

**Village of Skaneateles
Planning Board Meeting
December 3, 2015**

In the matter of the request received from David Loftus, Esq. to consider the drainage easement encumbrance affecting Lot 14 of the Whitegate Subdivision in the Village of Skaneateles.

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

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

 David Loftus, on behalf of the applicant
 Daniel Brown, on behalf of the applicant
 Alan Briggs, on behalf of the applicant
 Sal Strods, on behalf of the applicant

 Carol Stokes-Cawley, Village Trustee
 Michael Byrne, Village Attorney
 Bob Eggleston, Skaneateles
 Nancy Cihon, 11 E. Elizabeth
 Patricia Carroll, 7 E. Elizabeth
 Bill Murphy, 2996 County Line
 Cynthia Brennan, 27 Academy
 Steve White, 20 State
 Paul Sharlow, Syracuse
 Rick Moscarito, Chittenango
 Debbie Moscarito, Chittenango
 Eloise Luchsinger, 44 E. Genesee
 Robert Kiltz, 42 E. Genesee
 Becky Barker, 1382 New Seneca
 Beth O'Sullivan, 10 Leitch
 Molly Elliott, 125 Orchard
 Jack Severance, 34 State
 Katie Severance, 34 State
 Andrew Ramsgard, 179 E Genesee

Absent: William Eberhardt, Member

At 7:30 pm Chairman Kenan called the meeting to order and called for the matter of Whitegate Subdivision. Mr. Loftus introduced himself and presented as follows:

Loftus -- Old business -- Whitegate Subdivision -- started in the 90s and was filed in 2001. We are here about lot 14. The problem is, there's a drainage easement on this side of Lot 14 and it just doesn't leave enough for the buyer of this lot to situate a home. This is all the common area. It is a separate entity that owns it for the whole Whitegate Subdivision. So there's plenty of room to move it over here. There's only 10 feet on lot 14 now. It's 20 feet, but it's 10 feet on the common area. So we are proposing to move it all onto the common area.

Carvalho -- So it's this easement not that one you're talking about?

Loftus -- That's the second part of it. The first part we're talking about right now is taking the 10 feet here and putting it all over onto the common area. But yes, then there's the second part of it here, that's here, what we're going to do is run that up to here. But that doesn't impact the building.

Dundon asked for descriptions more clear for the minutes.

Kenan -- The side of lot 14 that has a compass bearing of 41 degrees 28 minutes northwest, you are going to move that easement from being 10 feet into the property to being not on the property at all; right along the edge of the property.

Loftus -- Correct. We are going to move it then directly east. And then the second part of it -- if you look at the original tract map you'll see it's depicted as a 20 foot square...

Strods -- Along the catch basin.

Kenan -- Is it the southerly property line meets the traffic circle?

Strods -- it's the common line.

Loftus -- It's southerly; the cul-de-sac...

Kenan -- the common line between lots 14 and 15.

Loftus -- Correct. And then we're proposing to run from the top of the cul-de-sac we're going to run it 10 feet up to the west line of lot 14, which is depicted on this survey as south 85 degrees 27 minutes 4 seconds west, 64.99 feet.

Carvalho -- So are these easements a swale, a drainage swale?

Strods -- Yes.

Loftus -- And the village DPW people have said it's OK. Mike Byrne has talked with them I think, Alan Briggs has talked to them.

Kenan – So how are you affecting lot 13?

Strods – We're not.

Kenan – The drawing that's clearer which it has a date of September 22, 2003. Is it really that old?

Loftus – I think there's a revised date on it, Bruce.

Kenan – Here it is 11-12-2015. On that one you show the easement as being parallel to the back line and 5 feet in from the back line of lot 13, which is different from the older drawing.

Carvalho – No, it's probably tying in at that spot.

Kenan – But it's not parallel.

Loftus – it's really a *de minimus* thing, Bruce, up in there. Maybe it's slight, but it's still within the Whitegate area.

Kenan – How about lot 15? Are you affecting lot 15 with this common easement?

Strods – Yes, that's right.

Kenan – And has that lot been sold?

Strods – No. Currently the drainage naturally over the years goes this way. Rather than forcing it to go around, we thought we'd take it right to the catch basin which is existing. That swale is there already, we are just extending it.

Loftus – the Code Enforcement officer has been out there with Ms. Harty.

Kenan – I'm interested in knowing if this easement which presently runs along generally the rear of these properties, and now it's going to be more outside of but to the rear of these properties; is there any conflict between it and its needed capacity and the easement that does run along the back of the tract itself?

Strods – this easement here the drainage is up high because it picks up the drainage that comes from the farm fields. There's a slope down here.

Kenan – Now this easement is going to penetrate; they are going to overlap.

Loftus – More than they are now, right.

Kenan – I want to know if that's a conflict in being able to convey the drainage?

Strods – No, because if you were to walk up there that's a very small drainage swale.

Kenan – Rick, can we ask Shannon to take a look at this?

Byrne – We did. I had a meeting with her on Wednesday and went through it in considerable detail. She's comfortable that there is no potential negative impact from relocating it entirely onto the common area. Our focus is more how to do it legally; properly.

Galbato – Mr. Loftus have you gone to the homeowners association? Is there any resolution of agreement?

Loftus – They'll go along with it.

Kenan – Mike, you sent an email; I didn't bring that with me.

Byrne – Because the easements were established in 2 ways, one by the filing of an approved subdivision map with the county and two because they were then established by recorded covenants and easements that referenced the map we think the thing to do is amend the filed subdivision map and then reflect that amended filed map in the covenants. Otherwise, when a surveyor does a survey map of an individual lot, they have to go by the former map.

Kenan – So two steps – one is to amend the map; presumably we would approve that map here and it would be filed, and then what?

Byrne – Then amend the recorded covenants that were filed in the County Clerk's office.

Kenan -- That's between the property owner and the homeowner.

Byrne – They could do it themselves. There is no other party. The developer, Eminence Hill self-imposed those covenants; it would simply do an amended set of covenants to accomplish this. In it, it would reference the amended filed subdivision map.

Hartnett – I guess procedurally, we would just have them come back with the changed map?

Kenan – It sounds that way.

Laftus – I think, Bruce, I have been down to the county clerk and I was talking with Cottrell office that has done a lot of these subdivisions. They have done it before where they will take not the whole subdivision map. The guy who did this is deceased, Robert Goode; we're probably going to have County Health, County Planning sign off.

Kenan – You are suggesting doing it with a single drawing which is in itself an amendment.

Loftus – It would reference this and the County Clerk would tie it in with a master, but not redo the whole thing.

Kenan – that sound OK procedurally?

Byrne – I think so.

Loftus – The County Clerk hasn't signed off; he just said that's what they have done.

Kenan – So if that's the case and you have the drawing and if it is acceptable to the Board we could approve it now, subject to your coming back so I can sign it.

Loftus – That's a day project running with everybody involved and they'll have their own internal – but we'll deal with that.

Galbato – Is there any work that the applicant's going to be doing?

Byrne – No, as I understand it Sal there are no structures that have to be relocated, because it is a natural swale. So no grading is required, there is no in-ground structures.

Strods – The swale itself would be just regraded.

Hartnett – And the two lots that are affected mostly are not sold yet?

Carvalho – The swale would be relocated? You are pushing the swale? You are moving the swale?

Strods – We wouldn't be changing this here, no. If you go look at it it's currently sitting in this position.

Carvalho – But the drawing is showing it on the property and you want to move it out there.

Strods – We are just tying into what is already on the 13 shown.

Carvalho – So it's built this way even...

Strods – The swale doesn't occupy the whole 20 feet, maybe just 8 to 10 feet.

Byrne – To that point, it might be helpful if there were elevations included in the amended site...

Strods – We would do that. We normally do that for each lot, before it gets built, before you get a building permit.

Kenan – Then when you come back, if you bring those in we can approve them and the chairman can sign it – if there's a motion to that effect.

Galbato – Also in the motion I would ask that it be conditioned also that I receive on behalf of the Village approval or consent by the homeowners association.

Carvalho – So what are we...

Galbato – You would be authorizing the Chairman to sign a revised portion of the plat map for the Whitegate Subdivision based on the survey of Don Watkins, land surveyor, dated 11/12/15, relocating a 20 foot drainage easement on the conditions of the following: (1) homeowners association approval and consent to be provided to Attorney Galbato and the Village, and (2) review and receipt of the actual revised plat map showing the grades in a form acceptable to the Board. Upon signature, the map would be recorded in the County Clerk's office.

Sutherland – Is there an additional step with SOCPA? Why don't we say with referral to county Planning if necessary.

Loftus – I think the County Clerk is going to drive it because I don't think they'll take it without.

Kenan – And you'll need the Health Department signoff too?

Loftus – It's everybody in Syracuse. Even the title company has to stamp it that the taxes are paid.

Sutherland – I just made the motion to authorize the Chairman to sign a revised portion of the plat map for the Whitegate Subdivision based on the survey of Don Watkins, land surveyor, dated 11/12/15, relocating a 20 foot drainage easement on the conditions of the following: (1) homeowners association approval and consent to be provided to Attorney Galbato and the Village, (2) review and receipt of the actual revised plat map showing the grades in a form acceptable to the Board, and (3) approval by Onondaga Planning Board if necessary. Upon signature, the map would be recorded in the County Clerk's office.

Carvalho – I'll second that.

Upon the unanimous vote of the members present in favor of the motion, the motion was carried 4 – 0. This matter was concluded at 7:43 pm.

