

**Village of Lansing
Planning Board Meeting
January 9, 2012**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:00.M. by Chairman Mario
2 Tomei.

3 Present at the meeting were Planning Board Members Maria Stycos, Lisa Schleelein, Richard Durst, and
4 Phil Dankert; Alternate Member Jon Kanter; Trustee Lynn Leopold; Code Enforcement Officer Marty
5 Moseley; Village Attorney David Dubow; Board of Zoning Appeals Alternate Member: Dolores Adler;
6 Arrowhead Ventures representative Eric Goetzmann; Sumo Japanese restaurant owner Besie
7 Chen; Cayuga Mall owner Brixmor Properties Group representative Josh Berman; and Community
8 Party Observer Marjorie Pryce

9 **Continuing Education:**

10 For approximately one hour, Jon Kanter presented a review of the 2011 New York Planning
11 Federation Conference courses regarding the SEQRA (State Environmental Quality Review Act) process,
12 including common mistakes in the SEQRA process and pending revisions in the environmental
13 assessment forms.

14 **Public Comment Period**

15 Tomei opened the public comment period.

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

18 **Public Hearing to Consider:**

19 Final Plat approval of the Lansing Meadows Planned Development Area subdivision, a minor
20 subdivision by Arrowhead Ventures to divide one 10.339 acre lot into one 7.910 acres lot and one
21 2.429 acre parcel, pursuant to the provisions of Section 125-6 of the Village of Lansing Code.
22 The lot to be subdivided is known as 40 Graham Road West and is located in the Lansing
23 Meadows Planned Development Area District, Tax Parcel Number 47.1-1-17.2.

24 Tomei opened the Public Hearing. He indicated that the smaller piece of land adjacent to the
25 parcel being proposed for subdivision currently has the existing house, which adjacent parcel will be
26 consolidated into the PDA residential area following subdivision of the main property, and consolidation
27 to be a condition of any subdivision approval.

28 Goetzmann noted that he already has filed with Tompkins County for the small piece of property
29 to be consolidated.

30 Dubow clarified that the subdivision would separate the commercial portion and the residential
31 portion of the Planned Development Area (PDA), but a majority of the wetland would be included with
32 the commercial property. Dubow added that the original areas A, B, and C of the PDA should be
33 generally consistent with the post-subdivision areas, and the delineated areas should still be required to
34 comply with the applicable district regulations for Areas A, B and C.

35 Dankert moved to close the public hearing. Seconded by Durst, Ayes: Tomei, Dankert, Stycos,
36 Durst, and Schleelein.

37 Dubow noted that he and Moseley had determined that this specific project, being a
38 minor subdivision, is exempt from the formal SEQRA (State Environmental Quality Review Act) review.
39

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

42
43 VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR FINAL PLAT
44 APPROVAL OF LANSING MEADOWS PDA MINOR SUBDIVISION ADOPTED ON
45 JANUARY 9, 2012

46

47 Motion made by: Richard Durst

48

49 Motion seconded by: Lisa Schleelein

50

51 **WHEREAS:**

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- 53 A. This matter involves consideration of the following proposed action: Final Plat approval of
54 the Lansing Meadows Planned Development Area subdivision, a minor subdivision by
55 Arrowhead Ventures to divide one 10.339 acre lot into one 7.91 acre lot and one 2.429 acre
56 parcel, pursuant to the provisions of Section 125-6 of the Village of Lansing Code. The lot to
57 be subdivided is known as 40 Graham Road West and is located in the Lansing Meadows
58 Planned Development Area District, Tax Parcel Number 47.1-1-17.2; and
59
- 60 B. On November 29, 2011 the Village of Lansing Planning Board, in accordance with
61 subsection D of Section 125-5 of the Village of Lansing Code, (i) reviewed the sketch plan
62 submitted with respect to this proposed action; and (ii) classified the proposed subdivision as
63 a minor subdivision; and
64
- 65 C. On January 9, 2012, the Village of Lansing Planning Board, in accordance with Section 123-
66 2 of the Village of Lansing Code, determined that the approval of the proposed minor
67 subdivision is a Type II action, and thus may be processed without further regard to Article 8
68 of the New York State Environmental Conservation Law - the State Environmental Quality
69 Review Act ("SEQR"); and
70
- 71 D. On January 9, 2012, the Village of Lansing Planning Board held a public hearing regarding
72 this proposed action, and thereafter thoroughly reviewed and analyzed (i) the proposed final
73 subdivision plat and accompanying materials and information presented by and on behalf of

