

Village of Lansing  
Board of Zoning Appeals Meeting  
Minutes of March 20, 2018

The meeting of the Village of Lansing Planning Board of Zoning Appeals was called to order at 7:04PM by Chairman, Lynn Leopold.

Present at the meeting were Board of Zoning Appeals Members: Chair, Lynn Leopold, Roy Hogben, John Wisor, Simon Moll, and Patrick Gillespie; Village of Lansing Code Enforcement Officer, Adam Robbs; Village Attorney, William Troy; Additional people in attendance; Monica Moll

**Public Comment Period**

Gillespie moved to open public comment period, Hogben seconded the motion. With no one wishing to speak, Wisor moved to close the public comment period. Seconded by Hogben  
Ayes: Gillespie, Leopold, Hogben, Moll, and Wisor.

Nays: None

Leopold introduced the following appeal:

***Appeal No. 2018-01**, Rachel Dunifon & John Cawley to construct an addition on their single-family residence at 25 Cedar Lane. A variance is required because the proposed addition would encroach on the rear yard setback. An area variance is required because a portion of the proposed addition would be out of compliance with section 145-39 E(5) of the Village of Lansing Code, which requires a 40 ft. rear yard setback. The property is located in a Low-Density Residential District, tax parcel 48.1-2-48.2.*

There was discussion about the appeal.

Wisor motion to close public comment. Seconded by Gillespie.

Ayes: Gillespie, Leopold, Hogben, Moll, and Wisor

Nays: None

Leopold read the following resolution:

*VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON  
MARCH 20, 2018 FOR APPEAL NO. 2018-01*

*Motion made by: Pat Gillespie*

*Motion seconded by: John Wisor*

**WHEREAS:**

- A. *This matter involves consideration of the following proposed action: Appeal No. 2018-01, Rachel Dunifon & John Cawley to construct an addition on their single-family*

43 *residence at 25 Cedar Lane. A variance is required because the proposed addition*  
44 *would encroach on the rear yard setback. An area variance is required because a*  
45 *portion of the proposed addition would be out of compliance with section 145-39 E. (5)*  
46 *of the Village of Lansing Code, which requires a 40ft Rear yard setback. The property*  
47 *is located in a low-density residential district, Tax parcel ID No.48.1-2-48.2*  
48

49 *B. On March 20, 2018 the Village of Lansing Board of Zoning Appeals held a public*  
50 *hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i)*  
51 *the materials and information presented by and on behalf of the applicant(s) in support*  
52 *of this appeal, (ii) all other information and materials rightfully before the Board, and*  
53 *(iii) all issues raised during the public hearing and/or otherwise raised in the course*  
54 *of the Board's deliberations; and*  
55

56 *C. On March 20, 2018, in accordance with Article 8 of the New York State Environmental*  
57 *Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6*  
58 *NYCRR Section 617.5, the Village of Lansing Board of Zoning Appeals determined that*  
59 *the proposed action is a Type II action, and thus may be processed without further*  
60 *regard to SEQR; and*  
61

62 *D. On March 20, 2018, in accordance with Section 712-b of the Village Law of the State*  
63 *of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing*  
64 *Board of Zoning Appeals, in the course of its deliberations, took into consideration the*  
65 *benefit to the applicant if the area variance is granted as weighed against the detriment*  
66 *to the health, safety and welfare of the neighborhood or community by such grant;*  
67

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

69  
70 *The Village of Lansing Board of Zoning Appeals hereby makes the following findings with*  
71 *respect to the specific criteria for such area variances(s) as set forth in Section 712-b of*  
72 *the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1):*  
73

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

77 *Finding: No, unanimous*  
78

79 *Whether the benefit sought by the applicant can be achieved by some method*  
80 *feasible for the applicant to pursue other than an area variance.*  
81

82 *Finding: No, building would not conform*

83                    *Whether the requested area variance is substantial.*

84

85                    *Finding: No, unanimous*

86

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

89                    *Finding: No, unanimous*

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

91                    *Finding: Yes, because of addition*

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

97

98                    *Description of Variance: See Part A*

99

100                   *Conditions of Variance:*

101

102                   *The vote on the foregoing motion was as follows:*

103                   *AYES: Leopold, Gillespie, Hogben, Moll, and Wisor*

104                   *NAYS: None*

105                   *The motion was declared to be carried.*

106                   Leopold introduced the following appeal:

107

108                   ***Appeal No. 2018-02, Monica Moll of 44 Dart Drive to construct a 10'X12' garden shed***  
109                   */greenhouse in the front yard at the foot of driveway. This structure will be for starting and*  
110                   *keeping plants as well as shelter for children waiting for the bus. A Variance is required because*  
111                   *the moveable building is proposed for the front yard and would be out of compliance with*  
112                   *Section 145-32.2 A (3)(4) which requires all moveable buildings to be placed in the rear or side*  
113                   *yards. The property is located in the medium density residential district.*

114

115                   There was discussion about the appeal.

116

117 Appeal was withdrawn without prejudice.

118

119 Wisor motioned to close the public hearing. Seconded by Hogben.

120 Ayes: Gillespie, Leopold, Hogben, Moll, and Wisor.

121 Nays: None

122

123 **Approval of Minutes:**

124 Hogben motioned to approve minutes of May 17, 2017 as written. Seconded by Wisor.

125 Ayes: Leopold, Hogben, Moll, and Wisor.

126 Nays: None

127 Abstain: Gillespie

128

129 Gillespie motioned to approve minutes of November 17, 2018 with changes. Seconded by  
130 Hogben.

131 Ayes: Gillespie, Leopold, Hogben, and Moll.

132 Nays: None

133 Abstain: Wisor

134

135 **Adjourn:**

136 Wisor motioned to adjourn at 7:53. Seconded by Hogben.

137 Ayes: Gillespie, Leopold, Hogben, Moll, and Wisor.

138 Nays: None

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