

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – July 28, 2008 at 7:00 P.M.

PRESENT:

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| Chairperson: | Remegia Mitchell |
| Members: | Sally Chamberlin Tom Dannhauser Lili Lanphear John Limbeck |
| Attorney: | Jeff Turner |
| Building Inspector: | Edward Bailey (absent) |
| Recording Secretary: | Linda Habeeb |

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

Planning Board

1. ESL Federal Credit Union, 11 State Street ~ Minor site plan

Present: Jared Lusk, Counsel for ESL, Faheem Masood, Arline Santiago, Karen Davis, Peter Woods, ESL, Mike Montalto, Parrone Engineering, Frank Dolan, Bergmann Associates

Discussion: Chairperson Mitchell stated that this is a continuation of a public hearing for minor site plan approval that was opened in April 2008.

Mr. Lusk stated that at the April 28th Planning Board meeting, ESL applied to the Village for minor site plan approval to construct a remote teller facility behind its existing branch at 11 State Street. During the hearing, John Wilson, Esq., on behalf of Canandaigua National Bank, Mr. Cook, and others, submitted a letter identifying his clients' key issues surrounding the project. Mr. Lusk submitted documents outlining the key issues presented by Mr. Wilson, followed by ESL's response thereto:

1. ***The change of design presents obvious traffic and related issues concerning Church Street.***

Mr. Lusk stated that following the April 28th meeting, Bergmann Associates, P.C., ESL's traffic consultant, conducted a vehicle and pedestrian traffic impact study, which analyzed the project's impact on vehicular and pedestrian traffic along Church Street and State Street at the ESL driveways, as well as the Church/South Main Street intersection, a copy of which has been submitted for the record. He reported that the study indicated that although the project will create slight delays for vehicles exiting the ESL lot to Church Street, and at the Church Street/South Main Street intersection, overall, the project will have a positive effect on State Street traffic. The study concluded that the project will have minimal impact on either vehicular or pedestrian traffic in the Village, with the Level of Service (LOS) remaining at Level C as it currently operates.

2. *The right-hand, one-way-turn-only on Church Street was and remains of critical importance, but it is simply not working as designed.*

In an effort to resolve the illegal use of the Church Street exit, the Bergman traffic study recommended the following improvements: (1) Replacing the existing signage surrounding the Church Street exit with larger signage that complies with the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD); (2) Replacing the existing "Do Not Enter" and "No Left Turn" signs with similar larger signs that comply with the MUTCD; (3) Installing additional signage at the Church Street exit, as indicated on the revised site plan (C.10); (4) Modifying the geometry of the existing driveway exit to sharpen the right-turn angle (C.10A), which will require the removal of a maple tree west of the existing exit drive.

3. *Will the realignment cause traffic congestion at the State Street entrance?*

In the study, Bergmann reviewed the projected traffic at peak times, as well as the proposed site plan, and determined that there is sufficient space in the remote teller drive-up lane to accommodate peak queuing traffic at the teller. They anticipate one vehicle utilizing the teller, and two waiting vehicles, for a total of three during the average peak usage. The site plan shows that five vehicles will fit in the teller lane and queue without blocking the entrance lane from State Street. Furthermore, the size of the queuing lane is comparable to other nearby drive-up banking facilities.

4. *What can be done to avoid or minimize the headlights pointing toward Church Street on dark nights?*

ESL plans to operate the remote teller until 4:00 pm each weekday, except Friday, when it will remain open until 6:00 pm. Although it is possible that surrounding neighbors may see headlights as the customers utilize the teller between 4:30 pm and 6:00 pm on the Fridays between November 2 and January 15, it is unlikely that headlights will be any more visible than any other business use that could operate at the site. To further minimize the limited visibility of headlights, the proposed site plan includes landscaping along the Church Street boundary of the parking lot to further shield surrounding neighbors on the few Fridays during the year that headlights may be visible.

