

**Village of Lansing
Board of Zoning Appeals
August 21, 2000**

The meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:37 P.M. by Acting Chairperson Mary Sirois. Present at the meeting were Board members Don Eckrich, Lorraine Johnson and Mike Ward, Alternate Member John Dennis, Code Enforcement Officer Curtis, Acting Village Attorney John Barney, and members of the public.

Appeal 2000-3, Cornell Fingerlakes Credit Union, to construct a 3500 sf bank branch building with a drive-thru at 15 Sheraton Drive, the northwest corner of Sheraton Drive and Cinema Drive, in the Commercial High Traffic District, Tax Parcel No. 46.1-6-4.2. A variance is required because the proposed commercial development abuts a residential district and does not provide the 150 foot buffer required by Section 104.21 of the Village of Lansing Zoning Law.

Proof of mailing was provided to Curtis by Bob Whitty.

Richard Thaler, Secretary of the Triphammer Development Corporation. and applicant, spoke first. He stated that zoning was enacted after he purchased this property. He bought this property in the 60s. The character of the area at time of purchase was very different from today as there was very little development then. The Mall was built in 1963 and the Sheraton in 1965. The additional property which is being considered tonight was bought from Otto Schoenfeld in 1968 and the cinema was erected at that time. When approached by the Credit Union recently, he was unaware of the 150 ft buffer requirement. He has turned down a fast food business as well as a dollar store for that site. He feels the bank would be a good development for this site and in keeping with the area.

Next, Thaler reviewed the 5 points required for a variance. a) The character of the neighborhood will not be changed. b) There is no other way that the land can be used if a variance can not be obtained for the buffer requirement. c) The area variance that is requested is not substantial and the property will be properly landscaped to provide a comparable effect. d) The proposed variance will not have an adverse affect or impact on the neighborhood. e) The difficulty as outlined in the application was not self-created.

He then went on to explain the points in greater detail:

Point a: Thaler stated that the proposal will in fact be an advantage to the apartment dwellers in the area who use the hotel, theater and nearby shopping areas. The car dealership might also use the financing services of the bank.

Point b: Thaler stated this property could be used for residential but there are currently approx. 2400 apts. in the area. It is also not suitable for a single family residence. Commercial is its only reasonable

use for the property, the property is assessed as commercial and he has paid taxes on it for many years with the intention of using it for commercial.

Point c: Thaler stated a buffer zone with plantings will be provided. Site visibility lines must be taken into consideration.

Point d: Thaler stated this will be an improvement to the area when it is developed.

Point e: Thaler stated that when the parcel was bought, the whole layout of the commercial area was not there; Triphammer Development began it from scratch. A residential area was never planned for that area. When the Village enacted the 150 ft. buffer requirement, it created a difficulty for that property. Thaler also noted that Stan Goldberg, owner of the contiguous residential property, Chateau Clair and Chateau Clair NE Apts., has no objection to the granting of the variance and stated in a letter dated 8/17/00 that if the variance were not granted, it would appear that the property would be unable to be utilized for any commercial purpose.

Bob Whitty, Pres. & CEO of CFCU, spoke next. He introduced the architect, John Lavrich, from the St. Louis firm HBE Financial Facilities who designed the other bank structures on Craft Rd., Meadow St. and East Hill Plaza. The proposal is for a 1 ½ acre site with a 3500 sf building with drive-thru service designed like the East Hill layout. Members of the credit union have requested the bank to be full service with drive-ups, extended hours and Saturday hours. Employees presently at the Triphammer Mall bank will be relocated to the new site although an ATM will remain somewhere in the Triphammer Mall. Cars will enter the Credit Union either from Sheraton Drive or Cinema Drive and car will be directed in a counterclockwise circular fashion through the drive-ups or can park for walk-in service. Stacking is permitted for 5 cars at each kiosk. There are 23 parking places for customers and 13 additional parking spaces for employees.

Cindy Schweitzer, Branch Administrator, spoke on number of vehicles per hour. Friday is their busiest day and approx. 700 members are served with the lunch hour being the heaviest with up to 20 members in line at that time. Looking at other branch statistics, half of the customers will probably use the 4 drive-thru windows and additional ATM window and half will come inside to do business. Projecting 20 years into the future, Schweitzer sees some growth and lanes may be full although Whitty stated he does not see a doubling but rather a gradual growth pattern. Whitty also stated membership growth in the last year has grown 1500 members or approx. 3.5%

Michelle Benedict Jones, Executive Vice-President of CFCU, noted that internet banking has begun to take off and that may have an impact in reducing traffic at the branches.

