

**Village of Lansing  
Planning Board Meeting  
June 11, 2012**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:33 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; Trustee Liaison Lynn Leopold; Marjorie Pryse; Phil Proujansky; Eric  
6 Goetzmann from Arrowhead Ventures; Gina Speno from the Shops at Ithaca Mall; and Community Party  
7 Representative Larry Bieri.

8

9 **Public Comment Period**

10 Tomei opened the public comment period.

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

13

14 **Public Hearing to Consider:**

15

16 Tomei opened the public hearing for:

17 Special Permit #2662, The Shops at Ithaca Mall, to operate a Temporary Outdoor Sale, at 40 Catherwood  
18 Road in the Commercial High Traffic District, Tax Parcel Number 47.1-1-22. Because the operation of  
19 the Temporary Outdoor Sale would occur within the Commercial High Traffic District, Special Permit  
20 review is required pursuant to Section 145-58(c) of the Village of Lansing Code

21 Speno noted that the event that is in front of the Board is very similar to the last vehicle sale that  
22 was held at the mall. Speno added that the location of the event has been moved to the east parking lot,  
23 furthest from the mall, in front of the Old Navy/AC Moore entrance to the mall (this would also be very  
24 close to the rear of Village Lansing Place). Speno noted that the reason for the proposed move was due to  
25 traffic congestion at the last event area. Speno added that not many people park in the new proposed area.  
26 Speno noted that there was one additional proposed change, that being to provide a tent to use as office  
27 space. Speno stated that the last event went very well and did not create any major problems at the mall.

28 Leopold asked about the length of the event.

29 Speno noted that it would be 7-10 days.

30 Dankert asked when the event is proposed to be held.

31 Speno indicated that it would be held during the second or third week in July, and this is being  
32 held by the same company that organized the first event (Platinum Promotions & Marketing LLC.).  
33 Speno added that they probably would also use a generator as well.

34 Tomei asked if the method of delivery of the vehicles is still truck delivery, if there would be any  
35 change to the lighting, if the size of the signs would be the same size (2 at 12 ft<sup>2</sup>), and if the removal of  
36 the trade-in vehicles would still be in a timely manner. Tomei noted that they would still prohibit the  
37 washing of vehicles on site with detergent.

38 Speno agreed that all of the items would stay the same as the last event, and no additional lighting  
39 would be needed.

40 Tomei asked about any vehicle barriers to redirect any of the mall traffic.

41 Speno indicated that due to the new location, she did not feel that there would be a need for any  
42 vehicle barriers. Speno added that not many vehicles traverse through the proposed site, which is next to  
43 the ring road.

44 Tomei asked where the signs would be located.

45 Speno indicated that they are proposed to be located in the same locations as for the previous  
46 sales, which are at the end of Pyramid Drive and near the entrance, under the mall sign, of Graham Road  
47 West.

48 Moseley indicated that the Village has received the proof of mailing.

49 Dubow noted that the Village has received the required 239-l and -m response from the Tomkins  
50 County Planning Department which indicated that there was no negative inter-community or county-wide  
51 impact.

52 Dankert moved to close the public hearing; seconded by Durst; Ayes by Tomei, Dankert, Stycos,  
53 Schleelein, and Durst.

54 Tomei noted that the Short EAF (Environmental Assessment Form), Part I, needs to be signed by  
55 the applicant. Tomei added that due to the repeat event being proposed, all of the answers in Part 1 would  
56 reflect the same as the original Short EAF for the last event.

57 Moseley noted that #9, on the Short EAF Part 1, would change to reflect commercial use in the  
58 vicinity due to the location change.

59 Part 2 of the Short EAF was answered as follows by the Planning Board: A. no, B, no, C1, minor  
60 traffic adjustments to existing traffic patterns and no washing of the vehicles with detergent (only allowed  
61 to rinse vehicles), C2. -C7. No, D., no, and E. no.

62  
63

64 Tomei read the following proposed resolution for SEQRA (State Environmental Quality Review  
65 Act) review:

66

67 *VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR REVIEW OF SPECIAL*  
68 *PERMIT NO. 2662 ADOPTED ON JUNE 11, 2012*

69  
70 *Motion made by:* \_\_\_\_\_ *Phil Dankert* \_\_\_\_\_

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72 *Motion seconded by:* \_\_\_\_\_ *Maria Stycos* \_\_\_\_\_

73  
74 **WHEREAS:**

75  
76 A. *This matter involves consideration of the following proposed action: Special Permit #2662,*  
77 *The Shops at Ithaca Mall, to operate a Temporary Outdoor Sale, at 40 Catherwood Road in*  
78 *the Commercial High Traffic District, Tax Parcel Number 47.1-1-22. Because the operation*  
79 *of the Temporary Outdoor Sale would occur within the Commercial High Traffic District,*  
80 *Special Permit review is required pursuant to Section 145-58(c) of the Village of Lansing*  
81 *Code; and*

82  
83 B. *The proposed action provided for herein is an Unlisted Action in accordance with SEQR for*  
84 *which the Village of Lansing Planning Board is an involved agency for the purposes of*  
85 *environmental review; and*

86  
87 C. *On June 11, 2012, the Village of Lansing Planning Board, in performing the lead agency*  
88 *function for its independent and uncoordinated environmental review in accordance with*  
89 *Article 8 of the New York State Environmental Conservation Law - the State Environmental*  
90 *Quality Review Act ("SEQR"), (i) thoroughly reviewed the Short Environmental Assessment*  
91 *Form (the "Short EAF"), Part I, and any and all other documents prepared and submitted*  
92 *with respect to this proposed action and its environmental review, (ii) thoroughly analyzed*  
93 *the potential relevant areas of environmental concern to determine if the proposed action*  
94 *may have a significant adverse impact on the environment, including the criteria identified in*  
95 *6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;*

96  
97 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

98  
99 1. *The Village of Lansing Planning Board, based upon (i) its thorough review of the Short EAF,*  
100 *Part I, and any and all other documents prepared and submitted with respect to this proposed*  
101 *action and its environmental review, (ii) its thorough review of the potential relevant areas of*  
102 *environmental concern to determine if the proposed action may have a significant adverse*

103 *impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c),*  
104 *and (iii) its completion of the Short EAF, Part II, including the findings noted thereon (which*  
105 *findings are incorporated herein as if set forth at length), hereby makes a negative*  
106 *determination of environmental significance (“**NEGATIVE DECLARATION**”) in*  
107 *accordance with SEQR for the above referenced proposed action, and determines that an*  
108 *Environmental Impact Statement will not be required; and*

109  
110 2. *The Responsible Officer of the Village of Lansing Planning Board is hereby authorized and*  
111 *directed to complete and sign as required the Short EAF, Part III, confirming the foregoing*  
112 ***NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be*  
113 *attached to and made a part of this Resolution.*

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119 *The vote on the foregoing motion was as follows:*

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121 *AYES: Mario Tomei, Maria Stycos, Phil Dankert, Richard Durst, and Lisa Schleelein.*

122  
123 *NAYS: None*

124  
125 *The motion was declared to be carried.*

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129 Tomei read the required special permit general conditions as follows:

- 130 (1) *It will not be detrimental to or endanger the public health, safety or general welfare.*  
131 (2) *It will not be injurious to the use and enjoyment of other property in the vicinity or*  
132 *neighborhood.*

133 (3) *It will not impede the orderly development of the vicinity or neighborhood and is*  
134 *appropriate in appearance and in harmony with the existing or intended character of the*  
135 *vicinity or neighborhood.*

136 (4) *The street system and off-street parking facilities can handle the expected traffic in a*  
137 *safe and efficient manner.*

138 (5) *Natural surface water drainageways are not adversely affected.*

139 (6) *Water and sewerage or waste disposal facilities are adequate.*

140 (7) *The general environmental quality of the proposal, in terms of site planning,*  
141 *architectural design and landscaping, is compatible with the character of the*  
142 *neighborhood.*

