

Village of Skaneateles
Planning Board Meeting
December 3, 2009

In the matter of the application submitted by Arnold Rubenstein/Jackie Keady to vary the strict application of Section 225-A5, Density Control Schedule, for Minimum Lot Width for Non-residential Use for 2 East Genesee Street, and the application submitted by Jackie Keady to vary the strict application of Section 225-A5 Density Control Schedule, for Minimum Lot Width for Nonresidential Use and Percentage of Lot Area for Nonresidential Use, and Maximum Height of a Building in the Downtown D District and a Special Use Permit for Multi-family Use, at 4 East Genesee Street in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
Steve Krause, Member
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 applicants
Jackie Keady, Applicant

Brody Smith, Attorney for the applicant
Marc Angelillo, Village Trustee
Andrew Ramsgard, East Genesee Street
Pat Blackler, Historic Commission
Mark Abieri, Harmony Homes
Evan Dreyfuss, East Genesee Street
J. Panzarella, East Genesee Street

Absent: Lauren Waite, Member

Chairman Kenan opened the meeting at 8:30pm announcing the application of the Lakeview House property at 4 East Genesee Street.

Robert Eggleston, Architect for the project made the presentation. He said, "we have before you an application for a subdivision and lot line relocation. There's a variance relative to the lot area and lot width regarding the subdivision. A Special Use Permit for the multiple family use in the Downtown D District and Critical Impact for work being done in the Downtown D District area.

First of all, Jackie Keady has owned this property known as the Lakeview House since the 1960s. The building, while she has tried to maintain it, it has over the years...the building has

reached the end of its useful life. This application is to remove the building. We are going to save the second floor façade -, the 3rd floor façade, and the cupola. Take that off by a crane and put it on a truck and take it into Syracuse and have it restored. Build a new concrete building that will be fire resistant and appropriate for the Downtown D area, and meeting all the current codes. Then we will reinstall the refurbished architectural elements on the 2nd, 3rd and cupola level.

Currently, the building has a 620 square foot retail space with is *Imagine*. It has 6 apartments in it. Then the back property has boat slips. Six boat slips. Recently the boat house was rebuilt several years ago keeping it pretty much similar to what it was.

The proposal is that we will reduce from 6 apartments down to 5 condominium apartments. Two will be under 1,000 square feet. Three will be between 1,000 and 1,500 square feet. And provide for a 5 car parking in the basement and then maintain 4 parking spaces on the outside.

Because of the sensitive nature of this building, and we are dealing with a significant building in the Downtown D District, we felt that it was appropriate to go to the Historic Commission. We have had 2 workshops with the Historic Commission. They actually were extremely helpful in helping us rethink the project. So, we have altered the project significantly as a result of meeting with them. That's where we have come up with the concept of maintaining the second and third floor and cupola as you will see as we get into the structural necessity of removing this building. Then putting it back exactly the same and then taking the store front area and over the years, there a number of different store front treatments. Originally it was a stand alone guest house. It just had double hung windows and a couple of entries. It was just a tavern. That show up in the 1800s photograph. This is a 1930 photograph, right after the National Bank was built next door. That is the era to which we want to return the building. So, we have recreated a façade that picks up on that feeling to work for the *Imagine* retail space and the common entrance to the building.

As far as the structural necessity – not only for the Historic Commission but also the Trustees put out a memo several years ago stating that when there's a elective demolition of a building in the Village, that are 3 things that the people reviewing it should take into consideration. The structural necessity of it as evident by a structural report. That there be no or minimal variances. So, you have a non-conforming building you don't have that necessarily that right for the non-conforming building. (side B) And 3rd that there be appropriate notification to an extended area of people so that it just doesn't happen in the dark of the night – people are aware of this. First of all, from the structural necessity, Jorge Batlle, and we have records that I can provide them to you, has been watching this building since 1989 with concerns of the structural integrity - because it's leaning and is it in good shape? The building has been sprinklered, which is one of the saving graces of it. Because it would be a disaster if it wasn't. Up to as recent as 2009. Around 2005-2006 there was quite a bit of concern about the building, and they has Stopen Engineers come, and Stopen Engineers report is in the file, stated it's not in the best of shape but it's not going to fall down eminently. But it is in guarded shape and you should keep a constant watch on it.

A couple of other interesting things – Jorge Batlle provided photos from 1987 when the sidewalk project went together. At that time, as with many of the buildings along here, when the excavated for putting all the utilities underground, they lost the front foundation wall. It was stone and it just crumbled when they excavated. A new foundations wall was put in. He's got that documented in here. I will talk about that briefly here. At that time he also took a picture and you could actually slide a credit card between the two cornices of Arnie Rubenstein and Jackie Keady's building. That was 1989. In 2006 the Stopen report stated that the cornices were actually touching at that point and the building was approximately 4 inches out of plumb. The current Aupperle report has documented that this building is now 11 inches in the front and 12 inches in the back out of plumb.

What we have is a strip of land, which is owned by Arnie Rubenstein, which is 3.4 feet in front. By the back of the building it's about one and a half foot. When they built the National Bank in 1927 thereabouts, they didn't build right up to the existing building. There is a strip of land that has been left there which is kind of a pigeon condo and kind of a nasty space in there. Basically, the St. Germaine, Aupperle report states that it's out of plumb by 11 inches. There is as much as 4 inches out of level in the floors. There is a forest of jack posts in the basement, just to try to keep propped up. You still go into *Imagine* and you have to walk lightly or you knock the products off the shelves. There's signs of cracks interior that have opened up along the sides. The foundation wall that was put in in 1987 actually has a horizontal crack just below the grade level. It suggests to me that because they were building underneath a building that weren't able to reinforce it as well as they should have. The pressure of the sidewalk and frost has probably pushed it in. Specially this west wall is in very, very poor condition. The bricks are crumbling. They were poor bricks to begin with, and then have shifted and settled.

Also we have from the 1993 - there was a soil boring done for the Rubenstein project. I have provided you with that boring test, which shows that there is intermittent layers of nasty clay and soft sand. So, you have very movable, unstable soil conditions in this area. The Rubenstein building was actually built with tapered pilings that go down 45 feet, grade beams, and that's why that heavy building has stood the test of time and is pretty much unmoved – and now supporting this building. Are there any questions relative to the structural necessity of taking down this building?

When it came to doing the project, the first thing that we realized is- we don't want to take down this building and leave this 3 foot gap on the Rubenstein property. So, we have an agreement with Arnie Rubenstein. I also have letters from him supporting the project. He has agreed to sell this strip of land, which is in green, to Jackie Keady. We will be building up adjacent to his building. We will have an independent structural wall. We are going to work out the structural details necessary so that we don't interfere with his footings. We actually did an investigation. The grade beams sticks out maybe about 6 or 8 inches along the side. That will be part of the structural engineering for the project. We also came up with some technical issues which Brody Smith the attorney for Jackie Keady will explain as to why we felt it was important to subdivide off the boat house from the rest of the property." The Chairman asked, "right now they are a single lot?" Eggleston said, "right now this is one lot. Several years back Arnie Rubenstein bought 2 or 3 boat slips and that was merged over to that property."

Brody Smith said, "I have a map here with just the subdivision on it, just tease that portion out. The pink area is the proposed subdivision. Also, just to give you some context, this is a portion of the Tax Map showing where the lots are located. This is all one lot. There is a bit of a pinch point here, and it goes out to the boat house. This is one structure. These slips are part of the Keady boat house. This is now part of the Rubenstein lot which is the next door lot. Specifically, what I'm here to talk about is – one of the reasons why a subdivision is necessary is because the boat house exists pursuant to a license agreement with OGS, the Office of General Services. The license agreement is necessary because OGS views Skaneateles Lake as a navigable water. Anything built over a navigable water requires this license for the State.

There are 3 reasons why that really is a subdivision. The 3 reasons why it is – the law says that this license agreement can only be issued to an upland owner. So, without the subdivision, once this is conveyed and becomes a condominium - a condominium being jointly owned by the various condominium owners, the license which is presently held by Ms. Keady – she could not continue to hold the license. And the boat house would have to be removed, because the upland owner will have changed. Unfortunately, a paragraph 10 of the license, it's a standard license, everybody that has a boat house has the same license. It says that you may not convey the license another party. So, the only resolution that you can have is under Public Law 75, the new owner would have to apply for a new license, in order to prevent the boat house from being removed. However, because it's a condominium, and there's no individual entity or person who could be the licensee, the law doesn't contemplate that kind of joint ownership for these licenses, and doesn't provide for it. In my conversations with ???? yes, they are not sure that that can issue that license. So, the solution in order for there to remain to be a boat house here, which there has been one for decades, is to subdivide the land – the way Mr. Eggleston has arranged the lot, it meets most of the lot requirements in terms of open space, width and everything else. So that this lot – the back part toward the Lake, would be a lot that would stay under the ownership of Ms. Keady. She could hold the license and this boat house would stay in their family and continue to be used by them and their tenants. Then the condominium would be this second lot. That would be owned jointly by the condominium owners." (presents written statement)

Chairman Kenan asked, "does Lot 2 have access?" Smith said, "yes. The configuration of the driveway is that it goes back here. The parking spaces are here. So, the reason for this being the line for Lot 2, is to allow access via this right-of-way that will come right up to the line." The Chairman asked, "and that's a common easement?" Smith said, "right. The way you access this back area is you enter the building over here, and the driveway loops around."

Member Eberhardt asked, "just to back up, how did Arnie's property transition and how does that fit into this scheme?" Smith said, "this was a lot line adjustment because Arnie owns this lot. Instead of becoming a new lot unto itself, the line was just adjusted. And Arnie's slips became part of this neighboring property. That's a good point. If you look at the Tax Map that I gave you, though he didn't need to do it in that case because Mr. Rubenstein had a neighboring property. If you look to the left of that where you see 7.1, 6, 5, 4 and 3-1.1 those are all different parcels which make up the boat house behind the Bluewater Grill. It is multiple parcels, and it always has been. Actually at one point in the past it was more parcels than it is now. It's been recombined a bit. So, there's precedent for this sort of thing too."

Village of Skaneateles Notice of Public Hearing

Please take notice that the Zoning Board of Appeals of the Village of Skaneateles, Onondaga County, New York will hold a public hearing at the Village Office Building Board Room, on December 22, 2009 at 7:45pm, pursuant to Article XVI of the Village Zoning Law, to consider the application submitted by Arnold Rubenstein/Jackie Keady to vary the strict application of Section 225-A5, Density Control Schedule, for Minimum Lot Width for Nonresidential Use, for 2 East Genesee Street; and the application submitted by Jackie Keady to vary the strict application of Section 225-A5, Density Control Schedule, for Minimum Lot Width for Nonresidential Use and Percentage of Lot Area for Nonresidential Use and Maximum Height of a Building in the Downtown D District and a Special Use Permit for Multi-family Use, at 4 East Genesee Street in the Village of Skaneateles.

A copy of the application is available at the Village Office, 46 East Genesee Street, for inspection. All interested persons will have the opportunity to be heard.

Dated: December 4, 2009

By order of the Village of Skaneateles
Zoning Board of Appeals

By Joyce Battlo

Eggleston said, “the other thing I want to state – I believe what triggered the license requirement for Jackie Keady was because that she had more than 4 or 5 boat slips. That’s why it wasn’t necessary for Rubenstein. Technically, when you come over to the Eberhardt and Rubenstein and Brereton boat houses, those were all individual properties, so they didn’t cross that threshold, so they escaped the license requirement.

In looking at this, what’s the best way to subdivide the property. I have provided you in this chart down here, what the different dimensional requirements are – lot area, lot width, minimum open space, stories, height, maximum building width. Because in the Downtown D District, there isn’t one size for every requirement. It depends on what the use is. Arnie Rubenstein at 2 East Genesee Street, he requires 3,000 square feet of lot area for the residence and 3,000 square feet for the commercial use. So, he requires a 6,000 square foot lot. He’s going from 7,000 square feet to 6,865. So, even though he gives up this land, he still conforms. Where he needs a variance is – he needs 30 feet of lot width for the commercial use plus he needs 30 feet of lot width for the residence. So, a 60 foot lot. His existing lot is 43.5 so it is non-conforming to begin with. We will be making it more non-conforming by making it 40.1 feet because we give up 3.4 feet. So, he requires, we require a variance for his lot becoming smaller, making it more non-conforming. That’s the first variance. I think that everyone will agree that this land is totally useless to Arnie Rubenstein. It’s actually a hazard and detriment to the Village. By being able to have Jackie Keady acquire the property and build up to it, it actually will make it a better situation where these are adjacent buildings, rather than having that slot for vermin and pigeons to accumulate in.

On the 4 East Genesee Street – Jackie’s existing, the entire property - because it has one commercial use and it has 6 dwelling units, it’s required to have 21,000 square feet. But she only has 7,162 square feet of lot area. So, it is deficient by 13,838 square feet. The lot width – it needs 60 feet of lot width. It only has 31.3, which is a deviation of 28.7. She’s fine on her open space, the height both in stories and height and also the maximum width of the building. She’s fine on those elements.

So now we do the subdivision. What we purposely designed was to make the boat house be a conforming lot. So, it is required to have 3,000 square feet. So, we have 3010 square feet of land, so it’s conforming. It’s required to have 30 feet of lot width. We have 32.1 feet. Again, we will have an access easement that comes off the joint easement that Jackie Keady’s property is a part of. So, then they’ll have – we are proposing a 5 foot pedestrian easement for coming into this property. There are utilities, and we will find where the line comes in. It may come across this property because these are the electric pads. But it does have it’s own electric and its own electric meter currently.

The front part - because we are going from – we still have one commercial use which requires 3,000 square feet of lot area, but because we drop from 6 dwelling units to 5 dwelling units, we need 15,000 square feet, which (combined) is 18,000 square feet. We are proposing that this will be reduced to 4,371 square feet. But because we have reduced the intensity of use, from 6 apartments to 5 apartments, and because we’ve picked up the 219 square feet of land area there, our variance is actually less severe now than it was before. Before we were deficient by

13,838. Now we are deficient by 13,629 square feet. So, while we need a variance for the lot size, it's less of a variance than the existing. The lot width, we still need 60 feet of lot width. Because we've picked up area, we are now 34.7 feet instead of 31.3. So, it's a decrease in the variance of 25.3, instead of 28.7. So, that variance is less severe.

So, one of the actions that we will need to proceed on with the subdivision application, and everything else, is a variance from the Zoning Board of Appeals for the lot width and lot area of Jackie Keady's proposed Lot 1, and the lot width of Arnie Rubenstein's property. As far as all the other elements – we will still have 20% open space on Arnie Rubenstein's and in Jackie Keady's condominium property. The heights and everything else complies. Those highlighted on the plan are the only variances that we are requesting. Are there any questions relative to the variances or the subdivision configuration?" No questions voiced.

Eggleston continued, "we do have a Special Use Permit, Critical Impact. The Special Use Permit is a Zoning Board of Appeals makes that decision. Basically, the concept of what we are doing in the plans – the basement will have 5 parking spaces. So, there will be room for 3 cars to enter. We have 2 sets of tandem cars and then a 3rd car stand-alone in the basement portion. We also have 4 parking spaces on the outside. What we see as far as the parking requirement, while there is no parking ordinance because of the moratorium, we have analyzed it based on what the proposed parking regulations that the Trustees were working on are. The current parking requirements – retail had been one for 300 square feet, so, 620 square feet requires 2 cars. The dwelling units – 2 cars regardless of size. 2 cars for each, that's 12 cars required. So, we've had a parking basically grandfathered for 14 cars on this site, and we only had 4 spaces available. With the proposed new, using the zoning that was in place before they froze it to examine the situation further, the retail has grown to 1155 square feet. So, it will be a larger area on the front. The parking requirement there will be 3.85 cars, which is 4 cars. The dwelling units in the proposed – straight forward would be 10 cars for that. So, it's 14 cars. Basically under the old zoning the parking is the same except we now have 9 cars on-site. What the presumed parking based on the new zoning, for the dwelling units, they are proposing that if you are under 1,000 square feet you only need one car per dwelling unit. So, that would require 2 cars for the 2 units under 1,000 square. Because we have 3 units that are between 1,000 and 1,500 square feet, it's one and a half car per, so that's 5 cars. So, that's 7 cars for the dwellings. Then we have 2 employees, and that's 2 cars for that. That would require 9 cars. So that would take care of the actual people using the building, not accounting for customers coming and going to the property.

Basically under the proposed parking where they left it when they were last looking at it, this would comply with the parking regulations. In actuality, what we'll have is 2 primary condominium units. Jackie Keady will own one of the units. And the builder will own the other unit. This will receive the 2 tandem car spaces. In the proposed zoning they are saying tandem parking is acceptable when the 2 cars are controlled by the same dwelling unit. Then there would be a 3rd inside parking space. The other 2 units would have outdoor parking spaces and that would be the 2 parking spaces available for the employees of *Imagine*. So that's how in the condominium it will be broken up.