5. *What can be done to mitigate the queuing of vehicles next to Mr. Cook's law office?*

Bergmann conducted an Air Quality Study to analyze the potential impact of idling vehicles queuing in line for the remote teller next to Mr. Cook's law office (Exhibit C). The study concluded that queuing vehicles will have a negligible impact on the air quality outside Mr. Cook's law office.

6. *Evaluate whether the installation of the remote teller and one-way-exit-only driveway along the east side of the existing building is a viable alternative.*

Also included in the Bergmann Traffic Study is an analysis of a potential exit-only lane located along the east side of the ESL building. It was noted that there is a distance of approximately 10 feet between the building and the adjacent property boundary, making an

exit drive practically difficult to both construct and for drivers to negotiate. In addition, creating an additional curb cut adjacent to the east side of the building to serve State Street is not likely to be approved by NYSDOT and would necessitate the relocation of an existing utility pole, the removal of existing street side parking, and create additional conflicts with the existing crosswalk serving State Street, located adjacent to the east side of the building.

In conclusion, Mr. Lusk stated that the proposed remote teller facility is a permitted use and fully complies with the requirements of the Village Code. Additionally, the Traffic/Pedestrian Impact and Air Quality Studies demonstrate that the neighbors' key issues cannot be substantiated through sound engineering practices and are without merit.

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

John Wilson, Boylan, Brown, Code, Vigdor & Wilson, submitted a letter on behalf of his clients to comment on the July 11, 2008 submittal of the applicant.

1. **SEQRA**

Mr. Wilson stated that his clients request that the Board conduct a complete environmental review by issuing a positive declaration and requiring the preparation of a Draft Environmental Impact Statement.

2. **General Impacts**

Mr. Wilson stated that while the project has been reconfigured, the issues raised during the original project review remain or have even been intensified. He further stated that ESL's proposal will cause significant adverse impacts with on-site and off-site traffic, it will adversely and negatively affect the neighbors and the character of the neighborhood, and it inappropriately attempts to squeeze too much development onto a site that is too small to accommodate it. He asserts that the current proposal does not adequately address the concerns of his clients regarding traffic congestion in the area.

3. **Other Concerns**

Mr. Wilson reiterated other concerns of his clients regarding: queuing/stacking of cars next to Mr. Cook's office; vendors and suppliers entering the parking lot from Church Street; lack of designated snow storage areas; unproven turning radius for vehicles; and removal of a mature tree to accommodate the reconfigured exit lane.

Cristina Lanahan, Locust Street, stated that contrary to the applicants' assertion that the remote teller will not have a substantial impact on the neighborhood, the project and the related traffic will have a major impact on the residential character of the surrounding neighborhood. She further stated that signage does not change behavior, and recommended against additional signage. She also suggested changing the proposed location for the remote teller.

Chairperson Mitchell noted that other locations for the remote teller have been exhaustively investigated with the applicants, and, for various reasons, were determined to be impractical and unfeasible.

Janet Reynolds, 35 Church Street, stated that the Traffic Study confirms the illegal use by vehicles of the exit onto Church Street. She stated that the SRF Traffic Study suggested moving traffic to an auxiliary road, but Church Street is *not* an auxiliary road. She also expressed concern with too many signs creating a commercial appearance, and stated that she does not want to see more signage added to the site. She questioned the reason that a tree had to be removed to reconfigure the exit.

Mike Reynolds, 35 Church Street, stated that he observed that the intersection at State Street and South Main Street was blocked for one hour with only two gaps. He also stated that bollards would not work, because they are not permanent.

Trip Pierson, South Street, stated that as long as the proposal includes a remote teller and not an ATM, he supports the project. Although he had submitted a letter of disapproval to the Board, he now realizes that he misunderstood the proposed use and is reversing his opinion. He also suggested simple changes, instead of installation of large signs and gates.

Mr. Lusk pointed out that the site plan complies with zoning regulations, and that the engineers designed a usable site, which can accommodate large trucks. He also noted that similar businesses exist in the Village, and that this project will not have a significant impact on the traffic situation in the area.

Member Limbeck stated that (1) a qualified, professional engineer has designed this project, (2) ESL has control over its vendors and has the ability to monitor delivery trucks, and (3) Mr. Cook's office is currently located next to an automobile repair shop, so a few cars lined up at the remote teller should not be a problem. He also noted that the environmental review study will include traffic and air quality studies.

Chairperson Mitchell questioned the applicants as to the type of landscaping that is proposed to screen the parking lot from Church Street. Mr. Montalto stated that 24 existing 18" Wintergem Boxwood would be replaced with 24"-30" Hick's Yews.

Member Dannhauser asked the number of cars that would pass through the remote teller. Mr. Dolan stated that an average of one vehicle every 3 or 4 minutes would pass through during peak hours. He stated that the "peak hours" are 11 am – 1 pm and 4 pm – 5 pm. It was determined that the installation of the remote teller would result in approximately a 33% increase in traffic.

Board members next discussed increasing the size of the right-turn-only signs to discourage left turns onto Church Street. Mr. Montalto stated that if the signs were increased to 24" – 30" square to meet NYS Uniform Traffic Control standards, they would become legally enforceable. Some Board members expressed concern with creating a more "commercial" appearance in the area with a proliferation of large signs. It was also suggested that if there are a number of signs within a fairly short distance, drivers will simply ignore the signs.

Board members discussed reshaping or redesigning the exit on Church Street to strongly encourage only right-hand turns onto Church Street. The question arose as to whether emergency vehicle access to the site would be hindered by redesigning the exit. Mr. Lusk stated that the Fire Department would not have a problem entering the site in the event of an emergency. Also discussed were installation of a gate, a large rock, a tree, or a bollard to discourage drivers from entering the lot from Church Street. It was suggested that a person

could be hired by ESL to monitor the exit, but representatives from ESL indicated that this would not be a viable solution for them.

Public Hearing Closed: Chairperson Mitchell made a motion, seconded by Member Limbeck, to close the Public Hearing at this time.

Vote: Dannhauser – yes, Chamberlin – yes, Mitchell –yes; Lanphear – yes; Limbeck - yes.

Motion carried. The decision was filed in the Office of the Village Clerk on July 28, 2008.

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, declaring the Planning Board as lead agency for SEQR.

Vote: Dannhauser – yes, Chamberlin – yes, Mitchell –yes; Lanphear – yes; Limbeck - yes.

Motion carried. The decision was filed in the Office of the Village Clerk on July 28, 2008.

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

Motion: Chairperson Mitchell made a motion, seconded by Member Dannhauser, declaring that the minor site plan modifications will not result in any large and important impacts and is one that will not have a significant impact on the environment; therefore, a negative declaration is made.

Vote: Dannhauser – yes, Chamberlin – yes, Mitchell –yes; Lanphear – yes; Limbeck - yes.

Motion carried. The decision was filed in the Office of the Village Clerk on July 28, 2008.

Motion: Chairperson Mitchell made a motion, seconded by Member Limbeck, to approve the site plan, as submitted on the plan designated as C1.0A, dated July 11, 2008, with the exception of signage, the location and species of the replacement tree to be determined following input from the DPW superintendent and/or the Village Board of Trustees within one year, and with the following conditions:

- (1) the snow storage space is to be identified on the site plan, as discussed at the July 28, 2008 PZBA meeting;
- (2) ESL will provide proof that their operating procedures have been communicated to all vendors, advising them of the requirement to comply with site access and circulation routes or be penalized for noncompliance;
- (3) the site plan will be revised to indicate a more extreme connection to the west, as indicated on amended site plan C1.0A;
- (4) the Board will review additional signage and installation of a stationary device at the Church Street exit approximately one year after completion of the site revisions, all additional installation costs, if signage or such device is required, will be borne by ESL; and
- (5) this conditional approval will permit ESL to apply for a building permit to begin construction of other elements of the site plan, except for the exit; the building permit for the Church Street exit reconstruction to be issued only after satisfactory submittal of a final site plan.

