

Village of Skaneateles Planning Board Meeting February 7, 2013

In the matter of the application submitted by Adam Weitsman/Krebs Real Estate Holdings for (1) Site Plan Review of a proposed amendment to the approved Site Plan pursuant to Section 225-30C, D & E; (2) to vary the strict application of Section 225-A5, Density Control Schedule for Percentage of open area; and (3) to consider recommendations to the Zoning Board of Appeals and the Board of Trustees for proposed amendments to the approved Special Use Permit and Critical Impact Permit respectively, to construct 20 employee parking spaces behind the restaurant at the property addressed as 53 West 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

Robert Eggleston, Architect, representing the Applicant
Don Agate, Skaneateles, representing the Applicant
Mike Tutor, Skaneateles, representing the Applicant

Village Trustee Jim Lanning
Village Attorney Michael Byrne
Village Historian Jorge Batlle
Alan Johnson, 59 W. Genesee St., Skaneateles
Ted Kinder, 1029 Autumn Tree Court, Skaneateles
John Pidhirny, 16 W. Lake St., Skaneateles
Carol Stokes-Cawley, 21 Griffin St., Skaneateles

Chairman Kenan opened the meeting at 7:30 pm announcing the application of Adam Weitsman/Krebs Real Estate Holdings for the property at 53 West Genesee Street. Mr. Eggleston introduced himself and said, "This is an amendment to the Site Plan Review and Critical Impact and also an area variance. The Krebs approval granted in 2011 had a 10,181 SF building counting the second floor, first floor and kitchen area of the basement. Based on that it would require 100 cars based on building area, or based on the number of seats -- 172 seats -- 43 cars. The site plan was approved with the 8 on-site parking spaces that have been built, and they were all designated to be handicapped parking. This was intended to allow easy access for disabled people to get in. We have since been back to get approval for the ramp for the alternate

entrance for the wheelchair access. The plan was changed to one floor dining and bar, eliminating the second floor as a functional space, and having some partial space in the kitchen.”

Mr. Eggleston continued, “Some of the initial plans for the parking on the 1.72 acre parcel, included having up to 68, 70 cars in the back and had some elaborate berms and fences, and stuff like that. There was quite a bit of concern from the neighbors, relative to the commercial parking in a residential neighborhood. While the Applicant is sensitive to the contiguous neighbors and their concern about the south lawn becoming a commercial parking lot, we are also concerned about the neighbors on West Genesee Street, Griffin Street and the limits of the on-site parking that’s available to patrons when the Krebs employees also need to park there. Currently, without the Krebs in operation we have seen a lot of parking that is on West Genesee Street, and it is being used by other businesses – by the Lutheran Church, the daycare, and also residents when they have guest parking.”

Mr. Eggleston continued, “The current size of the approved Krebs plan – we came back in 2012 when we got this restarted – we reduced it to 7,546 SF and 138 seats. I provided our interior designer’s layout for the seating so you can actually do the count yourself. On the Site Plan I have broken out what the seating is for the lounge and the bar and the dining areas themselves. So based on the new plan we have reduced the parking requirements to 75 cars, based on area, and 39 based on seating. The Krebs employees will be between 20 and 32; Mike Tutor figures 32 during the peak shift. These are during the afternoon and evenings. The restaurant is open I believe it is 4 days a week and it serves dinner-only plus Sunday brunch. The employees come for 8 hours, it’s not like a patron who comes for 2 hours to come and eat, and then leaves and it turns over for someone else.”

Mr. Eggleston continued, “So the amended Site Plan is to add 20 cars in the south lawn to accommodate the majority of the employee parking. We have placed it 10 feet off the 57 West Genesee Street which is owned by the Krebs holding company and is a 4 unit apartment building. We will enhance it with evergreen trees. It will be 40 feet off the Allyn property; again we’ll have a berm and evergreen trees shielding that. It will be 51 feet off the Johnson property to the west. Our landscape architect is working on a specific landscaping plan for the back lawn and gardens. One of the hallmarks for the Krebs were the gardens, so they would like to carry on that tradition with some plantings there that is being developed. The parking would be over 200 feet from the south property line.”

Mr. Eggleston continued, “One of the things that we did different in this plan from some of the earlier plans I saw, is that we have oriented the cars to be north and south. That way, lights at night – they are not facing toward adjacent neighbors to the east and west. Obviously, as one pulls out, turns around lights do change. But if one is sitting there as they are warming up their car, whatever, it would help to reduce that by having the headlights facing north and/or south. Plus, we have also provided the berms and screenings that will help contain any of that light on-site. We are thinking just minimal lighting, maybe a couple of small light poles that would just provide enough light into the area, so that you’ve got 1 or 2 foot-candles; to make it safe to come out to the car at night. And the lights would only be on the days the restaurant’s open and until shortly after closing when the employees will have left.”

Mr. Eggleston continued, “The storm water; we have talked to Rudy Zona who has been doing our site engineering, and we can provide an area in the property in the southeast corner, which is the lowest corner of the property, to put in an appropriate storm water handling – at a minimum to be detention so that water as a result of the driveway would hold here and be released slowly into the ditch where it naturally flows now, be treated appropriately. There’s a number of things that we can be looking at, sometimes rain gardens are appropriate and incorporated into the landscaping. So with approval, we will engineer an appropriate storm water handling. With a site like this we can handle it quite effectively.”

Member Sutherland asked, “Bob, the parking that is already constructed – the 8 handicapped spaces – is that sent out to the street now?” Mr. Tutor answered, “It goes to a swale and goes back to that same corner.” Mr. Eggleston, “I thought it was handled on-site. It sheets over the back lawn. That’s great for this. If we get this it will definitely meet the DEC standards for storm water runoff.”

Mr. Eggleston continued, “As far as driveway access we have the existing driveway here. The State DOT made us make it 16 feet wide because it was the only access in and out of the property. I know the Planning Board wanted it as small as possible. That can accommodate traffic coming and going. This is where the dumpster comes in; right now the dumpster is located straight ahead in this area – we’re just shoving it further straight back to tie it in with that parking lot and whatever other delivery trucks and things that will be coming in the back.” Member Sutherland, “So when you did the final site work, there was a DOT approval that was required. At one point, when Andy was doing the plan, I think we was trying to keep it within a certain width so there wasn’t a need for...” Mr. Eggleston, “What DOT wanted was 24 feet wide... I think there was quite a bit of work on Rudy Zona’s part to say this is a Village, we have to keep it like a Village.” Chairman Kenan, “So has the DOT issued a permit for a modified curb cut?” Mr. Eggleston, “Yeah, that’s what the requirement of the permit was for access out to the site; the 16 feet wide.”

Mr. Eggleston continued, “What we’re proposing here that sort of has a dual benefit, is creating another right-of-way and having a 12 foot drive, which currently serves the 57 West Genesee Street and there’s 3 apartments in there. We’ve provided 4 parking spaces, right now there are 4 parking spaces just slightly shifted down. So during operating hours this would be an “In” drive and this would be an “Out” drive. That way, what it would provide is that patrons can drive in and around, and it puts passengers on the correct side to get off and be able to come into the restaurant, rather than having them double-park and stand on Genesee Street to let them off to come into the restaurant.” Member Roney asked, “That curb cut exists, right?” Mr. Eggleston, “Yes. One of the things the Village was adamant about is that we maintain the residential character of Genesee Street. I think the Village has done a very good job of keeping it very residential. This would be one way in during operating hours so that patrons could be dropped off and then the driver would go and find a parking place. And then again after dinner they can get their car, drive around, pick people up. The nice thing about 16 feet wide is that if someone’s here picking up and someone’s coming out they can still pass by carefully. Also during off hours this still will be still two-way for employees to come and go.”

Member Keady asked, “Bob, can you remind us what the proposed operating hours are?” Mr. Tutor said, “4 to 11 Thursday, Friday and Saturday and 10 to 3 on Sunday for brunch.” Member Sutherland clarified, “No Sunday dinner?” Mr. Tutor confirmed, “Sunday is just brunch.”

Mr. Eggleston continued, “The variance that is required, in addition to what has already been granted and built, is our open space would drop from 90.83% -- which is conforming, we are required to be 90% open space – to 85.6%. So we’re changing this about 5%. It’s all due to the required parking that we have put on here. The good news is that we have reduced the variance for not having on-site parking. Basically we go from providing 10% of the required parking to 37% of the required parking. While I was looking over the paperwork I did not see that parking variance as a specific named variance, but obviously one is required to provide on-site parking based on your use. That was exempted because of the nature of the concerns about commercial parking in a residential neighborhood. I have gone through the Critical Impact criteria as it relates to parking. The most important thing here is to realize that we’re trying to minimize this – I’m not sure that there was a proposal this small other than the 8 parking spaces. We feel that this is kind of a minimum necessary to take the sting of the employee parking, which is the whole time the restaurant is open, so we relieve some of the pressure of the on-street parking. Since the Krebs closed, West Lake Street has limited the amount of parking so it is only the first 4 or 5 houses, so they have sort of protected themselves from on-street parking. We think that by driving in and around the loop it will make it easier for the patrons to not be standing in the street to drop people off. With that, I will ask if you have any questions on the proposal?”

Member Roney asked, “Bob, if it’s going to be employee only, instead of going through all this, wouldn’t it just be easier if they parked at the municipal lot? That’s what it is for.” Mr. Eggleston, “And shuttle them over. My wife happens to know the little places you can kind of park, beside the municipal lot, when she comes down to the Village. I think any of the municipal lots in the Village area are full during the summer, during the peak times.” Member Keady, “Is there any consideration; we have this beautiful fire house down on the corner. With the exception of the days when voting takes place, there’s a gigantic parking lot mostly empty. If it was specifically for employees, is there consideration for Krebs to be speaking with them to negotiate 10 spots in the back, or 15 spots?” Member Roney, “I think they have to leave some spots open in case there is a fire, for the firemen to come in.” Member Sutherland, “I think there’s like 100 spaces there.” Member Keady, “There’s like 100 spots there.” Member Roney thought the number was closer to 69 or 72. Member Keady said, “That’s walking distance.” Mr. Eggleston, “I think there’s more things that happen there than just voting.” Member Sutherland said, “There’s blood given and other things. But it does seem – it would be interesting for somebody to survey it and if there was a modest donation to the fire department in exchange for the use of some of those spaces, it seems like it might be a win for everybody involved.” Mr. Eggleston, “Mike, I don’t know if you have looked at any of those alternatives during the duration of the project?” Mr. Tutor said, “We talked about the fire department maybe a year ago, as an alternative for valet service or something like that...” Discussion ensued about the feasibility and why no one else was using those spaces, as well as the continued availability of parking at the new Village Hall. Member Sutherland observed that other merchants were “a lot further away.”

Member Sutherland said, "There's one thing that's interesting with Meg's thought about the fire department is that this is just a few doors down. No other merchant is anywhere near as close. So at this point it has been just one of those things that people look at but don't think of it as a solution." Mr. Tutor said, "Adam's [Weitsman] message to me was that he didn't want his employees to have to walk from the P&C to go to work, and leave late at night and walk all the way back. He has the land; he has hired the landscape architect at his house so we know it's going to be done correctly. It's just getting cars off the street. There's going to be a parking problem, no matter what." Member Roney said, "Yeah, but it worked OK for 113 years. I'm not sure why it will suddenly be a problem." Mr. Tutor, "Well, I would suggest you drive by there tomorrow..." Member Roney, "I walk by there all the time, because I'm about 6 houses down." Mr. Tutor, "For employee parking; it was there 100 years ago, but 100 years ago employees might have walked to work. But we're only trying to get cars off the street. The restaurant will open, it will operate, whether we have parking or don't have parking for the employees. But we can go to the Fire Department and knock on the door and make a deal if they are interested."

