

Village of Skaneateles
Zoning Board of Appeals Public Hearing
September 25, 2012

In the matter of the application submitted by Nancy Dezio for a Special Use Permit allowing the operation of a bed and breakfast homestay at the property addressed as 48 West Genesee Street in the Village of Skaneateles.

Present: Lisa Banuski, Chairman
John Crompton, Member
Stephen Hartnett, Member
Larry Pardee, Member
Craig Phinney, Member

Riccardo Galbato, Attorney for the ZBA
Dennis Dundon, Clerk to the ZBA

Nancy Dezio, Applicant

James Lanning, Village Trustee
Tom Hofer, 73 West Elizabeth St., Skaneateles
Doug Clark, 24 West Lake St., Skaneateles
Judy Gregory, 6 Griffin St., Skaneateles
Caroline Gregory, 6 Griffin St., Skaneateles
Debora Gist, 14 Griffin St., Skaneateles

Chairman Banuski opened the Public Hearing at 8:10 pm announcing the application of Nancy Dezio for 48 West Genesee Street.

Ms. Dezio introduced herself and presented, “The first exhibit is actually the survey of my lot. My house is actually on two lots so there’s the one right on Genesee and a very huge empty lot right behind me. At the Planning Board they told me that I needed to put in parking – 1 ¼ spaces for each room, and I’m going to have two rooms – so 2 ½ spaces or 3 spaces. My current garage is right here. The garage door is here; it’s a 2 ½ car garage. I spoke to Bob Card and back here is just a big empty piece of grass right now; and so he just suggested that I continue with the line of the garage – 24 by 25 would be the size of the parking pad. Just to connect it to the property line here. It’s a little bit wider on one side. He suggested using crusher run gravel, and then in one year I could pave it after it has settled. He said the crusher run gravel would work for parking immediately. That would actually give me 3 spots. He said to figure 8 feet per car and it’ll be 25 feet, so that should give me more than enough room for the parking.

Chairman Banuski said, “From looking at the property it looks like you have a shared driveway.” Ms Dezio said, “I have a shared driveway. The way it works is the driveway goes straight back and then it opens up – and basically all of this property here and everything else. I actually have

my own yard, the yard behind this neighbor, and the yard partially behind another neighbor. So once you get down this driveway, it kind of opens up into my property. One of the neighbors – the neighbor that’s actually most affected that’s on this driveway, actually signed this piece of paper – that would be the good news.” Chairman Banuski asked, “Which one is that?” Ms. Dezio, “That is Charity Goodman.” Chairman Banuski, “So that is the shared driveway.” Ms. Dezio, “Yes that is the shared driveway and then Craig Lindsey is next to that, and he signed. And then I have the signature of the neighbor directly across, which is the first signature and then I have a lot of commercial kinds of properties around me.

Directly across, I guess it is not commercial, but it’s the property owned by the church, an adult home...” Member Phinney supplied, “Presbyterian Manor.” Ms. Dezio, “Craig Lindsey, actually that’s his church. And then to the left of that is a house that there doesn’t seem to be anyone living in – it’s a big brick house. Someone told me a dentist from Syracuse owns it, but I never see him there.” Chairman Banuski said, “I’m pretty sure it’s a one family residential dwelling.” Ms. Dezio, “And then there’s the church, the nursery school and another B&B on the corner, which is for sale. And then on the other side there’s Krebs.” Chairman Banuski said, “One of the things that I take pretty seriously in the Viallage are our gateways – east and west and coming in from State Street. They are not mixed use, they are residential. Genesee Street, once you get out of downtown is residential. There are some exceptions, a church, the Krebs – it’s really not mixed use. The character of keeping single-family homes, has been really important in keeping the character of Skaneateles, in all directions. You go to a lot of villages and they have sold out their beautiful homes on their main streets to lawyers and doctors. All of a sudden the neighborhoods change and it’s not the same kind of village any more. So I always take a very hard look at anything that’s not going to be strictly residential. It’s not personal about you, it’s just based on my years on this Board.” Ms. Dezio, “I am not looking to turn this into a place where lots of families are going to come. I have basically two rooms and I’m looking to attract couples who just want to go to a quiet place on the weekend where they can walk to everything in the village. I love the house; everything I have done there has been to improve the house. And I love the history of the house. That’s part of what I want to share with the tourist community as well. I don’t think anybody realizes the historic significance of that house, and I think that some people might be very interested in staying there just for that reason. It looks exactly like it did in 1871. It was owned by Martha Manilla and she treated the house with kid gloves. It looks like it hasn’t changed a bit. It hasn’t been updated in terms of the kitchen, but it’s charming. I think that there are some people who would appreciate it. I told my neighbors I’m not looking to attract all kinds of people to the house. It’s going to be a very low-key thing. I am going to serve breakfast. I love to fuss in my house I love to fuss over people – that’s my intention. To just make it a very quiet, beautiful spot in town that will add to the community.”