As far as sewer usage, the sewer/water usage will actually decrease because we are going from 6 apartments down to 5 apartments. The retail will pretty much stay the same. That's pretty

much based on employees. So there will really be no change in the sewer usage as a result of this. As far as any of the other usages and things of the apartments – one of the elements is that we are putting in an elevator in here so we will actually make accessible units. We will have one unit that will be totally accessible, and then the other will all be accessible, but maybe not totally accessible on all the facilities inside. So, there will be off the street – the east side entrance comes in, and then there is the stairs, the elevator behind it. The first unit on the first floor is in the back. That's one of the under 1,000 square foot area. Second floor there will be a small under a thousand square foot unit facing the street. Then there will be one between 1,000 and 1,500 square feet facing the Lake. The 3rd floor – Jackie Keady's will be on the lakeside which will be between 1,000 and 1,500 square feet. Then the fifth apartment will actually have the bedrooms on this 3rd level. Then there is a level above which is all internal to this. Actually we will use the cupola which will be part of that unit. We have held this 4th level back from the front to minimize its appearance and allow the crown of the building, the cupola, to remain. Again, this will be the cupola that will be taken off and then put back in place.”

Chairman Kenan asked, “so that becomes the study for this fifth unit? And the 5th unit is entirely on that level?” Eggleston said, “no. The 5th unit has the bedrooms on the 3rd floor level. Then it just has the living space and the study in the back.” Member Sutherland asked, “that's 1400 square feet?” Eggleston replied, “correct. All of the units except the second floor unit – the second floor facing the street doesn't have any direct outdoor space. All the other do have balconies on the back overlooking the Lake.

We have cleaned up the back side. This actually steps back as you see in Section. There was an agreement made with Arnie Rubenstein, and you'll see this A line and C line. When he bought the building he bought the building restrictions on Jackie Keady's property that she can only come forward on the top level here to a horizontal level and then down. After this level she can come out as far as she wants. We have complied with that, and that actually shows up on the Deed and on the survey.”

Chairman Kenan asked, “how does the building profile, cross section, compare with the existing?” Eggleston said, “we have pulled out the building slightly. The dashed lines over in here – this is the end of the actual building and the porches. (new cassette)... the height, the façade is exactly the same. The cupola is exactly the same. Then we have increased the height of the building in this back area, pulling it back. This will be a stucco finish just to minimize and not compete with the ornamentation on the façade.” Member Sutherland asked, “is it the same stucco finish that come down to fill in the slot next to the bank?” Eggleston replied, “yes. What we chose to do is fill the slot in with a stucco finish. Because this has a limestone front on it, and what we have - Arnie Rubenstein's building has the limestone front set back 12 inches. Then it goes to that utilitarian brick. What we have done is we've done the in-fill at that brick line so we are covering the utilitarian brick but leaving his limestone exposed. For respect of the limestone flush finish we put in a stucco finish in the center here. Then there will be the contrast to the original ??? and siding and trim of which the trim we are going to try to restore as much as we can. This actual side piece on the Historic Commission's submission, we actually have an elevation. That will be bevel siding in the back, probably cement board for fire protection. That will have the bevel siding just like the existing building has. This is a cove siding on the front, and we have the slate, which we are going to take off and reuse.”

Member Sutherland said, “where the stucco finish comes down, what do you do to the first number of feet upward since you can’t get cracked over time?” Eggleston said, “we’ll probably put a heavier finish. As we study this, you’ll find that there is some banding on the building here. So, we might pick up that. And we can get a more durable finish on the bottom here.” Member Sutherland asked, “is there a way to do something that is either the stone or something like it to that first couple of feet?” Eggleston said, “yes, that’s possible. We could actually do limestone.”

Eggleston continues, “just so you know, with the Historic Commission, because we actually saw them as the lead decision makers of all the Boards that we have to go is guiding this project. We’ve had 2 work sessions with them. We now have an official application. So, next Wednesday we’ll have a public hearing. What we are going to be asking for is the *macro* approval of the project. At that time we may start talking about some of those. But, then we’re going to come back after we get through all the rest of the zoning and now we know it’s a real project. We’ll actually do the *micro* review of the particular details.”