Respectfully submitted,
Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Planning Board Meeting
December 3, 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
Stephen Hartnett, Member
Douglas Sutherland, Member

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

Carol Stokes-Cawley, Village Trustee
Michael Byrne, Village Attorney
Bob Eggleston, Skaneateles
Nancy Cihon, 11 E. Elizabeth
Patricia Carroll, 7 E. Elizabeth
Bill Murphy, 2996 County Line
Cynthia Brennan, 27 Academy
Steve White, 20 State
Paul Sharlow, Syracuse
Rick Moscarito, Chittenango
Debbie Moscarito, Chittenango
Eloise Luchsinger, 44 E. Genesee
Robert Kiltz, 42 E. Genesee
Becky Barker, 1382 New Seneca
Beth O'Sullivan, 10 Leitch
Molly Elliott, 125 Orchard
Jack Severance, 34 State
Katie Severance, 34 State
Andrew Ramsgard, 179 E Genesee

Absent: William Eberhardt, Member

At 7:44 pm Chairman Kenan called for the matter of Kim Weitsman and Krebs Restaurant at 53 West Genesee Street, noting that the applicant has once again requested that the Board defer action on the matter until the January meeting. **Member Carvalho, "I move that the Board adjourn action on this application, at the applicant's request, to the Board's meeting scheduled for January 7, 2016." Member Sutherland seconded the motion.**

Upon the unanimous vote of the members present in favor of the motion, the motion was carried 4 – 0. This matter was concluded at 7:45 pm.

Respectfully submitted,
Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting December 3, 2015

Downtown D District design standards review in the matter of the Application of Robert Hood to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of structure width/lot width; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to add multifamily dwelling to the approved uses and to construct four (4) 1-bedroom dwelling units in the rear at the property addressed as 11 Fennell Street in the Village of Skaneateles.

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

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

Bob Eggleston, Architect, on behalf of the applicant

Carol Stokes-Cawley, Village Trustee
Michael Byrne, Village Attorney
Nancy Cihon, 11 E. Elizabeth
Patricia Carroll, 7 E. Elizabeth
Bill Murphy, 2996 County Line
Cynthia Brennan, 27 Academy
Steve White, 20 State
Paul Sharlow, Syracuse
Rick Moscarito, Chittenango
Debbie Moscarito, Chittenango
Eloise Luchsinger, 44 E. Genesee
Robert Kiltz, 42 E. Genesee
Becky Barker, 1382 New Seneca
Beth O'Sullivan, 10 Leitch
Molly Elliott, 125 Orchard
Jack Severance, 34 State
Katie Severance, 34 State
Andrew Ramsgard, 179 E Genesee

Absent: William Eberhardt, Member

At 7:46 pm Chairman Kenan called for the matter of Downtown D District Standards for Robert Hood's property at 11 Fennell Street.

Eggleston – Bob Eggleston, architect, for Robert Hood.

Kenan – I believe that a month ago at this time we discussed this property and decided that you would review the application of the Downtown D Design Standards on this building with a subcommittee composed of Dog Sutherland and me. I think I received this from you the day that I went out of town for two weeks, so we weren't able to catch up on that...

Eggleston – Timely, so otherwise I would have provided copies to everyone ahead of time. So what I have done is blown up the rear elevation and side elevation. Both sides are very similar. We have pointed out a few; a little more detail of what's going on. We do have the existing windows; we are matching the existing windows the new ones we're adding. I know one of your concerns is the relationship of trim to siding, and yes the trim on the windows will be forward of the siding, just like what we did on the front side.

Kenan – by how much?

Eggleston – It's; it will be forward of the siding. Will it be $\frac{1}{4}$ inch, will it be $\frac{1}{2}$ inch? I'm not sure. But it will be forward of the siding. I mean on my own house I've got $\frac{5}{4}$ trim and the beveled siding is maybe...

Kenan – they are both applied to the same surface. So if the siding is $\frac{3}{4}$ and the trim is $\frac{5}{4}$ you have half an inch?

Eggleston – I think it's more like $\frac{1}{4}$ inch, correct.

Carvalho – Are you going to use $\frac{5}{4}$ trim or $\frac{3}{4}$ trim?

Eggleston – The uh it's; we're showing 1 x 4 casing on here, OK. And it's beveled siding that's there. It will be forward. It's just like what's on the front of the building. It will be forward.

Carvalho – so $\frac{3}{4}$ of an inch, not $\frac{5}{4}$.

Eggleston – Correct. On this, yes.

Kenan – Which means like about that much.

Eggleston – We have the 6 inch cornerboards, the 8 inch frieze boards, again it will all be forward of that. We do have drip caps that will be put on the top of the windows. The new structure that's being built for the porch will tie into that eave that's there. It will have a 2 step fascia on it. And again, we've got tapered columns setting on a masonry pier that will be 2 foot square that has cultured stone put on it. We had already previously last month had shown on the drawings the percentages of glass to siding that conform with the suggestions of the Downtown D district. Also we will have; we'll be using a dense U on the west side of the building which is

a very narrow strip that goes from 2 foot 6 to 7 foot wide just to fill in that area there. That's fairly tolerant to eaves and water dripping and the ice and that type of thing. Again they have remodeled the building with an insulation package and all. They used to have horrible leakage of the; the insulation was poorly done. So they have gone through and redone that; we're hoping to not have ice on the building anymore having gone through a fairly extensive insulation program. So we have provided that on the back for you.

Hartnett – On a previous drawing are these casement windows instead of double hung?

Eggleston – No, the only casement windows...

Hartnett – Were the emergency...

Kenan – On the side.

Eggleston – because these windows are too small for NYS Code. You have to have 5.7 SF. Never on the main, only on the side for exiting out of the bedroom itself.

Kenan – Well, I would have responded during the intervening month, it's just that the timing didn't work. Does anybody have any comments on this? I did review it against the Downtown D Design Standards. It meets them in the sense that this end of the building does. Unfortunately there's not much teeth when it comes to detailing of a building in the downtown standards. They deal with the proportions of windows and a lot of things that are important in the historical character of the Village. I was critical a month ago when we talked that it was the least you could do. And I meant that – it was the least you could do. This is so thin in terms of trying to make the building attractive. I'm disappointed in it; I know your talents, so I'm not critical of your talents. I know they are capable of producing good architecture. I am disappointed that this is like getting all Ds in college – you'll get a degree, you'll get out and you can go off and be a surgeon and cut people up. But I wouldn't want to be operated on by somebody who got all Ds. It's just disappointing that there's not an effort on the part of the owner in this case – maybe you but I'll put it on the owner -- to not try to make the building look a little more like the Village of Skaneateles. This looks pretty much like that other building back here in the corner that has to be the ugliest building in town.

Eggleston – Whose, whose part owner is one of your Board members and also the architect of record is your...

Sutherland – I'm not part owner, what are you talking about?

Eggleston – I'm talking about Bill Eberhardt, OK. I'm sorry it's I, I, I appreciate your inputs.

Kenan – Let's dispense with personal things. I purposely was complimentary to your talents but I am frustrated by how little is being done to make this building fit in with the community. But this Board doesn't have the teeth in the Downtown design Standards to say 'no way you can't do it this way, it deserves more'. By the way there is a provision of the design standards which says

you really can't do this along the street out front, it really should be parallel parking and so on. But, this Board and then the Zoning Board have already approved the site plan...

Eggleston – Exactly.

Kenan – ...so I don't think we can go back and address that. I'm going to recommend approval, reluctantly, because I think we have to.

Eggleston – I share your frustrations. I think it is very hard to legislate esthetics. I think it definitely is an improvement over what's there and I understand your disappointment.

Kenan – Therefore I am going to recommend to the Board that we approve it. But I want to leave it to the Board to see if they felt the same way.

Hartnett – I agree with you. I'll make a motion that we approve the minimal acceptable design standards based on the 6th November 2015 drawings for 11 Fennell Street.

Carvalho – I'll second that.

Upon the unanimous vote of the members present in favor of the motion, the motion was carried 4 – 0. This matter was concluded at 7:53 pm.

Respectfully submitted,
Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting December 3, 2015

Discussion 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
Stephen Hartnett, Member
Douglas Sutherland, Member

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

Carol Stokes-Cawley, Village Trustee
Michael Byrne, Village Attorney
Nancy Cihon, 11 E. Elizabeth
Patricia Carroll, 7 E. Elizabeth
Bill Murphy, 2996 County Line
Cynthia Brennan, 27 Academy
Steve White, 20 State
Paul Sharlow, Syracuse
Rick Moscarito, Chittenango
Debbie Moscarito, Chittenango
Eloise Luchsinger, 44 E. Genesee
Robert Kiltz, 42 E. Genesee
Becky Barker, 1382 New Seneca
Beth O'Sullivan, 10 Leitch
Molly Elliott, 125 Orchard
Jack Severance, 34 State
Katie Severance, 34 State
Andrew Ramsgard, 179 E Genesee
Bob Eggleston, 1391 E Genesee

Absent: William Eberhardt, Member

At 7:53 pm Chairman Kenan called for the matter of Parkside. Attorney Galbato and Mr. Dundon explained that DMO Harty did not have anything new to report for this meeting, but wanted to keep the matter before the Planning Board in anticipation of future action.

This matter was concluded at 7:53 pm.

Respectfully submitted,
Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
December 3, 2015**

Preliminary discussion with Bill Murphy, Space Architectural Studio, on two matters expected to come before the Board.

