

**Village of Lansing
Board of Zoning Appeals
August 17, 2010**

1 The meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:30 P.M. by
2 Chairperson Mary Sirois. Present at the meeting were Board members Don Eckrich, David
3 Newman, Pat Gillespie and John Wisor; Alternate Member Dolores Adler; Code Enforcement
4 Officer Marty Moseley; Village Attorney David Dubow; Architect George Breuhaus; and
5 Resident Nick Vaczek.

6 **Appeal No. 2010-01**, The Village of Lansing Department of Public Works, to construct a 4000
7 square foot addition on the current Department of Public Works garage. An area variance is
8 required because a portion of the proposed addition would be out of compliance with Section
9 145-42 E(5) of the Village of Lansing Code, which requires a minimum of 25 feet to the side
10 yard property line. The property is located in the Commercial Low Traffic District, Tax Parcel
11 No. 45.2-1-46.10.

12 Sirois asked Breuhaus to explain the project. Breuhaus noted that he is the Architect for
13 the Village of Lansing DPW (Department of Public Works) addition. He stated that his office is
14 at 950 Danby Road Ithaca, NY 14850.

15 Breuhaus explained that the Village DPW addition will be approximately 4000 square
16 feet, and in that 4000 square feet will be rooms for mechanical and tool storage, a mezzanine, a
17 wash bay, a truck bay, a tractor/backhoe bay, and a small truck bay that will accommodate their
18 one ton truck. Breuhaus noted that the height of the new addition will be greater than the current
19 building due to the height required to accommodate the large trucks and equipment. Breuhaus
20 noted that the ten wheeler will pull into the first bay, the six wheeler will pull into the second
21 bay, the backhoe will be parked in the third bay, and the one ton truck will park in the last bay.
22 Breuhaus pointed out that due to the turning radius for the ten wheeler and six wheeler, they can
23 only park in the first two bays. Breuhaus noted that there will be trench drains installed and
24 connected to a new oil/water separator. Breuhaus noted that there will be a new concrete apron
25 so the equipment can be worked on outside. Breuhaus explained that there will be new catch
26 basins installed for storm water runoff. Breuhaus noted that the existing DPW garage will be part
27 break room, storage and garage. Breuhaus stated that the peak would be a little taller than the salt
28 storage building but the walls will be the same height. The walls on the salt storage building are
29 currently 16 feet tall.

30 Breuhaus noted that the new addition will be framed with 2 inch by 6 inch framing
31 lumber, which will allow for better insulation. There will be R-19 installed in the walls and R-38
32 in the ceiling. Breuhaus noted that the current DPW building needs a new roof and new siding,
33 and this creates an opportunity to re-side and roof the building at the same time the addition is
34 being built. Breuhaus pointed out that there would be a consistency in the roofing and siding,
35 which might make it more appealing to the neighborhood. Breuhaus noted that the roof would be
36 a beige color and the siding would be brown, comparable to the color of the current DPW
37 building. Breuhaus noted that the siding and the roofing would be metal. Breuhaus stated that the
38 lights on the exterior will be metal halite, and lights built in to the canopy's over the doors which

39 will point in a downward fashion. Breuhaus noted that the lights on the exterior would be similar
40 to the new Verizon building next to the Town of Lansing Highway Department.

41 Breuhaus noted that the current northerly property line is the stream that runs next to the
42 building. Breuhaus stated that the current building is closer to the stream than the new proposed
43 addition, and is grandfathered under the Village Zoning Law. Breuhaus noted that they are
44 requesting a side yard setback variance of approximately 2 feet, mostly for the overhang, such
45 that the side yard at the eaves at the northwest corner area of the proposed garage expansion will
46 be approximately 23' as opposed to the required 25 feet. Breuhaus pointed out that the addition
47 becomes compliant as the building goes further towards the east. Breuhaus noted that the reason
48 for the location of the addition is for the largest truck to be able to turn into the new addition.
49 Sirois asked if the office was going to be altered or moved. Breuhaus stated that the office would
50 not move or be altered. Breuhaus stated that the addition is large enough to accommodate the
51 trucks with all the plow equipment. Dubow pointed out that the Village Planning Board will also
52 be reviewing the project for the required special permit approval, which review will address site
53 plan and related matters and will include in-depth and formal SEQR environmental review for
54 which a Short EAF (Environmental Assessment Form) has been submitted by the applicant.

55 Gillespie moved to open the public hearing. Seconded by Wisor. Ayes by
56 Eckrich, Sirois, Newman, Gillespie and Wisor.

57 Vaczek explained that he lives at 22 St. Joseph Lane in the Village. Vaczek asked what
58 the distance was between the proposed addition and the current small shed to the south on the
59 Village property. Breuhaus stated approximately 20 feet. Vaczek noted that in the winter the
60 house to the west of him had a fairly clear view of the DPW garages, and asked if some kind of
61 visual buffer could be installed. Dubow noted that the Board of Zoning Appeals could make a
62 recommendation to the Planning Board to include buffering and screening as part of their special
63 permit review and/or the BZA itself could include as part of any variance approval a condition to
64 that effect. Breuhaus pointed out that there are mature pine trees and fencing that buffer the
65 current DPW garage and some smaller pine trees could buffer the area as well. Eckrich asked
66 Vaczek if the DPW addition will be a benefit. Vaczek noted that he can hear things more than he
67 notices things, and with the metal being installed on the DPW garage it will possibly make for a
68 greater audible problem. Vaczek noted that with the possibility of having some evergreen trees
69 as a buffer it might offset the audible issue a little. Sirois noted that the insulation in the building
70 would help with the noise pollution.

71 Newman moved to close the public hearing. Seconded by Winsor. Ayes by Eckrich,
72 Sirois, Newman, Gillespie and Wisor.

73 Moseley confirmed that he had received the Proofs of Mailing to the neighboring
74 properties.

75 Eckrich then led the Board through the five criteria that must be considered in granting an area
76 variance, in the course of which review discussion ensued regarding possible conditions and
77 requirements that might be imposed as part of any approval. Following extensive review and
78 discussion, Newman moved the following resolution, seconded by Gillespie:

79 **VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED**
80 **ON AUGUST 17, 2010 FOR APPEAL NO. 2010-01**

81 **WHEREAS:**

- 82 A. This matter involves consideration of the following proposed action: Appeal No.
83 2010-01, The Village of Lansing Department of Public Works, to construct a 4000
84 square foot addition on the current Department of Public Works garage. An area
85 variance is required because a portion of the proposed addition would be out of
86 compliance with Section 145-42 E(5) of the Village of Lansing Code, which requires
87 a minimum of 25 feet to the side yard property line. The property is located in the
88 Commercial Low Traffic District, Tax Parcel No. 45.2-1-46.10; and
- 89 B. On August 17, 2010, the Village of Lansing Board of Zoning Appeals held a public
90 hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i)
91 the materials and information presented by and on behalf of the applicant(s) in
92 support of this appeal, (ii) all other information and materials rightfully before the
93 Board, and (iii) all issues raised during the public hearing and/or otherwise raised in
94 the course of the Board's deliberations; and
- 95 C. One August 17, 2010, in accordance with Article 8 of the New York State
96 Environmental Conservation Law - the State Environmental Quality Review Act
97 ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Board of Zoning
98 Appeals determined that the proposed action is a Type II action, and thus may be
99 processed without further regard to SEQR; and
- 100 D. On August 17, 2010, in accordance with Section 712-b of the Village Law of the
101 State of New York and Village of Lansing Code Section 145-74 A(1), the Village of
102 Lansing Board of Zoning Appeals, in the course of its deliberations, took into
103 consideration the benefit to the applicant if the area variance is granted as weighed
104 against the detriment to the health, safety and welfare of the neighborhood or
105 community by such grant;

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

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

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

114 Finding: No,

115 The project has a minimal infringement of a portion of the 2 foot over
116 hang that protrudes into the required 25 foot side yard setback. The building

117 will be visually attractive having a consistent color of a dark brown for the
118 siding and light tan for the roof.

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

121 Finding: No,
122 The applicant cannot position the building in any other fashion because
123 the plow trucks would not be able to maneuver into the proposed truck bays.

124 *Whether the requested area variance is substantial.*

125 Finding: No,
126 The project has a minimal infringement of a portion of the 2 foot over
127 hang that protrudes into the required 25 foot side yard setback, which is
128 attached to a pre-existing building with its location being grandfathered under
129 the Village Zoning Law.

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

132 Finding: No,
133 The building will be visually attractive having a consistent color of a dark
134 brown for the siding and light tan for the roof. The negative aspect to the building
135 is the amount of metal; this will possibly increase an audible effect to the
136 neighbors, although the proposed construction includes insulation which should
137 help to reduce potential noise pollution. In addition, the approval of the requested
138 variance will be accompanied by a recommendation to the Planning Board, which
139 will be considering a special permit for the expanded garage structure, to include
140 trees and/or other buffering to mitigate potential visual or noise impact on the
141 affected St. Joseph's Lane property owners.

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

143 Finding: Yes, but the impact related to the grant of the minor reduction of the
144 side yard set back is very minimal.

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147 2. It is hereby determined by the Village of Lansing Board of Zoning Appeals that the
148 following variance is **GRANTED AND APPROVED** (with conditions, if any, as
149 indicated), it being further determined that such variance is the minimum necessary

150 and adequate to grant relief and at the same time preserve and protect the character of
151 the neighborhood and the health, safety and welfare of the community:

152 **Description of Variance:**

153 The northerly border of the garage expansion will be a continuation of the current
154 northerly border of the garage structure (as indicated on the site plan submitted with
155 the variance application) resulting in the eaves at northwest corner area of the
156 proposed garage expansion being approximately 23' from the northerly boundary (the
157 centerline of the stream) of the parcel.

158 **Conditions of Variance:**

159 None

160 The vote on the foregoing motion was as follows:

161 AYES: Mary Sirois, Pat Gillespie, David Newman, John Wisor, Don Eckrich

162 NAYS: None

163 The motion was declared to be carried.

164 **Approval of the Minutes**

165 Wisor moved the minutes of October 22, 2009 be approved as corrected, seconded by Newman.
166 Ayes by Sirois, Gillespie, Wisor, Newman and Adler (who was an acting member at the October
167 22, 2009 meeting). Eckrich abstained as he was not present at that meeting. Motion carried.

168 **Adjournment:**

169 There being no other business, Gillespie moved to adjourn the meeting at 8:20 P.M. Seconded
170 by Eckrich. Ayes by Gillespie, Eckrich, Newman, Sirois and Wisor.