

Village of Lansing
Planning Board Meeting

May 25, 1999

The meeting of the Village of Lansing Planning Board was called to order by Chairman Hickey. Present at the meeting were Planning Board Members Brown, Halevy, Waterman, Village Attorney Marcus, and Code Enforcement Officer Curtis, and Village Engineer Cross.

Public Comment

Waterman moved to close the Public Comment portion of the meeting as there was no one present who wished to speak. Seconded by Halevy. All in favor.

Monro Muffler - Public Hearing

Special Permit #1458, Monro Muffler to construct a 4600 s.f. automobile repair/service building on the southeast corner of the Cayuga Mall parking lot at 2309 North Triphammer Road. The property is located in the Commercial High Traffic District. Tax Parcel 46.1-5-4.2

Monro Muffler has 535 shops in 18 states, with headquarters in Rochester, New York. Proof of mailings were given to Curtis. George Jarrett, Director of Development for Monro Muffler, presented the site plan. The plan calls for a standard, six-bay shop for automotive repair on property which they will lease from New Plan Realty. They will remove two landscaped islands in the parking lot, and extend curbing to tie into existing curbing on another landscaped island to delineate traffic flow. The hours of operation are Monday - Friday 7:30 a.m. to 8:00 p.m. They are open Saturday but close earlier, and they are experimenting with some Sunday hours of operation. They propose to have 16 parking spaces to the west of the facility. Signage will be discussed at a later time.

Hickey opened the Public Hearing. As there was no one present who wished to speak, Waterman moved that the Public Hearing be closed. Brown seconded. All in favor.

The noise is a high frequency sound so it's very directional in nature. The building is a masonry shoebox and the sound is generated in the service bays and directed into the parking lot. Most of the noise comes from pneumatic air tools to remove lug nuts from the wheels. Monro Muffler had a noise level study done in 1995 for another facility, and the noise level in db(A) was found to be equivalent to a low whisper. As the Village Zoning Law on noise level is based on cycles per second or decibels, Curtis needs to know the equivalent noise level in decibels.

There will be a sign on the side of the building and they would also like to erect a standing sign at the rear of the structure that will be visible from Route 13. The primary reason is to help market the location for westbound traffic on Rt. 13. They are trying to capture a customer base to the east. This is a destination business where customers need their services once every 3 or 4 years. They just want to let customers know where they are so they can find them easily. Hickey said that the Village's requirement for the dimension of such a sign is 40 s.f., which may be too small to be seen from a distance. Monro Muffler will work with Curtis on a sign plan.

The landscaping plan will be submitted separately. Although Cayuga Mall predates the Village Zoning Law, Marcus questioned whether or not a buffer strip should be required as this is a new development. The requirement for new developments is a 150 foot buffer strip to separate the business from the residential area. Hickey pointed out that there is 135 feet of buffer there now with the existing berm and that should be sufficient to screen the building from the residential district. He said that what is really needed is another 15 feet, which could be accomplished by moving the site 15 feet to the west. The buffer strip is not part of the Monro Muffler footprint. However, this would be a good opportunity to clean up the easterly side which is full of garbage. Hickey said that anything that can be done to clean that up would be appreciated. He added that steps need to be taken to get the erosion on that bank under control.

New Plan Realty has a buffer strip there even though it doesn't meet the requirements of the current law. Curtis

suggested that the Board review how they have handled buffer strips for other pre-existing developments, such as Cooke Cadillac. Marcus said that in responding to the applicant's request for recommendations on landscaping we want to factor in the possibility of having additional screening there.

Brent Cross reviewed his Engineer's Report. The site is mostly paved so this development won't significantly increase the impervious surface. Most of the drainage goes to an underground storm sewer pipe. Cross is not aware of any problem with the storm facilities there and does not foresee any drainage problems. He will do more research to make sure there isn't any problem with that existing storm sewer.

The traffic flow along the rim road is not well defined. Monro Muffler will eliminate or modify existing islands which will improve traffic flow.

Utilities are shown on the site plan. Cross asked that they modify the 90 foot center cleanouts to the Village requirement of 75 feet. The plan includes two oil and water separators. The only site lighting is a single light pole illuminating the small parking area. Cross said that he will need to see some photometric information on it, but he presumes that the parking lot is already sufficiently lit. They won't put in security lights on the outside of the building, but there will be a night light circuit within the building.

