

DRAFT
VILLAGE BOARD MEETING MINUTES
NOVEMBER 24, 2015
7:30 P.M.

PRESENT: Mayor Hubbard, Trustees Angelillo, Dove, Lanning, and Stokes-Cawley, Village Attorney Byrne

Others:	Jonathan Monfiletto	Skaneateles JOURNAL
	Jason Gabak	Skaneateles PRESS
	Thomas Fucillo	Atty. Representing Skaneateles Works, LLC
	Martin Cregg	Skaneateles Bottle Shop
	Jeff Cregg	Skaneateles Bottle Shop
	Bill Murphy	local Architect
	Mark Dunn	67 W. Lake Street
	James H. Messenger	Attorney
	John Pidnirny	16 W. Lake Street
	David Colegrove	22 Fennell Street
	Andrew Ramsgard	181 E. Genesee Street
	Michael P. Falcone	18 W. Genesee Street
	Michael J. Falcone	18 W. Genesee Street
	Melissa Zell	Pioneer

7:30 P.M. Critical Impact Hearing – Basin Associates LLC/Falcone, 18 W. Genesee – Mayor Hubbard noted that the Village Board has documents with the Planning Board recommendation and asked for discussion amongst the Board. Trustee Lanning asked if the plan proposes raising the curbing for parking. Mr. Falcone answered, yes, the same street scape as we have in downtown. Trustee Angelillo asked if we are not addressing the number of parking spots. Atty. Byrne said the plan has been revised to replace the current seven parking spaces located on the south side of the building with a total of five spaces: two located immediately west of the patio area, parallel to Genesee Street, and three new public parking spaces to be created on the street and metered. Mr. Falcone explained that the proposed spots along the building on the east side were eliminated. There are spaces in back of the Packwood House that are available too that have not been utilized. The new parking spots in front could be 15-minute so people can access the businesses. Again, the street scape would be the same. Regarding the 15-minute parking, Trustee Lanning asked if we'd need a change in code. Atty. Byrne said we will need a local law and can decide on the length of time then. Mr. Falcone asked if the parking spaces have to be metered – he'd rather they weren't. Atty. Byrne said we could try first with signs that limit parking to 15 minutes, but if that doesn't work we'd have to look at it. In response to Trustee Angelillo, Atty. Byrne said signs cannot indicate parking for certain businesses only as they are private businesses. Trustee Stokes-Cawley asked who is covering the cost of the street trees. Mr. Falcone said he assumed the Village would do so. We've been told that the Village has money left for street scape. Mayor Hubbard asked if the patio area will be raised. Mr. Falcone said it will follow the street scape. Trustee Angelillo asked about the timeline. Mr. Falcone said the project will commence in the spring. In response to Trustee Lanning asking about snow removal, Mr. Falcone said they will use snow blowers and shovels. Mr. Falcone said there will be a concrete sidewalk with brick patios on both sides and planters in front. Trustee Lanning asked about elevations. Mr. Falcone said the same as what's there now – it's pretty flat. He added that the proposal is to eliminate a very serious vehicular situation. It will elevate the pedestrian experience as in the rest of the village. Trustee Dove said she'd asked Lt. Coon to look at the number of accidents in the area and he reported there have been five relevant to that location. Trustee Angelillo asked if there will be outdoor seating for all the businesses there. Mr. Falcone answered affirmatively, but added that no one will be serving - anyone could sit there. In response to Trustee Lanning, Mr. Falcone said the furniture will be moveable. Mayor Hubbard opened the Public Hearing to the floor. Marty Cregg said this is a tricky conversation as he and his son, Jeff, are owners of the Bottle Shop. The seven current spaces out front of the building are for cash and carry businesses - quick in / out access to make purchases. It is likely that those spaces will become two as there is no control of the parking on the street. He said he did