143 (8) *Lot area, access, parking and loading facilities are sufficient for the proposed use.*

144 (9) *The requested use or facility conforms in all other respects to the applicable*  
145 *regulations of the district in which it is located.*

146 (10) *The applicant has shown that steps will be taken where necessary to meet all*  
147 *performance standards and all other applicable general regulations.*

148 Tomei asked for a motion that all general conditions have been met. Moved by Schleelein.  
149 Seconded by Durst; Ayes by: Tomei, Dankert, Stycos, Schleelein, and Durst.  
150

151 The Board members discussed what conditions should be attached to any approval of the special  
152 permit, and Tomei read the following proposed special permit resolution:  
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154  
155 *VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT NO. 2662*  
156 *ADOPTED ON JUNE 11, 2012*  
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158  
159 *Motion made by:* \_\_\_\_\_ *Richard Durst* \_\_\_\_\_

160  
161 *Motion seconded by:* \_\_\_\_\_ *Maria Stycos* \_\_\_\_\_

162  
163 **WHEREAS:**

- 164
- 165 A. *This matter involves consideration of the following proposed action: Special Permit #2662,*  
166 *The Shops at Ithaca Mall, to operate a Temporary Outdoor Sale, at 40 Catherwood Road in*  
167 *the Commercial High Traffic District, Tax Parcel Number 47.1-1-22. Because the operation*  
168 *of the Temporary Outdoor Sale would occur within the Commercial High Traffic District,*  
169 *Special Permit review is required pursuant to Section 145-58(c) of the Village of Lansing*  
170 *Code; and.*  
171
- 172 B. *On June 11, 2012, the Village of Lansing Planning Board determined that the proposed*  
173 *action is an Unlisted Action for which the Board is an involved agency, and in performing the*  
174 *lead agency function for its independent and uncoordinated environmental review in*  
175 *accordance with Article 8 of the New York State Environmental Conservation Law - the State*  
176 *Environmental Quality Review Act ("SEQR"), the Board (i) thoroughly reviewed the Short*  
177 *Environmental Assessment Form (the "Short EAF"), Part I, and any and all other documents*  
178 *prepared and submitted with respect to this proposed action and its environmental review,*  
179 *(ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if*  
180 *the proposed action may have a significant adverse impact on the environment, including the*  
181 *criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part II; and*  
182 *(iv) made a negative determination of environmental significance ("Negative Declaration")*  
183 *in accordance with SEQR for the above referenced proposed action and determined that an*  
184 *Environmental Impact Statement would not be required; and*  
185
- 186 C. *On June 11, 2012, the Village of Lansing Planning Board held a public hearing regarding*  
187 *this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and*  
188 *information presented by and on behalf of the applicant in support of this proposed action,*  
189 *including information and materials related to the environmental issues, if any, which the*  
190 *Board deemed necessary or appropriate for its review, (ii) all other information and*  
191 *materials rightfully before the Board (including, if applicable, comments and*  
192 *recommendations, if any, provided by the Tompkins County Department of Planning in*  
193 *accordance with General Municipal Law Sections 239-l and -m), and (iii) all issues raised*  
194 *during the public hearing and/or otherwise raised in the course of the Board's deliberations;*  
195 *and*  
196
- 197 D. *On June 11, 2012, in accordance with Section 725-b of the Village Law of the State of New*  
198 *York and Sections 145-58C, 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing*  
199 *Code, the Village of Lansing Planning Board, in the course of its further deliberations,*  
200 *reviewed and took into consideration (i) the conditions provided for the Temporary*  
201 *Commercial Activity (Village of Lansing Code Section 145-58C), (ii) the general conditions*  
202 *required for all special permits (Village of Lansing Code Section 145-59E), (iii) any*  
203 *applicable conditions required for certain special permit uses (Village of Lansing Code*  
204 *Section 145-60), (iv) any applicable conditions required for uses within a Combining District*  
205 *(Village of Lansing Code Section 145-61), and (v) any environmental issues deemed*  
206 *necessary and/or appropriate;*  
207