Chairman Kenan asked, "Any other thoughts or questions? Well I've got a question. I'm sure you have been through the file. I entertained myself by reading a lot of this stuff over the last few days. Obviously, a great deal of discussion went into the first approval. I don't know how many meetings; 4 or 5 meetings; a fair amount of public participation. And the concerns that were expressed – and the final approval, the final plan that was approved, responded to those concerns. The situation is that you have a non-conforming commercial use in a residential neighborhood -- one that has done a remarkable job of coexisting over the years with the residents. But it is that relationship between the commercial use in the middle of a residential neighborhood that creates a situation that's tenuous, that needs a good deal of care and thought, which is why there were so many meetings on it before. The Planning Board's concerns at the time were not only converting that rear lawn area to parking, at whatever scale, but also preserving the nearby residences – and specifically the two that immediately adjoin the Krebs restaurant -- as residential uses. One of them is a single-family home and one has several apartments in it. So having gone through that and submitted a plan -- that was approved with a lengthy motion – is there a different condition today that suggests why the Board should have a different feeling about the outcome?" Mr. Eggleston, "Well of course since then they have limited the parking on West Lake Street, which before, I think, it was relatively unlimited as to how far one could park on that side. So the Village has taken away some of the on-street parking that would be utilized for this. And I think even looking at with the Krebs closed, even before construction was being done, that those spaces are full all the time. And I know recently in other applications in the Downtown D District it wasn't good enough to have the required parking, you had to look at the impact of parking on what the uses are. Here we've got a chance to provide; we're not looking for 75 parking spaces – just let's get the employees off so they are not taking up for 8 hours spaces that could be used by 3 different patrons on the street."

Chairman Kenan said, "The new or extended driveway on Lot 57; are you creating an easement for that?" Mr. Eggleston, "Correct." Chairman Kenan said, "I guess I would observe that encircling that building with driveways makes it just much less likely that it survives as a residential use – since it would be surrounded by commercial-use driveways." Mr. Tutor asked, "What would your feeling be if that concept just went away and there was just the existing driveway?" Chairman Kenan, "Well this Board approved it that way at one time." Mr. Tutor,

“With a secondary lot.” Member Keady said, “He’s saying block the lot; you’d still have the turnaround.” Mr. Eggleston, “So that way people could come drop off but they’d have to come in, turn around in the handicapped parking or in the other parking, and then drop off and leave. That could happen because the employee parking should be fairly stagnant during the open hours. The cars are there. So a car coming in wanting to drop someone off could come in, turn around and then drop them off and then go find a parking place. I think I could give that up and understand and appreciate the fact that it makes this much less residential desirable.” Mr. Tutor said, “We could label the driveway ‘handicapped only’, ‘employee parking only’. The problem we’re going to run into even with handicapped, people are going to come in and those spaces could be filled. Even with that, there will be people having to back up and move out again.”

Chairman Kenan said, “I think the finding originally was that given the low volume of traffic – deliveries at one time of day and then handicapped visitors at other times, it is unlikely that you’re going to be meeting somebody head-on using the driveway.” Mr. Tutor said, “Our thoughts are that we’re not even going to allow trucks in there. Deliveries will be on the street in the mornings like all the other restaurants.”

Chairman Kenan, “Anybody else have questions or suggestions? Anybody have a motion to suggest?” Member Sutherland asked, “Out of curiosity, did you do a tour of the neighborhood? There were a lot of folks who were interested early on...” Mr. Eggleston, “I know Mike has been talking with the two immediate neighbors who are most impacted, the Allyns and the Johnsons. Mike, I don’t know if you want to report...” Mr. Tutor, “I didn’t really directly talk with Mr. Johnson. He was happy to see the blue tarp off the building so I didn’t talk about parking.” Mr. Johnson said, “I’m here; you’d have to talk over me.” Mr. Tutor, “I did spend a day – part of a day – with David Allyn at one point a few months ago, just to get some feedback on his thoughts if we were to build a parking lot there. That was even before we did any renderings just to see, because I wasn’t around when the initial parking lot plan was talked about. I was just trying to find out, without going through all the notes, what were the objections and to get a feel for it. He seemed OK. I know that John Pidhirny and his wife had concerns; Doug Clark and his wife Clara had concerns. We’re willing to address all those concerns.”

