

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Special Meeting – July 13, 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.

Planning Board

1. ESL Credit Union, 11 State Street

Present: John Stapleton, Parrone Engineering
Tom Greiner
Karen Davis

Discussion: This is a continuation of an open Public Hearing for site plan approval for an ESL Federal Credit Union branch at 11 State Street.

Mr. Stapleton reviewed the site plan and pointed out modifications from the previous review of the plan at the June Meeting. He stated that they are proposing removing the existing asphalt and adding new asphalt and striping. The proposal also calls for removal of the railing on the west property line and the fence on the east property line. They are proposing ingress/egress at State Street and right-turn-only exit on Church Street. He emphasized that the site plan proposal includes signage and a mountable curb to clearly indicate right-turn-only exit onto Church Street. He stated that the proposed signage is in accordance with DOT standards, and therefore, is enforceable by law.

Member Dannhauser questioned the applicants as to the reason that they are proposing a “mountable curb,” which may not be a strong enough deterrent to potential abuse by drivers. Mr. Stapleton responded that installation of an “unmountable curb” may not be an acceptable alternative because of the need for emergency vehicle access. There will be further research with the Fire Department on this issue. Member Dannhauser also stated that signage is not always heeded by drivers. Board members stated that the SRF traffic study indicated that the curve in the exit will discourage left turns onto Church Street and west-bound entrance from Church Street.

Mr. Stapleton also indicated the location of the proposed handicap accessible parking space in the front of the building and the location of the proposed fence. He presented the dimensions and style of the proposed fence. He stated that they are also proposing removing the pipe rail, and

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Chairperson Mitchell questioned the applicants as to whether they considered proposing car stops to replace the pipe rail. She also stated that Architectural Review Board approval is required for the proposed fence.

There was further discussion of the proposed signage. The plan calls for the directional signage to be free-standing signs, 2 feet off the ground, measuring 2 feet in height. Board members expressed concern about the size of the proposed signs, stating that directional signage is generally of smaller dimensions than those proposed. Ms. Davis stated that the applicants had proposed the larger signs for visibility. Mr. Stapleton stated that the proposed dimensions of the signage can be reduced. Chairperson Mitchell stated that in the SRF traffic study, Mr. Ferranti had suggested installing a yield sign. Board members also expressed concern with the number of proposed signs, and questioned the applicants as to whether two stop signs were necessary. The applicants replied that a stop sign is required for safety. Board members suggested eliminating one stop sign and reducing the amount of verbiage by removing the words "Thank-you" from the sign. Mr. Stapleton agreed to return to the Board with a proposal for smaller signs.

Next, the Board Members and applicants discussed the proposal for grading and landscaping. Mr. Stapleton stated that the proposal calls for installation of a trench drain. Chairperson Mitchell stated that the Village Engineer, Scott Harter, has reviewed the proposed site plan, and he has no concerns with the drainage plan. Mr. Stapleton stated that they are proposing planting two trees and 24-inch bushes for the south side of the property. Chairperson Mitchell stated that the proposal does not indicate the heights at maturity for the landscaping for the southeast corner, and she also pointed out that the landscaping does not provide sufficient screening for the area during the winter months. The Board suggested the addition of evergreens or something similar along the streetscape for screening during the winter months and for taller shrubs near the fence on the east property line, to better screen the parking lot from the adjacent residence. Furthermore, the Board requested that height at maturity data be added to the site plan.

The applicants presented plans for the proposed lighting. Chairperson Mitchell explained that the APRB will review the style of the lights, and the PZBA will review placement and wattage of the lighting. Mr. Stapleton stated that they had attempted to propose the least obtrusive type of lighting for the site, with lights that shine down and not into neighbors' yards. Chairperson Mitchell questioned the applicants as to the reason that the proposal calls for the lights to remain on until 9 pm, when the tenants leave the building by 6 pm. The applicants stated that they proposed that the lights remain on for security reasons, but that they will consult with their security personnel on this issue. Chairperson Mitchell asked Mr. Stapleton if he had taken the lights from the Great Northern Pizza shop into consideration in his proposal, and he replied that he had not, because they cannot rely on another site to maintain lighting. She also questioned whether it would be possible to reduce the amount of light from a fixture after closing time.

Member Weniger stated that if another business were to occupy this space, the potential traffic would be the same or greater. He further stated that he is concerned with the potential bottleneck at Church and Main Streets, as well as with the dimensions of the proposed driveway on State Street. He expressed the possibility that the projected numbers upon which the plan is based could be incorrect. Mr. Osborn, Village Attorney, stated that the foundation of the decision rendered by the Board will be based upon the applicant's presentation, so that if the submitted numbers prove to be incorrect, the basis for the decision would be flawed, and the Board could reopen the issue.

Chairperson Mitchell stated that based on the SRF traffic study, the size of the building and the site are self-limiting, in that traffic shifts according to what the location can accommodate. Member Dannhauser suggested requiring the tenants of the building to park off-site. Member

Lanphear stated her concern in allowing this commercial use of property in close proximity to residential streets.

In a memorandum dated June 28, 2006, the Building Inspector determined that no variance is necessary for the 2-way access drive from State Street because it is a pre-existing, non-conforming use. Mr. Osborn stated that the parking lot is a public parking lot, which has not been restricted since 1957, and that according to the Village Code, aisles for access to drive-in facilities, such as banks, shall be adequate for stacking of vehicles. He said that this right “runs with the land.”

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

David Werner, 34 Church Street, stated that he is currently living on Rand Street, and the traffic is considerably less than on Church Street. He further stated that “self-limiting” of traffic is not as successful at a bank as it is at other businesses, such as gas stations. He pointed out that Starbucks has major parking problems, and stated his opinion that the proposed plan has the potential to have a negative impact on the residential nature of Church Street. He is opposed to traffic exiting onto Church Street.

Janet Reynolds, 35 Church Street, stated that the Great Northern Pizza shop has caused problems on Church Street, which she has reported to the Village. She also questioned the precedent of the 1957 decision and setting another precedent with this approval. She stated her opinion that the traffic study understated the numbers. She expressed the view that a bank is a good use of the property.

Chairperson Mitchell responded that the 1957 use is permitted by the Village Code. Section 210-73 provides, “Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the permitted uses for the less restricted portion of such lot may not extend over the district boundary line into the more restricted portion by more than 1/4 of the average distance of such lot's projection into the more restricted district.”

Janet Reynolds, 35 Church Street, stated that the proposal is for a large entrance to be constructed in the rear of the building, in addition to the front entrance, which results in a more commercial appearance of the building, which impacts the surrounding neighborhood.

Mike Reynolds, 35 Church Street, stated that the Charter One Bank that was formerly in the next door location posted a full-time parking attendant to police the lot. He further stated that five parking spaces is not viable. He suggested removing the remote teller from the proposal.

Janet Walsh, 14 South Street, suggested that the applicants consider modifying the plan to attach the remote teller to the bank.

Mr. Stapleton responded that they had considered a number of alternatives, and had determined that the current proposal is the most appropriate location for the remote teller.

Ruth Donohue, 24 Church Street, stated that she is concerned with the lights and the commercial aspect of the proposed bank in the residential area.

John Wilson, Boylan Brown, representing Canandaigua National Bank, stated that the dimension of the driveway is 16'4”, and not 17 feet, as was stated. He questioned whether the traffic study had addressed safety concerns.

Chairperson Mitchell responded that safety concerns were discussed at the previous meeting.

Mr. Wilson also stated that there has been no discussion of alternatives to the remote teller. He suggested further discussion regarding moving the remote teller or eliminating the exit onto Church Street. He further stated that he is in disagreement with Mr. Osborn regarding the variance for the stacking of vehicles. And he questioned the Board as to whether any conditions were imposed on the Zoning Board approvals.

Chairperson Mitchell stated that the findings related to the area variance for parking, and the general findings to date are included within the minutes from the June meeting.

Mr. Greiner, ESL Attorney, stated that the change of use triggers the site plan, and the conditions are imposed in conjunction with the site plan.

Mr. Wilson stated, in response to the ESL assertion that the size of the proposed bank will be self-limiting, that the same assertions were made when they were proposing opening the Brighton branch, but that they, in fact, were required to re-visit the issue after the bank opened to request more parking spaces.

Mr. Stapleton responded that the extra parking spaces requested at the Brighton branch were part of ESL's original proposal, which was changed only as a result of the Brighton Town Board's request that they reduce the number of parking spaces.

Pastor Boak, First Presbyterian Church, stated that he is concerned about the implications that the ESL branch will have for the congregation of the Church.

Chairperson Mitchell informed the Mr. Boak that ESL and the property owner encourage the church members to continue to use the ESL parking lot during Sunday services.

A resident, 24 Church Street, stated that she appreciates the Board's comments regarding this project. She further stated that the Village is becoming more commercial, and that the intersection of Church and Main Streets is becoming very congested and dangerous. She also stated that a business does not expand to do limited business.

Chairperson Mitchell stated that the public hearing will remain open, pending (1) submittal of further information and further research in consultation with the Fire Department regarding the installation of an "unmountable curb" at the Church Street exit; (2) amendment to the site plan regarding additional landscaping for screening during the winter months; (3) further information from ESL security personnel regarding the lights remaining on past business hours; and (4) further investigation of alternatives for location of the remote teller.

The Board then discussed the Breathe Yoga decisions from the previous meeting.

Member Items:

Minutes:

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the June 26, 2006 minutes, as amended.

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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 July 13, 2006.

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 10:30 pm.

Linda Habeeb, Recording Secretary