

**Village of Lansing  
Board of Zoning Appeals  
February 26, 2013**

1 The meeting of the Village of Lansing Board of Zoning Appeals was convened at 6:00 P.M. by  
2 Chairperson Mary Sirois. Present at the meeting were Board members, John Wisor, Patrick  
3 Gillespie, and Dolores Adler; Alternate Board member Roy Hogben; Code Enforcement Officer  
4 Marty Moseley; and Village Attorney David Dubow

5  
6 Sirois appointed Roy Hogben as an acting member due to the absence of board member Don  
7 Eckrich.  
8  
9

10 **Re-Affirmation of CU Suites LLC**

11 The appeal was originally heard on October 24, 2012 and was appeal number 2012-3, CU Suites  
12 LLC., to construct a 3 Story, 42,957ft<sup>2</sup>, Mixed Use building, on the West Side of Cinema Drive  
13 in between Homewood Suites LLC and CFCU Community Credit Union, in the Commercial  
14 High Traffic District, Tax Parcel No. 46.1-6-4.2. A variance is required because (i) the proposed  
15 Mixed Use development abuts a residential district and does not provide the 150 foot buffer  
16 required by Section 145-43(E)[10] and (ii) the proposed Mixed Use Development exceeds the  
17 maximum height allowed per section 145-43(E)[8] of the Village of Lansing Zoning Law.  
18

19 Dubow explained that the reason for the reaffirmation of the Board's previous area variance  
20 approval resolution was due to the Village not having requested a Tompkins County Planning  
21 Department review as required by General Municipal Law 239 -l, -m, and -nn. Due to the  
22 proximity to the Village of Cayuga Heights jurisdictional boundary, the Village of Lansing was  
23 supposed to request the Tompkins County Planning Department review. Dubow added that the  
24 Planning Board was also being required to reaffirm the previously approved special permit that  
25 was granted for the proposed project.  
26

27 Wisor moved the following reaffirmation resolution:  
28

29 ***VILLAGE OF LANSING BOARD OF ZONING APPEALS REAFFIRMATION***  
30 ***APPROVAL RESOLUTION ADOPTED ON February 26, 2013 FOR PRIOR***  
31 ***VARIANCE APPROVAL RESOLUTION ADOPTED ON OCTOBER 24, 2012***  
32 ***FOR APPEAL NO. 2012-03***  
33

34  
35 *Motion made by:* \_\_\_\_\_ *John Wisor* \_\_\_\_\_  
36

37 *Motion seconded by:* \_\_\_\_\_ *Patrick Gillespie* \_\_\_\_\_  
38

39 ***WHEREAS:***  
40  
41

- 42 A. *This matter involves consideration of the following proposed action: Appeal 2012-3,*  
43 *CU Suites LLC., to construct a 3 Story, 42,957ft<sup>2</sup>, Mixed Use building, on the West Side*  
44 *of Cinema Drive in between Homewood Suites LLC and CFCU Community Credit*  
45 *Union, in the Commercial High Traffic District, Tax Parcel No. 46.1-6-4.2. A variance*  
46 *is required because (i) the proposed Mixed Use development abuts a residential district*  
47 *and does not provide the 150 foot buffer required by Section 145-43(E)[10] and (ii) the*  
48 *proposed Mixed Use Development exceeds the maximum height allowed per section*  
49 *145-43(E)[8] of the Village of Lansing Zoning Law; and*  
50
- 51 B. *On September 19, 2012, application materials for special permit review of the*  
52 *proposed action by the Village of Lansing Planning Board were presented by the*  
53 *applicant and its engineer for preliminary review, at which time (i) preliminary*  
54 *comments were made, (ii) the Village of Lansing Planning Board determined that a*  
55 *public hearing thereon should be scheduled, and (iii) determined that the applicant*  
56 *would need to seek an area (height and buffer strip) variance from the Village of*  
57 *Lansing Board of Zoning Appeals, and thereupon recommended that such variance*  
58 *application be submitted to the Village of Lansing Board of Zoning Appeals for action*  
59 *concurrently with the pending special permit review by the Village of Lansing Planning*  
60 *Board; and*  
61
- 62 C. *The applicant has prior hereto submitted the required application materials to the*  
63 *Village of Lansing Board of Zoning Appeals for the necessary area variance; and*  
64
- 65 D. *On October 15, 2012, the Village of Lansing Planning Board, (i) determined that the*  
66 *proposed action is an Unlisted Action for which the Village of Lansing Planning Board*  
67 *and the Village of Lansing Board of Zoning Appeals are involved agencies in*  
68 *accordance with Article 8 of the New York State Environmental Conservation Law - the*  
69 *State Environmental Quality Review Act (“SEQR”) and 6 NYCRR Section 617.6; (ii)*  
70 *expressed it intention to perform the lead agency function for the coordinated SEQR*  
71 *environmental review with the Village of Lansing Board of Zoning Appeals; and (iii)*  
72 *provided notice thereof [including Part I of the SEQR Short Environmental Assessment*  
73 *Form (the “Short EAF”)] to the Village of Lansing Board of Zoning Appeals;*  
74 *whereupon thereafter the Village of Lansing Board of Zoning Appeals concurred with*  
75 *the Village of Lansing Planning Board’s designation as the lead agency for SEQR*  
76 *review of the proposed action; and*  
77
- 78 E. *On October 23, 2012, the Village of Lansing Planning Board (i) thoroughly reviewed*  
79 *the Short EAF, Part I, and any and all other documents prepared and submitted with*  
80 *respect to this proposed action and its environmental review, (ii) thoroughly analyzed*  
81 *the potential relevant areas of environmental concern to determine if the proposed*  
82 *action may have a significant adverse impact on the environment, including the criteria*  
83 *identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part II; and (iv)*  
84 *made a negative determination of environmental significance (“Negative Declaration”)*  
85 *in accordance with SEQR for the above referenced proposed action and determined*  
86 *that an Environmental Impact Statement would not be required, whereupon the*

87 *Negative Declaration determination by the Village Planning Board was provided to the*  
88 *Village of Lansing Board of Zoning Appeals and the variance application was*  
89 *determined to be complete; and*  
90

91 *F. On October 24, 2012, the Village of Lansing Board of Zoning Appeals held a public*  
92 *hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i) the*  
93 *materials and information presented by and on behalf of the applicant(s) in support of*  
94 *this appeal, (ii) all other information and materials rightfully before the Board, and*  
95 *(iii) all issues raised during the public hearing and/or otherwise raised in the course of*  
96 *the Board's deliberations; and*  
97

98 *G. On October 24, 2012, in accordance with Section 712-b of the Village Law of the State*  
99 *of New York and Village of Lansing Code Sections 115-14 and 145-74 A(1), the Village*  
100 *of Lansing Board of Zoning Appeals, in the course of its deliberations, took into*  
101 *consideration the benefit to the applicant if the area variance is granted as weighed*  
102 *against the detriment to the health, safety and welfare of the neighborhood or*  
103 *community by such grant, and thereupon made its findings for each of the variances*  
104 *requested and determined that each of the variances be **GRANTED AND***  
105 ***APPROVED**, it having been further determined that each such variance is the*  
106 *minimum necessary and adequate to grant the requested relief and at the same time*  
107 *preserve and protect the character of the neighborhood and the health, safety and*  
108 *welfare of the community; and*  
109

110 *H. Following such variance approvals granted by the Village of Lansing Board of Zoning*  
111 *Appeals on October 24, 2012, it was discovered that the proposed action was*  
112 *inadvertently not submitted for review pursuant to General Municipal Law Section 239*  
113 *-l and -m as was required, whereupon the proposed action was submitted for such*  
114 *review; and*  
115

116 *I. Following review of the proposed action pursuant to General Municipal Law Section*  
117 *239 -l and -m, the Tompkins County Planning Department, by letter dated December*  
118 *13, 2012, provided its recommendation for approval of the requested variances and its*  
119 *report that the requested variances will have no significant county-wide or inter-*  
120 *community impact; and*  
121

122 *J. On February 26, 2013, at the Village of Lansing Board of Zoning Appeals meeting on*  
123 *such date, the Board reviewed the recommendation and report provided by the*  
124 *Tompkins County Planning Department for the purpose of reaffirming the variance*  
125 *approvals previously granted on October 24, 2012;*  
126

127 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**  
128

129 *1. The Village of Lansing Board of Zoning Appeals hereby reaffirms its findings made*  
130 *on October 24, 2012 with respect to the specific criteria for each such area variance*

131 *as set forth in Section 712-b of the Village Law of the State of New York and Village*  
132 *of Lansing Code Section 145-74 A(1); and*

133  
134 2. *The Village of Lansing Board of Zoning Appeals hereby reaffirms its prior*  
135 *determination that each of the requested variances be **GRANTED AND***  
136 ***APPROVED**, and further reaffirms its prior determination that each such variance is*  
137 *the minimum necessary and adequate to grant relief and at the same time preserve*  
138 *and protect the character of the neighborhood and the health, safety and welfare of*  
139 *the community.*

140  
141  
142 *The vote on the foregoing motion was as follows:*

143  
144 *AYES: Mary Sirois, Dolores Adler, Patrick Gillespie, John Wisor, and Roy Hogben*

145  
146 *NAYS: None*

147  
148 *The motion was declared to be carried.*

149  
150 **Approval of the Minutes**  
151 Adler moved to accept the March 20, 2012 minutes as amended. Seconded by Wisor; Ayes by  
152 Sirois, Wisor, and Adler. Abstentions by Gillespie and Hogben

153  
154 Hogben moved to accept the July 1, 2012 minutes as amended. Seconded by Gillespie; Ayes by  
155 Sirois, Gillespie, Hogben, and Adler. Abstention by Wisor

156  
157  
158 **Adjournment:**  
159 There being no other business, Gillespie moved to adjourn at 6:10 P.M. Seconded by Wisor.  
160 Ayes by Sirois, Adler, Wisor, Gillespie and Hogben.