



## ZONING BOARD OF APPEALS MEETING

Lansing Community Library, 27 Auburn Rd  
Tuesday, January 10, 2023  
6:30 PM

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### AGENDA

#### 1. Call Meeting to Order

#### 2. Action Items

##### a. **Project:** Area Variances

**Applicant:** Dandy Mini-Mart

**Location:** Corner of Ridge Road and East Shore Drive; Tax Parcel Number 31.-6-9.1, 31.-6-10, 31.-6-11, 31.-6-13, 31.-6-14, 37.1-1-2

**Project Description:** The applicant is applying for area variances to allow for the addition of signs beyond that which is permitted under §210 – Signs.

**SEQR:** This is a part of a Type I action currently under the review of the Planning Board

**Anticipated Action:** review of application, coordination of SEQR w/ Planning Board, set public hearing

#### 3. Adjourn Meeting

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact the Town Clerk's Office at 607-533-4142. Request should be made 72 hours prior to the meeting.



December 14, 2022

Town of Lansing Zoning Board of Appeals  
PO Box 186  
29 Auburn Road  
Lansing, NY 14882

RE: Dandy Mini Mart  
Area Variance Application  
FE Project #2020.062

Dear Judith:


Fagan Engineers & Land Surveyors, P.C. (FE) has been retained by Dandy Mini-Mart to assist in the area variance process for their application for the development of 7 Ridge Road. The following items are included in this submission:

- Eight (8) copies of the proposed sign package,
- Eight (8) copies of the area variance application,
- Eight (8) copies of the justification of request letter, and
- Eight (8) copies of the area variance questionnaire.

We look forward to presenting the area variance request at the January meeting. Thank you again for your diligence and assistance in the process.

Sincerely,

FAGAN ENGINEERS & LAND SURVEYORS, P.C.



James B. Gensel, P.E., CPESC  
President

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## Town of Lansing Zoning Board of Appeals Application for Variance

Application Fee \$ \_\_\_\_\_

Application Date 12/12/2022**Property for which Variance is being requested**Tax Parcel No. 31-6-9,10,11,13, 14 Street Address 7 Ridge Rd., Lansing, NY 1488**Applicant's Name and Address**

Dandy Mini Marts, Inc./Duane Phillips  
6221 Mile Lane Rd.  
Sayre, PA 18840

**Zoning District (check one)**

Phone 570-888-4344 R1 ☐  
Cell 607-857-4337 R2 ☐  
Email dphillips@godandy.com R3 ☐

(If Applicant different from owner, notarized written permission of owner must be attached hereto.)

**Owner's Name and Address (if different)**

Phone \_\_\_\_\_ B1 ☒  
Cell \_\_\_\_\_ B2 ☐  
Email \_\_\_\_\_ L1 ☐  
IR ☐

**Application for (check applicable item)**

- ☐ A. Interpretation of Zoning Ordinance or Map  
☒ B. Area Variance  
☐ C. Use Variance  
☐ D. Appeal of decision of Code Enforcement Officer

**Request relates to provisions of (check applicable item)**

- ☐ A. Town of Lansing Land use Ordinance, Section \_\_\_\_\_  
☐ B. Town of Lansing Subdivision Regulations, Section \_\_\_\_\_  
☒ C. Other (Identity) Town of Lansing L.L. No. 1 (Sign Law) Commercial Sign District

**Purpose of Request: (attach additional information if necessary)**

To obtain permission for additional signage, beyond that permitted by the Town of Lansing's "Sign Law" (§ 210) at Dandy's proposed facility on the corner of Ridge Rd. and E. Shore Dr. Dandy's request aims to uphold the overall "Purpose" of the Town's Sign Law (§ 210-2) by properly identifying our place of business in a manner that tastefully enhances the area and aids the flow of traffic.

**Justification of Request: (attach additional information if necessary)**

Please refer to the attachment.

**All Applicants for Variances shall please read the following:**

The Board of Zoning Appeals may grant Variances from the provisions of this Ordinance, only where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or where by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of a piece of property, or where by reason of other extraordinary or exceptional circumstances, the strict application of the requirements of this Ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property, and further provided that this relief may be granted without substantially impairing the intent and purpose of this Ordinance. In granting a Variance, the Zoning Board of Appeals may attach such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable so that the purpose of this Ordinance will be served, public safety and welfare secured and substantial justice done. However, the Board of Zoning Appeals shall not be authorized to grant a density Variance or a Use variance to permit a use in a district in which the use is prohibited.

**Incomplete Applications will not be considered.**

**Applicant / Agent must be present at the Public Hearing. This Application, accompanying fee and all supporting documents must be submitted to the Zoning Administrator no later than two (2) weeks prior to the date that the request is to be considered. See Schedule of Meetings at [www.lansingtown.com](http://www.lansingtown.com)**

**PURPOSE OF REQUEST:**

To obtain permission for additional signage, beyond that permitted by the Town of Lansing's "Sign Law" (§ 210) at Dandy's proposed facility on the corner of Ridge Rd. and E. Shore Dr. Dandy's request aims to uphold the overall "Purpose" of the Town's Sign Law (§ 210-2) by properly identifying our place of business in a manner that tastefully enhances the area and aids the flow of traffic.

**JUSTIFICATION OF REQUEST:**

The property's physical location, unique construction, and Dandy's brand image concessions justify the need for additional signage at this site.

The property's corner location will have two main entrances. One on Ridge Rd. and another on E. Shore Drive. To reduce the distraction of a single sign at the main intersection, Dandy is proposing two freestanding monument signs be installed at each entrance of the property. These illuminated signs will help define the property's entrances, during both day and nighttime hours, safely directing vehicular travelers onto the site without the need for additional wayfinding signage. To enhance the aesthetic of these monument signs they will be mounted atop a stone base and be well under the Sign Law's maximum sign height of 15'.

Development of this site Incorporates a great amount feedback from the Town Board resulting in a "unique to Dandy" construction consisting of three main customer entrances into the building. A typical new construction for Dandy has one main customer entrance and secondary side entrance. With three main building entrances we have mirrored our standard sign package, consisting of two simple signs on each. The illuminated Dandy logo safely directs pedestrian traffic to the entrance and the PizzaCafeDeli channel letters inform consumers that Dandy has a full-service restaurant offering, helping to break the "just a gas station" stereotype. The installation of these signs on the building also helps the aesthetic of an otherwise plain brick wall as they are framed in with decorative brick and classic styled awnings.

Lastly, in consideration of granting this area variance request, please note that Dandy has willfully made several concessions to our typical branded sign package, building façade, and site design to work with the community in which we look to serve. We've removed standard twin pole signs with LED digits and LED message centers, there will be no branding on the fuel island canopies, no large fields of red around our building entrances, no awnings with graphic representations of food and drink. We respect the historic character of the town of Lansing and look forward to building a site that adds to it.





December 13, 2022

Town of Lansing Zoning Board of Appeals  
 Attn: Chair Judith Drake  
 Post Office Box 186  
 29 Auburn Road  
 Lansing, NY 14882

RE: Dandy Mini Mart  
 Area Variance Application  
 FE Project #2020-062

Dear Chair Drake:

Dandy Mini Mart (the Applicant) is proposing to construct a 6,100 square foot commercial building with fueling islands at the following parcel:

- NYS Route 34B (Ridge Road), Lansing, NY 14850

Through the Town of Lansing site plan approval process, the Applicant proposes to construct a 6,100 square foot commercial building with fueling islands on the southwest corner of the intersection of NYS 34 and NYS 34B. The above-mentioned parcel is currently zoned Commercial Mixed Use and Commercial (B1 and B2) and the proposed action is a permitted use within the Town of Lansing Zoning Ordinance.

In order to achieve the proposed design and to utilize the unique property, the following relief is being requested from the Town of Lansing Zoning Ordinance:

- §210-5 (C-1) – Illuminated signs shall not be lit or illuminated from one hour after sunset until sunrise each day; except that business identification signs may remain lit or illuminated during normal business hours.
  - **Proposed signs will be lit until typical closing, which is around 11 PM. No variance is required.**
- §210-5 (I-1) – For all commercial activity signs and other commercial and business signs, no more than two signs shall be allowed per each premises and the area of each such sign shall not exceed the maximum allowed area for each such sign as based upon its use and location and the requirements of this chapter.
  - **Proposed sign package includes eleven signs. The signage on the three canopies has been removed during the Planning Board process.**
- §210-8 (A) – Commercial Signs shall not exceed 48 square feet.
  - **Proposed monument sign is 113.5 square feet (56.75 sf per side).**

Please see the following answers to the five required area variance questions below and attached plans for supporting documentation:



(i) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

**An undesirable change will not be produced in the character of the neighborhood. The proposed sign package was developed to respect the historic character of the Town of Lansing and in consultation with the Town Planning Board and Staff. Standard twin pole signs with LED digits and LED message centers, typical branded fuel island canopies, and awnings with graphic representations of food and drink were all removed from the Applicant's typical sign package. This would allow the proposed project to fit better with the community, and at the same time allow the Applicant to show what is offered at this location. It should be noted that the removal of a branded fuel canopy was not required of the other similar site within the Town that received variances. It should also be noted that the Applicant made significant architectural changes based on Planning Board input.**

(ii) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

**The benefit sought by the Applicant cannot be achieved by other than by an area variance. The Applicant has reduced their typical sign package to the greatest extent possible. Certain minimal signage must be used in order to provide adequate information to the travelling public for the three uses (fueling, restaurant and grocery) that are part of this project.**

(iii) Whether the requested area variance is substantial;

**The requested area variance is substantial. However, to develop a customer base Dandy must show minimal signage that can be seen by the passing traffic. A driver will not stop at a fueling station without seeing what the prices are beforehand or if other conveniences are provided. Most drivers compare different fueling stations to ensure that they are getting the best price. At the same time, the Applicant will showcase what is offered inside the store. This is necessary since there are essential three different products (fuel, restaurant and groceries) that need to be depicted for the travelling public.**

(iv) Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

**The proposed area variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. As stated previously, the sign package proposed has been minimized to the greatest extent possible. The signs proposed are specifically used for safety reasons. The signs show where the pedestrians are supposed to enter the building, where vehicles can go to use the drive-thru, and how to enter and exit the property. The signage is internally illuminated and in accordance with Town illumination requirements.**

(v) Whether the alleged difficulty was self-created, which consideration shall be relevant to the board's discussion but shall not necessarily preclude the granting of the use variance.

**The alleged difficulty was self-created however the unique characteristics of the project dictate the need. The site is a corner lot with a building oriented to face the intersection as per discussions with the Planning Board. Essentially that creates three "front" doors**


Page 3  
Ms. Judith Drake  
December 13, 2022

**to the building with two site access drives. The use of monument signs are preferred to maintain the character of the neighborhood, however that reduces visibility for the required fuel pricing as opposed to a tall freestanding pylon sign. Therefore, two separate monument signs are required with one at each entrance. As stated before, the proposed sign package was designed to showcase what the commercial business has to offer for the customer while being respectful to the historic character of the Town of Lansing.**

Our package includes instructional signage that is typically not regulated under sign code (i.e. Drive-Thru Menu, Dispensers, etc.). We have included dimensions of those items for informational purposes. If you have any questions or comments, please feel free to contact me at (607) 734-2165, ext. 220.

Sincerely,

FAGAN ENGINEERS & LAND SURVEYORS, P.C.



James B. Gensel, P.E., CPESC  
President

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TOWN OF LANSING                      tolcodes@lansingtown.com                      PH. (607) 533-7054  
29 Auburn Road  
Lansing, NY 14882                      TAX MAP # 31-6-9, 10, 11, 13, 14  
DATE:

Sign Application

Applicant's Name: Dandy Mini Marts, Inc.  
Mailing Address: 6221 Mile Lane Rd.                      City: Sayre, PA                      Zip: 18840  
Telephone#: 570-888-4344  
Property Owner: Dandy Mini Marts, Inc.  
Owner's Address: 6221 Mile Lane Rd., Sayre, PA 18840

Address of Project: 7 Ridge Road, Lansing NY, 14882  
Description of work to be undertaken: Installation of ten (10) wall mount signs to four (4) sides of new Dandy PizzaCafeDeli, and two (2) free standing signs at the two (2) main entrances.

Estimated Construction Cost: \$100,000  
Contractor/Installer: RAPP Signs / Greene, NY                      Phone: 607-656-8167  
Type of Sign: Wall mounted & Free standing  
Free standing Sign Height: 8'  
Sign Size (Dimensions): Please refer to sign proposal  
Plot Plan/Location of sign: Please refer to sign proposal  
Lighted Sign? Yes  
Highway ROW permission (State, County, Town) Town

The undersigned applies for a permit for the construction as described, in accordance with all provisions of all Laws or Regulations of the Town of Lansing, New York, or others having jurisdiction, and affirms that all statements and information given above are correct to the best of his knowledge and belief, and hereby authorizes the Code Enforcement Officer of the Town Lansing, or his designee, to conduct on site inspections to ensure that work is carried out in accordance with all applicable codes.

Owner's Signature: 

(Office Use Only- Do Not Fill Out Below Dotted Line)

Occupancy Class:                      Construction Type:                      Hazard:

CONDITIONS & PERMITS	VERIFIED OR ISSUED
Town Zoning	
Workers' Compensation	

Sign Permit: ☐ Approved                      Received Permit Fee of: \$

☐ Denied                      Sign Permit #

Reason:





# **Dandy Pizza Cafe Deli**

## **Convenience Store**

### **Signage Proposal**

7 Ridge Road, Lansing NY, 14882

TAX MAP PARCELS 31-6-9, 10, 11, 13 and 14



## South Elevation

- 1) **Wall Mount - Main ID - Dandy Logo - Illuminated**  
7'w X 7'h Circle= 38.5 sq/ft
- 2) **Wall Mount - PizzaCafeDeli - Illuminated**  
9'6"w X 1'1"h = 10 sq/ft



## North Elevation

**3) Wall Mount - Main ID - Dandy Logo - Illuminated**

7'w X 7'h Circle = 38.5 sq/ft

**4) Wall Mount - PizzaCafeDeli - Illuminated**

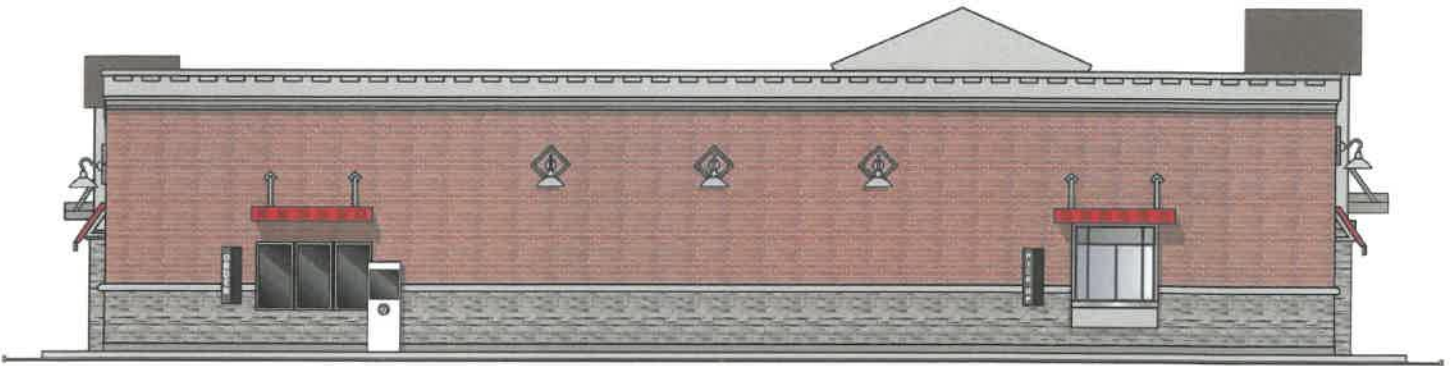
9'6" w X 1'1" h = 10 sq/ft





## East Elevation

- 5) **Wall Mount - Main ID - Dandy Logo - Illuminated**  
7'w X 7'h Circle= 38.5 sq/ft
- 6) **Wall Mount - PizzaCafeDeli - Illuminated**  
9'6"w X 1'1"h = 10 sq/ft
- 7) **Wall Mount - Informational - Drive Thru - Illuminated**  
7'w x 1'6"h = 10.5 sq/ft