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

- 209 1. *The Village of Lansing Planning Board hereby finds (subject to the conditions and*  
210 *requirements, if any, set forth below) that the proposed action meets (i) the conditions*  
211 *provided for the Temporary Commercial Activity (Village of Lansing Code Section 145-58C),*  
212 *(ii) all general conditions required for all special permits (Village of Lansing Code Section*  
213 *145-59E), (iii) any applicable conditions required for certain special permit uses (Village of*  
214 *Lansing Code Section 145-60), and (iv) any applicable conditions required for uses within a*  
215 *Combining District (Village of Lansing Code Section 145-61); and*  
216
- 217 2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No.  
218 2662 is **GRANTED AND APPROVED**, subject to the following conditions and  
219 requirements:
- 220
- 221
- 222 A. *There shall be no more than 110 vehicles on the premises, for sale or lease, at any*  
223 *one point in time.*
- 224 B. *There shall be no washing of the vehicles with detergent unless there is a contained*  
225 *area for the washing of vehicles, and the contaminated water is removed from the*  
226 *containment area and disposed of in an approved manner.*
- 227 C. *The event or sale shall be no more than 10 days in length.*
- 228 D. *There shall be no more than 2 signs with a maximum of 12 square feet for each sign.*  
229 *The signs shall also be located as described during the June 11<sup>th</sup>, 2012 Planning*  
230 *Board meeting.*
- 231 E. *There shall be no vehicle transport trucks left on the premises.*
- 232 F. *There shall be no additional exterior lighting added during the event or sale.*  
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236 *The vote on the foregoing motion was as follows:*

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

238 *NAYS: None*

239 *The motion was declared to be carried.*

240 **Public Hearing to Consider:**

241 Tomei opened the public hearing for:

242 Special Permit No. 2663, Marjorie Pryse, to operate a home occupation consisting of growing,  
243 processing, and preparing for sale garden goods, plant products, and honey and hive products in  
244 her home at 1 Pembroke Lane located in the Low Density Residential District, Tax Parcel  
245 Number 48.1-2-2.1.

246

247 Pryse noted that the property was originally a kennel. She bought the property 4 years ago and  
248 has greatly improved it. Pryse noted that she enjoys gardening and the location of the garden is in a large

249 field. She has gardened from year 1 of living at the home. Pryse noted that for the past 3 years she has  
250 canned food in the annex building. Pryse noted that currently she has 48 tomato plants that will not be  
251 part of the home occupation. Pryse noted that she continues to move forward with the home occupation  
252 due to her retiring. Pryse noted that she does not anticipate that the home occupation would create  
253 revenue that would sustain the business, but it allows her to get out and socialize with others in the  
254 community. Pryse would like to attend the King Ferry farmers market. Pryse submitted a letter to the  
255 Board addressing section 145-60 D(2) of the Village Code. Pryse noted that she would not be doing  
256 anything different from the past 3 years except for being able to sell items at the farmers market. Pryse  
257 noted that she does not intend to sell on site, she is not hiring anyone, she is not erecting a sign, and she  
258 intends to keep the property private and not open it up to the public.

259

260 Tomei noted that he has received letters from concerned neighbors. Tomei read the following:

261

262 *Kraig and Dolores Adler*

263 *17 Cayuga Hills Road*

264 *June 11, 2012*

265 *TO:*

266 *Mario Tomei, Chairman*

267 *Village of Lansing Planning Board*

268 *RE: Special Permit No. 2663 Marjorie Pryse*

269 *We are unable to attend the Board Meeting of the Village of Lansing Planning Board but would like to*  
270 *comment on the application of Marjorie Pryse.*

- 271 1. *We value highly the residential nature of our low density neighborhood.*  
272 2. *Those wishing to operate a business in his/her home is not an issue for us as long as there is no*  
273 *impact on our area. However, we would not like to see signage of any kind advertising a home*  
274 *business. Even a small sign can be precedent setting.*  
275 3. *We would not like to see increased car traffic in our area because of a home business. The*  
276 *intersection of Pembroke and Cayuga Heights Road can be a busy one. It is a school bus stop*  
277 *and the visibility at that corner requires attention because of drivers heading up or down*  
278 *Oakcrest and turning at that corner. In addition, a dead end side road, Sundowns, feeds into that*  
279 *intersection.*

