

**Village of Lansing
Planning Board Meeting
October 25, 2011**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30PM by Chairman Mario
2 Tomei. Present at the meeting were Planning Board Members Maria Stycos, Lisa Schleelein, Richard
3 Durst, and Phil Dankert; Alternate Member Jon Kanter; Trustee Lynn Leopold; Code Enforcement
4 Officer Marty Moseley; Village Attorney David Dubow; Village Residents Robert Schleelein, Yasamin
5 Miller, and Phil Miller; Liz Frizbee from Northwood Apartment; and CIAO! restaurant owner
6 Mark Campagnolo.

7 **Public Comment Period**

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

10 **Commercial Low Traffic (CLT) Discussion-** *possibility of allowing a more limited take-out service in*
11 *the CLT District*

12 Tomei explained that Mark Campagnolo, the owner of the CIAO! restaurant, has attended the
13 Planning Board meeting to discuss the potential of allowing a more lenient take-out service in the CLT
14 District. Tomei added that at this point in time the take-out service for CLT restaurants is somewhat
15 limited.

16 Campagnolo explained that originally he had asked the Planning Board if they agreed
17 with a letter he submitted explaining how his take-out would work when he first came to the
18 Village. (The letter can be seen in the Planning Board minutes of April 12, 2011.) Campagnolo
19 added that his take-out is slightly below the original 5% that was forecasted in his original letter
20 to the Planning Board. Campagnolo indicated that he has no intention of advertising take-out on
21 the main signs for the restaurant. He added that this restaurant also is not a traditional pizza
22 restaurant and that a majority of the sales come from the dine-in services. Campagnolo indicated
23 that his take-out is approximately at 4.5% of his overall sales, which equates to about 10 people a
24 day ordering take-out. Campagnolo stated that he did not believe that this small level of take-out
25 results in a large influx of traffic and would therefore not consider traffic to be an issue.
26 Campagnolo added that he never intends to have any kind of take-out counter, separate take-out
27 entrance/exit, take-out signage, take-out parking spaces, or a drive-through of any sort.
28 Campagnolo expressed concern as to how the Commercial Low Traffic food and beverage provisions in
29 the Zoning law were policed or even if they could be policed effectively. He added that it seems silly that
30 the Village would want to restrict take-out in the CLT District. Campagnolo asked for a more lenient
31 approach to take-out.

32 Tomei asked if there would be additional advertising.

33 Campagnolo noted that he would propose minimal advertising, possibly advertising on their
34 website, Facebook, or their menu. He added that he is not a large supporter of take-out because his food is
35 not conducive to takeout. Campagnolo believes that the take-out actually deteriorates the quality of his
36 food, but some customers would like to have take-out service available.

37 Schleelein asked if a person could call ahead, order, and then come in pick up the food and leave.

38 Campagnolo indicated that a person could do that, and that is part of the current 4.5%.

39 Tomei asked how the extra traffic would be handled.

40 Campagnolo noted that most of the people that order take-out park next to the south the side of
41 the building for approximately 5 minutes.

42 Kanter noted that if there were an issue it would be during the peak operation times when there
43 are very few parking spaces available. This might happen on the weekend or Friday evening.

44 Campagnolo indicated that the busiest time for take-out is in between 6:30 and 8:00P.M.

45 Schleelein asked when CIAO! stopped serving food, because eventually the restaurant will have
46 neighbors and they probably would not like an increase in traffic after a certain time.

47 Campagnolo indicated that the restaurant closes at 10:00 P.M.

48 Durst asked if any of the parking spaces would be converted into short term parking for the take-
49 out.

50 Campagnolo indicated that he would not, because he feels that they do not have enough take-out
51 to waste a parking space.

52 Moseley noted that the take-out interpretation would affect the whole CLT District and not just
53 the CIAO! restaurant.

54 Dubow asked the Planning Board if they thought that the description that Campangolo
55 provided was in accordance with Section 145-82(38), which reads as follows:

56 *Low traffic food and beverage. Sit-down restaurant with or without bar where*
57 *food is consumed on premises and where there is no drive-in/drive-through or*
58 *similar service where there is no carry-out service except such limited carry-out*
59 *as may be clearly incidental to the primary business of on premises dining;*
60 *employee cafeteria [food service within a building (which building is being used*
61 *for a permitted use serving employees at that building only)].*
62

63 Moseley explained that the previous Code Enforcement Officer, Ben Curtis, had
64 indicated that the language was originally intended for individuals who wanted to take the food
65 home that they did not eat.

66 Kanter suggested adding some language to the Low Traffic Food and Beverage
67 definition, as shown above, in order to clarify the issue for Moseley. Kanter added that
68 McDonald's is also in the CLT District. Kanter noted that McDonald's business is mainly take-
69 out and McDonald's is exactly what the Village does not want within the CLT District.

70 Moseley and Dubow explained that McDonald's predated the establishment of the
71 Village and is a legal non-conforming use, which was allowed to move to another larger lot
72 because of the traffic problems that its initial location was generating along North Triphammer
73 Road.

74 Campagnolo noted that the Imperial Garden Buffet, on the corner of Graham Rd. West
75 and North Triphammer Rd., already allows take-out for their customers.

76 Moseley expressed concern on how the Code and Zoning Officer can effectively enforce
77 a maximum sales percentage for the take-out.

78 Kanter suggested that the true issue appears to be the drive-thru restaurants that would
79 like to locate within the CLT District, and not the incidental take-out related to a sit-down
80 restaurant.

81 Dubow suggested that one option could be that the Planning Board give an interpretation
82 or modify their interpretation for the description in Section 145-82(38).

83 Kanter suggested that if the definition in Section 148-82(38) is left as is, it creates more
84 of a burden on Moseley because it is left to his discretion on what this definition means. Kanter
85 noted that the Village could require a special permit for take-out and define it in a way that
86 clearly indicates what the Village would like to see as to what is allowed for take-out in the CLT
87 District. Kanter added that he would not be in favor of a special permit for take-out.

88 Dankert noted that he would not be in favor of making a regulation that requires
89 temporary parking for the take-out use.

90 Schleelein asked if the CIAO! restaurant was currently out of compliance with their take-
91 out services.

92 Tomei noted that they are in compliance at this point in time, but CIAO! is asking for
93 some minimal advertising which could result in non-compliance.

94 Dubow reminded the Planning Board that any change to the Village Code/Zoning Law
95 would involve a local law amendment to be approved by the Board of Trustees.

96 Moseley suggested that if the Planning Board wanted to be more specific in the definition
97 as described in 145-82(38), then it could be more specific about the building structure/property
98 and how that is designed/operated instead of the percentages of maximum take-out.

99 Durst suggested that some or all of the items described in Campagnolo's description
100 could be used within the description as identified in Section 145-82(38).

101 Dubow suggested that if a restaurant comes in with a special permit application, the
102 Planning Board presumably could then specify take-out conditions as part of any special permit
103 approval.

104 Moseley noted that a specific use would need to be added to the district regulations in
105 order to allow the take-out to operate under a special permit.

106 Stycos noted that as of now the traffic has increased by about 20 cars per day with the
107 amount of take-out that is currently served. Stycos added that she would be concerned about the
108 additional increase in traffic.

109 Campagnolo indicated that he would be happy to see the maximum take-out be capped at
110 10% of the total business. He anticipates that his take-out business would very likely not exceed
111 10 %, and most likely would stay somewhere around the 5%.

112 Moseley indicated that in addition to the 10% cap, the amenities of the building should be
113 looked at in order to be able to control the take-out as well, like no take-out window, separate
114 take-out entrance, etc.

115 Dubow suggested that the Board focus on the word “incidental” since the language in
116 Section 145-82(38) indicates that the take-out is to be clearly incidental to the main business.

117 Moseley questioned why the Planning Board, when it first asked about the take-out at the
118 April 12, 2010 meeting, did not allow a more liberal take-out interpretation. Moseley indicated
119 that the previous Zoning Officer, Ben Curtis, had asked the Planning Board about this topic at
120 that meeting, which is the reason that the topic is back in front of the Planning Board.

121 Durst noted that the Planning Board has two options -- (i) to change the language in 145-
122 82(38) to better identify what the Village is intending to say with regard to take-out, or (ii) ignore
123 the situation and allow Moseley to interpret and enforce 145-82(38) appropriately.

124 Kanter noted that the time to fix zoning is when a person is having a difficult time
125 interpreting a specific part of the Zoning Law. Kanter believes that this is an opportune time to
126 clarify section 145-82(38), and believes that is would not take a lot of time.

127 Dubow reminded the Board that if any alterations were made to either the interpretation
128 or the Zoning Law language, those changes would affect all restaurants in the CLT District.

129 The Planning Board determined that they did not want to have a take-out use added to the
130 district regulations that would only be allowed with a special permit. The Board’s main concern,
131 at this point in time, is the potential for the increase in traffic.

132 Kanter noted that the definition in Section 145-82(38) could include an illustrative
133 threshold for the take-out service.

134 Leopold was concerned about the advertising and what was classified as advertising for
135 the take-out portion of a restaurant. Leopold asked what “minimal” advertising was. She asked if
136 the advertising on Facebook and a restaurant’s web page would be considered as “minimal”
137 advertising, or does that cross the line for “minimal” advertising.

138 Moseley indicated that part of the reason that CIAO! has approached the Planning Board
139 is to try to achieve some additional advertising for their take-out service, and he would anticipate
140 that any such permitted advertising would likewise apply to the rest of the CLT restaurants.

141 The Planning Board determined that they would propose to the Trustees that amending
142 Section 145-82(38) would be in order and would clarify that specific section.

143 **Approval of Minutes**

144 *None*

145

146 **Reports**

147 *Trustees- Please refer to both of the minutes for the Trustees October 3rd and October 17th*
148 *meetings for a full report.*

149

150 **Other Business**

151 Leopold asked if the Triphammer Mall had come in to obtain a permit for the purpose of
152 changing their name to the Triphammer Marketplace.

153 Moseley indicated that they do have a valid sign permit and the new sign conforms to their
154 Planned Sign Area because they did not increase the sign area and they only used the current space they
155 had to maximize the amount of lettering in their sign.

156

157 **Adjournment**

158 Dankert moved to adjourn at 9:02PM. Seconded by Stycos, Ayes by: Tomei, Dankert, Stycos,
159 Durst, and Schleelein.