

**Village of Lansing
Board of Zoning Appeals
May 17, 2005**

The meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:51 P.M. by Acting Chairperson Mary Sirois. Present at the meeting were Board Members Don Eckrich, Mike Ward and Lorraine Johnson, Alternate Member David Newman, Code Enforcement Officer Curtis, Village Attorney David Dubow, and, in the audience, the applicant, Crystal Mullenix of Crystal's Spa, her husband, Fran and her brother Kip Gray.

Acting Chairman Sirois appointed David Newman as acting member for Pat Gillespie who could not attend tonight's meeting.

Appeal No. 2005-2, Crystal's Spa and Salon:

The first item on the agenda was Appeal No. 2005-2, Crystal's Spa and Salon to construct a parking lot for 25 vehicles at 2416 North Triphammer Road in the Commercial Low Traffic District, Tax Parcel No. 43.1-1-46. A variance is required because Section 203.04 of the Village of Lansing Zoning Law requires that the total number of parking spaces provided for this business not exceed 11 parking spaces.

Crystal Mullenix described the project. She will try to answer the five questions which Curtis gave her. She is converting an existing single family home into a spa and beauty salon. She is, for the most part, preserving the exterior appearance of the building and thereby maintaining the character of the neighborhood. She is removing the chimney and replacing siding and will be painting the building. She reviewed a plan of the building showing all the work stations and the various services she will be providing – shampoos, hairdressing, pedicures, tanning, massage, etc. With the receptionist, she might have eleven employees working at any one time and they could have as many customers plus some waiting. If that were the case she would need all of twenty-five parking spaces. The Zoning Law only permits one space for each 200 square feet of gross area, however, plus up to 20% which for this building would be a total of 11 spaces which is barely enough for the employees. Sometimes a person will come in for several services, but other times whole wedding parties may come at one time, and she just wants to be sure she has enough parking so that people don't wind up parking on the lawn or out along the road. Where she is now at Community Corners in Cayuga Heights she does not have as much visibility; in her new location she will be next to the road with her own sign and she wants to be sure she can grow and prosper there and that she has enough parking for her growing business. She didn't understand all of the five questions. Could she achieve the benefits without a variance? She guessed she could add on to the building and then because of the increased square footage she could have more parking spaces, but she could not afford to do that. She did not know if the variance was substantial and did not know what was meant by self-created. She is minimizing impact on the environment by reusing the existing building. She indicated that she would be willing to answer any questions.

Sirois opened the public hearing and asked if there was anyone who wished to speak about the proposed variance.

Fran Mullenix stated he would like to support his wife's request. The business needs the additional parking and they do not want cars parking where they are not supposed to park.

Kip Gray added that they wanted the project to look good and were working hard to meet all the Village's requirements, but a lot of this is new to them and it is confusing.

There being no one else who wished to speak, Johnson moved to close the public hearing, seconded by Ward. All in favor.

Curtis stated for the record that he has received proof of mailing.

Sirois asked the Board if they had any questions. Eckrich noted that the devil is in the details and he is concerned that there are a lot of details missing in the drawings. This is obviously not a scaled drawing and the driveway looks much wider than 24 feet which is the limit required by the Planning Board and there are no details about the curbing or the curb cut and so on. Curtis stated that he had not advised the applicant to provide such information because the issue before the Board was parking and the Planning Board had already considered the width of the driveway and the sitework is also subject to approval by the Village Engineer. Eckrich feels the whole site plan is relevant to their considerations. Newman was similarly concerned that there were no details regarding landscaping, grade levels, lighting, etc. all of which would affect how the additional parking would impact the appearance of the property from the street, and that seemed relevant to some of the five questions they must consider.

Ward noted the only information available to the Board was the information that more spaces are needed. Dubow stated the original application to the Planning Board did not show 25 parking spaces. Newman felt the 25 parking spaces should have been addressed by the Planning Board before it came to the BZA. Dubow stated the Planning Board will still need to approve additional parking spaces not included in its original approval if a variance is granted. Ward does not feel it is up to the BZA to determine if 25 spaces are needed when 11 have been approved. Dubow stated the Zoning Law permits 20% more parking spaces than the number of required spaces which is a total of 11 spaces, and that is what the Planning Board approved. Newman stated if this went back to the Planning Board and they approved the 25 spaces, the applicant would still need to do a Landscaping Plan as well as a Lighting Plan. The BZA would like to see the Landscaping Plan, Lighting Plan and the other material reviewed or to be reviewed by the Planning Board in making its, the BZA's, decision. Eckrich stated the BZA would not be approving or disapproving the lighting or landscaping plans, but they are relevant to the criteria for granting or denying a variance. Curtis noted the Planning Board still needs to approve the Landscaping Plan and will have an opportunity at that time to consider the additional parking spaces. The Lighting Plan is reviewed and approved by the Lighting Commission without further action by the Planning Board.

Eckrich stated that back in December when the Planning Board reviewed and approved a Special Permit Crystal stated she would require 7 additional spaces for employees and already the site required more spaces, as many as 14, which is more than the total spaces allowed by the Zoning Law. Eckrich wonders what other changes will be made on this site. Mullenix asked if Ward is requesting she return to the Planning Board. Ward responded he feels someone needs to work out the details before the BZA considers the variance request and it is not up to him to determine who does so. Ward feels additional information is needed to make a decision which would work out best for the community. Mullenix stated she does what is requested of her and is trying to understand what needs to be done. Ward stated the past Planning Board minutes also show great discrepancies in the size of the building which is the basis for the number of parking spaces permitted. The numbers vary from 1500 sf to 4000 sf. The Planning Board approved 1.2 spaces per 200 sf gross area because that is what the Zoning Law permits regardless of the area of the building. Mullenix stated she has an electrician working on the project who could easily write up a Lighting Plan. Fran Mullenix stated the applicant has always followed directions well and has done all that has been requested by Curtis and will continue to do so, but there must be a clear understanding of what the BZA desires. Newman stated it would be helpful to have scaled drawings indicating where the curb cut is located, where the parking lot is relative to the house, a Landscape Plan showing what will be done to mitigate the impact of the additional parking, what exterior lighting is proposed and photometric projections indicating levels of intensity on the site and at the boundaries, where fill will be used and what kind of planting will be used to stabilize it. Dubow stated there is no checklist but everything mentioned by Newman would help the Board. Johnson stated aesthetics play a role in the Board's determination. Dubow stated it is important to understand the purview of this Board and that of the Planning Board so the Planning Board and BZA do not unnecessarily review the same issues. Dubow stated it might be beneficial to the BZA if the Planning Board reviewed the 25 spaces first. Dubow stated what was presented to the Planning Board is different than what was presented to the BZA. The BZA needs to be assured that although the Boards have different purviews, both are reviewing the same materials and this has not been the case with regard to the number of parking spaces. Dubow stated that although it is unfortunate that it may seem Mullenix is being jockeyed back and forth she should go back to the Planning Board with a plan consistent with her intentions at this time. Curtis stated either an Engineer or a Landscape Architect, or even some of the landscape companies such as Cayuga Landscaping, could assist Mullenix in preparing a site plan. Ward stated the Village Engineer at the time the original Special Permit was approved on December 7, 2004 did not feel a licensed engineer was required, but the project at that time showed only 12 spaces and now that there are 25 spaces a scaled drawing may be needed. Curtis stated the lighting plan will go to the Lighting Commission and a cut sheet would be required for each type of fixture, plus the height and locations of the fixtures as well as photometrics for each fixture and for the site as a whole.

In summary, Johnson recommended that Mullenix get professionals to help her with the lighting and landscape plans as well as returning to the Planning Board for review and approval of the 25 parking spaces conditioned on a variance being granted. Curtis recommended that Mullenix sit down with the Planning Board Chairmen Ned Hickey for advice on how to prepare for this Planning Board review.

Dubow stated that Mullenix would need to go to the Planning Board for an amendment to the previously approved Special Permit to reflect the revised parking. Dubow stated the more information available to both Boards the better. Dubow stated that if the Planning Board approves the revised plan, a condition of approval will be that the BZA grant the variance for the additional parking spaces. Dubow also stated the Planning Board can make a recommendation to the BZA but is not required to do so. Curtis also stated the additional parking can be included in the Landscaping Plan so that the condition of Planning Board approval of a Landscape Plan can be satisfied at the same time. Curtis noted that if the Planning Board does not approve the additional parking, Mullenix can not appeal a Planning Board decision to the BZA. Sirois recommended Ned Hickey be contacted for guidance.

Eckrich recommended that when Mullenix returns to the BZA she should assume that one or more members of the Board would feel that her request did not satisfy each criteria for granting the variance and prepare her responses to address such concerns. Dubow would recommend the applicant withdraw her application at this time and reapply when she is prepared to proceed. Curtis stated the Board could also adjourn their deliberations until additional information is provided. Dubow would prefer the application be withdrawn, and the Board indicated that no additional charges be applied if it is resubmitted. Ward stated that the next meeting is May 31st for the Planning Board and the next BZA meeting would be June 21st, so time is of the essence.

Mullenix agreed to withdraw her application and resubmit it at a later date with no additional charges incurred.

Approval of Minutes – April 19, 2005:

Johnson moved to approve the minutes of April 19, 2005 as submitted. Seconded by Eckrich. Ayes by Johnson, Eckrich and Sirois. Abstain by Newman and Ward. Motion carried.

Adjournment:

Eckrich moved to adjourn the meeting into Executive Session 8:35 P.M. Seconded by Ward. Ayes by Newman, Eckrich, Ward, Johnson and Sirois. Motion carried.