280

281 *We ask that the Planning Board give serious consideration to these concerns when deciding to grant a*  
282 *special permit allowing a commercial enterprise in our neighborhood.*

283 *Thank you.*

284 *Sincerely,*

285 *Dolores and Kraig Adler*

286 copies to Jodi Dake and Marty Moseley

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289

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June 8, 2012

Mr. Mario Tomei  
Chairman, Planning Board  
Village of Lansing  
2405 North Triphammer Road  
Ithaca, New York 14850

RE: Application for Special Permit  
No. 2663  
Tax Parcel No. 48.1-2-2.1

Dear Mr. Tomei:

My husband and I reside at 1 Hampton Hill Lane, Ithaca, New York. I write in connection with the Planning Board meeting now scheduled for June 11th on the application of Marjorie Fryse for a Special Permit. I will be out of town and thus cannot attend the June 11<sup>th</sup> meeting. Instead, I now write to set forth concerns my husband and I have about this application.

Our concern focuses on a new commercial use being introduced into a property located in a Low Density Residential District. It is not clear from the material we have received about this application where the produce and goods involved will be sold. Presumably the proposed business will seek to sell products to the public and will, of necessity, introduce traffic and other commercial aspects to the neighborhood. If there will be sales on site, there should be concern about excessive traffic particularly since Oakcrest Road intersects with Cayuga Heights Road at the same spot as Pembroke Lane. Thus, there could be more traffic at certain times, e.g., on Saturday, at an intersection which may not be designed for such traffic. A regular gathering of customer cars at that spot, similar to that which one sees at the occasional garage sale, would be unsafe, inappropriate in appearance and not in harmony with the existing character of the vicinity. We do not want a Michaleen's situation to develop where a very commercial operation blossomed.

We are also concerned about the precedental effect of granting the requested Special Permit. If the Village grants this Special Permit, how does it not grant other similar Special Permits which by themselves and cumulatively could alter the character of the Village?

We do not express these concerns out of any animosity toward the owner of the property. We do not even know her. We are simply concerned about the impact of granting the Special Permit.

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Mr. Mario Tomei  
June 8, 2012  
Page 2

We are aware that a dog kennel business was run on that property by the previous owners. We do not know if that was approved at some earlier time when we did not live in our current home. We would have raised similar concerns about that application if we had lived here when that use was proposed. In any event, a dog kennel business would not have the number of customers on the property at the same time as the now proposed business might have.

Please call me if you have any questions.

Sincerely,



Elizabeth Park

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Tomei indicated that he was not sure that the concerned parties knew fully what the intent of the home occupation was.

Dubow noted that additional conditions could be attached to the special permit if approved.

Leopold asked, based upon the McLain kennel having been a commercial operation, is there is a carrying over of a right for the current landowner to have a commercial operation.

Dubow noted that if the operation ceases to exist for approximately 12 months, then the non-conforming use would no longer be allowed.

Tomei asked for comments.

Proujansky indicated that he is a contiguous land owner. Proujansky noted that Pryse has done a

316 very nice job enhancing her property from the existing conditions at the time she bought the property.  
317 Proujansky indicated that, to his knowledge, when the original subdivision was approved by the Village,  
318 there was a restriction instituted by the Village, which then was also included on a separate restrictive  
319 covenant document, not allowing any commercial use on any lot in the current subdivision. Proujansky  
320 requested that the Village check on any conditions or restrictions that may have been included in the  
321 original subdivision approval, and that examination be done prior to approving or denying the special  
322 permit. Proujansky noted that if there are no sales on the property and no signage, he and his wife would  
323 not be particularly concerned with the operation of the home occupation. Proujansky also indicated, for  
324 the record, that Dubow's law firm, not Dubow himself but one of his partners, represented him during the  
325 acquisition of his current parcel of land. Proujansky noted that he had received the legal notice on  
326 Thursday and he did not have an opportunity to check into the restrictions himself.