Chairman Banuski said, “And I was also a little bit concerned about the signage. I don’t know what that is planning to be, but to me that actually takes a building that has a one-family look to it and all of a sudden makes it not a one-family look at all.” Ms. Dezio, “I for years and years spent half my life in New York and the other half in Jersey. Cape May, New Jersey is a place that I have gone to a lot and vacationed. It’s the oldest seaside resort in the country, actually, and it is filled with Victorians. It was actually made famous in the Victorian era by rich people who came from Philadelphia. It’s beautiful. And they preserved the houses there. I got the

opportunity to live there in one of those houses for about a month, in between selling one house and moving to the other. I got to know the community and the people. They really make an effort to keep the houses charming, even with the signage. They look Victorian – everything looks period. The historic society down there is very strict. They won't even let you put siding on the house. It has to remain as original as it was the day it was built. So I have a lot of examples to follow on how to do that right. Most of them have small signs and they all have some sort of a Victorian flair to them; they are not neon signs, they are not lit signs..." Chairman Banuski asked, "Would it be attached to the house? Would it be on a post?" Ms. Dezio, "Usually they will put a post like you would put for a mailbox. It would kind of come up and over and just kind of hang from the post. It wouldn't be above the porch or anything, it would be in the landscaping."

Chairman Banuski said "We'll get to comments in a minute. I'm going to open it up..." Ms. Gist interrupted, "I have a question though." Chairman Banuski said, "Can you wait until we get to the public part of this?" Ms. Gist indicated she would not. Chairman Banuski asked, "Why not?" Ms. Gist proceeded anyway, asking, "I'm wondering why this bed & breakfast would be different than the one that sits behind the library, or the one that's on the corner that's currently for sale, or Aunt Josie's that's coming up the lake in the other direction? Why is this gateway different from another gateway?" Chairman Banuski said, "It's not! I would take...the same scrutiny has been applied every time this comes up..." Ms. Gist interrupted again, "So those are allowed?" Chairman Banuski, "Right, and I'm not saying that this one won't be. I'm just saying where I come from with this and my strong personal feelings about protecting the gateways. I have the same ones about – the Gray House is a bed & breakfast, but it doesn't have a big bed & breakfast sign. There are ways to handle that without big signs in our residential areas. So, at this point that is my opinion and that's all that is." Ms. Dezio, "I mean I'm not looking to do something obtrusive or lit or neon or anything. I don't know if you have been watching what's going on at my house. Everything I'm doing to that house is to improve it and to make it more beautiful than it already was. I know you don't know me, but I can assure you I would not do anything that does not go with that house. As I understand it, there is a separate process for the sign. I would have to go back to Code Enforcement and start; I mean if you were to approve this, because I was reading on line, is that the case?" Chairman Banuski replied, "There are sign ordinances; the Code Enforcement Officer would outline for you." Attorney Galbato said, "There is no sign application as part of your request for special permit, it would be a separate analysis and review." Chairman Banuski said, "But it's possible; we are permitted to make improvements conditional on things. I don't know what the other Board members feel, but it is possible that we could approve this with a condition that there not be a free-standing sign in the yard." Ms. Dezio asked, "What does that mean by free-standing?" Member Hartnett said, "Not attached to the building." Member Phinney suggested, "Like a real estate for sale sign for a house." Ms. Dezio asked, "So what kind of sign would be allowed?" Chairman Banuski said, "I'm not saying that sign would not be allowed by the Zoning ordinance for signs – for when you would apply for that – but my tendency would be to say that what they have done behind the library – the circular thing that's on the house..." Member Phinney said, "Gray's is on the porch..." Chairman Banuski, "Right, it says the Gray House. So something that doesn't look like a for sale sign or a doctor's office sign, or something that looks commercial as opposed to residential." Ms. Dezio, "OK. As long as I can identify it so that people will know it's a bed & breakfast. I think that where I'm located, most of my clientele is going to walk by and see it –

and say 'Gee, I'd like to stay there'. Everybody who walks by my house stops and says 'the porch is so inviting I just want to come up and sit on it'; the house almost sells itself in terms of its charm. But if people don't know it is a B&B..." Member Crompt said, "That may be a good suggestion. If the porch is big like that, an oval sign to the left or right of the door that says the number of the house and so-and-so's bed & breakfast; so that people can see it but it is not a free-standing sign out between the sidewalk and the porch. Just a suggestion. I had a question also on the B&B. I know that you can only use 50% of the ??? area and half the rooms. You would not plan on, when somebody was there – say you have both rooms rented for the night – you would not plan on leaving and then coming back to make breakfast? You would be on-premises when somebody is there?" Ms. Dezio, "Oh no, I'd be there." Member Crompt, "So even though they only have use of two rooms, they would not have the whole use of the house?" Ms. Dezio, "Oh no. I would never leave my house unattended. Absolutely not. And I had explained to the Planning Board -- the house is interesting. The way it is set up, there's a front and back staircase. And the back staircase is actually attached to what years and years ago was servants' quarters. So there's a bedroom in the back that would have access to a bathroom that would lead you down the back stairway. And then there's a doorway that shuts it off from the rest of the hall where the rest of the bedrooms are, so you could actually be up there with the guests without them being able to access where you are. And you could go downstairs without having to walk through the hallway in your night gown or bathrobe or whatever. So it's almost like it is perfect for this use."

Chairman Banuski asked, "In addition to that room with the stairs that goes down to the kitchen, how many bedrooms are on the third floor?" Ms. Dezio, "There's three bedrooms and then another bedroom that is actually considered a sitting room because it doesn't have a closet." Chairman Banuski said, "In addition to that one with the stairs." Ms. Dezio said, "Right; it's actually 4 bedrooms plus a sitting room. It's a pretty big house. But I have no interest in doing more than 2. And really the only rooms that are really big enough to have a nice size bed and a little chair or something would be those front 2 rooms. The rest would be too small anyway. And it's something I'm going to be doing myself, so that would be about as much as I would want to handle. I kind of found Skaneateles by accident. I married a Canadian; I was looking for someplace half-way between Canada and New York where my children are. I found it listed in 'the best town to live in central New York'. And I went to your Chamber of Commerce website, and I was looking at it. Of course it looked beautiful, as those sites always do, and we came to see it. We drove into town and we hit the lake and I looked at it and I said to my husband 'oh my God this place is real. I thought it was just a picture they made up'. So I understand what you are trying to preserve here, and that's why I live here. I'm definitely on-board with that. That's what my house will be about – staying with that feel of the town and the history of the town."

Chairman Banuski said, "I don't have any more questions right now, so I'm going to open this up for public comment. Is there anyone here who would like to speak in favor of this application?" Ms. Gregory said, "Can I just ask a question? I'm Judy Gregory and I live on Griffin Street, so we abut in the back. We weren't sure what a bed & breakfast homestay – homestay; is that an extended stay?" Ms. Dezio said, "As far as I know there is actually a restriction. Is it 3 days? I was reading in the rules." Chairman Banuski said, "It was just the terminology." Ms. Dezio, "That's the way it is listed in the code, as a bed & breakfast"

homestay. Chairman Banuski said, “For those of you who are here, I have the section of the code for what our Zoning code allows for bed & breakfasts. In the Zoning code they are called Bed & Breakfast Homestays. So that’s where that terminology comes from. When the application came through.”

“A bed and breakfast homestay shall comply with the following prescribed standards:

- A. Preparation of food – The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the home.
- B. Interior design standards – The architectural integrity and arrangement of the existing interior spaced. Must be maintained. The number of guest rooms shall not be increased.
- C. Exterior design standards – The exterior appearance of the structure shall not be altered from its single-family character. (That’s where I feel the sign does make an alteration.)
- D. Inspections – Each bed and breakfast homestay operation is subject to an annual inspection by the Village Code Enforcement Officer.”

Chairman Banuski said, “So that’s how our Zoning code describes a bed & breakfast.” Attorney Galbato added, “Under the definition of bed and breakfast homestay it talks about the ‘guests whose occupancy shall not exceed three nights.’” Ms. Dezio said, “I remember that and I’m really looking for weekend people.”

Ms Dezio continued, “One of the other things is when I was here last year looking for a house, there were quite a few weekends I could not get a room in Skaneateles. I had to go into Auburn or somewhere else. It’s pretty amazing how this town fills up. The Sherwood was the first to book, and I couldn’t get a room anywhere.” Chairman Banuski said, “The reality of that is it also means that during the summer it will not be a weekend only. I will be every night of the summer. Because that’s how Skaneateles is. So when you say you just want to do weekends, it is hard to turn away people who want to stay Wednesday, Thursday, Friday. Nowhere do we restrict you to just weekends in our Zoning code. So we have to assume that it will be guests there every day in the summer, for four months. And if not you, then the next owner of that house.” Ms. Dezio said, “Well, besides this I do work. I work from home. I work for software developers and I have always worked from home. So I’m kind of doing this in conjunction with that. And the weekend thing works better for me, because that’s when I don’t have to pay so much attention. I luckily have the kind of job where I can walk away for a few hours if I have to. I’m thinking weekends because that’s what would work for me best.” Member Hartnett clarified, “If this is approved, then it is approved for follow-on owners. We understand your personal situation, but we have to look at...” Member Crompt said, “Even though you just want to do weekends, let’s say you sold it and the next person came in and said I want to have somebody in there 7 days a week. And they can.” Ms. Dezio, “Even though it’s in the rules that there is a 3 day limit?” Chairman Banuski said, “It doesn’t have to be the same person.”

Mr Clark said, “Doug Clark, West Lake Street. Just a curious comment – if a couple loves that place and wants to stay two weeks, that’s not permitted?” Member Hartnett said, “Not by the code.” Member Phinney said, “Otherwise it becomes a hotel/motel type operation.” Mr. Clark asked, “Are there any real wood fireplaces that will be kept and functioning there?” Ms. Dezio said, “There is a fireplace on the first floor, but it is not functional at this point. It needs a new

liner and it something that's kind of way down on the list of priorities at the moment." Member Phinney asked, "And this is also contingent on a change in parking availability, right? Because now it is inadequate." Ms. Dezio said, "Yes, and I didn't want to put the cart before the horse and so I wanted to make sure this was OK before I did that." Member Phinney said, "That will definitely be necessary, for our approval." Ms. Dezio, "Yes, absolutely."

Ms. Gregory asked, "Caroline Gregory. Has anyone done traffic studies for that area?" Member Crompt said, "There have been traffic studies at the corner, for the firehouse. The State has done that periodically through the years. They just finished up one not too long ago, when the Village Board asked them to put a traffic light in there. I don't know if anything has been done east of that but I'm sure there have been a lot of traffic studies in that general area over the years." Chairman Banuski said, "It is a busy State road." Ms. Gregory said, "Our concern is Griffin Street because it is so narrow." Chairman Banuski said, "It is narrow, and you are going to have massive overflow parking from the Krebs." Member Phinney said, "Hopefully, if they have adequate parking for the two rooms, it won't make it worse that it already is. And if we can figure out a way for the employees to not take up all of West Genesee Street, that might not be so bad either. Then people who come to visit in town could stay there."

Chairman Banuski said, "I know that I'm coming across as really negative about this, and I apologize for that. I do. Because the next thing I'm going to say is negative too, and I really am not that person. The shared driveway – you had someone sign off on the shared driveway but again that doesn't speak to the next owner of the other property. And part of what we do as a Board is try to keep a picture of ten years down the road and 15 years down the road – who is the next owner? Who is the next owner after you who is renting 7 days a week, 52 weeks a year. You are weekends in the summer – it sounds great. But whoever buys it from you will want to keep the ability to do that. And what happens to the neighbor next door who says there are a lot of cars coming in and out and I have a family with young children." Ms. Dezio said, "Well the thing about this is I could actually have a parking pad there and actually have that many cars in my own family. My husband and I could each have a car, if I had children they could each have a car. Even if it was residential use there could be...my neighbor, she has two cars coming in and out and company most weekends, where I don't even have a car here during the week. So right now there's no cars coming from my house. So at best there would be 3." Member Crompt said, "It is a fine line making a decision on something like this. The plan that you lay out right here sounds fantastic – it is a good side of town for it, you're only going to do it on weekends. But like Lisa says, you have to keep in mind what's going to happen down the road. You just don't want every piece of property there or on the other side of town becoming a B&B. Then it's going to detract from people coming into town, just like you did, saying 'wow, what a beautiful place this is'. You just don't want it to turn into this place and this place and this place, and everybody in and out of there and then the neighbors are complaining... It's a fine line too, whether things like this are approved or not." Ms. Dezio, "It's hard because I live right there. In the morning there are dozens of cars coming back and forth dropping kids off at nursery school. Then there's dozens of cars coming back. And then on Sundays there's no way you can park out there because of the church. I don't even know what the Krebs is going to do. The impact that this place is going to have, compared to those places, -- I have people halfway parking in my driveway, most of the time. They have this much space, they feel like they can do it as long as someone can squeeze a car out." Member Hartnett, "And you may see that get worse when the

