

REGULAR MEETING, VILLAGE BOARD
MONDAY, DECEMBER 28, 2009
7:00 P.M.

Present Mayor Bob Green, Trustees Kathryn Carlson and Sue Jones, Police Chief Lloyd Perkins, Codes Enforcement Officer (CEO) Jorge Batlle, Village Attorney Mike Byrne

Absent Trustees Marc Angelillo and Tim Lynn

<u>Others</u>	Nate Robson	Skaneateles JOURNAL
<u>Present</u>	Christine Place	Architect for Michael Wahlrab
	Michael Wahlrab	Applicant (31 Jordan Street)
	Bob Eggleston	Architect for Richard Charles

Public Hearing, Critical Impact Permit, Michael and Vince Ann Wahlrab, 31 Jordan Street

At 7 p.m., Mayor Green opened the Public Hearing for the Critical Impact Approval regarding renovation and expansion of the Wahlrab residence at 31 Jordan Street and turned the floor over to Christine Place, Architect for applicants Michael and Vince Ann Wahlrab. Ms. Place began her presentation by complimenting the Village for their aesthetic guidelines noting that it made her job easy. Ms. Place presented pictures of the residence as it currently exists and drawings of the proposed renovation and expansion of the second floor, adding a second floor addition of 13 feet 6 inches by 12 feet (163 square feet) at the southwest (rear) corner. Also proposed is a new stairway to the second floor, a new roof structure over the rear portion of the building, interior remodeling on the second floor, and re-siding the exterior with fiber cement board (a generic Hardie Board). Ms. Place said there will be new steps with columns and a porch and a better defined front entrance – no variance is necessary. CEO Batlle advised that the Planning Board recommended approval on the condition that the applicants return to the Planning Board on January 7, 2010 for review of the final design. Trustee Jones commented that it looks like an improvement. Ms. Place stated that they are not changing what's on the first floor at all, nor eliminating any backyard. In response to Mayor Green inquiring about an apartment to rent and sewer use, Ms. Place said the Wahlrabs live on the top floor and the sewer use remains the same. She further noted that a house nearby has the same siding and they are replicating the same neighborhood style. Mayor Green asked about run-off from the roof area, if it will create any drainage issues. Ms. Place said there will be gutters and downspouts to tie into the storm system; in essence the roof lines are the same. CEO Batlle and Atty. Byrne indicated that they did not have any other comments or questions, so Mayor Green opened the hearing to the floor. With no comments for or against the hearing closed at 7:19 p.m. On the motion of Trustee Jones, seconded by Trustee Carlson, it was resolved and unanimously carried (3-0 in favor) to grant Critical Impact approval noting satisfaction of Required Findings A-G. In discussing the motion it was noted that at their meeting on November 5, the Planning Board required that the matter return to the Planning Board for their final design approval. Furthermore, the ZBA granted the requested variances on November 24 upon the condition that the new exterior siding consist of "Hardie Board" or similar material and that the project be completed within two years.

(Insert copy of Resolution)

Minutes

On the motion of Trustee Carlson, seconded by Trustee Jones, it was resolved and unanimously carried (3-0 in favor) to approve the minutes of the Regular Meeting of December 14, 2009 as presented.

Bills

On the motion of Trustee Carlson, seconded by Trustee Jones, it was resolved and unanimously carried (3-0 in favor) that bills from Abstract #14 be audited and paid as follows:

General Fund	Vouchers 547 – 581	Checks 11558 - 11592	\$46,434.44
Sewer Fund	Vouchers 129 – 133	Checks 3434 - 3438	\$ 1,583.43
Water Fund	Vouchers 94 – 98	Checks 2727 - 2733	\$ 908.57
Electric Utility Fund	Vouchers 155 – 172	Checks 3971- 3988	\$75,265.16

In discussing the bills, Police Chief Perkins explained that Officer Taber took a biology class to help understand DNA. Trustee Jones commented that it is good for the officers to be better informed.

Correspondence and Announcements

Mayor Green announced the following:

- The Onondaga County Association of Mayors and Elected Officials holiday meeting is scheduled for Wednesday, January 20, 2010 at the Red Mill Inn in Baldwinsville. The cost is \$35 per member with one guest free. Mayor Green indicated that he will be attending, but Trustee Carlson said Wednesdays aren't good for her. Reservations are due by January 13, 2010.
- A petition for a dog park at Austin Park was received and a subsequent email from Trustee Angelillo raising important concerns. Trustee Jones offered to serve as the Chair for a committee to consider the pros and cons of a dog park. She will draft a cover letter to PARC's Charlie Wallace to accompany a copy of the petition and Trustee Angelillo's email, and report back to the Village Board.
- Jack and Karen Haggerty of 3 Heather Woods Court wrote objecting to the stop signs at Fennell and Kelley Streets. Trustee Carlson said the timing of placing the stop signs was unfortunate with snow covered streets and roads - they might have been better received at a different time of year with the cross walks painted and visible.

Verizon Wireless Lease

Mayor Green said some of today's emails discussed concerns about the height of several existing antennas on the water tower exceeding FAA clearances within various distances and radius of airports (Skaneateles Aero Drome) as was brought to our attention by Dave Stevenson of Dutch Hill Tower Antenna Systems. In response to Mayor Green and Atty. Byrne questioning whose antennas they are, Chief Perkins said the low band frequency antennas are believed to be Village owned. Last week, he instructed Jeff Willis of Fingerlakes Radio to take the necessary action to bring these antennas into compliance and he in turn quoted \$350.00 for the measurement and work that Chief Perkins approved. Mr. Willis said it is an easy fix to lower the antenna and he will try to get it done this week, weather permitting. There was discussion relative to the length of time these antennas have been mounted on the water tower and CEO Batlle said the triangular mounting bracket was put up with the first cell installation. With regard to the timing with Verizon, Attorney Byrne expressed concern and confirmed for Mayor Green that he has been in contact with them. Atty. Byrne said DMO Lotkowitz requested some revisions to the drawings and Dave Stevenson had some comments. Verizon is reluctant to pay the kind of rent we're talking about, so Atty. Byrne advised them we are offering the same terms, rent, increases, and lease agreed to by another cellular company five years ago – our positions have been stated. Mayor Green recalled that we asked Verizon to study all the antennas on the site; Atty. Byrne said the survey and map are not as complete as we want and we have said so. Additionally, Verizon is to reimburse the Village for the money paid to Dave Stevenson for his work. Atty. Byrne said that he reached out to Verizon last week and they need to get comfortable with the terms of the Lease which the Village has proposed. This item will remain on the agenda.

Public Hearing, Critical Impact Permit, Richard Charles, 39 Jordan Street

At 7:30 p.m., Mayor Green opened the Public Hearing for the Critical Impact Approval for the conversion of a 2nd story bedroom to a hotel room at 39 Jordan Street and turned the floor over to Bob Eggleston, Architect for applicant Richard Charles. Mr. Eggleston said that several years ago the building was totally renovated and the existing building has two bedrooms on the second floor and 1,111 sq. ft. of office space on the first floor. In September, the Zoning Board of Appeals approved the conversion of a second floor bedroom into a hotel unit, but denied the request for conversion of the first floor office space into two hotel rooms because the applicant had recently entered into a two year lease with an insurance agency for the space. Mr. Eggleston said that Mr. Charles is now looking to move back to Skaneateles and has not renewed the lease on the dwelling unit so that he can live there. The Sept. 22, 2009 drawings of the proposed conversion of a second floor bedroom to a hotel occupancy were revised Nov. 30, 2009 and the narrative on November 28, 2009. Mr. Eggleston stated that there won't be any changes to the exterior and only a few minor interior changes. Albeit there is currently a moratorium on parking, there are seven parking places on site meeting the proposed parking regulations. The sewer stays the same at 110 gpd. After Mr. Eggleston read through each of the required findings, in answer to Mayor Green asking about the easement on the driveway, he said there was a lack of communication between Don Trabold and Mr. Charles. Once the survey was provided to Mr. Trabold he was satisfied. Mayor Green asked if it is a permanent easement over Trabold's driveway and Atty. Byrne advised that it is a recorded right-of-way over that section on the south side. Trustee Carlson asked about the hotel designation. Mr. Eggleston said that classification is based on definitions and give Mr. Charles flexibility. Once they live here on more

Public Hearing, Critical Impact Permit, Richard Charles, 39 Jordan Street, cont.

of a full time basis, they will manage the property themselves. CEO Batlle clarified that a Bed & Breakfast has no more than two sleeping rooms. Mr. Eggleston said it could be lodging versus hotel, but it is closer to a hotel and he thinks the designation is appropriate. CEO Batlle said lodging is written specifically for A-3. In response to Trustee Jones, Mr. Eggleston said the hotel rooms may be more of an extended stay type – at least they give that flexibility. CEO Batlle said the Planning Board recommended approval. Mayor Green opened the hearing to the floor; with no comments for or against the hearing closed at 7:54 p.m. On the motion of Trustee Carlson, seconded by Trustee Jones, it was resolved and unanimously carried (3-0 in favor) to grant Critical Impact approval noting satisfaction of the Required Findings. In discussing the motion, Atty. Byrne indicated he'd revise the resolution to reflect the revision date of Mr. Eggleston's drawings and narrative.

