

Village of Skaneateles Planning Board Meeting December 6, 2012

Continuation of the matter of the application submitted by Finger Lakes Luxury Homes, Inc./Rick Moscarito for Site Plan Review for work within 300 feet of the lake; Special Use Permit and Critical Impact Permit for a proposed change in use; and, to vary the strict application of Section 225-A5 Density Control Schedule for minimum lot area, minimum lot width, number of stories and maximum height to construct a 34 foot by 25 foot addition 4 ½ stories high and to add dormers to the attic at the property addressed as 46 East Genesee Street in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
Bill Eberhardt, Member
Megan Keady, Member
Mark Roney, Member
Douglas Sutherland, Member

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

Bob Eggleston, Architect, representing the Applicant

Village Trustee Marc Angelillo
Alex LaGrow, Skaneateles
Patricia Blackler, Chair, Historical Landmarks Preservation Commission
Andy Ramsgard, Member, HLPC
Julie Sharpe, Skaneateles
Carol Stokes-Cawley, Skaneateles

Chairman Kenan opened the meeting at 7:30 pm announcing the continuation of deliberations regarding the application of Finger Lakes Luxury Homes, Inc. for the property at 46 East Genesee Street. Mr. Eggleston introduced himself and said, "As you are aware through the email I sent to you yesterday, I got a phone call yesterday morning. While we had been working on a project that would be 3 dwelling units plus a small retail space, Rick has actually thought about how he really wanted to use the building; what he originally bought it for. The main purpose in buying the building was he wanted to have a home for himself – especially as he retires he sees being out here full time. The fact that he would have the 2 floors and then he would still have 2 apartments on the second floor and first floor; he decided to do a complete reversal and limit the building to 1 dwelling unit over retail. This is a change from what we originally asked for and is actually permitted by right; we no longer need a Special Permit, so we have taken one thing off from your docket to review. We still do need the Area Variance, although the Area Variance is reduced because we only have 1 residence. So it's only a 6,000

SF – we have 3,000 SF per use. We have 1 retail and 1 residence instead of 1 and 4, so it's 6,000 SF lot instead of 12,000 SF lot. We have 3,150 SF. And the lot width requirement is still 60 feet, 30 per use. And the 4 ½ story building stays the same”

Mr. Eggleston continued, “What I'd like to do is just go through the basic plan and show you how we have simplified it. The basement level – all we are doing is adding 26 feet on. Before we were adding 36 and 3.5 feet beyond that. So now it only a 26 foot addition, and that will accommodate a 2 car garage. It will actually have an exterior stairway that's incorporated into the building, plus the elevator is now going to be on the outside. The idea is to not do as much total renovation of the building, but to work more with what's here. The basement; we're keeping the vault, we're keeping the foundation to the vault. So the basement will have some retail storage, it will have some residential storage, a laundry room, a mechanical room. The stair; we'll be adding a basement stair in the front for the retail use to get to their storage and again we have the exterior stair on the first floor; the basement level. One of the things that we will do is we'll have a gate at the bottom at the bottom of these stairs, so the casual passerby is not running up the exterior stairs and it has a little bit of control on it at that point.”

Mr. Eggleston continued, “The first floor; we'll be maintaining this floor exactly like it is – we're hoping. The stairs do push back; the entrance pushes back 4 feet so that we can have a separate entrance into the retail from the residence. This will actually be the beginning of the residence here. It's not a common stairway or anything, that's actually the beginning of the residence at the front door. We'll maintain the vault, rearrange the bathroom, take out these stairs in the back. The addition is reduced to just the 26 foot addition on the back for the 2 car garage, stairway, the elevator shaft is part of the addition now. The first floor; we're going to keep the existing Village office space like it is, only pushing back the entrance by 4 feet, so we can have a separate entrance into the retail separate from the residential. So we are hoping we can retain the ceiling out here – we have to look at the fire ratings. This space here; what we'll do is put on 18 feet above the 26 foot addition that will be additional retail with an 8 foot deck/porch on the back. This exterior stair comes up, circles around, so it continues on up to the upper level. We do have a 2nd means of egress out of the retail space that can use the stair to exit out to the back.”

