

## TOWN OF LANSING ZBA MEMORANDUM

**TO: Zoning Board of Appeals**

**FROM: Lynn Day – Code Enforcement Officer**

**RE: Sign Variance- amount of signs, square footage and height**

**DATE: November 2, 2016**

Robbins Sign Company working for Mirabito, (32 Peruville Rd, Tax # 30.-1-16.4) who bought Xtramart is requesting a variance for new signage. If you recall back on February 2, 2010 Drake Petroleum who owned Xtramart at that time went for a variance for the amount of signs that they had along with Duncan Donuts and Deli Joes. Attached is what they were approved for under the old Sign Ordinance. Our New Sign Law, Local Law #1 of 2014 - Article XI- Nonconforming Signs –C- says if any Nonconforming Sign shall be voluntarily replaced due to age, 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 Local Law.

- Now Mirabito is requesting a variance for the amount of signage and the square footage for the signs that they would like to install. Total square footage for the seven signs will be 176 sq ft., per our Local Law #1 of 2014 (Sign Law) Article V – 5-I allows 2 Signs per each premises and the area of each sign as based upon its use and location and requirements of this Local Law. The signs are in the Commercial Sign District which allows 48 sq ft sign x 2 = 96 sq ft
- There is a free standing existing non-conforming Sign out by the intersection. The height of that sign is 16'6". The new proposed Sign will be approx. 18'9". Our Local Sign Law #1 of 2014 Article V -5 –G says no free standing Sign shall exceed 15' in height.
- Also there Channeled letter Signs on the canopies will stick up over the canopies approx. 6". Our Local Law #1 of 2014 Article V-5- G says Signs located or mounted upon the exterior of any building or structure shall not extend above the fascia or be mounted on the roof.

Town of Lansing Zoning Board of Appeals  
Application for Variance

Application Fee 100<sup>00</sup> *25 neighbor notification* Application Date 10/31/16

Property for which Variance is being requested  
Tax Parcel No. 30-1-16.4 Street Address 32 Peruville Rd

Applicant's Name and Address  
Robbins Sign Co., LLC Phone 607-775-1214 Zoning District (check one) R1  
2187 US Rt 11 Cell \_\_\_\_\_ R2  
Kirkwood, NY 13795 Email kj@robbinssigns.com R3

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

Owner's Name and Address (if different)  
Mirabito Phone 607-352-2812 B1  
49 Court St PO Box 5306 Cell \_\_\_\_\_ B2   
Binghamton, NY 13902 Email cotty.gaylord@mirabito.com L1  
IR

Application for (check applicable item)

- A. Interpretation of Zoning Ordinance or Map
- B. Area Variance SIGN 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 (Identify) Sign Ordinance Local Law #1 of 2014  
Town of Lansing Sign Local Law

Purpose of Request: (attach additional information if necessary)

A) To install a 76" x 76" corporate manufactured sign onto existing pylon sign.  
Existing XtraFuel sign cabinet will be removed and new sign cabinet will be installed in its place.  
Existing pylon sign height is at 16'7" overall. Our new sign cabinet will make overall height 18'9"  
as new cabinet shape is square to match overall corporate image and will be 26" taller than existing.

ADDITIONAL 856 sq ft more on pylon  
B) To have the corporate ID image on 1 additional side of gas canopy and 2 sides of

Diesel canopy along with the "DIESEL" lettering. A total of 4 signs. There are a total of 2 existing "XTRAFUEL" images on the canopies. This would require a variance requesting approval on 2 additional signs on the property if one is considering the "DIESEL" lettering a sign. I believe a variance may also be needed because the sign of "Mirabito" is larger than the existing "XTRAFUEL" sign. I can only guess at this time that the Xtra Fuel signs existing on the canopies are a total of 30.25sq ft. (Approx. 29"h x 75"w 3pcs). The new sign area would be 91.25sq ft for the 3 new Mirabito signs and DIESEL lettering. We are requesting an additional 61.05sq ft of signage to be allowed.

Justification of Request

We have a strict corporate identity and continuity to keep for our client as they have approx. 130 stores and would like them all to look alike as much as possible. None of our proposed signs pose any visibility or distraction issues to the consumers or neighbors where they are being installed.

Signage requests

Requested Signage: (See enclosed details)

- **The existing Free Standing Sign:** 20' height
  - Change exist price sign with new LED at same sq. ft. and location purpose, for ease of changing numbers.
  - Utilize exist blank sign pod to reflect new Dunkin Donut sign pod at same sq. ft. and location.(from sign permit)

Sub total      88.20

- **Canopy signage:** (2) canopies (see enclosed details)

Diesel Canopy

- Install (2) 10.16 sq. ft "Xtra" I.D signs
- Install red/blue stripe

Sub Total      20.32

Gasoline Canopy

- Install (2) 10.16 sq. ft."Xtra" ID signs
- Install red/blue stripe

Sub Total      20.32

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Sq. Ft.      40.64

- **Building Signage** (see enclosed details)

- Install (1) 2' x 7' Xtra mart sign, (Front-left)      14.00
- Install (1) 3.9 sq. ft. Dunkin Donut cup logo, (Front-right)      3.9
- Install (1) 19.5 sq. ft. gable end Dunkin Donut sign,(Left Elevation) 19.5

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Sq. Ft.      37.4

- **Others from plan" Family of signs"** (see enclosed details, Sheet L-2A)

- Install drive through awning sign 7.81 sq. ft.
- Install directional sign 2.98 sq. ft.
- Install Dunkin Donut menu board (see detail)
- Interior/Directional signs

**Tompkins County**  
**DEPARTMENT OF PLANNING**

121 East Court Street  
Ithaca, New York 14850

Edward C. Marx, AICP  
Commissioner of Planning

Telephone (607) 274-5560

November 21, 2016

Ms. Rachel Jacobson, Planning Clerk  
Town of Lansing  
PO Box 186  
29 Auburn Road  
Lansing, NY 14882

**Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law**  
**Action: Sign Variance for proposed signage at 32 Peruville Road, Town of Lansing Tax Parcel #30.-1-16.4, I - Industrial Zoning District, B-2 Zoning District, SCF Realty Capital, LLC (Mirabito) Owner/Applicant; Robbins Sign Co., LLC, Agent.**

Dear Ms. Jacobson:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that the proposal has no negative inter-community, or county-wide impacts.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,



Edward C. Marx, AICP  
Commissioner of Planning



Existing pylon overall height approx. 167"

Top Sign 48" x 95" = 325 ft.

Pylon



New 76" x 76" top sign Overall height approx. 18"9"

= 405 ft

8/24/16

\*\*\*some measurements not taken in field, calculated from photographs  
Please proof spelling, size, material, design and color carefully.

This drawing is provided for the purpose of illustrating the proposed project. Unauthorized use, copying, scanning or sharing is strictly prohibited. Art work fees will incur if drawing is used without consent. Due to variables in digital photography, architectural renderings and structural obstacles, the ratio of the finished product to the area it is installed on may appear slightly different from the illustration. Colors shown are representative of Roland or Pantone color code chosen. Variables in monitors, printers, inks and paper will alter how these colors appear on the drawing.

Robbins Signs will not be financially responsible for any errors existing on this approved drawing.

Approved by:

Date:

2187 US Route 11 Kirkwood, NY 13795

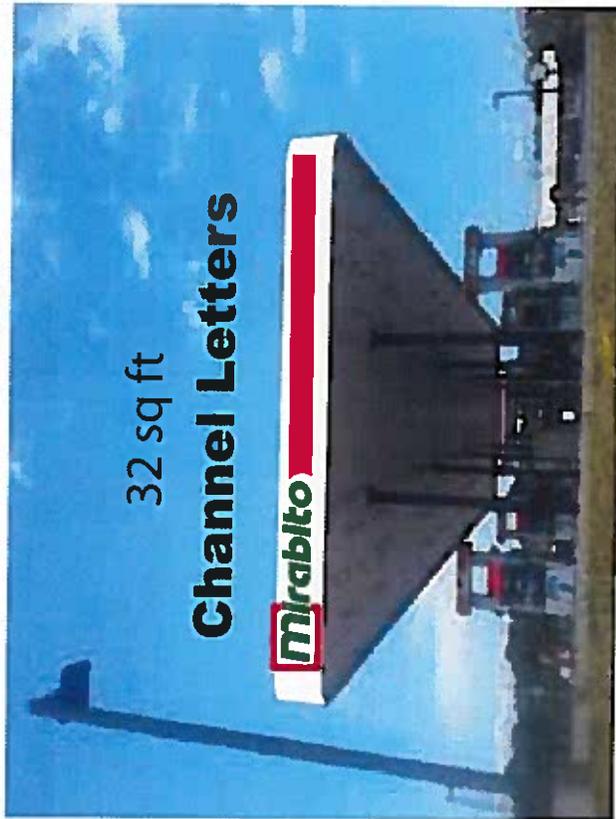
607.775.1214 www.robbinssigns.com kj@robbinssigns.com

**ROBBINS**

**SIGNS**

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# Proposed



# Existing



Gas Canopy

8/24/16

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Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

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www.robbinssigns.com

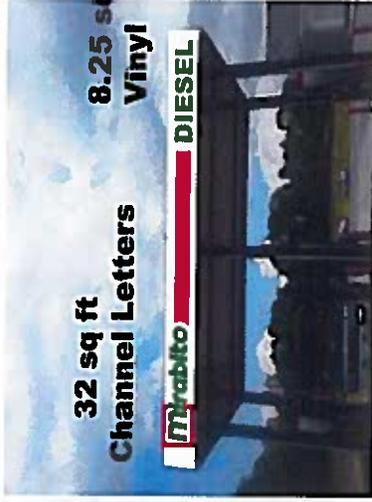
kj@robbinssigns.com

# ROBBINS

# SIGNS

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# Proposed



Diesel Canopy

# Existing



8/24/16

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Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

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kj@robbinssigns.com

**ROBBINS**  
**SIGNS**

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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 Local Law, 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 9' in height. No other freestanding Sign shall exceed 15' 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 Local Law, a Variance is granted, or unless within a Planned Sign Area: (i) for all Commercial Activity Signs and other commercial and business Signs, no more than 2 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 Local Law; and (ii) 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 Local Law.

#### Article VI - Rules Applicable to Residential Sign Districts.

- A. Commercial Signs shall not exceed 18 ft<sup>2</sup>.

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 Local Law before the effective date of such termination or withdrawal, and such compliance is achieved within 1 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.

#### **Article XI - Nonconforming Signs.**

- A. Each Sign existing upon the date of adoption of this Local Law that does not comply with this Local Law shall be deemed a lawful pre-existing Nonconforming Sign.
- 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 paragraphs A and B and subject to Article XIII(C), 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 Local Law.
- D. Notwithstanding any other provision of this Local Law, existing Off-Premises Signs over 120 ft<sup>2</sup> that do not comply with this Local Law shall be deemed a lawful pre-existing Nonconforming Signs and shall be entitled to all benefits of "grandfathering" as provided in and by this Local Law.

#### **Article XII - 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 Local Law.
- 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 non-refundable 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