(Insert copy of Resolution)

Authorize Mailing and Notice of Turbidity to Village Water Customers

Mayor Green explained that there was a December 9 turbidity event and the Dept. of Health (DOH) requires that a notice be published in the newspaper and mailed to each water customer. When he first read the notice he thought it was strongly worded so he called the County Health Department. They indicated that they had "softened" the wording and advised that we are required to send it word-for-word. Mayor Green said it ties in with our filtration avoidance. Atty. Byrne noted that we have these events occasionally and the City of Syracuse reported it to the appropriate entities. Trustee Jones questioned the relevance of sending notice so long after the fact. Atty. Byrne confirmed that the notice says there is no health concern, but we have to publish and send it to each of our water customers as it affects our filtration waiver. Deputy Clerk/Treasurer Couch reported that the Town of Skaneateles Water Department and the Village's Water Department jointly submitted the notice to the Journal for publication in this week's issue after confirming with the health dept. that one publication would comply. They verified it would comply as long as both departments' phone numbers are included. We are copying the required number of notices here at the office and then Mailings, etc. will fold and mail them. We anticipate that the Village's mailings will go out by the end of this week, in plenty of time to meet the January 9, 2010 deadline. Mayor Green said Gary Sauda of County DOH stated that there wasn't any way around publishing and mailing the notice, and that we couldn't just publish. Atty. Byrne said we tried seeking relief, but the City of Syracuse was denied relief so he didn't think we'd be successful. There are very strict time restraints and we can't write now for future relief from a future event. Trustee Carlson suggested perhaps there is someone to talk to - challenge the procedure or come up with a less costly means of notification. Atty. Byrne said a Certification of Public Notification Requirements form has to be submitted to the County Health Department, but perhaps after that we can contact the State. He recommended proceeding by the book for now and seeking re-dress in some other way afterwards – perhaps the City could do a reverse 911 if there is a real emergency. On the motion of Trustee Jones, seconded by Trustee Carlson, it was resolved and unanimously carried (3-0 in favor) to authorize the mailing and Notice of Turbidity to Village Water Customers. In discussing the motion, Trustee Jones concluded that after compliance we ought to attempt to get it changed.

Renewal of Town Court Security Agreement

Mayor Green reported that we received the 2010 Inter-Municipal Agreement Regarding Justice Court Security Personnel back from the Town of Skaneateles executed by Deputy Supervisor Ellen Kulik. The only change from last year's agreement is a per hour rate change from \$30.00 to \$32.54. On the motion of Trustee Carlson, seconded by Trustee Jones, it was resolved and unanimously carried (3-0 in favor) to authorize Mayor Green to sign the Town Court Security Agreement.

JB Kane Proposal for Computer Backup System

Mayor Green explained that Village Clerk/Treasurer Sheehan was concerned about our daily tape back-ups and contacted JB Kane who submitted a proposal for an off-site storage system. Atty. Byrne said there are two components – an upfront cost of \$3,157 and an annual maintenance fee of \$2,400 for a combined total of \$5,557. He added that his firm uses JB Kane for their IT management and the same 10-day tape back-up procedure that the Village currently uses. They once lost everything, but restored all from the tape the next day. Trustee Jones said in these tough economic times she thinks we should stay with our current procedure; CEO Batlle suggested purchasing a water

JB Kane Proposal for Computer Backup System, cont.

and fire proof Sentry box to store tapes in on-site, noting that water tight is the key. Mayor Green concluded that we will stay with the tape back-ups, verify they are working, and purchase a water and fire proof safe.