“homework” to try and help and handed out a four page letter that he encouraged the Village Board to read. Mr. Cregg said he also tried to answer some questions that weren’t clear. With the proposed plan on the overhead screen, Mr. Cregg said the new design for the front of the building appears to encroach significantly into the right-of-way of the street. Atty. Byrne said he researched the easement and determined that it would not prevent parking space #5. There is a shared easement between the Village and Basin Associates. It is a limited easement and it extends to the State R.O.W. There is nothing to prevent creating parking spaces 3, 4 & 5. Atty. Byrne clarified that this is a Critical Impact Hearing; not a site plan review. Mayor Hubbard said this would typically be discussed at the Planning Board. He noted that the Planning Board has approved the proposed change of use of the patio area and granted site plan approval. Additionally, the Onondaga County Planning Agency has determined that the project would have “no significant adverse inter-community or county-wide implications”. Mr. Cregg talked about the parking on the west side of the building contending that the first parking space has an impossible turning radius which will not work in practice. He said the new plan ignores that the spaces on the west side of the building are already too short and too narrow. It is difficult to navigate - the reason so many visitors use the front spaces. Mr. Falcone said the same parking already exists. Mr. Cregg said it puts everyone into a funnel. His concern is that spaces won’t be available to all the businesses and therefore businesses will be hurt. He said his son recorded that 30-50 people go in and out of the liquor store between 5 and 7 p.m., never mind the number going in and out of Valentine’s. He said that’s critical impact to us. Mr. Falcone said elsewhere he’s seen parking spaces designated for delivery and pick-up only. Atty. Byrne said that could be looked at. Atty. Byrne said the Planning Board recommended that the Village Board grant Critical Impact approval. John Pidhirny referenced Section 225 relative to land use. Atty. Byrne said he’s not sure what Mr. Pidhirny is reading from but it is not critical impact requirements. Atty. Fucillo said under 225-54 the Board of Trustees are required to take into consideration the public health, safety, morals, and welfare. There is a critical impact on the adjoining businesses that Marty Cregg laid out in his letter. He asked the Village Board to please read it. The situation has been there for years with only five accidents. If you grant approval there will be significant impact on the businesses. In response to Mayor Hubbard asking what we are supposed to do, Atty. Byrne said you can continue or keep open the public hearing and consider the letter after the meeting. Melissa Zell identified herself as Mr. Falcone’s daughter and said she is with Pioneer. She said, admittedly, there is a little dispute between the landlord and tenant and agreed that this has become confusing. Mr. Falcone said he doesn’t know what impact this change will have on the businesses, but he is proposing the change in the interest to the community as the current parking is an accident waiting to happen. Mr. Pidhirny said the Trustees do have to take into consideration health, welfare, and safety. He asked about a liability issue with underage kids sitting on the patio next to someone who leaves an unfinished glass of wine then available for consumption. Atty. Byrne said there is an open container law. Mr. Falcone said the winery license prevents drinking outside and Valentine’s doesn’t have a liquor license. Atty. Byrne confirmed for Trustee Lanning that there could be 15-minute parking in front of the City gatehouse by local law. In response to Trustee Dove asking about the parking in front of Creekside, Atty. Byrne said it is by local law. In response to Trustee Lanning asking if the Fire Department weighed in, Atty. Byrne confirmed that they have. Relative to the drawing, local Architect Bill Murphy said there is usually a note of surveyed conditions and suggested to make sure it is an accurate representation. Trustee Angelillo said the Board’s part of the process is to consider health, safety, etc. It is a dangerous situation and we have a recommendation from the Planning Board. He said he’d be in favor of granting approval. **Resolution #2015-231:** On the motion of Trustee Stokes-Cawley, seconded by Trustee Angelillo, it was resolved and unanimously carried (5-0 in favor) to close the public hearing at 8:19 p.m. Atty. Byrne advised that the Board has 60 days to make a decision. Mr. Falcone said he is committed to this plan. Mayor Hubbard said it would be great if Mr. Falcone and Mr. Cregg would figure this out. Mr. Falcone said they came up with the best and most logical plan. There was continued discussion about the three parking spaces. Atty. Byrne said you have to create the parking spaces before they can be regulated. Trustee Dove recognized that more people would have to park across the street and cross Route 20 to access the stores. After further discussion, Trustees Dove and Lanning said they are not prepared to make a decision. Atty. Byrne said this item should remain on the agenda until a decision is made, and the Trustees have 60 days within which to do so.

