

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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