

Village of Lansing
Board of Zoning Appeals Meeting
Minutes of March 13, 2019

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The meeting of the Village of Lansing Planning Board of Zoning Appeals was called to order at 7:07 PM by Chair, Lynn Leopold.

Present at the meeting were Board of Zoning Appeals Members: Chair, Lynn Leopold, Patrick Gillespie, Roy Hogben, Simon Moll and John Wisor (arrived at 7:16); Village of Lansing Code Enforcement Officer, Michael Scott; Village Attorney, William Troy; Additional people in attendance: Planning Board Members Lisa Schleelein; George Turner of Saratoga Associates; John Snyder of John Snyder Architects; and Phil Maguire of Maguire Family Limited Partnership; and Anna Carberry of Triphammer Apartments.

Scott advised he had received the public mailings.

Leopold opened the meeting and read the proposal;

Public Hearings to Consider:

The Village of Lansing Planning Board is considering a proposed project by Maguire Nissan of Ithaca (Special Permit #4242). The project will include development of 35 Cinema Drive (Tax Parcel # 46.-1-6-5.1) which is a 4 acre commercial property – consisting of an existing Chevrolet Cadillac dealership, and a presented new Nissan dealership. As the site plan has been presented, it will require the following zoning appeals:

Leopold stated Appeal No. 2019-01 was out of the norm and asked Turner to explain the site and location of the new dealership. Turner introduced John Snyder and advised Snyder would be taking over for Tom Schickel of Schickel Architecture. He stated Tim Maguire could not attend the meeting as he had prior commitments. Turner stated they have been in front of the Planning Board since January with their proposal. He gave a brief overview of the Maguire Family Dealerships stating Maguire has been around for a few decades and represents different brands. He discussed his presentation and showed the proposed access and parking. He stated the existing gravel area has been modified for parking and designated spots for customers. Turner talked about the setbacks.

Wisor arrived at 7:16 pm.

Turner pointed out in the presentation the residential district being near Gaslight Village approximately 80 feet away. He explained the easements of Gaslight Village and the property lines, and stated they would have two front yards being located on Uptown Road and Cinema Drive. He said displayed vehicles would be up front and he talked about the 10 foot fence and how that would help provide buffering along the vegetated area. Turner said the primary access for customers would be from Uptown Road and said they shifted the driveway approximately 9 feet to the east to accommodate for firetruck access.

Turner showed where the service area would be located and stated the signage would be adequate to direct customers where to go. He said they would focus on larger signs for the view from Rte. 13 and understood they may be over the Code allowance for signage, and would wait for the Board for guidance.

50 Turner said they made a site change and explained the grade of the building would be on approximately 5
51 feet of fill. He spoke of the stormwater and stated this development would be treated as a new green-site
52 and talked about buffering.

53

54 Leopold expressed concern regarding the buffer referenced in Appeal No. 2901-01 and stated this is a
55 major change to the existing Zone and asked thoughts from the Board members. Moll talked about the
56 setbacks and buffering, and asked if anyone from Gaslight Village had concerns. Turner said there has
57 been no feedback from any adjacent neighbors. He said they held an informational presentation but, due
58 to the bad weather, there was very little turnout. Moll stated he attended the presentation and he feels that
59 if there were neighbors that had concerns they would have attended. He said he has asked people in that
60 area regarding this proposal and they did not have concerns. Hogben stated that he has not heard any
61 concerns from the neighbors therefore he feels that adds positive weight. He said he has no problem
62 approving this proposal.

63

64 Snyder said they would plant ivy to help cover the fence. Turner talked about the existing parking spaces,
65 a blocked wall, and planting additional trees in the buffering area. He also talked about the lighting and
66 the heights of the poles. Leopold said the lighting would not be what this Board would address as that
67 would be addressed by the Lighting Commission.

68

69 Wisor talked about the buffering zone and expressed concern for making precedence for future building
70 requests. Leopold agreed as this could become a concern where the Board could be challenged for future
71 proposals with vacant property.

