

Village of Skaneateles
Planning Board
October 1, 2009

In the matter of the application submitted by Richard Charles for a Special Use Permit per Section 225-A1C(8) Permitted Use Chart & Section 225-39 Special Use Permits, to operate a hotel occupancy at 39 Jordan Street in the Village of Skaneateles.

Present: Lauren Waite, Acting Chairman
 William Eberhardt, Member
 Douglas Sutherland, Member

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

 Robert Eggleston, Architect for the applicant

 Robert Lotkowitz, Village DPW
 M/M King, Skaneateles
 M. Major, Skaneateles

Absent: Bruce Kenan, Chairman
 Steve Krause, Member

 Acting Chairman Waite opened the meeting at 8:03pm announcing the application of Richard Charles for 39 Jordan Street.

 Robert Eggleston, Architect for the applicant made the presentation. He said, "Richard Charles back in 2004-2005 did a redevelopment of this property into a mixed use building. He basically was going to remodel but when he discovered how challenging the building was structurally, they ended up tearing down the building. Building a new building very similar to the building removed. What it has was on the first floor, 1100 square feet of professional office space and a 2-car garage. On the second floor it had a 2 bedroom dwelling unit that occupied about 16-1700 square feet including the attic loft area. In addition, they had 5 on-site parking spaces, 3 in front of the building on the side and then 2 back of the building. So, they had a total of 7 on-site parking spaces.

 This application is to change the first floor office space into 2 hotel rooms and to make the second floor so the first floor will have 2 hotel rooms. Then on the second floor we'll take the space over the garage, that will be a hotel room. Then the balance will remain a single family dwelling on the main second floor and loft area. The front room will be accessible from a common entrance but also has the accessible ramp and front entrance which is handicap accessible. So, this unit will be a fully accessible hotel room. All the rooms are accessible in this

central stairway. So, for the residents, what we do is we then put the fire rating at the top of the stairs so this is a common hallway all the way up. Then, in the basement that will just be used for storage, housekeeping and that type of thing.

The hotel will be managed by a local company doing reservations, accounting in an off-site location. Then the guests will have 24 hour access contact person that they can get hold of. There will be card key access to allow guests to come and go as they desire. There will be a housekeeper that comes in to take care of the daily maintenance of the property and there will be one employee with that person.

The water and sewer demands will increase slightly but less than the 400 gallons per day that would trigger within the Code for I&I payments. The existing building uses about 220 gallons for the two bedroom, and this is base upon design values. 220 gallons per day for the 2 bedrooms, and 6 gallons per day for the 4 employees of the office for a total of 280 gallons. The proposed use will have 110 gallons per day for the one bedroom dwelling that remains and then 330 gallons for the 3 hotel rooms. That's 110 gallons per day for a total 440 gallons, and that's a net increase of 160 gallons per day, which is under the 400 gallon threshold.

Again, hotel rooms are not 100% occupied. They are anticipating 40 to 45% occupancy rate which is typical. While parking is no longer a criteria, this property does meet...the former parking standards. The dwelling unit will have the 2 parking spaces in the garage. Hotel rooms require 1.25 car per room, which is 3.75 cars, plus one car for the employee. So, that's a total of 5 parking spaces. We have the 3 in the front including a handicap space plus the 2 in the back. So, we do meet the parking criteria, even though that's not required currently.

The exterior will remain the same. There will be just a couple of slight modifications. On the back elevation we are going to be adding 2 windows. There will be an additional window on the north side added. Then this front porch window will actually be in a bathroom. We will keep the window in place. We'll put a black panel behind it just so the front façade will remain appearing the same.

Then I have gone through the Critical Impact criteria for the Trustees. I can go through that or maybe you have already reviewed that. One thing I do want to add to the application is that since he filed this application, he has entered into a 2 year lease for an office to continue on the first floor. So, what he'd like to do is phase in, and he will just have the one – the second floor as a single unit currently - have this for 2 years. So, what we are looking for is an approval that would allow 2 ½ years for this approval and then he would phase in the other 2 after the 2 year office lease is over. And what that will also allow him to do is to make sure that this is something that works with the management people. He is ultimately looking at coming back and this will be his retirement home. This is the direction that he would like to see the property go.”

Member Sutherland asked, “is there any issue legally in anticipating something that's 2 ½ years away?” Attorney Galbato replied, “when the use changes for the first floor, the parking code is going to be different. Either the moratorium is ended and we will go back to the regular code as it existed before last Monday, or there is going to be a revised code. It's in the D District, I don't know if there will be any non-conforming use issues, because it is not a non-conforming

use. It is a use permitted by Special Use Permit.” Member Sutherland asked, “if you approved it as of this point where there’s no parking code in, does it stick based on today, even though a portion of it doesn’t take effect, practically until 2 ½ years from now?” Eggleston said, “what I’d like to point out on that is, it does comply with the parking code as it existed before Monday. It does comply with any of the proposals that have been considered. In other words, there were no changes in hotel parking numbers, so all the numbers still work. Under the considered changes that of course still are sitting in the incubator waiting to be finalized. I suppose that we would not object to a condition that when this goes into effect in 2 ½ years, that it be confirmed that it still meets the parking requirements at that time. If things change we take that responsibility.”

Member Sutherland said, “it seems to me that if you are applying today under the rules that are in effect today, that if we chose to approve it, even though something happened – part of the plan was implemented 2 ½ years from now, that what’s in effect ought to govern. But it also seems like writing the approval and making it clear enough that somebody looking back at this 2, 3, 4, 5 years from now – that it’s just crystal clear so that there is no misunderstanding.” Eggleston said, “again, we could have chosen just to not divulge this new lease. Ok, have the approval and the site plan review typically doesn’t put a condition on or a time limit on their approvals. The Zoning Board of Appeals have gotten in the habit of doing it, and usually it is up to 2 years to completion. So, we could have just gone along and not divulged it. I thought it was prudent to just say – hey, since we made the application he decided to enter into the lease for the first floor. He does want to do the upper floor. Check and see if it all makes sense and works. Then phase it in at the end of the 2 years, when the lease for the office is up. I just want to put it on the table.”

Member Eberhardt asked, “Lauren, isn’t the ZBA putting time limits on stuff?” The Acting Chairman said, “they have been.” Member Eberhardt asked, “is this an office, a hotel, or is it a house?” Eggleston said, “right now today it is a house and an office. What we are proposing is that it will be a house. It will be one hotel room and it will be an office. Then ultimately it will be 3 hotels rooms and a house.” Member Sutherland said, “but ultimately it will be a house.” Eggleston said, “3 hotel rooms and one house.” Member Sutherland said, “no, when he moves back.” Eggleston said, “no. When he moves back he will occupy the dwelling upstairs and run the 3 hotel rooms.”

Acting Chairman Waite said, “I’m guessing that you probably have thought of this – I don’t like the idea of a front window on the street having a black panel behind it. Is there any way around in designs?” Eggleston said, “I can close the shutters. We actually – they exist in the Village. They exist on the Kinney Drug building. Those windows are all faux windows.” The Acting Chairman said, “yes, but that’s kind of a different circumstance, a drug store than something that’s supposed to look like a home on a residential street. There’s a lot of fake stuff on the Kinney Drug Store building. It’s an unfortunate window. A lot of time you see shuttered windows halfway up or on the side or some place else. But this is right on the porch, 12 feet from the sidewalk.”

Eggleston said, “that’s why we felt that it was better to put a black panel behind it, and keep the glass, and have it look like a room with the lights turned off.” The Acting Chairman asked, “and there is sheet rock on the other side of that?” Eggleston said, “correct. And there’s a

faux wall behind it. Rather than have closed shutters. There's the Steencken on West Genesee Street that has 5 closed shutters on it that have never been windows. You got away with that originally because shutters were normally closed during the day or at night or what-ever. Curt Feldmann's Skaneateles Suites, the original farm house has 5 black paneled windows facing the street." The Acting Chairman said, "it is kind of different to drive by that and not look at it very carefully. This is that you are going to walk by and be pretty close to where it is."

Attorney Galbato asked, "when the owner moves back upstairs, there will still be a hotel room upstairs?" Eggleston said, "we will occupy the one bedroom dwelling. So there will still be the 3 hotel rooms – one on the second floor over the garage, plus the 2 on the first floor. (shows on the drawing). He will occupy – doesn't matter, he will occupy this dwelling unit here." Galbato asked, "so the Special Use Permit that you are asking of the ZBA is for 3 hotel rooms and a dwelling?" Eggleston said, "3 hotel rooms and one dwelling. The one dwelling is permitted by right. Second floor dwelling in a mixed use occupancy. The 3 hotel rooms is what the change of use is."

