

Village of Skaneateles Planning Board Meeting September 27, 2010

In the matter of the application submitted by Kim Weitsman to vary the strict application of Section 225-A5, Density Control Schedule for Percentage of open area and; Section 225-69d, Non-conforming buildings structures and uses, extension or expansion for renovations to the structure (known as The Krebs' Restaurant) 57 West Genesee Street in the Village of Skaneateles

Present: Bruce Kenan, Chairman
Toby Millman, Member
Steve Krause, Member
Douglas Sutherland, Member

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

Andy Ramsgard, Architect for the applicant
John Langley, Attorney for the applicant

Clifford Abrams, State Street
John Pidhirny, West Lake Street
D. Allyn, West lake Sreet
Sue Jones, (Village Trustee) W. Genesee St.
A. Johnson, West Genesee Street

Absent: William Eberhardt, Member

Chairman Kenan opened the meeting at 4:33pm announcing a Special Meeting of the Planning Board for the Krebs application.

Andrew Ramsgard, Architect for the applicants made the presentation. He said, "the update for everybody is to go through the Narrative so we cover all the issues since the last meeting... I have also submitted a copy of the Long Form EAF as requested, and some additional information regarding the existing Krebs.

The proposed project is to architecturally restore the Krebs dinng room, Krebs upstairs and completely remodel the Krebs' kitchen, infrastructure and grounds. The first poetion of the project will include a consolidation of al the kitchen restaurant services to a location on the existing first floor of Krebs. Currently these services are scattered in the basement and sheds and previous additions to the restaurant. All of the cooking and food prep will be removed from the basement and will be located directly adjacent to the existing dining room. The consolidation

will not only better service of the Krebs' guests, but will reduce the overall square footage of the restaurant footprint by 309 square feet and accommodate handicap guests with a new elevator and bathrooms. While the reduction of footprint square footage is only 309 square feet, the volume of the restaurant reduced is approximately 10,000 cubic feet. That goes to your question last time, Doug, as to the volume of the structure. We are considering 2 out of the 4 sheds in the back are 2 stories.

We will be reducing the number of seats in the Krebs from the current total of 269 to 225. Attached is the seating reduction chart, which shows you where we took and removed the seats from. The restaurant is a lawful, non-conforming commercial use in a residential neighborhood and has been there for 111 years. The proposed project represents an opportunity to rectify a number of issues that have existing over many years. While the expansion is of a non-conforming use requiring a variance from the Zoning Board of Appeals, the overall project proposed results in a net reduction of the building area used on the property for the non-conforming use. The pre-existing non-conforming side yard set-backs and combined side yard set-backs will also need variances. The west side yard set-back will be reduced from 12.2 feet to 8.6 feet, with the addition of the accessible entrance and elevator proposed. The other side yard will remain n the same.

The second portion of the project is to create an appropriate amount of on-site parking as prescribed by the Village requirements, and to exceed that the design requirements of the off-street parking and landscaping clearly defined in Article 11 of the Village Code. Per Section 225-58 (4)c with regard to the square footage of the existing restaurant and barns, divided by 100 yields 72 cars would be required by existing the facilities. With regard to the amount of existing seating divided by four as prescribed by the Code, there are 67 cars required based on the number of existing seats. Under the direction of the Board, a number more sensitive to the commercial use in relationship to the neighborhood is desired. As this non-conforming use was established before the existence of motor vehicles, site amenities for deliveries and the patrons must be addressed in order to bring restaurant into more modern standards. The current proposal takes into account the sensitivity of the off-street parking in a residential neighborhood and reduces the amount of off-street parking to 30 cars and 2 accessible spaces near the restaurant. In addition to the off-street parking there are truck deliveries are to be made to the restaurant. We have taken into account the deliveries from a single sized truck and have accommodated the correct dimensions for a standard sized truck's turning radius. Each of which are called out on all three of the plans.

In keeping with the need to keep off-street parking to a minimum, a semi-trailer turn-around was included in the original proposal but was removed from this proposal based upon the request of this and other Boards. We would propose to take 2 of the parking spots east of the driveway up to the fire hydrant as a no parking loading zone during delivery hours Monday through Friday. See the attached diagram. We are proposing that to the Village Board as a way of accommodating tractor trailer deliveries. The proposed parking for this project will require a Special Use Permit form the Zoning Board of Appeals to comply with Section 225-47 of the Village Code.

To serve our guests better and to be sensitive to the adjacent neighbors, we are providing 2 ½ times deeper buffer – only 10 feet is required – and 25 feet or more is provided everywhere from any of the parking areas to the property lines at a minimum. Where only 8% of the useable parking area is required to be devoted to landscaping, we are proposing between 73 and 80 percent, more than 9 times what is required by the Code.