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

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

 Carol Stokes-Cawley, Village Trustee
 Michael Byrne, Village Attorney
 Nancy Cihon, 11 E. Elizabeth
 Patricia Carroll, 7 E. Elizabeth
 Bill Murphy, 2996 County Line
 Cynthia Brennan, 27 Academy
 Steve White, 20 State
 Paul Sharlow, Syracuse
 Rick Moscarito, Chittenango
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 Katie Severance, 34 State
 Andrew Ramsgard, 179 E Genesee
 Bob Eggleston, 1391 E Genesee

Absent: William Eberhardt, Member

At 7:54 pm Chairman Kenan called on Mr. Murphy.

Murphy – Yeah we made application to the Board, checks were submitted, everything was submitted...

Kenan – Can you describe what they are, the two applications?

Murphy – Do you want to handle them one at a time or what would you like to do?

Kenan – Do you have anything to show us?

Murphy – Absolutely. Actually copies were submitted for the entire Board. It's related to Roy and Ann McDonald. They are located at 5 West Austin Street. The matter in question is this is a nonconforming structure on a nonconforming lot, undersized.

Kenan – Is that the corner...

Murphy – It's right across from the curb cut to St. Mary's Church. It's down the street slightly. This is Austin, this is where the church sits, this is Jordan, this is Elizabeth.

Kenan -- How many houses from Jordan Street?

Murphy – There is one, two, three I believe. This is the brick house, and then there's one in between and then there's 5 right here.

Kenan – And what's the nature of the application?

Murphy – The nature of the application is a small proposed den. We could start with the narrative...

Dundon – We're going to go through this all again next month.

Murphy – We are going to go through them again next month.

Kenan – Are there any particular issues that would request guidance from us this month rather than leaving it to next month?

Murphy – Well the big thing is whether 225-70 only applies to an undeveloped lot. I don't believe it does.

Kenan – Maybe we should turn that to Counsel.

Galbato – I can look at that. He mentioned that to me before the meeting.

Kenan – Why don't we do that rather than spend the time on it tonight, because we will do it next month.

Murphy – So that's that one. The second application that we made in time and also the same occurrence happened; just omitted from the agenda. This one is more of a semantic question. There is a shed that exists that was not permitted. On the drawing I say existing rather than proposed. This is in the back of Skaneateles Scoops. This shed is an existing shed.

Kenan – And the implication of whether it is existing or proposed is what? What effect does that have on the application?

Murphy – Well it wasn't permitted, so we were asked to make application for the shed. I tried to make application for the shed and in the narrative I do say...

Kenan – How long has it been there?

Murphy – Quite a while.

Kenan – Years, months, days?

Murphy -- I wouldn't know. I couldn't answer that question.

Kenan – So what's the implication?

Murphy – We were left off the agenda because it said existing shed instead of proposed shed. The shed exists.

Dundon – Let's be clear on something. He was not left off the agenda. This was not forwarded by the CEO for the board to consider.

Kenan – I understand. I'm just trying to get down to what the issue is. If the plan had said proposed, what's the issue before the Board?

Murphy – The issue before the Board is seeking permission to erect a pergola off of the back of the structure to further enhance the esthetic...

Kenan – Not off the shed itself?

Murphy – Not off the shed. That shed is a separate structure for storage.

Kenan – Let's discuss this next month when we come back. If there is not an interpretation issue other than proposed and existing, I think we can deal with that.

Murphy – If there were a semantic question and we needed that changed on the drawing I wish I would have found out before Saturday morning.

This matter was concluded at 7:58 pm.

Respectfully submitted,
Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting December 3, 2015

Discussion with the Village Trustees on the Planning Board's proposed recommended modifications to Local Law #4 of 2015.

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

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

Marty Hubbard, Village Mayor
Marc Angelillo, Village Trustee
Carol Stokes-Cawley, Village Trustee
Sue Dove, Village Trustee
Michael Byrne, Village Attorney
Nancy Cihon, 11 E. Elizabeth
Patricia Carroll, 7 E. Elizabeth
Bill Murphy, 2996 County Line
Cynthia Brennan, 27 Academy
Steve White, 20 State
Paul Sharlow, Syracuse
Rick Moscarito, Chittenango
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Absent: William Eberhardt, Member

At 7:59 pm Chairman Kenan called for the final matter of the evening. Attorney Galbato noted that the Planning Board is in receipt of a letter from Mayor Hubbard dated December 3, 2015, specifically asking the Planning Board to report its recommendations in regard to proposed Local

Law #4 of 2015, and to provide those recommendations in writing, including any amendments. In regard to SEQR the Mayor is asking the Board, on page 2 of the letter, for consent on the part of the Planning Board for the Trustees to act as lead agency on the SEQR review of the proposed Local Law.

Kenan -- So specifically the first thing for the Planning Board to do is consent, or not, to the Board of Trustees serving as lead agency for the purpose of a coordinated review under the State Environmental Quality Review Act (SEQRA), with respect to the proposal to amend the Village of Skaneateles Zoning Law...

Byrne -- There is a provision of the New York State Village Law which requires that before a Board of Trustees may amend its Zoning Law, it must refer that proposal to you for your review and recommendation. In this case it was your recommendation in the first place that placed the proposed Local law on their laps, but in the exercise of caution we thought we had better comply strictly with the terms of the statute by them making a referral to you and you commenting back to them. So that's the purpose of that letter.

Kenan -- So I'm going to suggest that the Board first pass a motion that we agree that the Trustees may act as lead agency with respect to this action and authorizing me to sign this little paragraph here. After that, let's get into the discussion with the Trustees that we talked about at the conclusion of the public hearing on Tuesday evening. At the conclusion of which, I'm going to suggest that we make a new referral to the Trustees, either identical to the earlier one or different as the conversation may lead us. But first, may I have a motion to acquiesce to the Trustees serving as lead agency?

By Member Sutherland, "I make a motion that the Village Planning Board agree and acquiesce to the Village Board acting as lead agency in this matter and authorizing the chairman to sign the consent statement." Member Hartnett seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 4 – 0.

Kenan -- At the conclusion of the hearing on Tuesday evening on the subject of amended zoning, it was suggested that (1) the Planning Board needed to make a new and refreshed referral to the Trustees and that it would be very helpful if we could have a common discussion this evening between the Trustees and the Planning Board to see what issues have arisen out of all the public comment and the public hearing the other evening. Are there any thoughts that the Trustees or the Planning Board members have that leads them to decide at this point that perhaps we should revise the approach, revise some of the language, etc? For all of the public present -- welcome and thank you for being here. This is not in the nature of a public hearing; this is meant to be a conversation, in public as all such conversations have to be, between the Trustees and the Planning Board. Everybody is welcome, obviously, to listen in as it should be, but we will not be entertaining public comment during this conversation this evening.

Dove -- Chairman Kenan if I might? I'd like to address the email that I got from Mike Byrne today. Mike suggested that I should recuse myself from both the discussion and the voting from this process. I wanted to; I sent an email; I didn't get his email until late this afternoon. Planning Board Member Hartnett spoke to me at the end of the public hearing session and asked

that if I had any thoughts regarding local law #4, if I would please put them in writing via email ahead of time to your Board and I did that. I did that as he asked. And then I got the email from Attorney Byrne saying that I should recuse myself from the whole scenario. I still stand by my decision that I elect to be part of the discussion and I will recuse myself from any vote.

Hartnett – To follow up on that, I asked all the members and I mentioned to Dennis also that anything they had please let us know ahead of time so we could try to address them in a more proper way. I didn't mean to throw you a curveball on that. It was what I said to each of the members.

Dove – With that I'll join the discussion.

Kenan – I wonder if...

Byrne – Well look, for the record then, I have said in an email today that I did not want to have this discussion publicly, but I have a responsibility to protect the Village's interests. Having recused oneself as Planning Board member Eberhardt did, it is inappropriate to take part in the discussions. I have to put that on the record. It is inappropriate either to vote or to advocate or to take part in public discussion. It is simply not appropriate. Now you do what you do, but that's on the record.

Dove – I thank you for your advice; I would like to address that. Before recusing myself, I did do research and I got my own personal legal advice as well as a prior opinion on a similar matter that came before the Attorney General's office. The Attorney General said that if I have substantial direct personal interest in the outcome of a vote, then as a Trustee I should recuse myself. I don't think that anyone can say that I have a direct personal interest in this legislation which affects the businesses in the Downtown District. I did not need to recuse myself at all, but I did. My fellow Trustees can listen to my ideas and can accept or reject them. They don't have to listen to them. That's their total decision. I feel that I must fulfill my duties as a Trustee as I was elected to do and provide information and ideas that I really feel will keep our Village from being sued. If you ask any resident if they want their tax dollars spent on lawsuits, I am guaranteeing you that 99% of them will tell you 'do anything you can to make that not happen'. I wholeheartedly feel there is a way to write this law that will let our residents know that we have heard their concerns and we are not going to allow this Village to be taken over by hotels, B&Bs and short term residential accommodations. We can limit the number of permits that we issue for each. If you want to take this further and you would like to meet with me separately, Mike, and show case law to me and my attorney which says that I have to recuse myself, I'm glad to do that. But for right now, I feel that I should be part of this discussion; it's a benefit to all of our residents that I state that. [Applause]

Kenan – OK. That's the equivalent of a public comment, so I'm going to ask you please refrain from doing that.

Byrne – That's the end of it. There is nothing more to be said.

Kenan – I’m going to suggest then that as a way of proceeding; there is no magical way of doing it; that I’ll try to move the process by going paragraph by paragraph through the proposed; through the language of the proposed Local Law. If in the process a discussion leads into a discussion of something else, that’s great. It ought to be a free and open discussion. Subject to the Planning Board’s desires at the end of our discussion, I’m thinking that Attorney Galbato and Attorney Byrne -- if the Planning Board suggests some revisions, the attorneys may take it and turn it into accurate language to reflect the intent. If I may proceed then, I’m not sure it is very helpful to start with the Permitted Use Chart, perhaps it’s better to come back to that. In which case, the first thing we come across are definitions. There are new definitions – amended definitions I believe -- for bed & breakfast homestays, hotel, lodging; new definitions for on-site supervisory management, a new definition for professional hotel or lodging management company and a new definition for transient occupancies. Then starting with bed & breakfast homestay, is there anybody that has anything to suggest, that this isn’t clear, that it says something it shouldn’t say, that it should be revised in any way? There was some question raised about no cooking facilities being available to guests; was raised at the public hearing the other night.

Angelillo – I guess the conversation is what constitutes a cooking facility? Is a toaster, a microwave, a Keurig – are they considered a cooking facility?

Kenan – There are a lot of hotel rooms that have Keurig coffeemakers in the room.

Carvalho – I wouldn’t think a coffeemaker would be.

Angelillo – I wouldn’t think so either. It’s just a question. The other question I have about the whole definition – it’s difficult because I’m not an attorney and I’m not a zoning attorney – but if state law says one thing and we make up our own law, which one holds precedence? If we end up in court because we say 2 rooms and they say 5 rooms.

Kenan – The more restrictive. I should let the attorneys answer that question, but the more restrictive would generally hold true. If the state says 5 that’s fine statewide, but if the Village says 2 then it becomes more restrictive.

Galbato – We are not in contradiction to the state law, the proposal is more restrictive than allowed by state law. If we proposed 6 rooms then we would be in violation of 1220.1 NYCRR.

Stokes-Cawley – Isn’t it 2 rooms that’s in the code now?

Galbato – We’re actually expanding the number of rooms.

Carvalho – It was two and now in Downtown D it’s up to 5.

Stokes-Cawley – It is 2 in the residential districts

Dove – And if we write the verbiage to allow up to 5 in the A2 and then leave it up to the Zoning Board to determine if there's proper parking facilities, proper outlay, all of that. Wouldn't that be a way to look at it?

Sutherland – I wouldn't recommend it. One of the things that happens when you go to 5 rooms is you need a lot more parking. So all of a sudden you've got more asphalt and your neighbor, who is a resident, is looking out over something that's turned into a parking lot rather than a driveway. I think part of what the zoning law has been in effect for a very long time with respect to bed & breakfast homestays it's to keep it very limited within those districts. It is a commercial use in what's otherwise a residential area. The more commercial it becomes, the more it creates a negative for the people next door. So driving down property values as it spreads out, becomes louder, more people coming and going. So that's kind of the way it has been for more than my time on the Board. We thought that was important a long time ago; I think we still think it's important.

Dove – I guess my concern is this – to avoid litigation. We have allowed a bed & breakfast in the A1 district to have 3 rooms for a long time. And it's pretty well known. There's another bed & breakfast that is also putting out there on the Internet that there's 3 rooms allowed. So if we changed it to up to 5 rooms and it's happening anyway, we haven't had any problems...

Sutherland – It's commercial creep, Sue. I think we are really trying to keep commercial expansion into our adjoining residential neighborhoods...

Dove – But we have.

Sutherland – But it's on a very limited basis. If you open it up so everyone can do it, everyone will do it – and we'll see the erosion of that distinction that separates us from most of the communities in upstate New York.

Dove – We're only allowing 3.

Carvalho – If they are operating in violation of code, why should we be writing a law to make them legal?

Dove – Well because we have allowed it for so long.

Hartnett – It doesn't make it right.

Dove -- So I mean, no it doesn't make it right. But there is a precedent that's been set unfortunately, and not by any of us. It happened long before any of us...

Kenan – I am not sure that an illegal operation makes it a precedent.

Dove – OK. Just saying.

Kenan – I would echo what Doug said. I think I said something like this at an earlier meeting on this subject. This Board has worked very hard for very many years to protect the residential aspects of the community. Most importantly, the residential homes that are adjacent to or within the area that's also commercial. It's the sort of thing that deteriorates rapidly in most any other small community you look at – the commercial gains predominance, the residential adjacent to it starts to go down hill. Then a decay takes place, the commercial slowly expands. Skaneateles fortunately, and maybe it's because of others' efforts, we have avoided that. We have worked very hard to avoid that. And it's a delicate, delicate balance that this Board has worked very hard to maintain. So I know on the Weitsman application when it first came through; it's a difficult thing to say that sorry you can't have parking in the back yard, but it is a commercial use, it has been there for a very long time without parking in the back yard. But it is a commercial use in a residential neighborhood and what is critical is that we don't let that deterioration spread out from there. The Krebs is a wonderful operation; you don't think of it in terms of decay. But they are not the only instance that can happen. And unless we are very mindful of that we are going to see that decay. That's of great importance to me and it has been to this Board.

Dove – And it's important to me as well.

Kenan – It's unfortunate if we haven't enforced something in the past, but that doesn't make it a precedent, I don't believe. Or it shouldn't.

Dove – We are just opening ourselves up – that's all I'm saying.

Kenan – I have another suggestion with regard to the bed & breakfast homestay. Someone suggested, maybe it was Bob Eggleston. This came out of earlier discussion that the homeowner who is in residence perhaps we should expand the existing definition to allow him to be in residence next door. It doesn't sound unreasonable; if you are in the next door house perhaps you are exerting the same operational discipline that we want exerted. But that would be in conflict, I believe with the State provision which describes it as owner occupied. So I will suggest, and others can decide, we may want to take off that last clause that suggests that the single family dwelling may be on property located contiguous to the owner's single family dwelling.

Galbato – We can look into that.

Carvalho – I don't see any reason to keep it in there.

Angelillo – I guess just listening to the public in the public hearing, one of the things that made sense to me was that you are basically saying that the homeowner has to be present in the bed & breakfast to operate as a bed & breakfast. I know that the Lady of the Lake has operated for years with the owner not being there, because I know; I think my wife has even cooked breakfast over there a few times. So the point that was made was in many businesses you want to have the owner there, but that's not feasible all the time. Is there any leeway so a person could take off for vacation, for a death in the family, for any reason and have the bed & breakfast operate with somebody managing it? I don't know how you would write that but it seemed reasonable to me.

Kenan – I think one of the; I agree. It seems reasonable, a death in the family kind of thing; of course. I think the concern is that where does that go if you don't require that they be in residence. Does that mean the owner can have 3 or 4? And they are in residence in one but not the others? Or maybe none of them? The issue it seems to me is the balance that we are trying to attain or establish and the operational standards that a lot of people are concerned about. So how do you make the balance?

Angelillo – I'm OK with the owner calling it a permanent residence. I really wouldn't want to see somebody owning 4 or 5 throughout the village and say I'm operating them all.

Kenan – Can the owner go to Florida for the winter and still operate the bed & breakfast?

Angelillo – It's been done.

Kenan – But is that where you think we ought to be?

Angelillo – I think we need to be reasonable. People have a life other than living at their home serving guests breakfast.

Carvalho – But this is a home-based business. There are lots of home-based businesses out there where if they're not home, they're not working, they're not making money. It's the same thing here. If they are not at the bed & breakfast they don't have the business.

Angelillo – I understand. I don't think we want to get into the home-based businesses. I think there are home-based businesses in every home in the Village right now. But nevertheless...

Carvalho – But that is what this is. Primarily, per the definition, a single-family dwelling and the bed & breakfast is subordinate and incidental to the principal use of the property as a single-family residence. So if they are not in the residence, how can you have the business?

Dove – For emergency situations, maybe you can write something simple like that.

Kenan – Which is why I asked the question about going to Florida for the winter. It seems like that's different from operating a bed & breakfast. Short terms; I can't disagree with that. Why would you. So where's that balance?

Angelillo – I don't think the Lady of the Lake has been a problem. I know that has gone on for years.

Kenan – And are they gone for the winter?

Angelillo – Making it illegal doesn't make it right, but things like that do happen.

Dove – Have a responsible party.

Hartnett – You don't want to have one person come in and say they're doing a bed & breakfast, and by the rules they have to live there. And the question will be which place are you living at today? You have 6 of them in town. That's the problem.

Dove – No way, no way. Their residence is where they pay taxes from, they vote from, they live. They get one and that's it.

Hartnett – Well, that's what this is saying.

Dove – But allowing some sort of a duly management property person if they need to get away for a period of time. I don't know how you enforce something if you start saying five days.

Sutherland – Just as a suggestion. A lot of bed & breakfasts close down at particular times – January and February the owner goes south. It's kind of a planned thing. Obviously, if there's an illness or a special reason to go, no one has a problem there. But to the extent that somebody goes for long periods of time and has just a hired hand that comes by it really goes beyond the spirit of this. And again keeping in mind especially in the residential areas it can be a real problem in a hurry.

Dove – I guess we are just concerned that it is written so restrictively now that even if you had to go away for an emergency, if somebody wanted to call you on the letter of the law they could close you down – hey you were not there last weekend because you had to go for a death in the family. We just want to allow a little bit of a leeway somehow.

Kenan – Maybe that is in the writing of the license standards; that there's some language that suggests that short-term absences are fine. That's within the concept of it being an owner-occupied business. But 4 months or 5 months is not.

Angelillo – There you go, we got a compromise.

Hartnett – One of the things that I found lacking here is a contact person. Everybody; the Code Enforcement Officer for all of these licensed facilities should have a registered contact person. So when they do get a complaint, we know exactly who to call. You don't have to look it up on the tax records, that this is owned by XYZ, LLC. That should be included in the licensing; and part of it would be if that person is in the hospital for two weeks, they notify – here's a different contact person who is going to be staying at my house taking care of it. Not that they are going to be staying at 6 of my houses in town. We are trying to strike a balance, trying to be reasonable and make this work. If you have a dedicated contact, that works.

Dove – That's fine.

Angelillo – Total total agreement.

Kenan – My suggestion would be in the licensing – I just scribbled on my page for licensing to put in something for short duration absences. The way it is written now, with advice from the CEO, the Planning Board would be the issuer of the licenses. It's a Board where you can come

and present and discuss the conditions. I don't think it's a bureaucracy that's hard and fast. But the intent is that it is owner occupied, not operated by an employee.

Dove – The word homestay; where did that come from?

Kenan – That's the existing language, we just didn't change it.

Dove – Could we, to make it more up to date?

Kenan – Was that in the State language?

Hartnett – I think it was. I think that's where we got it.

Galbato – I can look.

Dove – What did you think of my idea of just making those definitions – the other night when Bob read it it was just a run-on sentence that ran on; like to make the definitions simple and then put the regulations in Regulations. To make it real easy to read and to understand.

Kenan – I read that and I thought about it and it sounded to me like a lot of work at this point to split them up. But, of course, we could. I guess it's a question of legal construction of the language. Do you want it in the definition itself or someplace else? That's beyond me.

Sutherland – Does it make sense to hand it back saying that brevity is generally appreciated and clarity is good and we understand that there are certain things that you need to cover in certain areas – but taking another look at this with the idea of getting the words in the right order and making it read a little more literally.

Byrne – You know it might be as much structure as it is wording. Instead of run-on which we see a lot of in the code, you might just be able to structure it differently so that it looks more logical. But I understand what you are saying.

Kenan – Maybe for tonight's conversation we should talk about substance and concepts and not the words themselves. But it is certainly something to be looked at.

Dove – Did you have any thoughts onto the interior design standards – where somebody has taken an old house and turned it into a B&B.

Kenan – I saw that comment and it didn't seem to me that was in conflict with the...

Dove – Maybe I just didn't understand it right. I read it that you were not allowed to change the number of rooms, but if somebody wanted to take 2 little rooms and make it one big room, why wouldn't that be OK?

Carvalho – I read it that when you convert a house to a bed & breakfast, they didn't want you changing the interior in case in the future it could go back to being a single residence. That's the way I read the code.

Byrne – That's existing wording by the way.

Sutherland – I think you are right Brian. The ideas that these others -- they may come and they may go but you don't want to forever say that you can no longer use this as a house, because there are so many changes. It will have to be used as office space or there's a hardship. If somebody is making minor renovations that's the intention here...

Dove – Would you take that right out...

Sutherland – but if you were changing the overall character of it in a way that no longer made it a house anymore; that would be a problem. It predates my time but I think that the Board, when it agreed to do these, did it with some trepidation and wanted to minimize the impact – and create the opportunity that if it doesn't work out as a bed & breakfast that it can go back to a house very easily.

Kenan – Also we tried not to change language that we didn't need to. Any more thoughts on hotel definition. We changed that to 6 or more rental units. And I think you said and others have; why do we have a hotel definition and a lodging definition. They are so similar. Again, with the goal of not changing things that didn't need to be changed, we just left them pretty much alone. The lodging, the only place it occurs is in the A3 district, which was created when Mirbeau was annexed.

Angelillo – I'm not sure this is the right time to ask this question, but I want to talk about the on-site supervisory management. So if a hotel is operating right now and it doesn't have on-site management, are they grandfathered in to continue to operate without on-site management?

Kenan – I think the answer is yes. But the provision is that they would have to have a contract with a professional management operation.

Angeillo – But going forward, if somebody decides they are going to make their facility a hotel, they have to have on-site management. It just seems like there's two sets of rules.

Sutherland – A lot of times there are grandfathered in – Krebs for example was grandfathered in it was a residential area, but before there were Zoning laws Krebs was there, 110 years – so the idea that somebody was there before a law happened and is allowed to continue is great, and fine and fair and all of that, but going forward the problem that happens with all these places is that when there's not an owner around or a management company nearby that can be called if there's an issue, that things get out of control. We have certainly heard some cases over the last 6 months as people have talked about some of these conditions. So it's fair for somebody who was operating legally before to continue to operate as effectively as they have with some sort of an off-site thing, but going forward is it good to have double that number? We don't think so; we think going forward that it makes sense to deal more effectively with management.

Kenan – I think our goal was two-fold; the balance between the occupancies that are short-term and the residential character of the community is one factor, the other factor is operational control because of complaints that something may not have been supervised. So the idea was, if it's a hotel and it is legally preexisting it still needs some kind of supervisory management. So if they are contracted with an existing professional management organization – only for those nonconforming uses – that that made sense. It's a double standard only in that respect, that they have been there all along. If somebody new comes along and they are going to create a hotel and meet the requirements, you would expect them to have on-site management. In my mind, that's what a hotel is, it's not just a room that's rented out.

Hartnett – It's like a preexisting condition with your house for Zoning. You already had a house and we changed the zoning law, we are not going to make you knock down a bedroom

Angelillo – I know. My concern is the legality of that. Again, I'm not a judge; I think a judge is ultimately going to determine whether or not that's going to be legal. On a zoning on a house you are talking about a conforming use but on-site management good for you – you don't need it; you, you need it. I understand, I've seen the list. I just don't know how well that's going to hold up in court, because we are going to end up in court over some of these things.

Dove – Truthfully, the 6, 7 or 8 rooms I know at my own motel; when I get that many rooms occupied, I stay there; because the more rooms you have the more things that can happen. You need to be there to keep control of things. The part that I'm concerned about is why that 6 rooms or more. We do have hotels that have 4 rooms, 5 rooms. If somebody thinks they can make a 2 room hotel work here in town, why not change the number to 2 and let them go through the process and see how it falls. But from 2 to 6, I'm thinking you could get away with having that management company in place running the place. I think it could work.

Kenan – I would say that the advantage, from the village's perspective, the operational issue of a bed & breakfast is you do have the owner on-site operating it. But then if you had 2 rooms and you decided to call it a hotel and you didn't need on-site management – in my mind that's a loophole to get around the village's desire to have operational management. So what is a hotel? I can't imagine that anybody thinks a one room is a hotel, even though you can call it that. That's not just what your concept of a hotel is. A hotel typically has a front desk, somebody there all the time. We picked a number; I'm not sure there's any number you could pick that somebody wouldn't disagree with, but it just seemed that the bed & breakfast go up to one level, let's make hotel go from that point on.

Dove – I'm thinking that we could put into our regulation that your management company has to have somebody within 5 minutes of here? But there can be some regulation that says that somebody has to be here and accountable, if something goes wrong they're here quick. And it can't be somebody who is 45 minutes away. I think we could work that 2 rooms or more into that and not be arbitrary in coming up with that 6 room deal. Just something to think about.

Kenan – I have a hard time picturing a two room hotel, being what you consider to be a hotel. It's just not the same thing.

Dove – There's 4 room hotel at Skaneateles Suites and 4 rooms at Village Inn. We have them already and they do operate quite well. We haven't had any problems that I could [unintelligible].

Angelillo – You know one of the concerns that I have as a broader statement here is that there are going to be lawsuits as a result of this law. There are more attorneys; not more but a lot of people were represented in that public hearing with their attorneys. We have a fiscal responsibility as Trustees here. We don't have a budget for going to court and battling this out. I'm not saying we shouldn't approve it or roll over because of it, but I think we do need oversight – and maybe we have it; I just don't know on some of these laws. Or whether we are going to be embroiled in lawsuits and we are going to lose them. Are we arbitrarily making these – I'm not trying to say that you haven't put a lot of time and thought into that. Are we just arbitrarily making decisions here that are going to be challenged by a judge and overruled? That's not a question for the Board here, maybe that's a question for our attorneys.

Dove – I think there are compromises that we could make that would keep us out of a whole lot of trouble, if we want to. It's just a matter of if we want to.

Kenen – There's a legislator in Albany that said one time that you could indict a ham sandwich. And his point was that you could bring suit over anything, and you know that and you can't go through life being afraid somebody's going to sue you over something frivolous. Material, yes; frivolous, no. I guess counsel has to advise us. The Board has great range of judgment when it comes to Zoning decisions. They don't have to have economic studies and all kinds of things to set up zoning requirements. I'll stop there because I'm not an attorney. Counsel can advise whether you are at risk or not before you adopt something.

Stokes-Cawley – We're not the only community that's putting these kind of regulations in. I have been looking; there are places all over California that have 30 day rental requirements, Long Island's got requirements. We are not doing this; we are not just Lone Rangers here. I think what we are doing is trying to protect the residents. I don't think we can just worry about whether someone's going to sue us or not.

Dove – Part of protecting our residents is protecting their [unintelligible]. So it's...

Sutherland – But the other part is also protecting them from people who are doing things that are affecting their property values, respecting their quality of life. These aren't really very radical things at all. The idea that you'd have hotels that have management that's attentive and on-site it's kind of the way it has always been.

Dove – I'm not arguing with you at all on that regard. Six months or more I'd say you are absolutely on the money. But I think there's a place for lot smaller hotels and we're...

Sutherland – One of the things that I suggested earlier, maybe it's not worth thinking about, to the extent that with any zoning law you say that you can have a two room hotel anywhere; it can be anywhere and you have to figure that, over time, it will be in a lot of places.

Dove – Anywhere downtown?

Sutherland – In whatever district you say, in downtown D it can be anywhere. Or bed & breakfasts can be in any one of the residential districts. You have to assume that they are going to happen in a lot of places, including a lot of places that you really don't want them. The idea of an overall thing that says you can do it anywhere creates issues. To the extent that there are conditions that are unusual, that somebody comes in with a variance request for a 2, 3, 4 room place that's in the right spot – doesn't have residential neighbors on either side; that is part of a redevelopment of a building that you'd like to see done; that parking wouldn't be an issue; that the comings and goings are different – you address those as variances. You can do that anywhere. You don't have to back-track or try to find ways to scuttle something because somehow they picked the wrong spot and are creating an issue for folks around there. But to the extent that somebody's got an idea for a piece of property that doesn't have neighbors that are going to be affected, that would be an improvement to the property in a way that says this is worthy of a variance. You treat that through the variance process. If you say you can do it anywhere legally, then it's going to be everywhere. But if you treat it as a variance process you can sort out those cases where it makes sense and at the same time protect our residents in a lot of places where it would make no sense.

Kenan – The next two definitions go hand in hand – On Site Supervisory management the other is Professional Hotel or Lodging Management Company. The one created for new projects/applications, the second for the nonconforming use which might remain.

Dove – I guess we are still in the definitions area. What did you think of my idea of defining Short Term Residential Accommodations? We heard so much the other night. People just don't get that we have banned them in the A1, A2 districts. We are not allowing them, we have hired a lawyer to not allow them, they are not going to happen for 30 days or more, but we haven't defined it. The same with motels; I would leave that in just so that people understand the terminology and what we are talking about. If the other Trustees decide that they want a couple of short term rentals, so be it. That's for them to decide, not for me obviously. But I still think the definitions should be there because they are a real thing and people need to understand what they are so they are not trying to put something else into a pigeon hole.

Kenan – I guess you can leave definitions in that don't have any place to go in the village...

Dove – Currently they don't.

Kenan – Because the way the ordinance is written, and all zoning ordinances I think, you can only do those things that are permitted in the permitted use chart. If no motels are permitted, they are not permitted. You can leave the definition in it just has no home to go to. Same thing with Tourist Home, we don't have to take that out, but there is nothing in the permitted use chart that would allow it to be.

Dove – Right, right.

Kenan – The one thing I think in answer to your first reference there is the definition of transient occupancies is – in effect – the definition of short term stay that you are suggesting. It says bed & breakfast homestays, hotels and lodging shall individually and collectively be transient occupancies. A different choice of words but that’s what it says. So short term rental if you want to use a different term is either a bed & breakfast homestay, hotel or lodging and it would have to meet the definitions of those 3 categories.

Dove – I guess I was hoping we would actually define Short Term Residential Accommodations (STRAs) which are more like an apartment with a kitchen. Because that’s really not in what’s covered here.

Carvalho – We didn’t put it in there because we are not suggesting it.

Kenan – I guess that’s true.

Galbato – As the Chairman said under 225-11 of our zoning code, any use activities not specifically set forth in the permitted use chart are not permitted unless a variance is granted by the Village.

Stokes-Cawley – In the regulations, it might already be here...

Galbato – He’s talking about 225-10C

Stokes-Cawley – It covers it.

Kenan – Moving ahead in Section 225-10, A and B are the existing language. We added C which is transient occupancies “no overnight stay use for compensation or barter shall be permitted anywhere in the Village except in a hotel, lodging, bed & breakfast homestay,” and this next part bothers me “or dwelling, but only if the stay in such dwelling is for a period of 30 or more consecutive nights.” I’m not sure why that language is there. That is already covered elsewhere in the definition of dwelling.

Galbato – Dwellings can rent out for 30 days or more.

Carvalho – That isn’t transient.

Kenan – I know, but do you need to say it? If the definition of dwelling says not less than 30 days, why do you say it again here.

Hartnett – Are you suggesting taking dwelling out?

Kenan – Yes. End that sentence after homestay.

Galbato – And put a period. Mr. Chairman, you mentioned to me that perhaps we should define overnight stay.

Kenan – Today I spent some time thinking about that. I think it would be useful; so there's no confusion on what constitutes an overnight stay. It's in the sentence in lower case. It's just simply anything less than 30 days.

Galbato – If we do define it we'll put in capital O and capital S.

Kenan – I have another suggestion. Every place where 30 days appears that we change it to 28. We would eliminate an issue that somebody brought up Tuesday night – what about the month of February. You could say not less than a month, but is that a calendar month, so the number of days makes more sense – and I don't think the difference between 28 days and 30 days is material.

Dove – 30 days is for the tax definition. So if somebody stays with you 30 days or more then you don't have to pay occupancy tax. If you stay less than 30 days you have to pay the tax.

Kenan – There you go. That's an ample reason to leave it at 30 days. I didn't think of that. The room occupancy tax requirements are written around 30 days. Anything else on 225-10? 225-40 is the further description of bed & breakfast homestays.

Galbato – So bed & breakfast currently is subject to special permit with the additional items A through D, the proposal is sections E, F, and G.

Kenan – So A, B, C, D is the existing language; E, F, G is new. Provision for the license, F is the provision for how many there may be, the density or balance issue, and then off-street parking which is 1 per room.

Angelillo – Can I ask a question about parking? Maybe I want to address this to Mike. Several years ago we put a moratorium on parking regulations in the village – that we weren't going to require restaurants, retail establishments to have a certain number of parking spots. Does that not carry on to hotels?

Byrne – It does. This is a proposed modification that would create a parking requirement for these facilities. Just these facilities. But you're right. We went through an elaborate revision, with the assistance of the Planning Board, of some archaic parking requirements that mainly pertained to commercial buildings and were found to be unworkable. You remember we had been engaging in the practice of allocating spaces in the municipal lot; the whole thing became unworkable. We scrapped it and started over. This would only impose that requirement with respect to these facilities.

Galbato – The current code, Marc, requires bed & breakfasts to have 1.25 spaces for each bedroom available for rent. I think the proposal is to bring that down to 1. Then for hotel and motel, the current code is 1.25 spaces for each bedroom available for rent; that's one of my ten items for you guys to review tonight; to make that consistent at 1 space, look at amending 225-58B.

Carvalho – When you do that in the hotels you talk about changing that to 1, but there are some additional requirements on hotels and you ought to add them there too to make both sections consistent.

Dove – That management thing for parking; employees, why can't they walk to the hotel? Why do you have to have a spot for them? Because I know that's what a lot of hotels do, they don't provide parking for the employees. Just keep it to the rooms like the bed & breakfast.

Kenan – Is that under the parking requirements, the requirement for so many spaces per room plus?

Galbato – That is in the definition of hotel 225-42B.

Kenan – Is that existing language in the ordinance or is that new?

Carvalho – That's new.

Byrne – That's new. A, B and C are new.

Kenan – So the provision for meeting rooms probably makes sense, but you are suggesting that maybe we don't need over and above 1 space per room; that we don't need 1 per employee. I'm OK with that.

Sutherland – Generally I agree and I think we have more parking than we should have. For having this, it gives you the ability through a variance to say you don't need it in this case, whereas another case where you really do need it. Maybe they've got lots of meeting rooms and in a case like that having a larger parking requirement makes sense. It gives you the ability to decide whether or not a particular place – and these are not large requirements, if you go to a place like Dewitt they have ridiculous requirements; these are pretty minimal – being able to look at each case and in a case where there's going to be a parking crunch, or this is located in a spot where there is already a parking shortage, you probably want to think through it at least. Through a normal variance process – and we have variances in most meetings – you can judge what's reasonable from what's not reasonable. So I hate to say as a blanket, yeah no problem.

Carvalho -- I agree. With all the people complaining about a shortage of parking around here, why would we eliminate a requirement for parking.

Hartnett – Again they have to come in as a requirement for licensing anyway.

Sutherland – Address each one as an individual thing because it is a hotbutton issue.

Dove – You can decide to reduce it?

Sutherland – And we do that all the time.

Hartnett – By variance.

Kenan – So you are suggesting leaving it as is?

Galbato – Well 225-42; 95% is the same as it has always been. There were just a couple of tweaks. We did add hotel to that definition because as it is now it just pertained to lodging. During many of our discussions we realized that bed & breakfast and lodging had special requirements in addition to the special permit, hotel did not. So we included hotel under 225-42. You decreased the parking from 1.25 to 1 for each sleeping unit. You have added under F buffers. You added a sentence “site lighting shall be subtle, indirect and shielded from neighboring properties.” While we are on this topic, and Bob pointed it out in his letter, under C; when this applied to lodging it made sense. It probably was because lodging is only allowed in A3. I think they needed some densities because of the new district that was taken through annexation, so it was A2 which is the nearest residential zone. For Hotels that are allowed in D, with your permission Mike and I will work on language to have the density to be Downtown D. So that way hotels in D don’t have to come under the set-backs of A2, which is not consistent.

Kenan – You are talking about 225-42C; that just needs to be cleaned up.

Carvalho – The thing is, there are lots of areas in the D district that are on Fennell Street and Jordan Street that are closer to A2 type houses. So if you bring those setbacks from Downtown D, it is very minimal.

Galbato – It’s tough because then you are creating set-backs within a zone.

Sutherland – One of the things that I’ve been looking at all along, when you are in a village you have lots of things that are very close together. The Zoning ordinances for the most part anticipate suburban conditions where you have a hotel that’s on a 3 acre lot. We don’t have those kinds of conditions. Everything here is very tight. And because of that there are more judgment calls to be made. It is best that you have someone coming to you to ask for an exception a variance, than it is to give blanket rights to do all kinds of things, because then you have those collisions that occur. The variance process is pretty important when you are dealing with the fine-grained tightness of a dense village. Within that you’ve got lots of different situations that happen very close together. Parts of Fennell Street not an issue. Other parts...

Carvalho – The setback on a side yard in D is 6 feet. So on parts of Fennell and Jordan I don’t think you want a hotel 6 feet off the property line.

Sutherland – In other parts you want the ability to go right up to the sidewalk line; think classic Genesee Street. So there are more calls to be made. To make things easier all the way around over time, will wind up making things less good.

Carvalho – I think the A2 is OK.

Galbato – So keep it the same.

Kenan – OK, is that the thought? Just to back up a bit, under 225-40A7; the issue of insurance. It was suggested that if bed & breakfast insurance is obtainable, that would be the appropriate vehicle rather than commercial insurance. I know nothing about that.

Galbato – I looked into it today and I reported to the Board that there is bed & breakfast riders. But Michael has some comment because he did some further digging.

Byrne – I also talked to a couple of brokers frankly to get an education about it. Both independently said that there are riders, so-called bed & breakfast riders available to the standard homeowners policy, but these individuals said that they tend to vary greatly from company to company. There is not a great deal of uniformity and the coverage extended under one B&B rider can be dramatically different from another. I don't think that we want to be in the business of trying to examine each operator's liability insurance. What our goal was I think, was because we are going to license these facilities, liability insurance becomes one of the considerations and we wanted to be sure that they had appropriate insurance coverage. The advice I was given was that the appropriate insurance for that is a so-called Business Owners Policy (BOP). You are all familiar with the standard homeowners policy, which is HO-3 I believe, and a BOP is a standard business policy that any operation would have. The people I spoke to said that is the better phrase than simply saying commercial insurance or a B&B rider.

Kenan – So is that what you suggest; rather than saying commercial – Business Owners Policy?

Byrne – Yes. Substitute the phrase Business Owners Policy for the generic term of commercial insurance. It is commercial in nature. The risk is and what got us started talking about this in the first place is the fear that some operators simply have standard homeowners insurance which, as you know, won't provide coverage for a claim arising out of a commercial activity. So we wanted to make sure it's commercial coverage and the question is what's the right description. We think it's Business Owners Policy.

Hartnett – On that do you think that having a dollar amount listed in the code, or should that be in licensing, so it could be changed?

Byrne -- I'm not sure where that number came from. We tend to throw that number around a lot in other situations. I didn't suggest that number and I am not wed to a particular number.

Hartnett – I don't know if it belongs in here or if it belongs in licensing where it could be changed easier.

Byrne – What I would be uncomfortable with is having the CEO required to make arbitrary decisions as to how much coverage in a given case is appropriate.

Sutherland – One suggestion may be, I think having numbers in, where these documents over time get really old and numbers that look good today might look foolish later on. Probably within the licensing itself there ought to be something that gets reviewed from time to time. Here just saying BOP is probably enough, but the license itself might have more specificity on things that are more appropriate.

Byrne – So then how and who would decide, from time to time, what that requirement is?

Sutherland – I suspect that the marketplace might come to you and say something at some point, but it would seem like getting an insurance advisor...

Byrne – I can't tell you that I have a concern about the amount of the coverage.

Hartnett – I'm just wondering if it belongs in here or licensing?

Byrne – I won't tell you that it ought to be in there. I don't know that we need to specify. We do routinely but they are always contractual relationships.

Byrne – Take it out of the code.

Hartnett – And put it into the licensing, because they have to come in and it depends on the type and size of the building...

Sutherland – And you can change it easily in the license you just change it; but here you'd have to revise the law to make an adjustment.

Galbato – Advise Code Enforcement Officer of Business Owner Policy liability insurance and such insurance must be continuously maintained; something to that effect.

Kenan – And under the hotel provision would you leave commercial liability insurance?

Byrne – No. Across the board we would delete the phrase commercial liability insurance wherever it appears and substitute Business Owner Policy.

Stokes-Cawley – If we're going to charge a fee for the licensing, do we have to say there's a fee associated with it in the law?

Byrne – The Trustees establish fees from time to time. Somewhere it has to be established. You can establish it by regulation, by local law. I'd hate to see you change the law. Do it by resolution.

Stokes-Cawley – I wasn't thinking you'd put a number there. Just the concept of a fee.

Sutherland – If you said something like may come with a fee at the discretion of the Village Trustees.

Byrne – I think that's appropriate.

Sutherland – It alerts, but it doesn't say you have to.

Hartnett – Kind of on that note, Carol, in the zoning now in 225-81 they give a maximum penalty for not complying with the code. I think that needs to be addressed. Currently it is only \$350. If you are renting for \$4,000 a week, \$350 is not going to stop you from doing that. Also in that section, we ought to have that when they come in and request this – our current form is supposed to be signed by the applicant. Quite often you see it signed by the architect for the applicant. Just to have legal backing on that I think it needs to be signed by the applicant, so that if they are not in compliance you go back to the applicant, not the architect. Also if you look in the 225-81B it states that the architect, contractor, agent, corporation are also liable. So if we get someone coming in saying I want to do affordable housing and I need a variance to do that – and 2 weeks later they are on Airbnb, you have something to stand by.

Kenan – So what are you suggesting? Now or at some other time the Trustees should look at this provision in the ordinance?

Hartnett – Absolutely; along with this. And higher numbers.

Byrne – I'd like to separate that as a separate local law and not add that to this.

Hartnett – It goes hand-in-hand and it needs to be addressed.

Byrne – It does. A separate vehicle; combining it with this would create other problems, but I understand the substance of what you are saying.

Galbato – Stephen, you have talked about maybe it's a sworn statement.

Hartnett – I think the form itself is flawed now. It is not always signed by the applicant. I don't believe that you would have a lot of teeth in it to go against someone who came in and blatantly misrepresented what they wanted to do.

Galbato – I'll take a look at that with John and Mike as we move forward with the actual application.

Byrne – Those issues have been pointed out a number of times in recent weeks, recent months. So we recognize the need for some change there.

Hartnett – That's part of the application process too. It has to go along with this.

Kenan – Stop me if I am moving too fast but I have a couple of comments on 225-69A Alternative Management requirements. This is from comments that came up at the public hearing. The language in paragraph 2, there was some concern that the language regarding on-site supervisory management or alternatively for the preexisting, the legally binding management agreement with a professional organization would be applied to the bed & breakfast – and that wasn't the intent. So I'm suggesting we add the words 'where applicable' into the beginning sentence where it says "notwithstanding any other provisions those uses that were legally operating as hotels, lodging or bed & breakfasts as of December 31, 2015 should be entitled to

continue if and to the extent that they meet where applicable the following requirements” and then there’s two paragraphs that follow. If you read them they do not apply.

Galbato – Because B&Bs are owner occupied.

Kenan – That’s one suggestion. And then there was a suggestion that the grandfathering disappears if you have to rebuild your roof and thereby need a building permit. That wasn’t the intent. So I’m suggesting that it read “in the event that any use authorized to continue pursuant to that paragraph immediately above is extended or expanded, the provisions shall apply in full.” It is no longer just getting a permit but expanding the use.

Byrne – So delete changed or reconfigured and substitute extended or expanded?

Kenan – I would delete changed or reconfigured in any way such that a village approval including a building permit is required and put in their place extended or expanded.

Byrne – Got it. Now I see it.

Galbato – Mr. Chairman shouldn’t the 1 be removed and be 225-69A, because A1 doesn’t apply to B&Bs .

Kenan – Yeah, I think you’re right.

Galbato – For everyone’s information extended or expanded is taken directly from Section 225-69D of our existing code.

Kenan – I started slow and ended fast. Have we skipped over anything you wanted to comment on that’s in here. Rick Galbato sent a couple of thoughts here and I don’t know if we have hit upon them or not.

Galbato – You took care of the insurance already. You addressed issue of density for A2 by keeping it the way it is. You amended 225-69 A and A2. There were some comments about...

Kenan – I think we covered the parking and we should add language on separability for sure. So if any part of it is considered illegal, all the rest of it remains in application.

Dove – Do you guys have any thoughts on changing the 6 rooms on hotel rooms down to 2 or do you want to keep it the way it is?

Stokes-Cawley – I think everything is covered one way or the other.

Galbato – The other thing on my list was just from some of the public comments about allowing B&Bs in Zoning district B and A1, Hotel in C and lodging not just in A3 but also in D and C districts.

Kenan – The Trustees will get to do what they want. This is about what the Planning Board recommends. I don't want to cut the dialogue off; I think this has been very useful.