Mr. Eggleston continued, “The second floor is where the dwelling begins. The dwelling is now 3,552 SF so it occupies the 2nd, 3rd and attic levels. Coming up into the dwelling, the existing 2nd floor will be a fairly open space for the living, dining, living room space. And then the only building addition is the elevator itself that comes in the back. He'll have a 9 foot deep porch and then an additional 17 feet of deck on the back, that covers the entire roof of the garage, retail.” Chairman Kenan asked, “The difference between a porch and deck is what?” Mr. Eggleston, “It has a roof on it. You'll see it in the section here. So it is actually 26 feet deep, but 9 feet of it has a roof on it, which also provides sun shading because you do get extreme sun here from the south. So the exterior stairs continues on up to the 3rd floor level, where there is just the 9 foot porch. So they're overlooking the deck. The original building is all the living space plus the elevator is the only addition. We enter into like a sitting area. There are 3 bedrooms on this level, 2 bathrooms and upstairs laundry, the stairways. That occupies the original 1,200 plus the deck area. Then the attic; we are actually building underneath the profile of the roof itself, adding the 17.5 foot dormer on the front side and a 17.5 – 18 foot dormer on the back side. So

he'll have bedroom, bathroom, closet, dressing area on the upper level. He'll have a 9 foot deep by 19 foot deck; there will be no cover on this. And the elevator. Because it will be a residential elevator versus a commercial elevator; that will be just a flat roof at the roof edge. It does not stick up above the existing roof area."

Chairman Kenan asked, "What did you just explain?" Mr. Eggleston, "This is a residential elevator." Chairman Kenan, "And the difference is what?" Mr. Eggleston, "You don't have the height above the cab that you have required in a commercial. In a commercial elevator you have to have 4 or 5 feet above the top of the cab." Chairman Kenan, "And why did you not take the elevator to the 4th floor?" Mr. Eggleston, "Because it would interfere with the dormer itself. We have accomplished a handicapped bathroom on the 3rd floor and this is strictly master suite on the 4th floor – the attic." Member Eberhardt, "So you walk up to the 4th floor?" Mr. Eggleston, "You walk up to the 4th floor, correct. Again you've got stairs throughout. His need; he has a family member who is now in a wheelchair and wants to accommodate them in the house and they will have a bedroom and a bathroom that will accommodate their needs. They will have access to take the elevator down to the great room space. The elevator totally misses the 2nd floor, so it is not used by the retail at all. Correction, it skips the 1st floor and then it comes down to the garage entry area."

Mr. Eggleston continued, "The amount that we're expanding; when I add up the square footages for each floor, that addition – whether it is building, porch or deck has been added into this number. That's not just building; when I say it is 650 SF, because half of it is actually outdoors, or not quite half of it. Up here, most of the addition, the 650, is outdoor space and then we just get up to 225, which is just the elevator and 162 is just the deck. It's a 38% expansion of the existing building for a total of 2,337 SF of living, garage, porch and decks that we are adding. We'll have the 2 cars in the basement satisfy the parking requirement which is 2 cars for a dwelling unit. We have the additional two cars out here that will be used by the retail employees and/or overnight guests that the Moscarito's may have. It is inappropriate to have public parking back here because really you have to be knowledgeable about driving in, where you can drive, where you can park, where you can't park. This will allow, even though it is not required by zoning, it will allow 2 parking spaces that can be used by the retail employees. Instead of 650 SF we will have 1,500 SF of retail, because retail will be the entire 1st floor. We have worked out the circulation; we have saved space by not walking through the building with the public corridors that we had in the previous scheme. From Genesee Street, customers can enter the retail space; anyone coming for the residence can enter the residence. The resident can access by internal stairs or external stairs the back to the lake or by the elevator, the parking and the lake access. Retail would have access in through the back, so if the employees are parking in the back, they can come up these stairs and in this back door. This back door would not be used by the general public; it would only be used by employees and it's available for fire escape – so they have the two means of egress from the 1st floor."

Mr. Eggleston continued, "The building will be totally sprinklered, it will be non-combustible construction. One of the things that you see in the section is that we are not protruding in front of 44 East Genesee Street at all. The outline of Eloise's building comes here and we've held back about 5 feet from her building. Once we have the porch up on the 3rd floor and then we have the deck. In fact our dormer doesn't stick out as much as her dormer. We have

actually preserved her sideways view from all of her exterior space, which is something she had been concerned about. Member Roney asked, "So all her sight lines remain?" Mr. Eggleston, "All her sight lines remain. She doesn't necessarily retain all the windows. There are some windows along here that might be blocked by our elevator or be in our stairway. She's not entitled to those windows and she's aware of that. But she maintains all her side sight; without looking over our decks or anything like that. At the same time, with Julie Sharpe's building, our 1st floor aligns with hers. Hers sticks out further actually. The 2nd floor; we just have porch and deck alongside of her 2nd floor addition; there's a little bit of space because hers sets in. Up on the 3rd floor, we have a porch that's adjacent to her deck, but we only come out as far as she comes out. And then up above, she doesn't have a finished 4th floor attic level; we have that deck coming out, looking out. Actually we don't take any of Mrs. Sharpe's views towards the west, so she can still see Eloise's building."

Mr. Eggleston continued, "As far as water, we are talking about a single dwelling unit which is exempt from the I&I mitigation fees. In working out the numbers we conceivably have about a 200 gallon increase in the usage. As far as the exterior dormers; and this has been something that we have been working between the Planning Board and the Historic Board. The majority of the Historic Landmark Commission seemed to like the 3 reverse gabled dormer concept. The Planning Board kind of liked the shed dormer. Because we don't need as much space in the attic as we did before, we are holding the dormer back 5 feet whereas the other dormers were only back 3 feet. It will be a much more subtle statement -- similar to the dormer 3 doors down, and the Shannon dormer, which is a little higher, a little bigger that what we'll have, and this dormer's a little smaller that what we'll have. So it takes a much more subtle statement. Again this will be something we'll work out the details with the Historic Commission. By that time I'll have the perspective recreated to be able to look at what it is. There is nothing that projects above the ridgelines as in the previous plan. The exterior is maybe not quite as regimented as it was before. We have the carriage house doors, the stairs that actually set back in. We've got 3 double-hung windows. But also what's happening; this is flush with the back of the building, this sits back 8 feet, this sits back 26 feet, and that sits back 26 feet and this sits back 26 feet. These are 9 feet in front of those surfaces. We stuck with the two-over-two grid, plus the oversized grids to complement it on the sliding French doors on the back of the building. There will be the metal railings that come across that primarily you will see right at the edge of the building surface here and then those two set back."

Member Sutherland asked, "Bob, do you think that if you had an extra day, you might have been able to create something that isn't quite as random?" Mr. Eggleston, "But the whole back is meant to be random." Member Sutherland, "I understand; in looking at the plan I see where you are colliding..." Mr. Eggleston, "There's a few places; but also we have to remember that this is flush, that's back 8 feet, that's back 26 feet, that has a 9 foot deck in front of it back 26 feet..." Member Sutherland, "It's obviously doing a lot of things, going in different directions..." Mr. Eggleston, "It's a lot more dynamic as far as setting back, and it isn't as straight up as what we had before. The answer is yes. Probably between now and the historic Commission submission, we might be able, you know, organize it a little bit more." Member Eberhardt said, "Good question." Member Keady asked, "And just to clarify, Bob, you'll have those metal railings that are the same all the way down?" Mr. Eggleston, "Correct. The application has been reduced to Site Plan Review -- we are here for Site Plan Review because we're disturbing more

than 300 SF within 500 feet of the lake. We have provided the silt fence that would be placed on the edge of the property. We will be taking our drainage and controlling it appropriately into the lake, so that we don't have ice or water flowing across the back corner here. And the City of Syracuse; nothing has changed materially from our original submission—the City of Syracuse has no problems with our erosion control plan and any of the site disturbance issues. There is no change in hard surface coverage in that everything is hard surface back there and will remain such. We have increased our open space from 21 % to 27%; 20% is required, so we are still within those guidelines and all the other density control issues meet except for the 3 variances, which is lot area, lot width and the 4 ½ stories. So basically, what you will be doing is you'll be approving Site Plan Review as it relates to the disturbance issue, you'll be making a recommendation to the Zoning Board of appeals for those 3 variances and you'll be looking at the Critical Impact recommendation to the Trustees for Critical Impact. We have gone through the A through F & G on the Critical Impact questions. Are there any questions that you have relative to the modifications of this application?"

Chairman Kenan asked, "Any questions?" Member Eberhardt said, "I think that the two parking spaces that are outdoors will probably be designated to the retail employees – not unlike Arnie's building which you designed. There is a lot of analogy here. It is very similar. But that's OK." Mr. Eggleston, "But what I'm saying is the retail employees are there during the day, and I know one of the question was how many guests might you have and what are you going to do about their parking. The Zoning law now requires all overnight parking to be on-site and not off-site. If they have an overnight guest, they can be there, the likelihood is they are there in the evening when the retail people are not there."

Chairman Kenan said, "Bob, I'm a little confused on the percentage increase in space. We did a calculation the last time around. I think the last meeting I referred to it as a 40% increase in space. I got corrected by Mr. Dundon that it was 100% increase in space – and yet your letter at the time called it a 66% -- so somewhere we are measuring something differently. Excuse me. The current letter refers to it as, with this revision, as a 38% increase. I'd really like to get to the heart of what that differential is – between 100, 66 and 38 -- for the purpose that we have discussed at 2 meetings already, which is critical impact. I am pleased that the scale has been reduced, because the 100% increase in the size of the building was extremely aggressive. While you recite frequently in your memoranda that you don't need to provide parking, that's true if the only part of the ordinance you are reading is the parking requirement. But there is also Critical Impact Permit and, at least before, a Special Use Permit required and various variances. But each of those things stands alone. You have to satisfy the requirements of each of them without saying 'I don't have to worry about that here, because I don't have to worry about it there'. The whole point that the Board raised before was that you were increasing the size of the building by 100% and yet there was no additional parking being provided. That is certainly an impact – certainly a critical impact in an area where parking is at a premium."

Chairman Kenan continued, "Now you have reduced it. I'd really like to try to figure out why the Board calculated 100%, you at 66, so at least we are on the same footing with that. Now having said that, I'll reiterate: there is a parking requirement simply by use, regardless of one provision that says you don't have to provide parking. And when you're analyzing critical impact, I think that has to be taken into account. Can you provide a comparison of the former

use with the proposed use in terms of what, say, generally accepted standards would suggest would have been the parking requirement before and what it would be now, independent of that other provision?” Mr. Eggleston, “Yup, and I have done that here for you. The original building, taking the basement, 1st floor, 2nd floor, 3rd floor has finished space, or what are all potentially finishable spaces. It was I believe 17 parking spaces based on 300SF per parking if you were in the C district for parking per office or retail. It is 1 space per 300SF. So the building had. I can dig out the numbers, but 17 times 300 SF on the basement 1st, 2nd & 3rd floor. So this building, if left an office and the entire building filled would require 17 parking spaces by the zoning law, and there are only 4 parking spaces.” Chairman Kenan, “But there are only 2 floors occupied at the present time.” Mr. Eggleston, “Correct. But there is a 3rd floor that’s just vacant. If that were finished off and even with 3 floors; that would probably be about 12 or 13 parking spaces would be required – based on 1 per 300 SF gross. Right now we have 1500 SF of retail, which would require 5 parking spaces in our current proposal, at 1 per 300. So 1500 SF requires 5 parking spaces, if we were in the C district. And we have 1 residence that’s over 1500 SF; that requires 2 parking spaces. So our zoning requirement, if we were in the C district, would be 7 parking spaces, and we have 4 spaces. So there’s a substantial reduction. Again, while the mass of the building has increased, the parking demand on the building has substantially decreased.”

Member Sutherland said, “One of the things as you are going back again with a little more time to work on some details – a small thing, but the powder room that uses one of the big windows in front of the building seems kind of uncomfortable. It’s sort of a personal kind of a use which means that likely it will always be not the best of solutions. I wonder if that might be brought inboard so you can get good light in for living space rather than bathroom space?” Mr. Eggleston, “This plan has only had a cursory interior. I appreciate that and I’m sure that might be a discussion that comes up with the Moscaritos. But I think it does go a little bit beyond the purview...” Mr. Sutherland, “It does except that, from the outside, you end up with something that’s always blocked off, so it’s not completely out of place.”

Mr. Dundon said, “Part of Chairman Kenan’s question before was the analysis of the square footage increase.” Mr. Eggleston, “On each floor level; the basement was 1265 SF, we added 650 SF. First floor is the same, 1265...” Chairman Kenan, “That’s enclosed space, right?” Mr. Eggleston, “No. That’s both enclosed and open decks and patios. The third floor again, I’m being extremely liberal on this in that the 650 SF, almost all of which is open space – decks, porches, just a little bit of it is elevator. Then we come up to this floor it’s 255 which is the porch and the elevator and then this 162 is 100% of the deck space. So once I added up the total size of the building finished as opposed to the total size of the building before, it’s a 38% increase or 138% of the original size.”

Chairman Kenan asked, “Would you explain to me the master bedroom on the 4th floor. Why are you treating it like a great big dormer, rather than taking it to the two walls? Is it taller than the party walls?” Mr. Eggleston, “Right. It simplifies the party wall; it keeps the party wall a party wall.” Chairman Kenan, “But is it taller than the party walls?” Mr. Eggleston, “Yes. As we see in the section, actually it is slightly taller than the party wall. The party wall is probably about 2 feet below the top of the roof on this step. The party wall steps, so it’s probably about 2 foot difference, here it’s a little less because it slopes; the dormer slopes down a little bit. But it is

pulled back. It is the exact same treatment as what Eloise has, what Dr. Kiltz has. It just holds it back so the party wall remains the party wall.” Member Eberhardt asked, “What does that give you as a height difference, as opposed to keeping it the height of the party wall?” Mr. Eggleston, “We’d only have a six foot height room up here. So it would not be practical. We kept these roofs flat as opposed to peak them up higher just to minimize the impact. In the previous scheme; we’re keeping the building at the same height – before we raised it about a foot or so. In this scheme we are keeping it the same height and we just shifted this wall back slightly to keep the same height and pitch – to give ourselves a better scupper for collecting water. The parapet works a little better here collecting water so it is an internal drain, which it should be, unlike the Shandley building which has an external drain which is a mistake.”

Chairman Kenan asked, “Anything else from the Board? What’s the Board’s desire?” Member Sutherland asked, “Does it come back to us?” Chairman Kenan said, “On the table is Site Plan Approval; recommendation to the Zoning Board for variances, but apparently not Special Use Permit. Our building inspector has not reviewed this revised application yet, so I don’t know if he concurs in that or not; and recommendation to the Trustees for Critical Impact Permit. So if we were to act on each of those, there isn’t any reason why it would come back.” Member Sutherland, “On Special Use, if there is still a review step that’s necessary, it would have to come back.” Chairman Kenan said, “It would have to come back. If he decides it still requires a Special Use Permit it would come back if we did not act on such a thing tonight.” Attorney Galbato, “Just to add to the Chairman’s comments, on November 1st this Board declared itself lead agency under SEQRA, so the first part of your resolution should be your declaration under SEQRA, based on your SEQR review, since it is going before other Boards.”

Chairman Kenan asked, “Does anyone have a motion to make?” Member Eberhardt said, “I think Doug is saying is there any way to look at it again?” Member Sutherland, “It is still a design in progress – the back of the building. Under Downtown D district standards, we have a responsibility there, that if we pass on it today, it may be perfunctory at that point, but it would be nice to have one more look. But the other pieces; it would seem that all of that could be. The recommendation to the ZBA; it seems like that could happen. The Critical Impact for the Village Board; it seems like that could happen. The SEQR action; it seems like that could happen. It would be nice under our responsibilities with downtown D standards to hold back on Site Plan Approval.” Attorney Galbato, “Hold back on Site Plan Approval, but give the recommendations as you just said.” Chairman Kenan, “Is that what you are saying? Would you like to make a motion?”

Member Sutherland said, “I move we issue a negative declaration under SEQRA, finding that the project as presented and the mitigating circumstances presented by the architect will have no significant negative environmental impact. Secondly, that we recommend to the ZBA that they approve the variances that would be required for this project. Third, that we recommend to the Trustees that they issue an approval of the Critical Impact Permit for this project. Except for SEQRA, this is subject to review by our Code Enforcement Officer in the event that there is a Variance or additional approval that has not been discussed today. Also, we will continue the matter of Site Plan Approval to our January 3, 2013 meeting.” Member Keady seconded the motion.

Upon the unanimous vote of the members present in favor of the motion, Chairman Kenan declared that the motion had passed.

Chairman Kenan asked Member Sutherland if he wished to be more explicit about his concerns. Member Sutherland said, "The randomness of the rear – that some time be spent there to see if it can be brought into more logical alignment from the outside. I recognize that you have some inside issues to deal with." Member Eberhardt, "I was going to ask if you could do a little more detail on what the north dormer would look like." Mr. Eggleston said, "By next month I'll have a three-dimensional drawing." Member Eberhardt, "That would be good." Attorney Galbato, "Are these going to be before the Historical Commission in two weeks?" Mr. Dundon said they would be.

Mr. Eggleston thanked the Board. Chairman Kenan asked if there were any further business? Upon a motion from Member Eberhardt, seconded by member Sutherland, the meeting was adjourned at 8:07 pm.