

**Village of Lansing  
Board of Zoning Appeals  
October 24, 2012**

1 The meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:42 P.M. by  
2 Chairperson Mary Sirois. Present at the meeting were Board members, John Wisor, and Don  
3 Eckrich,; Alternate Board member: Roy Hogben; Code Enforcement Officer Marty Moseley;  
4 Village Attorney David Dubow; Applicants: Dick and Manley Thaler; John Caruso from Passero  
5 Associates; and Resident: Don Edwards.

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7 Sirois appointed Roy Hogben as an acting member due to the absence of board member Patrick  
8 Gillespie.

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10  
11 **Public Hearing to Consider:**

12 Sirois opened the public hearing to consider Appeal No. 2012-3, CU Suites LLC., to construct a  
13 3 Story, 42,957ft<sup>2</sup>, Mixed Use building, on the West Side of Cinema Drive in between  
14 Homewood Suites LLC and CFCU Community Credit Union, in the Commercial High Traffic  
15 District, Tax Parcel No. 46.1-6-4.2. A variance is required because (i) the proposed Mixed Use  
16 development abuts a residential district and does not provide the 150 foot buffer required by  
17 Section 145-43(E)[10] and (ii) the proposed Mixed Use Development exceeds the maximum  
18 height allowed per section 145-43(E)[8] of the Village of Lansing Zoning Law.

19  
20 Dubow noted that the legal notice did not indicate a variance was needed for a front yard parking  
21 setback. The variance would have indicated that the applicant is seeking a 15 foot parking  
22 setback where a 25 foot parking setback is required by Village Code. If the Board has no  
23 objection to the addition of a third variance request, it should be included in the current Board of  
24 Zoning appeals meeting. Dubow added that since all of the neighbors were notified for the  
25 variance meeting and none attended there should be no significant prejudice.

26  
27 The Board and developer agreed to incorporate the third variance request for a 15 foot front yard  
28 parking setback instead of the required 25 foot front yard parking setback.

29  
30 Dubow explained the history of the project and what actions the Planning Board has and will be  
31 taking with respect to the project. Dubow noted that the Planning Board suggested that the  
32 review process for both the BZA and the Planning Board be collaborative in nature. The  
33 Planning Board has taken the position that they will be the lead agency for the purpose of  
34 SEQRA (State Environmental Quality Review Act). Dubow added that if the BZA does not have  
35 any opposition to the Planning Board being the lead agency for the environmental review, then  
36 the Planning Board will in fact be the lead agency for the environmental review.

37  
38 The Board of Zoning Appeals is in agreement that the Planning Board will be the lead agency for  
39 the purpose of environmental review. The Board of Zoning Appeals does have a copy of the  
40 environmental review as completed at last night's Planning Board meeting.

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42  
43 Dubow noted that the Planning Board did make a negative determination, with comments, for the  
44 environmental review. Dubow indicated that the Planning Board, by way of determining the  
45 negative determination for the environmental review, has determined that there are no significant  
46 adverse environmental impacts with respect to the proposed project. Dubow noted that the Board  
47 of Zoning Appeals also has the special permit resolution, which reflects numerous conditions one  
48 of which specifically deals with the variances being needed.

49  
50  
51 Moseley indicated that he had received the proof of mailings for the public hearing.

52  
53 Height:  
54 Caruso indicated that the proposed project would house 39 residential units and two areas of  
55 commercial use. They would be targeting graduate students from the surrounding colleges.  
56 Caruso added that they are proposing to have some of the parking under cover. Caruso noted that  
57 the peaked roof and the proposed colors on the building would allow the proposed project to  
58 blend in with the rest of the neighborhood. Caruso noted that due to the pitch of the roof a  
59 variance would be needed and the pitched roof was more in tune with the surrounding buildings.  
60 Caruso noted that the eve height is proposed to be 29 feet, which is the same as the hotel. Caruso  
61 noted that they originally had a 5/12 pitch roof, but have decreased it to a 4/12 pitch roof which  
62 would equate to about 55 feet at the peak. Caruso added that to decrease the pitch further than a  
63 4/12 could be problematic for snow accumulation. Caruso noted that by having parking under the  
64 building, it would decrease the need for additional exterior surface parking which would  
65 positively impact stormwater runoff. Caruso added that the entire building is not four stories but  
66 only part of it, and he felt that there are no adverse impacts and that the hardship is self-created  
67 due to creativity. Caruso stated that flat roofs are problematic and he would prefer to have a  
68 pitched roof.

69  
70 Eckrich noted that the building is a four story building and would house 26 parking spaces under  
71 the building.

72  
73 Buffer:  
74 Caruso noted that by the Village having a 150 foot buffer requirement, it would make the entire  
75 site undevelopable. Caruso added that neighboring parcels would also be out of compliance with  
76 the Village buffer requirements. Caruso noted that the buffer requirement does not extend  
77 through the entire site, but only through part of it where the Commercial District abuts a  
78 Residential District.

79  
80 Dubow noted that the variance request would only be for part of the property to be alleviated  
81 from the buffer requirement. Dubow added that the Residential District is not contiguous to all of  
82 the proposed project property and therefore would only require the buffer where property abuts  
83 the Residential District.

84  
85 Caruso noted that the project is a mixed use project and fits into the character of the  
86 neighborhood. He could understand a buffer requirement if the building was a commercial

87 building, but the proposed project is mostly residential in nature. Caruso noted that the request is  
88 substantial, but the building aesthetics are in character with the rest of the neighborhood and the  
89 proposed heavy landscaping would still buffer the building to a certain extent.

90

91 Parking:

92 Caruso noted that the parking request is required, by the Village Code, to be a 25 feet front yard  
93 parking setback, but the request would allow the parking area to have a 15 foot front yard  
94 setback. Caruso noted that the Planning Board thought that the plantings close to the building are  
95 nice and if the sidewalk/green area were decreased it would allow the vehicles closer to the  
96 building. Caruso noted that they could not move the building back further due to easements that  
97 NYSEG has in place on the property.

98

99 D. Thaler indicated that the renters on the upper story may be able to see the lake and have a nice  
100 view.

101

102 Sirois asked about accommodating stormwater for the proposed project.

103

104 D. Thaler indicated that they have a contingency on the Village of Lansing Engineer approval. M  
105 Thaler indicated that the drainage would connect into the State Route 13 drainage system. D  
106 Thaler indicated that the State had installed the drainage for Route 13 in 1962.

107

108 Eckrich asked how one would get the students.

109

110 D. Thaler indicated that TCAT bus service would minimize vehicle traffic, Cornell University  
111 has stopped creating living quarters for students, and living next to the Triphammer Mall is an  
112 attractive amenity.

113

114 Edwards manages 65 houses and believes that student housing is needed in the area.

115

116 Wisor asked about the commercial aspect of the project.

117

118 M.Thaler indicated that it could be a Dunkin Donuts or something like the Ithaca Bakery. He  
119 would be looking for something that would be utilized by the residents of the building.

120

121 Eckrich moved to close the public hearing. Seconded by Hogben; Ayes by Sirois, Hogben,  
122 Eckrich, and Wisor.

123

124 Eckrich noted that CFCU was previously granted a variance to reduce their vegetative buffer.

125

126 Sirois noted that the buffer should be uniform across the entire lot.

127

128 The Board of Zoning Appeals reviewed the SEQRA short form from the Planning Board and  
129 agreed that it was appropriate.