72

73 Leopold read through the resolutions;

74

75 **Appeal No. 2019-01, 150 Foot Buffer Strip Setback: Proposed Distance is 80 Feet.**

76

77 **VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION**
78 **ADOPTED ON MARCH 13, 2019 FOR APPEAL NO. 2019-1**

79

80 *Motion made by:* _____ *Patrick Gillespie*

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82 *Motion seconded by:* _____ *Roy Hogben*

83

84 **WHEREAS:**

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86 A. *This matter involves consideration of the following proposed action: Appeal No. 2019-01, Maguire*
87 *Family Limited Partnership of 504 South Meadow Street, Ithaca, New York, through its agent Saratoga*
88 *Associates and George Turner, proposes to pursue a project for development of a 4-acre commercial*
89 *property consisting of an existing Chevrolet Cadillac dealership and a new Nissan dealership to include*
90 *construction of a two story, 25,235 sq. feet (gross floor area) sales and service building with*
91 *associated parking, public water, sewer and electrical services, pedestrian and vehicular circulation,*
92 *site lighting and signage, retaining wall, fence screening, landscaping and improvement to existing*
93 *curb cuts for Maguire Nissan of Ithaca at Uptown Road and Cinema Drive; and proposes on this*
94 *appeal as follows:*

95

96 *According to The Village Zoning requirements a building setback distance of 150 feet is required for the*
97 *Residential Buffer Strip Setback to Gaslight Village-Residential District. However, the proposed site plan*

98 provides a distance of 80 feet and therefore, a variance is requested for not providing the minimum
99 required buffer strip setback a difference of 70 feet. Although the minimum buffer setback of 150 feet is
100 not provided, a 10 foot tall visual privacy fence and proposed evergreen vegetative buffer has been
101 provided to mitigate the visual impact to the surrounding neighborhood. (See submitted drawing sheet
102 L300 and L500 for additional information regarding project layout and buffers strip setback.)
103

104 Section 145-43 E(10) of the Village of Lansing Code requires a minimum of 150 feet to an abutting
105 residential property. The property is located at 35 Cinema Drive in the Commercial High Traffic District,
106 Tax Parcel No. 46.1-6-5.1; and
107

108 B. On March 13, 2019, the Village of Lansing Board of Zoning Appeals held a public hearing regarding
109 such action, and thereafter thoroughly reviewed and analyzed (i) the materials and information
110 presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other information and
111 materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or
112 otherwise raised in the course of the Board's deliberations; and
113

114 C. On February 26, 2019, in accordance with Article 8 of the New York State Environmental Conservation
115 Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of
116 Lansing Planning Board determined that the proposed action is an unlisted action, and thus may be
117 processed without further regard to SEQR; and
118

119 D. On March 13, 2019, in accordance with Section 712-b of the Village Law of the State of New York and
120 Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the
121 course of its deliberations, took into consideration the benefit to the applicant if the area variance is
122 granted as weighed against the detriment to the health, safety and welfare of the neighborhood or
123 community by such grant;
124

125 NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:
126

127 1. The Village of Lansing Board of Zoning Appeals hereby makes the following findings with respect to
128 the specific criteria for such area variance as set forth in Section 712-b of the Village Law of the State of
129 New York and Village of Lansing Code Section 145-74 A(1):
130

131 Whether an undesirable change will be produced in the character of the neighborhood or detriment to
132 nearby properties will be created by granting the area variance.
133

134 Finding: No. There have been no objections from residents of adjacent apartments or businesses nearby
135 even after the appellant publicized a meeting to hear from neighbors. There is another dealership
136 nearby to the proposed building.
137

138 Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant
139 to pursue other than an area variance.
140

141 Finding: There is no other means of accomplishing the proposed building without granting these
142 variance applications.
143

