

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – January 23, 2006 at 7:00 P.M.

PRESENT:

Chairperson: Remegia Mitchell
Members: Sally Chamberlin
Ted Weniger
Tom Dannhauser
Linda Lanphear

Attorney: John Osborn
Building Inspector: Skip Bailey
Record Secretary: Linda Habeeb

Chairperson Mitchell called the meeting to order at 7:00 P.M.

Zoning Board

1. John Stapleton, 11 State Street ~ Area variance for ESL Credit Branch

Present: John Stapleton, Parrone Engineering, Project Manager
Tim Pryor, Counsel for ESL

The Secretary read the legal notice that was published in the January 11, 2006 edition of the Brighton Pittsford Post: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals at the Village Hall, 21 North Main Street, Pittsford, New York on Monday, January 23, 2006 at 7:00 P.M. to consider an application made by Mr. John Stapleton, regarding a proposal to locate an ESL Branch at 11 State Street, for the following variances: (1) A request to modify the use variance granted on 3/26/57 to construct an office building and parking lot in the B-1 and R-2 district, said modification being to change the first floor office use to a permitted use in the B-1 district, and to continue the office use on the second floor, pursuant to Chapter 210-26A, Code of the Village of Pittsford: Use regulations in the B-1 district; (2) A request to expand the use variance granted on 3/26/57 to allow a parking lot in the R-2 district, said expansion being to construct a stand-alone drive-up teller, pursuant to Chapter 210-11, Code of the Village of Pittsford: Use regulations in the R-2 District; (3) An area variance to allow 26 parking spaces where 31 spaces are required, pursuant to Chapter 210-78, Code of the Village of Pittsford: Minimum required spaces.”*

SEQR: Chairperson Mitchell stated that this is a Type I SEQR Action under SEQR 617.4(b)9.

Discussion: The applicants are requesting approval to modify the current use variance to convert the first floor office space at 11 State Street into an ESL Federal Credit Union. The upper floor will remain as office space. They are also requesting an area variance to allow 26 parking spaces in the parking lot, where 31 are required, and for the expansion of the use variance to allow construction of a single-lane, remote, drive-up teller near the southwest property line of the parking lot. The applicants indicated that the proposed drive-up teller is integral to the feasibility of the bank, and that the rear of the lot is the only place on site that can accommodate it.

The applicants emphasized that the proposed drive-up teller is not an ATM and would be open only 7-10 hours a day, the same hours that the Bank is open. They indicated that three cars would be able to “stack” to wait in line to use the remote teller, and they anticipate the ability to process one transaction every 2 – 2 ½ minutes.

Chairperson Mitchell stated that the location of the bank on State Street on Route 31 has the potential of attracting a large volume of customers, and she questioned the applicants as to the average number of customers that the business would generate per day. The applicants stated that this would be one of their smaller branches, which would not be able to accommodate a large volume of customers. The applicants will supply trip-generation information to the Board. Board Members suggested that the applicants investigate other options for the layout of the parking spaces, such as angled parking, to allow a greater number of parking spaces. The applicants stated that there would be between 6 and 9 employees per shift, operating 4 teller stations. The proposed hours of operation are: Mon – Thurs: 9-4, Fri. 9-6, and Sat: 9-1.

Planning Board

2. John Stapleton, 11 State Street ~ Minor site plan approval

Present: John Stapleton, Parrone Engineering, Project Manager
Tim Pryor, Counsel for ESL

The Secretary read the legal notice that was published in the January 11, 2006 edition of the Brighton Pittsford Post: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Planning Board on Monday, January 23, 2006 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by John Stapleton for minor site plan approval to locate an ESL Branch at 11 State Street, pursuant to Article XVII, Chapter 210-83, Site Plan Approval, of the Code of the Village of Pittsford.”*

Discussion: The applicants presented preliminary site plans for the proposal to modify the existing building and parking lot. The proposed plan indicates that the bank will have two entrances, State Street and Church Street, and that the Church Street door would be the primary entrance. Landscape screening is proposed for the area in the rear of the lot. The lighting for the parking lot will measure approximately 2 foot candles, and under the drive-up canopy, the lighting will be more intense during bank hours. The applicants also propose replacing the existing 4-foot fence with a 6-foot fence. Chairperson Mitchell informed the applicants that APRB approval is required for the light fixtures, the fence, and any signage.

Board Members pointed out that the applicants will need to address the issue of the mature tree located between the sidewalk and the street on Church Street. The drainage proposed is a storm sewer with a catchbasin and a trench drain in the rear. Chairperson Mitchell stated that the applicants will be required to establish an escrow account to cover the Village Engineer’s and other consultant’s fees for evaluating the project.

Board members questioned the applicants as to their plan for snow storage and trash removal. The applicants stated that due to the confidential nature of much of their paperwork, they will provide for inside storage of trash. Board members also expressed concern with the increase in the volume of traffic on State and Church Streets and the potential for problems with cars exiting the bank onto Church Street.

Member Weniger raised the concern about the impact of headlights in the residential neighborhood and inquired about the Village's Traffic Calming Study initiatives for Church Street.

Chairperson Mitchell opened the public hearing, and the following people spoke:

Janet and Mike Reynolds, 35 Church Street, stated that Church Street is currently a quiet, residential street, and they are concerned with the volume of traffic that will be generated by the remote teller and the proposed reduction of parking spaces in the parking lot. They also commented that the landscaping in the front of the building is currently unkempt. Mr. Reynolds reminded the Board that there is an assisted living facility for retarded citizens directly opposite the Church Street parking lot.

John Wilson, Counsel for Canandaigua National Bank, 18 State Street, stated that Canandaigua National Bank has no objection to an ESL Branch operating in the Village. He submitted affidavits, exhibits, and a letter documenting the concerns and objections of his client to certain aspects of the application of ESL Federal Credit Union for use and area variances. He stated that as an operating business that is in close proximity to the site proposed for redevelopment by ESL, Canandaigua National Bank has several concerns regarding the proposed ESL project, including its impact upon pedestrian and vehicular traffic in the vicinity, its impact upon the character of the neighborhood, particularly those related to aesthetics and lighting, its inconsistency and noncompliance with existing zoning requirements, and the loss of off-street parking spaces, which will exacerbate an already critical shortage of such parking in the Village. He also expressed concern that the proposed modified parking situation will have an adverse impact on the Village's Comprehensive Plan. He presented a letter from Thomas Cook, owner of 7 State Street, stating that the proposed reduction in the number of parking spaces at 11 State Street will increase the parking problem, and the addition of a busy, new bank in that location will increase the traffic problem. He also stated that even though the applicants are not proposing an ATM for the site at this time, it is his opinion that they may return at a later date to request an ATM machine. He further stated that it is his client's opinion that these submissions warrant an adjournment of the hearing to allow the Board sufficient time to consider the several points raised. Mr. Wilson stated that, in his opinion, the Zoning Board must apply the criteria for review of a use variance for the portion of the application pertaining to installation of the remote teller in the residential zone.

Mr. Pryor, Counsel for ESL, responded by stating that they are required to have only 31 parking spaces, not 38, as was stated by Mr. Wilson, and that they have no intention of returning at a later date to request an ATM machine.

James and Pauline Riley, 26 Church Street, sent a letter to the Village Office stating their opposition to the proposed ESL Branch and drive-up teller at 11 State Street.

Member Weniger suggested that one way to control the traffic on Church Street would be to allow only right-hand turns exiting the bank onto Church Street.

Member Dannhauser stated, for the record, that because of his current business with an ESL Branch, he is considered a part owner of ESL Federal Credit Union.

The public hearing will remain *open* pending SEQR review and resolution of these issues.

Building Inspector's Report:

Mr. Bailey reported that:

- ? Forsythe Jewelers is proposing construction of an addition.
- ? Letter of Credit: Adding to the Village Code the requirement for an escrow account prior to approval of site plans for certain projects.
- ? Pittsford Flour Mill: Stop Work Order still in effect, pending submittal of Letter of Credit.

Special Use Permits: The Board discussed the process for granting permits and suggested ways to improve communication between the PZBA and the Board of Trustees. It was suggested that the PZBA should make stronger recommendations to the Board of Trustees, clearly stating any objections they have to the granting of a particular permit. The Board discussed a moratorium on special use permits to allow the opportunity to investigate changes to the process for granting the permits and revising the Village Code to reflect the changes. The Board did not reach a consensus on this issue.

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the declaration of the Board of Trustees as Lead Agency for SEQR review for Arya Tea, 15 S. Main Street.

Vote: Dannhauser – yes; Chamberlin – yes; Mitchell – yes; Lanphear - no; Weniger - yes.

Motion carried.

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the declaration of the Board of Trustees as Lead Agency for SEQR review for Ben & Jerry's Ice Cream 5 S. Main Street .

Vote: Dannhauser – yes; Chamberlin – yes; Mitchell – yes; Lanphear - no; Weniger - yes.

Motion carried.

The Board continued the discussion regarding locating the ESL Federal Credit Union Branch at 11 State Street. Board Members identified some of the issues of concern: the volume of traffic on Church Street and the change from residential to business district by the installation of a remote teller in the rear parking lot.

The Board then discussed ways of improving the PZBA application process. It was stated that applicants should be aware of the list of criteria on which their application is judged. Also, Board members suggested adding a checklist to the application, stating specifically what the applicant is required to submit for a complete application.

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the December 12, 2005 minutes, as drafted.

Vote: Dannhauser – yes; Chamberlin – yes; Mitchell – yes; Lanphear - yes; Weniger - yes.

Motion carried.

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 10:00 PM.

Linda Habeeb, Recording Secretary