*All of the infrastructure needs of this historical establishment will be brought into compliance with the Building Code, Health Code and the Fire Code. This project will also be reviewed by the Board of Trustees for Critical Impact uses and addresses the following: *the plans for the proposed Critical Impact use of this project meet or exceed all the requirements of Chapter 225-54 Critical Impacts as itemized in subsequent items below. *the proposed Critical Impact use will have a positive impact on the immediate neighborhood in that this historically significant property and part of the community heritage for over 111 years, will be modernized and will still maintain its residential character. Several dilapidated out buildings would be removed and the renovation of the restaurant will add curb appeal to the property and the surrounding properties. The use of screening trees and hedges as well as privacy fencing will maintain the character of the residential neighborhood while also providing adequate facilities for the operation of the establishment. In addition, off-street parking will alleviate some of the traffic issues currently of concern on the west edge of the Village. *the proposed Critical Impact use will maintain the physical and esthetic context that has existed for 111 years. The addition to the building will match the front facades' residential character and maintain the residential look of the restaurant. The removal of the outbuildings will also help beautify the site. *the proposed Critical Impact use will maintain and enhance the natural boundaries between the site and the surrounding residential properties. By adding new plantings and hedges in addition to the natural tree line surrounding the property. The building itself will maintain the residential character it currently has, and will not increase in height from what it is now. *the proposed Critical Impact use will develop and modernize the facility to today's standards. A fire hydrant is located out in front of the building and the building itself will be accessible on 4 sides for emergency vehicles. It will also be sprinklered. *the proposed Critical Impact use will provide appropriate parking and loading facilities for the restaurant. Sidewalks would be installed to accommodate pedestrian traffic from the parking to the building. A second accessible entrance and elevator will accommodate the needs of everyone anyone who wished to use the facilities. The site accommodations have been included for the storage of snow during the winter months. *the proposed Critical Impact use will be in compliance with the provisions of Chapter 167, article 3, Use of Sewers, in the Village Code as amended by Local Law #1 of 1994, and as it may be amended in the future with all the applicable laws rules and regulations of the Village, United States and New York State governments.*

Krebs is a valuable resource for the community on a large and unique property. Maintaining and restoring Krebs restaurant to a vibrant and viable part of the community as an asset can not be ignored. The renovation and remodel of Krebs will restore the name, the sign and all the all the quaint features that makes Krebs a vital component of the traditional pattern of Village development since its inception is 1899.

(Transcriber's note: Italics is from the submitted narrative. Standard font is added by Ramsgard)

On the rest of the narrative shows a copy of the Krebs' seating chart and it shows where all the seats are, where they are going to get reduced from. It also shows the required parking as it exists across the site. Then the last page is what we are proposing for the no parking, loading zone for delivery hours that would accommodate semi-tractor trailers..

You have before you 3 Site Plans. Site Plan Z1-A; Site Plan Z1-B, Site Plan Z1-C. As a result of the meeting on Saturday, we were directed by the joint meeting of the Planning Board, the Village Board and the Zoning Board of Appeals to meet with and take direction from 2 of the Planning Board members. We had a meeting with Steve Krause and Toby Millman. Out of that meeting there was 3 decisive schemes which are before you tonight. The first scheme, Z1-A proposes to have a 16 foot wide driveway that was a suggestion from Member Krause to keep in character with more residential entrance to the property as opposed to the 26 foot wide DOT curb cut normally required. Coming into the property there is a turn around that accommodates single box trucks with the appropriate radiuses. They can enter the site, turn around and make deliveries without ever having to back up. Scheme Z1-A also shows 2 parking spots for handicap accessibility directly behind the restaurant and then an additional 30 spaces in the back of the property behind the large black walnut tree. This scheme faces the cars inwardly and keeps the traffic flowing in a one-way pattern around the site. An important thing to note on that – the way cars come in with headlights, the headlights are always focused in vs. externally outside of the property. That scheme also shows a row of trees in the middle which allows you to break up the parking area into 3 zones from any side, you always have a foreground, mid-ground and a background from any side, so it breaks up the visible presence of the parking area from any kind of cross-views.

All the plans also show a double row of Norway Spruce planted on the 15 feet on-center in two 10 foot deep rows off of the property line. Each drawings as it relates to the parking also has a section which shows how the section across the back of the property would work. In ZA-1, coming from the easterly property line we are proposing to come in ten feet and create a 6 foot high continuous arborvitae hedge. And then come in another 10 feet with a row of Norway Spruce. Another 10 feet with is 30 feet off of the property line, a staggered row, another row of Norway Spruce. Then there is a zone of a grassy area 44 ½ feet, 14 foot aisle, parking car to car, nose to nose in the center. Then on the westerly side, another 14 foot aisle, 27.2 feet of a grass zone, before a double row of Norway Spruce, 10 feet each and then another ten feet to the property line with a fence and a 6 foot high hedge in between. In all these schemes it's a heavily buffered zone on the edges of the property line. Scheme Z-1A provides the maximum amount of distance from the easterly property line and the westerly property line. Keeps the parking in the center."

Member Krause asked, "you got ride of the fence on the east side?" Ramsgard said, "I did." Member Krause asked, "just because the distance is so great that you don't need it?" Ramsgard said, "the other reason that I got rid of the fence on that side is after talking with Amy and David (Allyn) they said that didn't really want to see a fence. So we have a continuous hedge. We could put the fence back in, not a problem. I left the fence along the westerly side." Member Krause said, "it does seem like overkill with all that planting." Ramsgard said, "yes. The Norway Spruce, the dark circles shows the initial planting and then the lighter green shows the 10 year growth. After 10 years all the branches are touching. You don't want to plant

Norway Spruce any closer than ten feet on-center to each other, because they are going to grow together and then they lose their under-story, if they get too close. They form a very dense visible screen. As they grow in. You can't see through it."

Ramsgard continued - "Site Plan Z-1B, is similar. The first part of the scheme, the entrance, handicap spots, the circle turn around are..." "... Andy, but for the parking behind the circle are all 3 alike?" asked the Chairman. Ramsgard said, "yes. The significant difference is in Scheme C, is the parking is a lot closer to both side yard pieces. And the back of the property is left open. We didn't run the hedge or Norway Spruce all the way down on both sides in either one of those schemes. The disadvantage of Scheme 1C is that the traffic car headlights are facing directly into the east and west properties as they are coming and going. Which is a similar disadvantage in Z-1B, is that the car lights, even though they are heavily screened, they are still facing outward. Give a lot more credence to Scheme Z-1A because the lights will be managed even to another level of detail that doesn't exist in B or C."

*Attorney Galbato arrives

Member Millman asked, "what would be the edge treatment on the pavement, where the pavement meets the grass - a curb?" Ramsgard said, "it will be curbed. But it can't be curbed on the back, at the last part because that's where we plow. So it will be curbed along the side here and obviously be curbed in the center of Scheme A1, because there are planted areas. Scheme 1C, you wouldn't curb along the back edge here because you are still plowing. You would curb 3 sides."

Member Sutherland asked, "you sort of sheet drain to the storm management area or do you pick it up with structures and drop it off there?" Ramsgard said, "we would do a sheet drain to the storm water management because that's the same way we plow. The idea is to come in and plow it and dump it at the end of the property. Let it melt off. You have a big grass zone in each of those schemes where you push the snow and it can melt off and drip in. If it's all sheet drainage then everything flows." Member Sutherland said, "the only question is with the arborvitae hedge on the back side, is that in some way act as a bit of a dam?" Ramsgard said, "on A1, the thought was, we would put the arborvitae just on the curve. So, you plow to the side here and then plow to this side here - east or west. Then the arborvitae hedge goes around the corner just to screen out the back side of the storm water management. But that's outside of the distance."

Member Sutherland said, "one thing - I don't know if it came up in the conversations with Steve and Toby - if you're at Allen and Linda's house and you are looking across the back yard of the what's now the 3 unit apartment house, it seems like you pick up a lot of noise and light and activity of people going in the side, the new side entrance as proposed. There's an awful lot of screening on the very back end. But wouldn't it make sense to sort of continue some of that to the north so you didn't have that shot. Considering up north so when you look east you aren't being..." "...that's a really good idea," said Member Krause. Ramsgard said, "in the first scheme we had that heavily screened along on the left side - the original scheme that we submitted with 60 cars. We didn't bring that back for no other reason - absolutely we can put that back in. We want to hold that screening as close as possible to the Krebs' side." Member

Sutherland asked, "I kind of wonder if there aren't 2 elements of it. Something that's going along the actual property line between house next door to Krebs, just west of the Krebs. It seems somewhere in there that it could be fairly harsh, just having something right against the edge of the new building, or the new addition on the back." Ramsgard said, "this is a photograph taken from pretty close to the exact station point that you are talking about. I was standing on the property line of the 3-family looking back from Allen and Linda's house looking directly across the parking lot for the 3-family house, then back into the Krebs. So, two levels of screening – the proposal was not to effect in this project, anything in the 3-family house. But we could do a level of screening here and help with the existing parking lot for the 3-family house. Then a second level of screening back in here where you see the Lorenzo's truck." Member Sutherland said, "it seems that looking at something there, it would be helpful."

Member Krause asked, "do you have pictures of the front – Krebs and Larry's house?" Looks for photos – Ramsgard said, "There's Larry's house and this is Larry's house in the back and the front and side of Krebs."

Member Sutherland said, "one of the things that's critical to – one of the things that's nice now is you have Larry's house on one side. You have the 3 story house on the other – the 3-family, 2 story house on the other. I don't know how you can guarantee that those are always going to be there. But, if they weren't there you'd have I think a much greater change in the neighborhood. The combination of a more aggressively run restaurant and seeing it from a greater distance. When you look ahead at what might happen at some point, the loss of one or the other of the houses – maybe the owner is thinking gee, maybe I would get more visibility if one of those places is gone. Right now it is kind of snug in between the properties on either side. I don't know how you protect those. It seems that's kind of a key thing to not having the restaurant eat the neighborhood."

The Chairman said, "Doug, one of the things that we talked about a week ago Saturday, with regard to the Loveless' house, which is the eastern of the two, was there is no off-street parking for that house now. It has not been a problem because they used the restaurant for it. But for it to be a stand alone, single family house on a street where there is so little parking reliably on the street in front of them - if they could share the Presbyterian Manor's driveway with some kind of easement – they could put in a parking area or even a garage in their back yard, then it would make sense as a stand alone house. With the collective groups' urging the Mayor has spoken with Reverend Lindsey to see if the Presbyterian Manor would consider such an easement. As far as I know there hasn't been any response to that yet. That's one thought about how to enhance the likelihood that they will stay and maintain themselves as residences' in those locations." Member Sutherland asked, "right now the plan on part of the purchaser would be to lease both of those vs. selling them? Is there any anticipation of change of ownership there?"

Ramsgard said, "no. There isn't any anticipated change of ownership. The plan that we always talked about from back to the original scheme was that Larry Loveless' house was a great spot to use for a chef to have somebody come in to the property enticement as well as the 3-family to get good quality staff, because that's the hardest part of keep anybody in town, because they can't afford to live here. That was also dovetails into the reason that we had planned on the assemblage in the first place – was that we could solve the problem finally for Larry's house by

creating that side lot which there was already parking there to begin with. I thought it was a really good idea to move the driveway the 85 feet off of Allen and Linda's house because it gave them a lot more green zone in there. And you came in off the side. That way ???why there were 8 spots there is because we had to provide 4 handicap spots based on the numbers of cars we are providing . Then we had 2 spots for Larry Loveless' house and 2 spots for - we were going to transition the 3 family back into a single family, so therefore you only need 2 spots. By having a separate and distinct parking area you are more guaranteed that you can keep that private. Versus - there's a suggestion at the Saturday meeting, well give somebody a spot for Larry's house in the back parking lot. That's great but we can electrify it and it still won't keep people out." Member Krause said, "I would suggest to, if you are accessing the parking for what you are calling Lot 3, the one on the west, from the Krebs drive, that's exactly what's going to happen. Someone goes back there to park, and it's full, on their way out, they are going to hang a left and go park in Lot 3s parking spaces. Even if you electrify it." Ramsgard said, "you have a better chance if it's not in the same lot. But you still have the problem. I agree,"

Member Sutherland asked, "I wonder if a protective covenant or something that goes in there that protects those houses from a demolition at a later point? If someone wanted to make a bigger garden or somebody wanted to do something else and the houses were gone - part of the screening to the back is gone. The rhythm and character of the street is changed. The restaurant becomes more prominent. Something that is proactive in saying that the houses shall remain, be restored, be maintained - but there wouldn't be a demolition. We have that that all over the Village and have been questions from time-to-time about teardowns, and don't have a lot of protections there. I kind of wonder if there isn't something that we should be looking at here that would maintain those houses."

