

Village of Skaneateles
Planning Board Public Hearing
June 6, 2013

Site Plan Review, Critical Impact Permit recommendation and Variance recommendation in the matter of the application of Fingerlakes Luxury Homes, Inc. for a change of use to retail plus two dwelling units; and to vary the strict application of Section 225-A5 for Lot area, Lot width and Building height; and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion at the property addressed as 46 East Genesee Street in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
William Eberhardt, Member
Mark Roney, Member
Carol Stokes-Cawley, Member
Douglas Sutherland, Member

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

Robert Eggleston, Architect, on behalf of the Applicant

Constance Brace, Skaneateles
Mary Sennett, Village Trustee

Chairman Kenan opened this portion of the meeting at 8:46 pm announcing the application of Finger Lakes Luxury Homes, Inc./Rick Moscarito for 46 East Genesee Street. Mr. Eggleston introduced himself and presented, "We had received approval at the very beginning of this year for the renovation & remodel of this building and addition onto it. He has looked at and reconsidered, making a few adjustments along the way and have gotten to a point where he has agreed that this will be the final plan. The original application was to expand the building out 34 feet to the end of Julie Sharpe's building here at 52 East Genesee Street – and it was pretty much four stories straight up. He was going to have 3 dwelling units and a large retail space and a 3 car garage. During the zoning process, it got reduced back to a 26 foot addition, reducing the upper levels substantially so they all fell behind the two adjacent buildings instead of projecting out in front – and having one large dwelling unit and a large retail space. Since then, what he would like to do is have the original footprint for just the basement and the first floor comes out the full 34 feet; the garage would be 31 feet with a 3 foot overhang and then 34 feet on the first floor street level." Member Sutherland asked for clarification.

Mr. Eggleston continued, "The basement is short of both buildings – Julie Sharpe's and Eloise Luchsinger's -- at 31 feet. The first floor hangs out another 3 feet to the original 34 foot footprint, which is even with Julie Sharpe's building and there is a porch on this level that's up

against Luchsinger's building. So the section looking east is equal to Julie Sharpe's building. The section looking to the west; the basement's a foot and a half behind Julie's building, the deck/porch would actually stick out a couple of feet beyond Eloise's building." Chairman Kenan asked, "Why don't the two sections look alike, ignoring the adjoining buildings?" Mr. Eggleston, "In plan what happens – first floor plan, this is the lake this is the street on this side – the first floor on the east side comes out the extent of the building, but then there is an 8x10 porch on the corner on the east corner toward Eloise's building." Chairman Kenan, "So the section right below that is cut through the deck, and the section to the right of it is cut through the space." Mr. Eggleston, "Correct. Then when we come back to the second floor; by the way, the organization of the first floor – there is a retail space in front, we have put back a hallway that will connect so that we have a dwelling unit on the first floor, and I have made it so that this dwelling unit has direct walking access to the street, it has direct access through the stairs to the parking lot and it also has access through the elevator for going between the basement and the first floor."

Member Sutherland, "In the previous approved version that was commercial space, and now it is residential." Mr. Eggleston, "That was commercial space all the way across." Member Sutherland, "And essentially the same depth?" Mr. Eggleston, "We have filled this in a little bit more – it came out all the way but it was 8 feet shorter..." Member Sutherland, "Is that the roughly 200 SF of extra space occurs at that spot?" Mr. Eggleston, "Correct. In the approved plan this was an open outside stair; this is now an indoor stair. The elevator and stairs have switched from the west side to the east side of the building. When we get to the second floor, which is the first level of the main dwelling unit, that's identical except that we had a porch which is now an enclosed sunroom, and then the deck is the remaining 22 feet. The fact that this is 8 foot deeper keeps that a good size deck. This is where the stair now turns to external, so it's just a private stair for communicating between the second and third floor (the first and second levels of the dwelling unit). So the third floor is identical..." Chairman Kenan, "The section is cut through the stair? But it looks enclosed there." Mr. Eggleston, "What you are looking at is the pocket of Julie's building, this is enclosed, this is outdoors. There's a stair that continues up outdoors. But it is behind Julie's building, so it's not like you are walking up exposed. The third floor is identical except rearranged inside. It has the 12 foot deck/porch on the back side, the elevator, the outdoor stair. And the fourth floor/attic is the same – same dormers, the deck comes across the same, that's just an elevator roof – that has not changed at all."

Mr. Eggleston continued, "So what the changes are from the previous: the front is identical to what was proposed. The back is basically similar in that you have 3 different planes that everything occurs." Chairman Kenan, "And everything occurs within the solid walls of the adjoining buildings?" Mr. Eggleston, "Correct. Everything is behind, nothing sticks out in front of the adjacent buildings. I took this to Eloise Luchsinger, because she has been probably our most active critic and concerned neighbor. She actually likes this plan better than the previous because we have moved the stair and elevator away from her building. She would have seen bobbing heads off her second floor deck going up the stairs. I have given her a letter to sign that she is going to take some time to review, but she has verbally expressed her pleasure with this plan. Again, the front is identical, the back is very similar except this is just coming out a little bit." Member Roney, "Bob, you are only pulling the first floor out 8 feet?" Mr. Eggleston, "The basement and first floor, correct. That's the material difference." Chairman Kenan, "But didn't

you enclose something above that?" Mr. Eggleston, "On this level what was an open porch is now enclosed porch space."

