

**OPERATIONAL MEETING, VILLAGE BOARD OF TRUSTEES  
TUESDAY, JULY 20, 2009  
7:00 P.M.**

PRESENT: Mayor Bob Green, Trustees Marc Angelillo, \*Kathryn Carlson, Sue Jones, and Tim Lynn, Village Attorney Byrne

OTHERS	*Cliff Abrams	37 State Street
PRESENT:	Sue Dove	Executive Director, Chamber of Commerce
	Arnold Rubenstein	2 East Genesee (President, N. Shore Property owners)
	John Shannon	24 East Genesee Street
	Julie Sharpe	52 East Genesee Street
	Steve White	20 State Street and 18 East Genesee Street

**Waterline Easement from the School**

Mayor Green signed the waterline easement from the school to the Village, signifying to the State that no funds were transferring hands.

**Verizon Cable Franchise Hearing**

Village Attorney Byrne reported that he had a conference call with Verizon today and the final agreement is being worked out. A public hearing to consider the franchise will be scheduled for August 24<sup>th</sup>.

**Fee for Parking Deficit**

Cliff Abrams commented that the Village should not rescind the \$7,500 per space parking deficit fee until it has a real bank account. \*Mr. Abrams left at this time to attend the Municipal Board meeting.

**Violation of Local Law #3 of 1995**

On the motion of Trustee Jones, seconded by Trustee Angelillo, it was resolved and unanimously carried (4-0 in favor) to direct Village Attorney Byrne to write the owner of 14 Onondaga Street, citing a violation of Local Law #3 of 1995, based on the report and photographs provided by Codes Enforcement Officer (CEO) Jorge Batlle, and to schedule a public hearing on August 10<sup>th</sup> to consider further action if the owner does not remedy the appearance of the backyard.

**Agreement for School to Construct Tennis Courts at Austin Park**

On the motion of Trustee Jones, seconded by Trustee Lynn, it was resolved and unanimously carried (4-0 in favor) to authorize Mayor Green to sign the agreement with the Skaneateles Central School District to construct tennis courts at Austin Park with the proviso that Village Attorney Byrne not deliver the agreement until the plans and specifications for the tennis courts are approved by Director of Municipal Operations (DMO) Bob Lotkowitz. DMO Lotkowitz and CEO Batlle are to perform inspections as the courts are constructed.

\*Trustee Carlson arrived

**Consideration of Proposed Local Law #1 of 2009, Off-Street Parking Requirements**

Mayor Green said there have been two public hearings and this is the Village's second Operational Meeting to consider this topic. He noted that most people are upset with the fee, but it was good to hear from the downtown residents that they don't feel the Village has a parking problem. Village Attorney Byrne explained that this proposal resulted from the ZBA's difficulty in applying the existing law, especially with regard to the rebuttable presumption and the fact that no credit was given for the existing parking. He indicated that the Board has three options: 1) do nothing and leave a bad law on the books; 2) pass a local law to wipe out the existing law and not regulate the off-street parking; or 3) pass a modified local law that more reasonably addresses the need. Mayor Green added that while we may recognize the need to adjust the existing law, it was necessary because owners were claiming credit for parking places in the central lot when those same spots had been spoken for over and over by applicants

**Consideration of Proposed Local Law #1 of 2009, Off-Street Parking Requirements (Cont'd)**

for decades. He said he thinks the practice of credit for parking in the central lot dates back to 1975, until it was discontinued in 2005. Mayor Green noted that the parking requirements were revised about 10 years ago and then in 2005. The current law was adopted, fixing the method of calculating the required parking and imposing a fee for any deficit. Trustee Lynn said he served on the committee that proposed the changes in 2005 and feels they did a good job with the public parking regulations, but failed in addressing private parking. The fee was not unanimously supported and in retrospect, he feels the fee is too high and restricts good development which he feels should be supported in the downtown or it will move outside the Village. Trustee Lynn also expressed concern over the future development along Fennell Street.

\*John Shannon arrived

Village Clerk Sheehan suggested that perhaps the zoning/parking requirements for Fennell should be broken apart from the Downtown D District as the character of that street is different.

Trustee Carlson suggested that if the fee for a parking deficit were adjusted downward, the local law wouldn't be so objectionable, but Trustee Angelillo questioned whether the existing fee is really holding up development or is simply perceived as a deterrent. Mayor Green said he's not aware of anyone who is not developing their property because of the fee.

\*Steve White arrived

Trustee Angelillo said the fee makes sense, logically, but Trustee Carlson asked if it makes sense to charge the full fee and Trustee Lynn reiterated that the fee is huge when you look at it as a cost per square foot. Trustee Angelillo said we want to encourage the development of on-site parking and if the fee isn't substantial, it will be easier to simply pay it rather than pay the cost to create parking.

\*Sue Dove arrived

Trustee Lynn said he believes the fee is a market barrier and said there would be a huge fee to reopen Morris' on the McLaughlin site if it were forced to comply with existing code. He suggested that we acknowledge the cost of a parking space at \$7,500 but cap the actual fee at \$5/square foot for non-residential and \$1/square foot of residential. Trustee Angelillo asked about the cap and Trustee Lynn answered in the case of Morris' in the 5,000 square foot McLaughlin building with 15 spaces on site, you have \$5/square foot for 3,500 square feet of \$17,500. Mayor Green said by grandfathering the spaces based on existing use, we will dramatically minimize the number of instances of any parking deficit. Following further discussion, five issues were identified:

- 1) Some Trustees felt there needs to be more consistent wording between the Intent "(3) To impose on each owner seeking permission to construct a new structure...seeking to add occupiable space, or ...a new use, the requirement to provide such number of actual off-street parking spaces as is required for said purpose"

and Item A.(2) (b) "new construction...demolition and re-construction...change of use...which adds occupiable space...the applicant shall be required to provide only such number of actual parking spaces as is required for the change of use, or the alteration and addition of new occupiable space."

- 2) The fee for a parking deficit. Trustee Lynn agreed to provide language for his suggested fee per square foot proposal.

**Consideration of Proposed Local Law #1 of 2009, Off-Street Parking Requirements (Cont'd)**

- 3) It was acknowledged that tandem parking (residential and retail/office) exists and works; however it needs to be defined such that the spaces can be "credited".
- 4) There appeared to be general consensus that a survey of credited spaces by CEO would be a burdensome undertaking and that future applicants will need to show what space and uses they had prior to a proposed change.
- 5) Clarification as to whether grandfathered spaces for a non-conforming retail use would be lost if that retail use were abandoned for more than a year.

The Board acknowledged that the continuation of the public hearing is scheduled for their next meeting, July 27<sup>th</sup>, but they would not be in a position to adopt a local law, so the hearing will be continued to August 10<sup>th</sup>.

The meeting was adjourned at 9:00 p.m.

  
Sally L. Sheehan  
Village Clerk