Member Sutherland said, “one micro comment to start. At some point in the late 19th century it appears that during one of the renovations that somebody misaligned windows between the 2nd and 3rd floor. That really bugs me. If we have an opportunity to realign things and maybe it isn’t aligned now, but we aren’t reinventing history. We’re doing a building that respectful of...” “...wake me up when you figure it out and I’ll do what ever you want,” said Eggleston. Member Sutherland said, “I’ve got it figured out. Just line them up and create a sense of predictable rhythm as most carpenters back in that time would have done.” Eggleston said, “I would also agree – when you look at the original façade it actually made sense back then because it was kind of a 3 bay and this was its own little thing. That’s probably why it made sense. Then they just made these equal across the top which also makes sense. If the Historic Commission finds that acceptable, we can offer to relocate that.” Member Sutherland said, “we also have approval because of the Design D and personally, I don’t know about everyone else thinks, rather than a recommendation I think that really ought to line up.” Evan Dreyfuss asked, “is that a planning issue or is that an historical issue?” Member Sutherland said, “in the Downtown D District, there are Design Standards that we have a purview on. So, we do have the ability to...” “...it’s been so since 1890,” said Dreyfuss. Member Sutherland replied, “but, it’s going away.” Eggleston said, “we will broach that subject with... (multiple conversations). Batlle said, ‘this is not a public hearing.’” Eggleston said, “he is part of the application team. Doug, what we will do is we’ll broach that with the Historic Commission and see what their thought is on that. I do see that as a micro detail... I think we can all agree that we are willing to work out these little details. The macro is - obviously the most important at this point, but I do appreciate getting any of these comments so that we can work them in as we go.” Member Krause said, “ancient temples always had a defect like that.” Eggleston said, “no, that was the Puritans when they came over.” Member Krause said, “even Egyptian temples that has a noticeable defect.” Chairman Kenan said, “Doug, it looks like there is only one set of windows that lines up, not one that’s misaligned. It is causing Doug such anguish.” Member Sutherland said, “to me, it looks like they are all off.”

Eggleston said, “we meticulously studied this as part of the Historic Commission and Secretary of the Interior’s Standards for Historic Preservation. We have meticulously

documented the building and what it is. It has gone back exactly – except we couldn't seem to get the CAD to get the 11 inch tilt on it...they only understand up and down and across, straight and level.”

Member Krause said, “I think there's a number of stories problem here. That lowest level by definition in our Code, because one wall – one outside wall is above grade, that counts as a story. So then right above that you have the second story. Then you have the 3rd story. Only 3 ½ are allowed. I think a variance could take care of that, and there is precedent in the Downtown core to do that. Most recently with the Dr. Kiltz. The reason that I bring it to your attention is that the bigger problem is a life safety problem from a Code standpoint.” Eggleston said, “also understand the definition in Building Code for stories is different than the Village Zoning. So, we have to deal with each. So it's 4 ½ by Zoning and it's 3 ½ by Code.” Member Krause said, “but you will find that the IBC (International Building Code) takes a similar view, that they average the grade. The difference between grade and the lowest story...” “...and it has to be 7 feet and we are well below the 7 foot. In other words, for this to be a story, this has to be more than 7 ½ feet on the average grade. With this being zero, and then being 9,” said Eggleston. Member Krause asked, “so you are counting this as half a story?” Eggleston said, “what we are saying is this is a basement, and it is not a story, according to the Building Code. So, I can agree with you and I have forgotten that definition – it's been a few years since that has been brought up – maybe that's a good catch and maybe what we do is add to the variance for having a 4 ½ story building.”

Member Krause said, “I am actually not as much concerned about that because I think you sensitively dealt with it. I'm more concerned about the life safety aspect of only one way out. Once you leave your dwelling unit there's only one way to go.” Eggleston said, “I totally appreciate that. We have done probably 75% Code review on the concept. Yes, there might be a few little things.” Member Krause said, “I would encourage you to chase that down.” Eggleston said, “we will chase that down and see that there's something. The other thing is this will be a fully sprinklered building. A New York State gives you a lot of leeway with regard to fully sprinklering.” The Chairman added, “and concrete construction.” Eggleston said, “correct.”

Eggleston continued saying, “I guess what I'd like to do – there also is Critical Impact. I have not prepared the Critical Impact findings because we are really 2 or 3 meetings away from that. What I would like to do is be able, with your endorsement, go to the Zoning Board of Appeals for both the variances. We can add the 4 ½ story variance to the application. I also would like to do the Special Use Permit with them because they do the approvals for Special Use Permits. We will be seeing the Historic Commission next week and then we'll be seeing the Zoning Board of Appeals on the last week of December. If there is a Sketch Plan approval for the subdivision, we'll prepare the plat plans so that next month you can look at the final plat plan. We can iron out any of that. At that point we'll look at the Critical Impact criteria.”