Krebs comes in; if this was approved and you had a sign out front making this a business, you may have people parking in there thinking it is OK.” Ms. Dezio , “In terms of that, this isn’t really going to impact what’s going on already, and honestly, I think in a way, people who come to Skaneateles – this whole traffic thing – being able to stay in a place where you can park your car and walk to everything...” Chairman Banuski, “I agree, and I’m not really thinking that the volume of traffic on Genesee Street from your place makes any difference on a percentage scale for what happens on Genesee Street right now. What I was talking about with the increased traffic was for your specific neighbor with the shared driveway. That becomes a lot of in and out traffic – right now only on weekends but at some point down the road maybe very often for much of the year. So I was not speaking about the Route 20, Genesee Street traffic, I was speaking about the driveway traffic. It is a shared driveway.” Ms Gist, “My question is if there are already bed & breakfasts in this area, either on the street or in the village or in this zone type – is there already a precedent (that would be question part a) and (question part b would be) – how the authority of this Board relates itself to this precedent? Is it their feelings? Or their precedent?” Chairman Banuski answered, “I can speak a little bit – to every bed & breakfast because it is a special use it is outside the standard Zoning. So every one that has gone in, has undergone scrutiny and details and looking at over and over again, And if we wanted to live in a place where just because there is one bed & breakfast that every house should be a bed & breakfast – then what would be the point of having any zoning regulations. The point is that this is a special use that requires special consideration. And that’s what we are doing is considering it. As far as precedent goes each case is different.” Member Phinney said, “Everything is totally different. You are attempting to try to have us make a blanket statement about something that in each situation is totally unique – and we won’t do that because there is no reason to do that. That’s not the way it is. That’s why it is a Special Use Permit in each individual case.”

Ms. Dezio asked, “Well can I ask you to consider the fact that you have one going out – with Lady of the Lake?” Chairman Banuski replied, “I am sure it is not going out; it is just changing ownership.” Ms Dezio, “Do you think she’s going to sell it as a B&B?” Member Hartnett said, “It doesn’t matter.” Chairman Banuski said, “I’m sure she is, but it doesn’t matter; it’s irrelevant.” Member Phinney said, “Because again, you are a unique case; you are not part of their case, you are your case.” Member Hartnett said, “Some of my concerns are with the parking and with the driveway. In the packet I received for this, none of what you’ve put up on the board came with what we had.” Ms. Dezio, “I think that came from the Planning Board.” Member Hartnett, “And I had some further questions for the CEO that would affect how I view this particular request. It’s not just that you have one B&B, that everybody can do it. Everything has to be looked at very individually and with the full picture, including that information that was not in this package.” Ms. Dezio, “Yes, that was actually when I came to the Planning Board they asked me to do this and bring it here. I didn’t come to them with this, because the fact that I needed to do this came out of the Planning Board. They asked me to do a site plan and that’s when I met with Bob Card and we did this, and then Planning said I’m supposed to show this to you. That’s why you didn’t have it. Honestly this is something I wanted to do anyway, because when I have company they have no place to park. This is a 2 ½ car garage, so it has been a problem for me on the rare occasions when I have company. When my children come they are looking for parking.” Member Hartnett , “Some of the things that we have looked at in the past for areas like this where you are pulling out onto a busy street, is leaving room to actually turn around back there and come out into traffic – not backing into

