

*Revised 9/27*

**SPECIAL MEETING OF THE VILLAGE BOARD OF TRUSTEES,  
PLANNING BOARD AND ZONING BOARD OF APPEALS  
SATURDAY, SEPTEMBER 18, 2010  
9:00 A.M.**

**PRESENT:** For the Trustees - Mayor Bob Green, Trustees Marc Angelillo, Marty Hubbard and Sue Jones.

For the Planning Board – Chair Bruce Keenan, Members Toby Millman and Steve Krause.

For the Zoning Board of Appeals – Chair Lisa Banuski, and Members Lee Buttolph and Larry Pardee.

**OTHERS**

<b>PRESENT:</b>	Michael Byrne	Village Attorney
	Rick Galbato	Zoning and Planning Counsel
	Pat Blacker	Village Historian
	Peter Moffa	Municipal Board
	Cliff Abrams	37 State Street
	Ellen Leahey	Skaneateles Press
	David Lee	
	Andy Ramsgard	Architect
	Gary Robinson	

Mayor Green opened the meeting at 9:00 a.m. and thanked everyone for attending on a Saturday morning. He indicated that the meeting had been suggested by the Planning Board to discuss issues pertaining to the proposed renovation and redevelopment of the Krebs Restaurant property. There are a variety of issues which will come before the three Boards and the Planning Board felt that it could be productive to have some discussion about the project. He then introduced Planning Board Chair Bruce Keenan and asked him to summarize the project. Mr. Keenan stated that a proposal for the renovation and redevelopment of the property had been presented recently to the Planning Board. As initially presented, it included the re-subdivision or consolidation of three building lots: the Krebs' property and adjoining single family properties located immediately east and west of the restaurant. The project would involve the demolition of several out-buildings on the Krebs' property, which are used in connection with the operation of the restaurant, and the consolidation of those functions into a renovated and modernized restaurant building. The applicant proposes to acquire the property from the current owner and make substantial renovations and improvements to the structure. It has existed and operated a restaurant for well over 100 years and is in need of renovation. Mr. Keenan noted that it appears to be the consensus of the Planning Board that the proposed project has considerable merit and that this application will present an opportunity to rectify a number of issues which have existed for many years. At the same time, he cautioned that the proposed inclusion of on-site parking for the restaurant presents a significant challenge. The restaurant is a lawful, non-conforming commercial use in a residential neighborhood. The Planning Board has always tried to be sensitive to the expansion of non-conforming commercial uses in residential areas, and he, as one Board member, has expressed some concern with regard to the extent of proposed new on-site parking.

Mr. Keenan then noted that the original site plan, as presented to the Planning Board, has since been modified, as recently as September 17. As presently contemplated, the applicant has withdrawn the request to merge or consolidate multiple lots and intends to proceed solely with the redevelopment of the Krebs' parcel. Also, the proposed on-site parking area for the restaurant has been reduced from 60 cars to

30 cars. He pointed to copies of the original and revised site plan which were posted on the wall for viewing.

Mr. Keenan then asked Planning and Zoning Counsel, Rick Galbato to summarize the legal issues associated with the proposed project.

Mr. Galbato stated that he had provided the Planning and Zoning Boards with an attorney-client memo on September 17 listing the various regulatory issues associated with the proposal. He noted that his memo was prepared prior to review of the revised site plan (so called "Option B") and receipt of the withdrawal of the re-subdivision (merger) application, and he would need further time to review the revised plan. He summarized the applicable zoning and regulatory issues as follows.

- A. Planning Board.
  - 1. SEQRA Review.
  - 2. Need for a Special Use Permit and Planning Board recommendation to the ZBA.
  - 3. Need for several use variances and Planning Board recommendation to the ZBA.
  - 4. Re-subdivision approval for the proposed merger of lots, which may no longer be necessary.
  - 5. Site plan approval.
  - 6. Recommendation to the Board of Trustees regarding Critical Impact.
  
- B. Zoning Board of Appeals.
  - 1. Area variance regarding percentage of open area.
  - 2. Use variances for expansion of non-conforming buildings and uses and change of use.
  - 3. Special Use Permit.
  
- C. Board of Trustees.
  - 1. Critical Impact approval.

Mr. Galbato noted that one of the more significant issues involved with the project is the proposed establishment of on-site parking. There is a question as to whether the parking moratorium, adopted by the Trustees in 2009, would apply to this project.

