

Village of Skaneateles
Zoning Board of Appeals Hearing
December 22, 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: Lisa Banuski, Chairman
John Crompton, Member
Larry Pardee, Member
Craig Phinney, Member
Lee Buttolph, Member

Jorge Batlle, Clerk to the Zoning Board of Appeals
Riccardo Galbato, Member

Robert Eggleston, Architect for the applicant

Jackie Keady, Applicant
Ted Kinder, Contractor
Evan Dreyfuss, East Genesee Street
Clifford Abrams, State Street

Chairman Banuski opened the public hearing at 7:45pm, announcing the application of Jackie Keady for 4 East Genesee Street.

Robert Eggleston, Architect for the applicant made the presentation. He said, "Jackie has owned the property at 4 East Genesee Street since the 1960s. It has come to the end of its useful life. There are lots of documents in the record relative to the structural necessity to take down the building and rebuild it. One of the positive things is it will now have a fire safe building and to satisfy the Historic Commission, which is where we really started this process with some very good feedback, we are actually going to restore- take off the cupola and take it into Syracuse and restore it. Bring it back and out it on the building. We are going to take off the slate shingles and take off the cornice work, the dormers as well as the second floor windows and we will restore and reuse as much as we can. Replace and bring it back and put it back on the building – so that we bring the building back – not to its original early 1800s appearance but really back to the early 1900s appearance, with an appropriate store front similar to what they had back in that time period.

So we do have the Historic Commission's macro approval. We will then go back to them with minor design detail information, once we work out the fine details. The Planning Board has given us concept sketch approval for the subdivision. But, the subdivision does have a couple of non-conformities. We are here for a variance for that. So, relative to that, the street frontage required in the Downtown D District is 30 feet for a commercial use and 30 feet for a residential use. So, it's requiring 60 feet, both for the Rubenstein property and for the Keady property.

The existing Rubenstein property has 43.5 feet. There's a 3 ½ foot piece of land that diminishes to 1 ½ feet that is between the existing Keady property and the Rubenstein property and the Rubenstein property. When they built the back building in the 1920s, the obviously didn't build it right up on the property line, because they put in tapered pilings and grade beams, pretty powerful stuff. So, this space is functionally useless in that it attracts trash, debris, pigeons and it's hard to maintain and keep clean. So, it's actually a health/safety/welfare issue to have it remain. So, what we are going to do is, as we tear down the building, we are going to build a new exterior west wall right on the property line, up against the new property line, because we are going to acquire this land from Arnie Rubenstein. So, we will build right up to it, so you have a much better and safer condition. The 2 buildings will be weather tight between the 2 of them.

So, what happens is, the Rubenstein is an existing, non-conforming frontage of 43.5 feet. It will be reduced to 40.7. I've begun to look at the plat plan that Paul Olszewski is doing, working out the final numbers. I believe we may be off by 1/10 of a foot, so give us a little plus/minus on that. I believe that Rubenstein – I forget whether he's going to be 40.1 or 40.2. But there's a tenth of a difference possible variation. What we are going to do is take the property line to the actual brick wall of the Rubenstein property that will actually jog around that 4 inch pilaster.

The Keady property will actually get bigger in that it will go from – it currently has 31.3 feet whereas 60 feet is required. It will be larger. It will be 34.7 or 34.6 which is less non-conforming than it currently is. Sixty is required for the project both before and after. These are minimal variations. When you look... most properties along Genesee Street, the south side of Genesee Street have both residential and retail and none of them have 60 feet of frontage. So I don't think it's out of character at all. In fact, these are some of the wider lots. Some are as narrow as 20 feet. I don't think there's anything out of character with the neighborhood to allow this. What it accomplishes is being able to get rid of this nasty strip of land that can't be maintained in its current condition.

