

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 information presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other

- 46 information and materials rightfully before the Board, and (iii) all issues raised during the public  
47 hearing and/or otherwise raised in the course of the Board's deliberations; and  
48  
49 C. On February 12, 2020, in accordance with Article 8 of the New York State Environmental  
50 Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section  
51 617.5, the Village of Lansing Board of Zoning Appeals determined that the proposed action is a  
52 Type II action, and thus may be processed without further regard to SEQR; and  
53  
54 D. On February 12, 2020, in accordance with Section 712-b of the Village Law of the State of New  
55 York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning  
56 Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if  
57 the area variance is granted as weighed against the detriment to the health, safety and welfare of  
58 the neighborhood or community by such grant;  
59

60 NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

67 Finding: No, by unanimous vote  
68

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

72 Finding: No, by unanimous vote  
73

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

76 Finding: Yes, by unanimous vote  
77

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

80 Finding: No, by unanimous vote  
81

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

83 Finding: No, by unanimous vote

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

87 welfare of the community:

88

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

90

91 **Conditions of Variance:** None

92

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

95

96 The vote on the foregoing motion was as follows:

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

98 NAYS: None

99 The motion was declared to be carried.

100 Leopold read through Appeal No. 2020-02.

101

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

104

105 Motion made by: Pat Gillespie

106 Motion seconded by: Roy Hogben

107 **WHEREAS:**

108 A. This matter involves consideration of the following proposed action: Appeal No. 2020-02, Maguire  
109 Family Limited Partnership of 504 South Meadow Street, Ithaca, New York, represented by John  
110 Snyder Architects, are requesting an area variance for parking side yard setback. The Village  
111 parking side yard setback, as per Section 145-43 E(7)b, requires 15-feet in the CHT district. They  
112 are asking to adjust the requirement to 0 feet resulting in a 15-foot deficiency of the Village code  
113 requirement. This request is only for the east side of the existing Chevy/Cadillac dealership. The  
114 reason for the variance is due to the proposed subdivision of 35 Cinema Drive (Tax Parcel 46.1-  
115 6-5.1) into 2 Parcels as required by Bolton Point for separate water meters.

116 B. On February 12, 2020, the Village of Lansing Board of Zoning Appeals held a public hearing  
117 regarding such action, and thereafter thoroughly reviewed and analyzed (i) the materials and  
118 information presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other  
119 information and materials rightfully before the Board, and (iii) all issues raised during the public  
120 hearing and/or otherwise raised in the course of the Board’s deliberations; and

121 C. On February 12, 2020, in accordance with Article 8 of the New York State Environmental  
122 Conservation Law - the State Environmental Quality Review Act (“SEQR”), and 6 NYCRR Section  
123 617.5, the Village of Lansing Board of Zoning Appeals determined that the proposed action is a  
124 Type II action, and thus may be processed without further regard to SEQR; and

125 D. On February 12, 2020, in accordance with Section 712-b of the Village Law of the State of New  
126 York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning

127 Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if  
128 the area variance is granted as weighed against the detriment to the health, safety and welfare of  
129 the neighborhood or community by such grant;  
130

131 NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

138 Finding: No, by unanimous vote

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

142 Finding: No, by unanimous vote

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

145 Finding: Yes, by unanimous vote

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

149 Finding: No, by unanimous vote

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

151 Finding: No, by unanimous vote

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

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

160 **Conditions of Variance:** None  
161

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

165 The vote on the foregoing motion was as follows:

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

167 NAYS: None

168 The motion was declared to be carried.

169 **Approval of Minutes:**

170

171 **April 19, 2019**

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

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

174 NAYS: None

175 Abstentions: Moll

176

177 **Adjournment:**

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

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

180

181 Minutes taken by: Tina Freelove, PT Clerk