

**Village of Lansing  
Planning Board Meeting  
December 12, 2011**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:32 P.M. by Chairman  
2 Mario Tomei.

3 Present at the meeting were Planning Board Members Maria Stycos, Lisa Schleelein, Richard  
4 Durst, and Phil Dankert; Alternate Member Jon Kanter; Code Enforcement Officer Marty Moseley;  
5 Village Attorney David Dubow; Community Party Observer Carla Marceau; Joe Giordano from Audrey  
6 Edelman; John Spence from Better Housing for Tompkins County; future owner of the Sumo Japanese  
7 Hibachi Sushi restaurant Besie Chen; Steve Bell representing the Applebee's restaurant; and Arrowhead  
8 Ventures representative Eric Goetzmann.

9 **Public Comment Period**

10 Tomei opened the public comment period.

11 Spence asked for a progress report with respect to the Village's effort to hire a consultant to look  
12 at the proposed Lansing Reserve development together with the greater northeast area of the Village.

13 Tomei indicated that he was unaware as to whether there has or has not been any progress for the  
14 planning of the Northeast development area. Tomei indicated that the Village has met with the Tompkins  
15 County Planning Department to discuss a scope of work for the area.

16 Dubow noted that the Trustees discussed this at their last meeting, and the County Planning  
17 Department has provided the Village with their final scoping of that specific area. Dubow indicated that  
18 there is a possibility that the Trustees will discuss the topic at their next meeting.

19 Spence asked if there was anything that was owed to the Planning Board with respect to the  
20 Lansing Reserve PDA proposal. Spence also asked if the Village has had time to review the traffic study.

21 Tomei noted that the Village has sent out the traffic study that was provided by GTS Consulting  
22 to Fisher Associates, which study has been analyzed and returned to the Village.

23 Dubow noted that the Village is still moving forward with its plan to engage a third party  
24 professional planner to look into the entire northeast area of the Village that could be developed. Dubow  
25 indicated that until the Village obtains the report from the third party planner, they probably would not  
26 move forward any further with analyzing the Lansing Reserve proposed project. Dubow noted that there  
27 are potential issues that need to be addressed prior to some development of the study area, and that is why  
28 the Village is seeking additional professional planning assistance.

29 Tomei asked if the Lansing Reserve project had received the funding from New York State.

30 Spence indicated that is has not.

31 With no one else wishing to speak, Durst moved to close the public comment period. Seconded  
32 by Dankert; Ayes: Tomei, Dankert, Stycos, Durst, and Schleelein.

33

34 **Public Hearing to Consider:**

35 Final Plat approval of the Gillett Subdivision, a minor subdivision by Mary Gillett to divide one  
36 3.039 acre lot into one 1.38 acre lot and one 2.01 acre parcel., known as 150 Burdick Hill Road,  
37 pursuant to the provisions of Section 125-6 of the Village of Lansing Code. The parcel is located in  
38 the Low Density Residential District, Tax Parcel Number 42.1-1-53.4.

39 Tomei indicated that Giordano was representing Mary Gillett. Tomei opened the public hearing.

40 There being no comments from the public, Tomei asked for a motion to close the public hearing.  
41 Moved by Stycos, Seconded by Schleelein. Ayes: Tomei, Dankert, Stycos, Durst and Schleelein.

42 Moseley indicated that he has received all of the application materials, including the proof of  
43 mailings.

44 Dubow noted that he and Moseley had determined that this specific minor subdivision project is  
45 exempt from the formal SEQRA (State Environmental Quality Review Act) review.  
46

47 The Board members discussed what conditions should be attached to any approval of the  
48 final plat approval, and Tomei read the following resolution:  
49

50 VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR FINAL PLAT  
51 APPROVAL OF GILLETT MINOR SUBDIVISION ADOPTED ON DECEMBER 12, 2011

52 Motion made by: Phil Dankert

53 Motion seconded by: Maria Stycos

54 **WHEREAS:**

55 A. This matter involves consideration of the following proposed action: Final Plat  
56 approval of the Gillett Subdivision, a minor subdivision by Mary Gillett to divide one  
57 3.039 acre lot into one 1.38 acre lot and one 2.01 acre parcel, known as 150 Burdick  
58 Hill Road, pursuant to the provisions of Section 125-6 of the Village of Lansing  
59 Code. The parcel is located in the Low Density Residential District, Tax Parcel  
60 Number 42.1-1-53.4; and  
61

62 B. On November 14, 2011 the Village of Lansing Planning Board, in accordance with  
63 subsection D of Section 125-5 of the Village of Lansing Code, (i) reviewed the sketch  
64 plan submitted with respect to this proposed action; and (ii) classified the proposed  
65 subdivision as a minor subdivision; and  
66

67 C. On December 12, 2011, the Village of Lansing Planning Board, in accordance with  
68 Section 123-2 of the Village of Lansing Code, determined that the approval of the  
69 proposed minor subdivision is a Type II action, and thus may be processed without  
70 further regard to Article 8 of the New York State Environmental Conservation Law -  
71 the State Environmental Quality Review Act ("SEQR"); and  
72

73 D. On December 12, 2011, the Village of Lansing Planning Board held a public hearing  
74 regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i)  
75 the proposed final subdivision plat and accompanying materials and information  
76 presented by and on behalf of the applicant in support of this proposed action,  
77 including information and materials related to environmental issues, if any, which the  
78 Board deemed necessary or appropriate for its review; (ii) all other information and  
79 materials rightfully before the Board; and (iii) all issues raised during the public  
80 hearing and/or otherwise raised in the course of the Board's deliberations;  
81

82 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

83 1. Based upon all of its foregoing review and action, it is hereby determined by the  
84 Village of Lansing Planning Board that approval of the proposed Gillett Minor  
85 Subdivision is **GRANTED**, subject to the conditions and requirements set forth  
86 below;  
87

88 Conditions and Requirements:

89 A. No additional buildings or structures shall be permitted on the  
90 remaining L-shaped portion of the property (Tax Parcel Number 42.1-  
91 1-53.4) situated within the bounds of the Village of Lansing and  
92 resulting from the approved subdivision, such remaining L-shaped  
93 portion having been hereby deemed to not be a separate buildable lot  
94 under the provisions of the Village of Lansing Zoning Law and  
95 Subdivision Regulations; and such restrictions shall accordingly be  
96 noted on the final subdivision plat prior to such plat having been  
97 signed by the Chairperson of the Village of Lansing Planning Board  
98 as provided below; and similar restriction language to be included on  
99 the deed conveying the subdivided parcel.

100 2 The Chairperson of the Village of Lansing Planning Board is hereby authorized and  
101 directed to sign the final plat for the approved minor subdivision in accordance with  
102 subsection F of Section 125-6 and subsection A of Section 125-15 of the Village of  
103 Lansing Code.  
104

105 The vote on the foregoing motion was as follows:

106 AYES: Mario Tomei, Richard Durst, Maria Stycos, Lisa Schleelein and Phil Dankert

107 NAYS: None

108

109 The motion was declared to be carried.

110 Kanter asked if a similar deed restriction would also be necessary for this circumstance in  
111 addition to the approval condition set forth above.

112 Dubow indicated that the applicant showed that they intended to have the condition as a deed  
113 restriction, but he did not want the Village to solely rely on the deed restriction. Dubow added that the  
114 condition in the final plat approval is independent of any deed restriction.

115 Giordano indicated that he could have the deed restriction written in, but he felt that is was  
116 somewhat redundant.

117 Dubow noted that Giordano indicated, at a previous meeting, that there would be a restriction  
118 written in on the future deed with respect to the condition as written in the final plat approval resolution.  
119 Dubow noted that the reason the condition would be written on the map is that the map is required to be  
120 recorded with the Tompkins County Clerk's Office, which makes it a matter of record.

121 Kanter noted that if both the condition on the map and the deed restriction were instituted, it  
122 would be a double check when a title search was done.

123 **Planned Sign Area (PSA) Amendment:** *Tops outparcel building proposed increase to Applebee's*  
124 *allowed signage.*

125 Bell indicated that the Applebee's restaurants are going through a nationwide interior and exterior change  
126 in aesthetics. Bell added that they would propose to change the awnings on the building to incorporate a green  
127 awning with a lighter pictorial image of a green apple on the awning. Bell noted that another option that they would  
128 like to incorporate is a green awning with a pictorial image of a red apple on the awning. Bell indicated that the  
129 awnings would also be lit from underside of the new awning, and the light would be directed back onto the awning.  
130 Bell stated that they are considering three options for awning colors, which include yellow, green, and red. Bell  
131 noted that the yellow seems to stand out more during the night hours.

132 Schleelein asked about the up-lighting that was indicated on the pictures provided to the Board members.

133 Bell indicated that the up-lighting currently exists on the present Applebee's building.

134 Schleelein asked what color is being proposed for this Applebee's restaurant.

135 Bell indicated that the color could be selected by the Village and made a condition for approval of the new  
136 awnings.

137 Schleelein indicated that she liked the green color because it would be consistent with the other awnings on  
138 the building.

139 Bell noted that all of the proposed lighting is LED, as well as the new sign that will be installed.

140 Dankert asked if the current lights were shut off after business hours.

141 Bell indicated that the lights are now and will continue to be on a timer, which shuts off the lights and sign  
142 15 minutes after the restaurant closes.

143 Tomei indicated that this would be a major change to the Tops PSA.

144 Bell noted that many municipalities do not consider pictorial images on an awning to be a sign, as long as  
145 the awning does not have letters. Bell added that it would be a major change due to the Village identifying what has  
146 been proposed as a sign. Bell noted that one municipality that he had worked with indicated that as long as the  
147 pictorial image was not a separate color from the awning, it would not be considered a sign.

148 Tomei asked if the main Applebee's sign would have a small apple incorporated on it.

149 Bell indicated that he thought there would be a small apple incorporated on the main sign.

150 Tomei asked if the main sign has an apple on it would it be 21 square feet, as shown on the drawings.

151 Bell indicated that it would be.

152 Tomei asked the Planning Board if in this specific PSA, the apple on the awnings would be considered as a  
153 sign.

154 Dubow read the definition of a sign from section 115-3 of the Village Code as follows:

155 *Sign -- Any material, symbol, emblem, structure or device or part thereof, composed of lettered*  
156 *or pictorial matter, or upon which lettered or pictorial matter is placed when used or located out*  
157 *of doors or outside or on the exterior of any building, including exterior and interior window*  
158 *surfaces. Such matter may be for display of an advertisement, announcement, notice, directional*  
159 *matter or name. The term "sign" includes sign frames, billboards, sign boards, painted wall*  
160 *signs, hanging signs, illuminated signs, pennants, fluttering devices, projecting signs or ground signs,*  
161 *and also includes any announcement, declaration, demonstration, display, illustration or insignia used to*  
162 *advertise or promote the interests of any person or business when the same is placed in view of the*  
163 *general public. The term "sign" includes signs related and unrelated to a business or profession, or to a*  
164 *commodity or service sold or offered upon the premises where such sign is located.*  
165

166 Schleelein noted that by the definition, this would be considered a sign. Schleelein added that this  
167 would also be an internally lit sign as well.

168 Bell indicated that a typical sign broadcasts light out, where the proposed awning lighting would  
169 have light directed back onto the awning itself.

170 Tomei pointed out that the current awnings are lit at night from an above light.

171 Schleelein noted that the difference would be that the proposed awnings have a pictorial image  
172 that would be lit at night instead of having just a striped awning lit at night.

173 The Planning Board agreed that the proposed awnings are more visually attractive, but they are  
174 still considered to be a sign.

175 Kanter noted that he was concerned with the awning lighting.

176 Bell noted that the green awning will appear, to the eye, to be softer than the yellow awning. Bell  
177 added that the green would soften the appearance of the lighting under the awning.

178 Dankert noted that he was concerned with the new lighting, and maybe the new lighting should  
179 be approved by the lighting commission.

180 Bell noted that originally, when Applebee's was planning for the building, the intent was to have  
181 just enough lighting for pedestrian safety on the sidewalks. Bell added that they don't intend to over light  
182 the site and they like to have an aesthetically pleasing building at all times of the day or night.

183 Tomei felt that the car-side to-go awning on the east side of the building is not needed because  
184 there are already parking signs that indicate that there is car-side to go service.

185 Schleelein asked if the green awnings with the green apple on the east side of the building would  
186 be lit from the underside as well.

187 Bell indicated that they were.

188 Schleelein asked what the purpose of the car-side to go awning was.

189 Bell indicated that they would like to have people know where they need to go in order to pick up  
190 their food orders.

191 Schleelein asked if the parking signs contribute to the overall sign square footage.

192 Moseley indicated that the Tops PSA was amended in 2004 for the Applebee's car-side to go,  
193 signage and instead of having the car-side to go awning the Village allowed the smaller directional  
194 signage parking signs.

195 Durst noted that the east side of the building is actually built below North Triphammer Road,  
196 which would make it very difficult to see any awnings or signage because of the large embankment.

197 Schleelein felt that if something is illuminated to promote business, it should be considered a  
198 sign.

199 Kanter noted that since the pictorial image was representing the Applebee's business, it would be  
200 considered a sign whether it is colored or not.

201 Bell indicted that their intent was not to add signage, but rather to provide the exterior of the  
202 building with a new more modernized look.

203 Tomei asked for an option without any pictorial images on the awnings.

204 Bell indicated that it would be a plain red, green, or yellow awning.

205 Moseley indicated that if a pictorial image was not on the awning, it would then not be considered  
206 a sign. That would then allow a business to install the awnings without first obtaining a special permit.

207 Bell noted that they would not be inclined to spend money on the awnings without the apple  
208 symbol.

209 Kanter indicated that he liked the proposed Applebee's main sign and metal awning.

210 Moseley indicated that the main sign and the metal canopy have valid permits since those items  
211 would be replacing the existing sign and canopy.

212 Bell indicated that he was not sure if the Village did not allow the new awnings with apple  
213 symbols if they would spend the money on the main sign and the canopy over the main entrance.

214 Tomei noted that the total square footage of all the awnings, with pictorial images included,  
215 would account for 130 square feet. Tomei added that the current PSA per tenant allows for 25 square feet,  
216 which is already used for the main Applebee's sign and the directional car side to go signs.

217 Schleelein noted that the pictorial image on the proposed awning measures 23.5 square feet.

218 Bell noted that the total square footage of the three awnings on the front of the building totaled  
219 approximately 66 square feet.

220 Dubow explained that procedurally, the Planning Board recommends changes to the Board of  
221 Trustees for all of the Planned Sign Areas, and the Board of Trustees has final decision-making power as  
222 to the creation of a PSA and any subsequent amendments.

223 Marceau noted that the current Applebee's restaurant has striped awnings, and if they were to be  
224 replaced by what has been proposed, it could be considered an improvement.

225 Tomei indicated that Marceau's point is well taken and the striped awnings are somewhat of an  
226 Applebee's branding.

227 Kanter noted that if the current awnings were in fact a representation of Applebee's, they  
228 probably should have not been allowed in the first place.

229 Stycos explained that the original awnings were not considered to be a representation of  
230 Applebee's in any way because they were allowed to be installed.

231 Stycos suggested that the awnings be installed without any pictorial image displayed on them.

232 Bell noted that the whole idea behind the proposed image is to grab people that are not a regular  
233 customer.

234 Stycos noted that if Applebee's were to be allowed to install the new awnings with pictorial  
235 images, all of the rest of the tenants would want to increase their sign square footage as well.

236 Moseley noted that Bell indicated that other communities have allowed the green apple on the  
237 green awning. Moseley added that if the Board felt compelled to do so, they have the ability to  
238 recommend a change to the Board of Trustees. That would also be a more subtle approach.

239 Bell noted that the side awnings towards N. Triphammer Road are not too important to him due to  
240 the public not being able to see those specific awnings easily. Bell noted that the important awnings  
241 are located on the front of the building.

242 Schleelein asked how the awnings with the pictorial image would be measured.

243 Moseley indicted that in this particular case, the entire awning would be considered a sign.

244 Durst noted that he would suggest recommending to the Trustees to allow for at least one colored  
245 pictorial image on an awning with two others being the green apple on the green awning.

246 Schleelein agreed with Durst, but would like to see the green awnings and a more subdued  
247 lighting for the awnings as well.

248 Bell indicated that the green awnings subdue the proposed new lighting much better than any of  
249 the other colors.

250 Kanter suggested that an amendment could be proposed to consider the green apples on the green  
251 awnings not to be a sign in this particular PSA.

252 Dubow noted that if the Planning Board determined that they would like to incorporate what  
253 Kanter suggested, they would need to work around the actual definition of a sign as indicted in the Sign  
254 Law. Dubow added that the issue could be raised with the Trustees as well. Dubow noted that if the  
255 Trustees decided that this was a major change to an existing PSA, they would need to hold a public  
256 hearing for the proposed change. Dubow added that the amendment to a PSA is an agreement between the  
257 owner of the property and the Village.

258 Tomei asked if the Board liked the idea of having what is being proposed this evening, meaning  
259 one colored apple and two green apples placed on a green awning.

260 Schleelein noted that she liked what has been proposed with the three awnings on the front of the  
261 building.

262 Tomei suggested that language to be drafted and incorporated in the recommendation from the  
263 Planning Board to the Board of Trustees be specific to this particular PSA.

264 Dubow indicated that the Trustees still would have an obligation to look at all of the other  
265 possibilities for awnings to be installed in the Village and may have to maintain some level of  
266 consistency.

267 Tomei added that the awnings would not have any lettering on them, but rather subtle pictorial  
268 images that do not contrast with the color of the awning.

269 Dubow indicated that the definition of sign might need to be altered, but in doing so it would  
270 allow any business in the Village to take advantage of the potential leniency that could take place.

271 Stycos noted that a symbol is just as powerful as , or even more so, than a sign with letters.



272 Dubow indicated that it could be a possibility for the Planning Board to informally present the  
273 sign predicament to the Trustees to see if they had an initial opinion about the topic.

274 Tomei agreed with Dubow, and suggested to discuss this topic with the Trustees.

275 **Planned Sign Area (PSA) Amendment:** *Cayuga Mall proposed increase to Sumo Japanese Hibachi*  
276 *Sushi restaurant allowed signage.*

277 Chen noted that the sign they are proposing for Sumo is approximately double the size of what  
278 currently is allowed. Chen added that they would currently be allowed to have 30 square feet of signage  
279 and they are proposing approximately 65 square feet. Chen noted that her restaurant is not known like  
280 McDonalds or Burger King, which is why she would like to have a larger sign to let potential customers  
281 know that they are a Japanese restaurant with hibachis. Chen noted that in her opinion the sign is not large  
282 enough in comparison to her 7500 square feet of restaurant space.

283 Tomei noted that the restaurant will also be replacing and creating a new façade that would include a  
284 pitched roof with clay tiles on it due to the deterioration of the existing façade and roof system.

285 Schleelein asked if the intended location of the new proposed sign would be at a greater height than the  
286 current TJ Maxx store.

287 Chen noted that it would be approximately the same height, if not smaller.

288 Tomei indicated that they would only need to extend the height of the current wall approximately 4  
289 feet, which would ultimately be smaller than the TJ Maxx store.

290 Schleelein asked what the length of the current store front is.

291 Moseley indicated that it was approximately 46 feet in width, which would allow, under the current  
292 PSA, for a 30 square foot sign.

293 Tomei suggested that the sign be made smaller than what has been proposed.

294 Chen indicated that she would like the sign as proposed so that people would know what her restaurant  
295 served.

296 Tomei noted that a larger sign would not have much impact on people driving by the area because  
297 there are very few locations that a person could see where the proposed sign would be attached to the  
298 mall.

299 Kanter noted that the other stores in the shopping center have followed the criteria for the Cayuga  
300 Mall PSA. Kanter noted that he assumed that the other stores in the mall were in conformance with the  
301 criteria.

302 Moseley indicated that all other tenants were in compliance with the PSA.

303 Tomei noted that he would like the owners of the Cayuga Mall, Brixmor Properties Group, to discuss  
304 this topic further with the Planning Board before any amendment is possibly recommended to the  
305 Trustees.

306 Schleelein asked about the TJ Maxx sign size and if it was larger due to the frontage being wider.

307 Moseley indicated that in the original PSA for the Cayuga Mall, TJ Maxx and Big Lots was one store  
308 with an allotted maximum square footage for their sign. When TJ Maxx moved in they consumed a  
309 majority of the sign square footage, which then required Big Lots to request an amendment, back in 1994,  
310 that was approved to increase their sign to approximately the same size as the TJ Maxx store. Moseley  
311 added that approximately half of the stores that were originally in the Cayuga Mall are not there anymore.

312 Dubow suggested to informally discuss this matter with the Trustees prior to making a formal  
313 recommendation as well.

314 Tomei indicated that this topic would be on the agenda for the next meeting as well, and hopefully the  
315 Planning Board would be able to discuss this with an owner's representative of the mall.

316

### 317 **Approval of Minutes**

318 *Schleelein moved to accept the August 30<sup>th</sup> minutes as corrected. Seconded by Stycos, Ayes by: Tomei,*  
319 *Dankert, Stycos, Durst and Schleelein.*

320 *Durst moved to accept the September 27<sup>th</sup> minutes as corrected. Seconded by Stycos, Ayes by: Tomei,*  
321 *Dankert, Stycos, Durst and Schleelein.*

322

### 323 **Reports**

324 *Trustees- Please refer to the minutes of the Trustees December 5<sup>th</sup> meeting for a full report.*  
325

### 326 **Adjournment**

327 Durst moved to adjourn at 9:45PM. Seconded by Dankert; Ayes: Tomei, Dankert, Stycos, Durst  
328 and Schleelein.