

**Village of Pittsford**  
**PLANNING and ZONING BOARD OF APPEALS**  
**Regular Meeting – June 26, 2006 at 7:00 P.M.**

**PRESENT:**

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

Attorney: John Osborn  
Record Secretary: Linda Habeeb

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

**Zoning Board**

**1. Pierre Marou, Unique Tailors, 5 Monroe Avenue ~ Area variance for a sign**

**Present: Pierre Marou**  
**Nertila Selaj**

**The Secretary read the legal notice that was published in the June 14, 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, June 26, 2006 at 7:00 P.M. to consider an application made by Pierre Marou, for property located at 5 Monroe Avenue, occupied by Unique Tailors, for the following variance: An area variance to install a building-mounted sign on an elevation not facing a public street, where a building-mounted sign is only permitted on the street elevation, pursuant to Chapter 168-7A(1) of the Code of the Village of Pittsford: Commercial signs.”*

**SEQR:** Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c)15.

**Discussion:** The applicant is requesting an area variance for installation of a second, building-mounted sign on the west elevation of the building at 5 Monroe Avenue, in order to provide greater visibility for the business. Chairperson Mitchell pointed out that the Board has approved a second sign at this location in the past. Member Lanphear asked the applicants if they were proposing mounting the sign on the stone or on the concrete. The applicants replied that they would be willing to install the sign on either the stone or the concrete portion of the building. Member Weniger stated that the Board would be reluctant to approve a sign mounted on the brick façade of the building. It was also pointed out that the utility pole would block a small sign from view.

**Public Hearing Opened:** Chairperson Mitchell opened the public hearing and the following person spoke:

**Jim Cronin, Pendleton Shop, 1 South Main Street**, stated that he has no objection to installation of the sign, provided that it is the same material as the other sign, and provided that it is not lighted.

Chairperson Mitchell then polled the Board Members:

- Member Dannhauser questioned the applicant as to the possibility of installing a temporary sign in the requested location.
- Member Chamberlin stated that she would prefer the sign to be installed on the stone rather than on the concrete.
- Chairperson Mitchell stated that she would prefer that the sign be installed on the door inset.
- Member Lanphear stated her opinion that the size of the proposed sign should be reduced.
- Member Weniger stated that the Board cannot allow excessive signage on Village businesses.

**Public Hearing Closed:** Chairperson Mitchell closed the Public Hearing, as there were no comments, letters, or phone calls regarding this application.

**Motion:** Member Weniger made a motion, seconded by Member Dannhauser, to approve the area variance for a second sign no greater than 14”(h) x 24”(w) for the brick façade adjacent to the doorway, facing west, with the condition that no further signage will be permitted at that location. The applicant is also granted a 90-day temporary permit to hang this sign on the west exterior textured brick façade of the building, as depicted in photo B in the application.

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

**Motion carried.** The decision was filed in the Office of the Village Clerk on June 26, 2006.

## **2. Breathe Yoga, Cyndi Weis ~ Review of Special Exception Use**

**Discussion:** This is a review of a modification of the special exception use that was granted to Cyndi Weis, Breathe Yoga, by the Zoning Board on May 23, 2005.

Chairperson Mitchell stated that the applicant’s original application, received in 2002, stated that business would be conducted in off-peak hours: 6:45 am – 7:00 pm, and that the average number of participants in the yoga classes would be 15-25. She further stated that the hours have changed from the original proposal, and that many classes are held during peak times.

Ms. Weis stated that there are varied opinions as to when peak business hours are, depending on different business owners’ perspectives. She further stated her opinion that she has abided by the agreement, as demonstrated by the documentation she submitted to the Board showing average numbers of participants in the classes.

Chairperson Mitchell suggested that one possible solution to the congested parking situation would be for the applicant to adapt the schedule so as to not conduct classes during peak business hours. Ms. Weis stated that if she reduces the number of classes, then the size of the classes will increase. Member Dannhauser suggested to Ms. Weis that if employees were instructed to park their cars off-site, it would alleviate some of the parking problems. Member Lanphear questioned the applicant as to whether the numbers on the submitted documents included walk-in clients, and Ms. Weis stated that there is no registration for the yoga classes, so all clients are considered “walk-ins.” Member Weniger stated that, according to the submitted documentation, the predominant classes are held in “off-peak” hours, and the Board’s objective is not to limit one

business so that others can survive. He further stated that parking spaces can be found, and that the Village should find a way to educate the public on locations for parking.