Eckrich asked about the discrepancy in the acreage described in the proposed variance and the acreage listed for the tax parcel. Thaler stated the balance of the acreage lies north of the bank site and south of the cinema site. Approval for development of that part of the parcel is not being requested at this time. Only a small part of that area is abutting a residential area. Upon approval of

this variance, there will be a subdivision of the lot. Eckrich stated this may leave the next site with a self-created hardship. Eckrich noted that moving the bank further north might allow for the 150 ft. buffer strip.

Johnson asked for additional information on the Landscape Plan. Peter Bodycombe, representing Cayuga Landscape, stated that the densest part of the landscaping will be the north to south line. Plantings are kept close to the parking lot to maintain visibility. Also, islands of plantings are proposed rather than a continuous buffer. Lavrich showed where the 150 foot buffer would fall measuring from the center of Cinema Drive. Thaler stated requiring the 150' buffer, it would be impossible to situate a building and parking within the lot. Ward asked how high a 2 in. caliper tree would be and Bodycombe stated it would be approx. 12 ft. tall. Bodycombe noted that the trees would grow at a good rate to screen the area from the apartment dwellers. Hickey stated the Planning Board discussed the landscaping and recommended using 3 ft. mounds with plants and trees then further back on the site.

Ward was concerned that Chateau Claire residents were not notified individually of this hearing although the owner was notified. Curtis confirmed that the applicant is required only to send notification to the landowner, whose address appears on the tax roll, and is not required to send notification to individual tenants.

Eckrich asked for more information on sidewalks. Thaler said the Village placed the sidewalk where it is now and he gladly dedicated the property to the Village for that purpose as motorists were previously cutting the corner. Hickey stated there is a black-topped walking path on Cinema Dr. in front of the apartments. It goes to the front of Cooke Cadillac on the east side.

Sirois asked why all the traffic is being shuttled in front of the residential rather than putting the drive-thru closer to the hotel. Thaler stated it is because of the wind drift of snow in the winter. Lavrich stated also storm water retention works better this way and it is also necessary to have drive-ups on the driver's side and they try to limit cross traffic of pedestrians and vehicles. Sirois expressed concerns for the elderly that might be walking along Cinema Drive and crossing to get to the bank site. Hickey stated there is a crosswalk delineated on the curve and there is a pedestrian sign on Cinema Dr. on the right before the curve. Another sign is needed on Sheraton to show there is a crosswalk ahead although this has not been installed yet.

Dennis was concerned with the erosion of buffer strips within the Village. He feels requesting a 10 ft. strip rather than a 150 ft. strip is a substantial variance. He asked if this could be a viable project if the building were changed 180 degrees, shifted north on the site, and a curb cut provided from the other side. Thaler stated that increasing the amount of land needed would increase the cost for the applicants and might make it unfeasible. Thaler stated the plan could be altered if the Credit Union were willing to take more land.

Dennis asked if other site configurations were proposed. Lavrich stated others were considered but it

was felt this was the best choice. He then showed some of the other configurations. Sirois thought another plan was better. This plan, however, would also be deficient in the buffer strip.

Eckrich and Johnson questioned Curtis on the number of curb cuts. Curtis stated that the Zoning Law was amended so that the number of curb cuts is determined by the Planning Board based on safety and other considerations. The Planning Board has discussed this but has not taken any action until the BZA has made a determination. Whitty stated the CFCU would return to the Planning Board next week to continue discussions if the variance were granted tonight.

Sirois spoke on the low-level lighting. Lowbridge stated the fixtures are proposed to provide on-site lighting. Hickey stated the Lighting Commission was recently created and consisted of a Trustee (Leopold), Super. of Public Works (Reinhart) and Planning Board member (Halevy). It reviews all lighting plans and this development will be required to submit a plan to them and then the Commission will provide a recommendation to the Planning Board who will then approve, amend or disapprove the lighting plan.

Dennis asked for further discussion on the expansion northward of the parcel to enlarge the buffer to protect the residential community. Thaler said you are asking him to donate the buffer strip with the intent of not receiving remuneration. He felt he did not create this situation and he can not develop the parcel and meet all the requirements imposed upon it.

Sirois wanted to know the height of the parking lot in relation to Cinema Dr. Lavrich stated Cinema Dr. is at 917' and the parking will be at 913' so there will be a drop to the exit on Sheraton Dr. Thaler stated the Sheraton property also was on a natural slope and it drains underground to a sluice way at the corner of Sheraton and N. Trip. Rd.

There being no further comment, Johnson moved to close the Public Hearing. Seconded by Ward. All aye. The Board discussed the proposal.

Johnson stated she went through the 5 provisions and appreciated the fact that the Board was supplied with complete materials for this variance request in the mailing. With regard to the five points, she felt a was true; b she questioned, c was substantial, d she has concerns over with traffic, exhaust fumes, number of curb cuts, etc. and e she does not agree that just because people bought before the laws were changed they should be exempt from requirements. She would also like to see traffic exiting in another fashion.

Ward is unclear of the requirements for this property and the buffer strip. Curtis stated that the buffer should be a strip 150' going east from the centerline of Cinema Drive and should remain undeveloped although plantings and walkways may be placed there. Ward went through some calculations of building size and required driveway widths and determined that strict application of the buffer requirement would preclude anything but a small and unworkable building. Barney noted the variance is only for the southerly portion of the lot.

Eckrich would like to see the CFCU on the lot but it is unclear to him technically if the variance, once granted, could be limited to just this proposed use. Barney stated the variance could go to a particular owner and a particular tenant.

Eckrich noted the diagram shows a curb cut which might be across from the current exit of the apartments. Curtis stated the Planning Board would probably request that they be across from each other. The Planning Board would also request the sidewalk be extended to the north edge of the CFCU property.

Barney stated this action is an unlisted action and does not require a long-form SEQRA Review, but a short form EAF should be completed because the project does not conform with the zoning requirements of the district.

Dennis asked if there were any requirements regarding what % of the lot could be impervious. Curtis stated the Village regulations says the rate of runoff after development shall not exceed what it was prior to development. That is the standard and it is required for all properties. Dennis would like to see the structure moved to the north to allow for a larger buffer strip.

The Board completed the Short Environmental Assessment Form for unlisted actions:

A. No; B. No; C. 1. None anticipated 2. No 3. None anticipated 4. None anticipated 5. None anticipated 6. None anticipated 7. None anticipated; D. No

Eckrich moved a determination that the proposed action will not result in any significant adverse environmental impacts. Seconded by Johnson. Ayes by Eckrich, Johnson, Sirois and Ward. Nay by Dennis.

Johnson asked for clarification on the parcel indicating 313 along the side abutting hotel and on another it shows 265 ft. Curtis stated the 265 ft. is correct.

Eckrich moved to grant the variance to permit a 48 ' buffer strip as requested with the following conditions:

1. The number of curb cuts be limited to two of which only one can cross the buffer. Recommendation to the Planning Board that it be moved to the north across from the northerly entrance of the Chateau Claire Apartments.
2. The buffer strip variance be applied only to the southern 265 ft. of the tax parcel and not to the entire parcel.
3. The variance be granted only for the project (CFCU) as presented as referenced on site plan dated 8/2/00, subject to Planning Board modifications.
4. The Landscaping Plan dated 8/1/00 be implemented as shown, subject to Planning Board modification.

5. Planning Board approval of the Special Permit.

In making their determination, the Board based their decision on the following findings:

- a) *Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting the variance.*

Finding: No undesirable change or detriment because the surrounding areas are largely all commercial and high density and the one residential zone is high density residential and is across the street and adjacent itself to commercial on the north. Also, some thought the development to this overgrown lot would be an improvement or enhancement to the neighborhood.

- b) *Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.*

Finding: The affected dimension of the lot being 255 ft., with the enforcement of the buffer strip requirement of 150 ft. and with the rear yard setback the remaining space would be insufficient to permit reasonable use of the land for commercial development.

- c) *Is the requested variance substantial?*

Finding: Although the variance is substantial in numbers, in the context of the area and nature of surrounding businesses it does not result in a substantial impact.

- d) *Consider whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*

Finding: The existing uses of the surrounding properties are largely commercial or high density residential.

- e) *Whether the alleged difficulty was self-created.*

Finding: The property was owned before the Zoning Ordinance was adopted.

Dennis stated he would like to see a condition or requirement that in view of giving up the 150 ft. buffer, there be a provision for a buffered 100 ft. ROW walkway from Thaler for additional pedestrians access from Cinema Dr. to Triphammer Mall.

After some discussion the Board recommended that the Planning Board consider an east-west pedestrian walkway across the property north of the CFCU.

Johnson seconded Eckrich's motion. Eckrich, Johnson, Sirois and Ward voted in favor, Dennis voted against.

Ward moved the Minutes of May 15, 2000 be approved as revised, seconded by Johnson. All in favor.

There being no further business Ward moved to adjourn at 10:30PM, seconded by Eckrich. All in favor