130

131 Eckrich noted that there are many items that have been taken care of by the Planning Board and

132 the granting of the special permit with conditions. Eckrich referenced the letter that was sent by  
133 the Chateau Clair and Bishops Small Mall owners and noted that it was very vague. The letter  
134 was in opposition of the proposed project.  
135

136 The Board discussed each variance request independently and worked through the 5 questions  
137 for each of the variance requests.  
138

- 139 1. *Whether an undesirable change will be produced in the character of the neighborhood or detriment to*  
140 *nearby properties will be created by granting the area variance.*
- 141 2. *Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to*  
142 *pursue other than an area variance.*
- 143 3. *Whether the requested area variance is substantial.*
- 144 4. *Whether the proposed area variance will have an adverse effect or impact on the physical or environmental*  
145 *conditions in the neighborhood or district.*
- 146 5. *Whether the alleged difficulty was self-created.*  
147

148 Based on the discussion by the Board, Wisor moved the following variance resolution with  
149 appendices:  
150

151  
152 ***VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON***  
153 ***OCTOBER 24, 2012 FOR APPEAL NO. 2012-03***  
154

155  
156 *Motion made by:* \_\_\_\_\_ John Wisor \_\_\_\_\_  
157

158 *Motion seconded by:* \_\_\_\_\_ Don Eckrich \_\_\_\_\_  
159

160 ***WHEREAS:***  
161  
162

- 163 A. *This matter involves consideration of the following proposed action: Appeal 2012-3,*  
164 *CU Suites LLC., to construct a 3 Story, 42,957ft<sup>2</sup>, Mixed Use building, on the West Side*  
165 *of Cinema Drive in between Homewood Suites LLC and CFCU Community Credit*  
166 *Union, in the Commercial High Traffic District, Tax Parcel No. 46.1-6-4.2. A variance*  
167 *is required because (i) the proposed Mixed Use development abuts a residential district*  
168 *and does not provide the 150 foot buffer required by Section 145-43(E)[10] and (ii) the*  
169 *proposed Mixed Use Development exceeds the maximum height allowed per section*  
170 *145-43(E)[8] of the Village of Lansing Zoning Law; and*  
171
- 172 B. *On September 19, 2012, application materials for special permit review of the*  
173 *proposed action by the Village of Lansing Planning Board were presented by the*  
174 *applicant and its engineer for preliminary review, at which time (i) preliminary*  
175 *comments were made, (ii) the Village of Lansing Planning Board determined that a*  
176 *public hearing thereon should be scheduled, and (iii) determined that the applicant*  
177 *would need to seek an area (height and buffer strip) variance from the Village of*  
178 *Lansing Board of Zoning Appeals, and thereupon recommended that such variance*

179            *application be submitted to the Village of Lansing Board of Zoning Appeals for action*  
180            *concurrently with the pending special permit review by the Village of Lansing Planning*  
181            *Board; and*

- 182
- 183            C. *The applicant has prior hereto submitted the required application materials to the*  
184            *Village of Lansing Board of Zoning Appeals for the necessary area variance; and*  
185
- 186            D. *On October 15, 2012, the Village of Lansing Planning Board, (i) determined that the*  
187            *proposed action is an Unlisted Action for which the Village of Lansing Planning Board*  
188            *and the Village of Lansing Board of Zoning Appeals are involved agencies in*  
189            *accordance with Article 8 of the New York State Environmental Conservation Law - the*  
190            *State Environmental Quality Review Act (“SEQR”) and 6 NYCRR Section 617.6; (ii)*  
191            *expressed its intention to perform the lead agency function for the coordinated SEQR*  
192            *environmental review with the Village of Lansing Board of Zoning Appeals; and (iii)*  
193            *provided notice thereof [including Part I of the SEQR Short Environmental Assessment*  
194            *Form (the “Short EAF”)] to the Village of Lansing Board of Zoning Appeals;*  
195            *whereupon thereafter the Village of Lansing Board of Zoning Appeals concurred with*  
196            *the Village of Lansing Planning Board’s designation as the lead agency for SEQR*  
197            *review of the proposed action; and*  
198
- 199            E. *On October 23, 2012, the Village of Lansing Planning Board (i) thoroughly reviewed*  
200            *the Short EAF, Part I, and any and all other documents prepared and submitted with*  
201            *respect to this proposed action and its environmental review, (ii) thoroughly analyzed*  
202            *the potential relevant areas of environmental concern to determine if the proposed*  
203            *action may have a significant adverse impact on the environment, including the criteria*  
204            *identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part II; and (iv)*  
205            *made a negative determination of environmental significance (“Negative Declaration”)*  
206            *in accordance with SEQR for the above referenced proposed action and determined*  
207            *that an Environmental Impact Statement would not be required, whereupon the*  
208            *Negative Declaration determination by the Village Planning Board was provided to the*  
209            *Village of Lansing Board of Zoning Appeals and the variance application was*  
210            *determined to be complete; and*  
211
- 212            F. *On October 24, 2012, the Village of Lansing Board of Zoning Appeals held a public*  
213            *hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i) the*  
214            *materials and information presented by and on behalf of the applicant(s) in support of*  
215            *this appeal, (ii) all other information and materials rightfully before the Board, and*  
216            *(iii) all issues raised during the public hearing and/or otherwise raised in the course of*  
217            *the Board’s deliberations; and*  
218
- 219            G. *On October 24, 2012, in accordance with Section 712-b of the Village Law of the State*  
220            *of New York and Village of Lansing Code Sections 115-14 and 145-74 A(1), the Village*  
221            *of Lansing Board of Zoning Appeals, in the course of its deliberations, took into*  
222            *consideration the benefit to the applicant if the area variance is granted as weighed*

223 *against the detriment to the health, safety and welfare of the neighborhood or*  
224 *community by such grant;*

225  
226 ***NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:***

227  
228 1. *The Village of Lansing Board of Zoning Appeals hereby makes the following findings*  
229 *with respect to the specific criteria for such area variance as set forth in Section 712-*  
230 *b of the Village Law of the State of New York and Village of Lansing Code Section*  
231 *145-74 A(1):*

232  
233 A. *For the specific findings for each individual variance please see the attached*  
234 *appendices A, B, and C.*

235  
236 2. *It is hereby determined by the Village of Lansing Board of Zoning Appeals that the*  
237 *following variance is **GRANTED AND APPROVED** (with conditions, if any, as*  
238 *indicated), it being further determined that such variance is the minimum necessary*  
239 *and adequate to grant relief and at the same time preserve and protect the character*  
240 *of the neighborhood and the health, safety and welfare of the community:*

241  
242 **Description of Variances:**

243  
244 A. *The variance granted is to increase the maximum height of this proposed*  
245 *project to a maximum height of not to exceed fifty five (55) feet as designated*  
246 *in the submitted plans, which is measured from the tallest point on the*  
247 *structure to the lowest point of finished grade; the result being an*  
248 *approximately forty-three (43) foot height in the front area with three (3)*  
249 *stories, and an approximately fifty-five (55) foot height in the rear area with*  
250 *four stories (including the underground parking).*

251  
252 B. *The variance granted was to allow for a reduced buffering requirement up to*  
253 *seventy five (75) feet, which is to be measured from the district line (where the*  
254 *residential district and the commercial district meet), with the last fifteen (15)*  
255 *feet, towards the west, of the buffer area to be buffered and located on a one*  
256 *(1) foot berm, such fifteen (15) foot area to also be considered as the front*  
257 *yard parking setback.*

258  
259 C. *The variance granted is to allow for a reduced parking setback from the*  
260 *required twenty-five (25) foot front yard setback to a fifteen (15) front yard*  
261 *setback.*

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264 **Conditions of Variance:**

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266 *None*  
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*The vote on the foregoing motion was as follows:*

*AYES: Mary Sirois, Don Eckrich, John Wisor, and Roy Hogben*

*NAYS: None*

*Appendix A (Height Variance)*

- 1. The Village of Lansing Board of Zoning Appeals hereby makes the following findings with respect to the specific criteria for such area variance as set forth in Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1):*

*Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting the area variance.*

*Finding: No, it would not be an undesirable change due to the combination of architecture of the proposed project and the proposed plantings; and the project is found to be aesthetically pleasing. The proposed building would not be the only large structure in the immediate vicinity, and the pitch of the roof is necessary for the customary weather conditions in the immediate area.*

*Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.*

*Finding: No, it could not be accomplished by other means because the size of the building and the aesthetics being proposed dictate the size and height of the truss.*

*Whether the requested area variance is substantial.*

*Finding: Yes, it is somewhat substantial, but the proposed project will not block a desired view, and with the design and architecture of the proposed project and the landscaping to be implemented based upon the special permit approval of the Planning Board, it would not only compliment other structures in the immediate vicinity, but also provide a more aesthetically pleasing view. Also, due to the topography of the parcel, the major increased height will be at the rear of the building facing the Triphammer Marketplace property.*

*Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*

313 *Finding: No, the proposed project would be an improvement to the currently*  
314 *undeveloped lot with the coordinated stormwater facilities to be required; and the*  
315 *developed properly as lighted and landscaped (as approved by the Planning*  
316 *Board) will result in a safer property integrated into this area of the Village.*

317  
318  
319 *Whether the alleged difficulty was self-created.*

320  
321 *Finding: Yes, the proposed project would not comply with the current Village*  
322 *Zoning, but due to the aesthetics of the proposed project and its anticipated*  
323 *benefits, it would provide for a more visually pleasing view and would provide a*  
324 *safer and compatible addition to the surrounding area.*

- 325  
326  
327  
328 2. *It is hereby determined by the Village of Lansing Board of Zoning Appeals that the*  
329 *following variance is **GRANTED AND APPROVED** (with conditions, if any, as*  
330 *indicated), it being further determined that such variance is the minimum necessary*  
331 *and adequate to grant relief and at the same time preserve and protect the character*  
332 *of the neighborhood and the health, safety and welfare of the community:*

333  
334 **Description of Variance:**

335  
336 *The variance granted is to increase the maximum height of this proposed project to a*  
337 *maximum height of not to exceed fifty five (55) feet as designated in the submitted*  
338 *plans, which is measured from the tallest point on the structure to the lowest point of*  
339 *finished grade; the result being an approximately forty-three (43) foot height in the*  
340 *front area with three (3) stories, and an approximately fifty-five (55) foot height in the*  
341 *rear area with four stories (including the underground parking).*

342  
343 **Conditions of Variance:**

344  
345 *None*

346  
347 *Motion made by: \_\_\_\_\_ Don Eckrich \_\_\_\_\_*

348  
349 *Motion seconded by: \_\_\_\_\_ Roy Hogben \_\_\_\_\_*

350  
351 *The vote on the foregoing motion was as follows:*

352  
353 *AYES: Mary Sirois, Don Eckrich, John Wisor, and Roy Hogben*

354  
355 *NAYS: None*

356  
357 *The motion was declared to be carried.*

358 *Appendix B (Buffer Variance)*

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1. *The Village of Lansing Board of Zoning Appeals hereby makes the following findings with respect to the specific criteria for such area variance as set forth in Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1):*

*Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting the area variance.*

*Finding: No, it would not be an undesirable change due to the requirement that the proposed buffering and landscaping/lighting plans will be as approved by the Planning Board; and because the combination of design and architecture of the proposed project and the proposed fifteen (15) feet of vegetative buffering located on a one (1) foot berm, the project is found to be aesthetically pleasing. Also, this is a unique buffer situation whereby the buffer area required by the Village Code is limited to only a portion of property that abuts the residential district across the road, which required buffer area appears to be apply to only approximately one third (1/3) of the development property.*

*Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.*

*Finding: No, it could not be accomplished by other means because New York State Electric and Gas (NYSEG) currently has an easement through the property which easement area cannot be built upon. The proposed building could not be moved to a different location on the parcel that would accommodate the NYSEG easement and at the same time satisfy the buffering requirements as provided for in the Village Zoning provisions. Although the sidewalk and grass strip next to the building could possibly be decreased to enlarge the buffer width, having the sidewalk and grass strip next to the building allows for pedestrian connectivity and that benefits the property and the adjoining parcels.*

*Whether the requested area variance is substantial.*

*Finding: Yes it is substantial, but the buffering requirement only applies to approximately one third (1/3) of the property, which is a unique situation, and with landscaping/buffering plans which are requirements for the Special Permit as approved by the Planning Board, the proposed project would still be buffered to a reasonable extent. Also, the main use of the building is multi-family residential with two (2) smaller commercial components, and the neighborhood is comprised of multi-family residential and commercial*

403 *components, which would allow this mixed use building to fit in to the existing*  
404 *neighborhood with little to no impact.*

405  
406  
407 *Whether the proposed area variance will have an adverse effect or impact on the*  
408 *physical or environmental conditions in the neighborhood or district.*

409  
410 *Finding: No, the proposed project is an overall improvement to the existing*  
411 *neighborhood and active efforts are being made to improve the property. Also, the*  
412 *stormwater facility on the property would not allow the building to be relocated*  
413 *in a manner that would reasonably accommodate a larger buffer area.*

414  
415  
416 *Whether the alleged difficulty was self-created.*

417  
418 *Finding: Yes, the proposed project would not comply with the current Village*  
419 *Zoning, but due to the NYSEG easement and the required stormwater facility, the*  
420 *building would not be able to be moved in such a way that would comply with the*  
421 *Village buffering requirements. Also, the aesthetics of the proposed project would*  
422 *provide for a more visually pleasing view and would provide for a safer area in*  
423 *the neighborhood.*

- 424  
425  
426  
427 3. *It is hereby determined by the Village of Lansing Board of Zoning Appeals that the*  
428 *following variance is **GRANTED AND APPROVED** (with conditions, if any, as*  
429 *indicated), it being further determined that such variance is the minimum necessary*  
430 *and adequate to grant relief and at the same time preserve and protect the character*  
431 *of the neighborhood and the health, safety and welfare of the community:*

432  
433 **Description of Variance:**

434 *The variance granted was to allow for a reduced buffering requirement up to seventy*  
435 *five (75) feet, which is to be measured from the district line (where the residential*  
436 *district and the commercial district meet), with the last fifteen (15) feet, towards the*  
437 *west, of the buffer area to be buffered and located on a one (1) foot berm, such fifteen*  
438 *(15) foot area to also be considered as the front yard parking setback.*

439  
440  
441  
442 **Conditions of Variance:**

443  
444 *None*

445  
446 *Motion made by:* \_\_\_\_\_ Roy Hogben  
447

448 Motion seconded by: Don Eckrich  
449

450 The vote on the foregoing motion was as follows:  
451

452 Appendix C (Parking Setback)  
453

- 454 1. The Village of Lansing Board of Zoning Appeals hereby makes the following findings  
455 with respect to the specific criteria for such area variance as set forth in Section 712-  
456 b of the Village Law of the State of New York and Village of Lansing Code Section  
457 145-74 A(1):  
458

459 *Whether an undesirable change will be produced in the character of the*  
460 *neighborhood or detriment to nearby properties will be created by granting the*  
461 *area variance.*  
462

463 *Finding: No it would not be an undesirable change because if the parking*  
464 *setback (and buffer area) are required to be wider, then it will require a*  
465 *reduction in the number of parking spaces that are required by the Village*  
466 *Code. Since the proposed buffering/landscaping plan will need to be approved*  
467 *by the Planning Board, and because of the combination of the*  
468 *design/architecture of the proposed project and the proposed fifteen (15) feet*  
469 *of vegetative buffering located on a one (1) foot berm, the overall plan*  
470 *sufficiently achieves a satisfactory and reasonable parking setback. The*  
471 *proposed development also includes underground parking which additionally*  
472 *mitigates the effects associated with outside parking and related stormwater*  
473 *management facilities.*  
474

475 *Whether the benefit sought by the applicant can be achieved by some method*  
476 *feasible for the applicant to pursue other than an area variance.*  
477

478 *Finding: No, it could not be accomplished by other means because the Village*  
479 *Code requires a certain amount of parking spaces per project, or use, and if*  
480 *the parking setback was implemented, the required amount of parking would*  
481 *be out of compliance with the Village Code. As indicated, the proposed*  
482 *underground parking is a significant mitigating factor.*  
483

484 *Whether the requested area variance is substantial.*  
485

486 *Finding: No, it is not substantial, due to the fact that the request was only for*  
487 *a ten (10) foot reduction to the existing requirement for the front yard parking*  
488 *setback. Also, there will be fifteen (15) feet of plantings, located on top of a*  
489 *one (1) foot berm, between the road and the parking area, which provides for*  
490 *screening for the parking lot. Furthermore, with the proposed improvements*  
491 *for pedestrian connectivity, aesthetically pleasing design/architecture of the*

492 *proposed building, and additional landscaping as approved by the Planning*  
493 *Board, the project would be an improvement to the existing area.*  
494

495 *Whether the proposed area variance will have an adverse effect or impact on the*  
496 *physical or environmental conditions in the neighborhood or district.*  
497

498 *Finding: No, the proposed project and its mixed use character is an overall*  
499 *significant improvement to the area and are consistent with the residential and*  
500 *commercial uses in the area. Additionally, the current vacant lot and the*  
501 *surrounding area are positive improvements by creating pedestrian connectivity*  
502 *to existing Village sidewalks, providing improved landscaping to the existing*  
503 *property (which will need to be approved by the Planning Board as required for*  
504 *special permit approval), and with the lot being developed to create a cleaner and*  
505 *safer area.*  
506

507  
508 *Whether the alleged difficulty was self-created.*  
509

510 *Finding: Yes, the proposed project would not comply with the current Village*  
511 *Zoning without being granted a variance, but if the parking were made to comply*  
512 *with the existing Village Code it would then have difficulties complying with other*  
513 *Village Code requirements like minimum required parking for the use of the*  
514 *building.*  
515

- 516  
517  
518 4. *It is hereby determined by the Village of Lansing Board of Zoning Appeals that the*  
519 *following variance is **GRANTED AND APPROVED** (with conditions, if any, as*  
520 *indicated), it being further determined that such variance is the minimum necessary*  
521 *and adequate to grant relief and at the same time preserve and protect the character*  
522 *of the neighborhood and the health, safety and welfare of the community:*  
523

524 **Description of Variance:**

525 *The variance granted was to allow for a reduced parking setback from the required*  
526 *twenty five (25) foot front yard parking setback to a fifteen foot (15) front yard*  
527 *parking setback.*  
528

529  
530  
531 **Conditions of Variance:**

532  
533 *None*  
534

535 *Motion made by:* \_\_\_\_\_ *Don Eckrich*  
536

537            *Motion seconded by: \_\_\_\_\_ Roy Hogben \_\_\_\_\_*

538

539            *The vote on the foregoing motion was as follows:*

540

541            *AYES: Mary Sirois, Don Eckrich, John Wisor, and Roy Hogben*

542

543            *NAYS: None*

544

545            *The motion was declared to be carried.*

546

547

548            **Approval of the Minutes**

549            None

550

551            **Adjournment:**

552            There being no other business, Wisor moved to adjourn at 9:05 P.M.. Seconded by Eckrich. Ayes  
553            by Sirois, Wisor, Eckrich, and Hogben.