Legg Request for I&I Refund

Mayor Green advised that J. Andrew and Julie Legg wrote requesting a refund of the \$8,400 I&I fee they paid on July 9 for their proposed subdivision because they now discovered that their mortgage lender won't release any portion of their 20 Highland Street property for sale. Atty. Byrne said the \$8,400 paid to the Village is the I&I fee based on the estimated amount of water and sewer to impact our system. He was concerned that the maps had been filed, but the subdivision Mylar map was never filed. Atty. Byrne said if the impact fee is to be refunded his recommendation would be to unwind the subdivision approval. Trustee Carlson noted they would have to start from scratch in the future. Atty. Byrne acknowledged that there'd be some cost, but no where near the initial cost. He advised that he attempted to contact the Legg's attorney today to verify there aren't other options. Trustee Jones suggested this topic be tabled so Atty. Byrne can have a conversation with the attorney. Trustee Carlson agreed that they need to know what would be required if we give the refund. Atty. Byrne agreed to follow-up. (Following the meeting in an exchange of emails the Trustees agreed to refund the fee on the condition that it must be re-paid before the subdivision map may be filed.)

Cold War Veterans Exemption

Mayor Green reported that the Town of Skaneateles and County of Onondaga have passed a Local Law establishing a partial real property tax exemption to qualifying Cold War (Sept. 2, 1945 to Dec. 26, 1991) veterans. In considering a Village Local Law we need an idea as to how it would impact Village taxes. It was noted that the exemption is 15% of the assessed property value up to a maximum of \$12,000. Mayor Green said he thinks it could be a substantial tax impact and that this item should be tabled for further review. Atty. Byrne clarified that this would be an additional exemption; persons currently receiving the Eligible Veteran Exemption or the Alternate Veteran Exemption would not be eligible to receive the exemption under this Local Law. This topic will be on the January 11, 2010 agenda.

Authorization to Transfer Money

Mayor Green said that with Village Clerk/Treasurer Sheehan out on disability he is the only other person authorized to transfer money and suggested temporarily authorizing another individual to sign. On the motion of Trustee Jones, seconded by Trustee Carlson, it was resolved and unanimously carried (3-0 in favor) to authorize Deputy Village Clerk/Treasurer Couch to transfer money until such resolution is rescinded.

Operations Meeting

The Board scheduled an Operations Meeting for Monday, January 4, 2010 at 7:00 p.m. to review and discuss draft Local Law #1 of 2010 to revise parking regulations and enforcement. Deputy Clerk/Treasurer Couch will email Trustees Angelillo and Lynn informing them of the meeting.

Executive Session for a Personnel Matter

At 8:33 p.m., on the motion of Trustee Jones, seconded by Trustee Carlson, it was resolved and unanimously carried (3-0 in favor) to enter into an Executive Session for a personnel matter.

Following a discussion, the Trustees came out of executive session at 9:00 p.m.

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

Patty Couch
Patty Couch
Deputy Clerk/Treasurer

State of New York

Onondaga County, Village/Town of Skaneateles

Kathleen Weldon of the City of Auburn, in Cayuga County, being duly sworn, deposes and says:

That she is the Advertising Assistant of Lee Publications, Inc. publishers of The Skaneateles Journal, a public newspaper printed and published weekly in the City of Auburn, and distributed in Onondaga County, and duly authorized to make this affidavit, and regarding

12/28 Wahlrab Critical Impact Village of Skaneateles

of which annexed is a printed copy, was published in said paper 1 time namely the **16th** day of **December, 2009**.

Signed Kathleen Weldon

Sworn to before me, this 30th day of December 2009.

Carol Speech

Carol Speech, Notary Public

Carol Speech
Notary Public
State of New York
OISP6139936
Qualified in Cayuga County
Commission Expires 01/17/2014

12/28 Critical Impact Permit/Wahlrab
VILLAGE OF SKANEATELES
NOTICE OF PUBLIC HEARING
Please take notice that the Board of Trustees of the Village of Skaneateles, Onondaga County, New York will hold a public hearing at the Village office Building, Board Room, on December 28, 2009, at 7:00pm, pursuant to Article XI (regarding Critical Impact Permits) of the Village Zoning Law to consider an application submitted by **Christine Place, Architect for Michael Wahlrab**, per Section 225-52(H) for additions to the building located at 31 Jordan Street, in the Downtown D District of the Village of Skaneateles.
A copy of the application is available at the Village office for inspection. All interested persons will have the opportunity to be heard.
Dated: 12/14/2009
By Order of the Village Board of Trustees
Sally Sheehan, Village Clerk
T1, 12/16

**Regarding the Application of Michael & Vince Ann Wahlrab
For Critical Impact Approval Regarding Renovation and
Expansion of a Residence at 31 Jordan Street**

RESOLUTION

Background.

This matter comes before the Board of Trustees for Critical Impact approval, pursuant to Article XI of Chapter 225 of the Village Code.