74 the applicant in support of this proposed action, including information and materials related
75 to environmental issues, if any, which the Board deemed necessary or appropriate for its
76 review; (ii) all other information and materials rightfully before the Board; and (iii) all issues
77 raised during the public hearing and/or otherwise raised in the course of the Board's
78 deliberations;

79

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

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

87

88 a. Prior to the signing of the final plat by the Chairman of the Planning Board, the plat
89 shall be revised to clearly show the boundaries of the Army Corps of Engineers
90 delineated wetlands.

91 b. Within 30 days of the filing of the final subdivision plat with the Tompkins County
92 Clerk, the newly subdivided 2.429 parcel shall be consolidated with the adjoining
93 parcel to the west (tax parcel number 47.1-1-17.6), such consolidated parcel to
94 thereupon constitute the senior/residential Area B of the Lansing Meadows Planned
95 Development Area; and written confirmation of such consolidation shall be provided
96 to the Village Zoning and Code Enforcement Officer no later than March 31, 2012.

97

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

101

102

103 The vote on the foregoing motion was as follows:

104

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

106

107 NAYS: None

108

109 The motion was declared to be carried.

110 Moseley noted that the proof of mailings have been supplied to the Village.

111 **Tops Outparcel Planned Sign Area (PSA) Continued Discussion:**

112 Tomei presented language to the Board with respect to proposed amendments to the sign law.
113 Tomei also noted that the Trustees indicated that they were not opposed to the new Applebee's awnings.

114 The proposed language reads as follows:

115 **Proposed Sign Law Amendments (revisions in bold, italics, and underlined)**

116 **§ 115-3. Definitions**

117 *Sign area* -- The surface area of the sign, including the frame, plate or structure used to hold up any
118 lettering or pictorial matter. In the event that a sign is attached, painted or applied to the front or face of a
119 building or is irregular in shape, the area of the sign must be taken as the area of the smallest rectangle that
120 can be placed over the entire sign, including its lettering, devices, frame and decorative moldings along its
121 edges, and background if of a different color than the predominant color surrounding the sign except as
122 otherwise provided herein. In the event that both upper case and lower case letters are used in a lettered wall
123 sign, the area must be defined by the smallest rectangle that can be placed over the letters. In the event that a
124 letter or letters or other pictorial matter are placed as separate units without a background board, the sign area
125 must be calculated as the area of the smallest rectangle or circle that encloses all of the symbols. In the case of
126 a flat or two-sided freestanding sign, the sign area is considered to be the entire surface area of one (1) face of
127 the sign. The sign area of signs having more than two (2) sides is the sum of the surface area of all sides. ***In***
128 ***the event that a pictorial image or symbol is displayed on an awning, roof-like cover or canopy of a***
129 ***building or other structure and the color and shade of such pictorial image or symbol do not, in the***
130 ***determination of the Village Zoning Officer, exceedingly contrast with the main color and shade of the***
131 ***awning, roof-like cover or canopy, the pictorial image or symbol shall (i) not be deemed to be a sign and***
132 ***(ii) not be included as part of the sign area (see definitions in §115-3). In the event that the Village Zoning***
133 ***Officer determines that such proposed pictorial image or symbol may exceedingly contrast with the main***
134 ***color and shade of the awning, roof-like cover or canopy, the Zoning Office shall thereupon refer the***
135 ***matter to the Planning Board as provided for in §115-7.2 B.***

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137

138

139 **§ 115-7.2. Permitted signs with a permit and Planning Board approval in Commercial and**
140 **Business and Technology Districts, and in a commercial area included in an**
141 **authorized Planned Development Area[Added 6-15-2009 by L.L. No. 3-2009]**

142

143 The following signs are permitted with a permit and Planning Board approval:

144

145 A. Local tourist-oriented directional sign (see definition in §115-3 of this chapter 115) no greater in size
146 than two and one-half (2.5) square feet and the top of which being no higher than nine (9) feet above
147 the ground.

