

Village of Skaneateles
Zoning Board of Appeals Public Hearing
January 2, 2013

In the matter of the application submitted by **Finger Lakes Luxury Homes, Inc.** to vary the strict application of Section 225-A5 Density Control Schedule for Lot area, Lot width, and Number of stories to construct a 26 by 25 foot rear addition with retail space, porches and decks above, to reconfigure the street-level entrance and to add dormers to develop the attic (4 ½ stories) at the property addressed as **46 East Genesee Street** in the Village of Skaneateles.

Present: Lisa Banuski, Chairman
John Crompton, Member
Larry Pardee, Member

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

Robert Eggleston, Architect, on behalf of the Applicant

Julie Sharpe, 52 E Genesee St, Skaneateles
Frank Cavaiolo, 75 E Genesee St, Skaneateles

Absent: Craig Phinney, Member
Stephen Hartnett, Member

Chairman Banuski opened the Public Hearing at 7:30 pm announcing the application of Finger Lakes Luxury Homes, Inc./Rick Moscarito for 46 East Genesee Street.

Mr. Eggleston introduced himself and presented, “The plan has changed quite a bit since it was first application was made. We were originally asking for 3 dwelling units and a small retail space; it was going to be a substantial addition that would pretty much almost double the volume of the building. Since then he has decided to cut back so it is only one dwelling unit that will occupy the 2nd, 3rd and 4th floors and the retail will occupy the entire 1st floor. The basement will have just a 26 foot addition with a 2 car garage and it has storage for both the retail and the dwelling. We have an elevator that will service the basement level, it skips the retail space, and then comes out on the 2nd floor and 3rd floor of the residence – the purpose being that Rick’s mother has had a stroke, she is in a wheelchair, he is very sensitive to making this apartment totally accessible. The 4th floor will have the master suite which will be accessible just by the stairs. That has a dormer on the back and a dormer on the front.”

Mr. Eggleston continued, “The variances – we comply with all the Density Control Schedules, we have twice the required parking (we are required to have 2 parking spaces, we have 4 parking spaces), so we are able to provide parking for the retail employees. It would be inappropriate to have retail customers go around to the back in that it is kind of an area that’s best accessed by

people who know where they are going. So it will be used by just the Moscaritos, their guests, and the retail employees. The physical changes on the front – we’re going to recess back the front entrance so we can have a separate entrance for the retail and the residence; similar to what we did at Julie Sharpe’s building next door. We will have the dormer up on the 4th floor. There has been quite a bit of discussion in the last 3 months between the Planning Board and the Historic Preservation Commission. We had one design that actually had 3 large dormers that made a much stronger statement; half the people liked that, the other half liked the more subdued. We ended up, because we cut back the scale, we didn’t need the extra space that the larger dormer had. So this is a more subdued dormer, similar to the dormer over on the McCauley building; not quite as large as the dormer over on the Shannon building. It has just a shed dormer for space. The dormer actually sits back, in section, 5 feet from the parapet. So, like the bakery, because it sits back, it helps to hide a little bit the visual impact. I did a 3-dimensional drawing based on a photograph from the back of the M&T parking lot. So this is at the outer edge of the Historic District, showing the appearance of the dormer as it would be seen from that vantage point compared to the other dormers on the front. on the back, the lowest level, the garage level is 26 feet. We then come out 18 feet for the retail and an 8 foot porch, so the deck level will come out the same. Then we only have deck and porch for the 2nd floor, just a 12 foot porch for the 3rd floor, and just a 9 foot deck for the 4th floor. What I did on this model is, I actually did the adjacent building profiles. What it doesn’t show on Julie Sharpe’s building is that she actually has sections that come out in front, but they are set back; they are not on the wall itself. So we don’t come out in front of Eloise Luchsinger’s wall at all.” Mr. Eggleston continued, “The original building really came out flat the whole way, we had some decks and we were going to move some sections back so she could still get light in the side. Now she has retained from her decks; she has retained all her side views that looks down toward the church and down the lake. So that has been a vast improvement from her perspective. Looking at the section toward Julie Sharpe it shows; she has on her 2nd floor a section that sits back 3 feet that comes out beyond us, but again we don’t go out beyond any of the neighbors’ walls on the sides.”

Chairman Banuski asked, “Can I interrupt for just a minute? I see that Eloise has a window that she’s going to lose and I have seen that in the minutes as well. The comment was that she knows that she doesn’t have a right to keep those. But why is that? Was this building originally bigger and reduced in size?” Mr. Eggleston, “The windows that Eloise has were put in contrary to building code. You can’t put a window on a property line that doesn’t have fire shutters or fire safety. It’s a fire code.” Chairman Banuski, “Thank you.” Mr. Eggleston, “She’ll be able to keep a few of the windows that originally she was going to lose all of.” Member Crompton asked, “Was that why, Bob, on the comment that she made when she signed off and Julie signed off, saying that she was good with the plans dated 12/12 – because she didn’t want them changed because the plans of 12/12 let her see out those windows?” Mr. Eggleston, “Obviously the 12/12 plan was a great enhancement and she was very pleased with it. I think it more reflected her experience with Kiltz on the other side – the 5 years, 6 years constantly changing plans. She has gone through a trying time with that. The good news is that Rick Moscarito doesn’t have the luxury of having 5 years to do this. This needs to get done. It will be a year to do. We are hoping to start in May. There are some negotiations about whether the Village can stay longer if we can maybe start some foundation work. That has not yet been worked out. It should not be

part of your consideration. But we are expecting that we need to get this done totally within a year.”

Mr. Eggleston continued, “The variances that we are looking for have to do with the Zoning Law, in that we are required to have a 30 foot width for each use. We have 2 uses so we need 60 feet of width. None of the downtown buildings; in fact at 25 feet we are one of the wider – only Julie Sharpe is wider at 30 feet, I believe. So all of the buildings along this section, the townhouse buildings are non-conforming not to mention that when you add the residence then you add; it would be inappropriate to the context to expect 60 feet. The lot area we are required to have 3000 SF for each use, therefore 6,000 SF. In reducing it from 3 apartments to 1 dwelling unit, we have gone from requiring 12,000 SF to 6,000 SF. So these changes have reduced this requirement by half. We are at 3,175 SF, which is typical, in fact slightly larger than a lot of the lots in this area. So it is not inappropriate for the neighborhood to grant those variances for the existing, non-conforming lot. The other interesting thing is that we would not need a variance if it were all one use; the Downtown D standards actually encourage mixed use and retail + dwelling is a permitted use. As far as the 4 ½ stories, this has become a common practice as properties have been redeveloped – to make use of the attic space. There are actually 9 buildings of the 20 that are between the 2 parks that have 4 ½ -- so it is very much in keeping. I think having worked through with the Planning Board and the Historic Board we have kind of resolved the architectural impact issues, to something that the Historic Commission found acceptable. The Planning Board actually found it acceptable; their only hesitation was the organization of the back elevation here, which we have since made more sense out of. Doug Sutherland, in an email, expressed that he thought we were heading in the right direction on that. The 4 ½ story is common. This will be a sprinklered building, so obviously in exchange for getting the extra height and putting the dwellings above 2 stories, we are making a much safer building. The fact that it is a total renovation of the building; it will meet all building codes. So similar to the LakeView House and a couple of other recent major redevelopments, it will be a much safer building than what used to be. Do you have any questions relative to the application?”

Chairman Banuski said, “One came to mind. why are there 2 laundry rooms?” Mr. Eggleston, “They put an extra one downstairs for if they have large, like doing blankets or large stuff. Just out of convenience as opposed to that the other one is up on the 3rd floor.” Chairman Banuski, “I could see it more for towels at the lake front or something like that. Who wants to put your blankets and sheets in an elevator and then have to go back down to your basement. I just wanted to be sure that there are no plans to turn this into 2 families down the road.” Mr. Eggleston, “No, there is not.” Chairman Banuski, “It does make sense if you are jumping into and out of the lake to keep the beach towels down here. And I don’t mind the top! The additional stories – as I have been looking all fall looking down. I don’t think it’s a bad thing in the Village.” Member Crompt, “Yes. As Bob says it fits in with everything right down the line here.” Chairman Banuski, “And truly, where else do you go with these buildings?” Member Crompt, “Exactly.”

Mr. Eggleston said, “And I do have the 2 letters of no objection.” Chairman Banuski, “We have those in the file. So the timeline is a year from now or from when it starts?” Mr. Eggleston said, “It is still in negotiation that they would be able to start in May, because that’s when the lease

ends for the Village. The Village had made some contact asking about the possibility of extension of time. We haven't nailed anything down yet. I think from practical standpoint we would say 2 years, but our intent is that it be done in 1 year." Chairman Banuski said, "One year from May though, not 1 year from now." Mr. Eggleston said, "Two years from now would be perfectly safe." Member Crompt said, "The last I knew, Rick Moscarito wanted to get going on this. So he is not real receptive to the Village extending beyond May, but when Village Attorney Mike Byrne said maybe we could give you the OK to do some of the outside work, they were a little more receptive to that. Like Bob says, it has not been worked out, but it may extend beyond May." Mr. Eggleston, "Rick wants to be accommodating, but at the same time he has a substantial investment." Chairman Banuski said, "Time is short for moving these offices. we are talking 4 months now." Member Crompt said, "We are under the gun. there is no doubt about that; no doubt. I don't really have any questions, just a comment. I think Bob and Rick have done a great job of fitting this in with what the Historical wanted and what the Planning Board wanted. We have seen some of the other structures that Rick Moscarito has done; he's done a quality job." Mr. Eggleston said, "He has done two on Fennell Street; the one next to Dick Lynch's building – that was a tear-down and rebuild. He did one of the '3 sisters' further up Fennell." Member Crompt, I think this is going to fit in well with everything in the Village."

Chairman Banuski, "I am happy to go on record agreeing. I think this has been a lot of great work by you and your client and the various boards that have put a lot of time into it. But this is a Public Hearing. We will read the letters into the record, and then I'll open for public comment." By Member Crompt, "This is addressed to the Village of Skaneateles Zoning, Planning, Board of Trustees and Historical – 'We the undersigned are aware that Rick Moscarito is proposing to change the use of his property at 46 East Genesee Street into retail space and 1 dwelling unit. We are aware this requires an area variance, site plan review, critical impact permit and Historical Commission review. We have reviewed the drawings of Robert O. Eggleston, Architect, dated 12/12/12, and have no objections to this application.' This one is signed by Julie Sharpe, 52 East Genesee Street on the 13th of December. The second letter, the heading is exactly the same, but this one is signed by Eloise Luchsinger, 44 East Genesee Street on 12/12/12. The comment says, 'Only if done as plans of 12/12/12; will rescind if plans change.'"

Chairman Banuski, "I will open this for public comment. Is there anyone here who would like to speak in favor of this application?" Ms. Sharpe said, "Julie Sharpe, 52 East Genesee Street. I think Rick and Bob have both done a great thing to save me some windows on the west side of the property, which is a big help. They are not building out across this space which is very valuable; and I very much appreciate his consideration and concern about our concerns back here. I do business with Rick and I find him to be very trustworthy and keeping his word. So I'm all in favor. I think that top dormer is a major improvement over the hemorrhoids that were approved on top of Kiltz' building. I'm sorry, but those things sort of stick out like a jackass when you come down State Street. That's neither here nor there, this is a major improvement. Thank you." Chairman Banuski, "Thank you. Anyone else? Is there anyone who would like to speak in opposition?" Hearing no one, Chairman Banuski said, "Then I move we close the Public Hearing." The motion was seconded by Member Crompt. Upon the unanimous vote of the members present in favor of the motion, the Public Hearing was closed.

Member Crompt said, "I will make a motion that we accept the application of Finger Lakes Luxury Homes, Inc. to vary the strict application of Section 225-A5 Density Control schedule for Lot area, Lot width and Number of stories to construct a 26 by 25 foot rear addition with retail space, porches and decks above; to reconfigure the street level entrance; and to add dormers to develop the attic, 4 ½ stories, at the property addressed as 46 East Genesee Street in the Village of Skaneateles. This approval is based on 8 pages of plans dated 12/12/12. The applicant will have two years to complete construction. We note that the Planning Board conducted the SEQRA review." Member Pardee seconded the motion.

Upon the unanimous vote of the members present in favor of the motion, Chairman Banuski declared the motion passed. Mr. Eggleston thanked the Board. On motion of Member Crompt, seconded by Member Pardee, the meeting was adjourned at 7:50 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards