

Village of Skaneateles  
Zoning Board of Appeals Public Hearing  
October 23, 2012

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In the matter of the application submitted by Nancy Dezio for a Special Use Permit allowing the operation of a bed and breakfast homestay and 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 to construct a 24 foot by 25 foot parking area in the rear at the property addressed as 48 West Genesee Street in the Village of Skaneateles.

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

Riccardo Galbato, Attorney for the ZBA  
Adam D'Amico, Code Enforcement Officer  
Dennis Dundon, Clerk to the ZBA

Nancy Dezio, Applicant  
Bob Eggleston, architect, on behalf of the Applicant

Chairman Banuski opened the continuation of the Public Hearing at 8:08 pm announcing the application of Nancy Dezio for 48 West Genesee Street. Chairman Banuski said, "The Variance is a new Variance. It was determined that there is an area variance required if there was to be parking. But we were instructed that until we decide on the Special Use Permit, we probably don't need to consider that variance." Mr. Dundon said that he suggested that since the Applicant has not made a formal application for the area variance and this issue only arises if the change in use triggers the requirement for additional parking. Attorney Galbato advised, "The Board should not be segmenting the project." Member Hartnett asked, "Do you want the Variance for the parking either way?" Ms. Dezio replied, "Well actually I intended to put parking in regardless. But I need it for the B&B." Chairman Banuski asked, "Why would you put parking in if you weren't going to have the B&B? Because you've got a turnaround, a two car garage..." Ms. Dezio, "I've got a two car garage but if I have company, there is no place for them to park. Chairman Banuski said, "Oh that's right. You can't park on the street. That's correct." Member Hartnett said, "So we're asking for that Variance either way. OK. We thought it was contingent upon approval."

Mr. Eggleston said, "Actually can I make a comment here? I'm Bob Eggleston. I was not hired to represent her for this, although she has asked me to work on the project if she has the B&B – just so you understand my relationship. I'd have to check with Adam, but in the past – well #1,

she has the ability to put in the parking. Because it's not 'required parking' it doesn't alter the percent of open space so therefore does not need a variance." Chairman Banuski, "How can that be? So I could put a parking lot behind my garage at my house?" Mr. Eggleston, "Again, you have to read your Zoning law. The Zoning law says Open Space is any area not consumed by the building, the decks, the patios, whatever, or the required parking. As a two family house she has a two car garage – she does not require outdoor parking. In the past with Jorge Battle, you didn't even need to get a building permit to install a driveway or parking area. I'm not sure if Adam has that same interpretation, because I haven't come to him with any such applications. But it definitely would not need a variance because it wouldn't change the open space because it's not required parking. So I guess I just wanted to put that on the table." Chairman Banuski said, "I would direct Adam to require a variance for anything like that after he looks at it for coverage." Mr. Eggleston, "You can't direct him, he has to interpret the Zoning law." Chairman Banuski said, "We can't have people just paving their back yards, their side yards, so that people can park there." Mr. Eggleston, "It's an antiquated Zoning law and it needs to be looked at."

Attorney Galbato said, "Madam Chairman, what is before the Board is Adam's determinations, not Mr. Eggleston's. If they want to object to Adam's determination then that's a different issue outside of what's already been denied and is before the Board."

Chairman Banuski said, "I don't have any questions about the parking addition. Does anyone else? Is there anyone here that would like to speak in favor or in opposition to the variance for the density control and the parking? Now let's get back to the Special Use Permit. I did some driving by and walking by, looking at all of the current B&Bs that we have. None of them has a sign in the yard. The one by the library has what looks to be an historic marker. There's no telephone number, it doesn't say B&B. It's the something house and it doesn't say vacancy/no vacancy; it's a cast iron little sign. The Gray House on Jordan Street does not have a sign in the front yard. In fact, the first commercial sign, including from all of the businesses on that street coming down, the first sign on Jordan Street, in any front yard, is the Delmonico Agency sign. So I would say that our objection to a sign in the front yard that is perfectly in line with everything else that we have in the Village and the Bed & Breakfasts. There is not a big Bed & Breakfast sign or vacancy or no vacancy."

Ms. Dezio said, "First of all I don't live on Jordan Street, I live on 48 West Genesee Street, where there are tons of signs. Tons of signs everywhere." Chairman Banuski, "I'm looking at B&Bs." Ms. Dezio, "There's the church sign, the nursery school sign, the Krebs sign. The other thing is, you asked me to not put a sign out front. There's four examples of signs that are no larger than 2 foot square, which according to your Zoning law, I don't even need a permit for. This is what I'm talking about, Adam. You do not need a permit for that. It is less than 2 foot square, it would be very simple, these are obviously a little different than what I would do. It would be attractive, it would be on the side of my house, to the left of the front door in this space here – you can all look at the picture." Chairman Banuski clarified that it would be attached to the house as a plaque. Chairman Banuski said, "That plaque is not what I'm talking about. I was talking about a free-standing sign in the front yard." Ms. Dezio said, "I never asked to do that. Here's the thing – and I'm trying to not get upset here – but I'm opening a business. I want the business to be successful. Please don't ask me to keep it secret, because if nobody comes, I can't

have a business. I understand the rules about the sign, but it is a little ridiculous to ask me – you can open up a B&B but don't tell anybody about it.”

Member Pardee said, “But you are not going to get your business from the sign on the front of your house.” Ms. Dezio, “Actually, people walk by my house...” Member Pardee, “You're going to get it if you join the B&B association, and the Chamber of Commerce, and all of that.” Ms. Dezio, “I kind of disagree with that. I'm going to be across from the Krebs and I have tons of people walking past my house all the time – and also commenting on my house; my house looks great. And I think that that's going to bring me business. I actually looked at some of those houses. First of all, the Arbor House has the exact same kind of sign that you say I can't have. And they are across from the supermarket.” Chairman Banuski, “But they're zoned commercial. That's a different...” Ms. Dezio, “But it's still a huge sign.” Member Phinney, “It's different, it's totally different.” Chairman Banuski, “But the sign – we're wrapped up where we don't need to be – if the sign in the yard is not an issue, then we are all on the same page and we can move past that.” Ms. Dezio, “I can comply with the sign on the house – I have no problem with that. I also, you should have all received this. The Skaneateles Chamber of Commerce has given me a lot of support, which I appreciate. So have a number of my neighbors and people I don't even know, stopping by to say that they've heard about all of this and they think I should have this B&B. I don't know. I'm complying with everything you're asking me to do and I guess I'm at your mercy.”

Member Crompton asked, “Is there anything in the file about the neighbors? I don't remember that from the last meeting.” Ms. Dezio, “Actually there were 5 neighbors that signed.” Member Pardee said, “The critical one is the one you have the adjoining driveway with.” Ms. Dezio said, “Yes. And she has no issue with...” Chairman Banuski said, “Except that house is for sale.” Ms. Dezio, “So you're going to give consideration to people who don't live there yet?” Chairman Banuski said, “Correct, that's part of our responsibility as the Zoning Board.” Ms. Dezio, “And what about the people who actually live there. I'm trying to do something for the community.” Member Phinney, “We're not the enemy. Take a deep breath. We are not the enemy.” Ms. Dezio, “It feels that way; it actually feels like I'm asking you to be part of this community, and you are telling me ‘no thank you.’” Member Pardee, “That is not it at all. We can make it adversarial, you are making it adversarial. Please do not do that. Please do not do that.”

Chairman Banuski said, “We have some concerns; I'll speak for my own concerns, which I mentioned last month. Genesee Street, where you live, is not a mixed use district. It is a residential district. So whether there's a church there, a restaurant that got its special thing, it is not a commercial district. So, one of the things that has been a long-term goal of the Planning Board and the Zoning Board has been to preserve our gateways into the Village. That is a big concern of mine. That was the problem with the sign. The second thing is that there is not another B&B that shares a driveway with a residence. You talk about wanting business and advertise it, and that doesn't sound like two nights a week in the summertime. That sounds like seven days a week, 365 days a year that people will be pulling in and out of a driveway that is shared by another family. So those are legitimate concerns and those are my specific concerns. And now the neighbor who has the shared driveway is selling the property. So the next neighbors to come, and the ones after that, won't have any say of the amount of traffic coming in

and out with guests of a B&B. Those are my personal concerns with this project. Anyone else have comments? It is not against you or commerce. The Chamber of Commerce endorsement is a wonderful thing, but they want your dues, and they'd approve a McDonalds. They have a different agenda."

Ms. Dezio, "What about Jim Lanning who stood up in support of me and Sue Jones who has stood up in support of me and my five neighbors who have stood up in support." Chairman Banuski, "And we are taking that into consideration. I'm telling you what my concerns are. We are a Board that votes – each our own conscience and opinion. I have stated mine. Is there anything else we want to ask about or determine before we make a motion on this?"

Mr. Eggleston, "Lisa, may I make a comment?" Chairman Banuski, "Please." Mr. Eggleston, "Bob Eggleston, architect. I have explained my relationship to Nancy. I am not here to represent her but I do have a slight interest should this be approved. I'd like to point out a couple of things. As we look at preserving the gateways, and preserving Genesee Street – I think the Village has done an incredible job doing that. But we also have to recognize that this is not upper Academy Street, this is not Leitch Ave., this is not a remote village residential area. This is a federal highway that passes through in front of the house. It is a little less desirable for families with small kids, that would rather be further away from Genesee Street or on a much larger property so that they are not right on East or West Genesee Street. It is a transitional area as much as we want to identify it by zoning as a strict residential A2 zoning district. We do have a history of non-conforming uses – the Krebs, the dentist office, and other non-residential uses. So it is already a neighborhood that has mixed uses in it, as it is. A B&B is an allowed use with a Special Permit, so it should not be characterized as a non-conforming use, because it is a conforming use by Special Permit where you look at each individual case and is it appropriate or not."

