

**Village of Skaneateles
Zoning Board of Appeals Meeting
February 23, 2016**

Public Hearing in the matter of the application of Kim Weitsman for Site Plan Review Amendment to add 10 car parking lot at the property (Krebs Restaurant) addressed as 53 West Genesee Street and the adjacent property addressed as 57 West Genesee Street in the Village of Skaneateles which are under common ownership.

Present: Craig Phinney, Chairman
 Michael Balestra, Member
 Curt Coville, Member
 Larry Pardee, Member

 Riccardo Galbato, Attorney for the ZBA
 Dennis Dundon, Clerk to the Boards

 Robert Eggleston, Architect, on behalf of the applicant
 Doreen Simmons, Esq., on behalf of the applicant

 Gregg Eriksen, Village Trustee
 James Lanning, 12 Hannum St, Supervisor, Town of Skaneateles
 Judy Ann Kaspar, Camillus
 Ellen Leahy, 109 Jordan St, representing *Skaneateles Journal*
 Alan Johnson, 59 W Genesee St
 John Pidhirny, 16 W Lake St
 Amy Allyn, 14 W Lake St
 David Allyn, 14 W Lake St
 Courtney Alexander, 24 Leitch Ave

Absent: David Badami, Member

Chairman Phinney called the matter of Kim Weitsman for 53 & 57 West Genesee Street at 7:36 pm.

Eggleston – Kim was hoping to attend this meeting but she had a last minute travel plan so she is joining us by cell phone.

Phinney – Hello Kim.

Weitsman – Hi. Thank you so much for allowing me to do this.

Eggleston – We also have Doreen Simmons the attorney working with us on this. We have been working about 6 months with the Planning Board and we went through a number of reiterations.

What I just handed to you was a narrative that I just updated today to bring us up to speed with where we are. What I wanted to do is just very briefly give you a little bit of where we have been. We talked with the neighbors, we have had meetings with the neighbors, we have had a number of meetings with the Planning Board to try to find a good compromise that will resolve some of the parking issues for the Krebs and some of the parking issues in general that the Village is experiencing with its success in attracting people to the Village. First I'm going to start with the original plan, July 22, where we were proposing to put a substantial parking lot in the back area. We were going to put berms, we were going to put plantings around it. One of the reasons for trying to resolve the parking is the other major item that the Krebs wants to do is kind of go back to some of the concepts of the gardens that the original Krebs had. What we are looking at is a garden that will actually be a vegetable and cutting garden for the restaurant; it will grow some of the greens and herbs and vegetables. There will be some trees for fruit; this will actually be a working garden that the chef has put together to enhance the offerings of fresh produce in the restaurant. So the idea is where might we put additional parking so that we can put the gardens in and have a complete final plan. This was rejected by the Planning Board and so we proceeded on Plan B – was to make a smaller parking area, put some parking along the side crossing over onto 57 West Genesee Street. Again we had this parking area that went further south of the existing parking area into that back area. The Krebs has a very large lot compared to most, but it does border residential neighborhoods. Then we came to Plan C where instead of having angular parking we had 3 parking spaces here. We kept reducing the number of parking spaces and I think at this point we are at 22 or 23 parking spaces total. We have 10 parking spaces original; four handicapped parking spaces and 6 additional parking is what was in the original approved plan. This was to show how we were going to add plantings to kind of screen the parking and all of that. We then sat down with the Planning Board in a work session to come up with the current plan. This is a plan that was approved by the Planning Board at their meeting the beginning of this month. They said absolutely no additional parking to go south of the existing parking lot. So we have taken out a planting island here, this is a driveway that extends so that the dumpsters are pulled out, the truck pulls in, empties the dumpsters, backs out, and proceeds back out to Genesee Street. The dumpsters never come during operating hours. The restaurant only operates four days out of the year *[sic]* and it's evening plus Sunday brunch. So there's no problem with putting striped parking space on this existing driveway to accommodate an additional two parking spaces. Then they felt they would allow us to have an additional 7 parking spaces that encroach over onto 57 West Genesee Street. Currently there is a 16 foot right-of-way for the driveway on 57 West Genesee Street. This is a 3 family dwelling that's owned by the Weitsmans as well. They do own this property here. So what they also wanted was for us to put in a landscape buffer that would be impenetrable to headlights, to provide some screening from the Johnsons over on this side. We then went to Mr. Clark, the landscaper that's done the work for the Krebs, and we have the 7 parking spaces. We have an existing mature tree here we are trying to keep. What we came up with is putting in a dense row of boxwood. These would be maintained at at least 4 feet high so that they screen the headlights. We could make them 5 feet high to screen the cars as well. One of the choices of the boxwood is that it will grow with this walnut tree here. Not every plant will grow underneath this large walnut tree. So we maintain this large mature canopy here, but then we have the boxwood that provides the dense evergreen surround. And then we have a combination of some viburnum and some nine bark and some fragrant viburnum over here to add some color and some interest to this side which is visible from the Johnson's. Over here we might add some doug fir and

Norway spruce just to enhance that screening. So this detail in the attachment of what these look like which you have. This is a detail of what we have come up with that the Planning Board insisted we provide that screening. We also have talked about adding some additional plants over on this side thickening up the screening towards the neighbors from the parking area over here. The rest of this is a conceptual planting plan which will be the fruit trees, the vegetable gardens, the flower gardens for the Krebs. We also are proposing a 12 by 12 shed, garden shed, so there's a place to put the tools and the materials needed to maintain the garden close to the garden.

