are in the building. We have our tasting room in the building. One of the problems here is when the cars are parked you can’t even see the front entrances to the building. I have had many people tell me they didn’t even know the tasting room was there; they couldn’t see it. I think this would be an incredible improvement, one you would eliminate a traffic problem, because when people are parking here they back right out into the street. You have a corner over here it, doesn’t have a lot of distance between the corner and our location and you end up with an enormous traffic problem. People are backing right into the street.” Member Sutherland, “You might even save a life or two.”

Mr. Falcone, “In addition to that of course, the sidewalk. And we would add these planters, and we would also probably put a planter over here and we have a planter here. I think we sent you a sketch Bruce, I’m talking about a front elevation of what it would look like. One, it would look incredible. We would have outdoor seating here. We would not serve food or alcohol out here. If Valentines’ people want to come out and sit here, or the tasting room people want to get something and bring it out here, that would be up to them. But we will not serve out there. We can’t serve out there according to the ABC board.” Chairman Kenan, “So in terms of the wine itself, you can serve inside.” Mr. Falcone, “I can serve inside; if they want to bring it outside it’s legal.” Member Carvalho, “I think Doug’s got in trouble for that.” Mr. Falcone, “I’ve talked to the ABC board and I have had an attorney look at it. If we serve it it’s not legal. But if they want to take it from the glass and put it into a plastic cup and bring it outside it is legal.” Member Hartnett, “Is it restricted to that area?” Mr. Falcone, “Yes, it’s restricted. They can’t walk outside of the area. It is restricted to this patio. That’s the purpose of the planters, to keep it enclosed.”

Chairman Kenan, “What’s the surface of the patio area? Are you taking the blacktop out?” Mr. Falcone, “I haven’t decided yet. Initially, I wanted to build a wooden platform. But then we started thinking about it and frankly it would be a tripping hazard, because you’d have a platform like this and people would be walking off of this onto the sidewalk. I just think that’s a mistake. So what we want to do is keep the surface the same. What are we going to do with it. I honestly haven’t come to that conclusion. Maybe it’s brick pavers. I don’t know how we will end up doing it, but it would have to be something attractive. It has to be a little more than blacktop.” Chairman Kenan, “I would think that it deserves to be something more than blacktop.” Mr. Falcone, “No question about it. It could be paving stone.” Chairman Kenan, “And the sidewalk exists across the front now and the blacktop stops there? Mr. Falcone, “Yes.” Member Hartnett,

“and this would be common space for everyone in the building?” Mr. Falcone, “It would be common space for everyone in the building. But the people who would use it the most, obviously, the liquor store is not going to use it, but Valentine’s and we would.” Member Hartnett, “Access in and out would be through...” Mr. Falcone, “Oh no. They have access. If people are parking here or here there’s openings here. This is not enclosed. You can walk between the planters.” Member Hartnett, “Do you have it set up to have an opening on front of the liquor store, and opening in front of the tasting room and an opening in front of Valentine’s?” Mr. Falcone, “Yes, yes. The liquor store opening would be right here. That would be here to make it convenient for them. One of the issues that they brought up, which is a legitimate one, is deliveries. Deliveries would have to come in here.” Chairman Kenan, “Is that what they do now?” Mr. Falcone, “No I think they pull right on the street, which is not very good because of the size of the trucks. This would make more sense. Just think about it; when you continue this and put a nice curb in here; it finishes the street. It would be very attractive. It would eliminate a pedestrian hazard and eliminate an automobile hazard; because when these people pull in here pull out into the street, which is what they do, remember you’ve got a corner here. There’s not a big distance between that corner and here.”

Chairman Kenan, “There are always pedestrians walking back and forth and if you are between two cars you can’t see them until they start to fall. In order to accommodate 3 cars at the curb, the curb cuts have to be where you show them here – so there’s enough room for the 3 cars. The curb cut then – yes you can drive in and down here. I don’t know if 16 feet is enough – the Fire Department should weigh-in on that. But if it is enough physically you can do it, but I think you have to get the Village to agree to move the easement...” Mr. Falcone, “No. This is a public street, with a dead end.” Chairman Kenan, “So between these two lines it is owned by the Village?” Mr. Falcone, “Yes.” Chairman Kenan, “And you own a little sliver here and a little sliver there.” Mr. Falcone, “That’s right.” Chairman Kenan, “I think the appropriate thing to do is to agree with the Village to delineate it as a straight shot against the Packwood House. Then it lines up with the curb cut.” Mr. Falcone, “I agree with you. I would like to have this parking here for the liquor store, because people for the liquor store are running in and out.” Member Hartnett, “You couldn’t turn around, you’d have to go down.” Mr. Falcone, “You’d have to go down and turn around, but that’s no big deal. You have plenty of room. This is a big, large open area and this is ours. We own this, with this building. This is our parking.” Member Hartnett, “I’m just guessing that you are going to have some trouble with the fire department on the width.” Mr. Falcone, “It’s possible. I don’t honestly know.”

Chairman Kenan, “Is this part of the application?” Mr. Falcone, “Yes, now let me get to that. One of the things that the Village wants is a place to put a sign or a monument identifying all of the winners; the state winners. They approached us to see if we would be willing to use this land area, which we own with the Packwood House. What we are proposing to do is to put that monument right here, right next to the creekwalk. I think it would be very attractive. It would be on our land; obviously we’d give you an easement to do that. It would be built right here. I was approached by the Village to see if we would be willing to do it, and I said yes.” Chairman Kenan, “So you are making the land available; the Village would build it?” Mr. Falcone, “Yes; the village would pay for it and maintain it.”

Mr. Eggleston arrived and introduced himself. Mr. Falcone, "The only thing I haven't gone over is that rendering. You have that and you could show them that." Mr. Eggleston, "Bruce Kenan asked me to do a rendering of what this patio may look like and I took the liberty of having a photograph showing what it looks like today. The problem with the property is what you see is 7 rear ends of cars. You don't really see an entrance; it's very uninviting. By rearranging this we improve the safety, because cars are not treacherously backing out onto Genesee Street. We are increasing the safety of pedestrians trying to cross 87 feet of cars. We are getting rid of the cars from in front of the building; we brought the spaces on the side forward enough that we can have an 18 foot clear drive." Chairman Kenan, "Mike went through most of this; you really don't have to go through it again." Mr. Eggleston, "So what we will have is the continuation of a streetscape with 3 trees, the brick sidewalks. We are proposing planters. We'll have a brick patio in that area to differentiate from the concrete. You see the vocabulary of the downtown area is you have the concrete sidewalk with the brick infills. So this will be brick. There will be planters that soften it; there are planters around the Packwood house that help soften that very nicely. We'll have pavers on the sides. We'll have concrete to the main entrance so people have a nice connection of how to go to get into the building. And then we'll have some tables, chairs, maybe some umbrellas out there to give it a nice urban texture – where people from Valentine's or the tasting room can go out. We are checking into ABC..." Mr. Falcone, "As long as we don't serve out there and they take the drink themselves; put it into a plastic cup, they can do it."

Chairman Kenan, "And you don't need a railing around there? If you were serving there you'd have to have a railing." Mr. Falcone, "Correct. We don't want a railing; that would look terrible." Member Sutherland, "One thing you might want to look at is one additional planter – still leaving room so you can get in and out easily. There's something about being at a street, that if you don't have some sense of distinction between where you are sitting and enjoying something and where other folks are walking with the dog or the baby carriage – that the quality of the experience on the inside is lessened. One of the nice spots is Patisserie; that little space in front there." Mr. Falcone, "What are you suggesting Doug?" Member Sutherland, "Right in there. That feels a little too open. If there was another..." Chairman Kenan, "Look at it on the plan. Instead of there being 3 planters, maybe there's 4." Mr. Eggleston, "Probably what we should do as this matures is we get a concrete sidewalk that comes straight out, then maybe there's planter from here to here, and here to here. People can slip in this way, people can slip in that way, and people can slip through here. I don't want to forbid people from coming in. Part of the reason for planters is so that people don't walk on it. We are thinking that maybe a 2 foot high planter is enough, to be there and protect the plants. So we'll make this planter here and the sidewalk straight in."

Member Carvalho, "I just wanted to make a comment. I think this is beautiful; it's a vast improvement. But as a patron of this building, when I'm going to get pizza I avoid this parking lot because it is very hard to get in and out of. So I always park out front. Now you are going to eliminate that so it's going to be difficult for people to be here." Mr. Eggleston, "I don't know if you saw, we are suggesting that these are 15 minute parking spaces, so there's constant turnover." Member Carvalho, "What if you pushed in parking here and then made this parallel like that?" Mr. Eggleston, "State highways forbid backing out onto state highways. This is a grandfathered condition." Mr. Falcone, "This if we wanted to; the only thing that we might do

is instead of 180 degree parking..." Mr. Eggleston, "You can't because then you have to go this way and there is no place to go. You have to circle around." Mr. Falcone, "You can park there; I've done it many times. You have to make two moves."

Attorney Galbato, "The three parking spots on the private street. I don't know if that would be part of the site plan. Doesn't that have to go to the Village? Doesn't it have to be 20 feet for a fire access road?" Mr. Eggleston, "That is what I had heard. Whether a fire access needed to be 20 feet. We have 25 feet between the buildings. We had suggested we have 3 parking spaces – we might mark them as employee parking so you have people who know what the issues are that will park there all day and there won't be much in and out traffic." Attorney Galbato, "But you would need permission from the Trustees, because that's a Village street." Mr. Falcone, "That's a Village street and obviously the fire department has to sign off on it."

Chairman Kenan, "Ideally if 16 feet works, they would reconfigure it so it was 16 feet from the Packwood House and parallel to it." Mr. Eggleston, "You have 3 properties that area there. The Packwood House owns some, the 18 W Genesee owns some and then the Village has this narrow strip that goes down. And it just takes the cooperation of everyone. The Packwood has guest parking that comes down and around. I'm sure that would be part of your motion, that the Village approve or put conditions on the considerations..." Attorney Galbato, "503.2.1 talks about 20 feet – Fire Code, yes." Mr. Falcone, "If that is the case and we can't have parking there, then I think it would be very important to let us – we'll pave it ourselves – but have parking in front of the Village electric building. There's plenty of open space room there and we could add probably 6 or 7 spaces."

Chairman Kenan, "Why don't we do this if the Board is agreeable – why don't we make a motion to approve the site plan, subject to (1) the Trustees agreeing to reconfigure the fire lane through there and (2) the fire department signing off on the amount of space left after allowing 8 foot wide spaces, a little tight -- subject to those two sign-offs. And then, if you can't have the parking here and you want to add some parking down below, then come back with another plan." Mr. Falcone, "That's another issue. I agree with that Bruce." Mr. Eggleston, "I'm sorry Bruce. Get the Trustees to sign off on the 16 feet, or the fire department?" Chairman Kenan, "I guess I'd go to the fire department first. If they'll sign off on 16 feet, then get the Trustees' to agree to reconfigure the fire lane that is there, so that it's tight up against the Packwood building."

Attorney Galbato, "We are doing site plan review and recommendation to the Trustees on Critical Impact. I thought Mr. Chairman as part of the motion the Planning Board would do a SEQR review. Bob has completed Part 1. My recommendation – declare yourselves lead agency for an unlisted action and issue a negative declaration and authorize the Chairman to sign Part 2." **Member Sutherland, "I move that the Planning Board declare itself lead agency for an unlisted action and that we find for a negative declaration and authorize the Chairman to sign Part 2 of the short form EAF. Further that the Planning Board approves the site plan as proposed in the application, subject to (1) the Trustees agreeing to reconfigure the fire lane through there and (2) the fire department signing off on the amount of space proposed for the fire lane and (3) that brick pavers will be installed where asphalt now exists. Further, that we recommend to the Trustees that they approve the**

Critical Impact Permit. Further that we recommend to the Trustees that the 3 new on-street parking spaces be limited to 15 minute parking.”

Mr. Fucillo, “May we be heard on this?” Chairman Kenan, “Sure, this is not a public hearing. So keep it brief and we’ll listen.” Mr. Fucillo introduced himself as representing Mr. Cregg, owner of the Village Bottle Shop, and presented, “Understood. It was my understanding that this was just going to be a critical impact permit recommendation; I didn’t realize that it was a site plan. I apologize. I’d briefly like to highlight a couple of points. First of all it’s a really small dubious benefit that the applicant’s going to get out of a permit here, and it’s going to have a significant impact on the existing tenant. I notice that the owner of Valentine’s is here as well. We would just ask you to consider that these are 7 important parking places right in front of this building. As one of the Board members said, this is cash-and-carry retail kind of thing. In the summer, people aren’t going to go way down past the Sherwood or Krebs and come back and do a quick shopping trip to the Bottle Shop. They are looking for those and they need those spaces. It’s going to be a really important impact on them if they lose them. There’s been no actual data or information about what a danger this is. That condition has been there a very long time. Everybody in the Village is aware of it. It’s there, it’s not ideal, but it’s not going to be ideal blocking off a fire lane. They do deliveries 5 days per week. They do them right through the front door there. Trucks either double-park or they back in, and they are able to unload boxes and boxes right off the truck right in the upstairs floor. The side entrance is downstairs; it’s a basement. They deliver sometimes 200 cases of liquor. What’s going to have to happen now is the Bottle Shop is going to have to hire more staff, because every time a delivery come in every day, they are going to have to have somebody downstairs taking this in and then bringing it upstairs. So it’s going to have a major impact on their business. What’s discussed it is a fire lane that is too narrow as it is now. You’re going to have a rodeo if you have delivery trucks going down there and you have to worry about fire trucks getting through. If you have cars parked alongside it’s going to be even worse. So we’d ask you to consider it’s going to be a parking nightmare. Three spaces in front – those are going to be public spaces; it’s not going to help them especially during the summertime when all the traffic is in there and there’s no place to park. It’s going to kill the business. There is no real stated benefit by blocking this off right now.” Chairman Kenan, “Thank you.”

Mr. Falcone, “Can I rebut? First, this is an enormous improvement to the community. Secondly, in our lease agreement we have the right to do anything we wish with building – including changing parking, adding a second floor. We have all complete legal flexibility. The tenants do not have any control over that. As it relates to the point that they are making, I honestly don’t think that it is going to affect their business at all. You are going to have spaces and if we don’t have the spaces in that street, which is possible, you still have the spaces on the left-hand side of the building. I don’t think it’s too much to ask a customer of the Bottle Shop to park over here and walk here. In addition to that, what I want to do here, which I haven’t even mentioned – there is a hedge here and there is a little bit of space back here, which is not paved. What I want to do is repave this and possibly grab another space here; also there is an area here for Valentine’s for deliveries. If we fix this up and pave this all the way and clean this up, that will improve the parking on this side of the building.”

Chairman Kenan, "Member Sutherland made a motion. Is there a second to that motion?"
Member Carvalho, "I will second that motion. Chairman Kenan, Member Sutherland and Member Carvalho voted in favor of the motion. No one voted against. Member Hartnett abstained and Member Eberhardt has recused. Chairman Kenan called the motion carried on a 3-0 vote in favor. This matter was concluded at 8:35 pm.

Respectfully submitted,
Dennis Dundon, Clerk to the Boards