The Acting Chairman asked, "is there any way to swap the arrangement in that bathroom so that it is the side window that has to be blocked off instead of the front?" Eggleston said, "I could except then I'm thinking from a privacy standpoint, I'd rather not have a hotel room with a large double hung window on a porch." The Acting Chairman said, "a shutter on the inside or something." Eggleston said, "I could re-arrange it. The porch is really – the only one using that porch would be the front hotel room, of which they have access both front and back. I was even thinking, do I take off the front stairs and just a railing across the front. Just so it's a little less."

Member Sutherland said, "it really does look like you are inviting folks up. If somebody is going and knocking on the front door, who's in charge? Can I rent a room? It seems like it's kind of an uncomfortable situation." Eggleston said, "I would think taking off the front steps would be an agreeable alteration. We thought that helped that situation." The Acting Chairman asked, "is there anyone else who shares my concern for the walk-up window?" Eggleston said, "I do. It's an uncomfortable detail. I can relate that." Acting Chairman Waite said, "just think it's very inviting. Not that you want to be invited in there. It just looks like a normal house and the point of this is to look like a residence." Member Sutherland said, "and it is just off the sidewalk." The Acting Chairman said, "and as far as the other window, if you throw shutters on that from the outside. I think that would be fine. To me a side window can have that." Eggleston said, "so have the front window in the bath operable – close off that south window. I can do that." The Acting Chairman asked, "what about the stairs? It makes sense from a standpoint of privacy for the porch." Member Sutherland said, "the other thing you could do – we had something similar with a Syracuse place, maybe it's just a chain or something." Eggleston said, "just kind of suggests it." The Acting Chairman said, "that's a good point." Eggleston said, "ok, so just have a chain barrier or something." Member Sutherland said, "yes, I think that responds better to the sidewalk. It kind of reminds you rather than turning your back totally." The Acting Chairman said, "and there's a lot of railing there because of the ramp stuff. There is already a lot going on.. A little sign that says *Private* or something like that." Eggleston said, "or *Main Entrance Around In Back*. Again, it's seen that this is a destination place. It's not like you stroll in and book a room. It's all by reservations."

Member Sutherland asked, "is there signage for it?" Eggleston said, "yes. There will be a sign out front that will probably name the structure so you know that's what it is. But it won't be a *Vacancy, No Vacancy* flashing sign. Just like *The Gray House* it says *The Gray House* and that's it. Just simple that this is what it is." Acting Chairman Waite said, "I think that makes sense."

Attorney Galbato said, "Doug, to answer your question - does the plan really cover the first floor for 2 ½ years. If by chance the Trustees change the code and this use would not be permitted, and they don't use this as a hotel, it could be an issue of non-conforming use that Jorge would have to deal with it at that time. Typically non-conforming uses they terminate and revert back to what ever the zoning is if it is not used in a year. So, if this use was zoned out in this D District, then it could be an issue - if they didn't do anything within a year, that would change." Member Sutherland asked, "is there something that you would put in your motion that would extend beyond the year, and still had some sort of cut-off date so it wasn't a forever kind of thing?" Galbato said, "you could make a recommendation to the ZBA when they issue the Special Use Permit with what ever conditions wanted. You could recommend it."

Acting Chairman Waite said, "we have to make a recommendation to the ZBA for a Special Use Permit and second, a recommendation to the Trustees for Critical Impact Permit."

Member Sutherland said, "**I move that we recommend to the ZBA approval of the plan as presented with the understanding that the front window scheme that was shown for the bathroom be revised so the front window reads as a true window and to the extent that there's a window that's blocked, it's the side window. And that the porch remain as it is with some sort of a subtle discouragement of people coming off the sidewalk to the front porch, such as adding a chain.**"

Acting Chairman Waite asked, "do you want to make some recommendation on a time limit?" Member Sutherland said, "I think that's probably the ZBA's." Seconded by Member Eberhardt. The vote was 3-0 in favor of the motion.

Galbato said, "before you make the next motion, I applaud Bob for not trying to segment the project by getting the conversion for the upstairs and then coming back a year of 2 later for that - have the respective Boards look at the entire proposed use as the owner intends to do it in the coming years. In Municipal law we don't like to segment, and a lot of times it is against the law to segment." Eggleston asked, about SEQR? Galbato said, "SEQR will be made by the ZBA if they grant this permit. They would be the Lead Agency.

Member Sutherland asked, "in terms of Critical Impact, is **our action one of recommending the Village Board's approval of the Critical Impact at that location? Then I move that we do that.**" Seconded by Member Eberhardt. The vote was 3-0 in favor of the motion.

The meeting was closed at 8:26pm.

cc via e-mail - Galbato, Eggleston, ZBA.