327  
328 Dubow noted that under New York State Law, a Board can't disapprove this type of action based  
329 upon private property rights, such as restrictive covenants, that apply to private property owners in a  
330 particular area. Dubow added that deed restrictions and covenants are generally enforced by private  
331 property owners. Dubow noted that the Village does not generally get into the business of determining if  
332 covenants are or are not applicable. He added that the covenant review is usually independent of the  
333 Village's review. Dubow noted that the Board should and could take a look at the covenant restrictions,  
334 but ultimately the Village would not be allowed to deny the special permit application on that particular  
335 basis. Dubow noted that he is not aware of what restrictions may affect this property, and the Board does  
336 have the right to delay this action to review those documents if they wish.

337 Proujansky noted that he understood that the property owner's rights would not impact the  
338 Board's decisions, but Proujansky thought that the Village imposed those restrictions--no commercial  
339 operation within the area of discussion--when the subdivision was being approved by the Village.

340 Dubow noted that the Village may need to look into this matter before rendering a decision with  
341 respect to this special permit application, because if the Village imposed such conditions as part of the  
342 subdivision approval, the Planning Board may not be allowed to act contrary to the subdivision conditions  
343 by granting special permit approval for this proposed action.

344 Proujansky noted that he could be remembering the scenario wrong, but would like the Village to  
345 look into the matter prior to rendering a decision. Proujansky reiterated that he did not have an issue with  
346 Pryse having a home occupation, as described, due to not having an impact on the surrounding neighbors.  
347 Proujansky noted that his concern is that a precedent might be established if the Board grants the home  
348 occupation special permit notwithstanding what may be a previous subdivision action in which the Board  
349 expressly prohibited commercial activity, which precedent might affect other properties in the  
350 subdivision.

351 Pryse noted that she had not seen any requirement or restriction in her deed that would not allow  
352 them to operate a home occupation of this nature, but the deed did indicate that a kennel would no longer  
353 be allowed to be operated. Pryse indicated that she had contacted the previous Code and Zoning Officer,  
354 Ben Curtis, who indicated that they would no longer be able to operate the kennel but would be able to  
355 operate a home occupation as long as it did not impact the neighbors. Pryse noted that she is also a writer  
356 and a scholar pursuant to which she produces materials at her home for publication and receives monies,  
357 which could also be associated with a home occupation that would not impact the neighbors. Pryse noted

358 that they have no intentions of bringing people to the property to sell goods. Pryse noted that she liked the  
359 privacy and wanted to continue to have the privacy.

360 Proujansky indicated that individuals operate a home occupation all the time and most of the time  
361 their neighbors would not know, and this home occupation is no exception. Proujansky added that the  
362 differentiation is retail and signage which Pryse will not be having in relation to her proposed home  
363 occupation.

364 Moseley briefly searched the Village files during the meeting for an applicable document relevant  
365 to this particular matter, but was not successful in finding such documents.

366 Based upon what Moseley did find in the files, Dubow noted that there were in fact deed  
367 restrictions that were recorded in 1999 for the subdivision. Dubow read the deed restrictions. Dubow  
368 noted that he is not sure if the deed restrictions have been modified. Dubow also noted that the deed  
369 restrictions indicate that they were to expire on January, 1 2010 unless otherwise extended.

370 Pryse noted that if the property owners congregated and agreed to amend the deed restrictions,  
371 would she have not been notified when buying the property in 2008.

372 Dubow indicated that she should have been informed of such amendments or updates to the deed  
373 restrictions. Dubow added that the Village is not in a position whereby it would like to get involved with  
374 deed restrictions, but rather it is trying to avoid the Village violating any of its own conditions or  
375 regulations that were in fact instituted as part of the approval of this particular subdivision. Dubow  
376 suggested that the Board take some additional time to make sure that there are no restrictions that were  
377 instituted by the Village.

378 Tomei noted that they would adjourn the public hearing until the next meeting.

379 Moseley noted that the Parks were handed a copy of the packet material that was distributed to  
380 the Planning Board.

381 Pryse noted she would probably not be able to attend the next Board meeting.

382 The Board indicated that she had answered all of their questions and would not be required to be  
383 present at the meeting.

384 Moseley indicated that in his brief review of the final plat approval for the subdivision, he did not  
385 notice any such conditions that were implemented by the Village.

386 Durst moved to adjourn the public hearing until the next meeting for the Village to ensure that  
387 they are not violating any restrictions that they may have implemented as part of the previous subdivision  
388 approval. Seconded by Schleelein. Ayes by: Tomei, Dankert, Stycos, Schleelein, and Durst.

389 **Approval of the Proposed BJ's Gas and Electric Recharging Station Signage**

390 Tomei indicated that due to public notification issues the Trustees have not been able to formally  
391 vote on the Shops at Ithaca Mall Planned Sign Area square footage increase recommended by the  
392 Planning Board.

393 Dubow noted that the Planning Board could approve the signs subject to approval from the Board  
394 of Trustees for the Planned Sign Area increase.

395 Tomei asked if the signs that are in front of the BJ's Pumps were necessary due to the abundance  
396 of those signs.

397 Moseley noted that there are 12 signs in association with Tomei's question.

398 Tomei noted that the signs in question are typically not seen by the public until they are pumping  
399 gas.

400 Moseley noted that there will be price signs above each pump, which are more of a directional  
401 sign. Moseley added that those signs would be electronic LED signs.

402 Durst moved to approve the sign package, as provided, subject to the Trustees approving  
403 the proposed increase to the signage square footage for the Shops at Ithaca Mall Planned Sign Area.  
404 Seconded by Dankert, Ayes by: Tomei, Dankert, Stycos, Schleelein, and Durst.

405 Schleelein asked about the progress with respect to the residential portion and timeline.

406 Goetzmann indicated that that they need to abate the asbestos in the house to be demolished and  
407 then they will commence work.

408  
409 **Approval of Minutes**  
410 *None*

411 **Reports**  
412 *Durst reported on the June 4<sup>th</sup> Trustee meeting. Please see the minutes of that meeting for a*  
413 *report.*  
414

415 **Other Business**  
416 Kanter explained that the committee for the north east development study is awaiting the report  
417 from B&L Engineering in order to review it.

418 Tomei asked the Board if they felt it was necessary for an applicant to resubmit a Special Permit  
419 application for a returning Temporary Commercial Activity of the same or similar nature for the same  
420 applicant. Tomei noted that the Code and Zoning Officer could make the determination in such instances  
421 if authority were granted to him.

422 Dubow indicated that if this authority is not established, the applicant would need to go through  
423 the special permit process as it presently provides. If given that authority, the applicant would be exempt  
424 from returning to the Planning Board for Special Permit approval. Dubow noted that it is up to both the  
425 Planning Board and the Board of Trustees as to whether this expedited process should be implemented.

426 Kanter noted that it would be nice for the Board to know how many events would be held during  
427 the year, but if the applicant were to apply for the same event, as was previously approved, then he would  
428 have no problem.

429 Dankert asked if Tompkins County Planning Department would still need to review the event if  
430 applicable.

431 Moseley indicated that since it would be an administrative review, that action would be exempt.

432 The Planning Board decided to have language put together and brought back for the above  
433 discussion, to be proposed and possibly incorporated into the Village Code.

434 Moseley noted that based on this re-submittal for the Shops at Ithaca Mall temporary outside sale,  
435 he would have to refer it to the Planning Board due to the location change. Moseley added that he would  
436 continue to work with Tomei if he had any questions for a returning applicant.

437 **Adjournment**

438 Durst moved to adjourn at 9:21PM. Seconded by Dankert; Ayes: Tomei, Dankert, Stycos,  
439 Schleelein, and Durst.  
440