8:00 P.M. Critical Impact Hearing – Robert Hood, 11 Fennell Street – Mayor Hubbard said this public hearing is in connection with a proposed change of use of a portion of the building at 11 Fennell Street, in which about ½ of the building would be converted into four dwelling units. He asked if the Trustees have any comments or questions. Trustee Lanning noted that applicant wants to add multifamily dwelling to the approved uses and asked if we are talking about short-term rentals. Atty. Byrne said dwelling unit implies more than 30 days; to change that the applicant would have to get a special use permit. Trustee Lanning asked if there is any language we can put in to clarify that. Trustee Angelillo said we are talking about critical impact here. Jamie Kinder said he is present on behalf of the applicant Bob Hood and Architect Bob Eggleston. He said Mr. Hood has no intention to make short-term units. Mayor Hubbard noted that we can anticipate commercial use in the front. Mr. Kinder said only the back will change to four apartment units. In response to Trustee Dove asking about parking, Mr. Kinder said there are 18 parking spots in total. Trustee Dove said 1¼ spaces per unit times 4 units is required. Actually code says 1 space = less than 1,000 sq. ft.; 1½ spaces=1,000-1,500 sq. ft.; 2 spaces = 1,500 + sq. ft. Atty. Byrne noted that the Planning Board determined adequate parking. Trustee Lanning asked if there are any flooding issues. Mr. Kinder said not to his knowledge. Mayor Hubbard opened the public hearing to the floor. Dave Colegrove stated that the appearance of the building has improved and he thinks creating dwelling units there will be an asset. In response to Trustee Lanning, Mr. Kinder confirmed that each of the apartment units will be one bedroom. Trustee Dove noted that the project fits with the Comprehensive Plan of mixed use. **Resolution #2015-232:** On the motion of Trustee Dove, seconded by Trustee Lanning, the Public Hearing was closed at 8:37 p.m. Mayor Hubbard recognized that the Board has copies of the proposed resolution and read aloud the required findings that the Board agreed with. Trustee Dove asked about sewer. Atty. Byrne said Bob Eggleston determined that this project does not reach the threshold of an I&I fee and provided the calculations. **Resolution #2015-233:** On the motion of Trustee Stokes-Cawley, seconded by Trustee Lanning, it was resolved and unanimously carried (5-0 in favor) to grant critical impact approval for the proposed change of use of a portion of the building, on the south side, to create four dwelling units.

(Insert Resolution)

Minutes – Resolution #2015-234: On the motion of Trustee Stokes-Cawley, seconded by Trustee Dove, it was resolved and unanimously carried (5-0 in favor) to approve the Minutes of the Operations Meeting and the Regular Meeting of November 12, 2015, as presented.

Correspondence & Announcements – Mayor Hubbard noted the following:

- Statement of Appreciation – Mayor Hubbard read aloud a Statement of Appreciation as follows:

On behalf of the Village Board, I'd like to extend our appreciation to neighbors of Village Hall for their patience during the site improvement work at 26 Fennell Street. Employees and patrons of Tops, SECNY, the Post Office, residents and visitors of Village Landing and the 22 Fennell Street apartments were all extremely tolerant of the work that extended from September through November 20, 2015. We are grateful for your tolerance of any inconvenience the project may have caused you and hope you are as pleased as we are with the enhanced appearance and safer accessibility to our Village Hall.

Thank you.

Respectfully submitted, Martin L. Hubbard, Mayor

- Email from Rich Westover congratulating the Village on the completion of a “beautiful new park. It is wonderful! You should be very proud of it. It’s exactly what we needed. I think it looks fantastic and will service the community for years to come. Thank you.”

- Numerous letters/correspondence regarding Short-term Rentals

- Email from NYCOM Executive Director Baynes encouraging support for Streetlight Legislation; Letter from Mayor Hubbard to Hon. Alphonso David, Counsel to the Governor; Follow-up email advising that Legislation Authorizing Purchase of Streetlights was signed by Governor Cuomo

- Cornell Cooperative Extension of Onondaga County Septic Tank Maintenance Workshop on Wednesday, December 9, 2015 at The Creamery at 6:00 p.m.

- National Grid letter and pamphlet relative to Natural Gas Pipeline Safety

- Reminder: Public Hearing on Local Law #4 of 2015 Zoning Code Amendments Tuesday, December 1, 2015 7:00 P.M. at the Fire Station. Atty. Byrne suggested hiring a court reporter to take minutes of the meeting that will most likely be long, contentious, and a difficult meeting. Trustee Lanning said a court reporter also helps control the pace and tone of the meeting, while creating an accurate record. **Resolution #2015-235:** On the motion of Trustee Lanning, seconded by Trustee Stokes-Cawley, it was resolved and carried (4-0 in favor with Trustee Dove recusing herself), to authorize engaging a court reporter for the Public Hearing of Tuesday, December 1, 2015.

- NYCOM's list of Legislative Priorities for 2016 as selected by Legislative Committee on Nov. 16, 2015

*** Other Matters That Have Come Before the Board since Posting the Agenda***

- Village Hall Tree Lighting – December 10, 2015 at 7:15 p.m.

- Skaneateles Area Chamber of Commerce Invitation to their Annual Holiday Cocktail Party, Wednesday, December 9, 2015 at the Sherwood Inn, 6-9:00 p.m., \$29 per person. Mayor Hubbard asked the Trustees to let Village Clerk/Treasurer Couch know their intentions so she can RSVP; the charge for spouses is \$29. Trustees Dove and Lanning said they will be attending.

- SVFD Thank You for 2015 Labor Day Sponsorship

- Skaneateles Lake Watershed Agricultural Program 2015 Annual Meeting – Thursday, December 10, 10:00 a.m. to 1:30 p.m. at the First Presbyterian Church, Skaneateles

Director of Municipal Operations (DMO) – DMO Harty read aloud her report that detailed as follows:

DPW –

- Continuing with leaf pickup as schedule allows
- Continuing repairs and preparations of snow equipment
- Sewer lateral repairs on East Lake Street/Road scheduled for next week – delayed due to vacations/holiday/Dr. visits
- Gazebo bathrooms are now closed for the winter
- Trees installed today on pier and gazebo. Will be installing Village Office tree on 11/30

Electric –

- L+G Radio System deployed last week, installed 5 meters in various locations. Now working through communications commissioning and integration with billing software. Will undergo full meter deployment starting 12/2. Bringing another part-time lineman to assist.
- All the Christmas garland is installed on downtown light poles. Have installed new circuitry for Christmas tree in front of the Village Office.

Cemetery –

- Cleaning and winterizing equipment. Staff will be done end of next week.

Water-

- Flushing/winterizing hydrants, weather permitting.

Village Hall Project -

- Project is complete! Everything turned out above and beyond expectations. Will be working up a punch list next week – weather permitting. She gave kudos to the contractor who was great to work with and completed the project ahead of schedule. There are forty-four parking spaces and there is significant improvement in safety.

Status of NYSERDA Grant – DMO Harty said we are working on the final steps for LEED and are moving closer to completion.

Status / schedule Village Hall Site Improvements – This item can be removed from the agenda.

Status of Masonic Temple and Gazebo Restrooms – Mayor Hubbard said we are considering improvements through the Trust Fund discussions and noted that old business items six and seven will be combined. Trustee Dove said she'll detail what was talked about at our November 12 Village Board Meeting with regards to changes to the parking trust fund and the creation of a new fund. The existing parking trust fund would stop taking any new monies. Existing funds will be used for the purposes it was originally set up for until all funds are depleted. A new trust fund will be set up to accept all the money coming from the parking pay stations in the municipal lot going forward. This trust fund will be called

the Parking and Guest Services Trust Fund. Its uses will include: a) all of the uses of the original parking trust fund; b) Maintenance of village owned/leased parking facilities; c) Signage of parking and other directional signage in the village; d) maintenance and/or development of bathroom facilities; e) purchase of trash and recycling receptacles that may include servicing as well; and f) purchase of holiday decorations. Trustee Stokes-Cawley said she thought we were going to modify the existing fund to allow its use for maintenance of parking. Atty. Byrne agreed, but added, not beyond that. Trustee Stokes-Cawley said she'd suggest doing so; Atty. Byrne said we could do one local law to accomplish all and asked the Board how they feel about expanding the original fund to allow for maintenance of parking. In response to Trustee Lanning, DMO Harty said the cost of collection is paid by the General Fund. Atty. Byrne confirmed that the existing trust fund is exclusively used to create new parking as it was intended. Mayor Hubbard said he agrees to include maintenance in the existing fund as the new fund won't have any money for a while. Mayor Hubbard said Atty. Byrne will draft a local law and then we'll schedule a public hearing. Trustee Lanning suggested changing 2.f to public beautification instead of holiday decorations as he is struggling with that. DMO Harty suggested remembering that the Village does a lot and the question becomes "should that be borne by the taxpayers?" The Board agreed that Atty. Byrne should draft a local law.

