

Village of Skaneateles Planning Board Meeting April 5, 2012

Site Plan Review and Critical Impact Recommendation in the matter of the proposal submitted by Cider Mill Properties, LLC for a Change of Use, pursuant to Section 225-A1c Permitted Use Chart, from existing Office, Licensed Professional space to request pre-approval of any Office, Licensed Professional; Office, General Business; Health Care Services, Human; Personal Service; or Retail Sales tenant wishing to occupy all or part of the 3,728 SF tenant space at the property addressed as 9 East Genesee Street in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
Douglas Sutherland, Member
Megan Keady, Member
Toby Millman, Member

Dennis Dundon, Clerk to the Planning Board
Riccardo Galbato, Attorney for the Planning Board

Robert Eggleston, Architect, representing the Applicant

Absent: William Eberhardt, Member

Chairman Kenan opened the meeting at 7:49 pm announcing the application of Cider Mill Properties, LLC for 9 East Genesee Street. Robert Eggleston, Architect, introduced himself and presented, "The owners recently purchased the building and they are working with local realtors to lease out the building. This building has had, well in my 30 year history, it has been an industrial design professional studio (both floors), it then was upstairs office and retail on the first floor, it then was converted into a restaurant (both floors – at that time they did some major improvements inside; they put sprinklers throughout it), it then was converted to professional office – which is its last use, and has been vacant for just over a year. It was on the market; the owners bought it as an investment – she is local from Skaneateles, they do live out of town, but they wanted buy this as an investment property. They currently have the realtors looking for a tenant for the space. Similar to the Byrne Dairy, which we looked at last month, the process for any change of use is to go through Critical Impact. And unless you absolutely hit it on the right day of the month, it's about a 2 month process to go through that – before you then can get a building permit to make any changes, that type of thing."

Mr. Eggleston continued, "There's a number of uses that we are interested in pursuing which are very identical in their Critical Impact relative to the amount of water and sewage use, the amount of parking, that type of thing, and are very appropriate for the downtown area. So what we would like to do is to ask for a blanket approval for 4 of these uses. Specifically, it already is a Professional Office, so should a Professional Office tenant come along, they just move in. There

is no change of use and life goes on. We'd like General Office, we would like Retail, we'd like Personal Service, we'd like Professional Office like doctor or psychiatrist, or whoever. The preference is to push Retail for the storefront and/or Personal use for the first floor. I think that's the ideal use..." Chairman Kenan asked, "Personal use meaning...?" Mr. Eggleston said, "That would be like a beauty shop, it could be a dance studio..." Member Keady asked, "A type of retail, you mean, a type of Retail being a Personal use?" Mr. Eggleston replied, "Well, Retail is where you sell something, a product. This is where you sell a service, such as a beauty salon, a spa, or a, could be piano lessons, a dance studio, it could be a karate..." Chairman Kenan, "Something that requires the public to come into your premises." Mr. Eggleston, "The public to come and to be serviced. And again these are all first-level, prime, ideal uses for the property. The second floor, it's very difficult to have Retail on the second floor; Office is a much better use. Sure there are other uses that could go into this; it could go residential, but we're not asking for that; it could go restaurant, but we're not asking for that. Those have different; those are not similar to this category or the 5 uses that we're talking about – in that they have much more water demand, they have parking demands for overnight accommodations, things like that. Currently the parking law does not require any on-site parking for any of these uses. The property has one parking space in the back."

Mr. Eggleston continued, "It does have handicapped access in the back; you enter at grade level and there is a lift that brings you up to and makes the whole first floor accessible. The second floor is not handicapped accessible. It does have 2 stairs; it's only required to have 1 stair which would be this entrance here. There is an old, the original stairway an older staircase there that connects the two. If this gets split multi-use, that probably would be closed off, shut off, or it would be a locked stairway. We probably wouldn't tear it out unless there was an appropriate lease that suggested they do that type of remodeling of it. But from a code standpoint 1 stairway is all that's required for the building. As far as going through any of the issues in the Critical Impact criteria, these 5 uses all have kind of a similar type requirements."

Mr. Dundon asked for and received clarification of the requested uses from Mr. Eggleston. Mr. Galbato further clarified that Health Care Services, Human and Office, Licensed Professional are the only two uses of the five requested that require Site Plan approval. Member Sutherland asked, "Which are the two that we are here to potentially add to the list? Which are approved as of right and which are the potential add-ons?" Attorney Galbato said, "It was an office for Smith Barney for several years until about six months ago." Mr. Eggleston said, "Professional Office requires Site Plan approval, but it [this property] already is approved for Professional Office. So we don't need Site plan approval for that. Medical Office requires Site Plan Review. General Office, Personal Service and Retail Sales, under 3000SF, do not require Site Plan review, only Critical Impact. So, only Medical requires Site Plan approval; all four require Critical Impact which require a recommendation to the Trustees." Member Sutherland said, "So you're here just to get Medical office added to the potential list?" Mr. Eggleston, "I'm here for Site Plan review to add Medical Office, I'm also here for a recommendation to the Trustees on the four additional uses." Member Sutherland, "Meaning Retail..." Mr. Eggleston, "General Office, Personal Service, Health Care Services." Member Sutherland, "I guess I'm confused why you couldn't just turn that into a hair salon right now?" Mr. Eggleston, "Because right now it is a Professional Office and that would be a Personal Service use." Member Sutherland, "But in the Downtown District you can't just..." Mr. Eggleston, "One is a C15 and one is a C14."

Chairman Kenan asked, “Bob, talk to us if you would; I’m trying to understand the concept. Should a single use be permitted for a property, or should any of a whole string of uses be permitted? I don’t know the answer; I’d just like to hear what your thought is. Does it make sense to say I would like it to be any of the following list, as opposed to coming with a specific use?” Mr. Eggleston, “What the procedural difficulty is, is that as soon as someone wants to rent part or all of the building that’s not a professional office, we have to go through Critical Impact and possibly Site Plan Review. That’s a 2 month process, before you can even get a permit to start building it out. A lot of times, especially small offices, if this was split into multi-use; let’s say the upstairs was two different offices and the downstairs was a retail and a personal service, every time a new tenant came we’d have to go through this 2 month process...” Chairman Kenan, “Or a different kind of tenant, a different use.” Mr. Eggleston, “But if another professional office comes along, and personally I’m not looking for space, they just move in, right now, today. What we’d like to do is to streamline the ability to lease it by having it pre-approved for these four additional uses, so that any or all of it could be rented for such.”

Chairman Kenan, “So why does the ordinance require approval for a change of use? Why doesn’t it just say ‘you can have any use you want’? And that would be akin to saying let me have any one of the following 5?” Mr. Eggleston, “I think one of the difficulties with the Zoning Law is that Critical Impact is allegedly when there is some major thing that occurs; then we step above the appointed Boards and we go right to the top dog saying this is really critical, you should get the final say. Unfortunately, the way the law is written, you can have 100 SF change from a little magazine stand to a Personal Service, and you have to go through the whole process, the same as...” Chairman Kenan, “But isn’t there a reason for that? Aren’t the impacts of the uses different?” Mr. Eggleston, “They used to be more different before the parking ordinance was changed, because they had different parking requirements for each. Now that the parking is the same for commercial and downtown – there is no on-site parking requirement – I think it strips most of these uses of their differences.”

Chairman Kenan, “But if the current situation is temporary – that there will again be a parking ordinance adopted, which is what I thought the intent was...” Mr. Eggleston, “No this is the final thing...” Chairman Kenan, “Nothing is final. The trustees can change it anytime they want. But my belief was that it was dropped for consideration of a better plan -- not that there was never going to be a parking requirement. I would argue against there never being a parking requirement; it doesn’t make any sense. You have to have some kind of control over it.” Mr. Eggleston, “I echo your concerns, and I sat on the committee trying to draft this, trying to bring all the parties together, and that’s what the final solution was.” Chairman Kenan, “So in any event, we are not going to solve that right now. But if there is to be a parking requirement adopted, which I will again say I hope they do, then there would be a difference between the uses. In which case, shouldn’t there be a use approved, and because the ordinance says if you change the use you need another approval – shouldn’t that process continue? I’m looking for an explanation for why that wouldn’t be the case.” Mr. Eggleston, “What we’re saying is that we’ll put a 5 year sunset on this. How long will it take to get all of these spaces changed, or will someone come in for a short period? What we’re asking – and you decide what the sunset should be, should it be 24 months, should it be 30 months, should it be 12 months – and I appreciate your sentiments that if the zoning changes then the way that you look at it might

change. I think that what I'm trying to say is that there are very few differences between these 5 uses. They are all very appropriate for the downtown area. We have not included uses that have higher impacts on sewer, water, deliveries; these are all very minor kind of uses and appropriate for the downtown area." Chairman Kenan, "So you feel that other than parking, there are no significant differences between..." Mr. Eggleston, "I think there are very few significant differences. I think the only one that I would put out there as potentially having the most difference is Medical Office. Now if you decide let's not include that in the list – we can live with that."

Chairman Kenan said, "I guess I would suggest that having Retail at the street level. If I had to make a list of what's appropriate at the street level – Retail, for sure. Possible addition would be the Personal Service use, which is akin to Retail in that you're inviting the public in. Its function in the fabric of the downtown shopping, the downtown district, fits better than the other uses would. And then maybe I'd agree that in the off-street-level levels that the other uses maybe are not distinguishable." Mr. Eggleston, "Personally, I find very little difference between General Office and Professional Office; but for some reason the ordinance chooses to distinguish between them."

Chairman Kenan said, "Does anyone else have any thoughts or questions?" Member Keady said, "I agree that it's very important to have the Retail, at least, on the first floor and that we make that a priority to be filled retail-wise. Personal use second best. I don't really have an opinion about upstairs." Member Sutherland agreed. Attorney Galbato said, "Bob, since you don't have a tenant or tenants going into the building, you are trying to get this approval so you can market it as being approved for such and such. Having said that, when you talk about a sunset, what are you exactly proposing? If no building permit is applied for, or if nobody is in there by a certain time period? How does that proposal work for a sunset?" Mr. Eggleston, "What our hope is, and how we structured it for the Byrne Dairy last month, was as of a certain date – at that point whatever the current Zoning Law requirements are, then you have to follow them. So I'm suggesting that if we get someone in there, maybe it's just a two year lease, and then they're out, then we still have the ability to change the use, so that we can try to keep it occupied. Obviously, their goal is to get long-term tenant, but today, in this economy, how long do people want to commit. You can get them to commit for a year, but will they commit for 5 years?" Chairman Kenan, "And again, the existing approved uses are?" Mr. Eggleston, "Is professional office." Chairman Kenan, "For the whole building?" Mr. Eggleston, "For the whole building. So we could rent it out tomorrow for professional office, and they could move right in." Attorney Galbato, "Because you are not changing the use within Downtown D from what was already there and approved." Chairman Kenan, "So if we were to approve a change of use for the street level to Retail or Personal Service, and for the other levels include the other uses that were listed in the application, would that meet the need?" Mr. Eggleston said, "Yes, I think that would meet the need." Chairman Kenan continued, "Actually it is up to the Trustees, so it would be a recommendation. And you are requesting a 5 year sunset?" Mr. Eggleston said, "Actually to December 31, 2017." Member Millman, "Five and one-half."

Chairman Kenan asked, "Any other thoughts?" Member Millman said, "I like the concept; Bruce you weren't here last meeting, but this is consistent with what we did with Byrne Dairy. I like the fact that it's consistent – or it would be consistent with the previous decision." Chairman

Kenan, "Do you want to make a motion?" Member Millman said, "No, too many moving pieces."

Chairman Kenan said, "I'll make a motion that we recommend to the Trustees that they approve the change of use for this property as follows. For the street level, add the Retail Sales and Personal Service uses, and for the off-street levels, those uses plus Health Care Services, Human; and Office, General Business uses. This approval shall expire on December 31, 2017. Secondly, for this purpose, we would declare ourselves Lead Agency under SEQR, and find this to be an unlisted action and would hereby issue a negative declaration. Thirdly, since Health Care Services is included in one of the proposed additional uses, we will grant Site Plan approval for the property in accordance with the Site Plan submitted, drawings labeled 1-of-2 and 2-of-2, dated 26 March 2012." Member Keady seconded the motion.

Mr. Eggleston said that "Medical Office does require handicapped accessibility, so the first floor would be the only floor possible for that." Attorney Galbato asked, "Isn't there an elevator?" Mr. Eggleston said, "There's a lift, so that only gets you up to the first floor. It's possible, if you had the right tenant, that you could add an elevator." Member Sutherland said, "Maybe it's just not the right building for that." Chairman Kenan said, "I'd like to leave the motion the way it was expressed."

Upon unanimous vote of the members present in favor of the motion, Chairman Kenan declared, "The motion is passed."

Mr. Eggleston thanked the Board. This matter was closed at 8:11 pm.