Phinney – From where the existing parking is now to the very end of it; is it roughly 300 feet from the back of that to the back property line?

Eggleston – It is 292 feet.

Phinney – So roughly a football field. So we are 100 yards from where the existing parking already is to the nearest back property neighbor?

Eggleston – Yep. Also we are 66 feet from the west parking to the Johnson property. And there is no change on this side; there's some arborvitae that we planted along here for screening the adjacent property and there is some natural vegetation which occurs around the property. In getting into the reasons for needing to deal with the parking issue; in the narrative we point out that in 2011 the 173 seat dining room was approved and this is actually less seats than what the former Krebs restaurant property had. The original Krebs restaurant was two stories, it had the bar upstairs it had the seating downstairs. So it has been reduced to 173 seats. The required parking, based on the square footage of the building is 100 cars or it's 43 seats based on the number of seating. So when the original approval was granted in 2011, a variance was granted to have only 8 on-site parking spaces. Later in a modification; we had 8 handicapped parking spaces. So we then changed this from 4 handicapped parking spaces to 6 regular parking spaces. And again Kim has always directed senior people; people who have challenges walking. This has been the problem they've been experiencing is where do I park and I can't walk 2 blocks from a parking space to be able to get to the restaurant easily. So we have indicated that with the 10 that exist and the 10 additional spaces; that these would be reserved for senior patrons — people who have mobility issues but don't have a handicap parking sticker.

Pardee – Where do the employees park, on the street?

Eggleston – Yeah, they park on the street; some come in buses, and some are dropped off. We are sensitive to the contiguous neighbors and the concerns that they have with the south lawn becoming a commercial parking lot. In working out the compromises with the Planning Board we have totally eliminated that. We have gone back no further than the existing. People are walking two or three blocks to be able to; we have done extensive parking studies and I have done in the narrative a list of the changes since the Loveless family operated the Krebs in the 1990s, 2000s. West Lake Street parking has been reduced to 11 spaces. Recent street improvement put curbs in and narrowed the street. Originally 20, 30 years ago they used to park all the way down West Lake Street; that no longer is available and it's a very limited parking area. So we lost parking on West Lake Street. The restructuring of the municipal parking lot in

the village center with a two hour limit for half of it, has forced downtown employees to use the West Lake Street on-street parking for their parking reducing the amount of parking available for the Krebs patrons. You see the same cars there and the cars are there all day long. So that becomes a problem when other businesses are using West Genesee Street for their parking. The village has more special events that draw even more people to the village, especially during the summer and during the Dickens Christmas season. So they all compete for the West Genesee Street parking. The original Krebs restaurant was open May to October; the current restaurant is open year around. In the winter months, the high snow banks along West Genesee Street have made it difficult to park on the street and get out of the car and walk along. West Genesee Street between West Lake and Kane Avenue has approximately 60 on-street parking spaces. These spaces are not marked; it is not uncommon to see fewer spaces utilized because cars park random. This is also true on West Lake Street and Griffin Street; the parking is not efficient. The Planning Board intended for this historic iconic restaurant to continue to be served by the on-street parking, but these factors have really contributed to the lack of that success. We started out with 18 additional parking spaces; we have dropped it down to 10 additional parking spaces. None of them go further south than the existing parking; we have heavily landscaped this area to try to mitigate the parking in that space. We also have offered; the owner has offered a restrictive covenant that will assure the neighbors that the Krebs will not come back and ask for further additional parking and they will maintain the approved plantings. This covenant will give the adjacent neighbors standing to enforce the covenant through a civil action should the village not enforce this. This is something that Doreen Simmons has been working on with Rick Galbato, putting the language together and she can talk further about that if you have questions about what that is. So the actual area variances; right now 53 West Genesee Street has a 90.83% conforming open space. We will be going down to, with the 3 additional parking spaces, we will be going down to 89% which is a 1% difference. 57 West Genesee Street, which is a 3-family house and it has 3 required on-site parking spaces itself, will have the 7 parking spaces here. That goes from an existing nonconforming 88.9% open area to 83.2% which is just a 5% difference in the coverage. I have gone through the area variance criteria. Before I review that with you, do you have any questions about the proposal, where we have come?

Phinney – I am comfortable with the narrative.

Eggleston – Should I review before or...

Balestra – Bob, are you going to add anything that's not in here?

Eggleston – I don't believe so.

Balestra – I think we have all read it.

Phinney – Any questions from the Board? Anyone who would like to speak in favor of this application?

