

**Village of Lansing
Board of Zoning Appeals
June 21, 2011**

1 The meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:32 P.M. by
2 Chairperson Mary Sirois. Present at the meeting were Board members Don Eckrich, David
3 Newman, Pat Gillespie and John Wisor; Code Enforcement Officer Marty Moseley; Village
4 Attorney David Dubow.

5
6 **Appeal No. 2011-01**, The Meadows Apartment Complex, to install a 12 square foot
7 entrance sign to replace an existing freestanding entrance sign. A variance is required because
8 the sign square footage is above the allowable sign area that is permitted by Section 115-6(A) 2
9 of the Village of Lansing Code. The property is located at 100 Graham Road, in the High
10 Density Residential District, Tax Parcel No. 46.1-5-3.

11
12 Attorney Dirk Galbraith of Holmberg, Galbraith, Van Houten & Miller of 200 E. Buffalo Street
13 in Ithaca New York was here on behalf of The Meadows at Ithaca, LLC to introduce the appeal.
14 The Meadows at Ithaca, LLC is a subset of Conifer Realty and they wish to erect a new free
15 standing sign. There is presently a sign on the premises which they feel is fairly small and
16 difficult to see when you drive by. Conifer has had a new sign designed which is a rectangle
17 approximately 12 square feet, which is 7-square feet larger than the dimensions permitted under
18 the current Code. It was confirmed that the adjoining property owners were given the required
19 written notices. Attorney Galbraith believes they have satisfied the area variance criteria and that
20 this sign is not out of character with the single family homes that are set back from the road,
21 Swartout & Ferris facilities and other apartment complexes in the area. It is a High Density
22 residential zone. Attorney Galbraith feels that the size of the current sign is not large enough for
23 emergency responders to see or for people trying to locate the apartments that are unfamiliar
24 with the area. He also doesn't feel it will create any hardship nor have any environmental
25 effects.

26
27 Attorney Dirk Galbraith indicated that he had gone around the Village and measured other
28 apartment complex signs in the Village. Northwoods Apartment is 40 x 30 inch which is 8 ¼ sq
29 feet. Warrenwood has an irregular shaped sign 32 x 46 inches which is 10 1/2sq ft sign. Uptown
30 Village has a 40 x 34 inch sign which is roughly 9 ¼ sq feet. University Park Apartments has
31 two signs which are each 30x24 inches which is 5 sq feet. Gaslight Village is about the same
32 with 36 x 20 each. Lansing West is probably less than 5 sq feet. He indicated that it his
33 conclusion that what is being asked for is not a lot different than other similar apartment
34 complexes in the Village.

35
36 Don Eckrich stated that he has driven by this complex and it's not clear to him what the existing
37 sign does not do that this new sign would except expand the square footage. The variance
38 application doesn't mention what the lighting would be so he assumes it will stay the same. Don
39 stated that the sign has no street address and it has the Conifer "brand name" on it. Don asked
40 what is the difficulty we are supposed to be assessing here. Attorney Galbraith stated that it is
41 difficult to produce a sign with that content on the existing sign. It was asked what the size of the

42 current sign is. The current sign is roughly 6 square feet. Marty stated that signs this size do not
43 require permits so the exact size is not in the file. One of the arguments was that a larger sign
44 would make it easier for emergency responders to find the premises, but there is no address on
45 the sign. Attorney Galbraith stated that they would be looking for "The Meadows" and not an
46 address. David Newman asked if there was an occupancy problem. Attorney Galbraith stated that
47 he can't in good faith argue lack of occupancy. Mary indicated that the current sign does include
48 the property address.

49
50 John Wisor stated that the current sign is very low to the ground and suggested that they raise it
51 up to make it more visible.

52
53 Patrick stated that there is no street address on the proposed larger sign and he feels it needs to
54 have the street address on the sign. Dirk stated that the street address could be worked into the
55 new sign. They could get rid of Conifer and insert the number 100.

56
57 Don has difficulty getting past the argument that 5 square feet is insufficient for people to read.

58
59 Mary Sirois stated that there is a lot of empty space on the proposed sign which she feels is
60 wasted space. Conifer's logo is meaningless to anyone coming through. Information can be
61 found in a phone book. The speed limit in that area is 25 mph which has something to do with
62 the necessary use of the sign. Mary feels they can make better use of what is there. There were
63 no further questions for Attorney Galbraith.

64
65 Sirois moved to open the public hearing. Seconded by Eckrich. Ayes by Eckrich, Sirois,
66 Newman, Gillespie and Wisor.

67
68 There was no public to comment.

69
70 Wisor moved to close the public hearing. Seconded by Gillespie. Ayes by Eckrich, Sirois,
71 Newman, Gillespie and Wisor.

72
73 Moseley confirmed that he had received the Proofs of the delivery of the Notices to the
74 neighboring properties.

75
76 **BZA Comments**

77
78 David Newman-There is a reasonably high level of occupancy and the current sign gives the
79 address and the new one doesn't. He has driven by and you can see the sign. He feels there is no
80 business need for a larger sign.

81
82 Don Eckrich-Agrees with David. Also feels they should raise the height of the current sign.

83
84 John Wisor-He is in favor of keeping the general look and feel of The Village.

85
86 Patrick Gillespie- Agrees with others and thinks they should raise the sign up.

87
88 Mary Sirois-GPS is available for those looking for the apartments and emergency response
89 personnel know where the apartment complex is, so there is no real need for a larger sign.
90

91 The Board completed a Short Environmental Assessment Form. Dubow explained that Part I is
92 project information. Under Part II-Impact Assessment C2 the Board collectively determined that
93 the sign may have an impact on the overall aesthetics of the Village of Lansing. Under C4 they
94 answered yes consistent with their response to C2. It would also affect the communities existing
95 plans or goals if we change the sign law.
96

97 Newman moved the following resolution, seconded by Gillespie:
98

99 VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED
100 ON JUNE 21, 2011 FOR THE SEQR REVIEW OF APPEAL NO. 2011-1

101 **WHEREAS:**
102

- 103
- 104 A. This matter involves consideration of the following proposed action: Appeal No. 2011-1, The
105 Meadows Apartment Complex, to install a 12 square foot entrance sign to replace an existing
106 freestanding entrance sign. A variance is required because the sign square footage is above the
107 allowable sign area that is permitted by Section 115-6(A) 2 of the Village of Lansing Code. The
108 property is located at 100 Graham Road, in the High Density Residential District, Tax Parcel No. 46.1-
109 5-3; and
110
 - 111 B. This proposed action is an Unlisted Action for which the Village of Lansing Board of Zoning Appeals
112 is an involved agency for the purposes of environmental review; and
113
 - 114 C. On June 21, 2011, the Village of Lansing Board of Zoning Appeals, in performing the lead agency
115 function for its independent and uncoordinated environmental review in accordance with Article 8 of
116 the New York State Environmental Conservation Law - the State Environmental Quality Review Act
117 (“SEQR”), (i) thoroughly reviewed the Short Environmental Assessment Form (the “Short EAF”), Part
118 I, and any and all other documents prepared and submitted with respect to this proposed action and its
119 environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern
120 to determine if the proposed action may have a significant adverse impact on the environment,
121 including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part
122 II;
123

124 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
125

126 The Village of Lansing Board of Zoning Appeals, based upon (i) its thorough review of the Short EAF,
127 Part I, and any and all other documents prepared and submitted with respect to this proposed action
128 and its environmental review, (ii) its thorough review of the potential relevant areas of environmental
129 concern to determine if the proposed action may have a significant adverse impact on the environment,
130 including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short
131 EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set
132 forth at length), hereby makes a negative determination of environmental significance (“**NEGATIVE
133 DECLARATION**”) in accordance with SEQR for the above referenced proposed action, and
134 determines that neither a Full Environmental Assessment Form, nor an Environmental Impact
135 Statement will be required; and:
136

137 2. The Responsible Officer of the Village of Lansing Board of Zoning Appeals is hereby authorized and
138 directed to complete and sign as required the Short EAF, Part III, confirming the foregoing
139 **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and
140 made a part of this Resolution.
141

142
143 The vote on the foregoing motion was as follows:

144
145 AYES: Mary Sirois, Don Eckrich, Pat Gillespie, John Wisor, and David Newman.

146
147 NAYS: None

148
149 The motion was declared to be carried.

The Board then discussed and completed the following proposed resolution.

150 VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON JUNE 21, 2011 FOR
151 APPEAL NO. 2011-01

152

153 Motion made by: David Newman

154

155 Motion seconded by: Don Eckrich

156

157 **WHEREAS:**

158

159 A. This matter involves consideration of the following proposed action: Appeal No.
160 2011-1, The Meadows Apartment Complex, to install a 12 square foot entrance sign
161 to replace an existing freestanding entrance sign. A variance is required because the
162 sign square footage is above the allowable sign area that is permitted by Section 115-
163 6(A) 2 of the Village of Lansing Code. The property is located at 100 Graham Road,
164 in the High Density Residential District, Tax Parcel No. 46.1-5-3; and

165

166 B. On June 21, 2011, the Village of Lansing Board of Zoning Appeals held a public
167 hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i)
168 the materials and information presented by and on behalf of the applicant(s) in
169 support of this appeal, (ii) all other information and materials rightfully before the
170 Board, and (iii) all issues raised during the public hearing and/or otherwise raised in
171 the course of the Board's deliberations; and

172

173 C. One June 21, 2011, the Village of Lansing Board of Zoning Appeals determined that
174 the proposed action is an Unlisted Action for which the Board is an involved agency,
175 and in performing the lead agency function for its independent and uncoordinated
176 environmental review in accordance with Article 8 of the New York State
177 Environmental Conservation Law - the State Environmental Quality Review Act
178 ("SEQR"), the Board (i) thoroughly reviewed the Short Environmental Assessment
179 Form (the "Short EAF"), Part I, and any and all other documents prepared and
180 submitted with respect to this proposed action and its environmental review, (ii)
181 thoroughly analyzed the potential relevant areas of environmental concern to

182 determine if the proposed action may have a significant adverse impact on the
183 environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii)
184 completed the Short EAF, Part II; and (iv) made a negative determination of
185 environmental significance (“Negative Declaration”) in accordance with SEQR for
186 the above referenced proposed action and determined that an Environmental Impact
187 Statement would not be required; and
188

- 189 D. On June 21, 2011, in accordance with Section 712-b of the Village Law of the State
190 of New York and Village of Lansing Code Sections 115-14 and 145-74 A(1), the
191 Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took
192 into consideration the benefit to the applicant if the area variance is granted as
193 weighed against the detriment to the health, safety and welfare of the neighborhood or
194 community by such grant;
195

196 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
197

198 The Village of Lansing Board of Zoning Appeals hereby makes the following
199 findings with respect to the specific criteria for such area variance as set forth in Section 712-b of
200 the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1):
201

202 *Whether an undesirable change will be produced in the character of the neighborhood or*
203 *detriment to nearby properties will be created by granting the area variance.*
204

205 **Finding: Yes: The significantly increased size of the proposed**
206 **replacement sign would change the overall appearance of the**
207 **neighborhood, change the flavor of the local community in the area, and**
208 **be generally out of character with similar signage for this type of**
209 **residential use.**
210

211 *Whether the benefit sought by the applicant can be achieved by some method*
212 *feasible for the applicant to pursue other than an area variance.*
213

214 **Finding: There are other ways to achieve signage that might be more**
215 **visible than the current sign, such as raising the sign to the maximum**
216 **allowable height of five feet. The existing sign includes all necessary**
217 **information and appears to be sufficiently visible to pedestrians and**
218 **vehicular traffic at the required speed limit. New internet and online**
219 **information sources and directional technology such as GPS units also**
220 **facilitate the identification and location of properties. There was no**
221 **showing that the current sign is not adequately visible and effective.**
222

223 *Whether the requested area variance is substantial.*
224

225 **Finding: Yes: The proposed replacement sign is substantially larger than the current sign**
226 **and substantially larger (more than twice the permitted size) than what is allowed by the**
227 **Village of Lansing Sign Law, with no additional information other than a company emblem.**
228

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

231
232 **Finding: No: The sign would have only minimal impact on the physical or**
233 **environmental conditions of the neighborhood.**

234
235 *Whether the alleged difficulty was self-created.*

236
237 **Finding: Yes: The applicant presumably purchased the property in question with an**
238 **opportunity to determine the applicable size restrictions on signs within the Village of**
239 **Lansing. There has been no showing of any alleged difficulty having been other than self-**
240 **created.**

241
242 It is hereby determined by the Village of Lansing Board of Zoning Appeals that the proposed variance
243 is **DENIED**.

244
245 The vote on the foregoing motion was as follows:

246
247 AYES: Mary Sirois, Don Eckrich, Pat Gillespie, John Wisor, and David Newman.

248
249 NAYS: None

250
251 The motion was declared to be carried.

252 **Approval of the Minutes**

253 Eckrich moved the minutes of August 17, 2010 be approved as corrected, seconded by Wisor.
254 Ayes by Sirois, Gillespie, Wisor, Newman and Eckrich. Motion carried.

255 **Adjournment:**

256 There being no other business, Wisor moved to adjourn the meeting at 8:21 P.M. Seconded by
257 Eckrich. Ayes by Gillespie, Eckrich, Newman, Sirois and Wisor.