

Village of Lansing
Board of Zoning Appeals
April 19, 2005

The meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:36 P.M. by Acting Chairperson Mary Sirois. Present at the meeting were Board Members Don Eckrich, Patrick Gillespie and Lorraine Johnson, Acting Member John Dennis, Code Enforcement Officer Curtis, Village Attorney David Dubow, and members of the public.

Acting Chairman Sirois appointed John Dennis as acting member for Mike Ward who could not attend tonight's meeting.

Appeal No. 2005-1, Tompkins Trust Company Drive-Thru Lanes:

The first item on the agenda was Appeal No. 2005-1, Tompkins Trust Company to construct a canopy and two additional drive-thru lanes at their existing bank branch at 2251 North Triphammer Road in the Commercial High Traffic District, Tax Parcel No. 46.1-6-2.2. Variances are required because the canopy will exacerbate deficiencies in front yard setback for the building (Section 202.08e(3)a of the Village of Lansing Zoning Law) and front yard setback for parking (Section 202.08e(7)a), permitted by prior variances.

Andrew Rappaport from Holt Architects, described the project. Rappaport stated some problems with the existing parking layout would be corrected by relocating parking on the north side so that it is next to the building side where those parking there can enter the building without crossing the traffic lane. The new canopy will be an open assembly supported by 4 columns covering the three drive-thru lanes. The stacking area will be a single lane that can be delineated with moveable bollards where cars will wait for the next available drive-thru. Lighting will be changed by removing some lights and replacing them with all new lighting within the canopy to prevent light trespass off the property. There will be sky lights to reduce the amount of lighting required while meeting all state requirements for an ATM. Rappaport stated the Planning Board approved the plans on March 29th. Exiting traffic will be directed from the site right towards Sheraton Drive rather than back through Triphammer Mall to the light. There will not be left turns allowed onto Substation Alley to return to the mall area. There will be signage to indicate all traffic must turn right when exiting. Dubow stated one of the conditions for approval by the Planning Board required this signage be approved by the Village Engineer. A traffic study was done by Fischer Associates and indicated there would be no adverse impact. Rappaport stated there is currently a small canopy attached to the building for the existing ATM drive-thru lane and two additional lanes will be added with a freestanding canopy covering all three. Johnson asked if the parking improvements are meant to mitigate a parking deficiency. Rappaport stated having customers cross traffic, as is currently the case, is not good and among the spaces to be relocated are the handicapped spaces. Dennis asked if customers have expressed concerns about congestion within the bank. Rappaport responded that the drive-thru will address the concerns of the customers who would prefer not to have to get out of their cars to enter the bank. Rappaport stated

there are currently drive-thru lane tellers at the Cayuga Heights branch as well as downtown. Johnson asked how traffic would use the lanes. Rappaport stated the cars would get into the stacking lane which would be delineated by moveable bollards, and wait for the next available drive-thru lane. Although Cayuga Heights has about 6 cars per hour use their drive-thru, this drive-thru showed stacking for the worse case scenario of up to 10 cars. Johnson asked about the need for the drive-thru. Diane Jayne, Tompkins Trust Company branch manager, stated that customers over the past 10 years have requested this service and have indicated they do not want to go half a mile down the road to use the Cayuga Heights branch drive-thru. Dennis asked if Jayne had received written requests for this and she responded she may have some somewhere. Dennis asked about a scientific survey and Jayne responded that a formal survey has not been done.

Eckrich asked about the yard setbacks. Thomas Hoard, Holt Architects, addressed the zoning concerns. Hoard stated the site is small and setbacks were addressed back in 1993 when variances were granted. Hoard stated at this time, additional variances are being requested because the proposed canopy and some of the reconfigured parking will exacerbate the deficiencies permitted under the original variances. The front yard building setback from North Triphammer Road is 53 feet where 75 feet is required and the request is to reduce it to 31.5 feet. The second request is to reduce the front yard building setback from Substation Alley to 2.6 feet from the current 5 feet, again where 75 feet is required. The third request is to reduce the front yard parking setback from Substation Alley to 15.9 feet from the current 21.5 feet where 25 feet is required. This last request is part of moving the parking closer to the building. Hoard stated this was an existing property before the village was zoned and this is a unique property as it has three front yards for setbacks in a district where the required front yard set back is 75 feet. Complying with these setbacks would make the lot unusable. Hoard also stated that most of the customers are familiar with the site because they frequent it often as opposed to McDonalds where the customers are often first timers. Hoard stated the new parking configuration would also make it easier for handicapped. Hoard has reviewed the earlier decision and feels this proposal also does not have adverse impacts and is not self-created as the bank is already there. Hoard also feels the open construction of the structure minimizes its visual impact. Dennis asked if there are village standards to address pollution concerns. Dennis is concerned about cars idling in line and the impact on the environment and the greenhouse gas effect of the emissions from the vehicles. Dennis wanted to know if there have been any studies done or statistics to indicate how long cars idle as they sit in the line and work through the line. Hoard stated that there had been no study, but thought that the emissions of idling cars might be offset by that of cars traveling back and forth to more distant branches with drive-thru service. Dennis felt it might be more hazardous for pedestrians to access the bank through the cars stacked waiting for a drive-thru lane. Eckrich asked why two drive-thrus are requested rather than more. Rappaport stated that this is the most that would fit on site and allow for safe traffic patterns. Eckrich asked why not one drive-thru rather than more. Jim Giordano, Construction Manager for the Trust Company, stated that stacking would be worse with one lane, and everyone trying to get into that one lane, rather than two lanes.

Eckrich asked about the lighting. Rappaport responded that the lighting for the original project did not meet the NYS ATM Safety Act of 1995 and had to be changed. Lights on the canopy were added

to shine towards North Triphammer Road and Sheraton Drive. For the new drive-thrus, the plan is to relocate a pole as well as to locate lights within the canopy so there will be less light spilled off the site. There are also plans for the installation of sky lights in the canopy to take advantage of natural light when it is available. Lights will shine down. Curtis also noted that the lights would need to go before the Lighting Commission for approval.

Johnson asked if the request for drive-thrus and an ATM was a marketing decision to gain a competitive edge. Jayne responded that it is a competitive business and customers were requesting this service. Johnson then asked if the three lanes might be more than was needed. Jayne responded that she did not feel it was.

Dennis asked about the number of customers at the Community Corners branch as compared to this branch. Jayne stated the statistics indicate 6 cars per hour use the drive-thru there and she did not know about the ATM. Jayne stated their branch has a busy ATM but it is usually after hours and she has no numbers, but does not recall cars lining up there. Dennis asked about the relative performance of the two banks and Jayne responded that this one does more business.

Johnson spoke about demographics and the fact that some people her age prefer to have face to face contact with a person. Rappaport responded that someone like himself with two small children strapped in the car might not feel the same. Dennis stated if he was in a hurry and saw two cars in the drive-thru he would enter the bank instead as it is often faster. Johnson stated there has been a change in demographics and more people are banking on line. Dennis stated he likes the lines of the existing building and would question whether the tube design which would hold up the canopy would clash. Rappaport stated the design is functional and would provide an airy look with the white columns.

Eckrich stated the drive-thru lanes would include reconfiguration of parking that would allow customers to park and enter the bank without crossing traffic which is not currently the case. The option to drive-thru would reduce the demand for parking and the potential for stacking as more drive-thru options would be available. Eckrich stated this is presently a non-conforming structure and the footprint will not change and does not currently comply with the zoning regulations for the district. As a customer he would appreciate the greater efficiency and flow of traffic.

Sirois asked about parking lot configuration and the way it narrowed where the cars exited. Rappaport responded that, because of the narrowness of the site, angled parking rather than perpendicular parking works better and makes it easier for cars backing out into the traffic lane. The landscaping feature where the driveway narrows is part of the angled parking design. Sirois would like to see more freedom to reach the exit. Rappaport noted that the plans show the full canopies, but that at car level the support posts are set back well within those dimensions so that the driveway is not really as narrow as it looks. Rappaport also stated that the cars are stacked near the building and would be directed by lights as to which lane to enter. There would also be bollards to define where cars are to wait in line.

Dennis asked about fire trucks. Rappaport stated the canopy is high enough so a truck can clear it. Rappaport stated it is 14 feet to the bottom and about 18 feet to the top of the canopy.

