

**Village of Lansing
Board of Zoning Appeals
February 19, 2008**

1 The meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:30
2 P.M. by Chairperson Mary Sirois. Present at the meeting were Board members Don
3 Eckrich, Patrick Gillespie, David Newman, and John Wisor; Code Enforcement Officer
4 Ben Curtis; Village Attorney David Dubow; and the applicant, Gary Sloan.
5

6 **Appeal No. 2008-1**, Squeaky Clean Car Wash, to install an 8sf internally lit sign with
7 interchangeable copy on the pole of the existing freestanding entrance sign. A variance is
8 required because the additional sign increases the number and total sign area above that
9 permitted by Section 115-7(B) 1 of the Village of Lansing Code and Variance 1995-1
10 which permits the existing number and total area of signs. The property is located at 2326
11 North Triphammer Road, in the Commercial High Traffic District, Tax Parcel No. 47.1-
12 1-17.5.
13

14 Gary Sloan, owner of Squeaky Clean Car Wash, addressed the Board. He distributed a
15 revised version of his sign proposal. In the original application he had requested to add an
16 8sf internally lit sign with interchangeable copy on the pole of the existing freestanding
17 entrance sign. In the revised proposal he would be replacing the existing entrance sign
18 with one that is 8sf smaller so that there would be no net gain in sign area for the business
19 as a whole. He stated he had reviewed the criteria for granting a variance and decided he
20 could stay within the total area of signage approved under the previous variance granted
21 in 1995.
22

23 Sloan explained that the proposed sign was important to his business because it was a
24 proven way to attract the price responsive customer, for the same reasons such signs are
25 important for gas stations. People want to know how much a wash costs before they
26 commit to entering the car wash. He has been using a similar sign downtown to alert
27 drivers of a special \$5 basic car wash. This has increased the volume of cars and does not
28 seem to cut into his regular \$20 deluxe car wash market. There are just different types of
29 customers and he needs a way to reach out to the price responsive customers.
30

31 Newman asked if just the price would change from time to time or the whole panel. Sloan
32 responded they would change the whole panel periodically, probably quarterly. The
33 panels would be professionally done by Rapp Signs and would be interchangeable.
34

35 Eckrich stated that he had reviewed the prior variance and was confused about the
36 amount and number of signage approved. At one point the record indicates three free
37 standing signs and two additional signs and at another point references four signs. He is
38 concerned about the growing number of signs and the shift of signage closer to the
39 roadside. Sloan stated that there are currently two free standing signs on site – the menu
40 board and the entrance sign. Eckrich asked why a variance was required if three signs
41 were approved and only two had been installed. Sloan responded that the variance was

1 specific with regard to the signs approved at that time. Curtis noted that on numerous
2 occasions he had noticed and brought to the owner's attention additional signage on the
3 premises. Sloan responded that those were "windjammer signs", a portable sign they put
4 out and took in at night. Curtis noted that the windjammer signs are considered free
5 standing signs and are governed by the previous variance. Sloan said he could retire one
6 of the windjammer signs if this sign were approved, but that he did need signs to instruct
7 drivers in moving vehicles – that is essential to the business. Curtis asked if he was
8 proposing the revised pole sign, the new sign, the menu board, one windjammer sign and
9 the building mounted sign, all together totaling no more than 110sf. Sloan responded yes,
10 with no net gain in sign area. Dubow asked if Sloan was simply asking for a different
11 distribution of the approved 110 sf of signage with the addition of one freestanding sign.
12 Sloan said that was correct.

13
14 Sirois asked how many other car washes there were in the area. Sloan stated that in
15 addition to the one he owns downtown, there is a full service car wash on Judd Falls
16 Road and a self-serve in the Town of Lansing.

17
18 Sirois noted that there was no one from the public except Sloan to comment and therefore
19 the public hearing could be opened and then closed for the record. Eckrich moved to
20 close the Public Hearing, Newman seconded, all in favor.

21
22 Curtis stated he had received the Proof of Mailing.

23
24 Eckrich noted that when the property was a gas station it was something of an eyesore
25 compared to the way it has been maintained as a car wash. Still he is a strong proponent
26 of the Sign Law as a method for limiting visual clutter. He is very concerned about
27 drifting away from the limitations set by the Law, noting that variances go with the
28 property and, unless limited, go on in perpetuity. Further, when he visited the site he
29 noticed that the proposed sign was close to the road and would block the vision of drivers
30 trying to turn from Catherwood Road onto North Triphammer Road. At the very least, if
31 the variance is granted, it should be limited in time to this one business.

32
33 Sirois polled the Board for additional comments. Wisor felt the sign would increase the
34 level of distraction at an already busy intersection. Gillespie did not think the proposed
35 sign would be any more distracting than the windjammer signs, but did think it would be
36 a good idea to limit any variance to this particular business. Newman agreed with
37 Gillespie regarding the distraction and limiting the duration of the variance, but was
38 concerned about safety and blocking vision at the intersection as well as the cumulative
39 effect of added signs in eroding the effectiveness of the Sign Law. Sirois noted that the
40 Sign Law was intended to prevent an Elmira Road-like proliferation of signage and had
41 been effective in doing so. She further noted that there is more competition in the Elmira
42 Road area and that in that context signage has a greater role to play, but that there is not
43 that level of pressure in the Village where Sloan has the only game in town. She is
44 concerned about setting a bad precedent that would undermine the Law by opening the
45 door to other businesses in the area that might want additional signage.

1
2 Newman moved to close the discussion phase of the meeting, seconded by Eckrich, all in
3 favor. Dubow explained the requirement for SEQR review

4
5 The Board then reviewed the State Environmental Quality Review Short
6 Environmental Assessment Form for Unlisted Actions. They agreed that the
7 answers to all questions A through E of Part 2 were “no” except C2 where they
8 noted there could be an adverse impact on aesthetics and neighborhood
9 character, and C4 where they noted that the proposal does not conform to the
10 community’s goal to limit the proliferation of signage. After some discussion
11 the Board decided that neither of these identified potential adverse impacts
12 were significant. Gillespie moved the following resolution, seconded by Wisor:

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14 VILLAGE OF LANSING BOARD OF ZONING APPEALS
15 RESOLUTION ADOPTED ON FEBRUARY 19, 2008 FOR THE
16 SEQR REVIEW OF APPEAL NO. 2008-1
17

18
19 **WHEREAS:**

- 20
21 A. This matter involves consideration of the following proposed action: Appeal
22 No. 2008-1 Squeaky Clean Car Wash, to install an 8sf internally lit sign with
23 interchangeable copy on the pole of the existing freestanding entrance sign. A
24 variance is required because the additional sign increases the number and total
25 sign area above that permitted by Section 115-6(B) 1 of the Village of
26 Lansing Code and Variance 1995-1 which permits the existing number and
27 total area of signs. The property is located at 2326 North Triphammer Road,
28 in the Commercial High Traffic District, Tax Parcel No. 47.1-1-17.5; and
29
30 B. This proposed action is an Unlisted Action for which the Village of Lansing
31 Board of Zoning Appeals is an involved agency for the purposes of
32 environmental review; and
33
34 C. On February 19, 2008, the Village of Lansing Board of Zoning Appeals, in
35 performing the lead agency function for its independent and uncoordinated
36 environmental review in accordance with Article 8 of the New York State
37 Environmental Conservation Law - the State Environmental Quality Review
38 Act (“SEQR”), (i) thoroughly reviewed the Short Environmental Assessment
39 Form (the “Short EAF”), Part I, and any and all other documents prepared and
40 submitted with respect to this proposed action and its environmental review,
41 (ii) thoroughly analyzed the potential relevant areas of environmental concern
42 to determine if the proposed action may have a significant adverse impact on
43 the environment, including the criteria identified in 6 NYCRR Section
44 617.7(c), and (iii) completed the Short EAF, Part II;
45

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

- 2
- 3 1. The Village of Lansing Board of Zoning Appeals, based upon (i) its thorough
4 review of the Short EAF, Part I, and any and all other documents prepared and
5 submitted with respect to this proposed action and its environmental review,
6 (ii) its thorough review of the potential relevant areas of environmental
7 concern to determine if the proposed action may have a significant adverse
8 impact on the environment, including the criteria identified in 6 NYCRR
9 Section 617.7(c), and (iii) its completion of the Short EAF, Part II, including
10 the findings noted thereon (which findings are incorporated herein as if set
11 forth at length), hereby makes a negative determination of environmental
12 significance (“**NEGATIVE DECLARATION**”) in accordance with SEQR
13 for the above referenced proposed action, and determines that neither a Full
14 Environmental Assessment Form, nor an Environmental Impact Statement
15 will be required; and:
- 16
- 17 2. The Responsible Officer of the Village of Lansing Board of Zoning Appeals is
18 hereby authorized and directed to complete and sign as required the Short
19 EAF, Part III, confirming the foregoing **NEGATIVE DECLARATION**,
20 which fully completed and signed Short EAF shall be attached to and made a
21 part of this Resolution.
- 22

23

24 The vote on the foregoing motion was as follows:

25

26 **AYES: Mary Sirois, John Wisor, Don Eckrich, David Newman and Pat Gillespie**

27

28 **NAYS: none**

29

30 The motion was declared to be carried.

31

32

33 Gillespie then led the Board through the findings and Eckrich moved the following
34 resolution which Newman seconded:

35

36 **VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED**
37 **ON FEBRUARY 19, 2008 FOR APPEAL NO. 2008-1**

38

39 **WHEREAS:**

- 40
- 41 A. This matter involves consideration of the following proposed action: Appeal
42 No. 2008-1 Squeaky Clean Car Wash, to install an 8sf internally lit sign with
43 interchangeable copy on the pole of the existing freestanding entrance sign. A
44 variance is required because the additional sign increases the number and total
45 sign area above that permitted by Section 115-6(B) 1 of the Village of

1 Lansing Code and Variance 1995-1 which permits the existing number and
2 total area of signs. The property is located at 2326 North Triphammer Road,
3 in the Commercial High Traffic District, Tax Parcel No. 47.1-1-17.5; and
4

5 B. On February 19, 2008, the Village of Lansing Board of Zoning Appeals held a
6 public hearing regarding such action, and thereafter thoroughly reviewed and
7 analyzed (i) the materials and information presented by and on behalf of the
8 applicant(s) in support of this appeal, (ii) all other information and materials
9 rightfully before the Board, and (iii) all issues raised during the public hearing
10 and/or otherwise raised in the course of the Board's deliberations; and
11

12 C. On February 19, 2008, the Village of Lansing Board of Zoning Appeals
13 determined that the proposed action is an Unlisted Action for which the Board
14 is an involved agency, and in performing the lead agency function for its
15 independent and uncoordinated environmental review in accordance with
16 Article 8 of the New York State Environmental Conservation Law - the State
17 Environmental Quality Review Act ("SEQR"), the Board (i) thoroughly
18 reviewed the Short Environmental Assessment Form (the "Short EAF"), Part
19 I, and any and all other documents prepared and submitted with respect to this
20 proposed action and its environmental review, (ii) thoroughly analyzed the
21 potential relevant areas of environmental concern to determine if the proposed
22 action may have a significant adverse impact on the environment, including
23 the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short
24 EAF, Part II; and (iv) made a negative determination of environmental
25 significance ("Negative Declaration") in accordance with SEQR for the above
26 referenced proposed action and determined that an Environmental Impact
27 Statement would not be required; and
28

29 D. On February 19, 2008, in accordance with Section 712-b of the Village Law
30 of the State of New York and Village of Lansing Code Section 145-74 A(1),
31 the Village of Lansing Board of Zoning Appeals, in the course of its
32 deliberations, took into consideration the benefit to the applicant if the area
33 variance is granted as weighed against the detriment to the health, safety and
34 welfare of the neighborhood or community by such grant;
35

36 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:**
37

- 38 1. The Village of Lansing Board of Zoning Appeals hereby makes the following
39 findings with respect to the specific criteria for such area variance as set forth in
40 Section 712-b of the Village Law of the State of New York and Village of
41 Lansing Code Section 145-74 A(1):
42

43 *Whether an undesirable change will be produced in the character of the*
44 *neighborhood or detriment to nearby properties will be created by*
45 *granting the area variance.*

1
2 **Finding: Yes, the additional signs above that permitted by the Sign**
3 **Law, in the location proposed, contravenes the purpose of the Sign**
4 **Law to limit the proliferation of signage and will thereby**
5 **contribute to visual clutter.**

6
7 *Whether the benefit sought by the applicant can be achieved by some*
8 *method feasible for the applicant to pursue other than an area variance.*

9
10 **Finding: Yes, by reconfiguring the currently permitted signage.**

11
12 *Whether the requested area variance is substantial.*

13
14 **Finding: Cumulatively the impact of this proposed signage**
15 **combined with that approved under the prior variance is**
16 **substantial.**

17
18 *Whether the proposed area variance will have an adverse effect or impact*
19 *on the physical or environmental conditions in the neighborhood or*
20 *district.*

21
22 **Finding:** As proposed the additional signage could potentially impair
23 a driver's line of sight at the intersection of Catherwood Road and
24 North Triphammer Road, create additional distraction for drivers
25 passing the car wash, and degrade the overall character of the Village
26 streetscape.

27
28 *Whether the alleged difficulty was self-created.*

29
30 **Finding: Yes.**

- 31
32
33 2. It is hereby determined by the Village of Lansing Board of Zoning Appeals
34 that the proposed variance is **DENIED**.

35
36
37 The vote on the foregoing motion was as follows:

38
39 **AYES: Mary Sirois, John Wisor, Don Eckrich, David Newman and Pat Gillespie**

40
41 **NAYS: none**

42
43
44 The motion was declared to be carried.

45

1 **Approval of Minutes – November 20, 2007:**

2 Wisor moved to approve the minutes of November 20, 2007 as revised. Seconded by
3 Gillespie. Ayes by Eckrich, Gillespie, Newman, Sirois and Wisor. Motion carried.

4

5 **Adjournment:**

6 Gillespie moved to adjourn the meeting at 8:30 P.M. Seconded by Newman. Ayes by
7 Eckrich, Gillespie, Newman, Sirois and Wisor. Motion carried.

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