

**Village of Lansing
Board of Zoning Appeals
May 22, 2013**

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, John Wisor, Roy
3 Hogben, Don Eckrich, and Dolores Adler; Code Enforcement Officer Marty Moseley; Village
4 Attorney David Dubow; Applicant: Joan Foote and Jack Rueckheim from Bolton Point

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6 Sirois appointed Roy Hogben as an acting member due to the absence of Board member Patrick
7 Gillespie.

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9 Dubow indicated that he does occasionally represent Bolton Point in addition to the Village of
10 Lansing, and has done so in the past.

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12 **Public Hearing to Consider:**

13 Sirois opened the public hearing to consider Appeal No. 2013-01, Southern Cayuga Lake
14 Intermunicipal Water Commission (Bolton Point Water District), to construct an accessory
15 structure. An area variance is required because the proposed accessory structure would be out of
16 compliance with Section 145-39 E(2), (3), (4), (5), and (6) of the Village of Lansing Code. The
17 property is located in the Low Density Residential District, Tax Parcel No. 42.1-1-37.1.

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19 Moseley indicated that he had received the proof of mailings for the public hearing.

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21 Moseley noted that a General Municipal Law 239 -l, -m, and -nn is not required, but was
22 requested of the Tompkins County Planning Department. Moseley indicated that the Tompkins
23 County Planning Department has provided a response that indicated that there is no negative or
24 county wide impact for the proposed project. Moseley indicated that the Town of Lansing has
25 sent a response as well, which indicates that the Town of Lansing has no issues with the
26 proposed project.

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28 Rueckheim indicated that approximately 7 years ago Bolton Point started treating the potable
29 water with chlorine dioxide, on a trial basis. This has not transitioned into a permanent treatment
30 of the water. Rueckheim added that the chlorine dioxide needs to be separately stored from other
31 chemicals that are used. The purpose of the separate building is to separate the chemical when
32 being stored and allowing enough chemical to be stored during the winter months because the
33 delivery vehicle could not traverse down the road to the pump house due to the incline and
34 conditions. Rueckheim indicated that they would be requesting to exceed the 10% lot coverage,
35 the side yard and front yard setbacks, and the minimum street frontage. Rueckheim noted that the
36 building does have what may be considered to be street frontage, but it is not a public road and is
37 minimal. Rueckheim noted that for transportation of the chlorine dioxide a hazmat truck driver
38 would be needed, and they would like to keep the chlorine dioxide close so that Bolton Point
39 staff would be able to move it easier and safer. Rueckheim added that the treatment with the
40 chlorine dioxide has been successful. Rueckheim indicated that the building is approximately
41 192 square feet.

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With no further input from the public, Wisor moved to close the public hearing, Seconded by Hogben; Ayes by Sirois, Wisor, Adler, Eckrich, and Hogben.

Adler asked about spill response.

Rueckheim indicated that they follow spill response regulations with the New York State Sanitary Code and the New York State Department of Environmental Conservation Department.

The Board worked through the Short Environmental Assessment Form (EAF). After discussion, the Board completed the EAF, after which they determined that the proposed action will not result in any significant adverse environmental impacts.

Eckrich moved the following SEQRA resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS
RESOLUTION ADOPTED ON MAY 22, 2013 FOR THE SEQRA
REVIEW OF APPEAL NO. 2013-01**

Motion made by: Don Eckrich

Motion seconded by: Roy Hogben

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2013-01, Southern Cayuga Lake Intermunicipal Water Commission (Bolton Point Water District), to construct an accessory structure. An area variance is required because the proposed accessory structure would be out of compliance with Section 145-39 E(2), (3), (4), (5), and (6) of the Village of Lansing Code. The property is located in the Low Density Residential District, Tax Parcel No. 42.1-1-37.1; and*
- B. *This proposed action is an Unlisted Action for which the Village of Lansing Board of Zoning Appeals is an involved agency for the purposes of environmental review; and*
- C. *On May 22, 2013, the Village of Lansing Board of Zoning Appeals, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQRA"), (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of*

86 *environmental concern to determine if the proposed action may have a significant*
87 *adverse impact on the environment, including the criteria identified in 6 NYCRR*
88 *Section 617.7(c), and (iii) completed the Short EAF, Part II;*
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90 ***NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:***
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- 92
- 93 1. *The Village of Lansing Board of Zoning Appeals, based upon (i) its thorough review*
94 *of the Short EAF, Part I, and any and all other documents prepared and submitted*
95 *with respect to this proposed action and its environmental review, (ii) its thorough*
96 *review of the potential relevant areas of environmental concern to determine if the*
97 *proposed action may have a significant adverse impact on the environment, including*
98 *the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the*
99 *Short EAF, Part II, including the findings noted thereon (which findings are*
100 *incorporated herein as if set forth at length), hereby makes a negative determination*
101 *of environmental significance (“NEGATIVE DECLARATION”) in accordance with*
102 *SEQR for the above referenced proposed action, and determines that neither a Full*
103 *Environmental Assessment Form, nor an Environmental Impact Statement will be*
104 *required; and*
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 - 106 2. *The Responsible Officer of the Village of Lansing Board of Zoning Appeals is hereby*
107 *authorized and directed to complete and sign as required the Short EAF, Part III,*
108 *confirming the foregoing NEGATIVE DECLARATION, which fully completed and*
109 *signed Short EAF shall be attached to and made a part of this Resolution.*
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112 *The vote on the foregoing motion was as follows:*

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114 *AYES: Mary Sirois, Don Eckrich, Dolores Adler, John Wisor, and Roy Hogben*
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116 *NAYS: none*
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118 *The motion was declared to be carried.*
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120 Based on the Board working though the variance criteria, Wisor moved the following variance
121 resolution:
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123 ***VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON***
124 ***MAY 22, 2013 FOR APPEAL NO. 2013-01***
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127 *Motion made by:* _____ *John Wisor*

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129 *Motion seconded by:* _____ *Dolores Adler*
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131 **WHEREAS:**

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- A. *This matter involves consideration of the following proposed action: Appeal No. 2013-01, Southern Cayuga Lake Intermunicipal Water Commission (Bolton Point Water District), to construct an accessory structure. An area variance is required because the proposed accessory structure would be out of compliance with Section 145-39 E(2), (3), (4), (5), and (6) of the Village of Lansing Code. The property is located in the Low Density Residential District, Tax Parcel No. 42.1-1-37.1; and*

- B. *On May 22, 2013, 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 May 22, 2013, the Village of Lansing Board of Zoning Appeals determined that the proposed action is an Unlisted Action for which the Board is an involved agency, and in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”), the Board (i) thoroughly reviewed the Short Environmental Assessment Form (the “Short EAF”), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part II; and (iv) made a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQR for the above referenced proposed action and determined that an Environmental Impact Statement would not be required; and*

- D. *On May 22, 2013 , in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Sections 115-14 and 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:

- 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-*

175 *b of the Village Law of the State of New York and Village of Lansing Code Section*
176 *145-74 A(1):*

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

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182 *Finding:*

183 *No, because due to the location there are no residences in the immediate*
184 *proximity of the property and none are permitted in that area, and there is*
185 *also an existing fence that encompasses the existing property.*

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

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192 *Finding:*

193 *No, because the impending mandates for the new chemical treatments*
194 *resulting in the need for the related accessory building would not be able to*
195 *achieve compliance with the Village regulations due to the size and nature of*
196 *the new building and the existing lot.*

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200 *Whether the requested area variance is substantial.*

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202 *Finding:*

203 *Although the requested area variance may be considered substantial in terms*
204 *of the overall scope of the variance, the actual effect of the variance is not a*
205 *substantial impact on the area.*

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

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211 *Finding: No, the accessory structure will have little or no adverse effect or*
212 *impact on the area, and presumably the new accessory structure will facilitate the*
213 *new chemical treatment requirements and thereby have a favorable*
214 *environmental effect based on the purpose of the building.*

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

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219 *Finding:*