## West Elevation

**8) Wall Mount - Informational - Order - Non Illuminated**

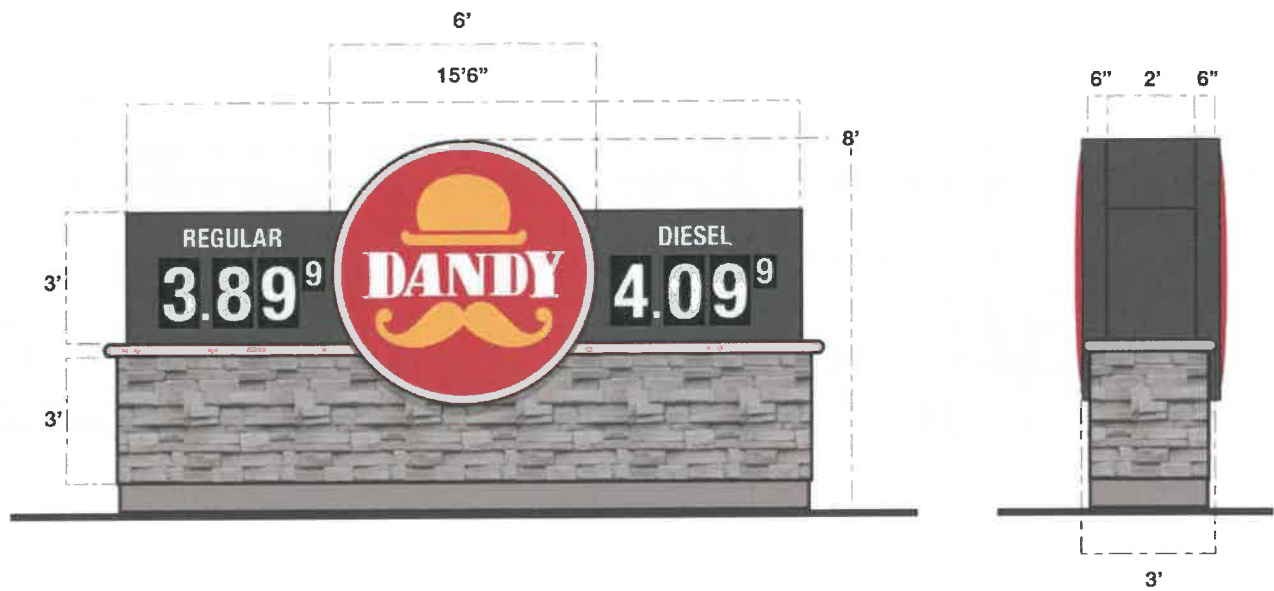
4' x 1'h = 4 sq/ft

**9) Wall Mount - Informational - Pick Up - Non Illuminated**

4'w X 1'h = 4 sq/ft

**10) Wall Mount - Digital Drive Thru Menu - Illuminated**

8'w x 4'h = 32 sq/ft



## Main Entrances

### 11) Free Standing Monument - Illuminated - Double Sided

a) Dandy Logo: 6'w x 6'h = 28.25 sq/ft

b) Pricer: (15'6" - 6') x 3' = 28.5



## Fuel Dispensers

### 12) Fuel Dispenser - Double Sided

- a) Top: Dandy text 20"w x 5"h = 1 sq/ft
- b) Bottom: Dandy Logo 20"w x 17"h = 2.5 sq/ft



**Total Aggregate:** \_\_\_\_\_

<u>Sign:</u>	<u>Square Foot:</u>
1) Wall Mount - Main ID - Dandy	38.5
2) Wall Mount - PizzaCafeDeli	10
3) Wall Mount - Main ID - Dandy	38.5
4) Wall Mount - PizzaCafeDeli	10
5) Wall Mount - Main ID - Dandy	38.5
6) Wall Mount - PizzaCafeDeli	10
7) Wall Mount - Drive Thru	10.5
8) Wall Mount - Order	4
9) Wall Mount - Pick Up	4
10) Wall Mount - Drive Thru Menu Freestanding	32
11) Monument (qty 2 - 56.75 ea.) Fuel	113.5
12) Dispensers (qty 9 - 3.5ea)	31.5
<hr/>	
Total Square footage of site signage:	341

**Town of Lansing**

**Tuesday, February 2, 2010 7:00 PM, Zoning Board of Appeals Meeting**

**ZONING BOARD OF APPEALS MEMBERS**

(\*Denotes present)

- |   |  |   |                      |
|---|--|---|----------------------|
| * | Gregg Travis, Chairman                             | * | David Dittman        |
| * | Linda Hirvonen                                     | * | Dan Konowalow        |
|   | Ronald Bricker, Alternate Member                   | * | Henry (Hurf) Sheldon |
| * | Jeffrey Overstrom, Engineer & Planning Coordinator |   |                      |
| * | Kathryn Miller, Town Board Liaison                 |   |                      |
|   | Lorraine Moynihan Schmitt, ZBA Attorney            |   |                      |

**PUBLIC PRESENT**

Andy Sciarabba

Ron Fortune

Arthur Paul

**GENERAL BUSINESS**

Linda Hirvonen, Acting Chair called the meeting to order at 7:10 PM. Ms. Hirvonen reviewed the Agenda items and acknowledged the Legal Notice published in The Ithaca Journal with regards to the Public Hearing on the Area Variances.

**Public Hearing for: Area Variance Application, Applicant: Consulting & Design, Agent for; Drake Petroleum, 32 Peruville Road, Tax Parcel # 30.-1-16.4**

Henry (Hurf) Sheldon made a motion to open the Public Hearing at 7:12 PM. Daniel Konowalow seconded.

**VOTE AS FOLLOWS:**

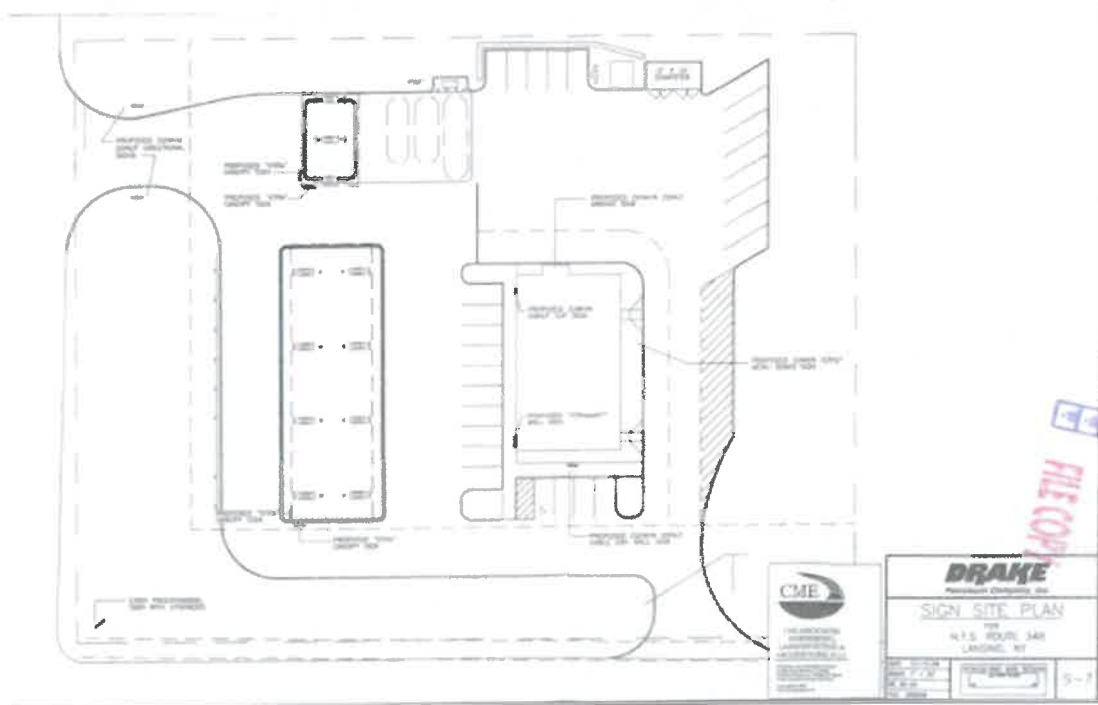
- David Dittman - Aye**  
**Linda Hirvonen - Aye**  
**Daniel Konowalow - Aye**  
**Henry (Hurf) Sheldon - Aye**

**MOTION CARRIED.**

Mr. Ron Fortune, Agent for Drake Petroleum appeared before the Board requesting an Area Variance for the number of signs to be permitted on the

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premises at 32 Peruvilla Road. The Town of Lansing Sign Ordinance permits two signs per lot, of which they shall not exceed 50 square feet in area. Mr. Fortune states his Company proposes the Signage Package for a Plaza, not just a Gas Station. There are three different types of business (Dunkin Donuts, Xtra-mart and Gas/Diesel) housed on the site. The free standing pre-existing sign at the corner will remain. The following Sketch Plan was proposed;



### Member/Public Comments/Concerns:

Daniel Konowalow: Has concern with the additional signage (facing south) located near the diesel gas pump island. Mr. Konowalow does not have a problem with the directional signs.

Kathy Miller: States she trucks horses and more than once she has pulled into a Service Station and has to pull out and back in again due to the lack of signage for diesel. Ms. Miller is in favor of the proposed plan.

David Dittman: States putting the little logo signs on the building does not change the character of the neighborhood.

Andy Sciarabba: Indicated this is a business, in a Business District and that it is suppose to be allowed to promote it self and pay more taxes to our community. Constantly Developers are being told "we do not want to do things because it is

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offensive". These people have been a good neighbor for many years and should be able to continue. These folks should be encouraged, not discouraged.

Linda Hirvonen: Feels different size lots should have different regulations (square footage) for their signage.

Henry (Hurff) Sheldon: Wanted to make sure the B2 area is not over decorated with large signs.

David Dittman made a motion to close the Public Hearing at 7:46 PM. Henry (Hurff) Sheldon seconded.

VOTE AS FOLLOWS:

- David Dittman - Aye
- Linda Hirvonen - Aye
- Daniel Konowalow - Aye
- Henry (Hurff) Sheldon - Aye

MOTION CARRIED.

Further Member Discussion

Daniel Konowalow: Inquired if Drake Petroleum would consider reducing the one sign on the south side near the diesel pumps.

Ron Fortune: The design is already balanced.

David Dittman: States they have 3 distinct businesses there.

Henry (Hurff) Sheldon: Thinks the building is very tasteful in design and an upgrade to Lansing. Mr. Sheldon further believes that setting a precedence with bending the rules for this company that has made a nice addition to the Town should be allowed.

The Board Members reviewed the criteria for an Area Variance.

1. State whether an undesirable change in the neighborhood character will be created, and reason why:  
No.
2. Is there an alternative method, feasible to pursue, to achieve what the Applicant desire, and reason why:  
No.
3. State whether the requested Area Variance is substantial, and reason why;  
No.