Angelillo – I would agree, from trying to understand all the regulation going step-by-step certainly helped. I'd like to make a statement. We had a meeting on October 8 where the Planning Board attended a Village Board meeting. You gave us a preliminary copy of what your thoughts were on transient short term rentals. The overall essence of what the Trustees said was that we wanted some compromise, some kind of regulation that we could work with. That these transient short term rentals are a wave of the future and we need to consider it. What we got back is a complete restriction on everything that's being done. And I made the point that we asked the Planning Board for their opinion, and they gave us their opinion. So going back and saying 'change your opinion' is not fair. My point in saying all this is at that time, October 8, at least 4 of the Trustees had an interest in exploring how we might regulate and allow some of this. And now we're to the point where we are not going to allow any of it and we are going to come down harder on people who would even want to consider operating a hotel or lodging downtown. I'm not making a statement that I need an answer, I'm just making a statement that things have really changed from October 8 when we first had this discussion with you.

Hartnett – I think this does strike a balance. I think this does give reasonable restrictions to keep the business side of it working and the residential side working and keeping things in the right areas. None of this has been taken lightly.

Angelillo – I didn't suggest it did. Believe me, I have spent way too much time on it. I'm sure you all have spent way too much time on it. We have a life to live; this isn't a full time thing for me. The other comment I'd like to make is that these have been going on for 4 years. I have been a Trustee for almost 9 years now. I didn't even know it. Six months ago if you had asked me are there short-term rentals, I wouldn't even know what the term was. And I think I'm kind of in the know about what's going on in the village. But I haven't seen in the last 4 years an erosion of the community here – the way that Skaneateles is. The downtown is more vibrant than it has ever been. The stores are outstanding, the restaurants are outstanding, and I haven't heard any complaints from any people in the village except for a couple specific complaints about a specific time when something happened at night. I believe them. I'm not saying they are unsubstantiated, they need to have a police report. I have talked to people who have had complaints about short term rentals in residential districts and they were very passionate about changing the way their family lives and the way they live in their community. But I haven't seen erosion in our community as a result of the 4 years that these have been going on -- legally or illegally. It's our fault if they are going on illegally we haven't enforced it. We haven't even thought about it. When we start to think about getting enforcement, we have our codes officer going down to tell people and next thing we have to hire an attorney to do it because this is a bigger problem. It's not that he's not capable of handling it, but he didn't sign up for it. I didn't sign up for it either, but you get elected to do something you have to stick it out and do it. I just think that we really haven't degraded our community by allowing some of the short term rentals to go on and I think it's going to be a detriment to our community if we don't have them. If you have someone like Denny Owen, when his family comes in and says we use them and now won't be able to use them – that kind of means something to me. That's the whole purpose of a public hearing is to listen to the public. And I just don't think that we are.

Hartnett – Denny Owen’s family is going to be able to come in and use a licensed regulated one that’s not causing a problem with a neighbor.

Kenan – Marc, I think it’s a rapidly changing environment right now – this whole Internet vehicle for advertising it’s the Airbnb and VRBO. It’s changing so rapidly; it’s less about what we’ve seen happen in the last 4 years and what do you want it to be in the next 4 years. Our goal, the Planning Board’s goal, in putting these things together was to try to establish some controls over how they’d be operated – I think that’s critical – and to what extent do you want them to spread around the village. So it’s not that there is none, the Downtown D is pretty much open for either of these things going forward; to a lesser degree the fully residential neighborhoods, as opposed to the mixed use. So is it that balance that needs to be addressed? I think we have to do something, because it is a rapidly changing circumstance. Just a license that shows that they comply with the room occupancy tax and show us that they have, that puts on somebody else’s shoulders the oversight that they are complying with the regulations. For the most part, that doesn’t happen. I wouldn’t be surprised if a lot of the individuals that rent out rooms don’t even realize that there is such a thing. I think it is more the future than the past that I’m concerned about.

Angelillo – I’m against it in the residential neighborhoods. We are not even discussing that but 25% of the people that spoke at the public hearing talked about residential neighborhoods. They didn’t even know what the meeting was about.

Kenan – so what’s left then, the C & D?

Angelillo – Just C and D.

Dove – That’s all we’re talking about.

Angelillo – That’s all we’re talking about. We are not talking about – I have never talked about the residential area. And I totally get what you did at Krebs. The only time I think I ever disagreed with the Planning Board was that – why are we not having parking behind Krebs? Oh, it’s a residential neighborhood; we don’t allow it. That’s fine. I accept that. I just think that the operations we have in the village right now, whether you call them illegal and they haven’t been enforced – they add value to the community. If you haven’t seen them, I have really tried to educate myself by going and actually visiting the facilities, and talking to the owners and seeing how they manage it. I think they add value to the community. I really don’t think that they take anything away from it. Going forward, I think we need to have regulations so that not every single building downtown isn’t a short term rental. I don’t really know how to do that.

Kenan – That’s the struggle. That’s the most difficult part of the whole thing. What is the proper balance. You’ve just said it. So it’s not none. It’s not no limitation. It’s not no regulation. I don’t think anybody’s objecting to the on-site supervision because that makes a lot of sense for the community. So it’s where, is it just D or C and D. Is there a limitation on the total number?

Dove – Yeah, do that. That would make people feel a whole lot better I think.

Stokes-Cawley – I think the key is what you just said – on-site management. So a lot of the Airbnb that are presently operating do not have on-site management. So that's the key. What makes the difference between a hotel and a bed & breakfast and a short term rental is the fact that there is on-site management. So if you want on-site management, you're calling it a B&B or hotel.

Kenan – The way it is written now in this proposed language you don't have to offer breakfast if you are operating a bed & breakfast. So if you are resident and you are renting out rooms, up to 2 rooms or whatever it is, apply, get your license and move on.

Stokes-Cawley – But what you are saying is that there should be some that don't have on-site management.

Dove – In a house where somebody go and stay with their family. Like what you said Steve, that's not true. The Owens' can't come here and rent a house by themselves and stay there for a week. They have to go to a hotel where there's individual rooms. That's different than a house or an apartment.

Kenan – By the way, the rules are different in the town; they are much more lax in the town, so you don't have to go too far for that opportunity to be wide open

Sutherland – A key thing – in the town, houses are further apart. Cottages are further apart. There's a 150 year history of people coming to rent cottages on the lake. It's kind of a different circumstance. Here where you've got homeowner resident in Legg Hall, if one of those condominiums all of a sudden becomes a party house, the other 9 owners are put out because of that. That's where the blanket permission to do this anywhere; there may be parts of the village where that wouldn't be a big deal, but in lots of the village it would be. That's where I think better to err on the side of not saying over the downtown district – which is also a residential district, lots of people live there. There are so many places where that kind of investment can drop the investment of others. Or conversely cause more of these things to pop up that it would be unfortunate.

Angelillo – I think if they are well managed, and I think that some of the ones that are here are well managed, I think that you can have regulations to allow them and not turn this place; it's not going to turn into Lake George. We don't have the real estate for one to turn into Lake George. You're talking about ¼ mile of business district.

Kenan – I don't think that Lake George village is an awful lot bigger than Skaneateles. I spent a summer there. It's a zoo.

Angelillo – I know, I know. So anywhere, yes. We asked you to do a job; you did your job. I guess it will be up to us to determine if that's what we want.

Kenan – You have the hard job. Anything else for discussion then among the Boards? OK, we still need to make a recommendation. I have been making notes and I numbered them. Of the things we talked about, maybe I go through them one at a time and if the Board wants to include it we include it, and the attorneys figure out how to write it. Does that make sense? Or would you like me to cover them all at once?

Hartnett – I think we all pretty well understand.

Kenan – How do you know what I wrote? [Laughter]

Sutherland – Bruce why don't you go through your list.

Kenan –

1. I didn't write down an answer to it but I think we have to deal with whether we allow cooking facilities for guests in a bed & breakfast. We'll pass on that.
2. I crossed out the single family dwelling being next door to the bed & breakfast because it's inconsistent with the State.
3. As a question, do you want to leave motel and tourist home definitions in? There's no harm in it; they're just not in the permitted use chart.
4. Under the general use regulations the description of transient occupancies; I struck off the language that referred to dwellings since that was covered elsewhere. And define overnight stay.
5. Be consistent on one car per room.
6. Change the insurance requirement for B&B to Business Owners Policy. Remove \$1MM limit. Put in some language that makes it clear that short term absences are permitted.
7. The same insurance under hotels.
8. Under the Alternative Management add language 'where applicable'.
9. Took number 1 off each 225-69A
10. Took out language in second paragraph changing it to extended or expanded.

Chairman Kenan, "Why don't we have a motion then that we instruct counsel to take these changes, put it into a revised draft that the Board can forward to the Trustees as the revised proposal from the Planning Board, and as such it will be a positive recommendation to the Trustees to adopt Proposed Draft Local Law #4 of 2015 as amended." Member Hartnett, "I so move." The motion was seconded by Member Sutherland. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 4-0.

Attorney Byrne, "To answer the question raised the other night, I don't regard these changes as being a substantial change in the nature or the scope of what was proposed; they strike me as modifications." Chairman Kenan, "I think we are responding to the comments from every source – the letters, the public hearing and the Trustees." Attorney Byrne, "I think it is right to continue the public hearing on the 23rd with these changes reflected in the draft."

Upon motion of Chairman Kenan, seconded by Member Carvalho, the meeting was unanimously adjourned at 9:33 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards