

**Village of Lansing
Planning Board Meeting
November 30, 2010**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:32 P.M. by Chairman Mario
2 Tomei. Present at the meeting were Planning Board Members, Phil Dankert, Richard Durst, and Maria
3 Stycos; Alternate Board Member Jonathan Kanter; Trustee Patricia O'Rourke; Code Enforcement Officer
4 Marty Moseley; Village Attorney David Dubow; and Community Party Observer David Robertshaw.

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6 Tomei appointed Kanter as an acting member for the meeting due to the absence of Planning Board
7 member Lisa Schleelein.

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9 **Public Comment Period**

10 Tomei opened the public comment period. David Robertshaw noted that he was the Community
11 Party Observer. Robertshaw stated that he had a comment on signs and would wait until the
12 appropriate time to do so, since there was an agenda item that dealt with signs. With no one else to
13 speak, Durst moved to close the public comment period. Seconded by Dankert. Ayes : Tomei, Dankert,
14 Durst, Stycos, and Kanter.

15 **Sign Law Discussion**

16 Tomei noted that Moseley had been working on amendments to the Village Sign Law based
17 upon the comments and suggestions from the previous meeting. Tomei noted if the revised language
18 that Moseley provided was appropriate for the Sign Law, then the Planning Board would recommend
19 the changes to the Board of Trustees. Dubow noted that there would be some additional work that
20 would need to be done prior to the proposed amendments being formally adopted into the Village
21 Code; for example, the preparation of a formal Proposed Local Law to present to the Board of Trustees.
22 Dubow stated that the Board of Trustees, after they were comfortable with the Proposed Local Law and
23 the final language for the proposed amendments, would still need to hold a public hearing. Dubow
24 suggested that, as has been done in the past, it might be appropriate for the Planning Board to
25 recommend the proposed Sign Law revisions to the Board of Trustees with a written confirmation of
26 that recommendation from Tomei to the Mayor and Board of Trustees in support of the amendments.

27 [Please note that the italicized lettering or wording in the proposed amendments below are for
28 the proposed changes and the underlined lettering or wording is for the proposed language to be
29 removed.]

30 Tomei noted that the first change was on page 11501 section 115-2, which would now reads as
31 follows with the recommendations from both the Planning Board and Dubow:

32 The purpose of this chapter is to create the legal framework for a comprehensive but balanced
33 system of signs and thereby to facilitate an easy and pleasant communication between people and
34 their environment. With this concept in mind, this chapter is adopted for the following purposes:

35 **115-2. Purpose.**

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The purpose of this chapter is to create the legal framework for a comprehensive but balanced system of signs and thereby to facilitate an easy and pleasant communication between people and their environment. With this concept in mind, this chapter is adopted for the following purposes:

- A. To authorize the use of signs which are:
 - (1) Compatible with their surroundings.
 - (2) Appropriate to the type of activity to which they pertain.
 - (3) Expressive of the identity of individual proprietors or of the community as a whole.
 - (4) Legible in the circumstances in which they are *to be* seen.

Tomei stated that the second change was on page 11505, section 115-6, which would now read as follows with the recommendations from both the Planning Board and Dubow:

115-6. Permitted signs in all districts.

- A. The following signs are permitted in any use district without a permit, provided that if ground-mounted, the top must not be over five (5) feet above the ground and if building-mounted, must be flush-mounted:
 - (1) One (1) sign advertising the sale, lease or rental of the premises upon which the sign is located, which sign must not exceed nine (9) square feet in area, except in residential districts where the sign must not exceed five (5) square feet. The sign must be removed within ten (10) days after the sale, lease or rental. [**Amended 4-8-1980 by L.L. No. 3-1980**]
 - (2) One (1) sign denoting the name and location of property containing six (6) or more rental residential units, which sign may be located on the premises and which sign must not exceed five (5) square feet in area, or if the property does not have frontage on a public street, one (1) sign may be placed along the accessway to such premises, which sign must not exceed nine (9) square feet in area. [**Added 4-8-1980 by L.L. No. 3-1980**]
 - (3) One (1) nameplate, not self-illuminated, denoting the names and address of the occupants of the premises, not exceeding one hundred forty-four (144) square inches per dwelling unit.
 - (4) Directional (entrance/exit) signs on premises, one (1) for each accessway, each not exceeding two (2) square feet in area and which must not include any trademarks or names of businesses conducted or products sold and must include the minimum amount *and size* of lettering necessary *to effectively* direct traffic.

Tomei noted that the third change was on page 11508, section 115-7.2 subsection 4, which would now read as follows with the recommendations from both the Planning Board and Dubow:

115-7.2 Permitted signs with a permit and Planning Board approval in Commercial and Business and Technology Districts

76 4. Any previously approved local tourist-oriented directional sign shall
77 be removed in the event that (i) it is no longer required in accordance with
78 the New York State Supplement to the National Manual of Uniform
79 Traffic Control Devices as part of the approval by the New York State
80 Department of Transportation of a New York State tourist-oriented
81 directional sign, or (ii) it is no longer required because the *New York State*
82 tourist-oriented directional sign originally necessitating the local tourist-
83 oriented directional sign has been removed. In the event that the Zoning
84 Officer determines that removal of the local tourist-oriented directional sign
85 so required, he or she shall so notify the record owner of the sign at the
86 owner's last known address by registered or certified mail, (return receipt
87 requested), such notice to provide a period of thirty (30) days from the date
88 of such written notice for the sign to be removed. If the sign is not removed
89 within the required thirty (30) day period, the Zoning Officer may remove
90 the sign and thereafter assess all costs and expenses incurred in such removal
91 against the record owner of such sign.

92 Tomei stated that the fourth, fifth, sixth, and seventh change are on page 11509, section 115-8, which
93 would now read as follows with the recommendations from both the Planning Board and Dubow:

94 **§ 115-8. Temporary signs.**³

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- 96 A. All political or civic signs of a temporary nature may be erected without a permit for a
97 period not exceeding thirty (30) days, provided that the consent of the property owner or
98 occupant is obtained and that such signs are not attached to fences, trees, utility poles or the
99 like and that such signs are not placed in such a position as may obstruct or impair vision or
100 traffic or in any manner create a nuisance, hazard or disturbance to the health and welfare of
101 the general public. All such signs must identify the name and address of the sponsoring
102 person or organization, date of posting and the name of a person responsible for their
103 removal at the expiration of the thirty-day period. *Such signs must not exceed six (6) square*
104 *feet.*
- 105 B. Window signs which are not permanently affixed to the interior of a window and which are
106 not self-illuminated may be erected without a permit. Window signs must not at any time
107 cover more than thirty percent (30%) of the window area.
- 108 C. Within a Commercial or Business and Technology District, signs of a temporary
109 nature announcing the opening or reopening of a business may be erected with a permit for a
110 period not to exceed fourteen (14) days. *There may be at most two (2) such signs, one (1) of*
111 *which may be freestanding. The freestanding sign must not exceed six (6) square feet in area.*
112 *The second sign must not exceed fifty (50) square feet in size, and such sign must be entirely*
113 *attached to the building. All such signs shall not be placed in such a position as may obstruct*

114 or impair vision or traffic or in any manner create a nuisance, hazard or disturbance to the
115 health and welfare of the general public.¹

116 **D.** One (1) unlighted, one-sided sign of a temporary nature listing the architect, engineer,
117 developer, contractor, subcontractor, owner and/or other participants in a primary
118 construction project [adding greater than forty percent (40%) of the current assessed value
119 of the property exclusive of the land value] may be placed on the premises where the
120 construction is in progress in all zoning districts except the low-density and medium-density
121 residential districts, the area of which sign must not exceed thirty-two (32) square feet. Such
122 signs must be removed immediately upon issuance of a certificate of compliance, whether
123 temporary or permanent, for the project or if construction is interrupted for any period
124 exceeding six (6) months, or, in any event, no later than one (1) year from the date such sign
125 was erected. The lettering used on such sign for the name of the owner, tenant, franchisee or
126 operator of the premises shall not be more than double the size of the lettering used for any
127 other name on such sign, and in no event shall such sign include only the name, logo or
128 trademark of an owner, tenant, franchisee or operator. The setback restrictions of § 115-9
129 below shall apply to all such signs. **[Added 5-3-1993 by L.L. No. 7-1993]**

130 **E.** *Within a Commercial or Business and Technology District, one (1) free standing on premises*
131 *sign of temporary nature per parcel of land may be erected for the purpose of providing notice*
132 *for a special event. Such sign shall not exceed five (5) square feet in area and will be permitted*
133 *for a period of no more than five (5) continuous days and no more than a total of thirty (30) days*
134 *per calendar year. Such sign shall require a permit for each five (5) day interval.*
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136 Dankert asked if there would be a problem enforcing the new proposed 6 square foot limit on all
137 political and civic signs. Moseley explained that he thought that there would be no issue, and that he
138 had checked on sign laws in neighboring municipalities to compare their law and the Village's proposed
139 changes to the sign law. Kanter asked if 6 square feet was larger than a typical political sign. Moseley
140 noted that it would be a little larger. Dubow stated that it was his understanding that there would be no
141 limit to the amount of political signs allowed on any piece of property. Moseley noted that none of the
142 neighboring municipalities limited the number of political signs, and he didn't think that it would be a
143 good idea if the Village was the only one. Moseley added that most of the time the political signs are
144 placed in the Village right of way, so if they were to become out of hand he would have some
145 enforcement options. Kanter noted that it would be difficult to come up with a number to limit the
146 political signs.

147 Stycos asked why the Village would want to allow people to attach window signs permanently.
148 Moseley stated that most of the time the businesses have difficulty in trying to attach signs to a window
149 without permanently attaching them, and that it would be difficult to enforce what a permanent
150 attachment method really was. Dubow pointed out that Sign Law section 115-8 also referenced section
151 145-58, subsection C of the Village Zoning Law which specifically deals with a TCA (Temporary
152 Commercial Activity). This section also allows the TCA to erect a sign with prior approval from the Zoning
153 Officer.

154 Tomei noted that the eighth change was on page 11515, section 115-12, which would now
155 read as follows with the recommendations from both the Planning Board and Dubow:

156 **§ 115-12. Permits. [Amended 1-9-1978 by L.L. No. 1-1978; 4-10-1978 by L.L. No. 2-1978]**

¹Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- 157
158 A. Except as otherwise herein provided, a person must not erect any sign as defined herein
159 without first obtaining a permit therefor from the Zoning Officer. Failure to obtain such a
160 permit will be deemed a violation of this chapter. No sign, whether new or existing, may
161 hereafter be erected or altered, except in conformity with the provisions of this chapter.
162 **[Amended 4-8-1980 by L.L. No. 3-1980]**
163 B. Application for permit. Application for the permit must be made in writing in duplicate to
164 the Zoning Officer, and upon forms prescribed and provided by the Zoning Officer.
165 C. Fees. **[Amended 2-21-1989 by L.L. No. 3-1989; 10-2-1990 by L.L. No. 10-1990]**
166 (1) Along with an application for a sign permit, the applicant must deliver to the Zoning
167 Officer the following fees:
168 (a) An application fee of twenty-five dollars (\$25) *for a non-temporary sign and*
169 *an application fee of ten dollars (\$10) per temporary sign.*
170 (b) The additional sum of one dollar (\$1.) for each square foot of area of each
171 sign referred to in the subject application for a sign permit.
172 (2) The foregoing fees are exclusive of any fees required elsewhere in this chapter for
173 publication of any notice of public hearing or otherwise.
174

175 Tomei stated that the ninth change was on page 11515, section 115-12, subsection E (2), which would now
176 read as follows with the recommendations from both the Planning Board and Dubow:
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- 178 (1) If the sign authorized under any permit has not been completed within six (6)
179 months from the date of the issuance of such permit, the permit must become null
180 and void, but may be renewed within fifteen (15) days from the expiration thereof,
181 for good cause shown, upon payment of an additional fee of *ten dollars (\$10.)*.
182

183 Tomei noted that the tenth change was on page 11515, section 115-12, subsection F, which would now
184 read as follows as with the recommendations from both the Planning Board and Dubow:
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- 186 F. Failure to obtain permit or revocation of permit. **[Amended 4-8-1980 by L.L. No. 3-1980; 5-
187 19-1987 by L.L. No. 1-1987]**

- 188 (1) Failure to obtain permit. In the event of a violation of any of the provisions of
189 Subsection A of this section, the Zoning Officer must notify the record owner of the
190 premises in writing, served personally or by registered or certified mail (return
191 receipt requested), that the sign has been erected in violation of this chapter and that
192 such sign must be removed by the owner of the sign or the record owner of the
193 premises within five (5) business days after receipt of such notice. If such sign is not
194 removed within the required period, the Zoning Officer, upon order of the Board of
195 Trustees, may remove the sign and assess all costs and expenses incurred in the
196 removal against the premises or building upon which such sign was located.
197 (2) Revocation of permit. In the event that an existing permitted sign is in violation of
198 any of the provisions of Subsection A or E of this section, the Zoning Officer must
199 give written notice, specifying the violation, to the record owner of the sign and the
200 record owner of the premises upon which the sign is erected, sent to the address as

201 stated in the application for the sign permit, served personally or by registered or
202 certified mail (return receipt requested) to conform or remove such sign. The sign
203 must thereupon be conformed by the owner of the sign or the owner of the premises
204 upon which the sign is erected within thirty (30) days from the date of said notice. If
205 such sign is not conformed or removed within the required period, the Zoning
206 Officer, upon order of the Board of Trustees, must revoke the permit and may
207 remove the sign and assess all costs and expenses incurred in the removal against the
208 premises or building upon which such sign was located.²

209 Tomei noted that currently if a sign was not in conformance with the Sign Law, Marty would first send
210 written notice to the violator, and then he would need to wait until the Board of Trustees approves the
211 removal of such sign. Tomei added that if the Zoning Officer had to wait until the Trustees approved the
212 removal of such sign, it could possibly take up to a month to correct the sign violation.

213 Tomei stated that the final change was on page 11516, section 115-12 new subsection, H, which
214 would now read as follows with the recommendations from both the Planning Board and Dubow:

215 H. *In the event that a sign has been unlawfully erected in a Village of Lansing road right of way or on*
216 *other property of the Village of Lansing, the Zoning Officer shall have the right to remove such*
217 *sign, without permission from or written notice to the owner of said sign.*

218 Stycos moved to recommend the sign law changes to the Board of Trustees. Seconded by Durst, Ayes:
219 Tomei, Dankert, Durst, Stycos, and Kanter.

220 Tomei asked Robertshaw about the sign issue that he was referring to earlier in the meeting.
221 Robertshaw noted that it was a different topic, and had to do with street signs. Robertshaw stated that
222 he would suggest having a warning sign installed prior to the intersection of Becket Way /Cedar Lane
223 and Cayuga Heights Road. Robertshaw explained that many people are unaware of the intersection, and
224 because of that there have been some close calls with accidents. Robertshaw noted that there is a curve
225 on both sides of the intersection which makes it very difficult to safely enter Cayuga Heights Road as
226 well as try to find either cross-road. The Planning Board noted that they will inform the Board of
227 Trustees, who would be the correct board to deal with this problem. The Planning Board also suggested
228 that Robertshaw attend the Board of Trustees meeting to discuss the issue. Trustee O'Rourke noted that
229 she would bring up the issue with the Trustees as well. Moseley noted that he would inform John
230 Courtney, the Superintendent of Public Works, as well.

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232 **Residential Driveway Width**

233 Tomei noted that the current zoning only allows for a driveway to be at most 20 feet wide at any
234 point, including any curved radii, apron, or curb cut. Tomei noted that Moseley suggested some new
235 language that would increase the entrance of a residential driveway to 30 feet. The section, with the
236 proposed language change, would read as follows:

237 **§ 145-20. Curb Cuts, Driveways and Private Roads. [Amended 8-18-1997 by L.L.
238 No. 1-1997]**

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240 **A. Curb Cuts and Driveways for Residential Lots:**

- 241 (1) No residential lot shall be permitted to have in excess of one (1) curb cut and one (1)
242 driveway, except that two (2) curb cuts, with one (1) or two (2) driveways may be
243 permitted by Special Permit, provided that both curb cuts and driveway(s) are for
244 residential uses only.
- 245 (2) Within the parking setback area for the subject Zoning District, as defined in the applicable
246 subsection of Sections 145-39 – 145-50 of this Zoning Law, the portion of the lot improved
247 to be useable for driveway purposes may not be more than twenty (20) feet wide. *The*
248 *entrance way, including any curve radii, apron or curb cut may not exceed 30 feet in width*
- 249 (3) At the intersection of the driveway and the road pavement, the driveway shall be no less
250 than ten (10) feet wide.
- 251
- 252 (4) No parking of any vehicle shall be permitted within any Village of Lansing street right-of-
253 way immediately adjacent to the driveway. Parking setback requirements shall be as stated
254 for the subject Zoning District in Sections 145-39 – 145-50 of this Law.
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256 Dubow asked if this was governed by the NYBCC (New York Building Codes Collection) in any way. Moseley
257 noted that the NYBCC did not regulate the maximum width of a driveway entrance for residential use.
258 Dankert asked if the change was the entrance width was the only change. Moseley noted that it was.
259 Dankert moved to recommend the change to increase the driveway entrance width to the Board of
260 Trustees. Seconded by Kanter, Ayes: Tomei, Dankert, Durst, Stycos, and Kanter.

261

262 **Approval of Minutes**

263 Durst moved to accept the minutes, as corrected, of November 28, 2010. Seconded by Stycos,
264 Ayes: Tomei, Dankert, Durst, and Stycos. Kanter abstained

265 **Reports**

266 *Trustees*-Tomei reported on the November 28th Trustees meeting (and for a more in depth
267 report, please see the minutes of that meeting). Tomei noted that the DPW (Department of Public
268 Works) Garage will possibly be completed by January 1st, 2011. Tomei stated that there have been some
269 water main breaks that the DPW has had to fix. Leopold reported on the Water Resources Council
270 meeting about the dredging of the inlet in the City of Ithaca.

271 **Other Business**

272 Durst noted that he read the article in the Lansing Star titled “Village Accuses Town of Double
273 Dipping”, and was wondering if the Village could actually secede from the Town. Dubow explained that
274 there are a number of possibilities, most of which being somewhat complicated and time consuming.

275 Stycos noted that she read an article from the Ithaca Journal that dealt with the Town of Dryden
276 passing a noise ordinance for residential areas specifically directed at fracking. Dubow stated that many
277 municipalities are trying to regulate at the local level certain aspects such as zoning and road
278 preservation that are not exclusively regulated by the state and federal agencies that ultimately have
279 permitting authority for fracking or natural gas drilling.

280 Dubow explained that there was a public hearing on Monday November 29, 2010, with the IDA
281 (Industrial Development Agency) at the Village of Lansing offices that dealt specifically with the senior
282 housing component of the Lansing Meadows PDA (Planned Development Area) and the funding that is
283 associated with what the Triax Group is asking for from the IDA. Dubow noted that this is a new
284 program that the IDA is dealing with that has not been used locally before. The program is called a PIF
285 (PILOT Increment Financing), which would allow a portion of the property tax payments to be diverted
286 to underwrite certain costs associated with the residential portion of the Lansing Meadows PDA.
287 Dubow pointed out that there will not be any tax abatements given to the BJ’s Store. Dubow added that
288 each of the taxing authorities, which are the Village and Town of Lansing, Tompkins County and Ithaca
289 City School District, all can either agree or not agree to participate in the program. Dubow stated that
290 generally IDA funding is not associated with retail development. Dubow pointed out that most everyone
291 that showed up at the public hearing was from the City, and were advocating that this should not be
292 funded. Dubow explained that the individuals who were in opposition were dancing around the idea
293 that the BJ’s store should be built in the City of Ithaca for their benefits and not in the Village of Lansing.
294 Dubow noted that the Stimulus bonds associated with this funding proposal will not be available after
295 December 31 for a development of this nature. Dankert asked how long the abatement would be for.
296 Dubow stated that it would be for approximately 20 years. Dubow noted that the developers had a
297 study that suggested a large amount of sales “leakage” to other areas because Tompkins County does
298 not provide for all the shopping needs for their residents, so they go elsewhere out of the County and
299 spend money. Dubow added that the study also showed that when the County brings in uses that are
300 not currently available in the local area all businesses tend to benefit from the development because it
301 keeps the residents in this area spending money, or even brings in other people from other areas.
302 Dubow noted that the PDA developers anticipate that the proposed BJ’s Store should mimic the study
303 that was performed. Durst and Kanter asked where the IDA public hearing notice was posted. Dubow
304 indicated that he did not know since the public hearing was not the Village’s responsibility. Stycos asked
305 if only two taxing authorities agreed to participate in the PIF, would the project still be built. Dubow
306 stated that the decision would presumably be based upon the financial effect of the reduced
307 abatement, and assumed that the developers and the County IDA would be working closely in order to
308 try to accomplish the development of all parts of the PDA.

309 Tomei noted that Ivar Jonson has asked for a land exchange which would include a reallocation
310 of park land and open space, in order to expand the lot sizes of Lots # 3 and 4 on Jon Stone Circle. More
311 information should be forthcoming.

312 **Adjournment:**

313 Durst moved to adjourn at 8:56 P.M. Seconded by Stycos. Ayes: Tomei, Dankert, Durst, Stycos,
314 and Kanter.