**Public Hearing Opened:** Chairperson Mitchell opened the Public Hearing, and the following people spoke:

**Jim Cronin, Pendleton Shop, 1 South Main Street,** stated that the parking situation is currently a hardship for retail business, and that the lack of available parking, due to Breathe Yoga, is driving business away. He further stated that he is in support of the original approval with controls on hours of operation of the yoga classes. He also stated that “average numbers” submitted by Ms. Weis can be misleading.

**Clare Fox, Echoes of Time, 17 South Main Street,** requested to see the Breathe Yoga roster of attendees, and Chairperson Mitchell explained that the applicant provided averages, not a list of participants in the classes. Ms. Fox further stated that Breathe Yoga is operating multiple businesses in one location: café, massage, yoga classes, etc.

**Bob and Pat Bryant, Hicks and McCarthy’s, 23 South Main Street,** stated that the potential parking problems should have been anticipated by the Village prior to granting the special exception use, and that the Board should take action to remedy the situation. They further stated that the governing bodies do not understand the dynamics of parking in the core of the Village.

Chairperson Mitchell stated that there are specific criteria to be met prior to granting a special exception use. She further stated that the fact that there is limited space and a limited number of parking spaces in the Village has been a continuing problem every decade since the 1930’s to the present time.

**Public Hearing Closed:** Chairperson Mitchell closed the Public Hearing at this time.

**Motion:** Member Chamberlin made a motion, seconded by Chairperson Mitchell, to modify the special exception use permit as follows:

1. An event shall be considered a class.
2. Any combination of classes, events, and services starting between the hours of 10:00 am and 4:00 pm shall be limited in size to 15 participants.
3. No combination of classes, events, and services at Breathe Yoga shall exceed 25 participants at any one time.
4. The hours of operation for Breathe Yoga are: 6 am – 9 pm.
5. The Zoning Board will review this permit in one year.

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

**Motion carried.** The decision was filed in the Office of the Village Clerk on June 26, 2006.

***Finding of Fact:***

- The business owner has agreed that employees will park their cars off-site, instead of at the Burdett parking lot.

**3. ESL Credit Union, 11 State Street**

**Present:** John Stapleton, Parrone Engineering  
Tim Pryor, General Counsel for ESL  
Steve Ferranti, SRF Associates

**Discussion:** This is a continuation of an open Public Hearing 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.

Steve Ferranti, SRF Associates, conducted an independent study to assess the traffic-related impact of the proposed ESL Credit Union at 11 State Street, in addition to a review of the proposed site plan. He presented, and submitted for the record, a report of the results of his assessment.

Mr. Ferranti began his presentation and report with a review of the values and priorities of the community, as set forth in the Village's Comprehensive Master Plan. These guiding objectives were presented as context for review of the more focused traffic, parking, safety, and circulation issues associated with the ESL Credit Union proposal. The study then gives a more detailed evaluation of the affected adjacent streets, traffic volumes, trip-generation information, and pedestrian traffic.

**ADJACENT STREETS:** The report states that the project site borders on two roadways, State Street and Church Street. State Street is part of a major travel corridor in the Village and beyond, and, as such, serves as a minor arterial route that carries high volumes of commuter and local traffic. The adjacent land uses served by State Street in the vicinity of the project site are a combination of commercial, retail, and public uses. Church Street is a local, two-way Village street with on-street parking located on one side. The adjacent land uses served by Church Street are residential, commercial, and institutional. Church Street carries a mix of traffic from these adjacent land uses, and, in this capacity, it is considered a mixed-use local street serving both residential and nonresidential traffic. The approximate 24' width of Church Street, in combination with the on-street parking and two-way traffic flow, limits higher travel speeds.