traffic -- other things that we would have addressed had we had that information.” Ms. Dezio, “Actually there’s already room to do that because this is already paved here; it’s all paved in here – my neighbor’s property is all paved. They have a very small...” Member Hartnett, “I’m not banking that your neighbor 20 years from now is going to want the guests from a B&B turning around in their driveway.” Ms. Dezio, “But they don’t have to; they can actually turn around here. Well actually let me rephrase this. This is not their driveway. This is a right of way.” Member Hartnett said, “The shared driveway.” Ms. Dezio, “In order for me to get out of my garage, I need to use this space. This is a deeded right of way. So they can’t get out of their house and I can’t get out of mine – right now I can’t. So this is only going to help the situation because you can kind of pull in and around back here, there’s enough room. I could even make that bigger. Because basically, I have all the land. They literally can’t get out of their house without coming onto my side, whereas I can. It’s kind of a weird situation. I was told that originally all of this was owned by one owner and they ended up selling the house but kept all the land for themselves.”

Member Crompt asked, “How far back does the paving go? You say they have a large paved area, your neighbors to the west. How far back does their paving go in respect to what you want to put in for parking back there for your guests?” Ms. Dezio, “Their paving ends here. And this is a little green patch and that’s the end of their property there. Then their house is here. But their paving goes straight back to here.” Member Crompt, “So your guests could pull in and then back out and then pull out the driveway, right?” Ms. Dezio, “Oh absolutely. We all do that; it’s impossible to back out onto West Genesee.” Member Pardee, “You are using their driveway to let you back out of the garage, and they’re using your driveway when they back out of their garage. So it’s kind of...” Ms. Dezio, “But with this, these people can pretty much turn around right here...” Member Pardee, “No, no, that’s not big enough to turn around in there.” Ms. Dezio, “Well it depends on how you park. If you park head in you could kind of back up and come out straight. You’re still going to have to come out onto this piece of driveway.” Member Pardee, “You’re going to back out and then you’ll have to go back, what 20 feet from the edge of the parking spot...” Ms. Dezio, “No matter what you do, even when you car is straight, you have to be in the driveway. So we both have to use that driveway.”

Chairman Banuski said, “Yes, Jim.” Trustee Lanning said, “I’m Jim Lanning, I live around the corner on Hannum Street. I would like to speak in favor of Nancy’s proposal. Her ownership and upkeep of the property has been exemplary. It is difficult to maintain these large, older Village homes. This is a nice way to do it. The other concern I have is as you head east one property has been turned into a 3 apartment dwelling, at 40 West Genesee Street. Then we have the dentist, that’s been turned into a multiple family dwelling. I think the alternative to not letting her run this bed & breakfast opens up that possibility of these homes being broken up into more multi-family dwellings. So I speak in support of what she is trying to do.” Chairman Banuski said, “My thought about some of those issues is we fought that dental office continuing as a dental office tooth and nail – this Board wanting to keep it residential there. Because it is a residential A-2 district. It is not a mixed-use district. It is not like where we want to start putting things that are mixed-use. So to say that there’s a church there, and Krebs is a 100-year-old exception. That’s why it’s there. But just because it is there doesn’t mean that every house there could be turned into a restaurant.” Trustee Lanning acknowledged that and said, “But the 40 West Genesee Street is 3 apartments and that was a beautiful, beautiful restored home. And now it’s 3

apartments. It's still a nice structure." Attorney Galbato, "When was it made 3 apartments?" Trustee Lanning said "I don't know the history of that; I don't know the date of when it was. When I was a kid, it was a single-family home. I would just hate to see that large, beautiful home of Martha Manilla's broken up." Chairman Banuski said, "It is lovely. No question at all about that. It is absolutely beautiful and you maintain it beautifully."

Chairman Banuski said, "We have seven criteria -- that's why it not just personal opinions -- we have to look at seven different factors as our basis for determination of this. This is in our Zoning code:

1. There shall not be any unreasonable detrimental effect by the establishment of a conditional use, on any other building, structure or use, actual or permitted, within the district
2. Such conditional use and site development plan are in harmony with and will not impede the orderly development of the district and the location nature, and height of buildings, structures, walls, fences, and parking areas will not discourage the appropriate development and use of the adjacent lands
3. The water supply, sewage disposal and surface drainage system shall be adequate to serve the conditional use
4. The flow control and safety of the traffic in the district will not be adversely affected to an unreasonable degree by such conditional use
5. The plans for such conditional use provide that all structures, equipment and materials shall be accessible for police and fire protection
6. The plans for such conditional use contain reasonable provision for open spaces and recreational areas appropriate to such conditional use
7. The plans for such conditional use meet the prescribed requirements of this chapter inclusive of the requirements for the district in which located, and then the following prescribed standards for bed & breakfast homestays, which I read previously. So some of those are subjective and some of those are objective. And that's what we are looking at."