Kaspar – Gentlemen, I own the southern line of that property. Almost from the turn all the way down. I think it is a wonderful situation. I think what the Weitsmans are doing here to keep the Krebs open, to service Skaneateles, to continue the name of the restaurant, to employ local

people and give them jobs, to allow parking for people who are in a position of being handicapped. I know West Genesee Street; my property is up on West Lake, because of the way the pie is there I have no parking at my property. I have to park on my property in order to park, because the village did away with parking on our street. They gave us curbs which is lovely but we are now dying for places to park. I know what the Weitsmans are going through. I think it's a wonderful thing and the fact that they donate their net proceeds to charities, they should be absolutely commended. After that horrible, horrible disaster today, anything that we can do for charities and children I think should be lauded. I am thrilled that they are going to do this and keep this restaurant open.

Phinney – Anyone else who would like to speak in favor?

Simmons – I am a resident of 38 West Lake Street but also serve as counsel to the Weitsmans. I may have some comments to make, but perhaps I'll wait until others have spoken to see if there's any issues raised that might be appropriate for me to address.

Phinney – I have no difficulty with that.

Leahy – May I ask a question? Is the property on the other side, the Loveless' old house, is that included in this?

Eggleston – This is owned by the Weitsmans and it is maintained as a single family residence. They rent it out. So the Weitsmans own 3 properties; the [former] Loveless house to the east, the Krebs restaurant and the 3 family house to the west.

Leahy – So they don't want to use any of that property?

Eggleston – The challenge is where the existing driveway is, where the existing parking is and we have been focused on the minimum impact to the residential neighbors.

Lanning – The 6 parking spots along the adjacent property; will that create a situation where that can ever be separated? Will those 2 parcels always be; can they sell one without selling the other?

Eggleston – There is an easement on this, because these are separate deeded properties, one has to allow for the potential eventuality of different ownership. This will have an easement on it that gives this property the right to park; so it will be a perpetual easement, there will be the continual conditions and then the permanent covenant will require that this buffer be maintained and that no more parking ever be expanded on these properties. This could be sold, but it would be sold encumbered with the easement on it.

Phinney – Anyone else please who would like to speak against?

Pidhirny – I have emailed the Board and hopefully you have read my email. For those who haven't read it I'd just like to repeat going all the way back a number of years, my wife and I are firmly against this use of residential space for a commercial purpose. I live right on the other

side of the Allyn's property at the top of the map. If it sounds like the old cliché, not in my back yard, you are absolutely right. Everything I look at from my back yard is zoned residential and this is a commercial use. It is not proper. Bob's mentioned how the Krebs property borders on residential property. Well it does – but it is also zoned residential; it doesn't just border on it, it's part of it. I think this sets a bad precedent. Who is the next property owner of commercial property in the village that buys a residential property next to it and applies for changing it into a commercial use, parking or otherwise. I don't see really any benefit to the Village from allowing this change. You could argue that there are 10 spaces that won't be used on the village street. But the Village Board could put 10 spaces right in front of this building we're in and still have room for park, and park benches and walkways. It wasn't done, and if it's not important enough to do on Fennell Street, I don't think it's important enough to do on Genesee Street either. I think the benefit out of this whole operation is to the benefit of the Krebs owners. And I don't believe in my mind that the Zoning Board or the Planning Board should make changes to zoning based upon financial conditions or situation of a commercial business. I know the Planning Board wanted to get this behind them and not have continual applications coming in every six months or so, but I really feel that this is just giving in to someone who can afford a new application every six months. It looks to me that if you've got money you can buy whatever you want, if you invest enough in it and keep pushing. That's not why we have zoning laws, that's not why we have a Planning Board, that's not the way it is supposed to work. This is residential property that we are looking at being converted into commercial use more so than it ever was, and it has already been converted more than it has been in the past. I don't believe that it is a proper thing to do. Bob mentioned meetings, plural, with the adjacent property owners about a covenant and deed and a compromise solution. We had one meeting, I believe it was in August, and as far as I know none of the neighbors have had any contact with the Weitsmans, or Doreen, or Bob Eggleston. So there's been no conversations about what might be acceptable to the neighbors, or where or how many spaces. So that whole scenario really never happened.

Balestra – Mr. Pidhirny, are you concerned with a specific impact on your property? If so, what's the specific impact?

Pidhirny – When I stand in my back yard and look towards the bottom of the screen I can see the Johnson's shed, garage and house. And from out there when it's day or evening with cars coming in and out of Krebs, I hear doors slamming, I hear the horns honking, I hear the dumpsters loading trash and banging, I see lights at night; I have a very beautiful back yard, I pay a fair amount of taxes to enjoy my back yard. I don't think the Weitsmans need to have their business benefited at my cost.