Village Attorney Mike Byrne stated that the so called parking moratorium created by Local Law #1 of 2009, suspended the off-street parking and loading dock requirements until December 31, 2010. The moratorium applies Village-wide; it is not limited to the Downtown "D" District. The Local Law contains five exceptions to the moratorium which apply to residential properties only. As such, the moratorium would apply to the Krebs' property.

Mr. Byrne added that, notwithstanding the fact that the moratorium would apply to the Krebs' property, it may be unwise to ignore the parking impact associated with this project. There is a perceived parking problem along Genesee Street, in that area of the Village, and the applicant has expressed a willingness to help address that problem.

Mr. Galbato further noted that the proposed project will require a number of initial determinations by the Code Enforcement Officer, including: a Special Use Permit and Use and Area Variances.

Mr. Keenan noted that there are a number of facets to the question of on-site parking. In addition to the question of whether or to what extent it should be allowed for a non-conforming use in a residential neighborhood, there is a question as to how many spaces would be required if the moratorium did not apply.

Andy Ramsgard stated that the proposed project would result in a reduction in seating at the facility from 269 to 225 seats. He further stated that even if the parking space moratorium does apply, the applicant desires to add parking on-site in order to facilitate more efficient deliveries to the restaurant, to provide handicapped accessible parking, to provide easier access to the restaurant for its customers and to alleviate the parking congestion which now exists on West Genesee Street.

Rick Galbato stated that Jorge Batlle's most recent Fire Safety Inspection Report indicated maximum occupancy of 150 persons.

Lisa Banuski, Chair of the ZBA, said that the parking impact associated with this facility needs to be addressed in a sensible way. She indicated that she has had informal discussions with fellow members of the ZBA and with a number of Village residents, and the consensus of opinion seems to be that Krebs is a valuable resource for the community and the proposed effort to renovate it should be encouraged. The ZBA will also be concerned about the issues associated with a proposed extension of a non-conforming use in a residential area but this is a large and unique property and there is clearly a parking problem on the west end of the Village, on Genesee Street, which might be improved in a way that does not cause harm to adjoining neighbors.

Mr. Keenan added his view that the Village is blessed with a healthy economy and that we enjoy a unique environment in which residential and commercial uses exist side-by-side and compliment each other. It is difficult to maintain that delicate balance and perhaps we have either been good stewards or simply lucky so far. He noted that he, personally supports the proposed renovation of Krebs; it is part of our community heritage and is a unique facility. In order to be economically viable it must make certain changes and there will likely be some impact on the surrounding area. Hopefully, the overall impact will be positive. He further expressed the personal view that no on-site parking would probably be the most desirable outcome but, if parking is allowed, fewer cars would be better than more cars.

Planning Board Member Toby Millman also expressed the view that there appears to be wide spread support among the three Boards for the proposed project. All Board members appear to want Krebs to remain a viable institution for the community and all appear to recognize that, in order to do so, it must be improved. If it is to become a year-round restaurant, rather than a seasonal operation as in the past, there will be an even greater need for parking associated with the facility. He believes the Boards must find the right balance between reasonable accommodation for the restaurant and avoiding negative impact on neighbors.

Mayor Green noted that everyone recognizes that there is an issue with public parking on West Genesee Street, during the time of year when Krebs has been open for business. Typically, cars will be parked all along West Genesee Street, from West Lake Street to Kane Avenue, on both sides. However, he felt that the volume of vehicles parking in that area cannot simply be attributed to Krebs. People are parking in that area for lots of other reasons.

Village Trustee Sue Jones stated that she resides directly across the street from Krebs. Speaking as a neighboring resident, she stated that allowing some on-site parking would not be objectionable. She would not be comfortable with parking for sixty vehicles, but something less than that could be acceptable. She sees this project as an opportunity improve the Krebs' property by removing several worn down outbuildings and renovating the restaurant and helping it to remain viable.

Village Attorney Mike Byrne asked about the current situation with truck deliveries to the restaurant and how the proposed redevelopment of the property would impact that situation.

Andy Ramsgard replied that, currently, the restaurant receives deliveries by both tractor trailers and straight trucks. Some trucks are able to back into the driveway at Krebs, but with great difficulty. Other trucks are required to park on Genesee Street while making deliveries, thereby creating a traffic obstruction. The re-development of the property would include a driveway and turn around area which would allow some trucks to come onto the property for making deliveries. It would result in some improvement to that situation.

Mr. Byrne noted that, as part of a coordinated SEQRA review with the New York State DOT, they would probably insist upon measures intended to eliminate or reduce obstructions in the street caused by truck deliveries.