Chairman Kenan asked, “describe the variances.” Eggleston said, “the variances are on the 2 East Genesee Street, it is for the frontage of the building will be reduced to 40.1 feet where it was 43.5. That's Rubenstein. We are applying for it as part of this application. On the 4 East Genesee Street, Lot 1, we will be requesting a 4371 square foot lot, whereas 18,000 is required. And will be requesting a 34.7 foot frontage where 60 is required. Both of those are less of a

variance request than what the existing building is.” The Chairman asked, “so it’s lot area?” Eggleston said, “on 4 East Genesee, Lot 1, it is lot area and street frontage. (pointing on map) It is this one and this one and those go away.” The Chairman said, “so it is lot area and frontage, and then on 2 it’s the frontage.” Eggleston said, “yes, the frontage. Then we will add the 4 ½ stories.”

Member Krause said, “I’d suggest that you do one of these (a ZBA Application Page 2 chart) for each lot. This is really 3 properties now that are effected. I think that would help everybody get it straight.” Eggleston said, “for 2 properties.” Member Krause said, “Rubenstein Lot 1...” “...Lot 2 needs no variances,” Eggleston said.

Member Eberhardt asked, “Steve or Jorge, what kind of support does Jorge need engineering-wise for the structural aspect of the excavations, steel and so-on, Code?” Eggleston said, “we have talked preliminarily with our structural engineer about the concepts of what we are going to be doing. Once we get to a point where we know that this is going to happen, obviously there’s going to be structural engineering. This is not Bob Eggleston doing it. It going to be ??? doing this with foundations. We are taking the information that we have about the poor soil conditions. Jackie only wants to build this once. We will be coming up – we don’t know what that it. We’ve talked in general about a couple different things. I think at that point we have our engineer supply to –I don’t know if you feel that the Village needs to review that. But will have a structural engineer.” Member Krause said, “we’ll see a lot more as it moves forward like the relative depth of the foundations, and how new construction might effect the existing. We have a ways to go.”

The Chairman said, “you are requesting action now on the variances, the Special Use Permit and that’s it.” Eggleston said, “and Sketch Plan Approval of the subdivision.” The Chairman said, “and for a later date, the recommendation for Critical Impact.” Eggleston said, “right plus deciding that the plat plan is ready to go to a public hearing.”

Member Krause said, “when the subdivision doesn’t create any additional non-conformities than exists today...” “... technically on Rubenstein it does. It reduces the frontage by 3.4 feet,” said Eggleston. Member Krause said, “it’s a minor thing... it’s a definite improvement.” Eggleston said, “it’s a detriment to the community to maintain that kind of space.”

Attorney Galbato asked, “do you anticipate any increase in sewer flows?” Eggleston said, “no. We are reducing a whole apartment so e are expecting actually to decrease the sewer flow.”

Member Krause asked, “hat’s behind that fence?” Eggleston said, “you don’t want to see... Arnie Rubenstein does a great job of keeping his property up. He’s done a wonderful job with this property. That’s just something that no one can keep up with.” Member Krause asked, “can you get in?” Eggleston said, “you can get in from the back if you are less that a foot and a half wide. As far as SEQR, are we going to be doing a disjointed, uncoordinated review?” Galbato said, “that’s what I would recommend.” Eggleston asked, “so they don’t need to make any – probably doesn’t make sense to do a coordinated review.” Member Krause asked, “who is Lead Agency?” Eggleston said, “that’s what we are saying.” Galbato said, “you actually have a

review for the subdivision – a SEQR review for the project, but it encompasses the subdivision which typically this Board is the Lead Agency. Include variances conditioned upon the subdivision and that typically is the ZBA.” Member Krause said, “but the Village wants the Historic folks to be out front with these kind of projects.” Eggleston said, “correct and they have already done workshops and they’ll be doing their public hearing. Does historic review require SEQR action or not?” Member Krause said, “the other way round. They are one of the agencies considered important for review.”

Member Eberhardt asked, “out of curiosity, what adjustments did you make per your reference for the Historic Commission?” Eggleston said, “we had a wonderful – it was actually a much higher quality building. We were suggesting doing a brick building. We were going to have 5 – keeping the same shape window and same shape dormer roof. Going to have 5 across the front instead 4. The cupola was basically going to be the same. I think the cupola was not in the same position. We also has a sloped roof in the back because we wanted to minimize the impact. But really what happened was it was described by one historic person as a pimple on the top of the thing, rather than bringing it back to crown that it actually is. So, it was a substantial change. What kind of brought it home was – if someone comes to town and takes a picture of Skaneateles and then they go home and look at grandma’s picture and they put the 2 side-by-side, the Historic Commission felt that they didn’t want them to discern that – gee the building got torn down and rebuilt. That it was basically the same one.”