Johnson -- My wife and I live immediately to the west of Krebs. We have been consulting with the Planning Board since actually they first proposed this in 2010. At that time it was a 60 car parking lot that was going back here. We have worked with the Planning Board and with Krebs, and eventually after five, six, seven sessions got it down to the 8 handicapped spaces. I didn't realize that they have switched it to 4 handicapped spaces, but whatever. Several times there has been a request to increase the parking and we have been against it all along because it has a direct impact on the enjoyment of our property. Also I feel that it is an assault on the weak fabric of the village. The ambiance of the village can be hurt several ways; for instance we have that short-term rental that was discussed. A lot of people thought that possibly that could have

hurt the community of the village and the idea of the village. I think putting commercial parking in a residential block, in which many houses – like my house is 60 years older than Krebs. Several houses in my block are from 1830. This is something you should consider also. This parking shines right on; I know they are going to put stuff and block it off, but these cars now face mine and this one is in my family room. So two of them are a direct impact on me. Also when they say that the employees don't park near Krebs, that's really not true. My snow plow couldn't get through to plow my driveway because one of their employees was parked in front of my driveway and that happened twice this last snow fall. They park very close to Krebs. The other thing is according to what started in September and was postponed to October, the minutes reflect that the applicant was supposed to address the covenant and try to come up with agreeable language in meeting with the neighbors. That was stressed again in the November meeting. We have never met or seen the covenant, and I have never seen this new plan at all until I came here February 4th for the meeting. I had expected at that meeting that it was going to be postponed again waiting on the applicant to discuss this covenant with us. Thank you.

Allyn, A. – I'm just going to read; I'm a little nervous. My husband David Allyn and I live at 14 West Lake Street and our entire back yard borders along the Krebs property. We and most of our directly bordering neighbors have been against any parking at all at Krebs except conceding to the handicapped spaces and the spots, we were told, for the chef and the manager. We were completely shocked at the Planning Board meeting last month. We too were under the assumption that we were going to have a meeting and a discussion and we were completely thrown off at that meeting and especially with the approval. It was our assumption or our understanding at that meeting, it seemed like they had just been worn down. We supported the prior owners of the restaurant and in actuality we really support the Weitsmans and the restaurant and the work that they are doing as well. We applaud the mission of the restaurant and the charity work that they do. But we don't feel that that should sway or translate into parking spots. There's a lot of really generous people in this community and you don't ask for something in return for what you do. You do what you do because you do it from your heart. The parking issues on the side streets and on Genesee Street have always been a problem and frankly these number of parking spots is not going to address the issue – it's not going to take care of the parking issue in the village. Increasing parking behind the Krebs the way they have it is going to increase lights both fixed and with the moving cars; it's going to increase noise, specifically car alarms, engines, conversations, doors etc. in our back yard and in our side yard. This is our neighborhood. It is going to affect our privacy, our peace of mind, our property values and our quality of life. And I just want to ask you, if you represent the few people who come here to have dinner or if you represent the people who live here and raise their families?

Allyn, D. – I just want to point out; the one thing I can't understand is how are they going to check to see who is parking in those spots? They have the 4 handicapped ones and then the remaining ones are left for older people. But I'm not sure how that's going to transpire – how they are going to force older people to park there and not younger people. So I'd kind of like to hear how that's going to happen. The one thing that I find particularly frustrating in this whole process was that we did have one opportunity to talk about it and then it was closed. The one thing that did make sense that Doug Clark mentioned was why don't you consider having some kind of valet parking. The response that we got was absolutely not. And that was it.

Phinney – If they had valet parking, where would they be picking the people up and what parking would they be taking advantage of?

Allyn, D. – That’s what needed to be explored. But it wasn’t even considered by the Weitsman party.

Simmons – I’d like to address some of the issues; I know Bob will address some. First of all there have been multiple meetings. Bob has met personally with a number of the neighbors without my being present. I personally met with one or two of the neighbors. [The neighbors interjected to disagree] I met with Doug Clark and Scott Feldmann myself, and quite frankly Bob has been the one that’s probably been meeting the most. Met with Mr. Clark, met with Mr. Johnson. So there has been some meetings. This new schematic as to where the parking would be was something that was proposed to us by the Planning Board and it was done the Friday before the Tuesday meeting. And I think it was largely to address what seemed to be the major concerns particularly the desire not to have the parking go beyond the dumpster. So this represents a significant cut back from what was originally proposed. It tends to address the significant issues that were asked about that part which is closest to Mr. Pidhirny and closest to the Allyn. The deed restriction; we did have a deed restriction that we had and distributed to quite a few people at that original meeting. The Village requested changes to it and we are waiting for the village, the Village Attorney and Mr. Galbato to get back to us with what changes they are going to require. And then there was full intent to reach out to the neighbors to see it, but until we know what the Village wants for changes; we are waiting for that ourselves. I know what you are saying; you are saying that; I really don’t think it is appropriate to talk about the Weitsmans -- because they have money they are able to step in and do this. The money that is generated from this restaurant does go to charity, as we all know. This is not a self-inflicted situation. It has been inflicted because of the significant increase in the need for parking because of expanding businesses, parking being eliminated from certain of the side streets and there being a growing tourist industry in the village. As a result of that there is this problem with parking. This is at significant expense to them, as is the beautiful gardens that they want to put in, which comes with this parking from the perspective that it is a master plan. As far as the issues that you have raised as far as the actual layout and how it would achieve what were many of the complaints of the neighbors, I think Bob intends to address that. The meeting today is to talk about this area variance which when you consider that we already have the roadway there as it was; it’s even a less significant pavement variance. We are talking about a very small rectangular shape there; I should say a triangular space there in some ways. We think this is very reasonable, we think it meets the criteria for an area variance. The two properties on either side are also controlled by the Weitsmans and they have full intention of respecting that residential setting.