Status of Parking/Downtown Committee – Discussed above.

Continuation of Trust Fund Discussions – Discussed above.

"Substance-Free Workplace Testing Agreement" – Mayor Hubbard said this is standard procedure each year. In response to Trustee Lanning, Atty. Byrne there is no increase in cost – it is the same as last year. **Resolution #2015-236:** On the motion of Trustee Lanning, seconded by Trustee Dove, it was resolved and unanimously carried to authorize Mayor Hubbard's execution of the Renewal of Drug and Alcohol Testing Agreement with Industrial Medical Associates for the required drug and alcohol screening.

Municipal Board Appointments – Mayor Hubbard said the Municipal Board has had two vacancies for quite some time and we have found two candidates. Trustee Stokes-Cawley recognized Mary Ellen McQuaid in the audience and thanked her for sitting through the entire meeting. She and Gregg Palmer have agreed to serve as a Commissioner. **Resolution #2015-237:** On the motion of Trustee Stokes-Cawley, seconded by Trustee Dove, it was resolved and unanimously carried (5-0 in favor) to appoint Mary Ellen McQuaid and Gregg Palmer to the Municipal Board. Mayor Hubbard said both will be great additions to the board.

Proposed Sale of the Used Parking Pay Stations – Mayor Hubbard said the vendor found us someone interested in our used pay stations. **Resolution #2015-238:** On the motion of Trustee Lanning, seconded by Trustee Stokes-Cawley, it was resolved and unanimously carried (5-0 in favor) to declare the old parking pay stations as surplus and accept Sylvan Beach's offer to purchase the machines for \$250.00 each for a total of \$1,000.00.

Protocol for Public Hearings – Trustee Lanning asked if the Protocol for Public Hearings that Atty. Byrne drafted will be for all public hearings. Atty. Byrne said it is important to be consistent and apply them uniformly, although sometimes it won't be necessary. Trustee Angelillo noted it could have applied tonight. Trustee Lanning said he thinks we need to include that all comments are to be addressed to the Board and that there won't be "cross-talking". Trustee Angelillo said it is like anything else and questioned how you enforce it. Atty. Byrne said the Board has the right and responsibility to maintain order and decorum. It is not a law but reasonable guidelines; having a Police Officer present also helps create order. He recognized that everyone will have an opportunity to speak at public hearings. Atty. Byrne suggested posting the Protocol for Public Hearings on the Village's website after he modifies the document to include Trustee Lanning's suggestion. In response to Trustee Lanning, Atty. Byrne said there is nothing on the State level, but these are procedures that the Village has followed for years.

Authorize Overtime – Clerk/Treasurer Couch explained that with only two full time employees in the Village Office, Account Clerk Shappell occasionally needs to work overtime. For example, the Water Turbidity Notice has to be delivered to all our water customers by November 30. Initially, we didn't think we'd be able to distribute it with this month's utility bills because of the timing. However, Account Clerk Shappell worked a few hours last weekend so that she'll be ready to mail the bills, with the Turbidity Notice on the reverse side, on Friday, November 27th. Thanks to her efforts, the turbidity notice will be delivered on time while saving the Village money. **Resolution #2015-239:** On the motion of Trustee Angelillo, seconded by Trustee Stokes-Cawley, it was resolved and unanimously carried (5-0 in favor) to authorize overtime for Account Clerk Shappell at Village Clerk/Treasurer Couch's discretion until additional office staff is hired.

Publication of Notice of Office to be filled – Mayor Hubbard explained that with Trustee Lanning being elected Town of Skaneateles Supervisor, the Village will have a vacant Trustee position and thus need to have a Special Election next March. **Resolution #2015-240:** On the motion of Trustee Angelillo, seconded by Trustee Stokes-Cawley, it was resolved and unanimously carried (5-0 in favor) to authorize the Publication of Notice of Office to be filled in the Special Election on Tuesday, March 15, 2016.

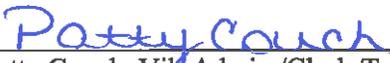
Public Comment – There was no public comment.