148 1. Prior to the issuance of the required permit for a local tourist oriented directional sign, the
149 proposed sign must be approved by the Planning Board of the Village of Lansing.

150 2. Upon receipt of a completed permit application for a tourist oriented directional sign, such
151 application shall be referred by the Zoning Officer to the Planning Board Chairperson,
152 whereupon (i) the application shall be scheduled for review by the Planning Board within thirty-
153 one (31) days following the receipt of the application by the Planning Board Chairperson (or
154 such subsequent meeting date to which the Planning Board Chairperson and applicant may
155 agree); and (ii) the applicant shall be notified by the Zoning Officer of such scheduled meeting
156 date. No public hearing shall be required. The Planning Board's determination shall be made
157 within thirty-one (31) days following the meeting at which the application is reviewed by the
158 Planning Board; provided, however, that the time within which the Planning Board must render
159 its decision may be extended by mutual consent of the applicant and the Board.

160 3. No approval of a local tourist-oriented directional sign will be granted by the Planning Board
161 unless the proposed sign meets all of the following requirements:

162 (a) such local tourist-oriented directional sign will not obstruct or impair vision or traffic, or
163 in any way create a nuisance, hazard or otherwise be detrimental to or endanger the
164 public health, safety or general welfare;

165 (b) such local tourist-oriented directional sign will not be injurious to the use and enjoyment
166 of other property in the vicinity or neighborhood;

167 (c) such local tourist-oriented directional sign is appropriate in appearance and in harmony
168 with the design and color of the New York State tourist-oriented directional sign (see
169 definition in §115-3 of this chapter 115) giving rise to the
170 necessity for such local tourist-oriented directional sign;

171 (d) the specific location of such local tourist-oriented directional sign is approved by the
172 Village Superintendent of Public Works; and

173 (e) all other applicable provisions of the Village Sign Law have been complied with,
174 including, but not limited to, those provided for in §115-9 of this chapter 115.

175 4. Any previously approved local tourist-oriented directional sign shall be removed in the event
176 that (i) it is no longer required in accordance with the New York State Supplement to the
177 National Manual of Uniform Traffic Control Devices as part of the approval by the New York
178 State Department of Transportation of a New York State tourist-oriented directional sign, or (ii)

179 it is no longer required because the York State tourist-oriented directional sign originally
180 necessitating the local tourist-oriented directional sign has been removed. In the event that the
181 Zoning Officer determines that removal of the local tourist-oriented directional sign so required,
182 he or she shall so notify the record owner of the sign at the owner's last known address by
183 registered or certified mail, (return receipt requested), such notice to provide a period of thirty
184 (30) days from the date of such written notice for the sign to be removed. If the sign is not
185 removed within the required thirty (30) day period, the Zoning Officer may remove the sign and
186 thereafter assess all costs and expenses incurred in such removal against the record owner of
187 such sign.

188
189 **B. Building-mounted pictorial image or symbol displayed on an awning, roof-like cover or canopy of a**
190 **building, the color and shade of such pictorial image or symbol having been determined by the Village**
191 **Zoning Officer to require approval of the Planning Board (see definition of "Sign area" in § 115-3).**

192
193 **1. Prior to the issuance of the required permit for such pictorial image or symbol, the proposed**
194 **pictorial image or symbol must be approved by the Planning Board of the Village of Lansing.**