Vote: Dannhauser – yes, Chamberlin – yes, Mitchell –yes; Lanphear – yes; Limbeck - yes.

Motion carried. The decision was filed in the Office of the Village Clerk on July 28, 2008.

Findings of Fact:

SEQR Findings:

The initial SEQR review for this project was completed in June 2006. A negative declaration was issued. The only changes from the 2006 project are: no egress onto State Street, all egress onto Church Street, and removing the stacking and traffic flow for the remote teller from the R-2 portion of the property to the B-1 use area. These changes do not provide a substantially increased impact on the environment as compared to the 2006 project. Therefore, a negative SEQR declaration is appropriate. In fact, there are three factors that reduce the impact on the environment as compared to the 2006 plan as follows:

1. reversing the stacking lane and relocating it from the R-2 area to the B-1 use area, thereby removing it further from the residential neighborhood;
2. additional landscaping increasing the buffer adjacent to the residential area;
3. an increase in the available parking by two spaces.

Pursuant to the report submitted to the Planning Board, air quality in the primary stacking area, the majority of which is in the B-1 District, will not be significantly impacted. Pedestrian and vehicle traffic in the Village is currently operating at LOS (Level of Service) C. With these site plan modifications, and after commencement of the remote teller operation, pedestrian and vehicular traffic in the Village of Pittsford will continue to operate at its current LOS C.

The full EAF is on file for review in the Village office and is incorporated by reference by these findings.

Site Plan Review Findings:

1. The proposed site plan modification is for a permitted use with no additional variances required. Specifically, there are no side setback requirements in the B-1 use area. See Village Code Article VII. Pittsford Village Code Section 210-73. 1957 Use Variance.
2. This use is less intensive than other uses permitted in this B-1 zone, such as: drug stores and sundries; department stores; hardware, lawn, and garden supply stores; supermarkets; video rental and retail stores, such as Blockbuster.
3. Applicants submitted a traffic study and air quality assessment from Bergmann Associates. This study was extremely detailed and thorough and, in many respects, this study supported the findings of the independent traffic study obtained by the Village in 2006.
4. Elimination of egress onto State Street will reduce the use of ingress, parking, and egress by neighboring State Street business patrons and reduce non-ESL utilization of the parking lot. It will also reduce State Street rush-hour congestion and the complications of left-hand turns onto State Street.

5. The impact on the residential area of Church Street is mitigated by the right-hand-only turn and no ingress off of Church Street. It should be noted that the 1957 use variance permits both ingress and egress off of Church Street. Obtaining the no Church Street ingress site plan concession from the applicant significantly reduced the impact on the residential area.
6. Although there will be more traffic at the Main Street/Church Street intersection, the traffic study indicated that there will be no substantial traffic problems at that intersection, even during peak hours. In fact, traffic at that intersection will continue to operate at LOS C, even during peak hours.
7. The Church Street egress was reconfigured in an attempt to control ingress off of Church Street and left-hand egress onto Church Street. More aggressive controls were considered; however, after Board discussion and at the request of many of the residential neighbors, these controls were rejected as being too "commercial."
8. Church Street egress will be evaluated over the next year so that the Planning Board may consider any additional and further measures that may be required to control ingress off of Church Street and left-hand egress onto Church Street.
9. The Board is requiring that ESL provide proof that their operating procedures have been communicated to all vendors, advising them of the requirement to comply with site access and circulation routes or be penalized for noncompliance.
10. The stacking and traffic flow aisles in support of the remote teller are designed in full conformity with Pittsford Village Code Section 210-81 (C) (4), so that vehicles will not be stacked on sidewalks or public streets, nor shall they be an obstruction to any designated parking space.
11. The impact of headlights on the residential area, resulting from the remote teller configuration, will not be substantial because of the intended hours of operation, and will be less intrusive than that which would result from other uses permitted on this site.
12. Other possible configurations and locations for the remote teller have been fully examined and discussed. The Planning Board determined that the present location of this permitted use meets the standards of review in the site plan review provisions as per Village Code. See Article XVII of the Code of the Village of Pittsford.