The second aspect is – part of the project, Jackie's property actually comes across and back to where the boathouses are. Back several years ago, Arnie Rubenstein has acquired two of the boat slips and attached it to his property. That's why that jog exists. Getting into issues of the permit - when Jackie rebuilt the boat house she was required to get a lease from the State of New York for a 10 year lease. There's some legal questions as to whether that can be transferred. Well it can't be transferred, it would have to be renewed. Whether it could go to a condominium or has to be to singular person – so for that purpose, to simplify the application, we are making that a 3,000 square foot lot. So it's conforming in its lot area. It's conforming in its lot width. It's 32 feet wide. It's required to be 30 feet. So, this will be a conforming lot. Then as a result, the remaining lot even with the additional 219 square feet from Rubenstein, it will still be a non-

conforming lot. We are proposing 4,371 square feet whereas before it was 7,162. The interesting thing is because we have one commercial use, and 5 apartments in it, we are required to have 18,000. We need 3,000 square feet for each use of land area. Because we're going from 6 apartments to 5 apartments, we actually are no more non-conforming than what we were before. Even though we eliminated the 3,000 square feet here. So, the variance that we are asking for is 13,629 square feet whereas before we were non-conforming by 13,838 square feet."

Chairman Banuski asked, "you said that it's not really known yet whether the OGS with that lease could work with a condominium association. How hard is it to find out what that is? Because it does seem from the Village's point-of-view that if they could work with the condominium association on that lease, that not subdividing the property would make sense." Eggleston replied, "at the same time, it's not out of character in that the other boathouse over here was actually subdivided into 7 or 8 properties. When they rebuilt it, they actually merged and joined, so there are 4 different properties on that boathouse itself. So, it's not inconsistent with what the other major boathouses are." The Chairman asked, "and that was done for the same reason? They divided that property up because of the State lease? I'm unclear on that." Eggleston replied, actually, that was done before they got into the issues of leases and stuff. Leases are not required over there because of a technicality. They are individual properties. If they were all one property, yes, they would have a lease too. Once you get over 7, 5 or 6 boat slips that you have to have a lease from the State of New York. Single boat slips don't need it. Because it got subdivided prior kind of escaped that little detail. But then, Jackie kind of got caught with it because she has all the boat slips in one building.

Also, from a standpoint of then condominium and all of that, it simplifies things. What it also allows Jackie – right now Jackie leases these out to 6 different people. What she intends to do is to each year give the current boat slip lessees the right to renew. Then if they choose not to renew, then they'll be offered to the condominium people on a first come basis. So that allows here to kind of keep this the way it is now. I'm not saying because of who leases them – has nothing to do with it." The Chairman asked, "who leases it?" Eggleston said, "someone in a higher position than you." The Chairman said, "that could be anybody." Eggleston continued, "so what it does is it just simplifies that from being part of the condominium. The condominium will be the one store unit and the 5 residential units."

Attorney Galbato asked, "would you like me to write to the Office of General Service to get an opinion?" Eggleston said, "in all honesty, we'd like to let sleeping dogs lie." The Chairman said, "I was just asking the question. It is actually fairly well explained but just wanted it clarified." Eggleston said, "the OGS issue maybe became the first thing that made us aware that we might want to do it. But, the more they looked into putting together the condominium and the deal, and how they were going to work things, there were other issues that also made sense to subdivide it. Is that a fair statement, Jackie?" Keady said, "it not part of the process." Eggleston said, "it will simplify, beyond the OGS question. The OGS issue may have brought it up initially.

So, the variance, and again it's – the 3,000 square feet dwelling unit issue kind of is a – it's not a standard in this downtown area. So, most of the building along here do not comply with that. And whether it's, but I don't want to call it an antiquated standard, but allowing the

variance is not inconsistent with the neighborhood.” The Chairman added, “which actually is reflective of the Village as a whole.” Eggleston said, “exactly. So, those are the elements relative to the variance. So, it’s one variance for 2 East Genesee Street, and there are 2 variances, lot width and lot size, for 4 East Genesee Street.”

Eggleston continued - “the second item that you’ll be looking at is the Special Use Permit for the multiple family use. A condominium is only an ownership mechanism but the use is a multiple family. There’s even some question do we really need a Special Use Permit because right now it’s 6 dwelling units. In the past there’s actually be 7 dwelling units but there’s one that’s been abandoned in the basement level. So we felt, let’s just go through the formality to officially create a Special Use Permit. How the apartments work out - the first floor, the commercial area will double in size to about over 1,000 square feet. Then there’ll be 1 one bedroom unit which is just under 1,000 square feet on the first floor level. The second floor level will have 2 units. One in the front facing the street and is the only one that doesn’t have any Lake view. That will be under 1,000 square feet. Then there’ll be one just over 1,000 square feet. These are one bedroom units. The one in the back is a little larger and has a den as well. That will have on the second floor have a deck out the back. The 3rd floor unit, which is the one that Jackie will occupy has an 1,146 square foot unit which faces the back. And then the last unit which Ted (Kinder) will occupy, will have the bedrooms on the 3rd floor level and then go up to a small 4th floor level which will have the living space which looks out on the back. He will actually occupy the cupola which will be a study. We will be providing an elevator that will gain access to all but the 4th floor. So, Ted will actually have elevator access to the bedroom portion of his unit but won’t have elevator access to the top. That would require putting a penthouse on the elevator which would be excessive height. We really didn’t want to do that.

We are only required to have 25% of the units handicap accessible and actually we’ll have handicap access to 4 out of the five units. We will have a handicap unit, one of the units and then we’ll have – they have A level and B level accessibility. The others will have the B level which is handicap adaptable or friendly, not totally complying. What it does do is it does give us 4 units that will have wheel chair and elevator access. Which is something is a growing demand for these types of condominiums used by older people.

The basement will have a 5 car garage. There will be 2 tandem parking spaces that 2 units will have 2 spaces so they control the car in front or in back of them. Then there will be a 3rd car here. There are 4 car spaces on the back side so the 2 other dwelling units will have one space assigned and then there will be 2 spaces available for the retail, for their parking. Although, the parking zoning is in a moratorium, we do actually comply with the proposed parking prior to the moratorium. Relative to the fact that we only need one car per dwelling unit that’s under 1,000. one and a half cars for units between 1,000 and 1,500 square feet. Then we do provide 2 cars for the retail space. The retail space would require, based on square footage, a total of 4 cars. Under the proposed zoning we would be grandfathered to the number of spaces that were required, which were 14 cars. We have 14 cars required now. So, it’s an even swap. I think the point for us to consider is that each dwelling unit will have a reasonable number of parking spaces on-site. We are creating 5 parking spaces in the garage as a result of this project.”

Chairman Banuski asked, “what about parking for the boat house?” Eggleston said, “currently, the people who lease the boat houses don’t have parking on-site. It has worked out. They do come down for during the day and they just walk down the alleyway and back. There’s been no problem that we are aware of.” Jackie Keady said, “there’s been no problem since 1971.” Eggleston said, “and they do tend to be local people, is that correct?” Keady said, “one gentleman rides his bike down.”

Eggleston said, “Jackie does have a easement on the adjacent property at 12 East Genesee Street formerly the Cooney property for Lake access. That will be extended and continued for the units. We have cross easements on Lot 1 and 2 for Lot 2 to come across Lot 1 to gain access for the boat houses and for the people in Lot 1 to cross Lot 2 to come over to this existing shared lake access. So, they actually share this with this building as far as beach swimming access.” The Chairman asked, “that easement won’t be effected by the condominium agreement? That easement now provides for all of the apartment tenants to use that lake access?” Eggleston said, “yes.” The Chairman said, “I mean now. Are all of the apartments?” Eggleston said, “yes, currently they do, so there’s no change, other than there’s one less apartment.”

Eggleston continued - the building, in that it is more than 2 stories as required by Code it’s going to be a sprinklered building.”

Chairman Banuski said, “you had some conversations with the Planning Board. I know that the Historic Commission wanted you to keep the façade exactly as it is. Our friends on the Planning Board had some suggestions for some improvements to the alignment of the windows. Obviously, at some point that becomes pretty critical to our process. So I understand that right now we are in the macro phase of this.” Eggleston said, “as I see it, this is a Historic Commission issue in that they really are the ones assigned with the esthetic issues, and fitting into the Historic District context. As we’ve thought about this and actually when we talked to the Historical Commission and raised that questions, realizing it would be a micro detail dealt with later, there seemed to be the consensus – the history - when it was originally the *Lakeview House* built in the early mid 1800s, the 3 windows centering on the center door and the 2 double hung windows, made sense from a composition standpoint. Then, whether that was the bar - I wasn’t around so I couldn’t tell you, and this was access to the hotel, I’m not sure. So, it makes sense. But now that that façade has been changed about 3 different times or 4 times over the history, we felt that what made the most sense was going to the 1920s appearance with the more glass store front – because it is a store instead of a hotel or a tavern, and providing an access door for the apartments on one side, and the store on the other side. So, you loose the relevance of why this was off-set. In fact, most people until they saw the drawings and it was pointed out, didn’t realize that they were not aligned.”

The Chairman said, “because they are practically straight now, now that the building is out of plumb.” Eggleston said, “actually they are more out of plumb because the building is leaning the wrong way. I think the design team is deciding that they will probably make these symmetrical and even them up because the reference is gone and has been gone for over 100 years as to the reason why they were aligned different than symmetrical.” Member Phinney said, “all of the other windows on Genesee Street are symmetrical as well.” Eggleston said, “and also, when you look at your photograph versus your grandmother’s photograph taken 50 years

ago, it can be a curiosity that they can wonder how things looked different – if they notice it. It is kind of like *Find Waldo*.” The Chairman said, “I’m actually surprised that at this public hearing that there’s not more of the public here. But they all got notified. Almost everybody downtown got notified.” Eggleston said, “absolutely. Quite honestly I think because we did the workshop with the Historical Commission, I think we took care of any controversial issues right away. The other thing is, we have a very strong structural analysis and justification for the necessity of this.” The Chairman said, “it actually has been presented very well. I don’t think any of us have any question about that.”

Member Buttolph asked, “what’s the timeline for the project?” Eggleston said, “the earliest would be, if everything goes along, we’d actually like to start construction this Spring. Get it done early.” Member Phinney asked, “destruction or construction?” Eggleston said, “destruction. Get the demolition and all that done this Spring and then be doing the construction during the summer and into the Fall. We know it’s a tight site. The nice thing is that Ted Kinder has worked in tight sites in the Village, and that’s why he was chosen to be a partner in this venture because he understands working here in the Village. There’s always little things putting together whether they would be able to start that soon. But, we want to be ready should we have the ability to start in March, to get that done before the tourist busy season. Otherwise it might be next Fall.”

Chairman Banuski said, “the Planning Board has not approved the subdivision plan yet. They are waiting – we still have to hear back from the County Planning Board.” Eggleston said, “actually the Planning Board can not approve it until the variances have been granted.” The Chairman said, “right. But, it is my understanding is this has also been submitted to the Onondaga County Planning Board, so we can’t act either, because if they reject it we need a super majority to pass it. This is a lot of information.” Attorney Galbato said, “you could keep the public hearing open.” The Chairman said, “but I also do want to hear from anyone here tonight who wants to talk. If you guys are ready to open up, is there anyone here who would like to speak in favor of this project?”

Clifford Abrams said, “it’s about 20 years late. I have worked in the building 34 years ago.” The Chairman opened the floor to anyone wishing to speak in opposition. Evan Dreyfuss said, “I will speak for it. I am the son-in-law and I have spent a lot of time in the building. I was to commend Jackie and Ted for time on a very difficult situation. Because you have just a couple of buildings left in downtown ????happen to. How you try to save the façade and make it really fit in and be safe and structurally right – but also produce some homesteads for 4 or 5 people that maybe are empty nesters and want some modern amenities – want an elevator, want a garage. How do you do it and how do you figure out a way to pay for it. As you guys know, it’s very expensive. So they have figured out a plan as such that you take it down and put up something that’s going to be – make Jorge happy with the Codes and the structure, and from a fire standpoint it’s going to be great for the tenants in the building. It’s one that really has to happen soon. So, it’s a win for the community. These units will be quite nice and for Jackie it’s a win because she can spend the rest of her life there. Have an elevator and a garage. She spent the last 40 years climbing stairs. So, it’s a really neat solution. I think it’s going to be a good precedent for the building just east of it. What do we do with that building in 10, 20 or 30 years? You shall

have that action as well. I think it's a great template and it solves a very tricky problem. And with the help of Bob, correct historically. I really think it's going to be great."

The Chairman asked if there was anyone else want to speak about this? She said, "we are not going to close the public hearing. It's a project of enough significance that I think that any interested party should be able to participate in our next meeting. I'm sure by then we'll have heard back – we will know one way or the other from the County Planning Board. At that point I will work with (Attorney) Rick on this about when we get down to the micro details, as much as they are micro things as small as the finish on what's going to be on that space in between, what's going to look like..." "...in all honesty, I felt that was really the purview of the Historic Commission to really get into the details of exterior finishes. We can talk to you about what our thoughts are. I kind of thought it was not really your purview."

The Chairman said, "right. How much interior redesign might there still be? Any or is that pretty much done?" Eggleston said, "the interior design is 90 to 95% complete. Jackie has been tweaking the layout as we've been putting it together. We have been researching the Building Code to confirm that it's laid out appropriately for all the necessary exits and details and the fire ratings and things like that. We are just beginning to get into the structural engineering which is when we start paying some big bucks for working out some fine details of construction methods. All or original hypothesis seem to be coming true as far as its construction type and how it will actually happen.

From an historic standpoint, the whole concept is we will reproduce the original façade. The in-fill piece we are going to do in stucco to emulate really more the bank, because that's a smooth stone façade. We'll pick up a few lines, carry across – it's been suggested and we are going to take them up on putting limestone for the first 3 or 4 feet, so we have a durable finish that is going to be exposed to the public. So that the stucco, the EFIS system is not – doesn't hold up well against tourists. So, those are some of the issues and details there. But mainly it's to celebrate the original façade, the cupola and keep that as the crown on the building. Then the fourth floor, as we did in Arnie Rubenstein's and as we did in the Bakery, you hold it back. You make it subtle. It basically disappears. You won't actually be able to see the 4th floor from the street until you are beginning to go up Jordan Street. Again it will be at a distance, and the detail will be played out."

The Chairman asked, "on the back of the building, is that 3 bays? Will that be 3 separate garage doors on the back?" Eggleston replied, "it's actually two garage doors. We are going to have a double door for the 4 tandem cars. Then there will be a single door for the 3rd car. It's shown in the floor plan. If any of these 4 cars want to leave, you'll open up the double door. Part of the reason for the double door there is that it's a tighter swing coming, so it gives them a little more latitude to work with." The Chairman asked, "any chance that that won't look quite as industrial as it does on these drawings? The view from the Lake. I know we are all paying attention to the view from the street." Eggleston said, "we haven't really talked about texture on the doors. Although, it would be wrong to make a carriage door because you'd be celebrating something inappropriately, as opposed to a detached barn that would want a carriage house door type thing. Our thought was to try to keep it simple and plain. Very much like what Arnie Rubenstein who has a very simple, plain door – not to distract from the rest of the building."

The Chairman said, "It can't be that important because I couldn't tell you what Arnie's looks like now." (Side B) Eggleston said, "from a hundred feet away on the pier it will look just great." Dreyfuss said, "it will be hard to see them from the water."

The Chairman said, **"I move that we keep the public hearing open but adjourn this meeting to January 25, 2010 regular meeting."**

Seconded by Member Pardee. The vote was 5-0 in favor of the motion.

Time 8:18pm.

email (12-29) Phinney, Crompt, Banuchi, Pardee, Bottolph, Galbato, Eggleston
cc email - MSB, Lot., C. Williams, Kinder, E. Dreyfuss, Blackler