This project involves the proposed renovation and expansion of the Wahlrab residence at 31 Jordan Street. As presented, the project includes the following features:

- The remodeling and expansion of the second floor, adding a second floor addition of 13 feet 6 inches by 12 feet (163 square feet) at the southwest (rear) corner.
- A new stairway to the second floor.
- A new roof structure over the rear portion of the building.
- Interior remodeling on the second floor.
- Re-siding of exterior.

This matter comes before the Board of Trustees for Critical Impact approval because the structure is located in the downtown "D" District.

The applicants have submitted a request to the Village to vary the strict application of Section 225-A5 (Density Control Schedule) for rear yard setback, and Section 225-69d (Non-Conforming Buildings, Structures and Uses) in connection with the second floor addition and new roof structure.

The application has been reviewed by the Planning Board, which recommended that the ZBA grant the requested variances, on the condition that the applicants return to the Planning Board for a review of the final design after it is prepared, and following the granting of Critical Impact approval by the Trustees.

The Zoning Board, at its meeting on November 24, 2009, granted the requested variances, in accordance with drawings dated October 15, 2009, upon the condition that the new exterior siding to be installed consist of "Hardie Board" or similar material, and that the project be completed within two years.

The applicants are scheduled to return to the Planning Board at their January meeting, for review of the final design, but the application now comes before the Trustees for Critical Impact review.

The Board of Trustees conducted the required public hearing on December 28, 2009.

Required Findings.

Pursuant to Village Zoning Law Section 225-54 (Critical Impact Permits), Subsection F (Basis for Determination) the Board of Trustees are required to take into consideration "...the public health, safety, morals and welfare..." and are required to make various findings with respect to a project. After full consideration of all information and materials presented in support of this application, the Board of Trustees find as follows:

A. The plans submitted for the proposed improvements meet the prescribed requirements of Article XI (Critical Impact) and all applicable regulations and Code provisions.

B. The proposed improvements will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having a unique cultural, historical, geographical, architectural or other special quality of similar magnitude.

C. The proposed improvements are in harmony with the visual and physical context of the immediate neighborhood.

D. The proposed improvements and site development plan are in harmony with, and will not impede the orderly development or redevelopment of, the general neighborhood and the location, nature and height of buildings, structures, walls, fences and parking areas will not discourage the appropriate development and use of adjacent lands or adversely affect existing land use in close proximity to the subject site.

E. The proposed improvements will be developed in such a way as to insure maximum amenities will be available to the site and the structure will be reasonably accessible for police and fire protection, and the water supply, sewage disposal and surface drainage systems are adequate to serve the proposed structure.

F. The traffic controls for vehicular and pedestrian movements are adequate to protect the safety of the general public and the occupants of the proposed structure.

G. The proposed structure will comply with the provisions of Chapter 167, Article III (Use of Sewers).

THEREFORE, based upon all of the foregoing, the Board of Trustees hereby grant the following approvals:

A. Based upon the recommendation of the Zoning Board of Appeals, the Trustees hereby grant Critical Impact approval subject to the following:

1. The conditions imposed by the Zoning Board of Appeals requiring the use of "Hardie Board" or similar materials, and that the project be completed within two years of the issuance of a building permit, are hereby incorporated in this approval.

2. This approval is subject to the final design approval of the Planning Board.

Adopted this 28th day of December, 2009.

Motion made by: Trustee Jones

Seconded by: Trustee Carlson

Those voting in favor: Trustees Jones, Carlson and Mayor Green

Those voting in opposition: None. Trustees Lynn and Angelillo absent

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State of New York

Onondaga County, Village/Town of Skaneateles

Kathleen Weldon of the City of Auburn, in Cayuga County, being duly sworn, deposes and says:

That she is the Advertising Assistant of Lee Publications, Inc. publishers of The Skaneateles Journal, a public newspaper printed and published weekly in the City of Auburn, and distributed in Onondaga County, and duly authorized to make this affidavit, and regarding

12/28 Charles Critical Impact Village of Skaneateles

of which annexed is a printed copy, was published in said paper **1** time namely the **16th** day of **December, 2009**.

Signed Kathleen Weldon

Sworn to before me, this 30th day of December 2009.

Carol Speech

Carol Speech, Notary Public

12/28 Critical Impact Permit/Charles
VILLAGE OF SKANEATELES
NOTICE OF PUBLIC HEARING
Please take notice that the Board of Trustees of the Village of Skaneateles, Onondaga County, New York will hold a public hearing at the Village office Building, Board Room, on December 28, 2009, at 7:30pm, pursuant to Article XI (regarding Critical Impact Permits) of the Village Zoning Law to consider an application submitted by **Richard Charles** per Section 225-52(H), (L) for the conversion of a second floor living space to a hotel room and dwelling unit, for the building located at 39 Jordan Street, in the Downtown D District of the Village of Skaneateles.
A copy of the application is available at the Village office for inspection. All interested persons will have the opportunity to be heard.
Dated: Dec., 2, 2009
By Order of the Village Board of Trustees
Sally Sheehan, Village Clerk
T1, 12/16

Carol Speech
Notary Public
State of New York
OISP6139936
Qualified in Cayuga County
Commission Expires 01/17/2014

**Regarding the Application of Richard Charles
For Critical Impact Approval to Establish a
Hotel Occupancy at 39 Jordan Street**

RESOLUTION

Background.

This matter comes before the Board of Trustees for Critical Impact approval, pursuant to Article XI of Chapter 225 of the Village Code.

This project involves the proposed renovation of portions of the mixed use building at 39 Jordan Street. This mixed use structure includes a first floor professional office of 1,111 square feet and a two car garage. The second floor contains a two bedroom dwelling unit of 1,698 square feet including an attic/loft area. In addition to the two car garage, there are five outdoor parking spaces on the property.

The applicant sought approval for a Special Use Permit to establish a hotel occupancy on the premises. Specifically, he sought to convert the first floor office space into two hotel rooms and add a third hotel room on the second floor (converting one of two existing bedrooms and leaving the remaining bedroom for owner occupancy.)

After submitting an application for a Special Use Permit, the owner entered into a two year Lease for the first floor space, which is to be leased to the Delmonico Insurance Agency. Nevertheless, the applicant requested approval for his planned hotel conversion, to be completed at a later date.

The Zoning Board of Appeals conducted a public hearing on October 27, but took no action. At a meeting on November 24, 2009, the Zoning Board of Appeals took the following action:

- It made a SEQR determination by declaring the project to be an unlisted action and it made a negative declaration.
- It approved the conversion of a second floor bedroom into a hotel unit, in accordance with drawings dated September 22, 2009 (3 pages), with such work to be completed within one year of the issuance of such approval.
- It denied the request for conversion of the first floor office space into two hotel rooms, based upon the fact that the applicant had recently entered into a two year Lease of such space with an insurance agency.

This matter now comes before the Board of Trustees for critical impact approval associated with the conversion of a second floor bedroom to a hotel use.

Required Findings.

Pursuant to Village Zoning Law Section 225-54 (Critical Impact Permits), Subsection F (Basis for Determination) the Board of Trustees are required to take into consideration "...the public health, safety, morals and welfare..." and are required to make various findings with respect to a project. After full consideration of all information and materials presented in support of this application, the Board of Trustees find as follows:

A. The plans submitted for the proposed improvements meet the prescribed requirements of Article XI (Critical Impact) and all applicable regulations and Code provisions.

B. The proposed improvements will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having a unique cultural, historical, geographical, architectural or other special quality of similar magnitude.

C. The proposed improvements are in harmony with the visual and physical context of the immediate neighborhood.

D. The proposed improvements and site development plan are in harmony with, and will not impede the orderly development or redevelopment of, the general neighborhood and the location, nature and height of buildings, structures, walls, fences and parking areas will not discourage the appropriate development and use of adjacent lands or adversely affect existing land use in close proximity to the subject site.

E. The proposed improvements will be developed in such a way as to insure maximum amenities will be available to the site and the structure will be reasonably accessible for police and fire protection, and the water supply, sewage disposal and surface drainage systems are adequate to serve the proposed structure.

F. The traffic controls for vehicular and pedestrian movements are adequate to protect the safety of the general public and the occupants of the proposed structure.

G. The proposed structure will comply with the provisions of Chapter 167, Article III (Use of Sewers).

THEREFORE, based upon all of the foregoing, the Board of Trustees hereby grant Critical Impact approval for the proposed conversion of a second floor bedroom to a hotel occupancy, in accordance with drawings dated September 22, 2009, last revised November 30, 2009 with narrative dated November 28, 2009, with such work to be completed within one year.

Adopted this 28th day of December, 2009.

Motion made by: Trustee Carlson

Seconded by: Trustee Jones

Those voting in favor: Trustees Carlson, Jones and Mayor Green

Those voting in opposition: None. Trustees Lynn and Angelillo absent

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