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3 Village of Lansing  
4 Board of Zoning Appeals Meeting  
5 Minutes of April 10, 2019

6 The meeting of the Village of Lansing Board of Zoning Appeals was called to order at 7:01pm by Chair,  
7 Lynn Leopold.

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9 Present at the meeting were Board of Zoning Appeals Members: Chair, Lynn Leopold, Patrick Gillespie,  
10 Roy Hogben, and John Wisor (arrived at 7:16); Village of Lansing Code Enforcement Officer, Michael  
11 Scott; Village Attorney, William Troy; John Snyder of John Snyder Architects; and Phil Maguire of  
12 Maguire Family Limited Partnership.

13  
14 Absent: Simon Moll

15  
16 Leopold opened the public hearing and read the proposal;

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18 **Public Hearings to Consider:**

19 The Village of Lansing Planning Board is considering a proposed project by Maguire Nissan of Ithaca  
20 (Special Permit #4242). The project will include development of 35 Cinema Drive (Tax Parcel # 46.-1-6-  
21 5.1) which is a 4-acre commercial property consisting of an existing Chevrolet Cadillac dealership, and a  
22 presented new Nissan dealership. As the site plan has been presented, it will require the following zoning  
23 appeals:

24 **Appeal No. 2019-01, 150 Foot Buffer Strip Setback: Proposed Distance is 80 Feet. Granted 3/13/19**

25 **Appeal No. 2019-02, 75 Foot Front Yard Setback: Proposed Distance is 67 Feet. Granted 3/13/19**

26 **Appeal No. 2019-03, 24 Foot 2-Way Traffic Width Needed for Drive Aisles within Parking**  
27 **Lots: Proposed 22 Feet Service Area and Display Vehicle Drives. Granted 3/13/19**

28 **Appeal No. 2019-04, Maximum Signage Area Allowed is 100 Square Feet: Proposed 611 Square Feet.**  
29 **Denied 3/13/19**

30 **Appeal No. 2019-05, 25 Foot Front Yard Parking Setback: Proposed Distance 0 Feet. Granted 3/13/19**

31 **Appeal No. 2019-06, 15 Foot Side Yard Parking Setback: Proposed Distance is 2 Feet. Granted 3/13/19**

32 **Appeal No. 2019-07, 15 Foot Rear Yard Parking Setback: Proposed Distance is 5 Feet. Granted 3/13/19**

33 **Appeal No. 2019-08, Maximum Signage Area Allowed is 100 Square Feet: Proposed 380.5 Square Feet.**

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35 Leopold said the signage would be the topic for discussion and stated the present permit application is for  
36 approximately 385 sq. ft. for total signage. She said they submitted three options at the Monday, March  
37 11, 2019 Planning Board (PB) meeting with each having variations and said the Board would need to figure  
38 out what option to go with if they were to approve.

39  
40 Troy asked what option they were asking for. Maguire said they homed in on what the PB suggested and  
41 are looking for a variance for any of their three options. Scott said the PB was looking at the option where  
42 the signage was less than 385 sq. ft. and explained what he thought they suggested.

43

44 Leopold said it was not up to the Board of Zoning Appeals (BZA) to decide what option to pick. Troy  
45 reviewed the options and the square footage each option proposed. There was conversation of what each  
46 option consisted of and what decisions were made at the PB meeting, what signs would be lit, and the square  
47 footage.

48

49 Snyder showed a power-point of the signs and what ones would be lit. There was conversation of all the  
50 signs, what would be lit on the Nissan sign, and what the PB requested. Leopold said the PB needs to re-  
51 visit the Code for signage as signs have changed. There was conversation regarding the Code, the size of  
52 the signs, and how much over the limit that are.

53

54 Hogben said he has been at most of the Planning Board meetings and feels they have taken all action to get  
55 as close to what is required. Discussion on other franchises and the Chevy/Cadillac dealership being tough  
56 for future updates as the franchise requires different signs today. Hogben said he is not aware of complaints  
57 and he thinks their proposal looks good. Leopold said it looks classy and clean, not cluttered. Hogben  
58 expressed some concern for setting a precedent that could come of this. Gillespie said the PB will need to  
59 revisit the zoning. There was conversation regarding the expansions of existing properties and setting  
60 precedent. Leopold said it would be looked at case by case.

61

62 Troy said if the resolution is granted, he would like a picture attachment before it is signed for future  
63 reference. Maguire explained what the City of Ithaca allows for multiple franchises. Leopold talked about  
64 planned signed areas and multiple pylons, and what and where different types of signs are at the  
65 Chevy/Cadillac dealership.

