

**Village of Lansing  
Planning Board Meeting  
September 8, 2003**

The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by Chairman Ned Hickey. Present at the meeting were Planning Board Members Phil Dankert, Carol Klepack and Maria Stycos; Alternate Member John Piscopo; Trustee Liaison Lynn Leopold; Attorney David Dubow; part-time Clerk Carol Willard; and members of the public.

**Public Comment:**

Hickey opened the Public Comment period.

As there was no one present who wished to speak, Klepack moved to close the Public Comment period. Seconded by Stycos. All aye.

**Charter One, Amendment to the Tops Planned Sign Area:**

Hickey stated the first item on the agenda was a proposed amendment to the Tops Planned Sign Area for Charter One Bank. Charter One Bank is a full service bank. The Board has received a letter from Sherry Finzer, Permit Expeditor for Total Identity Group, who is applying for signage for Charter One Bank. Hickey also copied members with the Dec. 13, 1999 Planning Board minutes where the Board approved the original Tops Planned Sign Area including 25 sf for a Playland sign and 25 sf for a Blockbuster sign on the Tops Market store front. Ralph Baranes from Total Identity Group made the presentation. Baranes stated Charter One is located in the Tops building. There are about 70 or 80 of these banks within Tops stores. The goal is to identify the business and preference is for a blue sign on the building rather than on the pylon. Baranes stated the Playland sign was never installed but it was approved. Baranes further stated that Tops does not plan to ever install the Playland sign. Charter One is requesting a 45.1 sf sign.

Hickey stated the initial denial for the bank was because there was no separate entrance which is required by the Sign Law. Playland was originally to have had a separate entrance. Hickey also stated that the bank and pharmacy did not get approval because there were no separate entrances. Additionally, Hickey stated all supplementary signs were limited to 25 sf.

Baranes felt the sign could be downsized if required although it would not be as visible. Baranes also stated he was aware that the sign might not be allowed at all. Baranes also stated that he often must approach Boards of Zoning Appeals to get variances because there is never a separate entrance.

Hickey stated Charter One Bank could go directly to the Board of Zoning Appeals.

Dubow stated the Planned Sign Area is intended to supercede the normal requirements of the Sign Law to provide flexibility to incorporate design solutions that enhance the visual appearance and functionality of signage in an area to a greater degree than strict adherence to the standard requirements of the Sign Law would permit. The Trustees must approve changes recommended by the Planning Board in order for those changes to become effective.

Dankert was concerned about setting a precedent for other businesses who might have been denied a sign in the past and would now like to acquire one.

Hickey did not know if this would be the case. Hickey stated that Code Enforcement Officer Ben Curtis can approve a sign where there is a separate entrance.

Baranes stated there is not a separate entrance and the bank knew there was the possibility of no sign prior to going in.

Klepack stated that the bank is similar to Dicks and Borders at Pyramid Mall which need to be seen from N.

Triphammer Road and although they do have separate entrances those entrances are on another side.

Hickey stated the bank shares an entrance with Tops Market and could apply for a variance for a suitable sign of 25 sf. The Planned Sign Area could be changed to permit a sign where there is a shared entrance if the Planning Board makes such a recommendation to the Board of Trustees and they approve it.

Stycos asked if a sign for a shared entrance would require a major amendment to the Planned Sign Area. Hickey stated it could be done for the Tops Planned Sign Area as a minor amendment. Pyramid Mall, however, might then request a similar change. Triphammer Mall Planned Sign Area is different as each individual business has a separate entrance and a separate sign on the façade.

Klepack stated if the sign fits within the total square footage originally approved it would provide for advertising and visual identification.

Leopold questioned why there is not a separate entrance at Tops for the bank. Baranes stated none of the existing banks have separate entrances although there are different arrangements – some are in vestibules and some have hours different than the store. Hickey stated he would not like to see signs displayed for ATMs only but this is a request by a full service bank.

Dubow read from the Planned Sign Area for the Tops plaza. The Board can consider overall criteria which make sense and can modify the rules for this bank consistent with that criteria. The difference would essentially be to change the Playland sign to the Charter One sign.

Leopold asked if neither Playland nor Blockbuster were ever built, can Charter One get the additional square footage from both signs? Klepack noted that there is 50 sf available for additional signage and 25 sf may look too small.

Baranes stated that Total Identity Group is the designated agent for Tops Market in seeking approval for this amendment. Tops did approve replacing the previously approved 25 sf Playland sign and he can not say whether they would agree to replacing both that previously approved sign and the previously approved Blockbuster sign with one larger sign. Dubow stated the Board can recommend taking the 25 sf originally reserved for Blockbuster and adding it to Charter One to allow for a 50 sf sign. In order to do this, a letter would be needed from Tops agreeing to this. Dubow would recommend such a letter be obtained if this is how Charter One Bank would like to proceed. Charter One Bank will be placed on the September 30<sup>th</sup> or October 13<sup>th</sup> agenda. Hickey stated that Curtis would be back on Monday and he will speak with him. Board members were in general agreement to allow all the unused sign area to be used for the bank. Baranes feels the bank would also prefer this option.

#### **Open Space Report** – Stycos:

Stycos gave the Board an update on Open Space. Stycos has met two times with Margot Chiuten, Kathryn Wolf and Lynn Leopold. The first meeting was to determine the desired outcomes. The second meeting concentrated on requesting maps showing undeveloped plots of land in the Village. The third meeting is scheduled for the end of September and Wolf will make a presentation after that date.

Stycos stated some of the desired outcomes are: to develop tools to protect open space (zoning, land acquisition) and to make this information available to residents; to identify open space for shared resources; to protect Unique Natural Areas, esthetic views from sprawl; to inventory and analyze infrastructure types and locations; to obtain GIS maps; to survey information regarding open space; to hold public meetings; to review proposals for Poison Ivy Point and the Crossmore Subdivision; and to bring in as a guest speaker Bob Corby, Mayor of Pittsford.

Hickey stated that the Newsletter will be published in mid October and this would be a good venue for an informational article regarding open space. This would allow for those reading the Newsletter who have an interest in this topic to make contact with the Village. Stycos will provide Willard with an article by Sept. 26.

#### **Voting Requirements:**

Dubow referenced the previously distributed handout and recommended all members read it. Dubow stated that a couple of years ago a case was brought before the Court of Appeals in NY, regarding an appeal where a motion to approve a variance was made but a majority of the full Board did not vote in favor of the motion. The question then arose as to whether since a majority did not vote for approval, did that then mean the variance was denied. The Court ruled that the failure of the motion to approve did, in the case of a BZA, constitute a denial of the variance. This ruling has been incorporated into the Statutes of New York. The Planning Board may have the same issues when dealing with a Special Permit or Subdivision approval. If there is a motion to approve and it does not obtain the requisite votes or a majority of the full Board, is that automatically equivalent to a majority of the Board voting to deny the application. The new legislation adopted in New York now provides in the case of a Planning Board that this constitutes no action rather than a denial of the action. Denial requires further action. Dubow stated there are time requirements, especially in subdivisions, where action is needed by the Board by a specific date. Dubow stated that if the Board votes do not approve an action, then the Board must specifically vote to deny the action or it could be deemed to have been approved. Taking no action within the time limit prescribed by State Law can constitute approval. It is important that the Planning Board get approval of the applicant to extend the deadline if it is not prepared to either approve or deny an application within the prescribed time limit. Dubow stated the Board can either disapprove the project or can get consent from the applicant to an extension of the time limit. Hickey noted that the Pyramid Mall expansion required 3 such approvals of extensions. Dubow stated that a majority of the full Planning Board must approve or deny an action or it is deemed to have taken no action. In summary, Dubow stated that the majority of the full Planning Board is needed for action. Also, failure of a motion to approve or deny does not in each case result in the opposite action.

**Approval of Minutes – August 11 & 26:**

Dankert moved to accept the minutes of August 11<sup>th</sup> as revised. Seconded by Klepack. All aye.

Klepack moved to accept the minutes of August 26<sup>th</sup> as revised. Seconded by Dankert. All aye.

**Other Business as Time Permits:**

Hickey noted that there is a manual on the traffic calming course taken by Dennis Reinhart, Phil Dankert and John Piscopo on the Planning Board shelves for use by Board members.

Hickey stated there was no Board of Trustees meeting for Sept. 1<sup>st</sup> so there was nothing to report.

Hickey stated the Town of Lansing has sent a draft Zoning Law to the Village for review. Hickey looked at requirements for properties abutting the Village and has found them compatible with those of the Village. Hickey has given the Law to Curtis. Hickey expressed an interest in having a joint meeting with the Town Planning Board but they have been too busy with this Law.

Leopold distributed photographs of downtown Bellingham, Washington to show wayfinding signs (standardized posts with round blue circles and arrows showing library, parking, etc.), pedestrian crossings (large zebra striped), banners, center islands with angled parking. Leopold felt this was a very pedestrian friendly village.

Dankert stated he and Piscopo have met regarding traffic calming ideas for Lansing Trails and Dart Drive areas. They will provide a report at the October 13<sup>th</sup> meeting.

Stycos noted that Billy Bob Jacks Restaurant needs to have trees replaced as they have died. Hickey has spoken to Gary Sloan about them. Hickey will advise Curtis to write a letter. There is also a need to rebuild the fence around the dumpster area.

**Lake Placid Conference:**

Hickey stated the Lake Placid Conference is scheduled for September 21<sup>st</sup> – 24<sup>th</sup>. Attendees will be Curtis and Piscopo. Stycos would like to go on Sunday and return Monday and will contact George Frantz about carpooling. Piscopo and Curtis will travel together.

**Adjournment:**

Klepack moved to adjourn at 8:35 P.M. Seconded by Stycos. All aye.