Phinney – Thank you.

Eggleston – A couple of comments I’d like to make. This back in 2010, 2011 did receive a use variance from this Board.

Galbato – Area variance.

Eggleston – I believe it received a use variance.

Galbato – No. An area variance.

Eggleston – So this has basically been a grandfathered use that has been here for over 100 years. It was reviewed extensively back in that area at that time. The Krebs held true to the fact that they would restore; they went to great expense to actually restore the original building as they had promised. And to that, in fact they have maintained all the promises and all the requirements that they have been held to. They haven't just gone in and added the parking anyway, they went through the process. They will once again through these covenants say they will not come back for any more parking – this is it. Part of it is just to solidify the site so they can go ahead with the gardens. The Weitsmans will continue their mission to have all the proceeds go to charities for women's and children's services. There is no link or connection to the parking. In other words there is absolutely no thought that they had that they would no longer make donations because they didn't get parking. I have witnessed myself the waitresses getting out of the cars parked in front of Mr. Johnson's property. I'm not there as often as he is – did not have Krebs uniforms on and they were walking to a different restaurant. Again it is on-street parking, you have no control over who parks there and it has been a growing problem. It is these things that has created the hardship that made it very difficult. There was a very lively public hearing with the Planning Board at the end of last year where a number of people came out stating that when they do come to the Krebs, that's the number one problem; being able to get into the restaurant, where do we park. How do you control who gets to park back here? We will have signs stating that this is for people with mobility issues. We will appropriately state that. And a lot of times when people make a reservation the number one question is 'where do I park'? Again Kim can only make suggestions as to what areas are available for parking. If they do indicate that they have older people who need closer access, she can invite them to park in the back here. I think we've covered most everything.

Leahy – Are these 3 properties zoned residential or commercial?

Eggleston – the entire property is zoned residential in the A1 Zoning District, A2 District across the street. The Krebs is a grandfathered nonconforming use. And they did come in in 2010 and go through an extensive review process as redevelopment to maintain the restaurant.

Leahy – So it's zoned residential but it has a grandfathered clause that it can operate commercially?

Phinney – correct.

Leahy – And the other 2 properties?

Eggleston – this property is a 3 family dwelling; I believe that is a nonconforming use in the A1 District. Again it has been grandfathered. This is a single-family dwelling that has been maintained. One of the requirements of the approval is that the Weitsmans not tear down these houses, because they want to maintain the residential character. So from the street, it will always look the same. And that was very important to the Planning Board.

Phinney – I think that was part of the codicil in the original agreement.

Galbato – It is a restrictive covenant, slightly different from what Bob said.

Allyn, A. – What happens with the next owner?

Phinney – Any type of variance exists for the building, not the owner. Any variances that are passed or not passed would carry on to the next owner. Is that correct counsel?

Galbato – My recollection is on the two neighboring properties owned by Bob's client, that there is a restrictive covenant that was part of the condition of the village approval back in 2011 I believe which basically indicates that no demolition permit could ever be issued for these structures on those properties without first obtaining site plan approval from the Planning Board of the Village of Skaneateles. And that of course runs with the land, irrespective of who owns those properties. Back in 2011 it was site plan approval by the Village and also area variances granted by this Board, as well as a special permit granted by this Board as well.

Eggleston – And just to complete the list of approvals, there was a critical impact that was granted and we will have to go back to the Village Trustees for Critical Impact, so this is not the last stop.

Phinney – Mr. Johnson, do you have another question?

Johnson – I want to say that right from the start Krebs knew that there were problems with parking and they knew that the Lovelesses only operated in the summer. So he was well aware of that when he got into this. And about the help there, they don't wear their uniforms. They carry them in backpacks.

Phinney – The reality is that on Genesee Street – I live on Genesee Street, I understand Genesee Street – the reality is many of the people who are parking there are employees of the other restaurants in town. As a matter of fact that big blue building at the head of the lake; the majority of the people who park there are people who work there, because they are forbidden to park in their own parking lot. And they are also there starting at 9 or 10 in the morning in contrast to 4 in the afternoon. So we are talking about similar but different scenarios at this particular point.

Pidhirny – I find it hard to feel sorry for the Weitsmans' decision on this restaurant -- the fact that the problem with parking has gotten worse because the village is doing more business. I go back to what Dave Allyn said; the idea of valet parking was just – Boom, not considered. Out of the question. It is done all over the place. It seems like anyplace that I ever go; anyplace that's prosperous, a small village, they all have the same problem. Valet parking works. Another Planning Board meeting it was brought up – why not have your employees park at one of the Village remote lots and bus them in? The kitchen staff at 2 or 3, the wait staff at 4 or 5. Maybe reach out and coordinate this. Maybe the streets would be almost empty. West Lake doesn't

have parking anymore, but when it did it was all uniformed waiters, waitresses and bartenders. There's other solutions besides this solution. I just don't think this is a good solution.

Eggleston – In all fairness I do want to equal the playing field by stating that everyone who owns a house on Genesee Street or West Lake Street knew that the Krebs restaurant was here. I think we are all trying to work to come up with a appropriate solution that is fair to all parties. To address the valet parking issue; the Weitsmans did look into this, they looked at remote parking spaces, they looked the fire house. It was determined that in that Village parking lot, to guarantee the safety of the community that you needed those parking spaces there. You can't have the general public in because they'll abuse it and then when there is a fire or emergency it will not be available. One person suggested the lot next to Ace Hardware. Valet parking works when you have a parking lot or parking garage close by; they drive the car and then have a short walk back. To do valet parking at a place like Fennell Street, you'll have to have 100 valet parkers because it's going to take them 15 minutes to walk. There just is not an appropriate lot that is not in someone else's residential neighborhood. We have looked at them all, believe me.

Lanning – Can I ask a point of clarification? In the middle of the garden, it says optional garden structure.

Eggleston – we are working with the historical society and the old photographs of the Krebs gardens. One of the images there was this like iron ornate structure that was part of the esthetics. I did put in there because this is a formal garden, the esthetics as one is walking to or from the parking area, they want to maintain something of that nature. The final plans of the garden have not been drawn up or put to final approval, but I did put in there that there may be some sort of ornamental structure that would enhance the esthetics of the garden and the formal nature of the gardens. To make it very clear, I assured him the parking is going to be 292 feet away from the south property line there. We aren't going any further. He was more settled with the fact that we had controlled the parking to no further south than what is there. His big concern was that we would have clambakes and beer brawls out here; and absolutely we are not going to do that. This will not be a place for the public; the intent is to provide produce for the Krebs restaurant.

Lanning – My question was will there be any weddings or celebrations of any kind? Will that be part of the agreement?

Pardee – It's already in there.

Eggleston – That was in the original agreement.

Galbato – Yes, there are restrictions regarding outdoor activities or the lack thereof in the original approval by the Village Planning Board, incorporated by the ZBA, and those are not changing based on the application presented.

Simmons – It really is an option. Jorge Batlle had a photograph. Maybe white benches also.

Coville – I just have one question; actually Mr. Allyn's question. He asked who will be parking back there and how will it be enforced? Could you clarify?

Eggleston – Again, the need that we have is – while only people with handicapped insignias can park in these parking spaces. There are a lot of people who don't have handicapped parking stickers but yet can't walk two blocks to the restaurant. We have not yet worked out all the exact details on this. This plan came together at the beginning of the month as we were sitting down in a work session with the Planning Board. We will develop a means to monitor to make sure it is not being abused.

Johnson – Mr. Chairman can I address the...

Phinney – sure.

Johnson – Krebs has never controlled their parking. When it's busy, people park along this side of the driveway, they park on this side of the driveway, they park on the grass here and there's never been any control of it. I don't think that they control their handicapped parking spaces either. I don't understand how they are suddenly going to have enforcement on that.

Eggleston – For clarification, there is no on-site parking for this house. This tenant does park in this space.

Pardee – One thing for Mr. Johnson, if they put additional heavy screening in there would that satisfy your concerns about lights?

Johnson – I'm sure that the screening would block the lights. It's the other things that go with it. We have people that walk on our property from the Krebs; we've had...

Phinney – Did they do that when the Lovelesses owned it also, or is this just a new phenomenon?

Johnson – You know what, when the Lovelesses owned it, you know what, they didn't. Because the Lovelesses actually had their garden set on the other side of Krebs. Their garden was back in here. They had like tables out and people sat there and did things. Something that I didn't realize; the Lovelesses lived there. They were there all the time. They were neighbors. I didn't realize how different it was when it was a commercial space. Also, I am concerned because they are not going to be open 3 days a week and they're going to have this area out here. If they have structures out here I don't know what's going to be going on. They sometimes will have people on their porch when they're not there. So I'm worried that there's going to be people there at night.

Phinney – To me that sounds like a law enforcement issue. Or a trespassing issue. I think at this particular point, if there is nothing else to be said here, I'm going to look for a motion to close the Public Hearing.

Member Balestra, "I so move." Member Pardee seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the public hearing was closed.

Phinney – So what that means is that we are going to have some things that Bob, you're going to have to do before we see you next meeting. One will be that you have any of the changes to the site plan here on a large site plan basis so we can see the new shrubbery and the nature.

Eggleston – This is a general layout that we had put in using both evergreen and deciduous plantings. We then had the detail drawn up by Jim Clark, the landscape contractor. We then went over, talked to Alan Johnson about it. He had a preference of not using; I see that as just a clarified detail of that.

Phinney – Would that have to go back to the Planning Board for change in the site plan?

Galbato – As I told Bob before the meeting when I reviewed this late this afternoon, their motion was contingent upon, subject to the screen discussion and I was just looking through that regarding the requirement of it being immediately impenetrable and an evergreen barrier. I think there are concerns about the nine bark and the viburnum. I think it does. I think Bob disagrees. I can run it by the Chairman of the Planning Board. They are meeting next week. But my feeling is that it does.

Phinney – So on advice of counsel, I'd suggest that you do that.

Eggleston – We have no problem with that.

Phinney – Then we will render a decision within 62 days of the closing of the hearing this evening. We will certainly be meeting among ourselves or having a discussion at our next Board meeting regarding this. You are more than welcome to attend any of those meetings, we just will not be accepting any more input. We have an adequate amount of input from the neighbors and have a good clear reading of what your feelings are at this particular point.

Galbato – What I'll do is resend the special permit resolution and minutes when the ZBA approved the renovation.

Phinney – Thank you very much for your patience and for your comments. We will certainly take them into consideration as we move on. This will be next at the March meeting.

This matter was concluded at 8:42 pm.

Respectfully submitted,
Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
February 23, 2016**

Discussion with Hon. James Lanning, Supervisor of the Town of Skaneateles regarding permissible uses at the Austin Park Pavilion which is located in the Public Lands PL District in the Village of Skaneateles.

Present: Craig Phinney, Chairman
 Michael Balestra, Member
 Curt Coville, Member
 Larry Pardee, Member

 Riccardo Galbato, Attorney for the ZBA
 Dennis Dundon, Clerk to the Boards

 James Lanning, 12 Hannum St, Supervisor, Town of Skaneateles
 Courtney Alexander, 24 Leitch Ave

 Gregg Eriksen, Village Trustee
 Ellen Leahy, 109 Jordan St, representing *Skaneateles Journal*
 Robert Eggleston, 1391 E Genesee St

Absent: David Badami, Member

Chairman Phinney stated that Town Supervisor Lanning had asked to speak to the Board at 8:45 pm. The Chairman had previously informed Mr. Lanning that this Board is not the appropriate authority to deal with the matter.

Lanning – This conversation started a month or so ago as we tried to explore new uses and new possibilities for the pavilion, since we are not going to be in the ice business any more. So asking for clarification of the existing law, of the existing uses, how it can accommodate the Nursery School within the legal context of the Zoning code, whether it will be easier to change the Zoning code. Certainly it has been a community facility for many decades. Just sort of looking for your guidance on how the best way to handle this.

Phinney – I think from what Counsel has been talking with the different discussions with the Village Board and the Planning Board, I think there are things in action now which will involve, Rick you may be able to speak better to that, just so we have it on record for where we are heading. But it probably will not involve having anything appear before the Zoning Board of Appeals.

Galbato – I believe there will be under consideration at the Trustees' meeting Thursday, that they will likely refer to the Planning Board, for recommendation, possible zoning changes regarding

permitted uses for nursery school within the Public Lands zone of the Village. Then the Planning Board will consider that at our meeting on March 3, and then it goes back to the Trustees to begin the process of a proposed Zoning change by Local Law.

Pardee – A question. That facility was built with outdoor recreation funds. It was funded by, wasn't it from the feds – federal government? Wasn't that where that money came from years and years ago? That was my understanding, because when they thought about enclosing it, the talk was they couldn't enclose it because it was an outdoor facility which was funded by either the state or federal government. So you might have that issue to look at.

Lanning – There was state aid for many decades that the Village no longer receives.

Galbato – The Town is the operator, the Village owns the land currently, the Town operates it by way of a lease. Those would be items that the Town would be addressing and I think the Supervisor and the Town Attorney will be working on those issues.

Lanning – There was significant state aid.

Balestra – If Mr. Lanning is looking for input from the Board about what would be the better of easier way to do it, for whatever it is worth in my opinion it would probably be virtually impossible to get a variance. It's up to the other Boards in the Village if, in their prerogative they want to change the Zoning code. That's certainly nothing that we have anything to do with, but I can't foresee a variance in this situation.

Lanning – Will they seek your input, advice on that?

Phinney – I think they already have gotten; there's no need because it is in the Zoning. It exists.

Galbato – Per our Village code, Zoning changes; the Trustees should be receiving a recommendation, by code, up or down, of any zoning change in the Village. So the Planning board is the recommending body to the Trustees on zone changes, not the ZBA.

Lanning – If you can clarify; it's in the A2 District but in Public Lands?

Phinney – No, no. It's in Public Lands District. That is the District. It's a whole separate district to itself. It is called PL District.

Lanning – It has its own set of regulations?

Phinney – Absolutely correct.

Lanning – I would just like to comment. The need for the change of Zoning is that we will have many uses, most of them non-profit events like the Rotary Pancake Breakfast, there may be some sporting events will go in place of the hockey that always took place there. There will be a number of uses that will be different from the historical history that we put together over the last

decades. You wouldn't believe the list of suggestions I have had: indoor running track, indoor soccer, to a golf facility.

Alexander – The Town Board meeting is the same night as the Planning Board meeting and from the Nursery School perspective we are still in the beginning stages of trying to finalize getting something official, so we might be able to utilize that space. So how do; do you have any recommendations on how we should proceed?

Lanning – Well the Planning Board is going to issue a recommendation to the Village Trustees.

Dundon – You are certainly welcome to submit written comments to the Board, which will be considered.

Pardee – Are you a non-profit?

Alexander – We are a non-profit.

Lanning – I'd also like to comment that from the moment that I presented this question to Mr. Phinney, he got back to me 30 minutes later; an hour later he had reviewed the Zoning code. The Village ZBA has been very responsive in addressing our questions and we appreciate that.

Phinney – Thank you. Glad to help.

This matter was concluded at 8:52 pm. At this point Member Balestra left the meeting.

Respectfully submitted,
Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
February 23, 2016**

Consideration of a letter from Joel Levine to the Village Board raising questions about the adequacy of Zoning code regulations regarding swimming pools. The Board of Trustees has informally requested comments from the Planning Board and the Zoning Board of Appeals.

Present: Craig Phinney, Chairman
 Curt Coville, Member
 Larry Pardee, Member

 Riccardo Galbato, Attorney for the ZBA
 Dennis Dundon, Clerk to the Boards

 Robert Eggleston, 1391 E Genesee St

Absent: David Badami, Member
 Michael Balestra, Member

Chairman Phinney called the last matter at 8:52 pm. Any comments on this I think we will make at the next meeting when we have had some time to go over this. This is not applying for anything; it has to do with an application on East Lake Street for a swimming pool. A copy of this letter was given to the Planning Board at that meeting.

Chairman Phinney, "I'll read it into the record. This is 'To the Skaneateles Village Board. This statement in no way reflects on the character or intentions of the present applicants for a variance in the strict application of Section 225-A5 Density Control Schedule. I am against approval of the variance because I believe the standards applied for approval of the construction of an inground swimming pool in the Village of Skaneateles are insufficient. In thinking about the building of an inground swimming pool in the village and the reason for the hearing this evening, I am a bit incredulous that the only standard the needs to be applied when approving the installation of an inground swimming pool is the same standard that would be required for a driveway. That standard concerns the percentage of open space. There are a number of other issues that should be considered in deciding whether a private inground swimming pool is in the best interests of the village. The most obvious concern is the potential for noise, not only during normal waking hours, but also in the evening when the village is quiet and noise carries much more effectively since there is less ambient noise to drown it out. However, there are more pressing concerns. In evaluating the proposition of private pools in the densely populated area that is the Village of Skaneateles, with its interlocking back yards and close proximity properties, one has to consider the situation not of an isolated pool but the scenario of an abundance of pools. Each approval creates a precedence which makes it harder to disapprove a future application. An inground swimming pool is also a large container of chlorinated water existing in the watershed of Skaneateles Lake with the potential for seepage and leaking. There is also

the issue of long-term care. An inground swimming pool is a permanent structure which if not maintained can become a breeding ground for mosquitoes as well as a danger to the welfare of children and pets. There could also be effects on underground water which is flowing through the village; the pool is essentially an underground dam. What I am saying is simply this – there need to be more appropriate tests applied when people are considering the installation of a private inground swimming pool that currently exist. I propose that the board be asked to look into standards to protect the character of village, the quality of life in the village, and the rights of other homeowners when an individual homeowner desires to significantly alter the landscape with such a permanent structure.’ This is from Mr. Joel Levine of 35 State Street.”

It was noted that the board had heard this letter previously in the Peterson application in January and will consider any appropriate comments at its March 22, 2016 meeting.

Upon motion of Member Pardee, seconded by Member Coville, the meeting was adjourned at 8:55 pm.

stated that Town Supervisor Lanning had asked to speak to the Board at 8:45 pm. The Chairman had previously informed Mr. Lanning that this Board is not the appropriate authority to deal with the matter.

Lanning – This conversation started a month or so ago as we tried to explore new uses and new possibilities for the pavilion, since we are not going to be in the ice business any more. So asking for clarification of the existing law, of the existing uses, how it can accommodate the Nursery School within the legal context of the Zoning code, whether it will be easier to change the Zoning code. Certainly it has been a community facility for many decades. Just sort of looking for your guidance on how the best way to handle this.

Phinney – I think from what Counsel has been talking with the different discussions with the Village Board and the Planning Board, I think there are things in action now which will involve, Rick you may be able to speak better to that, just so we have it on record for where we are heading. But it probably will not involve having anything appear before the Zoning Board of Appeals.

Galbato – I believe there will be under consideration at the Trustees’ meeting Thursday, that they will likely refer to the Planning Board, for recommendation, possible zoning changes regarding permitted uses for nursery school within the Public Lands zone of the Village. Then the Planning Board will consider that at our meeting on March 3, and then it goes back to the Trustees to begin the process of a proposed Zoning change by Local Law.

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and years ago? That was my understanding, because when they thought about enclosing it, the talk was they couldn't enclose it because it was an outdoor facility which was funded by either the state or federal government. So you might have that issue to look at.

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Lanning – I'd also like to comment that from the moment that I presented this question to Mr. Phinney, he got back to me 30 minutes later; an hour later he had reviewed the Zoning code. The Village ZBA has been very responsive in addressing our questions and we appreciate that.

Phinney – Thank you. Glad to help.

This matter was concluded at 8:52 pm. At this point Member Balestra left the meeting.

Respectfully submitted,
Dennis Dundon, Clerk to the Boards