Me. Eggleston continued, "It's in the Village's interest to encourage the B&B type use in this type of location: (a) it's right on the main corridor so it's easy to find for someone coming; you're not having a stranger looking for a house on a side street, it's right there on the main street. With the signage like I did with my building – it's the trolley building, and people know it as the trolley building, and my business sign just happens to be off to the side. If she has an elegant sign that helps identify it – it's just to help people find it. They're going to make a reservation. People just don't stop in and book out of impulse like you do at a Motel 6. I think most of her guests will be prearranged and it's just finding it. I think the B&B will help maintain – I've been in the house; it's a gorgeous, it's a classic village house. It has wonderful detailing; it's only had two owners, it hasn't been messed up. I think it is a wonderful house to open up to guests so that they can appreciate a very nice well kept home. And also by having the B&B it will allow her to maintain the house because she will have income from it to help keep it the way that we would want it. Actually a B&B on Genesee is more appropriate than a B&B on Elizabeth Street or Austin Street or Academy Street. With the zoning and I have worked with the comprehensive plan, and we do talk about appropriate mixed uses in maintaining the architectural appearance of it and I think a B&B is a very non-obtrusive type of use, as compared to a dentist office where lots of people are coming and going."

Mr. Eggleston continued, "I think this is a good place. I do appreciate the concern about the shared driveway. I think that by her putting in the parking area so that the guests do have a place to park, not in the way, to not cause any problem to the neighbor with the shared driveway is very appropriate to make it work right. The person selling the house, if this becomes a B&B, that's a disclosure for anyone looking at the house. They will know that they are buying a house with a shared driveway next to a B&B. So I wouldn't be concerned. If anything, in my estimation for the neighbor's sake, that person seems to be OK with it so obviously she is not concerned that that might devalue her property while she is trying to sell it. So anyone buying the house will know ahead of time that it is a B&B. I do feel that it is an appropriate house and in an appropriate location."

Chairman Banuski said, "Thank you Bob." Member Crompt said, "I have a question about the parking area back there, because it does kind of slope back. That's going to be built up?" Mr. Eggleston said, "It has to be graded up a little bit, yes." Ms. Dezio said, "It's not going to be built up to be even with the garage. It is going to continue the grade that it is on. It will have to be a little higher when you get the stone in, but Bob Card had specifically said he did not want to change the grade. It's not that bad a slope that it needs to be changed." Member Crompt, "I guess I had a little bit of concern with the runoff..." Mr. Eggleston said, "Actually the runoff will be running to her property, which is an appropriate place for it. It will go to the north." Member Phinney said, "My only concern is with the shared driveway. Chairman Banuski said, "I actually thought your comments on that were pretty much on the mark, Bob. The current owner is going to let that be known and that's actually better than if the house was not for sale. So I thought that was a very good point."

Chairman Banuski said, "I move that we close the Public Hearing." Member Crompt seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the Public hearing was closed.

Chairman Banuski said, "The criteria we use in considering a Special Use Permit are the following 7 findings:

1. There shall not be any unreasonable detrimental effect by the establishment of such conditional use, on any building, structure, or use 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
3. The location, nature and height of buildings, structures, walls, fences and parking areas will not discourage appropriate development and use of adjacent lands
4. Water supply, sewage disposal, and surface drainage systems shall be adequate
5. Flow control and safety of traffic within the district will not be adversely affected to an unreasonable degree
6. The plans for such conditional use provide that all structures, equipment and materials shall be reasonably accessible for police and fire protection
7. The plans for such conditional use contain reasonable provision for open spaces and recreational areas.

Specific to the use as a Bed & Breakfast, the plans for such conditional use meet the prescribed requirements of this chapter inclusive of the requirements for the district in which located and the following prescribed standards:

- 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
- Interior design standards – The architectural integrity and arrangement of the existing interior spaces must be maintained. The number of guest rooms may not be increased.
- Exterior design standards – The exterior appearance of the structure shall not be altered from its single family character.
- Inspections – each Bed & Breakfast homestay operation will be subject to an annual inspection by the Village Code Enforcement Officer.”

**Chairman Banuski said, “I’m going to make a motion that we approve the Special Use Permit and the density Variance as described, with the condition that the only signage permitted is a 2 by 2 foot sign to be attached to the front of the building – it may not be a free-standing sign. The approval is based on the drawing dated October 23, 2012. The Board declares itself lead agency under SEQR, finds that this is an unlisted action requiring uncoordinated review and after review by this board and the Planning Board declares a negative declaration with no adverse environmental impact. Further, the Applicant must apply for a building permit for the development of the parking area. The Applicant will have one year to complete construction.” Member Phinney seconded the motion.**

Voting in favor of the motion were Chairman Banuski, Members Crompt, Pardee and Phinney. Voting in opposition to the motion was Member Hartnett. Upon a vote of 4 – 1, the Chairman called the motion passed.

Ms. Dezio thanked the Board, saying that she is trying to be part of the community.

The meeting was adjourned by acclamation at 8:40 pm.