Member Krause said, “this is unlike many of the buildings that are contiguous along there. It has an entirely different character. So, that sort of raised the bar and changes the rules a little bit.” The Chairman asked, “is that drawing accurate, the one on the left that says *Lakeview House*? Was it freestanding to that extent?” Eggleston said, “I know lithographs used to take license and I don’t know, Jackie?” Jackie Keady said, “I wasn’t here back in 1870.” Eggleston said, I suspect - obviously with the porch – historically there were some small buildings – you almost see them here. That was their solution before...but there were some small wood building that were torn down for the bank in 1927. It was Greek Revival. Cooney’s - that was Greek Revival. It wasn’t shingled ski slope chateau. Architecturally, this says it’s an older building than this. So, I suspect it was never a free standing.” The Chairman said, “but it had a porch on that end.” Eggleston said, “yes, it had a porch but we couldn’t quite afford to duplicate it to that extent.” Member Krause said, “you are getting your land back.”

The Chairman asked, “does anyone want to make a motion on tonight’s business which is a number of variances, recommendation to the Zoning Board for 5 in total.” Member Eberhardt suggested, “let’s take them a piece at a time. For example the fact that they are proposing all these variances, I think it’s significant. So, **I would make a motion that we recommend the ZBA approve the variances as requested for the Rubenstein property at 2 East Genesee Street.**” Seconded by Member Sutherland. The vote was 4-0 in favor of the motion. Declared passed.

Member Eberhardt said, “**I make a motion that we recommend the ZBA approval of the variances for Lot 1: the lot area, lot width and the 4 ½ story.**” Seconded by Member Krause. The vote was 4-0 in favor of the motion. Declared passed.

The Chairman said, “we need a recommendation on a Special Use Permit, and we need to take action on a preliminary plat subdivision approval.” Member Eberhardt asked, “do we need to declare someone as Lead Agency?” Galbato said, “you could do that tonight, if you want – declare yourself the Lead Agency. I’d like to do the SEQR review the same time you do the preliminary plat.” Eggleston asked, “that won’t prevent the ZBA from proceeding with their public hearing?” Galbato said, “I don’t think so.”

Member Krause said, **“I move that we declare ourselves Lead Agency.”** Seconded by Member Eberhardt. The vote was 4-0 in favor. Declared passed. The Chairman asked about the Special Use Permit recommendation? Member Krause asked, “it’s needed because?” Eggleston said, “it’s a multiple family use. One could technically argue that it’s an established use and we are not changing it.” Member Krause said, “but since you are tearing it down and all that – better safe than sorry. **I move that we recommend that the ZBA issue a Special Use Permit.”** Seconded by Member Eberhardt. The vote was 4-0 in favor of the motion. Declared passed.

The Chairman said, “and now the subdivision – sketch plan. It effects 3 lots.” Eggleston said, “correct. It’s a 2 lot subdivision and a lot line relocation.” Member Krause said, “you are going to have to have easements and such to get to the otherwise land locked newly created parcel.” Brody Smith said, “there are existing easements, existing right-of-way.” Eggleston said, “what I also wanted to state...” “...to a lot that doesn’t exist?” asked Member Krause. Smith said, “the easement comes across the middle of the existing lot.” Member Krause said, “so you are contiguous.” Eggleston said, “there’s a general easement for general access for all the buildings. We are coming off of that. We also are proposing and I didn’t mention this, Keady Construction Company back in the 1960s...had obtained a easement for use of this back property for using the Lake. That will be continued over. So, we have a 5 foot easement for Lot 2 over Lot 1, and then we have Lot 1 over Lot 2 for getting access so the people of the condominiums can use this portion which is an existing easement. So, we have those 2 access easements, cross easements.” The Chairman asked, “so you will describe as part of the subdivision easements across Lot 2 for the benefit of Lot 1 and the reverse of that?” Eggleston said, “yes.” The Chairman asked. “do we have a motion for the Sketch Plan?”

Member Eberhardt said, **“I move that we approve the Sketch Plan for the Lakeview House Subdivision, and lot line relocation dated 10-23-2009 for 2 East Genesee Street and 4 east Genesee Street.”** Seconded by Member Sutherland. The vote was 4-0 in favor of the motion. Declared passed.

The meeting was closed at 9:27pm.

email to: ZBA, Galbato, Kinder, Eggleston

cc email to: P Board, Dreyfuss, MJB