

**Village of Lansing
Board of Zoning Appeals
May 5, 2015**

1 The meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:34 P.M. by
2 Chairperson Mary Sirois. Present at the meeting were Board members, John Wisor, Patrick
3 Gillespie, Roy Hogben, and Don Eckrich;; Code Enforcement Officer Marty Moseley; and
4 Village Attorney David Dubow; Village resident Rich Stienacher; Karl Schuler from Taylor
5 Builds; and Rodger Langer from NH Architecture.
6
7

8 **Public hearing to consider:**

9 2015-1 CU Suites LLC., to construct a multi-story, approximately 87,515 square feet ,
10 Mixed Use building, on the West Side of Cinema Drive in between Homewood Suites
11 LLC and CFCU Community Credit Union, in the Commercial High Traffic District, Tax
12 Parcel No. 46.1-6-4.2. One or more variances is/are required because (i) the proposed
13 Mixed Use development does not provide for adequate rear yard parking setback as
14 required by Section 145-43E.(7)(c) of the Village of Lansing Zoning Law; and (ii) the
15 proposed Mixed Use Development exceeds the maximum height allowed per Section
16 145-43E. (8) of the Village of Lansing Zoning Law and is a requested and proposed
17 amendment to a previously granted height variance that was granted prior hereto.
18

19 Dubow noted that Schuler was not an authorized agent and would need to provide the Village
20 with confirmation that he could act on behalf of the owner or that the current agent or owner
21 would need to attend the meetings.
22

23 Schuler noted that he has been working with the Village and Manley Thaler, owner of the
24 property and proposed project.
25

26 Moseley noted that he is aware that Manley Thaler has hired Schuler for the proposed project,
27 but Schuler should verify in writing to the Village they he can act as the designated agent.
28

29 Schuler noted that this project was originally a student housing project and has now been
30 changed to a senior housing project, based on the needs for the community. Schuler noted that
31 locally there is a need for both market rate and affordable senior housing and this project is a
32 market rate project. Schuler noted that the project is still proposed to be a mixed use building
33 with two commercial components and would fit in with the character of the neighborhood due to
34 there being apartments and commercial businesses in the immediate area. Schuler noted that
35 there is currently a car dealership, a hotel, a bank, and a small shopping plaza contiguous to the
36 proposed project. Schuler noted that the project originally had a peaked roof, but the peaked roof
37 was not financially viable. Schuler added that the Planning Board liked the idea of a green roof,
38 which has now been incorporated with the project with a stair tower and an elevator for the
39 purposes of access to the area. Schuler noted the green roof would also be a patio of sorts.
40

41 Langer indicated that the New York State Building Code requires a roof access and if one person

42 uses the roof, all individuals, including mobility impaired, need to have access to the roof.
43 Langer noted that the elevator is provided for handicap individuals that would utilize the roof.
44 Langer added that they have provided elevations showing the sight impact from various areas
45 near the proposed project. Langer added that most individuals walking in the area would not be
46 able to visually see the elevator shaft or stair shaft. Langer provided pictures to the Board
47 members. Langer noted that there would be no visual impact from adjoining properties except
48 for the top floor of the hotel.

49
50 Schuler indicated that they did not need to incorporate the green roof, but thought that it would
51 make the project more marketable. Schuler added that the Planning Board also liked the idea of a
52 green roof.

53
54 Sirois asked if the green roof would be gardens.

55
56 Schuler indicated that it could be. Schuler noted that the plans have not been finalized yet.
57 Schuler noted that they have incorporated green roofs on previous projects. Schuler indicated
58 that the green roof aspect is the major contributor to the variance request for the height.

59
60 Schuler indicated that the Planning Board pointed out that there would not be enough parking for
61 the additional units that are being proposed. Schuler noted that they have proposed to provide
62 parking spaces incorporating porous pavement, which would provide for the stormwater quality
63 and quantity under the parking area. Schuler indicated that they are also proposing to have a
64 pedestrian and vehicle connection to the parking lot in the rear of the Triphammer Marketplace
65 and the proposed project. Schuler noted that the commercial uses in the Triphammer
66 Marketplace would complement the residents that would be located in this project. Schuler noted
67 that some of the shopping plazas and commercial buildings would not conform to the current
68 Village zoning requirements for yard setbacks, but that this project would be better than what is
69 currently in the area.