Chairman Banuski said, "I'm not sure I should bring this up, because it is a different can of worms. Being open for inspection is pretty important. Unfortunately, inspections are all by appointment. And what we have found with places that shall remain nameless is that what was supposed to be a two-room bed & breakfast run by the owner of the home, have inn managers while the owner is gone. They rent four and five rooms at a time. So part of my concern is that we don't want to be in your bed & breakfast, or anyone's bed & breakfast on a weekly basis. We don't have any interest in doing that. But it sounds like there's no reason that if you had a big family who wanted to come and stay, that they couldn't stay. It wouldn't just be two couples. You have the space upstairs, you said, that in addition to the room you will stay in, that you could have a fold-out couch in the sitting area, the two bedrooms plus another bedroom. We have no way and no interest in policing that, except that where it has happened before we have had parking problems, problems with neighbors in a residential neighborhood who say 'wait a minute, now all of a sudden we've got strangers in and out all the time.'" Ms. Dezio said, "Well that's true, but if that were to happen...I know that you can't take my word for it, but I'm very meticulous with my house. I wouldn't do anything to turn it into some transient flophouse. But, if somebody who came after me did that they would be breaking the rules, and couldn't that permit be revoked?" Chairman Banuski said, "It could be, but you have to arrange the

inspection, so the owner knows you are coming. That's the problem." Ms. Dezio, "If you base everything on that thinking, any permits that's issued could be abused." Chairman Banuski said, "You're right. I guess what I am saying is that we have been burned. So once burned, twice shy. And your house is big enough that we could be burned again – not that you would do that." Ms. Dezio, "I know that you don't know me, but I am extremely picky about my house. And that's why I don't even want this to be a B&B that children come to. It's going to be strictly adults; I don't want anything destroyed. I work hard for everything I have." Member Crompton, "Like Lisa said in the beginning, we are worried about five, ten, twenty years down the road." Chairman Banuski said, "That's our job, to consider that – down the road – and so we do."

Ms. Dezio, "Well, I guess I'm asking you to trust me." Chairman Banuski said, "And I think I'm going to ask you to give us a month to consider it. And in that month

- if we can have our questions satisfied by Adam, the Codes Officer,
- if you can consider signage other than free-standing
- if we could see a parking configuration that we would know would accommodate everybody and has a turn-around..."

Ms. Dezio interrupted, "So you would want it to be bigger than this?" Chairman Banuski said, "I don't know if it would need to be bigger than that." Member Phinney said, "None of us have seen that yet except on the wall." Chairman Banuski said, "We normally have site plans and so on..." Attorney Galbato, "Adam needs to see this for interpretation." Chairman Banuski, "And just for turn-arounds there are prescribed amounts of square footage for turn-arounds and whatever. So rather than be really negative and maybe shut it down tonight, why don't we think about how we're going to work going forward." Ms. Dezio said, "OK."

Attorney Galbato said, "It would be my recommendation that the Board consider keeping the public hearing open, since she might be submitting some additional documentation. In addition, any resolution next month – from my looking at the survey – the bed & breakfast has nothing to do with her big parcel there, it is behind it. So I think your resolution for the bed & breakfast should be limited just to tax map number ending 18."

Chairman Banuski said, "You mean that's not one contiguous lot?" Attorney Galbato said, "No. It is two separate lots." Chairman Banuski said, "Oh. So that's more coverage then, so there may be a separate coverage variance." Attorney Galbato said, "No, not according to Adam's sheet." Ms. Dezio, "This is all mine too. If this needs to get bigger, it can get as big as you want." Attorney Galbato said, "I don't know why Adam's sheet has two tax map numbers when they are separate." Chairman Banuski, "It's not one lot." Attorney Galbato, "It's two lots." Chairman Banuski, "I was thinking it was one lot." Attorney Galbato said, "One tax map ends in 18, one ends in 19. But there was no determination of any variances needed other than the Special Use Permit." Chairman Banuski said, "I'm pretty sure we need a Variance. We'll have Adam take a look at it." Ms. Dezio confirmed, "They are two lots." Chairman Banuski said, "Unless you were to merge them, by deed, into one lot we can't even consider that other lot for area or for anything. We can't consider that part of the property for your home." Attorney Galbato, "It appears all your parking is going to be on your main lot, not on the big lot in the back. Is that correct?" Ms. Dezio said, "Because I have plenty of room here I don't need to go

