

**Village of Lansing
Planning Board Meeting
January 10, 2011**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by Acting
2 Chairman Phil Dankert. Present at the meeting were Planning Board Members, Richard Durst, Lisa
3 Schleelein, and Maria Stycos; Alternate Board Member Jonathan Kanter; Trustee Patricia O'Rourke;
4 Code Enforcement Officer Marty Moseley; Village Attorney David Dubow; Park Grill Café Owners Levon
5 Brewer and Joan Pike; and Community Party Observer Juan M. Arroyo.

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7 Prior to the opening of the meeting, the Planning Board determined that Phil Dankert would act as the
8 Chairman for the evening due to the absence of Planning Board Chairman Mario Tomei. Dankert
9 appointed Kanter as an acting member for the meeting due to Tomei's absence.

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11 **Public Comment Period**

12 Dankert opened the public comment period. Levon Brewer and Joan Pike introduced themselves
13 as part owners of the Park Grill Café. Juan M. Arroyo introduced himself as the Community Party
14 Observer. With no one else to speak, Stycos moved to close the public comment period. Seconded by
15 Schleelein. Ayes : Dankert, Durst, Stycos, Schleelein, and Kanter.

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17 **Cayuga Mall Salt Storage**

18 Dankert explained that the Special Permit application pertaining to the matter of the Cayuga
19 Mall Salt Storage has been withdrawn. Dankert pointed out that the reason the Special Permit
20 application has been withdrawn is because Brent Cross, the Village Engineer, did not approve of the
21 alternate salt storage facility proposed by the applicant. The Village Zoning Law, Section 145-32.1,
22 specifically states that the Planning Board may issue a Special Permit only upon the written
23 recommendation of the Village Engineer approving the property owner's alternative storage plans.
24 Dubow added that a typical salt storage facility, without a need for special permit approval, must meet
25 all eight (8) of the conditions set forth in Section 145-32.1 of the Village Code, and if that could not be
26 done for some reason, then a special permit approved by both the Village Engineer and the Planning
27 Board would be needed. Dubow added that even if the Village Engineer approved the alternative salt
28 storage facility, the Planning Board must still review the application and consider general conditions for
29 all special permits, and is not obligated to approve the special permit. If approval is granted, they can
30 attach conditions if need be. Dubow stated that many of the eight (8) conditions set forth in Section
31 145-32.1 deal with environmental issues. Dubow noted that this type of special permit review would
32 typically require the completion of a short form SEQRA (State Environmental Quality Review Act)
33 determination by the Board and a General Municipal Law Section 239 review provided by the Tompkins
34 County Planning Department. However, since Cross disapproved the alternative salt storage thereby
35 precluding the Board from approving the special permit, those procedural requirements would not be
36 needed at this time. Schleelein asked if the so called salt storage structure that is at the Cayuga Mall
37 now would need to be removed. Dubow noted that Moseley has cited the violation and it would be an
38 enforcement issue. Moseley explained that the structure will need to be removed. Kanter asked if the
39 trucks and related equipment were allowed to park next to the Econo Lodge in the Cayuga Mall.
40 Moseley stated that he was not aware of any regulation in the Village Code that would prohibit the use

41 of the parking lot to house large trucks and equipment. Dankert added that the equipment belongs to
42 the company that plows the Cayuga Mall parking lot. Kanter expressed concern about the tractor trailers
43 that are sitting in the parking lot and appear to not have anything to do with the plowing of the Cayuga
44 Mall. Moseley noted that he noticed the tractor trailers as well, but was unaware if the drivers had
45 stayed the night at the Econo Lodge. Moseley added that he would keep an eye on that particular part
46 of the parking lot at the Cayuga Mall.

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49 **B&T (Business and Technology) Park Low Traffic Food and Beverage Discussion**

50 Dankert handed the floor over to Dubow, since this matter is a larger topic than just signs.
51 Dubow explained that this topic arose due to signs being erected for the Park Grill Café, but is a broader
52 issue than the Park Grill Café or their signs. Dubow noted that Section 145-60(N) of the Village Code,
53 which provides additional conditions for certain special permit uses, deals specifically with Low
54 Traffic Food and Beverage use in the Business and Technology District. Dubow added that there are
55 criteria in that section that dictate how a Low Traffic Food and Beverage business is permitted to
56 operate, including advertising and signage that is or is not allowed. Dubow indicated that Moseley
57 notified the owners of the business that the signs were not allowed under the current Village Code
58 provisions, and advised them to remove such signs. Dubow added that under current Village Code the
59 Zoning Officer has to obtain approval from the Board of Trustees to remove any signs that are in
60 violation. Dubow explained that the Trustees reviewed the matter at their last meeting and allowed
61 three (3) signs to remain erected until a recommendation was formed and submitted to them by the
62 Planning Board. Dubow noted that Moseley has been working with the business owners to remove the
63 other signs that were not in compliance. Dubow added that the Tompkins County Highway Department
64 was the party that installed the signs, which somewhat complicates the situation. Dubow pointed out
65 that both the owners of the business and the Tompkins County Highway Department were probably
66 unaware of the Village's restrictions and that those restrictions prohibited the signs in question. Dubow
67 recommended that, based upon the Trustees' recommendation, the Planning board look at Section 145-
68 60(N) and determine if the conditions that were originally set in place should possibly be amended or
69 kept as is.