Member Krause said, "if I'm interpreting this correctly, you've got a red line - that's a proposed easement. So you are not changing the property line. So, you are no longer proposing a subdivision. You are not going to assemble those lots. So, we loose the opportunity if that door doesn't get opened." Member Sutherland said, "I think if somebody is buying all 3 properties, there's probably some way to accomplish what I'm thinking here." Member Krause said, "Rick, you could council us on that." Ramsgard said, "I don't think it's not unreasonable to talk about that. Adam and I talked at length about the 2 houses, restoring them. Those are the only conversations that we had - is what to do about them, in terms of bringing them back." Member Sutherland said, "I'm sure that's what you want to do. Thinking that if Adam 5 years from now says, what the hell am I doing in the restaurant business, and he sells to somebody else. If I was in the restaurant business and I wanted to make that place as visible as possible, I might think about loosing the houses on each side. If I just have blinders on, thinking about how do I maximize sales, and that interest may be different than the Village's interest in maintaining the rhythm and the character of the street. If Adam is not here, somebody else down the line - it would be nice to know that we had something." The Chairman asked, "what are you suggesting?" Member Sutherland said, "providing as part of this overall arrangement, for some sort of protective covenant that says that those houses shall not be demolished." The Chairman said, "you can do that. One of the Boards in their review could do that, if that was desirable." Attorney Galbato said, "or the flip side of that would be, I think you need a building permit to demolish a structure and some restrictive covenant that would run with the land, also to the benefit of the Village, no building permit shall be issued for demolition for the houses that you

are talking about, unless or until certain things that you want to see. So, if you want to extend a buffer or something that would have to be done..." "...perhaps, but I think the most important thing would be maintaining that character of buildings and rhythm. So, I would probably go more – we are expecting them to be there. No demolition permit. No approval to do that. It's legal technicians working out the details."

Ramsgard said, "I was a really simple way that we had proposed to handle all that and that was with the assemblage. That was the whole purpose of that because – there might be a way to do it. But if you are going to create a covenant, a covenant I think is fee simple, just like anything else. It's got to be owned by somebody. If you want these separate properties to be kept separate properties, then I don't see how you write that covenant because nobody owns it. Someday Adam will not own this place. Someday somebody else will own it. Nobody will live forever. You have to think about forever and how you structure that. Easements go to the benefit of one property for another property just as well as covenants do. If there's no covenant against it owned by somebody else, I'm not sure how you do that and make it stick."

Member Sutherland said, "that's why I'd look to having some competent legal folks work on this." (Multiple conversations) Member Krause asked, "can you suggest someone?" Ramsgard said, "you could easily put that language in and assemble his property. Because it's all in one piece." Member Sutherland said, "however the technical way of accomplishing it." The Chairman said, "Doug's thought is a good thought, and see if there's a way to do it. That's responsive to one of the issues that the Village is interested in – maintaining the residential character of the neighborhood." Clerk Battle said, "Rick, you do not need a building permit to do a demolition, just a demolition permit."

Chairman Kenan asked, "have you tried anyway to get the turning radius you want and still protect the black walnut tree that doesn't eat as much of this residential property? Is there anyway to do that?" Ramsgard said, "not, and provide for the trucks." The Chairman asked, "have you drawn the tree at all accurately, the canopy?" Ramsgard said, "yes, that's the center." The Chairman asked, "the canopy of the tree, is that the green circle?" Ramsgard said, "yes, that's approximately where it is. We did dimension the tree. That is exactly where it is." Member Krause said, "the radius that's required is more driven by the truck than the tree." The Chairman said, "then you could move the circle so that the tree did not sit in the absolute middle of it and maybe invade the house." (multiple conversations) Member Krause said, "you could shift it to the east." Ramsgard said, "yes, you could do that, it would shift over." The Chairman said, "I'm not arguing for that again in order for this lot, which is presently the 3-family, to maintain as a residential lot, you would like to invade it as little as possible." Member Krause said, "you could also not have a way for the trucks to turn around when the parking lot was occupied. Restaurants in lots of places don't allow deliveries during operational hours. You could use the parking lot itself as the truck turn-around." Ramsgard said, "or doing a 3-point turn. I was trying to avoid the 3-point turn because of the back-up alarms for the trucks. If you could let the truck go forward, they will always go forward before they ever have to back up. Then you don't have to have the beep. Yes, you could do it. We could probably get ten feet out of shifting that off so the tree is not in the center."

The Chairman said, "Andy, I would like to ask you to explore something else. I lack the ability to do it with my pen. Personally, I prefer the parking which is parallel to the street as opposed to the 2 versions that extend into the lot. (Scheme C) My feeling is that it is less invasive of all that residential land to the rear. But I have 2 thoughts in mind. I see the merit of the cars facing each other, the diagonal version. I also see that if you do that with a big turn-around at the end, and if you merely took that and laid it here, the 2 turn-arounds would eat up so much room you wouldn't have a lot of parking. Do you follow what I'm saying? If you took this plan right here, and tried to do this with it, it is the turn-arounds at the ends which eat up so much of it. You wind up with 12 cars or something... Let me continue my thought, is there a way to combine to triple load rather than double load that? In other words, you have this circulation system with the parking in the middle, can you add some diagonal parking on the street-side of that loop-ta-loop, which would help pickup the yield? And is there a way, perhaps, that that circulation pattern eliminates the need for the big turn-around?"

