

DRAFT

Village of Lansing
Board of Zoning Appeals Meeting
Minutes of February 12, 2020

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

Present at the meeting were Board of Zoning Appeals Members: Chair Lynn Leopold, Patrick Gillespie, Roy Hogben, Simon Moll, and John Wisor; Village of Lansing Code Enforcement Officer, Michael Scott; Village Attorney, William Troy; John Snyder of John Snyder Architects.

Leopold opened the meeting and read the proposal;

Public Hearings to Consider:

The Maguire Family Limited Partnership, represented by John Snyder Architects, is seeking approval from the Planning Board for a subdivision. The property located at 35 Cinema Drive (Tax Parcel # 46.-1-6-5.1), which currently has 4 acres, would be subdivided into 2 lots. Parcel A would contain 2.09 acres and Parcel B would have the remaining 1.91 acres. As the site plan has been presented, it will require two approvals by the Board of Zoning Appeals.

Leopold said there are two variance issues to review. Scott explained that the variances are created due to the proposed subdivision of 35 Cinema Drive. The dividing lot line would require both new lots to apply for a side parking setback variance. John Snyder added Bolton Point only allows one water meter per parcel. The two Maguire dealerships would like their own meter, therefore, the need for the subdivision. Leopold asked if there were any questions or comments.

Leopold read through resolution 2020-01;

VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 12, 2020 FOR APPEAL NO. 2020-01.

Motion made by: Simon Moll

Motion seconded by: Roy Hogben

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2020-01, Maguire Family Limited Partnership of 504 South Meadow Street, Ithaca, New York, represented by John Snyder Architects, are requesting an area variance for parking side yard setback. The Village parking side yard setback, as per Section 145-43 E(7)b, requires 15-feet in the CHT district. They are asking to adjust the requirement to 5-feet resulting in a 10-foot deficiency of the Village code requirement. This request is only for the west side of the new Nissan dealership. The reason for the variance is due to the proposed subdivision of 35 Cinema Drive (Tax Parcel 46.1-6-5.1) into 2 Parcels as required by Bolton Point for 2 separate water meters.
- B. On February 12, 2020, the Village of Lansing Board of Zoning Appeals held a public hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i) the materials and

46 information presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other
47 information and materials rightfully before the Board, and (iii) all issues raised during the public
48 hearing and/or otherwise raised in the course of the Board's deliberations; and
49

50 C. On February 12, 2020, in accordance with Article 8 of the New York State Environmental
51 Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section
52 617.5, the Village of Lansing Board of Zoning Appeals determined that the proposed action is a
53 Type II action, and thus may be processed without further regard to SEQR; and
54

55 D. On February 12, 2020, in accordance with Section 712-b of the Village Law of the State of New
56 York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning
57 Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if
58 the area variance is granted as weighed against the detriment to the health, safety and welfare of
59 the neighborhood or community by such grant;
60

61 NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

62 The Village of Lansing Board of Zoning Appeals hereby makes the following findings with respect
63 to the specific criteria for such area variances(s) as set forth in Section 712-b of the Village Law of
64 the State of New York and Village of Lansing Code Section 145-74 A(1):
65

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

68 Finding: No, by unanimous vote
69

70 *Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue*
71 *other than an area variance.*
72

73 Finding: No, by unanimous vote
74

75 *Whether the requested area variance is substantial.*
76

77 Finding: Yes, by unanimous vote
78

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

81 Finding: No, by unanimous vote
82

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

84 Finding: No, by unanimous vote
85

86 It is hereby determined by the Village of Lansing Board of Zoning Appeals that the following
variance(s) is/are **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

87 at the same time preserve and protect the character of the neighborhood and the health, safety and
88 welfare of the community:

89
90 **Description of Variance:** As described in “A”

91
92 **Conditions of Variance:** None

93
94 It is hereby determined by the Village of Lansing Board of Zoning Appeals that the requested variance is
95 **GRANTED.**
96

97 The vote on the foregoing motion was as follows:

98 AYES: Gillespie, Hogben, Leopold, Moll, Wisor

99 NAYS: None

100 The motion was declared to be carried.

101 Leopold read through Appeal No. 2020-02.

102
103 VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
104 FEBRUARY 12, 2020 FOR APPEAL NO. 2020-02.

105

106 Motion made by: Pat Gillespie

107 Motion seconded by: Roy Hogben

108 **WHEREAS:**

- 109 A. This matter involves consideration of the following proposed action: Appeal No. 2020-02, Maguire
110 Family Limited Partnership of 504 South Meadow Street, Ithaca, New York, represented by John
111 Snyder Architects, are requesting an area variance for parking side yard setback. The Village
112 parking side yard setback, as per Section 145-43 E(7)b, requires 15-feet in the CHT district. They
113 are asking to adjust the requirement to 0 feet resulting in a 15-foot deficiency of the Village code
114 requirement. This request is only for the east side of the existing Chevy/Cadillac dealership. The
115 reason for the variance is due to the proposed subdivision of 35 Cinema Drive (Tax Parcel 46.1-
116 6-5.1) into 2 Parcels as required by Bolton Point for separate water meters.
- 117 B. On February 12, 2020, the Village of Lansing Board of Zoning Appeals held a public hearing
118 regarding such action, and thereafter thoroughly reviewed and analyzed (i) the materials and
119 information presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other
120 information and materials rightfully before the Board, and (iii) all issues raised during the public
121 hearing and/or otherwise raised in the course of the Board’s deliberations; and
- 122 C. On February 12, 2020, in accordance with Article 8 of the New York State Environmental
123 Conservation Law - the State Environmental Quality Review Act (“SEQR), and 6 NYCRR Section
124 617.5, the Village of Lansing Board of Zoning Appeals determined that the proposed action is a
125 Type II action, and thus may be processed without further regard to SEQR; and

126 D. On February 12, 2020, in accordance with Section 712-b of the Village Law of the State of New
127 York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning
128 Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if
129 the area variance is granted as weighed against the detriment to the health, safety and welfare of
130 the neighborhood or community by such grant;
131

132 NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

133 The Village of Lansing Board of Zoning Appeals hereby makes the following findings with respect
134 to the specific criteria for such area variances(s) as set forth in Section 712-b of the Village Law of
135 the State of New York and Village of Lansing Code Section 145-74 A(1):
136

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

139 Finding: No, by unanimous vote

140 *Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue*
141 *other than an area variance.*
142

143 Finding: No, by unanimous vote

144 *Whether the requested area variance is substantial.*
145

146 Finding: Yes, by unanimous vote
147

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

150 Finding: No, by unanimous vote

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

152 Finding: No, by unanimous vote

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

158 **Description of Variance:** As described in "A"
159

160 **Conditions of Variance:** None
161

162
163 It is hereby determined by the Village of Lansing Board of Zoning Appeals that the requested variance is
164 **GRANTED.**
165

166 The vote on the foregoing motion was as follows:

167 AYES: Gillespie, Hogben, Leopold, Moll, Wisor

168 NAYS: None

169 The motion was declared to be carried.

170 **Approval of Minutes:**

171

172 **April 19, 2019**

173 Wisor moved to accept the minutes of April 19, 2019. Seconded by Hogben.

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

175 NAYS: None

176 Abstentions: Moll

177

178 **Adjournment:**

179 Gillespie moved to adjourn at 7:18 PM. Seconded by Hogben.

180 AYES: Leopold, Gillespie, Hogben, Moll, and Wisor.

181

182 Minutes taken by: Tina Freelove, PT Clerk