Sirois expressed concerns about the ATM machine. Rappaport stated there is one inside but customers often use them after hours rather than at 5:00 PM on a Friday evening.

Dennis again expressed concerns about meeting the requirements for greenhouse gas emissions. Dennis stated Cornell is actively addressing this issue and he feels others should also. Rappaport stated that the Trust Company utilizes natural light in their building as a savings measure. Giordano added that Tompkins Trust Company has signed up for wind power although it is more expensive.

Gillespie moved to close this portion of the meeting. Seconded by Eckrich. Ayes by Dennis, Eckrich, Gillespie, Johnson and Sirois. Motion carried.

Curtis stated for the record that he has received proof of mailing.

Dubow noted that this action pertains to lot line and setback variances and thus qualifies as a Type II action under SEQRA and does not require a review by this Board. The Planning Board did a SEQRA and adopted a negative declaration based on their review.

Eckrich asked about the Planning Board's determinations. Dubow stated the proposal was approved with five conditions: 1) Implementation of a Lighting Plan approved by the Lighting Commission, 2) Implementation of a Sign Plan approved by the Planning Board, 3) No left turn signs as required by the Village Engineer, 4) Approval by the BZA of all required variances, and 5) Interior Traffic Circulation Plan approved by the Village Engineer. Dubow stated many of the issues discussed tonight were also discussed by the Planning Board and it will be up to Engineer Brent Cross and the Code Enforcement Officer to see that the conditions are met. Dennis asked why this went before the Planning Board. Dubow responded that a Special Permit is required for alterations such as this and both Planning Board approval as well as BZA approval are required. Dubow stated the BZA can also attach conditions to the approval of the project.

Eckrich moved to grant the 3 variances requested with conditions that might include lane change facilitation and bollards, reducing constriction of the exit lane, increased number of plantings to bolster aesthetics, and any others the Board felt appropriate. Seconded by Gillespie. Then the Board continued their discussion.

Eckrich summarized the reasons he feels this is a good proposal (parking near the building which does not currently exist; the building does not currently comply with zoning and this merely increases the nonconformance in a few places; the canopy is aesthetically appealing; footprint of the building does not change; there is no reason to believe there will be a large number of queuing cars; right turn onto Substation Alley can be required; and the lighting proposed will be better than what is there for light

pollution).

Johnson asked the Board to identify each setback variance separately and Eckrich assisted her with the diagrams indicating each. Johnson did not feel the requested variances were any big deal.

Dennis asked about the change in square footage of impervious surface area from present to that proposed with regard to storm water runoff. Hoard responded that the number of parking spaces has gone from 18 to 17 so one was dropped and there should be no change. Rappaport estimated it would be under 100 sf but he would need his computer to check it out.

Dennis would not like to see the competitiveness of this bank reduced and the other branches already have drive-thrus so there may not have been sufficient foresight when the project was initiated. Dennis feels the site is challenged and questioned whether something could be done to make it a distinctive site by doing something distinguished for the environment. Sirois stated she felt this was outside the realm of capabilities of this board. Dennis felt the Board is being asked to bend the rules further than they were bent before and he feels the applicant could be asked to do something to make it a better neighbor. Johnson would not support the reduction to only one drive-thru lane and one ATM lane as that might make the situation worse and she feels that the setbacks were deficient before and some have actually been mitigated. Dennis was in agreement to the number of lanes but he would like to see the energy efficiency of the building improved and the site made more environmentally friendly. The Board has been appointed to apply the laws of the Village to special cases and the Board should consider what the applicant can provide the Village to offset the negative impacts of its failure to meet the regulatory requirements. Dubow stated the concerns of Dennis would probably be more in the realm of the Planning Board discussion. Dubow would recommend the Board review the 5 criteria for review by the BZA.

Dennis stated he could not support the project unless the Trust Company would make some type of a commitment like doing an energy audit and improving their energy profile to offset the greenhouse gas emissions from idling cars. Dubow stated this would be addressed in criteria 4 regarding the adverse effect this project may have on the environment. Eckrich stated the idea is to find a balance.

Eckrich noted that Sirois' concern about the narrowing of the drive at the exit may not been addressed. Dubow felt the curbing in this area may have resulted from the need to define the last parking space and that the Planning Board may have addressed this.

The Board then reviewed the five criteria for granting an area variance and any conditions that might be placed on the variance if granted. Board members acknowledged the conditions placed on the applicant by the Planning Board discussed earlier in the meeting and were in agreement with them and endorsed them. Dennis also wanted a condition be placed to reduce their energy consumption (heating, lighting, air conditioning) equal to or greater than that produced by cars. Eckrich stated he did not feel it was within the Board's authority to regulate this. Johnson was in agreement. Curtis stated the energy efficiency of the building is regulated by the building code and there may be statutory

limits on municipalities imposing more restrictive standards. Eckrich would rather see this as a finding rather than a condition. The Board took a straw vote on this topic to see if there was support for a condition that the Bank and its architectural team improve its energy profile to offset pollution expected to come from cars idling in the stacking lane. There was not support other than that of Dennis to include this as a condition.

Eckrich moved the following resolution which was seconded by Gillespie:

VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION FOR APPEAL NO.
2005-1 ADOPTED ON APRIL 19, 2005

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2005-1, Tompkins Trust Company to construct a canopy and two additional drive-thru lanes at their existing bank branch at 2251 North Triphammer Road in the Commercial High Traffic District, Tax Parcel No. 46.1-6-2.2. Variances are required because the canopy will exacerbate deficiencies in front yard setback for the building (Section 202.08e(3)a of the Village of Lansing Zoning Law) and front yard setback for parking (Section 202.08e(7)a) permitted by prior variance; and
- B. On April 19, 2005, the Village of Lansing Board of Zoning Appeals held a public hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- C. On April 19, 2005, in accordance with Section 712-b of the Village Law of the State of New York and Section 502.03 of the Village of Lansing Zoning Law, the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the variances are granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

- 1. The Village of Lansing Board of Zoning Appeals, in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR") and 6 NYCRR Section 617.5, hereby determines that the approval of the proposed area variances are Type II actions, constituting the "granting of individual setback and lot line variances," and thus may be processed without further regard to SEQR; and

2. The Village of Lansing Board of Zoning Appeals hereby makes the following findings with respect to the specific criteria for such area variances as set forth in Section 712-b of the Village Law of the State of New York and Section 502.03 of the Village of Lansing Zoning Law:

Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting the area variances.

Finding: No, because the neighborhood is high density commercial and this development is consistent with that character.

Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than area variances.

Finding: No, because of the constraints of the site.

Whether the requested area variances are substantial.

Finding: The lightness and openness of the structure diminishes its impact, but in terms of deficiency as a percentage of the required setbacks it is substantial.

Whether the proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Finding: There will be positive impacts such as improved pedestrian safety and diminished light pollution, and there may be adverse impacts such as increased pollution from idling cars, but no substantial impacts have been identified and the developer has indicated they will provide additional landscaping to mitigate to some extent any adverse impacts.

Whether the alleged difficulty was self-created.

Finding: The constraints of the site predated the owner and the proposed drive-thrus are consistent with the standards of the industry, but the applicant knew of the constraints when they leased the site.

3. It is hereby determined by the Village of Lansing Board of Zoning Appeals that all three aforementioned variances are granted and approved (with conditions, if any, as indicated), it being further determined that such variances are the minimum necessary and adequate to

grant relief and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community:

In granting these variances, the Board accepts and endorses the conditions attached by the Planning Board in approving the Special Permit for this project.

The vote on the foregoing motion was as follows:

AYES: Mary Sirois, Don Eckrich, Pat Gillespie, and Lorraine Johnson

NAYS: John Dennis

The motion was declared to be carried.

Approval of Minutes – October 19, 2004:

Eckrich moved to approve the minutes of October 19, 2004 as submitted. Seconded by Gillespie. Ayes by Dennis, Eckrich, Gillespie, Johnson and Sirois. Motion carried.

Adjournment:

Eckrich moved to adjourn the meeting at 9:41 P.M. Seconded by Gillespie. Ayes by Dennis, Eckrich, Gillespie, Johnson and Sirois. Motion carried.