

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – July 24, 2006 at 7:00 P.M.

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin (absent)
	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
Tim Pryor, General Counsel for ESL
Al Bushnell, Barlstrom and LaCroix, Architects

This is a continuation of an open public hearing requesting approval of the site plan for ESL Federal Credit Union at 11 State Street. Tim Pryor, Counsel for ESL, briefly reviewed the history of the application, stating that the proposal for 11 State Street is for a use that is permitted by Village Code. He further stated that the proposed plan is in accordance with the SRF traffic study, which projected figures indicating that it will not significantly increase traffic in the area. He stated that ESL has considered alternatives to the current site plan and determined that this is the best possible plan for the site.

John Stapleton, Parrone Engineering, presented the site plan, showing the revisions to the plan since the presentation at the previous meeting.

Mr. Stapleton indicated the location and dimensions of the proposed fence adjacent to the eastern edge of the property and the addition of wheel stops. The proposed dimensions of the island have been modified to increase the width of the drive aisle. In accordance with the Village Engineer's recommendations, a water main will be installed on the south side of the property. Mr. Stapleton stated that in response to previous discussions before the Board, the size of the directional signage has been reduced, as indicated on the site plan. He also stated that he was not able to find a suggestion for the addition of a yield sign in the traffic study, but that he would be willing to revise the plan to add this sign if the Board determines that it is required. He went on to point out that the proposed left-hand-side stop sign at the Church Street exit has been removed from the plan, along with the words "Thank-you" on the other stop sign. As for the proposal for landscaping, he indicated the addition of winter gem boxwood plantings, which will retain leaves and provide a barrier during the winter months. The plan also shows the location of arborvitae

and juniper plantings. He stated that the shrubs near the Church Street access will be maintained at 30" maximum height. There will be six new trees in the rear of the site.

Next, the proposed lighting for the site was discussed. Mr. Stapleton indicated the dimensions and locations for the proposed lighting, and stated that the island light and one canister light will remain on overnight, while other lights will be shut off at 7 pm. Chairperson Mitchell stated that the style of the lights is subject to APRB approval.

Mr. Stapleton presented a series of alternative plans for locating the remote teller. He described the problems arising from each layout.

Al Bushnell, of Barkstom and LaCroix, presented the proposal for the rear entrance of the building. Chairperson Mitchell stated that the Planning Board had submitted a memorandum to the APRB indicating their concern about the potential commercial appearance of the rear of the building, referencing the B-1 Retail Business District Code. Mr. Bushnell stated that as a result of recommendations from the Architectural Review Board, they had modified their original plan to propose a flat roof, in order to be a more appropriate architectural style for the building and the surrounding neighborhood.

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

Pauline Riley, 26 Church Street, questioned the applicants as to the reason that the alternative plan of locating the remote teller on the east side of the property was dismissed.

Mr. Stapleton responded that the east side remote teller alternative was dismissed because it would require substantial structural changes, including an extra curb cut, which the Department of Transportation would, in all probability, not allow.

Member Weniger also pointed out that this alternative would not eliminate the need for the Church Street exit.

Chairperson Mitchell stated that according to the SRF Traffic study, good traffic control results from the use of as many streets as possible. Also, she stated that the Fire Department has determined that the Church Street exit is required for emergency vehicle access.

Janet Reynolds, 35 Church Street, stated that the fire hydrant on Church Street has very low water pressure, so that it cannot be used by the Fire Department.

Chairperson Mitchell explained that it would not be possible for the Fire Department to utilize the State Street entrance exclusively for emergency access because the ladder feeding off the rear of the truck allows a maximum 75-foot reach. She further stated that the mountable curbing is required because a variety of emergency vehicles, not only firetrucks, could need access to the site.

Ms. Reynolds expressed her opinion that not all other uses of the building would generate more traffic, pointing out that the current use of the building as an office generates very little traffic. And she questioned why the Village cannot stop this type of use for the building.

Chairperson Mitchell explained that the Board cannot deny requests for permitted uses for the building, which uses are determined according to the Village Code.

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, this right “runs with the land.” Mr. Osborn then reviewed the limitations of this Board.

Ms. Riley stated that Church Street is a residential street, but because of the traffic and congestion, which will increase with the proposed ESL bank, real estate values will be adversely affected. She further stated that emergency access is possible on dead-end streets.

The Building Inspector explained that according to the Fire Code, reduction of emergency access to existing streets and sites is not allowed, and that many of the dead-end streets pre-existed the Fire Code.

Ruth Donohue, 24 Church Street, stated that she is concerned about the proposed lighting and driveway.

Majed El Rayess, 30 Church Street, stated that a use variance does not alter the zoning, but allows the property to be used for a particular purpose. He asked that the minutes be amended to reflect this. He went on to question why the Board would approve “shoebox” lighting.

The Building Inspector stated that the APRB has approved this style of lighting for other applicants, because it produces a downcast light and prevents the light source from being seen.

Mr. El Rayess then questioned the Board as to whether conditions would be part of any approvals granted to ESL.

Chairperson Mitchell indicated that the Architectural Review Board has jurisdiction of the light fixtures, and confirmed that conditions would likely be part of any site plan approvals.

Ms. Reynolds asked the applicants why they are proposing that the lights remain on until 7 pm.