66

67 Leopold read through the resolution and findings:

68

69 **VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED**  
70 **ON APRIL 10, 2019 FOR APPEAL NO. 2019-8**

71 **WHEREAS:**

72 A. This matter involves consideration of the following proposed action: Appeal No. 2019-  
73 08, Maguire Family Limited Partnership of 504 South Meadow Street, Ithaca, New  
74 York, through its agent Saratoga Associates and George Turner, proposes to pursue a  
75 project for development of a 4-acre commercial property consisting of an existing  
76 Chevrolet Cadillac dealership and a new Nissan dealership to include construction of a  
77 two story, 25,235 sq. feet (gross floor area) sales and service building with associated  
78 parking, public water, sewer and electrical services, pedestrian and vehicular  
79 circulation, site lighting and signage, retaining wall, fence screening, landscaping and  
80 improvement to existing curb cuts for Maguire Nissan of Ithaca at Uptown Road and  
81 Cinema Drive; and proposes on this appeal as follows:

82

83 Section 115-7.1B(2) of the Village of Lansing Code requires a maximum of 100 square  
84 feet of signage for a new car sales outlet. The property is located at 35 Cinema Drive  
85 in the Commercial High Traffic District, Tax Parcel No. 46.1-6-5.1; and

86 All signage on the applicant's project site is greater than a total of 100 square feet,  
87 which exceeds the maximum allowed by the Village of Lansing Zoning requirements  
88 for signage area. A variance is requested to allow applicant to exceed the maximum  
89 signage area permitted for the project. (See attached Sheets L603 and L604 for  
90 information and details regarding proposed signage, and Sign Table on Sheet G100.).  
91 The total proposed square foot area of signage is 380.5 square feet; and

92 According to the Zoning requirements, no more than two additional Advertising Signs,  
93 each no more than 5 Square Feet, are permitted. The project proposed more than 6  
94 totem signs greater than 10 square feet. Therefore, a variance is requested, because the  
95 project proposed to exceed the allowable number and square footage of signs. (See  
96 attached Sheet L603 and Sheet L300 for location and details regarding proposed  
97 additional site signage.) Specifically, applicant requests that the Board of Zoning  
98 Appeals permit 380.5 square feet of signage to be comprised of six signs excluding the  
99 way-finder sign, as shown on presentation dated April 10, 2019 prepared by applicant  
100 and submitted to the Board of Zoning Appeals; and

101

102 B. On February 26, 2019, in accordance with Article 8 of the New York State  
103 Environmental Conservation Law - the State Environmental Quality Review Act  
104 ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board  
105 determined that the proposed action is a Type II action, and thus may be processed  
106 without further regard to SEQR; and

107

108 C. At a meeting of the Village of Lansing Board of Zoning Appeals held on March 13,  
109 2019, Board of Zoning denied Appeal No. 2019-4 which sought a variance with respect  
110 to total proposed square foot area of signage of 611 square feet; and

111

112 D. On April 10, 2019, the Village of Lansing Board of Zoning Appeals held a public  
113 hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i) the  
114 materials and information presented by and on behalf of the applicant(s) in support of  
115 this appeal, (ii) all other information and materials rightfully before the Board, and (iii)  
116 all issues raised during the public hearing and/or otherwise raised in the course of the  
117 Board's deliberations; and

118

119 E. On April 10, 2019, in accordance with Section 712-b of the Village Law of the State  
120 of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing  
121 Board of Zoning Appeals, in the course of its deliberations, took into consideration the  
122 benefit to the applicant the area variance is granted as weighed against the detriment to  
123 the health, safety and welfare of the neighborhood or community by such grant;

124

125 NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

126 1. The Village of Lansing Board of Zoning Appeals hereby makes the following  
127 findings with respect to the specific criteria for such area variance as set forth in  
128 Section 712-b of the Village Law of the State of New York and Village of Lansing  
129 Code Section 145-74 A(1):  
130

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

134  
135 Finding: No, by unanimous vote  
136

137 *Whether the benefit sought by the applicant can be achieved by some method*  
138 *feasible for the applicant to pursue other than an area variance.*  
139

140 Finding: No, by unanimous vote  
141

142 *Whether the requested area variance is substantial.*  
143

144 Finding: Yes, by unanimous vote  
145

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

148 Finding: No, by unanimous vote  
149

149 *Whether the alleged difficulty was self-created.*  
150

150 Finding: Yes, by unanimous vote  
151

151 2. It is hereby determined by the Village of Lansing Board of Zoning Appeals that the  
152 requested variance is **GRANTED**.  
153

154 The vote on the foregoing motion was as follows:

155 Motion made by: Patrick Gillespie

156 Motion seconded by: Roy Hogben

157 AYES: Leopold, Gillespie, Hogben, Wisor

158 NAYS: none

159 The motion was declared to be Granted.

160 Snyder asked what comprised the seven signs and what was determined as wayfinding by the PB,  
161 therefore making it five signs. Troy said he can update the resolution to exclude the three way-  
162 finding signs as shown in their drawings. He said he will work with them to write this up. There  
163 was conversation on what made up the five signs, what made up the square footage, and the  
164 charging stations.

165

166 Leopold thanked them for their patience in the process and applauded them for their proposal.  
167 Maguire said the suggestions of the Boards made their proposal better.

168

169 **Approval of Minutes:**

170

171 **March 13, 2019**

172 Wisor moved to accept the minutes of March 13, 2019, Seconded by Gillespie;

173 AYES: Leopold, Gillespie, Hogben, and Wisor.

174 NAYS: None:

175

176 **Adjournment:**

177 Gillespie moved to adjourn at 7:39 PM. Seconded by Wisor.

178 AYES: Leopold, Gillespie, Hogben, and Wisor.

179

180 Minutes taken by: Tammy Milliman, PT Clerk

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