

Village of Skaneateles
Planning Board Meeting
February 1, 2024
Skaneateles Village Hall

Continuation of consideration of Site Plan Review and Critical Impact Permit (Redevelopment in D District) in the matter of the application of **Thomas Billone** to change the use for street-level and basement space from hair salon (C-16) Personal Services to ice cream shop (C-20) Restaurant and to replace the south windows and door, north door and to install awnings and shutters at the property addressed as **20 East Genesee Street** in the Village of Skaneateles.

Present: Connie Brace, Chairman
 Melissa Komaneky, Member
 Jeff Liccione, Member

Riccardo Galbato, Attorney for the Planning Board
John Crompton, Code Enforcement Officer
Ian Carroll, Municipal Planning and Development Coordinator
Dennis Dundon, Clerk to the Boards

Bob Eggleston, Architect, on behalf of the applicant
Tom Billone, applicant
Amanda Hughes, prospective tenant

Laura Billone, 20 E Genesee St
Jackie Jones, 20 E Genesee St

Stephen Hartnett, Chairman
Albert Giannino, Member

At 7:07 pm, Chairman Brace called for the Billone discussion for 20 East Genesee Street.

Attorney Galbato recapped the application for change of use of the first floor and basement levels requiring site plan review and critical impact for a proposed change of use from personal service to restaurant at the subject location. The Board has heard this matter in previous meetings.

Atty. Galbato led the Board through consideration of the Criteria for Site Plan approval. The Board's findings are recorded after each criterion:

Section 225- 30. Procedure.

D. Criteria for site plan review. The Planning Board shall review the site plan and supporting data before approval is given and take into consideration the following objectives:

- 1) Harmonious relationship between proposed uses and existing adjacent uses.** The Board finds the limited proposed use to be harmonious under the conditions imposed.
- 2) Protection of environmentally sensitive areas.** Not applicable.
- 3) Preservation of historic and/ or architecturally significant structures and landscape features.** The plans received review and approval by the Historical Landmarks Preservation Commission.
- 4) Compatibility of the scale, design, materials and detailing of the proposed use with existing adjacent and nearby uses.** Compatible and reviewed by HLPC.
- 5) Maximum safety of vehicular circulation between the site and the street network.** Illustrated on Sheet 1 dated 10.23.2023
- 6) Maximum adequacy of interior circulation, parking and loading facilities with particular attention to vehicular and pedestrian safety.** Accommodating pedestrian circulation concerns by not permitting public access in rear of building.
- 7) Adequacy of landscaping and setbacks in regard to achieving maximum compatibility and protection of adjacent residential uses.** Not applicable; but Board considered concerns about nearby residential uses.
- 8) Applicable regulations of this chapter.** Not applicable

Attorney Galbato led the Board through consideration of the Critical Impact Permit approval. The Board's findings are recorded after each criterion:

Section 225-54

F. Basis for determination.

(1) General provisions. Before issuing a critical impact permit, the Planning Board shall take into consideration the public health, safety, morals and welfare and shall make the following findings:

(a) The plans for the proposed critical impact use meet the prescribed requirements of this chapter, including all of the regulations contained in this chapter for the district in which located. Codes Office determinations.

(b) The proposed critical impact use will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having a unique cultural, historical, geographical, architectural, or other special quality of similar magnitude. The Board has imposed reasonable conditions for approval.

(c) The proposed critical impact use is in harmony within the visual and physical context of the immediate neighborhood. Yes.

(d) Such critical impact use and site development plan are in harmony with and will not impede the orderly development or redevelopment of the general neighborhood and the location, nature and height of buildings, structures, walls, fences and parking areas and will not discourage the appropriate development and use of adjacent lands or adversely affect existing land use in close proximity to the subject site. Will have little to no impact on other properties.

(e) The proposed critical impact use is to be developed in such a way as to ensure maximum amenities will be available to the site based upon a consideration of the site plan and functional requirements of the proposed critical impact use, including a specific finding that all structures, equipment and materials are reasonably accessible for police and fire protection and that the water supply, sewage disposal and surface drainage systems are adequate to serve the proposed critical impact use. The change of use has no impact on the

existing conditions for emergency access either front or back. The change of use was reviewed by the Municipal Board and assessed to have *de minimis* impact on Village utilities.

(f) Traffic controls for vehicular and pedestrian movement are designed to protect the safety of the general public and the occupants, employees, attendants, and other persons for whose benefit the use is intended. Not applicable.

[1] In making this determination, the Planning Board shall review, but need not be limited to, the following considerations:

[a] Location and adequacy of parking and loading facilities. Previously discussed.

[b] Pedestrian rights-of-way. Previously discussed

[c] Traffic regulatory devices. Previously discussed

[d] Location, number and design of points of ingress and egress. Codes Office review.

[e] Accessibility to emergency vehicles with particular emphasis on proximity to structures, no-parking or no-loading zones or areas and provision for turning and free movement.

Located on East Genesee Street.

[f] Storage facilities for snow. Existing conditions.

[g] Age and mobility of all persons for whose benefit the use is intended. Existing conditions.

[h] Speed limits upon, and general character of, public highways in close proximity. Existing conditions.

[2] Compliance with the provisions of Article X hereof shall not preclude a determination that the foregoing requirements have not been met.

(g) The proposed critical impact use shall comply with the provisions of Chapter 167, Article III, Use of Sewers, of the Village Code, as amended by Local Law No. 1-1994 and as it may be amended in the future, and all applicable laws, rules and regulations of the Village, United States and New York State governments. Reviewed by Municipal Board.

(2) Criteria. In making a determination as to compliance with any one or more of the findings and conditions specified for a critical impact permit as herein provided, consideration shall be given, but need not be limited to, the following elements:

(a) Geometric characteristics of all structures and related improvements. No change.

(b) Aesthetic characteristics, including design, texture, materials, colors and illumination.

HLPC Review

(c) Physical attributes of the site, including size, shape, elevation, topography and natural vegetation. No change.

Attorney Galbato led the Board in its review of the prepared resolution that was provided for its consideration

RESOLUTION VILLAGE OF SKANEATELES PLANNING BOARD 2.1.24

WHEREAS, Thomas Billone has proposed to change the use for street-level and basement from hair salon (C-16) Personal Service to Ice Cream Shop Restaurant (C-20) and to replace the south windows and door, north door and to install awnings and shutters.

WHEREAS, the applicant submitted a narrative from Eggleston & Krenzer, Architects, P.C. dated 9.13.23 and drawings dated 9.13.23 sheets 1 and 2 of 2;

WHEREAS, the applicant submitted revised drawings from Eggleston & Krenzer, Architects, P.C. sheet 1 dated 10.27.23; sheet 2 dated 10.12.23; sheet 3 dated 10.12.23; and sheet 4 dated 10.12.23;

WHEREAS, on 9.26.23 the Municipal Board passed the following Resolution, stated, in part:

On the motion of Chairman Angelillo, seconded by Commissioner Yates, there was a motion to approve the Critical Impact Permit as recommended as having a ‘de minimis’ impact on municipal utilities. The motion passed unanimously.

WHEREAS, on 12.18.23 the Historical Landmarks Preservation Commission passed a motion that the improvements currently before the Planning Board for redevelopment as an ice cream shop were also unanimously approved (shutters, awning, folding windows, and front façade door);

WHEREAS, on 10.5.23 the Planning Board scheduled a Public Hearing for both Site Plan Review and Critical Impact;

WHEREAS, on 10.18.2023 notice of the Planning Board public hearing was published in the *Skaneateles Press*;

WHEREAS, on 11.2.23 and 12.7.23 the Planning Board held Public Hearings; and

WHEREAS, on 1.4.24 the Planning Board re-opened and then closed the Public Hearing on the Critical Impact Permit and Site Plan Review.

SEORA

RESOLVED that the Planning Board declares itself lead agency under SEQRA and that the proposed project is an unlisted action under SEQRA which will not receive coordinated review. The Planning Board issues a Negative Declaration, in that the proposed action as proposed will not result in any significant adverse environmental impacts, and authorized the Chairman to sign the SEAF as completed by the applicant and now Part 2 by the Planning Board;

FURTHER RESOLVED pursuant to Village Zoning Law Section 225-30

[The Board’s specific determinations as set forth above
are incorporated by reference as if set forth herein.]

D. Criteria for site plan review. The Planning Board shall review the site plan and supporting data before approval is given and take into consideration the following objectives:

1) Harmonious relationship between proposed uses and existing adjacent uses.

- 2) Protection of environmentally sensitive areas.**
- 3) Preservation of historic and/ or architecturally significant structures and landscape features.**
- 4) Compatibility of the scale, design, materials and detailing of the proposed use with existing adjacent and nearby uses.**
- 5) Maximum safety of vehicular circulation between the site and the street network.**
- 6) Maximum adequacy of interior circulation, parking and loading facilities with particular attention to vehicular and pedestrian safety.**
- 7) Adequacy of landscaping and setbacks in regard to achieving maximum compatibility and protection of adjacent residential uses.**
- 8) Applicable regulations of this chapter.**

FURTHER RESOLVED pursuant to Village Zoning Law Section 225-54 (Critical Impact Permits), Subsection F (Basis for Determination) the Planning Board is required to take into consideration "...the public health, safety, morals and welfare..." and is required to make various findings with respect to a project. After full consideration of all information and materials presented in support of this application, the Planning Board finds as follows:

Basis for determination.

(1) General provisions. Before issuing a critical impact permit, the Planning Board shall take into consideration the public health, safety, morals and welfare and shall make the following findings:

(a) The plans for the proposed critical impact use meet the prescribed requirements of this chapter, including all of the regulations contained in this chapter for the district in which located.

(b) The proposed critical impact use will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having a unique cultural, historical, geographical, architectural, or other special quality of similar magnitude.

(c) The proposed critical impact use is in harmony within the visual and physical context of the immediate neighborhood.

(d) Such critical impact use and site development plan are in harmony with and will not impede the orderly development or redevelopment of the general neighborhood and the location, nature and height of buildings, structures, walls, fences and parking areas and

will not discourage the appropriate development and use of adjacent lands or adversely affect existing land use in close proximity to the subject site.

(e) The proposed critical impact use is to be developed in such a way as to ensure maximum amenities will be available to the site based upon a consideration of the site plan and functional requirements of the proposed critical impact use, including a specific finding that all structures, equipment and materials are reasonably accessible for police and fire protection and that the water supply, sewage disposal and surface drainage systems are adequate to serve the proposed critical impact use.

(f) Traffic controls for vehicular and pedestrian movement are designed to protect the safety of the general public and the occupants, employees, attendants, and other persons for whose benefit the use is intended.

[1] In making this determination, the Planning Board shall review, but need not be limited to, the following considerations:

[a] Location and adequacy of parking and loading facilities.

[b] Pedestrian rights-of-way.

[c] Traffic regulatory devices.

[d] Location, number and design of points of ingress and egress.

[e] Accessibility to emergency vehicles with particular emphasis on proximity to structures, no-parking or no-loading zones or areas and provision for turning and free movement.

[f] Storage facilities for snow.

[g] Age and mobility of all persons for whose benefit the use is intended.

[h] Speed limits upon, and general character of, public highways in close proximity.

[2] Compliance with the provisions of Article X hereof shall not preclude a determination that the foregoing requirements have not been met.

(g) The proposed critical impact use shall comply with the provisions of Chapter 167, Article III, Use of Sewers, of the Village Code, as amended by Local Law No. 1-1994 and as it may be amended in the future, and all applicable laws, rules and regulations of the Village, United States and New York State governments.

(2) Criteria. In making a determination as to compliance with any one or more of the findings and conditions specified for a critical impact permit as herein provided, consideration shall be given, but need not be limited to, the following elements:

(a) Geometric characteristics of all structures and related improvements.

(b) Aesthetic characteristics, including design, texture, materials, colors and illumination.

(c) Physical attributes of the site, including size, shape, elevation, topography and natural vegetation.

NOW, THEREFORE BE IT RESOLVED, based upon all of the foregoing and the complete record that the Planning Board hereby grants Site Plan Approval and Critical Impact approval for the development or redevelopment of the property at 20 East Genesee Street located in the Downtown D District and specifically to change the use For street-level and basement space from hair salon (C-16) Personal Services to Ice Cream Shop Restaurant (C-20) at the property addressed as 20 East Genesee Street in the Village of Skaneateles SUBJECT TO THE FOLLOWING CONDITIONS:

[Some of these conditions were discussed
by the Board further at the applicants'
request, and amended. The amended language is set forth herein.]

CONDITIONS:

To preserve the primarily residential and retail nature of this block, and consistent with these conditions, the Planning Board is considering a very limited site plan that does not provide for any other restaurant operation other than that contemplated and represented by the applicants, and limited by these conditions below:

- (1) Hours of Operation: The Restaurant shall not be open for business and shall no longer serve patrons past 9:00 pm local time;**
- (2) There shall be no outdoor events;**
- (3) There shall be no outdoor or outside seating or sidewalk café operations unless the property owner obtains an annual permit, secured from the Planning Board pursuant to Article XIX SIDEWALK CAFES;**
- (4) There shall be no audio speakers or other noise devices for the playing of music or announcements outside. There shall be no amplified live music on the premises. Owner and applicant shall not permit noises from the use of any radios, televisions, loud speakers, talking machines, video games, phonographs, or other instruments to reach outside the premises;**
- (5) No alcohol shall be served on the premises for onsite or off site consumption;**

- (6) No cooking on premises. There shall be no preparation of food in ovens, grilles, or stoves which require ventilation hoods per the New York State Building and Fire Code, New York State Health Code and/or Onondaga County Health Code;**
- (7) Outside security cameras will be installed in the front and rear of building;**
- (8) There shall be no other business or commercial activities in the premises other than what has been approved herein;**
- (9) There shall be no dumpster or garbage outside of the building on the premises. All garbage and trash shall be stored in the basement as shown on sheet 2 dated 10.12.23;**
- (10) There shall be no public access to the basement/lower level;**
- (11) These conditions shall run with the land.**

**Member Liccion, “I move that the Planning Board adopts this resolution as amended.”
Chairman Brace seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the resolution was unanimously adopted 3 – 0.**

This matter was concluded at 7:40 pm.

Respectfully submitted,
Dennis Dundon, Clerk to the Boards