144 Whether the requested area variance is substantial.
145

146 Finding: Yes
147

199 construction of a two story, 25,235 sq. feet (gross floor area) sales and service building with
200 associated parking, public water, sewer and electrical services, pedestrian and vehicular circulation,
201 site lighting and signage, retaining wall, fence screening, landscaping and improvement to existing
202 curb cuts for Maguire Nissan of Ithaca at Uptown Road and Cinema Drive; and proposes on this
203 appeal as follows:

204
205 According to The Village Zoning requirements for Commercial High Traffic District, the
206 building front yard setback required is 75 feet. However, the proposed site plan provides
207 67 feet. Therefore, a variance is requested for not meeting the setback requirement by a
208 difference of 8 feet. Because the project is located in a commercial high traffic areas, and the
209 difference between the required and provided front yard setback is minimal, the existing
210 streetscape and character of the neighborhood will not be significantly impacted. (See
211 sheet L300 for information and layout dimensions regarding the front yard setback.)
212

213 Section 145-43 E(4) of the Village of Lansing Code requires a minimum of 75 feet to the road
214 right of way. The property is located at 35 Cinema Drive in the Commercial High Density
215 Traffic District, Tax Parcel No. 46.1-6-5.1; and
216

217 B. On March 13, 2019, the Village of Lansing Board of Zoning Appeals held a public hearing regarding
218 such action, and thereafter thoroughly reviewed and analyzed (i) the materials and information
219 presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other information and
220 materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or
221 otherwise raised in the course of the Board's deliberations; and
222

223 C. On February 26, 2019, in accordance with Article 8 of the New York State Environmental Conservation
224 Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of
225 Lansing Planning Board determined that the proposed action is an unlisted action, and thus may be
226 processed without further regard to SEQR; and
227

228 D. On March 13, 2019, in accordance with Section 712-b of the Village Law of the State of New York and
229 Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the
230 course of its deliberations, took into consideration the benefit to the applicant if the area variance is
231 granted as weighed against the detriment to the health, safety and welfare of the neighborhood or
232 community by such grant;
233

234 NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:
235

236 1. The Village of Lansing Board of Zoning Appeals hereby makes the following findings with
237 respect to the specific criteria for such area variance as set forth in Section 712-b of the Village Law of the
238 State of New York and Village of Lansing Code Section 145-74 A(1):
239

240 Whether an undesirable change will be produced in the character of the neighborhood or detriment to
241 nearby properties will be created by granting the area variance.
242

243 Finding: No
244

245 Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant
246 to pursue other than an area variance.
247

248 Finding: No
249

250 Whether the requested area variance is substantial.

251

252 Finding: No

253

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

256

257 Finding: No

258

259 Whether the alleged difficulty was self-created.

260

261 Finding: Yes

262

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

267

268 **Description of Variance:**

269

270 To reduce a Front Yard Setback from 75 feet to 67 feet.

271

272 **Conditions of Variance:**

273

274 None

275

276 The vote on the foregoing motion was as follows:

277

278 AYES: Lynn Leopold, Patrick Gillespie, Roy Hogben, Simon Moll, and John Wisor

279

280 NAYS: None

281

282 The motion was declared to be carried.

283

284 **Appeal No. 2019-03, 24 Foot 2-Way Traffic Width Needed for Drive Aisles within Parking Lots:
285 Proposed 22 Feet Service Area and Display Vehicle Drives**

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287 **VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
288 MARCH 13, 2019 FOR APPEAL NO. 2019-3**

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291 Motion made by: Simon Moll

292

293 Motion seconded by: John Wisor

294

295 **WHEREAS:**

296

297 A. This matter involves consideration of the following proposed action: Appeal No. 2019-03, Maguire
298 Family Limited Partnership of 504 South Meadow Street, Ithaca, New York, through its agent Saratoga
299 Associates and George Turner, proposes to pursue a project for development of a 4-acre commercial
300 property consisting of an existing Chevrolet Cadillac dealership and a new Nissan dealership to include

301 construction of a two story, 25,235 sq. feet (gross floor area) sales and service building with
302 associated parking, public water, sewer and electrical services, pedestrian and vehicular circulation,
303 site lighting and signage, retaining wall, fence screening, landscaping and improvement to existing
304 curb cuts for Maguire Nissan of Ithaca at Uptown Road and Cinema Drive; and proposes on this
305 appeal as follows:
306

307 According to The Village Zoning requirements for off-street parking, a requirement of 24 feet for two-way traffic
308 and 12 feet for one-way traffic is needed for drive aisles within parking lots. The proposed project layout provides a
309 22 foot drive aisle in front of the main facility for customer parking and access to the service drop-off area, and 22
310 feet for two-way traffic for drive aisles beyond the service area and for display parking. Therefore, a variance is
311 requested for the 22 feet two-way drive aisle width within the service and display parking lots.
312

313 Although the display and service area drive aisles do not meet the off street parking requirement criteria, the main
314 customer parking and service drop-off drive aisles meet this requirement. This variance will not significantly impact
315 the community because the difference of the required and proposed drive lane width is minimal. (See sheet L300 for
316 drive lane widths and project layout.)
317

318 Section 145-51B of the Village of Lansing Code requires 24 feet for two-way traffic within a driving lane of parking
319 lots. The property is located at 35 Cinema Drive in the Commercial High Density Traffic District, Tax Parcel No. 46.1-
320 6-5.1; and
321

322 B. On March 13, 2019, the Village of Lansing Board of Zoning Appeals held a public hearing regarding
323 such action, and thereafter thoroughly reviewed and analyzed (i) the materials and information
324 presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other information and
325 materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or
326 otherwise raised in the course of the Board's deliberations; and
327

328 C. On February 26, 2019, in accordance with Article 8 of the New York State Environmental Conservation
329 Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of
330 Lansing Planning Board determined that the proposed action is an unlisted action, and thus may be
331 processed without further regard to SEQR; and
332

333 D. On March 13, 2019, in accordance with Section 712-b of the Village Law of the State of New York and
334 Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the
335 course of its deliberations, took into consideration the benefit to the applicant if the area variance is
336 granted as weighed against the detriment to the health, safety and welfare of the neighborhood or
337 community by such grant;
338

339 NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:
340

341 1. The Village of Lansing Board of Zoning Appeals hereby makes the following findings with
342 respect to the specific criteria for such area variance as set forth in Section 712-b of the Village Law of the
343 State of New York and Village of Lansing Code Section 145-74 A(1):
344

345 Whether an undesirable change will be produced in the character of the neighborhood or detriment
346 to nearby properties will be created by granting the area variance.
347

348 Finding: No
349

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

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Finding: No

Whether the requested area variance is substantial.

Finding: No

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

Finding: No

Whether the alleged difficulty was self-created.

Finding: Yes

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

Description of Variance:

To reduce Customer and Service Entrance Drive for Two-Way Traffic from 24 feet and 12 feet for one-way traffic is needed for Drive Aisles with parking lots. The proposed project layout provides a 22 foot drive aisle in front of the main facility for customer parking and access to the service drop-off area, and 22 feet for two-way traffic for drive aisles beyond the service area and for display parking. Therefore, a variance is requested for the 22 feet two-way drive aisle width within the service and display parking lots.

Conditions of Variance:

Ensure that access to all hydrants is protected at all times.

The vote on the foregoing motion was as follows:

AYES: Lynn Leopold, Patrick Gillespie, Roy Hogben, Simon Moll and John Wisor

NAYS: None

The motion was declared to be carried.

There was conversation during the reading of Appeal No. 2019-3 regarding the drive-outs for firetrucks being 24 feet where only 18 feet is required. Scott advised he would follow-up on the concern of emergency vehicle access. Leopold advised there have been complaints that the existing dealership parks vehicles too close to the fire hydrants. Turner said he would look into this and suggest a change.

Appeal No. 2019-04, Maximum Signage Area Allowed is 100 Square Feet: Proposed 611 Square Feet.

ADOPTED ON MARCH 13, 2019 FOR APPEAL NO. 2019-4

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Motion made by: John Wisor

Motion seconded by: Patrick Gillespie

WHEREAS:

A. *This matter involves consideration of the following proposed action: Appeal No. 2019-04, Maguire Family Limited Partnership of 504 South Meadow Street, Ithaca, New York, through its agent Saratoga Associates and George Turner, proposes to pursue a project for development of a 4-acre commercial property consisting of an existing Chevrolet Cadillac dealership and a new Nissan dealership to include construction of a two story, 25,235 sq. feet (gross floor area) sales and service building with associated parking, public water, sewer and electrical services, pedestrian and vehicular circulation, site lighting and signage, retaining wall, fence screening, landscaping and improvement to existing curb cuts for Maguire Nissan of Ithaca at Uptown Road and Cinema Drive; and proposes on this appeal as follows:*

According to The Village Zoning requirements for signage area for all signage on the project site is greater than a total of 100 square feet. A variance is requested for exceeding the maximum signage area permitted for the project. (See Sheets L603 and L604 for information and details regarding proposed signage, and Sign Table on Sheet G100. Total proposed square foot area of signage: 611 square feet.

According to the zoning requirements; no more than 2 additional Advertising Signs, each no more than 5 Square Feet is permitted. The project proposed more than 6 totem signs greater than 10 square feet. Therefore, a variance is requested, because the project proposed to exceed the allowable number and square footage of signs. (See Sheet L603 and Sheet L300 for location and details regarding proposed additional site signage.)

Section 115-7.1B(2) of the Village of Lansing Code requires a maximum of 100 square feet of signage for a new car sales outlet. The property is located at 35 Cinema Drive in the Commercial High Density Traffic District, Tax Parcel No. 46.1-6-5.1; and

B. *On March 13, 2019, the Village of Lansing Board of Zoning Appeals held a public hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board’s deliberations; and*

C. *On February 26, 2019, in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board determined that the proposed action is an unlisted action, and thus may be processed without further regard to SEQR; and*

D. *On March 13, 2019, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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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: Yes

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: Yes

Whether the requested area variance is substantial.

Finding: Yes

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

Finding: No

Whether the alleged difficulty was self-created.

Finding: Yes

2. It is hereby determined by the Village of Lansing Board of Zoning Appeals that the requested variance is **DENIED**:

The vote on the foregoing motion was as follows:

AYES: None

NAYS: Lynn Leopold, Patrick Gillespie, Roy Hogben, Simon Moll, and John Wisor

The motion was declared to be carried.

There was conversation during the reading of Appeal No. 2019-4; Leopold discussed the signage and stated this proposal is way over the allowed amount and that too many signs can make it visually noisy and complicated. Wisor agreed. There was conversation regarding the size and weight of the Nissan sign. Snyder stated that every few years all dealerships go through branding exercises. He said the Nissan sign would be a focal point. Leopold complimented on the looks of the building however asked why there had to be so much signage. Snyder said that is a requirement of Nissan. There was discussion of exterior and interior designs of the signage. Moll thought that just the Nissan Logo would be significant and asked what constitutes a sign. Turner said that the Nissan sign is more of a canopy/overhang. Gillespie asked if these are franchise requirements. Snyder said it was a Nissan requirement and asked if it was the big signs that were the concern. Leopold said it is cumulative and they are going way over what is allowed. She said being only two buildings it should not be too confusing.

505 **Appeal No. 2019-05, 25 Foot Front Yard Setback: Proposed Distance 0 Feet.**

506

507 **VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION**
508 **ADOPTED ON MARCH 13, 2019 FOR APPEAL NO. 2019-5**

509

510 Motion made by: Patrick Gillespie

511

512 Motion seconded by: John Wisor

513

514 **WHEREAS:**

515

516 A. *This matter involves consideration of the following proposed action: Appeal No. 2019-05, Maguire*
517 *Family Limited Partnership of 504 South Meadow Street, Ithaca, New York, through its agent Saratoga*
518 *Associates and George Turner, proposes to pursue a project for development of a 4-acre commercial*
519 *property consisting of an existing Chevrolet Cadillac dealership and a new Nissan dealership to include*
520 *construction of a two story, 25,235 sq. feet (gross floor area) sales and service building with*
521 *associated parking, public water, sewer and electrical services, pedestrian and vehicular circulation,*
522 *site lighting and signage, retaining wall, fence screening, landscaping and improvement to existing*
523 *curb cuts for Maguire Nissan of Ithaca at Uptown Road and Cinema Drive; and proposes on this*
524 *appeal as follows:*

525

526 *According to The Village Zoning requirements for the front yard parking setback requirement according to*
527 *the zoning data for development in CHT Commercial High Traffic District is 25 feet from the front property*
528 *line. The proposed project layout does not meet this minimum distance required. The proposed layout*
529 *provides a front yard setback of 0 feet. Therefore a variance is requested for not providing an adequate*
530 *front yard parking setback. Because the project is located within a commercial corridor that is zoned for*
531 *commercial business, there would be no significant visual impact to the character of the neighborhood.*
532 *(See sheet L300 for parking setback dimensions.)*

533

534 *Section 145-43E(7)a of the Village of Lansing Code requires a minimum of 25 feet to the road right of way.*
535 *The property is located at 35 Cinema Drive in the Commercial High Traffic District, Tax Parcel No. 46.1-6-*
536 *5.1; and*

537

538 B. *On March 13, 2019, the Village of Lansing Board of Zoning Appeals held a public hearing regarding*
539 *such action, and thereafter thoroughly reviewed and analyzed (i) the materials and information*
540 *presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other information and*
541 *materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or*
542 *otherwise raised in the course of the Board's deliberations; and*

543

544 C. *On February 26, 2019, in accordance with Article 8 of the New York State Environmental Conservation*
545 *Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of*
546 *Lansing Planning Board determined that the proposed action is an unlisted action, and thus may be*
547 *processed without further regard to SEQR; and*

548

549 D. *On March 13, 2019, in accordance with Section 712-b of the Village Law of the State of New York and*
550 *Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the*
551 *course of its deliberations, took into consideration the benefit to the applicant if the area variance is*
552 *granted as weighed against the detriment to the health, safety and welfare of the neighborhood or*
553 *community by such grant;*

554

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

556

557 1. *The Village of Lansing Board of Zoning Appeals hereby makes the following findings with respect*
558 *to the specific criteria for such area variance as set forth in Section 712-b of the Village Law of the State*
559 *of New York and Village of Lansing Code Section 145-74 A(1):*
560

561

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

564

565 *Finding: No*

566

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

569

570 *Finding: No*

571

572 *Whether the requested area variance is substantial.*

573

574 *Finding: Yes*

575

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

578

579 *Finding: No*

580

581 *Whether the alleged difficulty was self-created.*

582

583 *Finding: Yes*

584

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

589

590 **Description of Variance:**

591

592 *To reduce the front yard parking setback 25 feet from the front property line.*

593

594 **Conditions of Variance:**

595

596 *Install wheel stops along the parking area.*

597

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

599

600 *AYES: Lynn Leopold, Patrick Gillespie, Roy Hogben, Simon Moll and John Wisor*

601

602 *NAYS: None*

603

604 *The motion was declared to be carried.*

605

606 *There was conversation during the reading of Appeal No. 2019-5; Leopold stated for long term planning*
the Village is considering putting in more sidewalks and expressed the concern of Uptown Road. There

607 was conversation regarding setbacks to sidewalks and the concern of damaging cars if parked too close to
608 a sidewalk while snowplowing or any type of maintenance.