195 **2. Upon receipt of a completed permit application for such pictorial image or symbol, such**
196 **application shall be referred by the Zoning Officer to the Planning Board Chairperson,**
197 **whereupon (i) the application shall be scheduled for review by the Planning Board within**
198 **thirty-one (31) days following the receipt of the application by the Planning Board**
199 **Chairperson (or such subsequent meeting date to which the Planning Board Chairperson and**
200 **applicant may agree); and (ii) the applicant shall be notified by the Zoning Officer of such**
201 **scheduled meeting date. No public hearing shall be required. The Planning Board's**
202 **determination shall be made within thirty-one (31) days following the meeting at which the**
203 **application is reviewed by the Planning Board; provided, however, that the time within which**
204 **the Planning Board must render its decision may be extended by mutual consent of the**
205 **applicant and the Board. In the event that such proposed pictorial image or symbol being**
206 **referred to the Planning Board is governed by an approved Planned Sign Area and is determined**
207 **to be an amendment to the Planned Sign Area, the Planning Board's determination in such case**
208 **shall be deemed to be a recommendation to the Board of Trustees as to such amendment (see §**
209 **115-10 F).**

210 **3. No determination as to such pictorial image or symbol will be made by the Planning Board**
211 **unless all of the following requirements are met:**

212 **(a) such pictorial image or symbol will not obstruct or impair vision or traffic, or in any**
213 **way create a nuisance, hazard or otherwise be detrimental to or endanger the public**
214 **health, safety or general welfare;**

215 (b) such pictorial image or symbol will not be injurious to the use and enjoyment of other
216 property in the vicinity;

217 (c) such pictorial image or symbol is generally appropriate in appearance and generally in
218 harmony with the architecture and signage in the vicinity; and

219 (d) all other applicable provisions of the Village Sign Law have been complied with.

220

221 **§ 115-13**

222 It is the intent of this chapter that the Planning Board, whenever any matter is referred to it hereunder,
223 must act as an advisory board except as provided for in § 115-7.2.

224

225 Tomei explained that the language was meant to allow an awning with a pictorial image of the
226 same color to be installed, but still allow the Village to keep a certain amount of control.

227 Dubow noted that this would be a recommendation to the Board of Trustees who would then
228 possibly amend the Sign Law provisions to incorporate the recommendation from the Planning Board.

229 Planning Board members were concerned that more than one color on an awning and a pictorial
230 image could be considered to be not exceedingly contrasting and therefore not be deemed a sign.

231 Moseley noted that he would consult with either the Planning Board Chairman or the Planning
232 Board if he were to not be sure if an awning would be considered a sign. Moseley added that this would
233 not be out of character with what he already does with other aspects of the Village Code.

234 Dubow noted that an awning of this nature could be located in a PSA or in a Planned
235 Development Area (if there is a commercial component).

236 Moseley reminded the Board that there is a restaurant currently located in a residential area,
237 which would not be allowed to have the awnings as described in the above document. Moseley added that
238 there are numerous ways that the Sign Law could be amended to allow for the awnings, but this particular
239 amendment would allow for the Applebee's restaurant to install awnings with a silhouette without them
240 being considered a sign and requiring their PSA to be amended. The red apple on the awning would still
241 require a PSA amendment by the Trustees.

242 Dubow noted that once the law is in place an applicant could apply for the awnings and
243 potentially be required to present the application to the Planning Board and or Trustees (if a PSA is
244 involved).

245 Pryce asked if the Planning Board was suggesting that the Trustees approve this amendment prior
246 to a request from a restaurant or developer.

247 Moseley indicated that this is in reaction to a request from a restaurant and at this point in time a
248 pictorial image on an awning could be considered a sign if that image represents that specific brand.

249 Kanter asked for clarification on the language on the first page of the proposed language. Kanter
250 asked for the language to be clarified a bit more.

251 Dubow indicated that he would look into the matter.

252 The Planning Board decided to discuss this topic at a future meeting and even possibly at the joint
253 Planning Board/Board of Trustees meeting on January 31st.

254 **Sumo Japanese Restaurant Cayuga Mall PSA Continued Discussion**

255 Berman introduced himself as the representative from the Cayuga Mall owners (Brixmor
256 Properties Group). Berman indicated that they have been working on obtaining a tenant for the old P&C
257 Food store, and after that occurs they would like to reface the entire mall and work on amending their
258 current PSA. Berman indicated that they would like to incorporate a pylon for the mall as well, but these
259 items might not happen until 6 months to a year from now. Berman noted that the Sumo Japanese
260 restaurant would like to increase their sign now, which his company supports. Berman noted that the
261 façade could change from what the restaurant is now proposing at the time that the façade of the entire
262 mall is changed. Berman noted that he would be comfortable with a maximum size of 50 square feet for
263 the sign now being proposed.

264 Tomei explained that they are currently allowed to have a total of 30 square feet, which is based
265 on their façade length.

266 Leopold noted that there are not many signs, in the Cayuga Mall, that are visible from Route 13,
267 but once a person is on N. Triphammer Road the signs are more visible.

268 Schleelein noted that TJ MAXX is located on one side with a large sign and Builders Best is
269 located on the other side with a much smaller sign, and that should be something that the Board takes into
270 consideration.

271 Kanter asked if the exposed wire on the proposed sign could be concealed.

272 Berman noted that the wire could be concealed.

273 Moseley indicated that originally the allowed sign area for the Zayre building was 100 square feet.
274 TJ Maxx has already used 75 SF of the allowed 100 SF, and Big Lots increased their sign SF to
275 approximately 63 SF of signage. The PSA was amended in 1994 as reflected in the minutes.

276 Dubow noted that the current maximum sign would be difficult to see from the main roads based
277 on the location of the proposed restaurant, which might make it difficult for an individual to determine
278 that a restaurant is occupying that particular space in the Cayuga Mall.

279 Dankert noted that he was concerned about future requests for increased signage at the Cayuga
280 Mall and if this case would be able to be justified so that other stores did not feel that they had the right to
281 have a larger sign.

282 Dubow suggested that the developer and the mall owner look at amending the total PSA that
283 might benefit more than just this one particular tenant.

284 Berman indicated that is what they intend to do, but since this tenant is more immediate he would
285 like them to be allowed to have a larger sign as soon as possible and before the PSA is more extensively
286 reviewed.

287 Kanter suggested a moderate increase to the current maximum size sign be considered, but not the
288 size that has been proposed to the Planning Board this evening.

289 Tomei suggested discussing this further with the Trustees at their Joint meeting on the 31st of
290 January. Tomei also suggested that an increase to a maximum of 45 SF for the new sign might be
291 appropriate.

292 Chen asked for 50 SF for the maximum sign size.

293 Tomei noted that they would discuss this at their next meeting.

294 **Approval of Minutes**

295 Durst moved to accept the September 12th minutes as amended. Seconded by Stycos. Ayes:
296 Tomei, Durst, Dankert, and Stycos. Abstention by Schleelein.

297 Durst moved to accept the October 25th minutes as amended. Seconded by Stycos Ayes: Tomei,
298 Dankert, Stycos, Durst, and Schleelein.

299 Durst moved to accept the November 14th minutes as amended. Seconded by Dankert Ayes:
300 Tomei, Dankert, Stycos, Durst and Schleelein.

301

302 **Reports**

303 *Trustees- Please refer to the minutes for the Trustees December 19th meeting for a full report.*

304

305 **Other Business**

306 Leopold asked about the exterior lights on the new BJ's Wholesale building.

307

308 Moseley indicated that he had a complaint about the exterior lights on the new BJ's Wholesale
309 building. He explained that some of the wall pack light fixtures were not approved and are in need of
310 obtaining approval prior to them being operated. Moseley added that all of the wall pack fixtures except
311 for two, on the north side of the building, are not allowed to be on until such a time that the Lighting
312 Commission has approved them.

313

314 Tomei noted that the annual New York Planning Federation Conference will be held during April
315 15th-17th and reminded the Board of the Joint Board of Trustees/Planning Board meeting on January 31st.

316 **Adjournment**

317 Durst moved to adjourn at 9:24 PM. Seconded by Dankert, Ayes by : Tomei, Dankert, Stycos,
318 Durst, and Schleelein.