The findings supporting the 2006 site plan approval are on file for review in the Village office and incorporated by reference in these findings.

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**2. Pittsford Farms Dairy, 44 North Main Street ~ Site Plan & Conditional Use Permit**  
**Present:** Ron Morgan, Charles Corby, Charlie Corby, Bob Bringley

**The Secretary read the legal notice that was published in the July 16, 2008 edition of the Brighton Pittsford Post:** *"Please take notice that a Public Hearing will be held before the Village of Pittsford Planning Board at the Village Hall, 21 North Main Street, Pittsford, New York on Monday, July 28, 2008 at 7:00 P.M. to consider an application made by Pittsford Farms Dairy, located at 44 North Main Street, for a conditional use permit to construct a milk processing facility and dairy bar in the Performance Zoning Overlay District, pursuant to Chapter 210-56 of the Code of the Village of Pittsford."*

**SEQR:** Chairperson Mitchell stated that this is a Type I SEQR Action under SEQR § 617.4.

**Discussion:** The applicants stated that Pittsford Farms Dairy is requesting approval to replace the current dairy at 44 North Main Street with a new facility that will contain a new store, an ice cream parlor, an on-site bakery, and a new processing facility. They propose relocating an existing tenant house to the northeast side of the property in order to accommodate the new dairy; altering the circular driveway; extending the rear driveway and adding parking at the side of the new facility and rear of the property; removing low-value trees and adding traditional landscaping; and demolishing the existing building that contains the store and processing facility.

Mr. Corby explained that the existing dairy's facilities and equipment are obsolete and require replacement. Due to its small size and construction, the existing dairy building does not conform to current New York State Department of Agriculture and Market regulations. To address these issues, they are proposing a new dairy facility 120 feet northeast of the current site. He submitted documentation and drawings of the proposed site for the Board's review.

Chairperson Mitchell noted that the applicants had previously proposed unpaved gravel for the area between the new dairy and the barn, but that this proposal calls for pavement in that area. The applicants stated that the change to pavement was made because of maintenance issues. She also noted that the connector building is larger than was originally proposed. She questioned the number of trees that were going to be removed. The applicants stated that nine trees will be removed to make room for the new facilities.

Other issues discussed were the dumpster, which will be located on the north end of the property and will be screened with a wood fence. There will be a recharge area for drainage. The applicants stated that there will be a temporary erosion fence installed during construction. The plan calls for two handicapped parking spaces; the requirement is for one.

**Public Hearing Opened:** Chairperson Mitchell opened the Public Hearing at this time.

**Roger Powers, 91 Golf Avenue,** questioned the applicants as to the type of screening proposed for the area between the Dairy and Powers Farm. The applicants stated that they are proposing planting a line of trees in that area. Mr. Powers stated that the property line between the properties will need to be identified.

The Board next discussed the application for the use permit. Applicants submitted documents listing the proposed hours of operation for the ice cream parlor, indicating that they are proposing 23 seats inside the building and 15 outside, for a total of 38 seats. They also stated that the outside seats will be used only in good weather, and will not be used inside the building during bad weather.

Chairperson Mitchell stated that the Open Space Performance Overlay District ordinance requires that the Village conduct Development Review Committee meetings with representatives from the Village Boards to review the project. A DRC meeting will be arranged in the near future.

**Minutes**

**Motion:** Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the 6/23/08 minutes, as amended.

**Vote:** Dannhauser – yes, Chamberlin – yes, Mitchell –abstain; Lanphear – yes; Limbeck - yes.  
**Motion carried.** The decision was filed in the Office of the Village Clerk on July 28, 2008.

**Adjournment:** Chairperson Mitchell adjourned the meeting at 11:45 pm.

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Linda Habeeb, Recording Secretary