

**Village of Lansing
Board of Zoning Appeals
October 18, 2005**

The meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:30 P.M. by Acting Chairperson Mary Sirois. Present at the meeting were Board members Don Eckrich, David Newman and Patrick Gillespie; Alternate Member John Wisor (who was appointed Acting Member for this meeting); Code Enforcement Officer Ben Curtis; Village Attorney David Dubow; and members of the public.

Appeal No. 2005 –5, Squeaky Clean War Wash addition:

The first item on the agenda was a Public Hearing for Appeal No. 2005-5, Squeaky Clean Car Wash, to construct a 2800 sf addition to the existing car wash at 2326 North Triphammer Road to include 4 self-serve car wash bays and accessory office space. The property is located in the Commercial High Traffic District, Tax Parcel No. 47.1-1-17.5. Two variances are required from Section 202.08(e) because the addition will enlarge an existing front yard deficiency on the south side and create a new side yard deficiency on the west side.

Planning Consultant George Frantz made the presentation for owner Gary Sloan. Present also was Architect Ernie Bayles. Frantz stated that the applicant was seeking a variance for a deficient front yard setback along Catherwood Road and a side yard deficiency on the west side. The front yard deficiency merely extends that of the old gas station which predated the Village Zoning Law. The side yard deficiency is necessitated because the self serve bays can only be located on the west side of the building and the minimum feasible size only leaves 9' to the west property line. The addition has a 2200 sf footprint for the self-serve bays with a 560 sf office space dormer addition above the bays. The proposed west wall of the new bays is approximately 9 feet from the property line where 25 feet is required. At the closest point, the addition is 33' from the front property line along Catherwood where 75' is required. This is the same as the existing building which predated the Village. The self-service car wash will be the only one in the Village of Lansing. The proposal includes a retaining wall on the west side as well as a 9 foot exit lane for customers who decide not to use the facility. There will be a small retaining wall between the existing car wash and the new self-serve bays that will separate exiting traffic. The view looking west from North Triphammer Road will not be affected.

The issue raised previously about the visual impact of the retaining wall has been addressed. The wall will not be plain concrete but will be finished to look like stone. The impact of the wall on the visibility of other businesses like those in Lansing Village Place would be minimal. Frantz showed the Board drawings depicting the site as currently exists with the bank, shed, stockade fence and car wash. Frantz also showed the Board a depiction of the site and surrounding area with the retaining wall. Frantz stated from North Triphammer Road there would be a slight increase in elevation but the wall would only be about 18 inches above the pavement with a picket fence on the top of the concrete wall to keep people from sitting on the wall or falling from it. The views were all taken from the level of a

car driver and to show the lack of visual impact from North Triphammer Road. Frantz also noted a significant amount of brush would be removed which currently blocks the view to Lansing Village Place.

Eckrich asked about fill along the western edge of the lot. Frantz responded that there would be fill and the existing drainage swale would be replaced with underground piping.

Frantz stated this would not create an undesirable change in the neighborhood as it replaces a very unsightly embankment which is hard to maintain. It is also not a residential neighborhood. Vines are also contemplated to screen or break up the view of the wall from Catherwood Road.

Dubow stated this has already gone before the Planning Board for Special Permit approval and many of the same issues were discussed. The Planning Board conditions include approval of the Landscape Plan, approval for the stormwater management plan and drainage acceptable to the Village Engineer, approval of the Lighting Plan by the Lighting Commission, and approval of a traffic circulation plan by the Village Engineer.

Eckrich stated the wall structure in the first plan appeared to be higher than that presently proposed. Frantz stated the proposal has always included enclosing the ditch and the height of the wall has not changed and is about 11 feet plus the fence atop the wall. Regarding the escape lane, it is about 9 feet to the roof overhang, but at car level is really about 10 feet at its narrowest point.

Sirois asked about the height of the retaining wall. Bayles stated the wall would be about 2 feet or so above the paved surface or at bumper height but the fence would then extend to about 42 inches above the paved surface. The fence will be made of a composite or vinyl sufficient to resist human impact, but not that of a car.

Sirois asked about the concrete retaining wall between the present and proposed car wash exits. Bayles stated it would be about 2 feet high but would not have a fence atop it. Its function is to keep the traffic leaving the existing and proposed car washes separated. The proposed drive for the self serve bays is one way.

Newman asked about the queuing for the proposed car wash bays. Bayles explained how the car wash would work. Drivers would enter and proceed to the forward bays and begin washing. Those following would enter and wash in the second bays. When both have moved out, new cars will enter and proceed to the front bays and so on. The second car will control the flow of traffic. In time, drivers from North Triphammer Road will see if there is a backup and will not enter the site if it looks backed up. The escape lane is for those who decide not to proceed through the car wash. Bayles stated it is a learning experience for drivers and Sloan is confident this will work and if it does not then it will be a problem for him as a businessman. Newman stated those using the self-serve might like to use chamois cloths and spend more time on their cars, and he wonders if this site accommodates these people. Bayles stated during the busiest times there will be personnel on site to assist drivers. Bayles

stated such delays might create an awkward situation, but it is not a dangerous situation. Drivers can opt to leave through the escape lane and then re-enter to vacuum their vehicles, for example, if that is what they wanted. There would be signage to direct vehicles. Dubow noted that Sloan reported to the Planning Board that he has seen a similar operation in the Albany area and he has seen it in operation and it works. Dubow stated the Planning Board felt comfortable with Sloan's answers, but made their approval subject to the Village Engineer's review and approval. Frantz stated Sloan has convinced him that this project can work and the waiting time will be short. Newman expressed his concerns regarding the traffic situation at North Triphammer Road and Catherwood Road and wondered if this would exacerbate the situation. Frantz stated that Cross was more concerned with the internal on site traffic situation and making sure there is adequate parking and signage. He did not seem particularly concerned about the Triphammer Catherwood intersection.

Sirois asked about employee parking. Frantz stated there are more parking spaces than needed. Dubow stated the Planning Board committed to a number of parking spaces but all may not be used during the different seasons as some of them would be for detailing of vehicles which is done when the weather is nice and when that ends, additional vehicles could be parked in the front area when the car wash is busier in the winter.

Dubow stated the original proposal was for 4 variances and two variances have been eliminated. Frantz stated the two variances which were eliminated were both for parking up to the wall on the west side and to the property line on the north side. While that area is still going to be paved area it will not be used for parking. Curtis stated there must be a physical barrier of some sort to keep people from parking in that area. Bayles stated there will be adequate room on site for parking without using this space. Curtis stated Pyramid Mall has an area which is used as a ring road but parking is not allowed on it and it is separated from the parking area by raised islands. There are many options available on this site such as curbing, restoring vegetative cover, etc.

Sirois asked about the dumpster. It is in the area designated for employee parking and cars can be moved as needed and access kept clear for the truck when it is scheduled for pick up .

Eckrich asked to see where the 75 foot setback would be from North Triphammer Road. Bayles stated it is at the front façade of the building.

Wisor asked about the wall again. Bayles stated it would be a darker colored cement rather than a white shade. The wall will turn a corner at the north end.

Sirois asked about the drainage ditch. Bayles stated all the water would go to an underground pipe on the east side of the wall.

Sirois asked about landscaping. Regarding trees, Bayles stated the applicant is not in a position to plant trees along the wall and the current proposal is for vines. Bayles stated Sloan has been speaking with Lansing Village Place owner Andy Sciarabba and they will work it out in order for the project to

proceed. Regarding the trees at the exit, Bayles stated one of the trees would remain and the other will be replaced with an existing tree from the North Triphammer Road reconstruction. Multiple shrubs along the bank will be removed to make it easier to see Lansing Village Place. Bayles stated there will also be concessions, such as the color of the wall, as the project proceeds to accommodate Sciarabba.

Eckrich asked if Sloan addressed the size of the escape road in his presentation to the Planning Board. Dubow stated he could not recall. Frantz stated that 10 feet is quite common for an escape road and is more than adequate. This width of the road slows drivers down and makes them more cautious and serves as a traffic calming measure. Bayles stated there are many possibilities for signage to assist drivers. Dubow stated the Village Engineer will address the issue of traffic circulation and signage as a condition of the Planning Board's approval. Bayles stated there will also be personnel on site to assist with the traffic flow.

Sirois stated the Board should be dealing with setbacks. Eckrich stated the 5 foot staircase extending the full length of the building seemed like an unnecessary use of the space and if it were moved to within the existing building, the exit lane could be increased, and the setback deficiency decreased, by the width of the stairs. Bayles stated this has been discussed and the space in the existing building is fully utilized for the existing operation so this is not an option. Bayles stated that Sloan is confident that the project can work with the 9 foot escape lane which is narrow and might not be useable for all vehicles but would work for the vast majority of vehicles. Frantz stated the lane would be wide enough for almost any vehicle but some drivers might not feel comfortable using the lane.

Newman asked about the queuing. Bayles explained that all vehicles would enter the site as directed. At one point self-service would go one way and the automatic service would go another. Then signage would direct drivers to wait until one of the self-serve lanes opened. There would be room for 6-8 cars with a 15 minute wait time. If potential customers on North Triphammer Road see the lines they would probably not enter the site at that time. Newman stated there is already a traffic problem at the intersection of Triphammer and Catherwood and he would not like to see it become significantly worse. Bayles stated that at the June 3, 2003 BZA meeting, Sloan indicated that there would be 1 car coming through each self-serve car wash lane every 6 minutes which would equate to 20 cars an hour at full capacity or 200 cars a day for a 10 hour day although the self-serve car wash would be open 24 hours a day.

Dubow stated many of the concerns discussed tonight were discussed by the Planning Board. Dubow then read the criteria the Board must review in determining whether to grant or deny the variance. The Board must balance the benefit to the applicant against the potential detriment to the neighborhood or community. Newman stated he felt this is a self-created situation. Dubow stated each Board reviews the criteria applicable to its authority and responsibilities independently of the other Board. Dubow stated the Planning Board has made a recommendation and realizes that the BZA must make their own decision.

Curtis stated he has received Proof of Mailing.

Sirois appointed John Wisor as an Acting Member for tonight's meeting.

Sirois opened the Public Hearing.

Eckrich asked about the picket fence. Bayles stated the top would be 42 inches above the paved surface and would be placed anywhere there is a greater than 30 inch fall which would be most of the length of the wall. There are no plans to go higher than that.

As there was no one who wished to speak, Gillespie moved to close the Public Hearing. Seconded by Wisor. Ayes by Eckrich, Gillespie, Newman, Sirois and Wisor. Motion carried.

Eckrich stated there are several positive things in favor of the project such as the endorsement of the Planning Board, the attractiveness of the building, the need for self-serve bays, the design of the wall with the picket fence, and the separations of the existing and proposed car wash exit lanes. Although there are many good points and Eckrich does not feel it will be a detriment to the area, he is concerned about the escape lane and the queuing and feels it is a tough call in balancing the benefit and detriment. Eckrich also asked about the number of curb cuts permitted. Curtis stated size, number and configuration of curb cuts for commercial businesses is determined by the Planning Board.

Eckrich commended the applicant on their presentation and visual aids. Dubow stated that the last time the applicant was in, the Board also stated they appreciated the presentation.

Newman stated he is concerned about the number of days when there might be a problem with traffic. Sirois stated there could be ways to minimize problems through traffic control and the use of personnel. Newman stated his concerns were for busy days. Newman stated there is not really a place to queue from North Triphammer Road. Wisor stated Moore's Tree Farm in Lansing uses personnel to direct traffic at their busiest times. Newman asked about mitigation and whether conditions could be set. Dubow stated that the Board has the right to set conditions.

Eckrich asked about security measures and the impact of lights on neighboring properties since the self-serve bays would be open 24 hours a day. Sirois felt she remembered it being stated it would be open only the same hours as the existing operation. Bayles stated he thought they planned to operate 24 hours and that the facility had no doors to keep drivers out. Wisor also recollected that it was stated it would be open longer hours. Dubow stated the Lighting Commission would be addressing the lighting.

Eckrich stated this variance would last forever and what happens when the variance is granted and the car wash is built and it might falter and go out of business, but the building remains.

Dubow noted that as this was an area variance for a permitted use it is exempt from SEQRA.

Board members then discussed the findings for the application and possible conditions for approval. Gillespie moved the following resolution, seconded by Eckrich.

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION FOR APPEAL
NO. 2005-5 ADOPTED ON OCTOBER 18, 2005**

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2005-5, Squeaky Clean Car Wash, to construct a 2800 sf addition to the existing car wash at 2326 North Triphammer Road to include 4 self-serve car wash bays and accessory office space. The property is located in the Commercial High Traffic District, Tax Parcel No. 47.1-1-17.5. Two variances are required from Section 202.08(e) because the addition will enlarge an existing front yard deficiency on the south side and create a new side yard deficiency on the west side; and
- B. On October 18, 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. One October 18, 2005, 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, the Village of Lansing Board of Zoning Appeals, determined that the proposed setback variances are a Type II action, and thus may be processed without further regard to SEQR; and
- D. On October 18, 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 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, it could actually be an improvement if the color and appearance of the wall was that of a natural looking medium gray tinted concrete textured to look like stone.

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

Finding: In order for this operation to be feasible the size of addition can not be reduced to the point where a variance would not be required.

Whether the requested area variances are substantial.

Finding: Yes, and unavoidably so.

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

Finding: It could exacerbate traffic problems in the area, but this could be mitigated by installing a sign prohibiting left turns onto Catherwood Road out of the self-serve bays. The Board strongly recommends this be done subject to review and approval by the Village Engineer.

Whether the alleged difficulty was self-created.

Finding: Yes, this is a functioning business established on this site well after adoption of the Zoning Law and the owner is seeking to expand the business knowing the limitations of the site.

2. It is hereby determined by the Village of Lansing Board of Zoning Appeals that the following 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:

1. **The required front yard building setback on the south end of the building facing Catherwood Road shall be reduced from 75 feet to 33 feet.**

2. The required side yard building setback on the west side shall be reduced from 25 feet to 9 feet.

Conditions of Variances:

- a. In granting the foregoing front and side yard setback variances, the Board accepts, endorses and incorporates the conditions attached by the Planning Board in its approval of the Special Permit for this project granted on September 12, 2005, which approval was conditioned upon this Board granting such variances.
- b. The color and appearance of the wall shall be that of a natural looking medium gray tinted concrete textured to look like stone.
- c. The Board strongly recommends installing a sign prohibiting left turns onto Catherwood Road out of the self-serve bays. The requirement to implement this recommendation shall be subject to review and approval by the Village Engineer.

The vote on the foregoing motion was as follows:

AYES: Pat Gillespie, Don Eckrich, Mary Sirois, John Wisor, and David Newman

NAYS: none

The motion was declared to be carried.

Approval of Minutes – June 21, 2005:

Newman moved to approve the minutes of June 21, 2005 as revised. Seconded by Wisor. Ayes by Eckrich, Newman, Gillespie, Sirois, and Wisor. Motion carried.

Other Business:

Curtis distributed materials from Wisor. Sirois stated Wisor went to the Planning Federation meeting in Saratoga Springs. Wisor stated he would highly recommend attendance at this meeting to others as the presentations as well as discussions were excellent for Planning Board or BZA members.

Curtis did a quick quorum check for Nov. 15 for Colonial Vet. Everyone thought they could be there.

Adjournment:

Eckrich moved to adjourn the meeting at 10:00PM. Seconded by Gillespie. Ayes by Eckrich,

Gillespie, Newman, Sirois and Wisor. Motion carried.