Member Weniger stated that the owner of the building requested that the lights remain on for the safety of the office workers and the general community.

Ms. Reynolds questioned whether the hours of operation can be changed after the approval is granted.

Chairperson Mitchell replied that the hours of operation can be made part of the conditions of the approval. She listed other possible conditions, and stated that the Board could reserve decisions on the possible placement of a yield sign and about the lightpole located at the Church Street exit, pending further information and APRB approval.

Ms. Riley asked if there will be identification of property lines, and Ms. Mitchell pointed out that the property lines are identified on the site plan. Ms. Mitchell also stated that the Board will request that ESL respect the plantings that already exist near the east boundary line at the end of the proposed fence. And the Building Inspector pointed out that there are no setback requirements relative to fences.

John Wilson, Boylan Brown, representing Canandaigua National Bank, questioned whether changes to the façade required APRB approval.

Chairperson Mitchell replied that the applicants will need APRB approval for façade changes, signage, and light fixtures. The Planning Board submitted a memorandum to the APRB expressing concern with the potential commercial appearance of the rear of the building.

Chairperson Mitchell closed the public hearing at this time.

Member Lanphear expressed concern about the height of the stop sign on Church Street.

Mr. Stapleton stated that to reduce the dimensions of the proposed sign would be to affect the visibility of the sign, and therefore, the potential safety of residents and customers.

Motion: Chairperson Mitchell made a motion, seconded by Member Weniger, to approve the revised site plan, dated 7/24/06, as submitted, with the following conditions:

Remote Teller: There shall be no expansion of use of hours of operation for the remote teller. The remote teller is for ESL usage only. The hours of operation are limited to the banking hours as proposed by ESL and as indicated below. The only Automated Teller Machine (ATM) service shall be located at the State Street façade. The structure located in the parking lot is for remote teller use only and not be changed to function as an ATM or any other function.

Hours of Operation: Banking hours will be limited to:

Monday - Thursday, 9 am – 4 pm
Friday - 9 am – 6 pm
Saturday – 9 am – 1 pm

Church Street: Church Street access shall remain exit-only, right-hand-turn only. There shall be no ingress from Church Street, except for emergency services. The Church Street exit shall remain open at all times.

Lighting: Hours of lighting shall be limited to the times indicated on the site plan.

Maintenance: All provisions of the site plan shall be adhered to.

Traffic: There shall be no substantial increase in the traffic usage of this site, attributable to ESL, from those specified in the application supplement presented February 27, 2006 and projected by SRF Associates on June 15, 2006.

General: Any violations of these conditions shall be subject to review by the Planning Board and subject to enforcement by the Village of Pittsford.

ESL will respect plantings that already exist near the east boundary line at the end of the proposed fence.

The following corrections/additions shall be made to the site plan and a copy of this final plan is to be filed with the Building Inspector before any site work commences:

- Percentage of landscaping on the total site

Reservations:

- The Board reserves decision on the possible placement of a yield sign.
- The Board reserves decision about the lightpole located at the Church Street exit pending APRB approval.

Findings of Fact:

1. ESL agreed that all ESL employees will park in their parking lot.
2. There is no existing ESL Branch of this size and similar location. Therefore, the Board must use the traffic projections provided by ESL as the basis of this decision.
3. The SRF study supports the traffic projections provided by ESL.
4. ESL's lease provides for First Presbyterian Church's use of the parking lot. This use is confirmed as permitted by the property owner.
5. The Planning Board would need to address all of the same issues for any other possible permitted uses for this site.
6. The Pittsford Fire Chief has determined the need for Church Street access to the site. He stated that an additional driveway from State Street, on the east side of the building, would not be adequate for emergency access.

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

Motion carried. The decision was filed in the Office of the Village Clerk on July 24, 2006.

Information Only:

Bob Healy, La Bella Associates ~ St. Louis Church is acquiring the property adjacent to the Church at 21 Rand Street. Mr. Healy stated that Church attendance is increasing, and in order to improve the parking and the access to South Main Street, they are considering creating additional parking at 21 Rand Street.

Member Weniger stated that although the fact that the church is expanding is a positive situation, he is unwilling to remove the traditional residential ambiance of the property to create a parking lot. He further stated that this expansion of the special use permit does not meet the criteria of Village Code § 145-8(B)(2).

Chairperson Mitchell stated that she is concerned with this expansion of the special use permit. She recalled that the church has stated in the past that they would not seek further expansion.

Member Dannhauser stated that the extra traffic will not just occur on Sunday morning for religious services, but that there are many other church-related activities that will generate more traffic congestion in the area. Member Lanphear questioned the applicants as to use of the Church's shuttle system to accommodate the additional parking requirements. The Church representatives replied that the parishioners do not use the shuttle system because it is too far from the Church.

The Board expressed concern with this proposal's potentially encroaching on the residential property and character of the Village. It was further pointed out that this plan would not be in compliance with the Village's Comprehensive Plan, and would set an undesirable precedent.

Member Items:

Members agreed to alter future agendas to hear the Building Inspector's report at the beginning of the meeting.

Minutes:

Motion: Chairperson Mitchell made a motion, seconded by Member Dannhauser, to approve the July 13, 2006 Special Meeting minutes, as amended.

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

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

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 10:45 pm.

Linda Habeeb, Recording Secretary