Mr. Ramsgard further noted that the Krebs Restaurant is a pre-existing commercial use which has existed for a very long time. Next year will be its 114<sup>th</sup> year of operation as a restaurant. It began as a restaurant before the advent of the automobile or delivery truck. The applicant does not desire to change the scope of operation of the restaurant but the facility is in desperate need of modernization. The outbuildings must be demolished and those services brought into the main structure. The kitchen, now located in the basement, must be moved upstairs. As previously stated, there is a real need for an on-site turn around for trucks, and, finally, there is a need to accommodate parking on-site for vehicles, including handicapped patrons and others. The fact that this non-conforming use was commenced prior to the existence of motor vehicles is a significant factor.

ZBA Member Lee Buttolph noted that these applicants have been very cooperative with the ZBA on matters pertaining to their residential project on West Lake Street. In many instances, the owners have gone above and beyond what was asked or required by the ZBA and he has a comfort level that the applicants will be similarly accommodating and cooperative during the reviews of the Krebs project by the Planning Board and ZBA.

Gary Robinson indicated that he had been approached by the applicants and asked to become involved in the project. After speaking with them at length, he became convinced of their commitment to undertake the project in the right way. The main building is very old and is in need of renovation in order for the restaurant to remain viable, even on a break-even basis. Some changes must be made to the property to include provision for truck deliveries and on-site parking for patrons.

**(Added 9/27 per request of Trustee Jones.)** Trustee Sue Jones stated that it was her understanding that the purchasers intend to operate the restaurant as a non-profit enterprise. She indicated to Mr. Robinson that she would like confirmation that the property would remain on the tax rolls as a taxable property despite being operated on a break even or non-profit basis. Mr. Robinson confirmed that the property would remain taxable.

Peter Moffa stated that he lives on the west side of the Village and frequently sees the parking and traffic congestion along West Genesee Street. He agrees that the congestion is not solely related to Krebs and that Krebs may actually be a victim of that congestion and the absence of available public parking in that area. He urged the Boards to find a way to accommodate some on-site parking at Krebs and to consider establishing public parking elsewhere in that general area.

Bruce Keenan agreed that the Village must find a way to provide additional public parking to relieve congestion on West Genesee Street.

Trustee Mark Angelillo asked the question; if any on-site parking is to be approved, what is the right number and how do we determine that number?

Toby Millman asked a similar question; what standard should the Boards use to determine a reasonable number of permitted on-site parking spaces.

Bruce Keenan replied that there is no formula and no correct answer to that question. The Boards will have to listen to the applicant's proposal and to try to find a way to facilitate the redevelopment of the property without causing harm in the neighborhood. He agreed that thirty spaces would be preferable to 60 spaces but felt that they should be located closer to the building than shown on "Option B".

Planning Board Member Steve Krause suggested the use of so called "double loaded parking", eliminating the proposed island between parking rows and eliminating one of two proposed turn around areas.

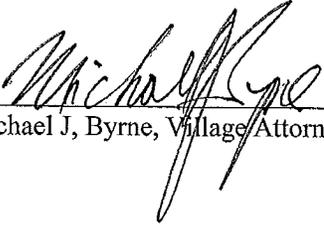
In response, Andy Ramsgard stated that the use of double loaded parking might be less desirable because it would eliminate the screening effect of the proposed island between rows of parking. Mr. Krause indicated that the Boards need to be sensitive to the concerns of neighbors and perhaps the applicant and Planning Board should take a look at increasing the amount of buffering associated with a parking area.

Mayor Green stated that there appears to be a consensus that the proposed project is very desirable. The on-site parking issue will be a concern for neighbors and we must try to find a solution that is fair and reasonable. He suggested to Andy Ramsgard that some further improvements be made to the "Option B" plan to reflect the comments made at this meeting.

Bruce Keenan suggested that Mr. Ramsgard could confer individually with members of the Planning Board prior to its next meeting on October 7 in an effort to see if they can find consensus.

Village Trustee Marty Hubbard expressed a concern about the single family residence located to the east of the restaurant. If the proposed project goes forward, it would appear that there would be no vehicular access to, or parking at that site. He asked what the impact would be and how that would be addressed. Village Attorney Byrne suggested that the owner of that property could be granted an easement for parking purposes, either by the owner of the Krebs property or the residence located on the west side.

The meeting was adjourned at 10:30 a.m.

  
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Michael J, Byrne, Village Attorney