Ramsgard said, "you'd get 20 feet more per side of buffer by doing that because you can take the last 2, which means 4 spaces come off and can come over here and over here. You can increase the side buffers 18 feet off of each one. You can't get 3, then you'd have to go to a 4-stack. Then you have another lane beyond the 4-stack." The Chairman shows a sketch he made saying, "not to scale, just trying to scribble the idea down. Is there something like that which would combine the better elements of the one perpendicular to the street. Keep it up toward the building as much as possible, and still give you a yield something like you are trying to do?" Member Krause said, "and shift the circle around the walnut tree east." The Chairman said, "or maybe you don't need the circle if you've got that circulation pattern."

Ramsgard said, "the scheme would be, you'd eliminate the turn-arounds on the sides because that just adds more and gets too tight. You could flare out the circles." The Chairman said, "what I was doing is I was keeping it down the middle, the diagonal parking, and then adding as many diagonal spaces as you could on the street-side." Ramsgard said, "the problem is that - to account pretty much - most cars unless you get into the SUV, have a 13 1/2 to 15 foot inside turning radius. Then bigger SUVs like Suburbans, and stuff like that, they are the outside limit of 16 feet." The Chairman said, "I suspect you laid it out accurately. I'm just looking for a way in which maybe the driveway comes around over here, instead of going all the way around the tree the parking lot is used for the circulation circle. You obviously get fewer cars this way because of the turn-around at the end, but you pick up some in these areas. (multiple conversations) It would be more compact. I'd like to see you work that out." Member Krause said, "and if you introduce the landscape buffer down the middle, that Z1-A has, then you could get those radiuses up to where that truck could actually get around there, without circling around the walnut." Ramsgard said, "it would go into a triangular pattern around there." Member Krause said, "any you are going to have less pavement. It's going to be more compact and you are still going to have healthy buffers." Ramsgard said, "I'll lay it out and see what. It won't take more than an hour or two to get it out."

Chairman Kenan said, "I don't know if anyone else feels the way I do. To me, that's less invasive if the parking is up near the building. And you can still allow room for a buffers." Ramsgard said, "the maximum way to get the deepest buffers for the residential property is ZA-1. That's the maximum depth that you can ever achieve. Because the parking, by going the

diagonal, you are squashing the middle section of the parking. Actually it's slightly more pavement than Z1-B, but the benefit outweighs the extra pavement by parking cars in, I think, and get the landscape zone in the middle." Member Krause said, "the reality is that your buffers are so generous and so heavily planted, that the headlight issue kind of goes away. If you look at the depth into the lot, 'C' goes into the lot to the south a third of 'A'. And 'B' goes 2/3rds of 'A' – so you could effectively double and even triple the amount of parking that's in there to the same extent to the south." The Chairman asked, "are you encourage that?" Member Krause said, "no. I'm discouraging it. I'm trying to make the point that we want as little pavement in there as possible. Keep the parking as far north as you possibly can. Screen the daylight out of it so nobody know it there, so the neighborhood character isn't compromised."

Ramsgard said, "then the best to accomplish all those things, the best you are going to get is 1B. That's the densest possible – the least pavement per car." Member Krause said, "I think 'D' is going to be better. Because 'D' is going to double load the racetrack, and is going to get rid of the circle around the walnut. You are going to accomplish everything with less pavement." The Chairman said, "Steve has great faith in me." Member Krause said, "you are going to get more cars." Ramsgard said, "yes. That's the exact same parking lot that we have up in front of Mirbeau (Inn and Spa) the double loaded internal with outside parking at the edge. It is incredibly efficient."

Chairman Kenan said, "so let's get some direction from Counsel. What can we do this evening other than just ask him to draw another plan? Are there any actions that we can take? What was your opinion?" Galbato said, "I would like to begin the SEQR process as much as we can. Once this Board has a consensus from the applicant of the proposed plan, I think you can declare this and Unlisted Action, with limited coordinated review with the DOT, we can work together to get that out to the DOT – so that 30-35 day window can be accomplished." The Chairman asked, "unless that's started we are precluded from?" Member Krause asked, "have we declared ourselves Lead Agency?" Galbato said, "it was done at the last regular meeting." Member Krause asked, "have we declared it an Unlisted Action?" Galbato said, "you might have."

The Chairman said, "Andy, also in 'C' I see you put in much less - you show the landscaping buffer going much less further into the site than you did with 'A' or 'B.' Ramsgard said, "right, because 'C' there's a big clump of trees back in there. Scheme 'C' missed the pine tree that's back there and misses that clump and a couple of apple trees that are already there. We can fill in - there are some areas that are not filled it. You can fill in this and fill in that, and put a couple in there." The Chairman said, "even where on the end because of the little turn-around area you left out a couple of the trees. You could almost put them in on the other side to create the staggered pattern." Ramsgard said, "in Scheme 'D' it will have to be a completely new landscape because that's all going to get wiped out."

The Chairman said, "my experience with the Norway Spruce, as I said at one of the meetings, within a few years time they become a very effective buffer. I don't know how big the ones that I put in. I don't remember." Ramsgard said, "4 inch caliper, ten feet tall." The Chairman said, "they may have been a little bit bigger when they went in. Clearly, after a few years, they filled in. You'll still have an area at the bottom where the branches do tend to die out,

but if you supplement that with the arborvitae hedge, I think you'll have a complete wall there. Because that will cover the lower part. Everybody else express your opinion. I favor the plan with the parking is perpendicular to the road and up as close to the building as possible. If there's a way to combine this thought here, with that in a way that produces something like the 27 cars or what ever you've got here, and perhaps invades the westerly lot less, seems to be that would be a good outcome all the way around." Ramsgard said, "I will show that scheme as Scheme 'D.' Chairman Kenan said, "and if our 2 volunteers want to meet with Andy and discuss that at some point, that's probably agreeable." Member Krause said, "we are being volunteered, Toby."

Ramsgard said, "while we are on the 2 other practical considerations relative to the application to the DOT, our initial desire was to provide a DOT approved curb cut for a commercial entrance onto a commercial street which is a 26 foot wide entry with the appropriate radii. We are happy to provide something smaller but that's going to take a very strong recommendation from the Planning Board to go to the DOT for that recommendation. Because they won't listen to a property owner. They will believe that we are doing it just because we are trying to just get out of doing something which is not the case." Member Krause said, "I would think that we'd be able to get the..." "...we can certainly make that very strong recommendation," said the Chairman. Member Krause said, "we could also probably get the Trustees to do and the ZBA as well. Heck, throw in the Historic folks, even though it's not in the District."

Ramsgard said, "the second item was some discussion at the Saturday meeting about a use variance. I'd like to clear that up. My understanding of the Zoning Ordinance that this is a legal non-conforming use and there is an avenue for expansion of a non-conforming use with out a use variance. The use variance is not appropriate to this project. I would not be able to understand how you could apply the existing Zoning Ordinance just for the modifications of the restaurant, even to update it, regardless of changing the footprint. Because the triggers in the Zoning Ordinance – the trigger gets created at the alteration level. So, for instance, bringing the restaurant up to Code relative to the ventilation of the hoods, that would be an alteration to the exterior, which would trigger the same sort of pattern of events that are before us now, and therefore would also trigger a use variance, which I don't think is appropriate in the meaning of the Code in that sense."

The Chairman said, "counsel is the one who should respond rather than us making opinions. But, you are speaking to the modifications of the building only?" Ramsgard said, "well, no – I don't understand the interpretation – so I need to understand the interpretation of the use variance, if there is in fact a use variance ???spoken here , I need to understand how that applies to the overall project regardless of the changes to the site. Because I need to understand how the trigger would happen to the restaurant. The way I read the Code, it's clear to me that the use variance would only be appropriate in the case of creating a new use in the District, in the Zone that didn't already exist. For instance saying that Sue Jones' house across the street wanted to be a restaurant. That would be a use variance. That would be a change of use within the District for that piece of property whereas, Krebs is a legal non-conforming use. It's allowed to exist. It's allow to continue to exist. It pre-dates the Zoning Ordinance. In the Permitted Use Chart, it allows by way of special permit for expansion of the parking area with a special permit, but not with a use variance.."

Member Krause said, “you sort of led us through your thinking at that Saturday meeting.” Attorney Galbato said, “granted, I haven’t had a chance to review these 3 or 4 new proposals submitted today at this meeting. But 225-69d and 225-69f require variances. 225-69f, *a non-conforming use of premises may be changed to another non-conforming use of premises only by variance granted by the ZBA*. And also 225-69d you are expanding the use of the property for parking that was never used before for parking. Regardless of the drawings.” Ramsgard said, “and that part I agree that a special permit is required for that - for the expansion of the parking. Because as an accessory use, the parking is not a primary use, and the funny thing is, as you look at the Ordinance, then you read through it – if Krebs wanted to lease Judith Kasper’s property and create a parking lot, that would be a permitted use in A-1 associated with the restaurant, with the same special permit. So the use variance to me is not the appropriate mechanism for the review process of the overall project. It’s the Special (Use) Permit.”

John Langley, attorney said, “there’s some potential consideration for the same section briefly mentioned – 225-69d, 2 - there seems to be – it says, *however Residential A-1...any non-conforming building, structure existing on the effective date... may be extended to land not already devoted to such use, if such building or structure* – so there may be a reading in there that would provide for an interpretation that would allow for the subject that Andy said, which is a thorough review of the Special Use Permit level. I would certainly like Counsel to take a look at that.”

Chairman Kenan asked, “is there a difference in the way a Special Use Permit and a use variance are treated?” Member Galbato said, “yes, a use variance is a much more difficult standard. The problem with the 3-family lot is that it’s being, with the easement, assemblage, subdivision, whatever has been contemplated up to this point...” “...that one I agree to,” said Ramsgard, “I do agree with you on the fact that if you assemble them it becomes gray and then it becomes a use variance issue. After Saturday, I thought about that and I realize that might be why you had done that. As you take the property out, and don’t assemble them, then you are not changing the use. You are currently driving on that property. This driveway already goes on to them and the parking area – that truck is actually on the 3-family house property as well as the dumpsters already there and along the side of the barns,” said Ramsgard. Member Krause asked, “is that by easement?” Ramsgard said, “it has always been that way. There are no easements.” Member Krause said, “so it not a legal use, it just the way it is.” Ramsgard said, “yes, that’s the way it’s been. As long as Jan and Larry owned it, I’m assuming that’s the way it’s always been. They’ve always had a driveway there.”

Member Millman asked, “is there any value in looking at re-subdividing the lot so that driveway for the Krebs is entirely on its property? Shifting that north-south property line over?” The Chairman said, “I think you’d still be expanding your commercial use on land where it is not presently.” Galbato said, “a restaurant is not permitted in A-1. Now you are allowing accessory use for a restaurant, meaning the ingress and egress for that restaurant use on that westerly parcel.” Ramsgard said, “I’m just trying to figure that out. I’m not trying to push the issue. But, if you think about – if you push that logic ever farther that Larry’s house is part of the restaurant because the driveway already goes over there onto the 3-family. That’s already part of the restaurant. So, it really is 3 pieces. If you follow that logic too far. What ever the right thing is to do, we want to do in creating an easement or a lot line change or some kind of covenant if

you can figure out how to work it out, that makes sense. In my head, an interpretation of the Zoning Ordinance, I couldn't figure out how after you take the 2 lots out of the equation, the 2 adjacent residential pieces, what triggers the use variance for the existing Krebs' lot, that isn't covered in a Special Use Permit.?"

Galbato said, "I would say the 'f' *a non-conforming use of premises may be changed to another non-conforming use of premises only by variance by the ZBA* and then 'd' talks about a variance for the *expansion into land not already devoted to such use except by means of a variance by the ZBA.*" Member Krause said, "but it is not specific as to what kind of variance, not use or. That's where it gets confusing."

Chairman Kenan said, "can I suggest that Counsel, each, go off and try to figure what they think the appropriate interpretation is. They can confer with each other if they so choose. If they agree, fine. We will go which ever way they agree. If they don't agree then you can always apply to the Zoning Board for an interpretation. Is that the thing to do at this point?" Member Krause said, "absolutely." Galbato said, "I will consult with Jorge because his determination on his Review Sheet, when he gets the final proposed plan that is working up – working with as we go through the respective Boards."

Langley said, "the important thing is that under any scenario, there is going to be a detailed review by the Zoning Board, whether it's for a Special Use Permit. (?) is going to meet with your recommendation to the Planning Board as to use variance or Special Use Permit. So, there is no scenario where the Board won't do a detailed review and make sure." The Chairman said, "just that the criteria is changed." Langley said, "one criteria could be a tremendous hardship. Another criteria is still going to be – require a lot of compliance." Galbato said, "my experience in a lot of codes that I have reviewed over the years has been expansion of a non-conforming use, you are saying parcel, or change to Special Use Permit. As I was digging into this with Jorge, we had the 225-69 out there. You have the Special Use Permit as well. But we have this set provision as well."

The Chairman asked, "ok, anything else?" Ramsgard said, "no. We are going to meet with Toby and Steve sometime hopefully this week or next and be back for the October 7 meet. So, we will plan on coming back the October 7th meeting." The Chairman asked, "come again, what do you think is appropriate action for us at this meeting?" Galbato said, "we could wait until October 7th and when you guys have a consensus on the plan, the site plan at that point, to do the Declaration of an Unlisted Action with limited coordinated review." The Chairman asked, "do you think we should have a plan before we do that?" Galbato said, "you are going to wait anyway until I hear some type of consensus. They won't review all 3. Now I'm thinking, do we want DEC to be an agency that we give the blessing because of the SWPPP?" Ramsgard said, "we have to submit the SWPPP storm water anyway. So, they are going to get notified anyway." Member Krause said, "so it will be a coordinated review. I would suggest that we do a Long Form just because there has already been objections in the neighborhood. You have already done it."

Member Sutherland asked, "this generation of Plan A, that you can also deal with that Jackson line screening." Ramsgard said, "yes. We will pick that up." The Chairman asked,

“anything else the Board members would like to suggest?” Member Millman said, “this is kind of a process question. We are trying to solve for a number of issues here. There was some level of consensus that we want some amount of parking on the site. We have now agreed to try to pursue that. Now I think what we are trying to solve, putting aside the legal question, is the actual configuration layout of the parking. I think it would be helpful, I don’t know what the process is, for the neighbors to provide some of input. We are looking at several at several different plans here. It’s hard for me to kind of get a sense of which plan works best for the neighbors that surround the property.” Member Krause said, “there will be a public hearing. The ZBA will have one.” Member Millman said, “I don’t know if there is a point at which the neighbors can supply input, whether it’s in writing or verbally to us that we can give some direction to the ZBA.”

The Chairman said, “we have a few neighbors here right now. If any of them want to speak. It isn’t a public hearing, as long as nobody starts yelling. We can take comment if you want to.”

John Pidhirny said, “I mentioned this to Andy in the past – so bringing it up again means you are probably going to talk to me. If you look at ‘A’ ‘B’ or ‘C’ there’s a cutting garden shown. The garden that’s there now is actually in the back of Loveless’ house. It isn’t shown. It’s in the very back corner of that narrow lot where the Loveless house is. The cutting flower garden is a new creation. I guess I’m wondering if you want to put a flower garden there, why not put it back further and move the parking that Bruce says as close as you can get it to the building? You’d be utilizing part of the space from the turn-around that’s already on the drawings. Make it against the building and face-to-face as well, and get 3 rows for cars. It always just seems like the creation of that new cutting garden is – yes a lot of people will say yes, that’s a beautiful garden that’s behind Krebs. It not, it’s new. One is still there and on Loveless’ property. If you are going to add a flower garden you could easily in some green space in the back and move all that parking up closer.”

Member Krause asked, “Andy, the prior site plans suggested that the existing garden, as being discussed, was to be restored? Is that still the game plan?” Ramsgard said, “yes. It is still part of our plan. It didn’t make sense to put it on these because we are not talking about the other properties. We took those out of the equation. But yes, we are still going to restore it. John, the reason why I didn’t do that is because Amy and David’s swing set is right there (points on drawing). The cutting garden was really to fill in the space between the 2 gardens. I was trying to get everything in the middle as much as possible so that you are off of the property line. I can get cars up there but it gets them closer to the restaurant. But, when you ... curve the line of the parking – you didn’t get a lot of cars in there. It seems like you got it closer...” Member Krause said, “you are probably also trying to have the cutting garden be something that you experience from the patio, as opposed to the parking lot.” Ramsgard said, “you pass something that – put less cars right in that corner. That’s where Amy and David’s property is exposed on 2 sides. I was trying to stay away from that. I think that’s the most intense corner that you guys use. You come out here but the property is getting smaller and narrower. That was the reason for pushing it into that corner.”

Sue Jones asked, “is there a concern of what might be more desirable for the West Lake Street neighbors ???the ???for Allen and Linda, they would be looking over – they would prefer to look over green rather than parking lot, if the parking was moved closer?” Member Sutherland said, “it was a point that I’ve been kind of concerned about. I think we can be so concerned about the neighbors on the back that we end up creating something that is bright and loud and changes the feeling along the street...” “...we want to do a little harm for all the neighbors as opposed to sensitive to just one,” said Jones. Member Sutherland continued, “I think we need to keep both of those in mind and there is at least one logic that says the version that goes back with a lot of dense stuff on either side has less impact from Genesee Street than something that something that brings all the parking up close.” Jones said, “it is a careful balance. Andy is trying to thread a needle with one eye closed.” Member Sutherland said, “whether you have one eye closed or both, I think that there is something to be said for not moving the parking so close.”

Member Millman said, “I am trying to get a sense of just that. I think we are all sitting up here trying to feel what’s the right way. I think there’s pluses and minuses for each one.” Jones said, “right, depending on where the neighbors are sited, you are not going to get the unanimous opinion perhaps that you’d love to get. I want to be very clear for the record that I’m an across the street neighbor. I want everyone to know that.” Member Millman said, “I’d be curious to hear if there is somebody that’s adjacent on either the east or west on what they see.” Jones said, “I would be very happy to have Allen give you a call.”

Allen Johnson said, “I’m here...Joseph Steencken you lives in an Italianate house next to the Lutheran Church, 15 years ago he requested from the Village a parking lot for a dentistry for 16 vehicles. The Village said that would be adding too much traffic jam. Five years ago, when I put in for a building permit to convert my garage, upper garage to a studio, I was repeatedly asked if I was going to have people come in? Presumably a commercial respect. I would think that by allowing the extension of the parking into this area that it’s a departure from the way the Village has been viewing it. So, I object to any extension of it. I don’t know your thinking on that.”

The Chairman said, “I do think you have accurately reflected my recollection of the way the Board has responded in the past in an effort to maintain that delicate balance between the residential neighbors and what ever commercial uses there are in the area.”

Member Millman said, “I think that the concern that was raised, when you had the joint meeting of all the Boards, was that this is an existing use, grandfathered in essentially, a special use. With the new ownership that there’s a likelihood that the intensity of the use will increase as it becomes a more successful operation. Therefore there was a concern that it was going to generate more traffic, more parking that is currently generated by the current user. As a result, there was going to be impacts on parking on the neighboring streets, specially on Genesee. That this was an opportunity to potentially mitigate some of that parking impact. I didn’t necessarily agree with that – but generally that was the consensus. I think there was a decision made that there had to be some level of parking accommodation. It made no sense of 60 spaces which was the original plan was way more than was necessary. That some number smaller than that and that number should be almost more about trying to limit the physical impact of the parking than solving for some – is it 30 spaces or 40 spaces? It is more about physical footprint of that parking

area and the goal was to try to buffer the neighbors on all 3 or all 4 sides for that parking component that there was a sense that should be there. The question that I was asking and continue to ask, is for the neighbors to provide some – given that there is a consensus that there is probably going to have to be some level of parking there – that there is a sense of which of the plans that have been presented provides for the least amount of impact to the larger audience. I think each one of these plans, plan ‘D’ is going to have it’s merits for you, for the Allyns and for others. I think it is our job to try as people representing the Village as a whole, try to weigh all those inputs and maybe help us see things that we may not be currently not seeing in the plans posted up here today.”

Johnson said, “I was told by Sue’s husband Paul, that there’s 30 Village spots available in the parking lot of the Fire Department, new Fire department reserved for Village use.” Jones said, “at certain times. They can’t be counted on always – like if there’s a fire.” Johnson said, “the cars park up and down Genesee most of the day anyway. Often time at least past my house. Just from the Lutheran school they do.”

Millman said, “again, knowing that there is parking at the fire house available is something is good for us to recognize. From a practical standpoint if somebody had the opportunity to park on the street vs. parking at the fire station, they are going to going to park on the street, if that space is available.” Johnson said, “they will park on the street anyway, some of them.” Member Millman said, “if there was spaces in a parking lot in the back behind Krebs then that would probably their first choice. Any of us are not trying to impose anything on anyone. We are trying to strike this balance between what’s the right amount of parking, provided on-site and what the configuration of that parking will be.” More discussion on the number of spaces and the various reasons for those numbers.

The Chairman said, “your views are encouraged and appreciate you expressing them. This Board basically will wind up advising the Zoning Board on the issues before it, and advising the Trustees on the Critical Impact Permit. If there is no subdivision requested, that’s the role that we are relegated to - advice. Although we also got assigned the task of trying to view different alternatives, which is what we are doing right now. I don’t want to get into a debate right now. You are certainly welcome to comment in writing. I think you already have. There will be a public hearing as well, and generally if someone really wants to talk at one of our meetings even though it’s not a public hearing, we let people talk.”

Dave Allyn said, “it’s a tricky situation on a prime piece of land in Skaneateles. It’s disappointing to see it turn into a parking lot back there. But I think the Village has a bigger problem with parking. I’m going to do everything that I can to make sure that I’m instrumental that it gets addressed. It’s been pushed under the rug long enough.”

The meeting was closed at 5:51pm

*email to: Galhato, Planning Board cc: * ZBA, Jones, MJB
Ramsgard*