

**Village of Skaneateles
Planning Board Meeting
July 2, 2009**

In the matter of the application submitted by Jamie Hunt (JHK Faith, LLC.) (Joe's Pasta Garage) to add a 202 square foot deck on the south side of the building, for dwelling unit's use and waiting area for the restaurant – a Site Plan Modification – for the property addressed as 28 Jordan Street in the village of Skaneateles.

Present: Bruce Kenan, Chairman
 William Eberhardt, Member
 Douglas Sutherland, Member

 Jorge Batlle, Clerk to the Planning Board
 Riccardo Galbato, Attorney for the Planning Board

 Robert Eggleston, Representing the applicant

 John Legg, Highland Street
 Robert Lotkowitz, Village DPW

Absent: Lauren Waite, Member
 Steve Krause, Member

Chairman Kenan opened the meeting at 8:18pm announcing the application of Jamie Hunt. Robert Eggleston, representing the applicant made the presentation. He said, "Jamie Hunt who is doing business as JHK Faith, LLC owner of the building, but we affectionately know as Trabold's Garage, and Joe's Pasta Garage now.

Zoning approval was granted for the Joe's Pasta Garage and apartments above and office space in about 2002. There was the restaurant, 658 square feet of office, and 3 dwelling units, under 1100 square feet each. Also there is a carriage barn that has 3 parking spaces and the dumpster is also stored in there. Then they had 3 outside parking spaces and they did go into a long term lease with the United Methodist Church for 12 parking spaces over here. The original lease expired. It was renewed in 2007, and we have provided the file a copy of the new lease. I believe it goes through 2014. So, it's a 7 year lease.

Recently, Jamie Hunt modified the site by placing a 202 square foot deck on the south side of the property. We have a full scale model for you to look at, along the walk way. There's also a temporary tent that is placed on part of it to provide shade.

Jamie is one of the occupants of the condominium apartments in the building and he lives there with his young family. He has 2 young kids. The impetus for this was he needed a safe outdoor place for the kids to go and play. So, they felt, let's take this area along the walkway.

And he has chairs setting there. It also is kind of used as a waiting space when they are busy. He doesn't prevent people from going and waiting there as opposed to waiting right by the front door. He has a bench. As far as a waiting space for the restaurant, for a couple of hours on Friday, Saturday, and Sunday for ten weeks out of the year that it's not raining on those particular days, is about the only time that it would be used as a place for patrons waiting to get a seat in the restaurant. Otherwise it is not used by the restaurant at all, but as a deck for the residents to use in the building.

In the 2002 approved plan, there were 26 parking spaces required for the building. There were 6 spaces on-site. There were 12 spaces that were leased from the United Methodist Church which is renewed up to 2014. Which means they have provided 18 spaces. So, there were 8 waived spaces at the time. Because we are here for a Site Plan, an amendment to a Site Plan review, as this went through the site plan review process, there has been a change. I believe there are no variances required or anything like that. The question is does this alter significantly anything relative to the function, use, parking requirements? My contention is the parking requirement stays the same. There are no changes to it.

I took a look at it relative to the proposed zoning which hasn't yet gone into effect, and the numbers change just a little bit. It goes from 26 to 23 and actually, the 1100 square foot apartment I think might require one and a half parking spaces. So, that would be 4 ½ parking instead of three. So, this isn't quite accurate." The Chairman asked, "what would require one and a half?" Eggleston said, "the new proposed parking is one and a half because we are under 1500." The Chairman said, "so it was 6." Eggleston said, "right. It was 6 and it would go down to 4 ½. I had 3 because at the time I thought that under 1500 was going to be one. I think they are now talking about under 1,000 is one. It varies a little bit."

The Chairman said, "in any event, your use hasn't changed." Eggleston said, "the use hasn't changed and the parking hasn't changed. So, what we have asked for is an amendment to the Site Plan approval that would allow for this deck to be here. The other change that I do want to point out, just in the interest of comparing the approved plan and this plan – the 3rd parking space on-site was directly in here. Actually, they originally had 3 parking spaces here which was too tight because they had mechanicals, the meters, here. So, then they has 3 parking spaces coming in straight. They didn't like that because this last parking space is rubbing against the side of the building. So, if someone is coming out of the garage here, there's no way to see them. So, they put this little berm and landscape in here to separate that so, now someone coming out of the garage actually can pull their nose out and someone's not pulling in and out. But we are able to fit the extra space kind of on the borderline."

The Chairman asked, "are those spaces all the same width?" Eggleston said, "yes, they are all 9 feet wide." The Chairman said, "the one that's labeled handicap you really can't get in and out of it." Eggleston said, "you've got this space over here for you loading area." Chairman Kenan asked, "to the north of the handicap space?" Eggleston said, "yes, that's all pavement still." The Chairman asked, "how would you get into it if someone is parked in space number one?" Eggleston said, "space number one is the handicap space." The Chairman asked, "are you telling me that you could park in that loading space to the north of that?" (Goes to drawing)

Eggleston said, "I'm saying the parking space – what I should have done is say that this is the handicap loading area. So the off-loading is on this side. It is actually protected."

The Chairman asked if the Board had any questions? Attorney Galbato asked, "what are your thoughts or position with regard to the parking code as it exists today? What I'm looking at is under *Commercial Uses* under 225-58b4, it talks about one space for every 4 seats. You have some seats there outside that you are not using them for service but people who wait. So, that is your contention for the Board?" Eggleston said, "my contention is that he is not serving there. This is not adding to the restaurant use relative to the seats. Furthermore, he's actually allowed more parking spaces for seats. Because in the restaurant you either or. It's based on square footage or it's based on seats. So, he had 1800 square feet which requires 18 parking spaces. That's what rules. He has 58 seats divided by 4, there is 14 parking spaces. He technically could add 16 more seats and not reach the threshold that governs. So, if he used these for seating, he'd still be under the parking." Galbato asked, "when you add the square footage of this?" Eggleston said, "then you would have 200 and that would be 2 more parking spaces. Again, it's used on a limited basis, just as an accommodation for people waiting. If he was going to serve out there, he'd do it totally different. He wouldn't have a wood deck and just a simple little awning."

(Side B) Galbato said, "then he would have to come back." Eggleston said, "and change his liquor license and a number of other things."

The Chairman asked the Board, "what would you like to do?" Member Sutherland said, "I'm OK with this. **I move that we accept the modifications to the Site Plan as described by Bob Eggleston.**"

Member Eberhardt asked, "so you are saying that they are not going to serve out there?" Eggleston said, "it's not going to be for service." Member Eberhardt said, "seconded." The Chairman asked, "do you want to make that a condition of the motion?" Member Eberhardt said, "no." The vote was 3-0 in favor of the motion. The meeting was closed at 8:29pm.

CC-email to Eggleston + Galbato