609

610 **Appeal No. 2019-06, 15 Foot Side Yard Parking Setback: Proposed Distance is 2 Feet.**

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**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION
ADOPTED ON MARCH 13, 2019 FOR APPEAL NO. 2019-6**

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616 Motion made by: Roy Hoqben

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618 Motion seconded by: Simon Moll

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620 **WHEREAS:**

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- A. *This matter involves consideration of the following proposed action: Appeal No. 2019-06, Maguire Family Limited Partnership of 504 South Meadow Street, Ithaca, New York, through its agent Saratoga Associates and George Turner, proposes to pursue a project for development of a 4-acre commercial property consisting of an existing Chevrolet Cadillac dealership and a new Nissan dealership to include construction of a two story, 25,235 sq. feet (gross floor area) sales and service building with associated parking, public water, sewer and electrical services, pedestrian and vehicular circulation, site lighting and signage, retaining wall, fence screening, landscaping and improvement to existing curb cuts for Maguire Nissan of Ithaca at Uptown Road and Cinema Drive; and proposes on this appeal as follows:*

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According to The Village Zoning requirements for the side yard parking setback for development in CHT - Commercial High Traffic District is 15 Feet from the side property line. The proposed project layout does not meet this minimum distance required. The proposed layout provides a side yard setback of 2 feet, therefore, a variance is requested for not providing an adequate side yard parking setback. Because the project is located within a commercial corridor that is zoned for commercial business, there would be no significant visual impact to the character of the neighborhood. (See sheet L300 for parking setback dimensions.)

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Section 145-43E(7)b of the Village of Lansing Code requires a minimum of 15 feet to the road right of way. The property is located at 35 Cinema Drive in the Commercial High Traffic District, Tax Parcel No. 46.1-6-5.1; and

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- B. *On March 13, 2019, the Village of Lansing Board of Zoning Appeals held a public hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*

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- C. *On February 26, 2019, in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board determined that the proposed action is an unlisted action, and thus may be processed without further regard to SEQR; and*
- D. *On March 13, 2019, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

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

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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.

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Finding: No

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

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Finding: No

Whether the requested area variance is substantial.

678
679

Finding: Yes

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

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Finding: No

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Whether the alleged difficulty was self-created.

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Finding: Yes

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

698 **Description of Variance:**

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To reduce the side yard parking setback from 15 feet to 2 feet.

701

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

703

704 *AYES: Lynn Leopold, Patrick Gillespie, Roy Hogben, Simon Moll, and John Wisor*

705

706 *NAYS: None*

707

708 *The motion was declared to be carried.*

709

710 **Appeal No. 2019-07, 15 Foot Rear Yard Parking Setback: Proposed Distance is 5 Feet.**

711

712

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION
ADOPTED ON MARCH 13, 2019 FOR APPEAL NO. 2019-7**

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714

715 *Motion made by: _____ John Wisor _____*

716

717 *Motion seconded by: _____ Patrick Gillespie _____*

718

719 **WHEREAS:**

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721

- A. *This matter involves consideration of the following proposed action: Appeal No. 2019-07, Maguire Family Limited Partnership of 504 South Meadow Street, Ithaca, New York, through its agent Saratoga Associates and George Turner, proposes to pursue a project for development of a 4-acre commercial property consisting of an existing Chevrolet Cadillac dealership and a new Nissan dealership to include construction of a two story, 25,235 sq. feet (gross floor area) sales and service building with associated parking, public water, sewer and electrical services, pedestrian and vehicular circulation, site lighting and signage, retaining wall, fence screening, landscaping and improvement to existing curb cuts for Maguire Nissan of Ithaca at Uptown Road and Cinema Drive; and proposes on this appeal as follows:*

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According to The Village Zoning requirements for rear yard parking setback requirement according to the zoning data for development in CHT Commercial High Traffic District is 15 Feet from the rear property line. The proposed project layout does not meet this minimum distance required. The proposed layout provides a rear yard setback of 5 feet. Therefore, a variance is requested for not providing an adequate rear yard parking setback. Because the project is located within a commercial corridor that is zoned for commercial business, there would be no significant visual impact to the character of the neighborhood. (See sheet L300 for parking setback dimensions.)

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740

Section 145-43E(7)c of the Village of Lansing Code requires a minimum of 15 feet to the road right of way. The property is located at 35 Cinema Drive in the Commercial High Traffic District, Tax Parcel No. 46.1-6-5.1; and

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744

- B. *On March 13, 2019, the Village of Lansing Board of Zoning Appeals held a public hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other*

745

746

747 information and materials rightfully before the Board, and (iii) all issues raised during the public
748 hearing and/or otherwise raised in the course of the Board's deliberations; and
749

750 C. On February 26, 2019, in accordance with Article 8 of the New York State Environmental
751 Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section
752 617.5, the Village of Lansing Planning Board determined that the proposed action is an unlisted
753 action, and thus may be processed without further regard to SEQR; and
754

755 D. On March 13, 2019, in accordance with Section 712-b of the Village Law of the State of New York
756 and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals,
757 in the course of its deliberations, took into consideration the benefit to the applicant if the area
758 variance is granted as weighed against the detriment to the health, safety and welfare of the
759 neighborhood or community by such grant;
760

761 NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:
762

763 1. The Village of Lansing Board of Zoning Appeals hereby makes the following findings with respect to the
764 specific criteria for such area variance as set forth in Section 712-b of the Village Law of the State of New York and
765 Village of Lansing Code Section 145-74 A(1):
766

767 Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby
768 properties will be created by granting the area variance.
769

770 Finding: No
771

772 Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue
773 other than an area variance.
774

775 Finding: No
776

777 Whether the requested area variance is substantial.
778

779 Finding: Yes
780

781 Whether the proposed area variance will have an adverse effect or impact on the physical or environmental
782 conditions in the neighborhood or district.
783

784 Finding: No
785

786 Whether the alleged difficulty was self-created.
787

788 Finding: Yes
789

790 3. It is hereby determined by the Village of Lansing Board of Zoning Appeals that the following variance
791 is **GRANTED AND APPROVED** (with conditions, if any, as indicated), it being further determined that
792 such variance is the minimum necessary and adequate to grant relief and at the same time preserve
793 and protect the character of the neighborhood and the health, safety and welfare of the community:
794

795 **Description of Variance:**
796

797 To reduce the rear yard parking setback from 15 feet to 5 feet.

798

799 **Conditions of Variance:**

800

801 *The southeast corner of the Maguire Family Limited Partnership's property will be graded and cleaned*
802 *appropriately*

803

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

805

806 *AYES: Lynn Leopold, Patrick Gillespie, Roy Hogben, Simon Moll and John Wisor*

807

808 *NAYS: None*

809

810 *The motion was declared to be carried.*

811

812 There was conversation during the reading of Appeal No. 2019-7; Leopold expressed concern regarding
813 the southeast corner of the property where there is debris and will make that a condition to have that area
814 cleaned up. Turner said he has not seen the area where there is debris and asked if it was on the Gaslight
815 Village property. Schleelein said it looked as if it was on the gravel parking lot area.

816

817 **Approval of Minutes:**

818

819 **August 15, 2018**

820 Wisor moved to accept the minutes of August 15, 2018, Seconded by Gillespie;

821 Ayes by: Leopold, Gillespie, Hogben, Moll, and Wisor.

822 Nays: None:

823

824 **Adjournment:**

825 Gillespie moved to adjourn at 8:52 PM. Seconded by Moll.

826 Ayes by: Leopold, Gillespie, Hogben, Moll, and Wisor..

827

828 Minutes taken by: Tammy Milliman, PT Clerk

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