They recycle about 90% of the products. A small dumpster for the remainder of the waste will be enclosed behind a fence.

The Board conducted a SEQRA review. Noise level studies have been done to show that the noise level is not a problem. However Curtis will need to convert the statistics in the study to decibels for particular cycles so that he can verify that this noise level meets Village requirements. The traffic pattern has been a longstanding issue with Cayuga Mall. Curtis said that Jack Krisanda from New Plan Realty has indicated that New Plan is willing to do some traffic management to direct traffic around the rim road instead of in front of the stores. This will hopefully be an improvement of the traffic patterns. Halevy moved that the proposed action will not have any significant adverse impact on the environment. Second by Brown. All in favor.

The Board then reviewed the General Conditions for all Special Permits required under

Section 304.05 of the Zoning Law. Brown moved that the Board find that all the General Conditions required for approval of the Special Permit have been met by the applicant. Seconded by Halevy. All in favor.

Contingencies to the approval of the Special Permit:

1. Applicant must have satisfactory written evidence that the noise level in decibels meets the Village Zoning Law requirement.
2. Directional signage approved by the Code Enforcement Officer will be installed at the entrance of Cayuga Mall to route traffic around the rim road.
3. A sign plan must be approved by the Code Enforcement Officer.
4. A landscaping plan must be approved by the Planning Board.

Waterman moved that the Board approve Special Permit application #1458 by Monro Muffler subject to the conditions noted. Halevy seconded. All in favor.

Hickey noted for the record that there has been no approval of signage. The Code Enforcement Officer can approve proposed signage if it meets the requirements of the Planned Sign Area. If signage other than what is permitted in the Planned Sign Area is desired, they will have to get an amendment to the Planned Sign Area

Trip to Victor/Marriott

Curtis, Halevy and Waterman visited the Town of Victor and spoke to Jane Luce. Victor is located near some fairly substantial regional malls and their concern is how to maintain the character and the economic vitality of the Village. They are looking to bring in development and they had a market study done by a consultant to determine how they

could compete. A key factor to their success was that they held focus group meetings at the beginning with key people and a facilitator. That was apparently a very important part of the process and it led to widespread support of the plan. Victor is a traditional village but they put a substantial amount of parking behind the buildings. The amount of store frontage relative to the parking is similar to the Village of Lansing but our parking is in the front. The front yard setback would have to be changed to implement that type of parking plan.

Curtis and Halevy continued on to visit the DelMonte plant in Rochester where the Marriott Hotel modules are prefabricated. The Board watched a video of the process.

Community Residence

Marcus reported that the Mayor was notified that The Special Children's Center intends to develop and operate a community residence for people with developmental disabilities on the property at 25 Highgate Circle by Fall of 1999. Marcus reviewed the law to see if the Village had any responsibility in connection with this notice. He said that the State law was developed with the philosophy that there should not be much involvement at the local level to interfere with community based residences for disabled people. The primary issue here is that a residence for disabled people serves as a residence as opposed to an educational or work facility. No matter how many people reside in the residence (up to 14), it constitutes a single family unit. This State Law supersedes local zoning laws.

The requirement of the Statute says that when such a facility is intended to be developed, notice has to go to the chief executive officer of the municipality and the municipality has a certain amount of time to respond. The response can be nothing, or suggesting a better location, or an objection. However, an objection is really limited to the concern with the concentration of similar facilities within the immediate area. That's the only avenue by which you really can influence the applicant's decision to locate its facility. It is clear from the case law that has developed in New York State that you can only object if you can establish that there are some number of similar facilities in a very limited area, i.e. the same neighborhood. You would need to show that adding this proposed facility to the others in that neighborhood would create a less desirable residential neighborhood and would have an impact on property values and other attributes such as increased traffic or parking problems. It's clear that if there is only one facility proposed in a given neighborhood there would be no opportunity to oppose the development of the facility. On the other hand, the facility has to otherwise comply with applicable Zoning requirements for lot coverage, setback, road frontage, drainage issues, off street parking, height limitation, etc. as would any single family residence.

There is no requirement that neighbors be given notice. The Village is given notice as to how many people will be living in the residence. In this case, 4 people will be living there.

Reports

Trustee Meeting: Hickey reported that at their last meeting, the Board of Trustees reviewed and made minor editorial changes to the Lighting Plan, and set the public hearing for June 7th. Once approved, the Lighting Plan will be included in the Comprehensive Plan. There was an engineer's report on the Churchill Road turnaround project. They also discussed budget transfers, surplus printers and the employee manual.

New Business

Planning Board Agenda: Hickey reported that on June 14th the Board will receive two applications - one from the B&T Park for the Marriott and one from Pyramid Mall for their renovation. Hickey proposed that they start the meeting at 7:00 p.m. in order to hold a public information session on Pyramid Mall before the regular Planning Board meeting begins at 7:30 p.m. Representatives for Pyramid Mall will be present to explain the renovation plans. The Board meeting can then focus on the Marriott from 8:30 to 9:30 p.m. Both of these issues will probably carry over to a second meeting on June 29th. Waterman moved that the Board hold a special meeting beginning at 7 p.m. on June 7th for the purpose of having an information session on Pyramid Mall. Seconded by Halevy. All in favor.

The Board will also be receiving a proposal for the extension of Thornwood Drive. Some time this summer or fall the Planning Board may also be receiving applications for 10 Brown Road, and possibly one for the Human Health Services District.

Large Scale Development: The Board had asked Marcus to discuss the terms of Section 307 of the Zoning Law. Marcus explained that there is a section of the Zoning Law called Large Scale Development which specifies a process whereby the Planning Board conducts the review and makes a recommendations and then it gets bounced up to the Trustees. To define something as large scale you need to refer to the SEQRA list to see if it falls into the Type I or Type II category. Type I category projects are those which the State has determined are likely to have adverse environmental impacts. However there is conflicting language in the Zoning Law which says that the Code Enforcement Officer should determine if it's large scale or not after determining if it is a Type I action, which implies that the Code Enforcement Officer has some discretion in making the call. The terms of Section 307 can be read either way. If it's not defined as large scale it stays with the Planning Board and the Board makes the decision. If it is determined to be large scale, the Trustees make the decision and all the steps leading up to the decision are subject to a complicated and burdensome set of requirements about what has to be done with time limits set for each step.

Chairman Hickey explained that Pyramid Mall plans to use the Montgomery Wards footprint but will go down half a story in the ground and put in two floors there for an increase in square footage from one floor with 94,000 s.f. to two floors with 238,000 s.f. each. They also want to move the cinema entrance to the south end of the mall by Pennys so the parking will be on the Rt. 13 side and they would expand the parking area. This is clearly a Type I action by the square footage involved. The law makes a reference to the Type I actions but it doesn't specifically say that if it's a Type I action then it's large scale development. Hickey said that the Planning Board would be doing a long form EAF anyway, so the Board can do the same Type I review but may not necessarily be categorized under Section 307 as large scale. Marcus said that his main concern was that this would be considered large-scale development in comparison to other development projects in the Village. However, Hickey felt that it is only large in the sense that square footage is being added, not large in the sense that they are undertaking new development. Whatever decision Curtis makes will establish the precedent for what will be considered large-scale development in the future.

A Type I category simply means that you are required to start off using the long form and that you are more likely to require an environmental impact statement. It is possible however to have a Type I and still get a negative declaration and not require the applicant to do an environmental impact statement. Marcus said that this Zoning Law Section was written when the SEQRA law was first being used. Section 307 is based on out-of-date State law requirements and really should be deleted. Curtis pointed out that regardless of what he decides, the Board could credibly be challenged by either side because the law is so poorly worded. To delete this law would take at least a month. If the Board makes the determination that this law is based on obsolete material and that the requirements of the current SEQRA law should be substituted for this process, the Board can make recommendation to the Trustees and the Trustees would have a public hearing.

Curtis can chose not to classify this as large-scale development if the Board is comfortable with the rationale that this is an existing building and essentially the same footprint. Hickey suggested that Curtis draft the rationale for what decision he's going to make as to whether it's large scale or not. The Trustees or the Mayor and Hickey will then review it. There has to be some meeting of the minds. The basic decision is who will be involved in the review and approval process - the Planning Board or the Trustees.

Adjourn

Waterman moved that the meeting be adjourned at 9:55. Seconded by Halevy. All in favor.