**APPROVED**

4. State whether the Variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and reason why:

No.

5. State whether the alleged difficulty was self-created, and reason why:

Yes, expansion of Business coupled with a pre-existing Sign.

David Dittman made a motion to **approve** the Area Variance. Henry (Hurf) Sheldon seconded.

**VOTE AS FOLLOWS:**

**David Dittman - Aye**

**Linda Hirvonen - Aye**

**Daniel Konowalow - Nay**

**Henry (Hurf) Sheldon - Aye**

**MOTION CARRIED.**

**Approval/Denial of December 7, 2009 Minutes**

Daniel Konowalow requested on page 2, under Bud Shattuck, it should be **precedent**. Also, on page 4, under Gregg Travis (3 below) should be **rights of way**.

Daniel Konowalow made a motion to approve as amended. Henry (Hurf) Sheldon seconded.

**VOTE AS FOLLOWS:**

**David Dittman - Aye**

**Linda Hirvonen - Aye**

**Henry (Hurf) Sheldon - Aye**

**Daniel Konowalow - Aye**

**MOTION CARRIED.**

Henry (Hurf) Sheldon made a motion to adjourn the Meeting. David Dittman seconded.

**VOTE AS FOLLOWS:**

**David Dittman - Aye**

**Linda Hirvonen - Aye**

**Henry (Hurf) Sheldon - Aye**

**APPROVED**

**Daniel Konowalow - Aye**

**MOTION CARRIED.**



**From:** [John Zepko](#)  
**To:** [James Gensel](#)  
**Cc:** [C.J. Randall](#)  
**Bcc:** [Scott Russell](#)  
**Subject:** RE: Dandy - Project Review Committee  
**Date:** Monday, November 21, 2022 8:03:00 AM

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Dear Jamie,

Signs are regulated by Chapter 210 of the Lansing Zoning Code. I've pasted sections I think may have relevancy, and highlighted sections I think may be of particular importance. Understand that the code/zoning enforcement officer is the authority having jurisdiction on this, and mine is only constructive input.

### **COMMERCIAL SIGN DISTRICT**

The B1, B2, and IR land use area classifications as established and mapped in and by Chapter 270, Zoning, of the Code of the Town of Lansing

### **SIGN SQUARE FOOTAGE CALCULATION**

Refers to a method of calculating the measurements, dimensions, and geometric area of a sign pursuant to basic mathematical rules reasonably applied, as follows: i) if a sign is irregular in shape or consists of independent or detached letters or symbols, the area of said sign shall be determined by measuring the area within a regular simple polygon completely enclosing the sign or enclosing such independent or detached letters or symbols as they are intended to be installed; ii) if a sign is regular in shape, by measuring the surface area of the sign, including its frame(s) and border(s); iii) all square footage limitations and similar dimensional rules and regulations herein are to be measured upon and in relation to a single face of the sign if the sign has two basic display sides; and/or iv) if a sign has more than two display sides or surfaces, then the Enforcement Officer shall determine and calculate the total dimensions of the sign by calculating the sum of all display sides or faces unless, in the reasonable determination of the Enforcement Officer, one or more display sides or faces are de minimus and should not be counted in calculating the sign square footage calculation (an example would be a standard two-sided rectangular sign with printing upon the frame of the sign)

### **210-4 Exempt Signs**

A.(4) Temporary signs, including banners, flags, pennants, streamers, ribbons, and mobile or portable signs are allowed where:

- (a) Such signs, in total area, do not exceed 16 square feet;
- (b) Such signs are not emplaced for more than 30 days; and
- (c) Such signs shall be and are removed within seven days from the end of the event, and/or are not re-emplaced within 30 days of their removal, whether in the same or any other nearby location

### **210-5 Rules of general applicability for all signs**

I. Unless expressly otherwise permitted by this chapter, a variance is granted, or unless within a planned sign area:

- (1) For all commercial activity signs and other commercial and business signs, no more than two signs shall be allowed per each premises and the area of each such sign shall not exceed the maximum allowed area for each such sign as based upon its use and location and the requirements of this chapter;

### **210-8 Rules Applicable to commercial sign districts**

A. All non-exempt signs shall require a sign permit. Where and whenever required by this chapter or by any determination or opinion of the Enforcement Officer, certain signs may also be subject to site plan review.

B. All sign square footage calculations and all numerical, dimensional, and area references in this chapter shall apply to each sign; and all non-temporary signs collectively shall not exceed any numerical, dimensional, or area references as stated in this chapter. However, when sign square footage calculations are applied to temporary signs, existing lawful signs and their sign square footage calculations shall be excluded. Thus, and by way of example and not limitation, if Joe's Auto Dealership has a permitted sign at the maximum sign square footage calculation for its premises and wants to place banners to advertise a weekend car sale, such dealership would be limited to a maximum amount of temporary sign(s) square footage as based upon the maximum allowable signage for the premises upon which the dealership is located, without regard to, or any reduction for, the existing and lawful non-temporary signs upon such premises.

C. The following regulations shall apply to all illuminated signs:

(1) Illuminated signs shall not be lit or illuminated from one hour after sunset until sunrise each day; except that business identification signs may remain lit or illuminated during normal business hours.

(2) The illumination of any sign shall employ only light emitting a constant intensity, shall comply to the reasonable extent possible with dark-sky requirements, and shall not emit a light exceeding 0.3 footcandles measured at night.

(3) No illuminated sign shall contain flashing, intermittent, rotating, or moving light, or may otherwise have the appearance of flashing, moving, or scrolling, however the overall static image may periodically change, but no more frequently than every 15 seconds.

(4) In no event shall an illuminated sign be placed, or its light directed, so that the illumination is: i) directed upward; ii) directed at or upon any public right-of-way in any manner which may be reasonably expected to cause, create, or contribute to glare or distracting reflected light; iii) directed at or upon any adjacent occupied building or structure in any manner which may be reasonably expected to cause, create, or contribute to glare or distracting reflected light. The Enforcement Officer shall reasonably determine whether any illuminated sign causes, creates, or contributes to glare or any distracting reflected light as such terms are used in this subsection. In making any such determination the Enforcement Officer may employ dark-sky standards.

(5) All illuminated signs shall be subject to site plan review.

D. Electronic message display signs are allowed only in commercial sign districts and all such signs shall be subject to site plan review.

E. Except for wayfaring signs issued pursuant to a sign permit, no billboards or off-premises signs are permitted or allowed in any sign district or area of the Town without a use variance.

F. Except for wayfaring signs, or unless otherwise allowed by this chapter, or unless a permit therefor has been obtained by any governmental or public authorities having jurisdiction over such public right-of-way, no signs may be located within any public right-of-way unless approved through a site plan review process or pursuant to a variance. Any sign located within such public right-of-way shall require permission or permits from any governmental or public authorities having jurisdiction over such public right-of-way.

G. No freestanding sign for residential-based businesses located within a residential sign district shall exceed nine feet in height. No other freestanding sign shall exceed 15 feet in height. Signs located or mounted upon the exterior of any building or structure shall not extend above the fascia or be mounted on the roof.

I. Unless expressly otherwise permitted by this chapter, a variance is granted, or unless within a planned sign area:

(1) For all commercial activity signs and other commercial and business signs, no more than two

signs shall be allowed per each premises and the area of each such sign shall not exceed the maximum allowed area for each such sign as based upon its use and location and the requirements of this chapter; and

**210-8 Rules applicable to commercial sign districts**

**A. Commercial signs shall not exceed 48 square feet.**

---

**From:** James Gensel <james.gensel@faganengineers.com>  
**Sent:** Friday, November 18, 2022 2:35 PM  
**To:** John Zepko <jzepko@lansingtown.com>; 'Brian Grose' <brian.grose@faganengineers.com>  
**Subject:** RE: Dandy - Project Review Committee

Yes. I am actually collating an email response. One item from Duane was regarding the signage:

*"I have Kevin working on a signage plan today. I did not see a maximum square footage in the code that John sent over. I'll send you Kevin's plan as soon as it is done and then we will need to send to John for interpretation."*

I am still waiting for that but if you have some input ahead of time, that would be great. Thanks,

Jamie

---

**From:** John Zepko <jzepko@lansingtown.com>  
**Sent:** Friday, November 18, 2022 1:55 PM  
**To:** 'Brian Grose' <brian.grose@faganengineers.com>; James Gensel <james.gensel@faganengineers.com>  
**Subject:** FW: Dandy - Project Review Committee

Dear Brian and Jamie,

It has been a couple of weeks since I sent the message below requesting information and I'm a little concerned that I haven't heard from you. The next Planning Board meeting is scheduled for 28 November. Is it still your intention to attend?

---

**From:** John Zepko  
**Sent:** Friday, November 4, 2022 10:22 AM  
**To:** 'Brian Grose' <brian.grose@faganengineers.com>; James Gensel <james.gensel@faganengineers.com>  
**Cc:** C.J. Randall <crandall@lansingtown.com>; afiorille@lansingtown.com  
**Subject:** Dandy - Project Review Committee

Dear Brian & Jamie,

Our project review committee (our legal, engineering, highway, fire chief, etc) took a look at your latest submission and had a few questions. I'm hoping you could address these prior to 21 Nov.

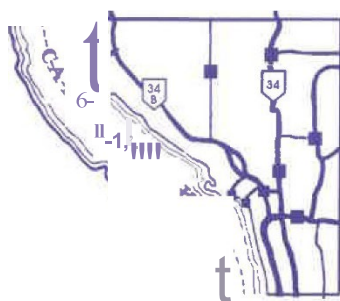
Early in your submission you suggested the project would use propane to heat the building. Please identify the location and size of the propane tank on your site plan. Please be aware that there is currently a moratorium on new hookups for natural gas.

- Previous discussions with the Planning Board indicated that there would be an electric vehicle charging station(s) located adjacent to the building (in addition to the future bank shown on the plans) in a parking place. Please clarify if you still intend to locate an electric vehicle charging station adjacent to the building and if so, please show these on the plans.
- Planning Board chairman suggested that you consider designating a parking place near the drive through as a “staging” area for customers waiting on their orders. Please consider this.
- The Planning Board has expressed concern in past meetings over the noise from advertising at the pumps. The project sponsor indicated that they’d consider eliminating this. Please update the Town on the status of this concern.
- The project site was formerly occupied by an automobile fueling station. Please provide documentation that the fuel tanks have been removed and any spills/ soils remediated. Please provide the results of any ESAs that have been completed on the project site.
- The project proposes to utilize an onsite wastewater treatment system. However, the EAF indicates a high water table. Has the project submitted an application for an OWTS with the DEC or Tompkins County Health Dept? Has in situ soil testing been completed on the site?
- Please submit a subdivision/lot line adjustment map
- Please submit scaled sign plans for all signage on site, including building mounted signs and monument signs. Please be certain that all proposed sign locations are shown on the site plan. All signs must be zoning compliant or variances must be obtained prior to their approval. I have included a pdf of the sign regulations.
- Please clarify if the previously submitted, scaled, building elevations are accurate to the current building design.

If you have any questions or concerns regarding the above, feel free to reach out to me. Have a great weekend.

Sincerely,

John Zepko, CPESC, CFM  
 Planner/ Stormwater Management Officer  
 Town of Lansing  
 607-533-7054  
[jzepko@lansingtown.com](mailto:jzepko@lansingtown.com)



# TOWN of LANSING

*"Home of Industry, Agriculture and Scenic Beauty"*

ZONING, PLANNING AND CODE ENFORCEMENT

Box 186

Lansing, NY 14882

E-mail: [tolcodes@lansingtown.com](mailto:tolcodes@lansingtown.com)

## STATE ENVIRONMENTAL QUALITY REVIEW NOTICE OF INTENT TO ESTABLISH LEAD AGENCY PURSUANT TO 6 NYCRR PART 617.6

DATE: 3 Jan 2023

TO: See Attached List of Involved and Interested Agencies

FROM: John Zepko, Planner, Town of Lansing, NY

**RE: Proposed Site Plan for Dany Mini-Mart**

This notice is issued pursuant to 6 NYCRR Part 617.6 of the implementing regulations for the New York State Environmental Quality Review Act (Environmental Conservation Law Article 8). The Planning Board of the Town of Lansing has determined that it should be Lead Agency for the Coordinated Environmental Review of the proposed action described below:

NAME OF ACTION: Dandy Mini-Mart, Lansing - Site Plan

SW of Intersection of East Shore Drive and Ridge Rd

SBL # 31.-6-9.1, 31.-6-10, 31.-6-11, 31.-6-13, 31.-6-14, & 37.1-1-2

SEQRA STATUS: Type I Action, 6 NYCRR 617.4 (b)(6)(i) and 617.4 (b)(9)

DESCRIPTION OF ACTION: The Planning Board is proposing to undertake review of a proposed site plan for the construction of an approximately 6,100 SF convenience store, including outdoor seating area, on ~ 4.073 acres. The plan also includes two gasoline fuel islands, a diesel fuel island, a fuel tank storage area, and parking lots (36 spaces including 4 truck spaces and up to 4 EV spaces initially). Also included are an on-site wastewater treatment system and stormwater management of the property. A copy of the application and the FEAF, Part 1 and supporting reports and documents are available at the Town Planning and Code Enforcement Department.



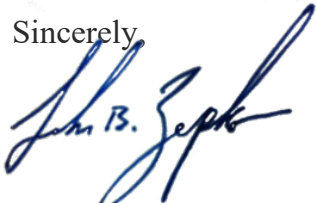
REASONS SUPPORTING THE LEAD AGENCY DETERMINATION: The Planning Board of the Town of Lansing is believed best suited to review the impacts of this proposed Project as (i) the Planning Board is the only body with jurisdiction to issue the final site plan approval for the Project, (ii) the Planning Board is best situated to understand and evaluate the potential unique impacts of such Project upon the Town based upon the developmental patterns, topography, and unique natural and non-natural features of the Town of Lansing, including known streams, wetlands, UNAs, agricultural resources of value, and archeosensitive sites within or near the Project area, (iii) the Planning Board has the broadest governmental powers for investigating the potential or actual impacts of the Project and implementing conditions or mitigating controls, and accordingly (iv) the Planning Board has the greatest capacity for providing the most thorough environmental assessment of the proposed Project.

PLEASE TAKE NOTICE, that this determination, subject to the agreement or concurrence of the agencies involved, shall become effective 30 calendar days from the date of delivery hereof. If the agencies involved cannot agree upon the designation of a lead agency, then, and in such event, the Commissioner of the Department of Environmental Conservation shall determine the Lead Agency pursuant to 6 NYCRR Part 617.6.

FOR FURTHER INFORMATION please contact John Zepko, Planner, at the Lansing Town Hall, 29 Auburn Road, Lansing, NY 14882; telephone number (607) 533-7054 or email: [jzepko@lansingtown.com](mailto:jzepko@lansingtown.com).

Concurrence with the Lansing Planning Board as "Lead Agency" may be sent to the email address: [T0Lcodes@lansingtown.com](mailto:T0Lcodes@lansingtown.com) or to 29 Auburn Rd, Box 186, Lansing, NY 14882.

Sincerely,

A handwritten signature in blue ink, appearing to read "John B. Zepko". The signature is stylized with a large, sweeping "Z" and "P".

John Zepko, CPESC, CFM  
Planner

INVOLVED AGENCIES

Town of Lansing Zoning Board of Appeals  
NYS Department of Transportation, Region 3  
NYS Historic Preservation Office  
NYS Department of Environmental Conservation, Region 7

INTERESTED AGENCIES

Cayuga Lake Scenic Byway, Inc.

TOWN OF LANSING – DANDY MINI-MART SITE PLAN PROPOSAL

The undersigned involved agency consents to the designation of the Town of Lansing as Lead Agency pursuant to the provisions of the SEQRA regulations (6 NYCRR, Part 617) for the review of the Dandy Mart Site Plan Proposal.

Agency\_\_\_\_\_

Name and Title \_\_\_\_\_

Signature\_\_\_\_\_ Date\_\_\_\_\_

## Chapter 210

### SIGNS

**[HISTORY: Adopted by the Town Board of the Town of Lansing 2-26-2014 by L.L. No. 1-2014. Amendments noted where applicable.]**

#### **§ 210-1. Title.**

Local Law No. 1 of 2014 shall be known as the "Sign Law" of the Town of Lansing (hereinafter the, or this, "chapter").

#### **§ 210-2. Purpose.**

The intent and purpose of this chapter is to establish specifications, procedures, and rules for signs in the Town of Lansing, excluding the Village of Lansing. Compliance with these regulations will permit proper identifications of businesses and important local facilities and buildings, preserve and enhance the visual quality of the area, and prevent installations which are particularly distracting and hazardous to vehicular or pedestrian traffic.

#### **§ 210-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**AGRICULTURAL SIGN DISTRICT** — The R3 and RA land use area classifications as established and mapped in and by Chapter 270, Zoning, of the Code of the Town of Lansing.

**BANNER** — A type of flag, not an emblem of a government or institution, with graphics that are purely decorative or that identify, advertise, or convey commercial information.

**BILLBOARD or OFF-PREMISES SIGN** — Any outdoor sign that directs attention to a business, commodity, activity, service, or product not conducted, sold, or offered upon the premises where such sign is located.

**COMMERCIAL ACTIVITY** — An establishment, activity, or use that provides goods, merchandise, services, resources, or entertainment to the general public for gain.

**COMMERCIAL SIGN DISTRICT** — The B1, B2, and IR land use area classifications as established and mapped in and by Chapter 270, Zoning, of the Code of the Town of Lansing.

**DARK SKY** — Refers to the dark-sky standards for lighting and luminaires, generally designed to provide for glare-free, downward directed, and shielded lighting as promotes the dark-sky standards of the International Dark-Sky Association (IDA), Tucson, Arizona, including, for example, meeting the goals and standards expressed in the "Outdoor Lighting Ordinance and Community Standards" Information Sheet No. 172, and the IDA "Outdoor Lighting Code Handbook."

**ELECTRONIC MESSAGE DISPLAY SIGN** — A sign that utilizes computer-generated data or some other electronic means to display messages through the use of light, including through flashing, intermittent, rotating, or moving light, or light that has the appearance of flashing, moving, or scrolling. Common examples would be LCD and LED signage.

**ENFORCEMENT OFFICER** — The Town Code Enforcement Officer, the Town Building Inspector, and any other person appointed by the Town Board to represent the Town in particular matters pertaining to this chapter.

**EXEMPT SIGN** — A sign which may be erected or placed without a sign permit or a site plan review under the provisions of this chapter.

**FREESTANDING SIGN** — Any sign or sign structure not attached to the exterior of a building.

**ILLUMINATED SIGN** — Any sign illuminated, spotlighted, or lit by electricity, gas, or other artificial or concentrated light source, including, but not limited to, reflective, luminescent, or phosphorescent light, whether originating from outside the body of the sign or from within or behind it. Illuminated signs shall include electronic message display signs.

**INSTITUTION** — An organization established to serve a social, educational, or religious purpose. Common examples would be hospitals, schools, or churches.

**NONCONFORMING SIGN** — A lawfully existing sign as of the effective date of adoption of this chapter, or any subsequent amendment hereto, that does not conform to the requirements of this chapter; but not including off-premises signs.

**OFF-PREMISES SIGN** — See definition under "billboard or off-premises sign" above.

**ON-PREMISES SIGN** — A sign related to any activity, business, profession, service, or commodity provided, sold, or offered upon the premises where such sign is located.

**PLANNED SIGN AREA** — A geographical unit in which a coordinated design for visual communication is approved through a site plan review process, consisting mainly of a sign development plan.

**PLANNING BOARD** — The Planning Board of the Town.

**POLITICAL SIGN** — A sign which:

- A. Advertises, supports, or opposes any one or more persons for public elective offices or a political party;
- B. Expresses an opinion upon, or urges a particular vote or action upon, a social, political, or public issue.
- C. Conveys one's views on worship, ethics, philosophy of life, or similar beliefs.

**PORTABLE OR MOBILE SIGN** — Any sign or sign structure not permanently affixed to the ground or to the exterior of a building. A common example includes a temporary sign mounted upon a trailer.

**PREMISES** — A lot or parcel identified as a Tax Map parcel by the Tompkins County Assessment Department that is located in the Town. Where any land use spans multiple tax parcels, then all such parcels shall here be deemed one premises.

**PUBLIC RIGHT-OF-WAY** — Each, every, and all public streets, public sidewalks, public roads, public alleys, and public highways within the Town that are Town highways by use, highways by dedication, and/or highways by prescription or implication, including the paved or finished surfaces thereof, all governmental signage, all ditches, culverts, drains and drainage ways, all utility and similar structures and

appurtenances, and all land, improved or otherwise, within the bounds of the highway rights-of-way.

**RESIDENTIAL SIGN DISTRICT** — The R1, R2, and L1 land use area classifications as established and mapped in and by Chapter 270, Zoning, of the Code of the Town of Lansing.

**RESIDENTIAL-BASED BUSINESS (INCLUDING A HOME BUSINESS OR OCCUPATION)** — Any lawful or permitted business activity customarily conducted entirely within a dwelling or structure accessory to a dwelling.

**SCROLLING** — To cause displayed text, graphics, or light to move or appear to move up, down, or across the screen or the face of the sign.

**SIGN** — A device for visual communication publicly displayed to identify, advertise, or convey information. The term "sign" includes the sign's frame, border, base, pole, stand, and any other portion of the structure supporting the sign; however, for purposes of sign square footage calculations, only the sign and its frame or border shall be counted. "Signs" also include all types of signs whenever the sign is placed in view of the general public, including, but not limited to, sign boards, billboards, banners, painted wall signs, hanging signs, illuminated signs, ground and free-standing signs, and any announcements, declarations, demonstrational materials, displays, illustrations, posters, or insignia used to advertise or promote the interests of any person or commercial activity, whether or not related and unrelated to a commercial activity or to a commodity or service sold or offered upon the premises where such sign is located.

**SIGN DEVELOPMENT PLAN** — A collection of drawings and written statements describing all pertinent details of signs and related features included in a planned sign area.

**SIGN PERMIT** — A permit to erect, install, build, place, emplace, site, or substantially rebuild or repair any sign.

**SIGN SQUARE FOOTAGE CALCULATION** — Refers to a method of calculating the measurements, dimensions, and geometric area of a sign pursuant to basic mathematical rules reasonably applied, as follows: i) if a sign is irregular in shape or consists of independent or detached letters or symbols, the area of said sign shall be determined by measuring the area within a regular simple polygon completely enclosing the sign or enclosing such independent or detached letters or symbols as they are intended to be installed; ii) if a sign is regular in shape, by measuring the surface area of the sign, including its frame(s) and border(s); iii) all square footage limitations and similar dimensional rules and regulations herein are to be measured upon and in relation to a single face of the sign if the sign has two basic display sides; and/or iv) if a sign has more than two display sides or surfaces, then the Enforcement Officer shall determine and calculate the total dimensions of the sign by calculating the sum of all display sides or faces unless, in the reasonable determination of the Enforcement Officer, one or more display sides or faces are de minimus and should not be counted in calculating the sign square footage calculation (an example would be a standard two-sided rectangular sign with printing upon the frame of the sign).

**SITE PLAN REVIEW** — Refers to site planning standards as contained in Chapter 270, Zoning, of the Code of the Town of Lansing, including, where applicable, review and approval by the Planning Board.

**TEMPORARY SIGNS** — A sign limited to a period of use not to exceed 30 days, or such other period of time as allowed by this chapter (e.g., construction signs). Common examples include construction signs, for sale signs, portable signs, banners, flags, pennants, ribbons, streamers, and fluttering or revolving devices, usually intended to draw attention to a new commercial activity, a sale, a new product or service release, an activity temporary in nature, etc.

**TOWN** — The Town of Lansing, Tompkins County, New York, and each and all of its officers, employees, and agents.

**VARIANCE** — A departure from the rules, terms, or requirements of this chapter when duly authorized by the Zoning Board of Appeals, usually arising from practical difficulty or unnecessary and undue hardship peculiar to an individual situation which is not the result of the actions of the applicant. For this purpose, the definitions and standards of both use variances and area variances shall apply as set forth in, and construed under, Town Law §§ 267-a and 267-b.

**WAYFARING SIGNS** — A freestanding, off-premises sign, but not an illuminated sign, that includes a community welcome message or logo and individual placards displaying directional information for business establishments and public places to assist travelers in finding local businesses, services, and sites.

#### **§ 210-4. Exempt signs.**

- A. Except as to §§ 210-5 and 210-12 and any enforcement rights or powers as set forth below, certain signs are exempt from this chapter and do not require a sign permit or any site plan review when they meet the standards below or are classified by the Enforcement Officer as an exempt sign; such signs are not illuminated signs; and such sign(s) comply with the following listed conditions, regulations, and restrictions, if and as applicable:
  - (1) Tourist-oriented signs and directional and informational signs, which may not exceed six square feet. Common examples include wine trail signs, historical signs, and Cayuga Scenic Trail signs. The Enforcement Officer shall reasonably determine whether a sign constitutes or qualifies as a tourist-oriented or directional and informational sign and, for this purpose, any design, logo, name, or trademark of or referencing any commercial activity shall be an indication that the sign is not a tourist-oriented or directional and informational sign, but such factor alone shall not be determinative of such question.
  - (2) Construction project signs, where:
    - (a) Such sign does not exceed 32 square feet in commercial sign districts or 12 square feet in any other districts; and
    - (b) Such sign is a temporary sign or is removed within 30 days of substantial completion of the project or the issuance of a certificate of occupancy, whichever shall first occur.
  - (3) Signs advertising the sale, lease, or rental of the premises, where:
    - (a) The sign is an on-premises sign;

- (b) Such sign does exceed 32 square feet in commercial sign districts or nine square feet in any other districts;
  - (c) Such sign is a temporary sign or is removed within 30 days after the sale, lease, or rental of the premises.
- (4) Temporary signs, including banners, flags, pennants, streamers, ribbons, and mobile or portable signs are allowed where:
  - (a) Such signs, in total area, do not exceed 16 square feet;
  - (b) Such signs are not emplaced for more than 30 days; and
  - (c) Such signs shall be and are removed within seven days from the end of the event, and/or are not re-emplaced within 30 days of their removal, whether in the same or any other nearby location.
- (5) Political signs are allowed whenever they do not exceed 32 square feet in all sign districts.
- (6) Signs erected and maintained by any governmental agency pursuant to and in discharge of any governmental function or any sign that is required by any law, ordinance, or governmental regulation;
- (7) Any flags, emblems, or symbols of a nation or a governmental body or school;
- (8) Memorial tablets or historical markers erected by any governmental agency;
- (9) signs or temporary signs erected or emplaced for public safety, when in the discretion of the Enforcement Officer such signs are allowed or are necessary for public safety or regulating pedestrian or vehicular traffic;
- (10) Signs or decorations emplaced in celebration of national holidays, generally recognized days of observance, or significant local, regional, or national events, provided that they do not constitute a public nuisance or hazard and do not contain names, trademarks, or logos relating to any commercial activity.
- (11) Traditional residential accessory signs. Common examples of such signs include signs promoting a favorite college, university, or team, temporary signs portraying household or neighborhood events, or signs displaying a historical location or family crest.
- (12) Wayfaring signs, where:
  - (a) Such wayfaring signs are owned, installed, and maintained by the Town or a governmental authority granted a sign permit by the Town.
  - (b) The location of wayfaring signs shall be determined by the Town Board and should be located at or near appropriate intersections.
  - (c) The maximum size of wayfaring signs shall be determined by the Town Board upon a case-by-case basis.
  - (d) Each wayfaring sign shall incorporate a Town of Lansing logo or welcoming message, as determined by the Town Board, and each placard



placed on the wayfaring sign shall be reasonably identical in size, style, color, and design.

- (e) Wayfaring signs shall be located so as not to impede vehicular sight distances and shall be designed and constructed to minimize maintenance.
  - (f) Wayfaring signs will, to the extent practical, be located in a public right-of-way or on public property, subject to any necessary approvals or permits from the applicable government with jurisdiction. If the wayfaring sign is to be located upon private property, appropriate permission or a license or easement shall be obtained from the property owner(s).
- B. If any sign listed or referenced above exceeds any conditions or limitations stated above, then each such sign shall require a sign permit or site plan review as elsewhere required by this chapter.

**§ 210-5. Rules of general applicability for all signs.**

- A. All non-exempt signs shall require a sign permit. Where and whenever required by this chapter or by any determination or opinion of the Enforcement Officer, certain signs may also be subject to site plan review.
- B. All sign square footage calculations and all numerical, dimensional, and area references in this chapter shall apply to each sign; and all non-temporary signs collectively shall not exceed any numerical, dimensional, or area references as stated in this chapter. However, when sign square footage calculations are applied to temporary signs, existing lawful signs and their sign square footage calculations shall be excluded. Thus, and by way of example and not limitation, if Joe's Auto Dealership has a permitted sign at the maximum sign square footage calculation for its premises and wants to place banners to advertise a weekend car sale, such dealership would be limited to a maximum amount of temporary sign(s) square footage as based upon the maximum allowable signage for the premises upon which the dealership is located, without regard to, or any reduction for, the existing and lawful non-temporary signs upon such premises.
- C. The following regulations shall apply to all illuminated signs:
  - (1) Illuminated signs shall not be lit or illuminated from one hour after sunset until sunrise each day; except that business identification signs may remain lit or illuminated during normal business hours.
  - (2) The illumination of any sign shall employ only light emitting a constant intensity, shall comply to the reasonable extent possible with dark-sky requirements, and shall not emit a light exceeding 0.3 footcandles measured at night.
  - (3) No illuminated sign shall contain flashing, intermittent, rotating, or moving light, or may otherwise have the appearance of flashing, moving, or scrolling, however the overall static image may periodically change, but no more frequently than every 15 seconds.

- (4) In no event shall an illuminated sign be placed, or its light directed, so that the illumination is: i) directed upward; ii) directed at or upon any public right-of-way in any manner which may be reasonably expected to cause, create, or contribute to glare or distracting reflected light; iii) directed at or upon any adjacent occupied building or structure in any manner which may be reasonably expected to cause, create, or contribute to glare or distracting reflected light. The Enforcement Officer shall reasonably determine whether any illuminated sign causes, creates, or contributes to glare or any distracting reflected light as such terms are used in this subsection. In making any such determination the Enforcement Officer may employ dark-sky standards.
  - (5) All illuminated signs shall be subject to site plan review.
- D. Electronic message display signs are allowed only in commercial sign districts and all such signs shall be subject to site plan review.
- E. Except for wayfaring signs issued pursuant to a sign permit, no billboards or off-premises signs are permitted or allowed in any sign district or area of the Town without a use variance.
- F. Except for wayfaring signs, or unless otherwise allowed by this chapter, or unless a permit therefor has been obtained by any governmental or public authorities having jurisdiction over such public right-of-way, no signs may be located within any public right-of-way unless approved through a site plan review process or pursuant to a variance. Any sign located within such public right-of-way shall require permission or permits from any governmental or public authorities having jurisdiction over such public right-of-way.
- G. No freestanding sign for residential-based businesses located within a residential sign district shall exceed nine feet in height. No other freestanding sign shall exceed 15 feet in height. Signs located or mounted upon the exterior of any building or structure shall not extend above the fascia or be mounted on the roof.
- H. No planned sign area may be sited within any residential sign district.
- I. Unless expressly otherwise permitted by this chapter, a variance is granted, or unless within a planned sign area:
  - (1) For all commercial activity signs and other commercial and business signs, no more than two signs shall be allowed per each premises and the area of each such sign shall not exceed the maximum allowed area for each such sign as based upon its use and location and the requirements of this chapter; and
  - (2) Only one residential-based business sign is allowed per each premises upon which a residential business (or home occupation) is located.
- J. The failure to timely comply with any conditions stated in any site plan review approval, any variance, or upon any sign permit shall be deemed a violation of this chapter.

**§ 210-6. Rules applicable to residential sign districts.**

- A. Commercial signs shall not exceed 18 square feet.

§ 210-6

LANSING CODE

§ 210-10

- B. Residential-based business signs shall not exceed nine square feet.
- C. Multifamily dwelling, townhouse, mobile home park, housing development, and like residential signs shall not exceed 12 square feet and only one sign is allowed per entrance.
- D. Institution signs shall not exceed 40 square feet.

**§ 210-7. Rules applicable to agricultural sign districts.**

- A. Commercial signs shall not exceed 48 square feet.
- B. Residential-based business signs shall not exceed 24 square feet.
- C. Multifamily dwelling, townhouse, mobile home park, housing development, and like residential signs shall not exceed 12 square feet and only one sign is allowed per entrance.
- D. Institution signs shall not exceed 40 square feet.

**§ 210-8. Rules applicable to commercial sign districts.**

- A. Commercial signs shall not exceed 48 square feet.
- B. Residential-based business signs shall not exceed 24 square feet.
- C. Multifamily dwelling, townhouse, mobile home park, housing development, and like residential signs shall not exceed 12 square feet.
- D. Shopping center or plaza signs shall not exceed 48 square feet, and individual store or business signs within such shopping center or plaza shall not exceed 16 square feet for each business (and are in addition to the center's or plaza's signage), unless pursuant to an approved planned sign area.
- E. Institution signs shall not exceed 48 square feet.

**§ 210-9. Planned development areas.**

The Enforcement Officer shall examine the predominant purposes and uses of any Planned Development Area (PDA) and shall then, for purposes of this chapter, classify the PDA as subject to residential sign district rules, agricultural sign district rules, or commercial sign district rules.

**§ 210-10. Planned sign areas.**

- A. A planned sign area must be classified either as:
  - (1) A business and technology park and research park planned sign area. For the purposes of this section, a "business and technology park" or "research park" is specifically defined as an integral unit to be used for business, technology, industry, research, or office purposes, or a combination thereof, which: i) is under the ownership and/or developmental control of a single entity; and ii) contains a minimum of three detached structures and five acres of land, unless

lesser minimums are approved by the Planning Board. Contiguous businesses may be added to a business and technology park and research and its park planned sign area; or

- (2) Shopping mall planned sign area. For the purpose of this subsection, a "shopping mall" is specifically defined as any group of three or more stores which share a common vehicular entrance or entranceways, common off-street parking, and that contain a minimum of three acres. Contiguous businesses may be added to a shopping mall and its planned sign area; or
  - (3) Contiguous business planned sign area. A "contiguous business" is any business, technology, industry, research, or office facility which is contiguous to a shopping mall, a business and technology park, a research park or to any other business or facility which is included in an existing planned sign area.
- B. Such classification shall be performed by the Enforcement Officer.
  - C. The purpose of a planned sign area is to introduce a degree of flexibility in the conventional regulation of signs in such a way as to encourage improved visibility, readability, coordination of height, color, shape, lighting, and other sign design features.
  - D. All planned sign areas shall submit a sign development plan. A sign development plan shall meet the following criteria:
    - (1) The sign development plan must be coordinated to cover the entire area.
    - (2) The sign development plan must result in a more desirable environment than would be possible through the strict application of other sections of this chapter, including aspects of public safety, coordinated identification and non-distracting communication to the public concerning the goods and services offered within the planned sign area.
    - (3) To the extent practical, a sign development plan shall preserve or enhance any significant scenic, historical, geological, or architectural features within the proposed planned sign area.
    - (4) A written explanation of the character and purpose of the planned sign area and an indication of the expected timetable for development.
    - (5) Sketches necessary to illustrate typical sign designs, lighting, coloration, and locations.
  - E. The Enforcement Officer, upon receipt of a completed application and sign development plan, shall forward such information to the Planning Board for site plan review.
  - F. The Planning Board shall approve, reject, or approve with conditions the sign development plan and the proposed planned sign area pursuant to the timetables, rules, and requirements set forth for site plan review.
  - G. If a conditional approval is issued, the applicant and owner of the premises shall comply with such conditions.

- H. If any approval is issued, the sign development plan may not be changed without the review by, and site planning approval from, the Planning Board, but new signs may be emplaced and existing signs replaced, repaired, or relocated, when:
- (1) A sign permit is issued there for by the Enforcement Officer;
  - (2) The proposed sign, or changes to any sign, are designed, installed, and constructed in accord with the approved sign development plan; and
  - (3) The proposed sign, or to-be-relocated or changed sign, is located within the planned sign area.
- I. Withdrawal from or the termination of any planned sign area is permitted as follows:
- (1) For a shopping mall or plaza, such withdrawal or termination is for the entire premises and the whole of the planned sign area, all signs and sign owners agree to come into compliance with this chapter before the effective date of such termination or withdrawal, and such compliance is achieved within one year of the date of such withdrawal or termination. Individual commercial activities and businesses may not individually withdraw or terminate their participation in, or compliance with, the conditions or requirements of such planned sign area.
  - (2) For a business and technology park or research park, such withdrawal or termination is for the entire premises and the whole of the planned sign area, all signs and sign owners agree to come into compliance with this chapter before the effective date of such termination or withdrawal, and such compliance is achieved within one year of the date of such withdrawal or termination. Individual commercial activities and businesses may not individually withdraw or terminate their participation in, or compliance with, the conditions or requirements of such planned sign area.
  - (3) For a contiguous business or premises to withdraw or terminate participation in a planned sign area, such withdrawal or termination is only permitted in relationship to a genuine change of ownership of the business or premises, or a genuine change in the type and nature of any business or operations upon such premises, and all signs and sign owners agree to come into compliance with this chapter before the effective date of such termination or withdrawal, and such compliance is achieved within one year of the date of such withdrawal or termination.
  - (4) Any of the time requirements for compliance may be waived or extended by the Enforcement Officer upon good cause shown, but no compliance deadline may be extended beyond 24 months of the date of any termination or withdrawal.

**§ 210-11. Nonconforming signs.**

- A. Each sign existing upon the date of adoption of this chapter that does not comply with this chapter shall be deemed a lawful preexisting nonconforming sign.

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- B. Any such nonconforming sign may continue to exist in its current location and configuration, and the owner of the sign, or the premises upon which such sign is situated, may continue to maintain and regularly repair and perform upkeep upon such sign.
- C. However, and in limitation of the above Subsections A and B and subject to § 210-13C if any nonconforming sign shall be voluntarily replaced due to age, a lack of care and maintenance, obsolescence, or due to the choice or election of the sign owner, and not as a result of an involuntary event, such as, by way of illustration only, accidents, storms, or vandalism, then any replacement sign shall conform to the requirements of this chapter.
- D. Notwithstanding any other provision of this chapter, existing off-premises signs over 120 square feet that do not comply with this chapter shall be deemed a lawful preexisting nonconforming signs and shall be entitled to all benefits of "grandfathering" as provided in and by this chapter.

#### **§ 210-12. Sign permits.**

- A. Except as otherwise herein provided, no person or entity may erect or emplace any non-exempt sign without first obtaining a sign permit from the Enforcement Officer. Failure to obtain such a sign permit will be deemed a violation of this chapter.
- B. An application for a sign permit shall be made to the Enforcement Officer upon such forms as prescribed and provided by the Enforcement Officer.
- C. A nonrefundable application fee for a sign permit shall be submitted with each sign permit application delivered to the Town in an amount as the Town Board may, from time to time, establish by resolution. No application shall be deemed complete unless all information requested is provided and the sign permit fee paid. The Town Board may also establish, by resolution, a standardized fee schedule for permits and other required reviews, inspections, and reports created, performed, or filed under, in accord with, or in furtherance of this chapter, which fee schedule shall:
  - (1) Be limited to such amounts as are reasonably estimated as the administrative and other costs and expenses incurred by the Town in connection with any matter for which a fee is scheduled; and
  - (2) Be reviewed at least once every year by the Enforcement Officer or the Town Board to ensure that the fees remain reasonable in light of the Town's actual and generally incurred costs and expenses.
- D. Upon the filing of a completed application for a sign permit, the Enforcement Officer shall examine the plans, specifications, and other data submitted to him, including, if necessary, the building or premises upon which any sign is proposed to be emplaced or located. The Enforcement Officer shall then take one of the following actions:
  - (1) If the proposed sign(s) require site plan approval, refer the matter to the Planning Board. Once the Planning Board issues any site plan approval, with or without conditions, and once the application and the proposed sign(s) are in

compliance with the requirements of this chapter, then the Enforcement Officer shall issue the sign permit with any Planning Board conditions stated thereupon. If the Planning Board denies site plan review approval, then the Enforcement Officer shall deny the application for a sign permit.

- (2) If the proposed sign(s) require a variance, refer the matter to the Zoning Board of Appeals (ZBA). If the ZBA issues any variance, with or without conditions, then once the proposed sign(s) are otherwise in compliance with the requirements of this chapter, the Enforcement Officer shall issue the sign permit with any ZBA conditions stated thereupon. If the ZBA denies the variance, then the Enforcement Officer shall deny the application for a sign permit.
- (3) If the proposed sign(s) require neither a site plan approval nor a variance, and the application and proposed sign(s) are in compliance with this chapter, then the Enforcement Officer shall issue a permit for the proposed sign.

**§ 210-13. Sign maintenance requirements and procedures.**

- A. All signs, whether exempt, permitted, nonconforming, or otherwise, shall at all times be kept in good repair and neatly finished or painted as necessary to maintain its appearance and to ensure the sign is free from all hazards, such as, but not limited to, faulty wiring, exposed sharp edges, falling parts or paint, or loose fastenings.
- B. All signs must at all times be maintained in such condition as to not be detrimental to public health or safety.
- C. If any sign requires repair or maintenance the Enforcement Officer may issue an order to remedy the defect or effect such repairs as are necessary to comply with this article, and such order shall state a date by which such maintenance or repairs shall be substantially completed. If the repairs or maintenance are not completed by the date stated in the compliance order, then such noncompliance shall be deemed a violation of this chapter and, in addition, the Enforcement Officer may order the removal of the sign. If any sign is ordered to be removed and such sign was a nonconforming sign that received the benefits of § 210-11 of this chapter, all such benefits shall expire and be deemed forfeited and any future or replacement sign shall be required to be in compliance with this chapter.

**§ 210-14. Enforcement officer discretion and consultation.**

- A. Whenever any provision of this chapter directly or by implication calls for or requires an opinion, decision, determination, or classification (all together and hereafter, an "opinion") by the Enforcement Officer, such opinion shall in all cases be reasonably made, placed in writing, promptly delivered to the applicant or other person requesting or receiving such opinion, and immediately filed in the Town Code Enforcement Office. Any person aggrieved by any such opinion may appeal such opinion to the ZBA per the rules and requirements of Town Law § 267-a.
- B. In reviewing any application, any sign, any sign permit, or in making any opinion or determination under this chapter, or when taking any other action under or in

furtherance of this chapter, the Enforcement Officer may seek input and advice from any person or entity, including, but not limited to, the Planning Board, the Town Board, the Town Supervisor, the Attorney for the Town, any building inspector, the Town Highway Superintendent, the County Highway Department, NYSDOT, the NYS Codes Division, and any other local or state agencies; but in no event may the Enforcement Officer consult with, communicate with, or obtain advice from the ZBA unless a variance application is pending and the ZBA has requested an opinion.

**§ 210-15. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

- A. All provisions of New York State law generally applicable to misdemeanors shall apply to any criminal proceeding brought under this chapter, and any misdemeanor shall be deemed an unclassified misdemeanor. For purposes of this chapter the Town's justice court is hereby vested and imbued with jurisdiction to issue administrative and other warrants in compliance with the New York Criminal Procedure Law and administrative codes of the State of New York, as well as to hear and adjudicate allegations relating to the criminal or civil violation of this chapter and thereafter, if appropriate, impose any fine, penalty, or sanction.
- B. Any person or entity that violates any of the provisions of this chapter shall be guilty of a criminal violation and subject to a fine of not more than \$250, or subject to a civil penalty of not more than \$500 be recovered by the Town in a civil action. Each week that any noncompliance or violation continues is and may be charged as a separate violation.
- C. The application or pursuit of any civil or criminal fine, sanction, or penalty shall not preclude the pursuit of any other lawful remedy by the Town, including, but not limited to, the right to seek equitable relief.
  - (1) Whenever the Town shall believe from evidence satisfactory to it that there is a violation of this chapter, the Town may bring an action to enjoin and restrain the continuation of such violation and in any such action:
    - (a) Preliminary relief may be granted under Article 63 of the Civil Practice Law and Rules; and
    - (b) The Town shall not be required to post any bond or undertaking; and
    - (c) The Town need not prove that:
      - [1] There is or will likely be irreparable harm; or
      - [2] That the Town has no adequate remedy at law.
  - (2) In such action, the court may also award any damages or other relief requested, including declaring the rights and interests of any parties and imposing any civil penalties. The remedies provided by this chapter shall not be in lieu of, and shall be in addition to, any other right or remedy available to the Town, whether sounding in enforcement or otherwise.