70 Dankert asked if Brewer or Pike would like to comment on this matter. Brewer noted that the
71 original Village Code provisions were put in place in the earlier days of the development of the Business
72 and Technology Park when Cornell was much more involved, and pointed out that he and Pike are
73 individual owners who are not affiliated with Cornell. Brewer explained that he was aware of the Village
74 Code at the time when Cornell owned it because he was the opening manager for Cornell at the original
75 food service facility. Brewer stated that Cornell could not maintain the facility due to the lack of
76 customers. Brewer added that there was an owner in between Cornell and himself, but he too could not
77 maintain the facility. Brewer explained that he was approached by Cornell to occupy and own this café
78 because there was a need for an eatery in the B&T Park. Brewer noted that he has experienced some of
79 the same issues since he has again taken over management of the café, mainly a lack of customers due
80 to the location of the café being unknown to people even in the B&T Park. Brewer stated that the
81 reason for the signs being installed in their current locations was to direct the people who are trying to

82 find the café, and maybe to try to attract some people from the Tompkins County Airport. Brewer noted
83 that he drove around and looked at the installed signs and admits that there are quite a few, but does
84 not think that people would be able to find the Park Grill Café without the signs. Brewer stated that
85 there is not a sign located at his business entrance indicating which driveway to use, which too confuses
86 people and delivery drivers trying to drop off supplies to him. Brewer indicated that he has recently
87 installed an interior way-finding sign which has helped out immensely. Brewer feels that if the Village
88 does not allow for signage then his business will incur a loss and eventually be forced to close as well.
89 Brewer added that by people eating at his café it reduces the number of cars traveling to Triphammer
90 Road during lunchtime, which in turn helps the traffic flow. Brewer noted that at the Cornell Lab of
91 Ornithology there are about 300 employees, many of whom possibly travel to Triphammer Road to
92 obtain lunch. Brewer stated that they are currently getting about 70-80 people per day for business and
93 wished that he was getting about 150-200 people per day. Brewer added that the current number of
94 people that are eating at his café has been an increase because of the signs. Brewer invited the Planning
95 Board members to drive around to look at the signs in place and give feedback on their appearance and
96 locations.

97 Schleelein noted that she drove around the area, and thought that there were too many signs
98 installed. Schleelein questioned how their café qualified for a sign from Tompkins County when a regular
99 restaurant did not. Schleelein asked if the mission was to serve the B&T Park. Brewer explained that it
100 was, but to also serve the general public as well. Schleelein noted that she found the location of the café
101 confusing because there was no sign at their entrance. Schleelein asked if there were any restrictions
102 enacted by the B&T Park about the lack of signage at the entrance of the café. Moseley noted that the
103 B&T Park has an overall planned sign area previously approved by the Village, which might be amended
104 by the B&T Park subject to approval by the Board of Trustees. Schleelein voiced concern about the
105 general public following the signs after the café closes for the evening and they cannot get anything to
106 eat. Dubow explained that all of the conditions should be looked at in Section 145-60(N) to determine if
107 there needs to be change. Dubow added that the developers of the B&T Park were the ones who
108 originally approached the Village and asked for a food service use to be allowed in the Park, and the
109 current regulations are what were developed by the Village in order to allow that specific use. Dankert
110 explained that an original concern from the Village was stealing business away from the other
111 businesses in the Village. Pike asked if that was because Cornell owned it at the time. Dubow added that
112 at that time the Village was also concerned about traffic on both Triphammer and Warren Road, which
113 have been improved since then. Dubow also noted that some of the current restrictions may be difficult
114 for the Zoning Officer to monitor and enforce. Kanter asked if this was the only Low Traffic Food and
115 Beverage business in the B&T Park. Dubow indicated that this was the only such business in the B&T
116 Park that he knew of. Dankert asked what type of restaurant the Park Grill Café was. Brewer explained
117 that it is a full service restaurant with seating for 24. Kanter asked if the café delivered much to the local
118 B&T Park businesses. Pike indicated that they did not. Dankert asked about the catering portion of the
119 café. Brewer explained that the catering was mostly intended for the B&T Park businesses, a lunch
120 meeting being an example. Kanter asked if the café had been doing much catering outside of the B&T
121 Park. Pike indicated that they have not at this point in time.

122 Schleelein asked why the Park Grill Café did not have a sign on 35 Thornwood Drive similar to the other
123 businesses in the B&T Park. Dubow pointed out the restriction in Section 145-60(N) that reads as
124 follows:

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126 (4)No signage of any kind for such food and beverage service area shall be
127 allowed on the outside of any building or at any other location within the
128 Business and Technology District for advertising, identification or other
129 purposes. Interior identification signage shall be permitted only at the
130 entrance to the space occupied by such food and beverage service
131 provider, which signage shall conform in all respects to the signage
132 standards for such building.

133 Dankert suggested that the Planning Board members read over the Village Code Section
134 in question (145-60 N) and discuss this whole issue at the next Planning Board meeting on the
135 25th of January. Durst noted that he saw no problem with limited signage. Kanter explained that
136 he drove around the area in question, and noted that signage for locating businesses in the B&T
137 Park is atypical of Warren Road. Kanter stated that he did not know that the hotel was in the
138 B&T Park. Dubow noted that the Courtyard Marriott hotel also has restrictions associated with
139 their food service. Kanter indicated that his initial reaction is that he would like to see the
140 conditions in 145-60(N) be less restrictive. Kanter questioned whether there should be
141 restrictions on how many Low Traffic Food and Beverage uses would be allowed in the B&T
142 Park. Dubow suggested that the Planning Board look over section 145-60(N) and make notes to
143 discuss at the next meeting on the 25th. Schleelein asked how signs get posted by Tompkins
144 County. Brewer explained that their business partner from California had worked with the
145 Tompkins County Highway Department, and was unaware of the steps needed to have the
146 County erect signs.

147 Dubow pointed out that the Homewood Suites hotel had gone through a similar
148 experience regarding their desire to have additional way-finding signs for their facility, with the
149 New York State Department of Transportation allowing them to have a sign on the Route 13
150 exit ramp. Dubow explained that a representative of Homewood Suite came in and asked for
151 way-finding signs on North Triphammer Road to help guide people to their hotel because of its
152 location. Dubow pointed out that the Board of Trustees, based upon the recommendation of
153 the Planning Board, amended the Village Sign Law to allow an additional way-finding sign within
154 the Village for the Homewood Suite hotel. Stycos asked if the Park Grill Café had advertised via
155 e-mail to the businesses in the B&T Park. Brewer explained that when Cornell originally owned
156 and operated the restaurant they sent out e-mails and found them to not be very effective. Pike
157 added that people are visual and like to physically see signs and flyers. Brewer noted that
158 Cornell tried various ways to make the restaurant successful, and in doing so lost over three
159 hundred thousand dollars (\$300,000) in the process. Durst noted that there were three (3) signs

160 along Warren Road, which he thought was excessive. Durst posed the question that if there
161 were three (3) signs allowed to be erected along Warren Road for a restaurant, would the
162 restaurants along Triphammer Road want similar signs as well.

163 Brewer noted that he had a meeting with Moseley to discuss the number of signs being
164 decreased. Dubow noted that Moseley is acting on behalf of the Board of Trustees and their
165 ruling to allow, at this time, three (3) of the Park Grill Café signs to stay in place until a
166 recommendation is made from the Planning Board about possibly amending Section 145-60(N).
167 Baker asked who owned the signs. Brewer explained that his company paid for the signs.
168 Schleelein asked if they distribute fliers for the café. Brewer indicated that fliers were available
169 at the café, but they did not send them out. Dankert noted that at the next Planning Board
170 meeting, January 25th, the Planning Board will be looking further in depth at Section 145-60(N).

171 **Approval of Minutes**

172 Durst moved to accept the minutes, as corrected, of December 13, 2010. Seconded by Stycos,
173 Ayes: Dankert, Durst, Stycos, Schleelein, and Kanter.

174 **Reports**

175 *Trustees-* Schleelein reported on the December 20th Trustees meeting (and for a more in depth
176 report, please see the minutes of that meeting). Schleelein noted that there was an update on the past
177 deer hunting season in the Village, and approximately forty one (41) deer were harvested. Schleelein
178 explained that the Village is contemplating whether or not to participate in the DEC nuisance program
179 for deer hunting. Schleelein stated that the Trustees approved the Bolton Point water rate increase.
180 Schleelein added that the Trustees also discussed sign violations in the Village, which included the Park
181 Grill Café and the CIAO! Restaurant.

182 **Other Business**

183 Moseley announced that Village Engineer Brent Cross has a conflict of time with the first
184 meeting of the month for the Planning Board, and Tomei tried to find an alternate day or time
185 that the Planning Board could meet. Moseley noted that if there is a need for Cross to be at the
186 meeting, the Planning Board will either have to plan for the second meeting in the month or
187 hold a special meeting on a different day.

188 **Adjournment:**

189 Durst moved to adjourn at 8:40 P.M. Seconded by Stycos. Ayes: Dankert, Durst, Stycos,
190 Schleelein, and Kanter.