

**Village of Lansing
Board of Zoning Appeals
May 20, 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, John Wisor, Roy
3 Hogben; Code Enforcement Officer Marty Moseley; Village Attorney David Dubow; Applicant:
4 Jerry Dietz; Applicant: Neal Zinsmeyer

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6 **Public Comment:**

7 David Sparrow, of Sparrow Wines and Liquor, explained that he would be seeking a use
8 variance for 11 Graham Road West. He further explained that it is zoned as Commercial Low
9 Traffic and he would request to have a retail/wholesale wine and liquor store. Sparrow indicated
10 that there have been numerous restaurants that failed to establish themselves on that particular
11 property. Sparrow noted that he hoped to be in front of the Board next month.

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13 **Public Hearing to Consider:**

14 Sirois opened the public hearing to consider Appeal No. 2014-02, Jerry Dietz, propose to
15 demolish existing non-conforming structure, with respect to the front yard setback from Votapka
16 Road and construct a two car garage in the place of the existing non-conforming structure. An
17 area variance is required because the front yard setback would be deficient, from Votapka Road,
18 where Section 145-40 E(4)(a)[1] of the Village of Lansing Code requires a minimum of 40 feet
19 to the road right of way. The property is located at 143 Graham road in the Medium Density
20 Residential District, Tax Parcel No. 46.1-1-1.1

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22 Sirois asked why the variance was being heard. It was her understanding that Voptapka Rd. may
23 not be a Village road, according to the applicant.

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25 Dubow indicated that the Village has taken the position that Votapka Rd. is a Village road.

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27 Sirois suggested that the Village clarify if they do or do not own the road in question.

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29 Dietz stated that he would be perfectly happy to convey the road to the Village. He added that
30 there is an absence of dedication for the road and an absence of eminent domain used by the
31 Village for the road. Dietz noted that he is the new owner of 143 Graham Road and he would
32 like to remove the existing garage and erect a slightly larger garage in its place.

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34 Moseley noted that since there are two front yards, there is a front yard setback issue for the
35 proposed structure. Moseley noted that the existing structure is a non-conforming structure in
36 accordance with the Village Code.

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38 Dubow explained the possible solutions associated with the possibility that Votapka Rd. is found
39 to actually not be a Village road.

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41 Hogben noted that Peter Sarkas had previously been denied a variance, which would have
42 allowed him to build a three car garage on St. Joesph Lane.

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44 Dietz indicated that he was proposing to build approximately the same building size foot print as
45 what is currently on the property at 143 Graham Rd., but the aesthetics of the new building
46 would improve his property and the neighborhood.

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48 Wisor indicated that it would be an improvement to an existing condition on the property.

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50 Moseley indicated that he had received the proof of mailings for the public hearing. Moseley
51 added that there is no formal environmental review since this is a small residential project.
52 Moseley noted that there is no Tompkins County Planning Department review required.

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

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57 Wisor moved the following variance resolution:

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59 ***VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON***
60 ***MAY 20, 2014 FOR APPEAL NO. 2014-02***

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63 *Motion made by:* _____ *John Wisor* _____

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65 *Motion seconded by:* _____ *Roy Hogben* _____

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67 ***WHEREAS:***

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69 *A. This matter involves consideration of the following proposed action: Appeal No.*
70 *2014-02, Jerry Dietz, propose to demolish existing non-conforming structure, with*
71 *respect to the front yard setback from Votapka Road and construct a two car garage*
72 *in the place of the existing non-conforming structure. An area variance is required*
73 *because the front yard setback would be deficient, from Votapka Road, where Section*
74 *145-40 E(4)(a)[1] of the Village of Lansing Code requires a minimum of 40 feet to*
75 *the road right of way. The property is located at 143 Graham Road in the Medium*
76 *Density Residential District, Tax Parcel No. 46.1-1-1.1; and*

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78 *B. On May 20, 2104, the Village of Lansing Board of Zoning Appeals held a public*
79 *hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i)*
80 *the materials and information presented by and on behalf of the applicant(s) in*
81 *support of this appeal, (ii) all other information and materials rightfully before the*
82 *Board, and (iii) all issues raised during the public hearing and/or otherwise raised in*
83 *the course of the Board's deliberations; and*

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85 C. *On May 20, 2014, in accordance with Article 8 of the New York State Environmental*
86 *Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6*
87 *NYCRR Section 617.5, the Village of Lansing Board of Zoning Appeals determined*
88 *that the proposed action is a Type II action, and thus may be processed without*
89 *further regard to SEQR; and*

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91 D. *On May 20, 2014, in accordance with Section 712-b of the Village Law of the State of*
92 *New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing*
93 *Board of Zoning Appeals, in the course of its deliberations, took into consideration*
94 *the benefit to the applicant if the area variance is granted as weighed against the*
95 *detriment to the health, safety and welfare of the neighborhood or community by such*
96 *grant;*

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

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100 1. *The Village of Lansing Board of Zoning Appeals hereby makes the following findings*
101 *with respect to the specific criteria for such area variance as set forth in Section 712-*
102 *b of the Village Law of the State of New York and Village of Lansing Code Section*
103 *145-74 A(1):*

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

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109 *Finding:*
110 *No. The contemplated project will replace a similar type of structure that is*
111 *servicing the same type of use (a garage). The proposed building will sit*
112 *virtually in the same footprint and with improve the aesthetics of the area.*

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

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119 *Finding:*
120 *No. The location and size of the proposed replacement garage is limited by*
121 *the location and size of the existing non-conforming structure, so there is no*
122 *reasonable alternative other than an area variance.*

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125 *Whether the requested area variance is substantial.*

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127 *Finding:*

128 *No. Since there is an existing building that is currently in the same location as*
129 *the proposed building, and because the proposed building is not substantially*
130 *larger, the variance is not substantial.*

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

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138 *Finding:*

139 *No. The proposed new building, by its nature and construction, will improve*
140 *the aesthetes of the neighborhood.*

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

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145 *Finding:*

146 *Yes, but there will be no substantial change to the size of the footprint of the*
147 *existing building.*

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152 2. *It is hereby determined by the Village of Lansing Board of Zoning Appeals that the*
153 *following variance is **GRANTED AND APPROVED** (with conditions, if any, as*
154 *indicated), it being further determined that such variance is the minimum necessary*
155 *and adequate to grant relief and at the same time preserve and protect the character*
156 *of the neighborhood and the health, safety and welfare of the community:*

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158 **Description of Variance:**

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160 *The existing garage shall be demolished and a new single story replacement garage*
161 *shall be allowed to be erected at the designated location being the current footprint of*
162 *the existing structure. The new structure will be approximately the same size as the*
163 *existing building. The existing building is approximately 23'1" x 20'3".*

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165 **Conditions of Variance:**

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167 1. *The proposed new garage will not exceed 25 feet in width, and shall comply with*
168 *all other applicable Zoning Law dimensional requirements.*

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The vote on the foregoing motion was as follows:

AYES: Mary Sirois, John Wisor, and Roy Hogben.

NAYS: None

The motion was declared to be carried.

Public Hearing to Consider:

Sirois opened the public hearing to consider Appeal No. 2014-03, Dairy One Cooperative Inc., to install a 15 square foot freestanding entrance sign. A variance is required because a sign, of this nature, is not currently permitted for an office/studio/service use within the High Density Residential District by chapter 115 of the Village of Lansing Code. The property is located at 730 Warren Road and has not been built yet but has been granted special permit approval by the Village of Lansing Planning Board, Tax Parcel No. 46.1-4.2.

Zinsmeyer indicated that the Dairy One facility that will be constructed across from Brown Road would like to erect a 15 square foot sign for multiple businesses. The building that will be built will house two businesses (Dairy One and Chestnut Laboratories). Zinsmeyer indicated that they would be landscaping around the sign and it would allow for emergency responders to find the businesses. Zinsmeyer noted that the Dairy One business will mostly have farmer's dropping off samples to be tested. Zinsmeyer added that there is no proposal for building signage.

Sirois indicated that the sign is located directly in front of the proposed building.

Dubow noted that he and Moseley found that, although an office/studio/service building/use is allowed to be operated in the High Density Residential District, a sign is not permitted in accordance with the Village Sign Law (Chapter 115) of the Village Code.

Moseley noted that a typical sign for an apartment complex is approximately 5 square feet and a typical sign for a commercial business, with multiple businesses, is approximately 18 square feet.

The Board discussed and concluded that the proposed sign is smaller than what is typically allowed for a commercial business with multiple businesses, and that the sign is in a commercial area.

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

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

Wisor moved the following variance resolution:

217 **VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON**
218 **MAY 20, 2014 FOR APPEAL NO. 2014-03**

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221 *Motion made by:* _____ *John Wisor* _____

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223 *Motion seconded by:* _____ *Roy Hogben* _____

224
225 **WHEREAS:**

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227 E. *This matter involves consideration of the following proposed action: Appeal No.*
228 *2014-03, Dairy One Cooperative Inc., to install a 15 square foot freestanding*
229 *entrance sign. A variance is required because a sign, of this nature, is not currently*
230 *permitted for an office/studio/service use within the High Density Residential District*
231 *by chapter 115 of the Village of Lansing Code. The property is located at 730 Warren*
232 *Road and has not been built yet but has been granted special permit approval by the*
233 *Village of Lansing Planning Board, Tax Parcel No. 46.1-4.2; and*
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235 F. *On May 20, 2104, the Village of Lansing Board of Zoning Appeals held a public*
236 *hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i)*
237 *the materials and information presented by and on behalf of the applicant(s) in*
238 *support of this appeal, (ii) all other information and materials rightfully before the*
239 *Board, and (iii) all issues raised during the public hearing and/or otherwise raised in*
240 *the course of the Board’s deliberations; and*
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242 G. *On May 20, 2014, in accordance with Article 8 of the New York State Environmental*
243 *Conservation Law - the State Environmental Quality Review Act (“SEQR), and 6*
244 *NYCRR Section 617.5, the Village of Lansing Board of Zoning Appeals determined*
245 *that the proposed action is a Type II action, and thus may be processed without*
246 *further regard to SEQR; and*
247
248 H. *On May 20, 2014, in accordance with Section 712-b of the Village Law of the State of*
249 *New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing*
250 *Board of Zoning Appeals, in the course of its deliberations, took into consideration*
251 *the benefit to the applicant if the area variance is granted as weighed against the*
252 *detriment to the health, safety and welfare of the neighborhood or community by such*
253 *grant;*

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

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257 1. *The Village of Lansing Board of Zoning Appeals hereby makes the following findings*
258 *with respect to the specific criteria for such area variance as set forth in Section 712-*
259 *b of the Village Law of the State of New York and Village of Lansing Code Section*
260 *145-74 A(1):*
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Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting the area variance.

*Finding: No
The existing area is similar in nature and the sign would be visually consistent with the area.*

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

*Finding: No
An area variance is the only option for the applicant to be able to place a sign to identify their business.*

Whether the requested area variance is substantial.

*Finding: No
The proposed 15 square foot sign is smaller than what is allowed for a typical multi-tenant business in any commercial district within the Village, which is 18 square feet.*

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

*Finding: No
The proposed sign would be an improvement for individuals trying to locate the business since all businesses are required to be identified for emergency services. The aesthetics will be improved since there will be construction of a new facility at the site.*

Whether the alleged difficulty was self-created.

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*Finding: Yes
Since the applicant is erecting a new building, it is self-created, but every building needs to be identified for emergency services.*

3. *It is hereby determined by the Village of Lansing Board of Zoning Appeals that the following variance is **GRANTED AND APPROVED** (with conditions, if any, as indicated), it being further determined that such variance is the minimum necessary and adequate to grant relief and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community:*

Description of Variance:

Approved 1 multi-tenant 15 square foot sign which will be illuminated.

Conditions of Variance:

None

The vote on the foregoing motion was as follows:

AYES: Mary Sirois, John Wisor, and Roy Hogben

NAYS: None

The motion was declared to be carried.

Approval of the Minutes

None

Adjournment:

There being no other business, Hogben moved to adjourn at 8:40 P.M.. Seconded by Wisor. Ayes by Sirois, Wisor, and Hogben.