Chairman Kenan said, "We have been through this a few times already. And the basic change from before, which you have described, 3 levels on which the enclosed space has gotten bigger. I'm sorry, were you done?" Mr. Eggleston, "As far as any of the other logistics, it was all in the narrative. As far as the parking – we are required by code to have 3.5 parking spaces – 2 for the upper level, 1.5 for the main, the fraction gets dropped. We actually have 4 parking spaces. We are required to provide all the residential overnight parking on site, which we have accomplished." Chairman Kenan, "But you don't have parking for the retail." Mr. Eggleston, "The retail, as I see it, the most we would ever want to have – we are required to have 1.6 parking spaces, it's only 571 SF retail space, with 1 per 300. At most you would have 1 employee, and we can have that employee use one of these spaces during the day." Chairman Kenan, "No shoppers?" Mr. Eggleston, "You would not encourage shoppers to park back here." Chairman Kenan, "No, I would not. But in terms of the need of the Village to accommodate the parking – the retail store adds – actually you didn't add retail, you added an apartment. But in terms of cars it is basically the same thing. It is the need for 2 more parking spaces overall that didn't exist before." Mr. Eggleston, "Correct." Member Eberhardt, "What's the difference in the retail square footage versus the previously approved?" Mr. Eggleston, "It's about; it's between 1/3 and 1/2 the size. I think the original was something like 1200, and this is 570 SF, including some storage in the basement. The approved plan was; retail was 1500 SF. So it is 1/3 the size." Member Stokes-Cawley, "So if I'm visualizing it, is it just the front?" Mr. Eggleston, "It's just the front and we lost a little bit to the corridor."

Chairman Kenan said, "So the earlier presentations and discussions of this -- it started out being bigger than it is now. In terms of parking need, that was one of the reasons why it came back and got smaller. Now we are back up to sort of halfway in between the two. And I know there is no way to provide additional parking on site – as a practical matter there isn't. As a parallel practical matter, the Village needs 2 more parking spaces, because of the change of the occupancy..." Mr. Eggleston said, "Actually, I'll take issue with that, because the current use of this building requires 17 parking spaces, as Village Offices. Based on the square footage of office space, we'd require 17 parking spaces. So it is a vast improvement, over what is currently existing." Chairman Kenan said, "OK. That's a fair argument. I am just going to repeat what the Board's view on the subject was before, by the way it probably affects other applications that are coming down the road. Even though the Village doesn't currently have a specific parking requirement written into the code as a parking requirement – and I wish the Trustees would readdress that issue, because I think it is a mistake to not have parking in areas of the Village that create the most demand for parking – the only way we have handled it in the past is to make them contribute to a fund for parking fields elsewhere which the Village pays to create, which I don't think is a bad idea. I think the reason it got wiped off the books a while ago was that the cost number was deemed to be exorbitantly high. But even though that section of the code that says you need to provide so many cars per square foot doesn't refer to it, the fact that you need Variances and the fact that you need Special Use Permits and so on – and Critical Impact Permits – parking is an issue in all of those. And whether it shows up in one section of the code or not, it is an issue for the Village and it is an issue in examining land use."

Chairman Kenan asked, "Does the Board have any questions or comments?" Mr. Eggleston said, "Just so you know, we are here for Site Plan Review, because we are disturbing closer to so many feet to the lake; we are here for a recommendation for the area variance. The area variance is the undersized lot for lot area and lot width and the existing building is non-conforming because it doesn't have 30 feet – it only has 25 feet of lot width, and for 4.5 stories; and then for Critical Impact Permit recommendation because of change of use." Chairman Kenan, "And not Special Use Permit?" Mr. Eggleston, "No Special use permit. It is multiple family when we are 3 apartments or more that we need Special Use Permit." Chairman Kenan, "It's a repeat of all the same Variances and Critical Impact Permit simply because it is a change and it is bigger."

Attorney Galbato said, "I think that before entertaining a motion or as part of it, the Board should contemplate whether to issue another SEQRA review based on the change or indicate on the record that it is not a significant change from the prior application, as to SEQRA, and that the prior SEQRA finding is not to be disturbed, because it is not a significant change." Chairman Kenan asked. "Any questions or comments? How about a motion then?"

Member Eberhardt said, "I move that the Planning Board's recommendation to the Village Trustees be that they approve the Critical Impact Permit. The Board does not feel that additional SEQRA review is necessary, as there is not significant change proposed in the revised application. Therefore our previous finding stands." Member Sutherland seconded the motion. Upon the unanimous vote of the members present in favor of the motion, Chairman Kenan declared the motion approved. **Member Eberhardt said, "I additionally move that the Planning Board recommend to the Zoning Board of Appeals that they approve the Variances requested in the Moscarito application as submitted, in drawings dated 5/24/2013. Member Sutherland seconded the motion.** Upon the unanimous vote of the members present in favor of the motion, Chairman Kenan declared the motion approved. **Member Eberhardt said, "I move that the Planning Board grant approval of the Site Plan as submitted, by the same drawings carrying the same date (5/24/2013)." Member Sutherland seconded the motion.** Upon the unanimous vote of the members present in favor of the motion, Chairman Kenan declared the motion approved. Mr. Eggleston thanked the Board.

Upon motion of Member Sutherland, seconded by Member Roney, the meeting was adjourned at 9:03 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards