

**Village of Lansing
Board of Zoning Appeals
January 21, 2014**

1 The meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:35 P.M. by
2 Chairperson Mary Sirois. Present at the meeting were Board members, Patrick Gillespie and
3 Don Eckrich; Code Enforcement Officer Marty Moseley; Village Attorney David Dubow;
4 Applicant: Dr. Ahmed representing Al-Hudia Islamic Center of Finger Lakes, and Village
5 resident Lowell Garner.
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8 **Public Hearing to Consider:**

9 Sirois opened the public hearing to consider **Appeal 2014-1, Al-Huda Islamic Center**
10 **Committee**, propose to change occupancy from a Single Family Residential Occupancy to a
11 Religious Facility occupancy on a nonconforming lot located at 20 Oakcrest Road, in the Low
12 Density Residential District, Tax Parcel No. 43.1-1-36. Multiple variances are required because
13 due to the proposed change in use (i) the proposed Religious Facility use does not have the
14 adequate lot area as required by Section 145-39 E(1)(b)[3] of the Village of Lansing Zoning
15 Law; (ii) the proposed Religious Facility use does not meet the minimum road frontage as
16 required by Section 145-39E(3)(a)[3] of the Village of Lansing Zoning Law; (iii) the proposed
17 Religious Facility use parking setbacks do not meet the required minimum front and side yard
18 requirements as required by Section 145-39E(7)(b) of the Village of Lansing Zoning Law; and
19 (iv) the proposed Religious Facility use dimensions do not meet the minimum yard dimension
20 standards for a nonconforming lot as required by Section the 145-63 B of the Village of Lansing
21 Zoning Law.
22

23 Moseley indicated that he had received the proof of mailings for the public hearing.
24

25 Nanya, a representative of the Al-Huda Islamic Center, provided a verbal presentation indicating
26 that they currently do not have a place to congregate and pray, the proposed location is a great
27 location due to close proximity to a bus route which would reduce the vehicle trips to the Islamic
28 Center, they currently have a small congregation, and the maximum number of people would be
29 approximately 75 around the holidays.
30

31 Dubow provided an explanation as to why there are four variances being requested from the
32 applicant. Dubow added that this is currently a non-conforming lot of record and there was a
33 previous variance which was granted by the Village to allow for a reduced side yard setback
34 resulting from an addition to the house. Dubow noted that this lot is currently a single family use.
35 Dubow asked if the building was going to be enlarged.
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37 Nanya noted that the building size would remain the same.
38

39 Garner, owner of the property 15 Oakcrest Road, indicated that his first impression was that he
40 wanted to be welcoming of the religious use. Garner indicated that he bought the 15 Oakcrest
41 Road property as an investment property and due to the religious use was worried about his

42 property value being affected by a more commercial use. Garner added that a parking lot across
43 from his property would be a concern and asked if it could be located in the rear of the lot.
44 Garner expressed concern that a parking lot might affect the sale of his property. Garner noted
45 that the bus route only came to the shops at Ithaca Mall area and it would be quite a walk for
46 people to get the Islamic Center. Garner added that Oakcrest Road does not have sidewalks and
47 can be dangerous for pedestrians.

48
49 Dubow noted that if the variances were to be approved, this proposed project would still need to
50 gain special permit approval by the Planning Board

51
52 Ahmed Garbala, a representative of the Al-Huda Islamic Center, indicated that there are
53 currently 15 different families for which they need a place where they can teach their children
54 the religion. Garbala indicated that they do have some students, but most would be families.

55
56 Dr. Ahmed, a representative of the Al-Huda Islamic Center, indicated that the Al-Huda Islamic
57 Center would like to accommodate the neighborhood's concerns. Ahmed added that there would
58 be no way to park on the street and that they could park behind the building. Ahmed indicated
59 that they could clean the septic system every three months if it is a concern.

60
61 Yusmin, a representative of the Al-Huda Islamic Center, indicated that he has lived in the area
62 for 20 years and not many people have been added to the congregation. Yusmin added that the
63 people could walk from the nearest bus shelter to the Islamic Center. Yusmin noted that the
64 Islamic Center would help the community and neighbors. Yusmin added that they have a small
65 congregation and would like to have a place that they can teach their children to help the
66 community and neighbors.

67
68 Gillespie asked how the parking area was determined.

69
70 Dr. Ahmed indicated that they worked with Moseley.

71
72 Moseley noted that minus the drive lanes there may be enough area to have about 32 parking
73 spaces. Moseley presented visual aids to the Board members and the public to show the
74 approximate area of the parking with approximate setbacks being met.

75
76 With no further input from the public, Eckrich moved to close the public hearing, Seconded by
77 Gillespie; Ayes by Sirois, Gillespie, and Eckrich.

78
79 Eckrich noted that the applicant had not provided input or information as to the following 5
80 question that are required to be answered by the Board for each area variance request.

- 81 1. *Whether an undesirable change will be produced in the character of the neighborhood or detriment to*
82 *nearby properties will be created by granting the area variance.*
- 83 2. *Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to*
84 *pursue other than an area variance.*
- 85 3. *Whether the requested area variance is substantial.*
- 86 4. *Whether the proposed area variance will have an adverse effect or impact on the physical or environmental*
87 *conditions in the neighborhood or district.*

88 5. *Whether the alleged difficulty was self-created.*
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90 Due to the uncertainty of the final plan and the need for additional information and materials from the
91 application, Eckrich suggested that they table the variance request and allow the applicant to provide their
92 input as to the required area variance criteria and then return to a subsequent meeting of the Board at
93 which time a that additional input can be evaluated and a final determination can be made.
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95 Gillespie and Sirois agreed with Eckrich.
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97 Nanya asked if the Board wanted written documentation or verbal documentation.
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99 Dubow noted that written documentation would be most helpful.
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101 Based upon the foregoing, Gillespie moved to re-open the public hearing and simply adjourn it to a
102 subsequent meeting that can be scheduled. Seconded by Eckrich; Ayes by Sirois, Gillespie, and Eckrich.
103

104 Garner asked how one would answer the question proving that the character of the neighborhood would
105 not change.
106

107 Dubow noted that the burden is on the applicant to persuade the Board that the character of the neighborhood
108 will not be undesirably changed nor will there be detriment to nearby properties.
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110
111 **Approval of the Minutes**
112 none
113

114 **Adjournment:**

115 There being no other business, Eckrich moved (at 8:20 P.M.) to adjourn the public hearing and
116 meeting and re-schedule the meeting for February 18, 2014 at 7:30PM to continue the public
117 hearing and conclude the area variance determination. Seconded by Gillespie. Ayes by Sirois,
118 Gillespie, and Eckrich.