back here.” Chairman Banuski said, “But you might not have plenty of room, and coverage requirements – you can’t just cover a whole lot with pavement and buildings.”

Ms. Gist came forward and said to the Applicant, “They have a percentage there that says that on this parcel only so much percentage can be covered. Now when they want to, they can give people variances, like on West Lake Street. And they have done it. And they’ll say that they can make this paved for parking and turn-arounds and things like that. Now if you have this lot and this lot joined as one lot and the percentage here with this one would be adequate. But to just figure this lot the percentage would be too high. That’s what they tell me.” Chairman Banuski and Member Crompton acknowledged that explanation to be generally correct. Chairman Banuski surmised that “the Code Enforcement Officer may have looked at it as one lot. So it may not need a separate Variance, but it might need an area variance in addition to the Special use Permit. The point is you could sell that lot; it’s a separate lot.” Ms. Gist said, “I own the lot behind it and my lot is just like that. It is skinny in the bottom and big in the back. I have the other big square, and for example unless I was in here a couple of years ago, I wouldn’t be able to put a house back there, because the fire people can’t get back there; they don’t have adequate access to my big lot. So in my front I have 33 feet but going back I have 300 feet. So my lot is on Griffin Street but it comes back as far.” [Multiple simultaneous conversations]

Member Crompton asked, “What if someone wanted to buy that lot and just have it as green space?” Chairman Banuski said, “Well she does control it now. It’s a separate lot. If you want to join the lots, then we could look at the coverage as being on one. I truly did not know, until you just pointed that out, rick, that we were looking at two separate lots. I always thought that from a coverage standpoint there was no issue.” Member Hartnett said, “We have too many questions at this point to give you a yes or a no, as far as I’m concerned. And the Code person is not here. And we don’t have enough information, in my opinion, about how the parking will be resolved with the Code Enforcement Officer here, and having a chance to look at the drawings or to look at the lot with that staked out, or at least being able to walk it.” Chairman Banuski said, “But if we are going to wait on this a month, and do this, then we have a chance to really do it right, so that everyone’s questions are answered regarding the lot. So we’ll have Adam D’Amico, the Code Enforcement Officer, we will have him look at whether this needs a separate area variance. But we will keep this public hearing open, so that we can just pick up where we left off, and move forward from where we are tonight. I do not feel that there should be another application fee if it does require an area variance, just whatever mailing costs would be required to mail out notices.”

Ms. Dezio asked, “So what I should do is to talk with Adam next, and he will tell you what I need to do. Is Adam going to give me the actual number of feet for a turnaround or should I go back to my contractor?” Chairman Banuski said, “that might be a good place to start, with you contractor. I do know that all of our architects in town have a formula for this information. I think they’d be happy to help you.” Attorney Galbato said that Article 12 of our code talks about maneuver areas. Ms. Dezio said, “We are going to meet in a month. In a month you want a resolution on the parking...” Attorney Galbato, “What’s happening is they are not making a decision on your application for a special use permit. In addition to that, they want to have the Code Enforcement Officer to determine whether you have adequate parking as you have shown in the drawings. The Board has requested that Adam review your proposed parking to see if it is

consistent with the code for a bed & breakfast for the numbers of spaces required for the person who lives there plus the number of rooms available. Then he's going to report back to you and report back to the Board as to his decision. In addition, an issue has come up with the parking, whether or not an area variance may or may not be required. Our Code Enforcement Officer will make that determination."

Chairman Banuski said, "I am going to move that we hold this Public Hearing open until our regular meeting on October 23, 2012, subject to our Code Enforcement Officer review of parking plans, the two lots, and density." Member Crompt seconded the motion.

Upon unanimous vote of the members present in favor of the motion, the Chairman declared "The motion is passed." The Chairman closed this proceeding at 9:07 pm.