70
71 Moseley provided the previously approved resolution for the CU Suites project to the Board
72 members. Moseley noted that proofs of mailings have been received.

73
74 Dubow noted that Tompkins County Planning Department's review of the project, in accordance
75 with General Municipal Law 239 -l and -m, indicates that they do not support the requested
76 variance for the increased parking area in the rear of the project. The County indicated that by
77 having the rear parking area and infringing on the rear yard setback, there is a reduction in green
78 space and more stormwater runoff would occur, which would cause a negative impact.

79
80 Dubow added that the Board of Zoning Appeals would not be able to render a decision this
81 evening due to not having the SEQRA (State Environmental Quality Review Act) short form
82 finalized. Dubow explained that previously, the Planning Board was the lead agency for the
83 SEQRA Short EAF (Environmental Assessment Form), which was then provided to the Board of
84 Zoning Appeals for their consideration of impact on each of the variance requests. Dubow noted
85 that once the Planning Board is provided with an application, and finalizes the Short form
86 SEQRA, the Board of Zoning Appeals can take action. Dubow added that the Planning Board

87 would be considered to be the Lead Agency as determined during the last approval process.
88 Dubow noted that this meeting would be an informal review and an open dialogue.

89

90 Schuler indicated that the hydrology of the site, for stormwater, has not changed.

91

92 Sirosis opened the public hearing for the following variance request:

93 2015-1 CU Suites LLC., to construct a multi-story, approximately 87,515 square feet ,
94 Mixed Use building, on the West Side of Cinema Drive in between Homewood Suites
95 LLC and CFCU Community Credit Union, in the Commercial High Traffic District, Tax
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97 Mixed Use development does not provide for adequate rear yard parking setback as
98 required by Section 145-43E.(7)(c) of the Village of Lansing Zoning Law; and (ii) the
99 proposed Mixed Use Development exceeds the maximum height allowed per Section
100 145-43E. (8) of the Village of Lansing Zoning Law and is a requested and proposed
101 amendment to a previously granted height variance that was granted prior to hereto.

102

103 Steinacher was concerned with what kind of precedent this might set for other projects in the
104 Village.

105

106 Langer noted that steeples, towers, etc. are exempt from the New York State Building Code and
107 the elevator and stair tower is a functional aspect within the building. Langer added that because
108 it is not the main façade and is a functional aspect of the building, the stair tower and the elevator
109 shaft would be in the same category.

110

111 Dubow noted that area variances have specific questions that are asked of every applicant, which
112 is also a balancing test. This provides analyzation of each project specifically.

113

114 Schuler noted that the proposed building would be similar in nature to what is currently in the
115 area.

116

117 Eckrich noted that based on the proposed changes the aesthetics have changed. For instance,
118 previously there was a peaked roof and now there is a flat roof with an additional story being
119 proposed. Eckrich added that he understands that for financial reasons, there is a proposal to add
120 another story to the project and to add more units. Eckrich questioned why there needed to be a
121 mixed use building.

122

123 Moseley explained that the Village Zoning did not allow for multifamily residential within the
124 Commercial High Traffic District, but if mixed use were utilized then residential components
125 would be an allowed use.

126

127 Eckrich asked if that was a self-created hardship.

128

129 Schuler noted that it was somewhat of a self-created hardship, but would provide for an
130 improvement to the character of the neighborhood. Schuler noted that

131

132 Eckrich asked about fire escapes.

133

134 Langer indicated that they are all interior stairwells with the appropriate fire ratings.

135

136 Steinacher asked about ADA American with Disabilities Act requirements.

137

138 Langer noted that all of the units will be adaptable for individuals with disabilities and that 5% of
139 the apartments will be handicap accessible.

140

141 Gillespie indicated that additional handicap parking should be integrated due to the demographic.

142

143 Wisor asked about the overflow parking.

144

145 Schuler indicated that they are still proposing to have overflow parking on the Triphammer
146 Marketplace property, which is owned by the Thalers as well.

147

148 The Board of Zoning Appeals liked the idea of not having a pond so as to not have standing
149 water on site to attract insects.

150

151 Sirois asked if the height proposal would interfere with the airport flights.

152

153 Moseley indicated that they would most likely not be affected, as the Business and Technology
154 District has a 45 foot height restriction and they are much closer to the airport than the proposed
155 project.

156

157 Sirois asked about working though the questions for the area variance requests.

158

159 Dubow noted that they could be done informally, at this time.

160

161 Wisor asked about the Tompkins County 239 review comments.

162

163 Dubow explained that the County is required to provide comments when a project is within 500
164 feet of a municipal jurisdictional boundary. Dubow added that the comments are not an approval
165 or denial action, but rather comments for the municipality to consider during their actions on the
166 requested variances. If suggestions are made by the County and the recommendations are not
167 adopted, approval will require a majority plus one vote.

168

169 Sirois officially opened the public hearing for appeal number 2015-01.

170

171 Schuler indicated that hydraulically the stormwater runoff has not changed.

172

173 Steinacher asked what type of precedent this would set for construction in the Village in the
174 event that it is approved, and what type of impact it may have on the neighboring properties.
175 Steinacher added that other businesses may request to have taller buildings as well.

176

177 Langer indicated that the elevator shaft and stairwell shaft are not a functional aspect of the
178 building or part of its façade, and in accordance with the NYS Building Code it would not be
179 considered as part of the overall height.

180

181 Dubow noted that an area variance is required to meet specific criteria in order to be granted.
182 This would allow for different projects and different properties to be evaluated on their own
183 merits.

184

185 Sirois noted that she liked the idea of having the pavement in the back of the property instead of
186 a stormwater pond. This would reduce stagnant water and reduce insects. Sirois added that the
187 Village originally picked the 35 foot maximum height requirement because of the airport landing
188 areas.

189

190 Moseley indicated that he was not aware that there would be an issue with the landing areas
191 since the area next to the airport, the Business and Technology District, maximum height is 45
192 feet.

193

194 Wisor asked about the Tompkins County Planning Department review, which “*recommended*
195 *disapproving the rear yard parking setback variance request because this is the only area on the*
196 *site in which to provide any outdoor green space for use by the residents of the 59 proposed*
197 *units. The added pavement would also result in additional stormwater concerns. We do not find*
198 *any adverse countywide impacts with the remainder of the proposed variances*”

199

200 Dubow indicated that the comments from the Tompkins County Planning Department can be
201 superseded by a majority plus one of the voting Board members. Dubow added that the County
202 has no approval or denial power specifically, but rather just recommends to the communities
203 their opinion on the action being taken.

204

205 Moseley explained the concept behind porous pavement, as its intent is to reduce impervious
206 areas and allow for the stormwater retentions/treatment facility to be under the porous pavement.
207 Moseley further explained the interworking of porous pavement integrated stormwater facilities.

208

209 Hogben asked if the current property owner owns all of the property around the proposed
210 building, why is there a consideration for a parking setback.

211

212 Moseley indicated that the rear yard parking setback is measured from the rear yard property line
213 and does not take into account who the adjoining property owner is.

214

215 Sirois noted that they will leave the public hearing open until a further date at which point the
216 applicant will have a chance to apply for a special permit through the Planning Board. At the
217 Planning Board meeting, the Planning Board will finalize the SEQRA form and process. After
218 the short EAF is finalized by the Planning Board, the BZA can schedule a meeting and then be
219 able to take action.

220

221 **Approval of Minutes:**

222 Eckrich moved to accept the January 21, 2014 minutes as amended. Seconded by Gillespie. Ayes
223 by Sirois, Gillespie, and Eckrich. Abstention by Wisor and Hogben

224

225 Wisor moved to accept the May 20, 2014 minutes as amended. Seconded by Hogben. Ayes by
226 Sirois, Hogben, and Wisor. Abstention by Eckrich and Gillespie.

227

228 Hogben moved to accept the September 16, 2014 minutes as amended. Seconded by Gillespie.
229 Ayes by Sirois, Gillespie, Eckrich, Wisor and Hogben

230

231 **Adjournment:**

232

233 Gillespie moved to adjourn at 8:39 PM. Seconded by Eckrich; Ayes by Sirois, Gillespie, Eckrich,
234 Wisor and Hogben