**TRAFFIC VOLUMES:** SRF collected traffic volume data at the existing parking lot driveways for 11 State Street during the weekday midday (lunchtime) peak period (11:30 – 1:30) and weekday afternoon peak (3:00 to 5:00) on Friday April 28, 2006. The study concluded that based on observations and review of the traffic volumes, the traffic entering and exiting the site during the afternoon peak hour is primarily cut-through traffic and not directly related to operations at the existing site.

**ESL TRIP GENERATION:** Based on SRF's review of the materials submitted and discussions with ESL officials, this proposed neighborhood branch will be the first of its kind in this area serving a smaller number of members than other branches. The branch is proposed to be approximately 3,677 square feet, with a walk-up ATM inside the State Street door. A remote teller is proposed to be located within the parking area at the rear of the building.

Given the location of the proposed bank, the intended operation of this specific neighborhood branch facility, and the lack of drive-up ATM facilities, there are no comparable ESL facilities currently in existence. In addition, the national ITE data for generic drive-thru banking facilities are specifically based on "banking facilities for motorists who conduct financial transactions from their vehicles" and are inappropriate to use for trip generation purposes for this credit union facility where more pedestrian/walk-in activity is expected. Canandaigua National Bank is

located directly across State Street from the proposed ESL and is considered a comparable banking use for trip-generation purposes.

SRF collected trip-generation data at the existing Canandaigua National Bank in Pittsford on Friday April 28, 2006 during the weekday midday peak period (11:30 – 1:30) and weekday afternoon peak (3:00 – 5:00). Data was collected separately for the drive-thru teller, drive-thru ATM, and bank facility. In addition, pedestrian traffic entering the bank from the parking area to the north was counted separately from pedestrian traffic entering the bank from the sidewalk along State Street. The maximum number of people that parked and walked into the bank during a 15-minute period was 7 people/vehicles.

An analysis of existing travel patterns in the Village, as identified in the Village of Pittsford's Pedestrian Safety Traffic Calming Plan, completed in March 2005, indicates that traffic exiting the proposed site is likely to disperse evenly between drives, namely 49% via Church Street and 51% via State Street. This equates to approximately 17 vehicles per hour (vph) exiting onto Church Street during the lunch peak and 12 vph exiting during the 3-4 pm study peak. All traffic is projected to enter via State Street, given the proposed Church Street exit-only design.

**TRIP-GENERATION CHARACTERISTICS FOR OTHER PERMITTED USES:** The proposed ESL Credit Union is located within a B-1 Retail Business District. Permitted uses allowed by Village Zoning Code are listed in ARTICLE VII, Section 210-26. Likely uses include: specialty retail stores and others, as noted therein. A comparison of expected trips from the proposed Credit Union versus trip estimates derived for other permitted uses, using the Institute of Transportation Engineers, Trip Generation, 7<sup>th</sup> Edition, 2003 indicates the following operating characteristics:

The peak trip-generating times for the credit union occur typically during the weekday lunch time and 3-4 pm period, as previously noted. In contrast, the peak traffic-generating times for many other permitted uses coincide with the peak afternoon commuter period on State Street, namely, between 5-6 pm. This “complimentary” trip-generating pattern associated with the proposed Credit Union does not exacerbate the peak commuter traffic conditions on the adjacent State Street.

Referring to the appendix included in the SRF report, Mr. Ferranti indicated that the number or volume of trips generated by the proposed Credit Union during its peak generating time periods represents values similar to other permitted uses. The trip-generating volumes for most permitted uses, including the Credit Union at this site, are largely limited by the existing building and site, and thus generate on the order of approximately one vehicle or fewer every two minutes, on average, during the peak generation periods. The hours of operations for the proposed Credit Union are less than other likely permitted uses, particularly retail- type uses.

Pedestrian traffic was observed at the State Street driveway on Friday May 12, 2006 by SRF. (See Table 2, Page 4 of the SRF Traffic Report). Mr. Ferranti concluded that given the relatively low volume of pedestrians crossing the driveway, pedestrian-vehicle conflicts are anticipated to be minimal and occur infrequently.

#### **SITE PLAN REVIEW:**

While it is noted that the circulation for the drive-thru teller is redundant, it provides sufficient stacking for vehicles waiting to use the drive-thru teller without blocking drive aisles or site driveways.

The throat width for the State Street driveway adjacent to the building is minimal for two-way traffic. Figure 2 in the submitted study shows a cross-section of the driveway with vehicles overlaid and indicates encroachment into the "comfort zone" when two vehicles pass each other. It is recommended that a single yellow pavement marking line be provided 9 feet from the building edge to delineate travel lanes. It is noted that snow buildup along either side of the building or the timbers will result in a narrowing of the available travel lane width, and snow will obscure the yellow lane marking. Prompt snow removal is essential for maintaining traffic flow.

In addition, review of vehicular turning paths onsite, as illustrated in the vehicle path plan included in the appendix of the study, indicates that overlapping movements occur between entering and exiting vehicles at the drive aisle adjacent the south side of the building. A widened pavement area is recommended to mitigate this condition. This can be achieved by reducing the end island treatment adjacent to the parking stalls.

**PARKING:** SRF conducted a survey of transaction times for both walk-in and drive-thru teller customers at the Canandaigua National Bank in Pittsford on Friday May 12, 2006 between 12:35 and 1:25 pm. The SRF data from Canandaigua National Bank indicate that a maximum of 7 people entered the bank for transactions during one fifteen minute interval during the Friday lunchtime peak hour.

According to a parking analysis provided by Parrone Engineering, dated February 23, 2006, 12 parking spaces will be allocated for the upstairs office space, 9 for ESL employees and 5 for ESL inside transactions, for a total of 26 parking spaces.

Given an average transaction time of less than 5 minutes, 5 parking spaces are sufficient for the anticipated traffic volumes at the ESL site. The SRF data supports the number of parking spaces proposed by Parrone Engineering.

#### RECOMMENDATIONS AND CONCLUSIONS:

Based upon the review and analysis of the proposed Credit Union site plan and projected traffic and pedestrian operations at the site, as determined in the report, the following improvements are recommended:

1. Provide two-way ingress and egress at the State Street access, and right-turn egress only onto Church Street.
2. Install a yellow lane use marking on the drive aisle adjacent the building, leading to State Street, such that a 9' exit lane and 8' entering lane is provided.
3. Provide a wider drive aisle between the building and center parking aisle by reducing the parking end aisle curbing treatment.

If approved with the Credit Union operation in place, a post-study of the operations is recommended to document the safety and operations under typical weekday conditions. Additional mitigation, such as conversion of the State Street access to one-way enter only flow, will be considered. The post study should be performed at a mutually agreeable timeframe, no sooner than six months after the Credit Union opening.

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

**Ed Donohue, 24 Church Street**, stated that the proposed plan will result in 50% more traffic on Church Street, and he questioned the submitted dimensions for the rear drive aisles. He further stated that there are many large vehicles in the Village, which increases the probability of two large vehicles attempting to squeeze through the drive aisle at the same time.

**Janet Reynolds, 35 Church Street**, stated that Church Street is not a mixed-use street, as was stated by Mr. Ferranti, but rather is zoned as a residential street. She further stated that based on the traffic study indicating one car every 5-6 seconds going each way on State Street, it is misleading to say that cars will exit onto State Street.

Mr. Ferranti stated that lowering the speed limit on the affected streets will slow traffic and discourage speeding.

**John Wilson, Boylan Brown, representing Canandaigua National Bank**, stated that ESL cannot use data from Canandaigua National Bank to predict traffic at the ESL location.

Mr. Ferranti responded that the ITE data was rejected because it was based on suburban banks with higher volumes of traffic.

**John Wilson, CNB**, stated that (1) the study misidentified peak times, and (2) that 8-foot-wide vehicles will not fit through the proposed drive aisles.

Mr. Ferranti replied that the probability of 8-foot-wide vehicles using the drive aisles is low.

**Pauline Riley, 26 Church Street**, stated that speed is an important factor on State Street, and she questioned the accuracy of the average speed measuring 17 mph, as indicated in the study.

Chairperson Mitchell stated that the speed machine was set up to register maximum speed on Church Street. Mr. Ferranti stated that speed is easy to determine – distance over time. He further stated that 25 mph or lower is a very good measurement when considering safety concerns, and that ESL's exiting traffic would likely reduce speeds further.

**Tim Pryor, Counsel for ESL**, stated that the proposed design will discourage an excessive amount of traffic.

**William La Forte, Harter, Secrest & Emery, attorney for Tom Cook**, raised the issue of the impact that the queuing of cars using the remote teller machine during peak hours would have on the parking spaces.

**John Wilson, CNB**, stated that the applicant's study uses ESL data to make its recommendations. He further stated that the peak times are misidentified in the traffic study, that the commuter rush hour -- 4:00 pm to 6:00 pm -- is the peak time for a bank. He further stated that the speed measurement is not accurate. He indicated that parking issues, traffic issues, and snow removal issues could have a significant environmental impact. He suggested re-checking these issues in 6 months.

Mr. Ferranti replied that the data was determined by SRF, in an independent study, not by ESL data. He also stated that the peak hours used in the study represented typical peak times.

**Janet Reynolds, 35 Church Street**, stated that ESL will *decrease* speed and cause gridlock. She asked whether there were any other solutions other than traffic exiting on Church Street.

**John Wilson, CNB**, asked who occupies the rear end slots on the parking lot. ESL representatives replied that those spaces are employee parking spaces, with five parking spaces used by upstairs tenants.

**Mike Reynolds, 35 Church Street**, stated that approaching Main Street from Church Street, the intersection is often blocked.

Mr. Ferranti replied that often, relying on a “courtesy gap” is the only way to get through this area.

Member Weniger stated that there is a vehicle/pedestrian conflict at Church and Main Streets. The proposed site plan will allow only right-hand turns onto Church Street.

### **Planning Board**

**John Stapleton, Parrone Engineering**, presented the revised site plan. He stated that ESL representatives had met with Church Street neighbors and have incorporated changes in the plan in response to their concerns.

1. Church Street access: The Church Street access has been reduced from two-way entering and exiting to a one-way exit, only allowing right turns onto Church Street. Mountable curb will be utilized for channeling traffic while still allowing emergency vehicles to maneuver. Traffic signage within the Church Street right-of way will be placed in accordance with New York State DOT Manual of Uniform Traffic Control Device requirements; this will decrease the amount of traffic on Church Street east of the proposed ESL, either from cut-through traffic or from people accessing or exiting this parking lot to the east on Church Street.
2. Significant landscaping has been added to the plan, along with landscaping on the east side and the front of the building.
3. The drive-thru location has been moved six inches to the north and separated the curbing to the south from the remote teller facility.
4. The actual footprint for the remote teller drive-thru has been defined.
5. The curbing along the west side of the existing building has been revised in order to leave the timber curbing in place while still allowing a minimum of 17’ of maneuverability for two-way traffic.
6. The east edge of the proposed pavement has been left at approximately the same location as existing; this will allow a new fence to be installed without removing a significant number of trees along the eastern edge of the property.
7. The revised plan shows the location of the existing crosswalk on State Street, immediately east of the subject premises.
8. The eastern and southern-most site lights will be turned off after 9 pm, and the other lights will remain on during the night for security purposes. Building-mounted fixtures have been revised per luminaries suggested by the building department.
9. A center yellow stripe has been added at the two-way access onto State Street.
10. A note regarding the removal of snow during heavy snowfall has been added to the revised plan.

11. There are a total of 28 parking spaces proposed for this site. In accordance with the Village Code, 30 spaces are required; therefore, a variance for 2 spaces is requested.

Mr. Stapleton stated that the proposed site plan is in accordance with the recommendations of the SRF Traffic Study. He further stated that the Bank will close at 4 pm on Monday through Thursday.

Mr Wilson stated that two large-size vehicles cannot safely pass in opposite directions in the 17-foot proposed drive. He further stated that the Village Code requires at least 20 feet, but no variance has been sought for the lesser width that is now proposed.

Member Weniger stated that if the measurement in the driveway from the building to the outside of the railroad tie is 17 feet, a second car would encroach on the "comfort zone."

Mr. Pryor stated that the parking lot has been restructured so that there will be no significant impact created by the remote teller.

**Ed Donohue, 24 Church Street**, asked whether the fence could be installed without moving the trees, and ESL representatives replied that the fence is at the edge of the parking lot and the trees will remain.

**Janet Reynolds, 35 Church Street**, asked about the landscaping for the parking lot. ESL representatives stated that the plan shows screening in the form of a solid fence, evergreens, and 4-foot berm with plantings.

There was some discussion as to whether a use or area variance is required for traffic stacking in the parking lot of the bank. Mr. Osborn, Village Attorney, stated his interpretation of Village Code §210-81(C) (4) as that the parking lot is a public parking lot, which has not been restricted since 1957, and that: Aisles for access to drive-in facilities such as banks... shall be adequate for stacking of vehicles. Therefore, stacking of vehicles is allowed in the bank parking lot. He further stated that the parking lot supports the part of the area zoned as a B-1 district.

Chairperson Mitchell closed the public hearing at this time.

**SEQR:** Board Members completed Part 2 of the SEQR Environmental Assessment Form.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Weniger, declaring that the project will not result in any large and important impacts and, therefore, is one which will not have a significant impact on the environment; therefore, a negative declaration is made.

**Vote:** Dannhauser – yes; Chamberlin – yes; Mitchell – yes; Lanphear – yes; Weniger – yes.  
**Motion carried.** The decision was filed in the Office of the Village Clerk on June 26, 2006.

Chairperson Mitchell indicated that findings of fact would be compiled and presented for Board approval.

The Board consulted with counsel regarding the matter of the ESL request for modification of the existing use variance. Attorney Osborn indicated that a use variance is not required for reverting to a permitted use. Chairperson Mitchell made a **motion**, seconded by Member Dannhauser, to dismiss, without prejudice, ESL's application for modification of the existing use variance for the

first floor exclusively to revert to a permitted use. The use variance as it applies to the second floor continues in full force and effect.

**Vote:** Dannhauser – yes; Chamberlin – yes; Mitchell – yes; Lanphear – yes; Weniger – yes.  
**Motion carried.** The decision was filed in the Office of the Village Clerk on June 26, 2006.

**Motion:** Member Lanphear made a motion, seconded by Member Chamberlin, to grant the applicant's request for an area variance to permit 28 instead of 30 parking spaces.

**Vote:** Dannhauser – yes; Chamberlin – yes; Mitchell – yes; Lanphear – yes; Weniger – yes.  
**Motion carried.** The decision was filed in the Office of the Village Clerk on June 26, 2006.

***Findings of Fact:***

1. The parking variance benefit sought by the applicant cannot be achieved by some feasible method other than a variance.
2. This requested variance is not substantial.
3. Further, this variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

The Board further discussed some of the issues to be resolved regarding the proposed site plan:

- Traffic – intensity, gridlock
- Bumper space
- Striping
- Landscaping
- Lighting

The Board will address these issues at the next Board Meeting.

**General Findings to date:**

1. On March 14, 1957, the Village of Pittsford Zoning Board of Appeals granted property at 11 State Street a use variance to permit the construction of a two-story office building on the B-1 portion of the property and a use variance to permit a public parking lot on the R-2 portion of the property.
2. There has been ingress and egress from the parking lot to State Street and Church Street from that time until the present.
3. The northerly about one-half of the 11 State Street property is zoned B-1 retail business, and office use is not one of the principal uses permitted.
4. Banks, savings, loan, and finance offices are permitted Principal uses in B-1.
5. Section 210-73 provides that a B-1 use of a lot which is divided into two zones, such as 11 State Street, may extend into the R-2 portion of the lot up to 25% of the average depth of the R-2 portion. Regulation as required by the B-1 district shall apply to the extended portion.