Approval of Bills – **Resolution #2015-241:** On the motion of Trustee Stokes-Cawley, seconded by Trustee Dove, it was resolved and unanimously carried (5-0 in favor) that bills from Abstract #12 be audited and paid as follows:

General Fund	Vouchers #1769-1813	Checks #18033-18077	\$116,758.35
Sewer Fund	Vouchers #395-407	Checks #5071-5083	\$ 50,564.29
Electric Fund	Vouchers #487-503	Checks #5855-5871	\$111,522.07
Water Fund	Vouchers #242-247	Checks #3975-3980	\$ 14,292.90

In discussing the bills, in answer to Trustee Lanning, Clerk/Treasurer Couch confirmed that General Fund vouchers 1775 & 1776 are the NYS Retirement bills. When we pay them now we are able to take a slight discount. In response to Trustee Dove relative to General Fund voucher 1784, Mayor Hubbard said the Village purchased benches that we will sell. He noted that three have already been sold.

Adjournment – **Resolution #2015-242:** On the motion of Trustee Angelillo, seconded by Trustee Lanning, it was resolved and unanimously carried (5-0 in favor) to adjourn the meeting at 9:20 p.m.


 Patty Couch, Vill Admin./Clerk-Treasurer

**Regarding the Application of Robert Hood (22 Fennell Street, LLC)
For Critical Impact Approval Associated with a Change of Use
At 11 Fennell Street**

RESOLUTION

Background.

This matter comes before the Board of Trustees for Critical Impact approval, pursuant to Article XI of Chapter 225 of the Village Code.

This project involves the proposed change of use to convert approximately ½ of the commercial building at 11 Fennell Street to dwelling units.

The building is currently under renovation and the owner requested and received multi-year, multi-purpose critical impact approval in March of 2015 for the following uses: office, professional office, personal service, physical fitness, and retail.

The owner now proposes to convert a portion of the building (approximately ½ on the south side) into four one-bedroom dwelling units. Each unit will be between 808 and 822 square feet. They would be served by a common entryway and stair case, located on the south side of the building. They will be sprinklered and one unit will be handicapped accessible. Adequate on-site parking is available and there would be no negative impact in terms of sanitary sewer flow.

The Planning Board and Zoning Board have granted the necessary approvals and the Planning Board has recommended that the Trustees granted critical impact approval for the proposed change of use to create four dwelling units.

This property is located in the “downtown D” district, in which critical impact approval is required.

The Board of Trustees conducted the required public hearing on November 24, 2015.

Required Findings.

Pursuant to Village Zoning Law Section 225-54 (Critical Impact Permits), Subsection F (Basis for Determination) the Board of Trustees are required to take into consideration “...the public health, safety, morals and welfare...” and are required to make various findings with respect to a project. After full consideration of all information and materials presented in support of this application, the Board of Trustees find as follows:

A. The plans submitted for the proposed improvements meet the prescribed requirements of Article XI (Critical Impact) and all applicable regulations and Code provisions.

B. The proposed improvements will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having a unique cultural, historical, geographical, architectural or other special quality of similar magnitude.

C. The proposed improvements are in harmony with the visual and physical context of the immediate neighborhood.

D. The proposed improvements and site development plan are in harmony with, and will not impede the orderly development or redevelopment of, the general neighborhood and the location, nature and height of buildings, structures, walls, fences and parking areas will not discourage the appropriate development and use of adjacent lands or adversely affect existing land use in close proximity to the subject site.

E. The proposed improvements will be developed in such a way as to insure maximum amenities will be available to the site and the structure will be reasonably accessible for police and fire protection, and the water supply, sewage disposal and surface drainage systems are adequate to serve the proposed structure.

F. The traffic controls for vehicular and pedestrian movements are adequate to protect the safety of the general public and the occupants of the proposed structure.

G. The proposed structure will comply with the provisions of Chapter 167, Article III (Use of Sewers).

THEREFORE, based upon all of the foregoing, the Board of Trustees hereby grant critical impact approval for the proposed change of use of a portion of the building, on the south side, to create four dwelling units.

Adopted this 24th day of November, 2015.

Motion made by: Trustee Stokes-Cowley

Seconded by: Trustee Lanning

Those voting in favor: 5

Those voting in opposition: 0

Certified by: Patty Couch, Vil. Admin./Clerk-Treasurer