

**Village of Lansing
Planning Board Meeting
November 8, 2010**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by Chairman Mario
2 Tomei. Present at the meeting were Planning Board Members, Phil Dankert, Richard Durst, Maria Stycos
3 and Lisa Schleelein; Trustee Patricia O'Rourke; Village Attorney David Dubow; Code Enforcement Officer
4 Marty Moseley; and Community Party Observer Robert Schleelein.

5

6 **Public Comment Period**

7 Tomei opened the public comment period. Robert Schleelein noted that he was the Community Party
8 Observer. With no one else to speak, Durst moved to close the public comment period. Seconded by
9 Dankert, Ayes : Tomei, Dankert, Durst, Stycos, and Schleelein.

10 **Sign Law Discussion**

11 Tomei explained that the Village land use regulations can often be interpreted in many different ways,
12 and the Planning Board should attempt to make the Village Code as clear as possible for any future
13 Zoning Officers. Tomei noted that all Planning Board members should participate in working through the
14 Village Code provisions which regularly affect Planning Board action. Tomei read section 115-2, A-4, of
15 the Sign Law which reads: (4) Legible in the circumstances in which they are seen. Tomei noted that his
16 interpretation of this is that the letters need to be large enough to be able to be read while driving by so
17 it doesn't become a traffic hazard. Durst suggested that for clarity purposes it be changed to read: (4)
18 Legible in the circumstances in which they are to be seen. Tomei read section 115-2 D, which reads: D.
19 To enhance the physical appearance of the Village by preserving the scenic and natural beauty of the
20 area. Tomei noted that if a sign is blocking natural beauty then it should be moved as not to block it.
21 Dubow noted that the provisions in this section are intended for general and introductory guidance
22 purposes with more specific and binding regulations and restrictions set forth in subsequent sections.
23 Schleelein asked if Moseley thought that there were areas in the beginning of the Sign Law that could be
24 improved. Moseley noted that he was more concerned about later sections in the Sign Law that include
25 the specific and binding provisions. Schleelein asked if the beginning of the Sign Law was standard
26 wording. Dubow agreed that it was, and stated that the introductory language is basically aimed at
27 balancing the respective benefits to both the Village and the sign applicant. Dubow added that the
28 general goals and standards are implemented by how the rest of the Sign Law has been designed; for
29 example, the Sign Law dictates that certain sized signs, as opposed to larger signs, may be allowed
30 because they comply with the general requirement to protect the natural beauty of specific areas.

31 Schleelein asked how the maximum size of a sign area is calculated. Moseley noted that if a box
32 was to be placed over the letters of the sign the width and length would then be calculated to
33 determine if the sign would be permitted. Stycos stated that section 115-2, H should be clarified. Dubow
34 noted that subsections B and D are explaining the same thing that H is trying to explain. Durst noted
35 that section 115-5, sub section D on page 11505, which reads: D. A sign or lighting device may not be
36 supported or attached, wholly or in part, over or above any wall, building or structure. Schleelein noted
37 that the light could not be installed above any building, so it would not adversely affect pedestrians.

38 Dubow stated that the Village Code is an evolving document with respect to which there have
39 been prior amendments and will have future amendments. Dubow referenced the most recent
40 amendment to the sign law which dealt with Homewood Suites and the way-finding signs that were
41 authorized. Dubow pointed out that the amendments to the Village Code are often based on cause and

42 effect. If an issue is raised as to a particular provision of the Village Code, then the Planning Board will
43 generally look at the provision in question and determine if an amendment would be justified.
44 Schleelein asked about the enforcement of the Village Code. Moseley noted that it is based upon
45 complaints that may be brought to the Village's attention and visual inspections during his daily routine.
46 Schleelein asked about the Triphammer Mall signs and if they were in any violation. Moseley explained
47 that the Triphammer Mall, like all of the malls in the Village, is governed by a previously approved
48 planned sign area as is permitted under the Sign Law, which enables the Village to regulate all of the
49 mall signs in an overall and collective way which in turn gives some flexibility to the mall. Stycos noted
50 that the tall clock tower, that also has a Triphammer Mall sign, was not allowed to install any business
51 signs on the tower.

52 Schleelein stated that section 115-7.1 subsection A-1, which reads: Identification signs at
53 vehicular entranceways. There may be at most two (2) such signs, at most one (1) at each entranceway.
54 Each such sign may be at most sixty (60) square feet in area. Schleelein noted that the Shops at Ithaca
55 Mall has three entrances, and what that meant for signage. Moseley noted that based upon the basic
56 provisions of the Sign Law, there could only be at most two identification signs for all three entrances, in
57 which case the mall could pick the two entrances where they wanted to have the signage, but since the
58 mall has a planned sign area the signs could possibly be allowed at all entrances if it was written into the
59 planned sign area.

60 Dubow pointed out that planned sign areas are governed by section 115-10 subsection A, which
61 reads: The purpose of a planned sign area is to introduce a degree of flexibility in the conventional
62 regulation of signs in such a way as to encourage improved visibility, readability, coordination of height,
63 color, shape, lighting and other sign design features which will lessen the distracting demand for
64 attention which confronts the public in areas in which travel safety, pedestrian security, business
65 identification and attractiveness of the environment are important factors to the mental and physical
66 well-being of consumers and residents. This section recognizes that while size, lighting, location, color,
67 material and informational content are appropriate control functions for the regulation of signs in the
68 Village, these regulations cannot sensitively handle all of the sign situations in a community as diverse as
69 the Village. Special areas, by virtue of certain aspects of their location, size, proximity to other
70 businesses or buildings, variety of services, density of development or traffic conditions, provide the
71 opportunity to enhance the visual appearance which might otherwise be limited by strict adherence to
72 the sign regulations now or hereinafter adopted or amended. Such areas may at the same time provide
73 a planning opportunity to influence the economic prosperity of the Village by providing an attractive
74 environment for shopping and obtaining goods and services. Therefore, where the planned sign area is
75 deemed appropriate, the conventional sign regulations set forth elsewhere in this chapter are hereby
76 replaced by an approval process by which an approved sign development plan becomes the basis for an
77 alternative means of sign regulation. Dubow noted that this section therefore enables an approved
78 planned sign area to supersede the otherwise applicable regular Sign Law regulations.

79 Tomei noted section 115.7 subsection A(4), which reads: Within a mall parking lot or in private
80 driveways leading to such parking lots, there is no limit to the number of directional signs of one (1)
81 square foot or less, provided that the signs must be at least fifty (50) feet from a public road right-of-
82 way or must not face such public road. Collections of such signs may be placed on a building façade or
83 may be freestanding. In any such collection, there can be no more than one (1) sign per establishment.
84 Tomei questioned why this would be in practice. Dubow explained that these regulations very likely
85 resulted from a previous determination that drivers might be distracted if the signs were to be placed in
86 different locations and positions. Schleelein asked if section 115-7.3 was referencing the area that the
87 Cayuga Medical Center Convenient Care was located. Dubow explained that in 2009 the Board of

88 Trustees, on the recommendation of the Planning Board, amended section 115-7.3 to permit way-
89 finding signs in the Human Health Services District in an effort to facilitate vehicular travel within the
90 Arrowood Drive and Brentwood Drive areas.

91 Dankert asked if the Zoning Officer for the Village is supposed to check the political signs in the
92 Village for the name and address of the sponsoring person or organization, the date of posting and the
93 name of a person responsible for their removal. Schleelein asked if a sign did not have this information
94 on it, then does that give the Zoning Officer the authority to remove the sign. Dubow noted that part of
95 the reason for the Sign Law review is to address enforcement issues. Schleelein asked if a political sign
96 was still up after the election, what would be the time frame to require the sign to be removed. Tomei
97 suggested that the Planning Board extend the 30 day maximum time frame allowed for political signs to
98 be erected to 60 days. Upon further discussion, the Planning Board decided to leave the 30 day
99 maximum time frame in place for the time being. Dankert asked what happens to signs that are erected
100 on Village property or Village rights of way. Moseley noted that under the right circumstances the
101 Village would be allowed to remove the signs after a written notice was served by the Village and 2 days
102 had passed from the receipt of the written notice. Tomei noted that there is no reference to how large
103 the political signs are allowed to be. Upon further discussion the Planning Board suggested that 6 square
104 feet be the maximum, but would like Moseley to check with the neighboring municipalities to see if they
105 have any regulations for maximum allowable square footage for political signs before recommending
106 changes to the Board of Trustees. Dubow pointed out that there is currently no maximum number of
107 political signs that are allowed per lot in the Sign Law, so someone could possibly have multiple signs in
108 their front lawn. Schleelein asked if yard sale signs are permitted. Moseley noted that they are allowed
109 on premises, but not off premises.

110 Tomei noted section 115-8 subsection C, which reads: Within a Commercial or Business and
111 Technology District, signs of a temporary nature announcing the opening or reopening of a business may
112 be erected with a permit for a period not to exceed fourteen (14) days, provided that such sign does not
113 exceed fifty (50) square feet in size, such sign is entirely attached to the building and such sign is not
114 placed in such a position as may obstruct or impair vision or traffic or in any manner create a nuisance,
115 hazard or disturbance to the health and welfare of the general public. Dubow noted that there are
116 currently no freestanding signs allowed in the Sign Law for the opening or re-opening of a business.
117 Schleelein asked what should or would be allowed. Moseley noted that if the Planning Board would like
118 to make a suggestion, they could incorporate language like in section 115-7.1 subsection C, which reads
119 as follows: Other establishments (including stores not in a shopping mall) Identification signs. There may
120 be at most two (2) such signs, one (1) of which may be freestanding. The freestanding sign for a single
121 business must not exceed nine (9) square feet in area. Only one (1) freestanding sign is permitted for
122 multiple businesses on one (1) parcel of land. The total sign area of all signs erected on one (1)
123 freestanding sign, in the case of multiple businesses, must not exceed eighteen (18) square feet in area.
124 The building mount design, or signs, must not exceed one (1) square foot for each two (2) linear feet of
125 building facade. The sum of the total sign area of all signs on the building must not exceed fifty (50)
126 square feet, regardless of the number of businesses operated therein. The Planning Board asked
127 Moseley to research the grand opening and re-opening signs to see what is allowed in other
128 municipalities.

129 Schleelein asked about the current requirement in section 115-12 subsection F(1) and (2) which
130 requires the Board of Trustees to approve the removal of sign(s) that are in violation, and assess all costs
131 and expenses incurred in the removal against the premises or building upon which such sign was
132 located. Dankert asked if section 115-11 (non-conforming signs) is relevant to the current Sign Law
133 provisions. Dubow noted that if the Sign Law was to be changed that might result in a non-conforming

134 sign, which under some circumstances might then allow a property owner some time to bring the sign
135 into compliance. Tomei suggested that the Zoning Officer should not have to wait for a Board of
136 Trustees meeting, and a decision from the Board of Trustees, before an unlawful sign should be required
137 to be removed. Dubow noted that all the possible revisions that are being discussed will need to be
138 further evaluated by the Planning Board resulting ultimately in recommendations to the Board of
139 Trustees for amendments to the Sign Law and incorporation into the Village Code. Dubow pointed out
140 that under section 115-12, subsection F (1) is different than subsection F (2) in how it deals with sign
141 violations and remedies. In response to a question regarding signs improperly placed within a Village
142 right of way, Dubow noted that the Village would need to be notified of the violation, which would then
143 give it the right to remove such sign after the required written notice had been delivered.

144 Moseley asked if there were any amendments that the Planning Board would like to make to
145 allow off premises real estate signs. Moseley noted that there are not many municipalities that regulate
146 real estate signs. Moseley highlighted as an example the real estate signs at the end of Bomax Drive for
147 Lansing Trails II. Moseley explained that Ivar Jonson's concern is that the real estate signs are one of the
148 few ways to find his houses for sale, especially down Bomax Drive. Durst suggested that a permit for real
149 estate signs might work well. Moseley asked if the Planning Board would like to permit temporary signs,
150 like "now hiring", in commercial districts for a specified number of days per year. Moseley added that
151 the Planning Board could also consider recommending temporary signs for residential as well, like
152 garage sales. Tomei noted that most of the garage sale signs are not professional and are unsightly.
153 Dubow reminded the Board that whatever regulations and restrictions are provided by the Village will
154 ultimately need to be enforced when necessary. Dubow noted that the fee section should be examined
155 and possibly adjusted. The Planning Board determined that the garage sale and real estate signs should
156 be left as is in the Sign Law. The Planning Board suggested that Moseley come up with some suggestions
157 and language for the proposed changes based on the Board's discussion and what other neighboring
158 municipalities enforce.

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160 **Other Business**

161 Tomei noted that the shopping carts are still an issue in the Village, especially along Graham
162 Road. Moseley noted that he has called the businesses associated with the carts and asked them to
163 collect and remove the carts. The Planning Board briefly discussed possible solutions to the cart
164 problem, but did not come to any formal conclusions.

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166 **Approval of Minutes**

167 Durst moved to accept the minutes, as corrected, of October 26, 2010. Seconded by Stycos, Ayes: Tomei,
168 Dankert, Durst, Stycos, and Schleelein.

169 **Reports**

170 *Trustees*-Durst reported on the November 5th Trustees meeting (and for a more in depth report, please
171 see the minutes of that meeting). Durst noted that the Board of Trustees approved Jonathan Kanter as
172 the alternate member for the Planning Board, and also approved Mark Mahoney to represent the
173 Village on the Joint Youth Commission. Stycos noted that Mark Mahoney contacted the Community
174 Party and showed interest in a Board of Trustees position if one became available. Tomei noted that he
175 suggested Mahoney contact the Community Party for that reason if he was interested.

176 **Adjournment:**
177 Durst moved to adjourn at 9:15 P.M. Seconded by Durst. Ayes: Tomei, Dankert, Durst, Stycos, and
178 Schleelein.