Chairman Kenan asked, “Anything else from the Board? The request is for Site Plan approval, variance for the change in lot coverage, amended Critical Impact Permit, and amended Special Use Permit. Is that right?” Mr. Eggleston said, “Correct.” Chairman Kenan asked, “Anyone have a motion to make?” Member Eberhardt announced, “I resolve to recuse as I have in the past.”

Mr. Eggleston said, “I know this is not a public hearing, but I see the public is here. I don’t know if you have any interest in hearing what their current thoughts are on this or not. And also I know that it is an option of the Board to have a public hearing if they think that would be appropriate.” Chairman Kenan said, “Certainly if anybody here has any comment to make, we will listen. It is not a public hearing, but under control and decorum we would certainly take comments from anybody.”

Mr. Johnson said, “Alan Johnson, 59 West Genesee Street. It is my understanding that 30 of the fire lot -- parking spaces at the fire lot -- are public spaces for public use. My feelings are the

same as they were before. I don't know if I need to write new letters or not." Chairman Kenan asked, "What are those feelings?" Mr. Johnson, "First of all, my house is 60 years older than Krebs was, and there are several houses in the neighborhood that are like that. By enlarging the exemption, I think you are turning it into a commercial zone instead of a residential zone, and I think you would hurt the character of the Village. Obviously, I am concerned for my property value and also for having people there at night. And also, another concern is that what happens in 5 years if the restaurant doesn't do well and is abandoned? Then you are stuck with the parking lot and you end up with something like you have on Franklin Street – a building that has been there for 30 years with nobody occupying it. Or you might have a switch in what the commercial venue is going to be if a restaurant doesn't succeed. Maybe somebody else comes in and it's already been changed and they can propose something else. So those are my concerns." Chairman Kenan said, "Thank you. Anyone else?"

Mr. Pidhirny said, "John Pidhirny, 16 West Lake Street. I go back to your original comments. What has changed? It has already been before the Board at 4 or 5 different meetings. The feelings of the neighbors; I'm not immediately adjacent to it, but I've got 50 feet of open lot between me and the property. I wish Dave Allyn was here; he's the one who told me to show up at the Board for sure, because he's out of town and was just as concerned as I am about it. So the discussion may have been before all of this was pulled together, I'm sure. You are still talking about light poles, you are still talking about all the same things that I think make it less of a residential neighborhood. Like Alan said, two levels of concern. One is just the annoyance of lights and car horns and car locks and whatever else going off. And the other level is property value. I've got a home in a very nice residential area. I don't need to look out and have a big, paved blacktop area looking me in the face. That's not what I purchased and not what I plan to sell some day. So I remain very much not in favor of it." Chairman Kenan said, "OK. Anyone else? Thank you."

Chairman Kenan said, "We need a motion." Member Sutherland said, "I guess I'm inclined not to do that. We went through a long process, we came up with a solution. Do we have to address it? Do we need to make a motion?" Chairman Kenan said, "Yes. The Applicant certainly can come in and request a rehearing or a reapplication anytime they want. Let me suggest this. I'll make a motion. **I make the motion that we approve the Site Plan as presented. Then everybody can second it and you can vote up or down.**" Member Sutherland seconded the motion.

Chairman Kenan said, "Moved and seconded. All those in favor say 'aye'." There were no 'ayes'. Chairman Kenan asked, "All those opposed, 'nay'." Chairman Kenan and Members Keady, Roney and Sutherland voted nay. Member Eberhardt abstained.

Mr. Eggleston questioned the need for an affirmative vote on something saying 'it was just turned down. To pass it, don't we need an affirmative vote on declining it?' After discussion, Attorney Galbato stated that "the failure of the motion means that the detailed Site Plan approval made on 12/2/10 still stands until modified. I know it was modified once for the handicapped entry ramp, but nothing to do with the parking situation."

Chairman Kenan said, "I'm going to assume that the other parts of the application which would all hinge on Site Plan approval are moot, unless you want us to make a motion on those as well?" After further discussion regarding the need for an approved modification to the Site Plan as a precursor for those actions, Chairman Kenan asked, "Would it make the record neater if I made this motion? **I will move to recommend against the application to the Zoning Board of Appeals for the area variance and modification to the Special Use Permit and the recommendation to the Trustees for modification of the Critical Impact Permit in light of the Planning Board's immediately-previous action in denying Site Plan approval. This action includes all prior minutes and documentation that is part of the record.**" Member Sutherland seconded the motion.

Voting in favor of the motion were Chairman Kenan and Members Keady, Roney and Sutherland. Member Eberhardt abstained.

Chairman Kenan recognized Trustee Lanning who said, "Jim Lanning, Village Trustee. Just some thoughts that tie into this. There was one comment about the new Village Hall reducing parking. As we entered into the Site Plan development our objective is increasing the amount of public parking. We recently lost the Teasel Barn due to snow overload. I know the owner of that property is interested in developing that. So there may be additional public parking there. And I know that there is a guy out there driving a creek walk along with a footbridge across the creek to go back to the Sherwood or Creamery. So we have additional parking potential that would lead toward that side of town and west of Jordan Street.

Chairman Kenan said, "Jim, when this application came before the Planning Board 1 ½ or 2 years ago, there was obviously a lot of talk about parking. I don't know that I can call it an understanding, but the belief was that the Trustees, shortly after that, were going to take up the issue that you just talked about – finding appropriate places within the Village where more parking could be created, to help alleviate the parking conditions generally in the Village. And I'm glad to hear what you said. I'm sure this Board would certainly encourage the Trustees to take that issue up and see what can be done. This Board would be very happy to help with that in any way." Trustee Lanning said, "Well noted."

Mr. Johnson asked, "May I ask a question? Wasn't there a committee formed by members of each of the different Boards to look into the parking situation, when they were talking about revenues from parking?" Attorney Galbato said, "That may have been, sir, when they were looking; during the moratorium period on parking, I think there was a committee set up and it was working with the Village Attorney on revised or amended local law in our code." Member Sutherland said, "It wasn't searching for parking, it was looking at the parking requirements downtown." Mr. Johnson said, "For instance, you don't have meters in front of my house." Chairman Kenan asked, "Do you want a meter?" Mr. Johnson, "Why not extend the limited parking, because so many people get a ride into Syracuse and they park there on West Genesee Street." Chairman Kenan, "I think that was discussed at one time. Jim, you may want to include that in the consideration." Trustee Lanning, "That was before my time, but..." Mr. Eggleston, "Even striping the parking spaces on West Genesee could be a lot more efficient. It is very frustrating to come and see 2 cars take up 3 spaces because they just didn't park with consideration of other people." Trustee Lanning, "It is my understanding, and maybe Counsel

Byrne can support, that they can only be striped if there is a meter.” Attorney Byrne said, “Because it is a State highway our ability to stripe it is almost nonexistent. The issue of metering has been discussed a number of times. I think there is some support for it but I think there is some concern about it – the look of it, the look of metering all the way up...” Mr. Johnson, “I think you can just use muni-meters...” Attorney Byrne, “Pay stations have been talked about; they are very expensive – but it’s a topic; I know it is on the minds of Trustees. My sense is as this renovation project comes to fruition this summer and the focus then is on how many useable public spaces will result at that site – I think there will be another reexamination of parking issues and I think it will probably include, particularly as the Krebs opens and begins to have an impact, I think there will be a reexamination of parking policy on Genesee Street, and it may result in changes.”

Chairman Kenan said, “Good. Thanks everybody. Motion to adjourn?” Upon motion of Member Sutherland seconded by Member Roney, the meeting was unanimously voted to be adjourned at 8:11 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards