

Village of Lansing
Board of Zoning Appeals
Minutes of February 16, 2021

The meeting of the Village of Lansing BZA via Zoom was called to order at 7:09 PM by Chair, Lynn Leopold.

Present at the meeting:

BZA Members: Pat Gillespie, Roy Hogben, (Board Chair) Lynn Leopold, Mike Powell and John Wisor

Village Legal Counsel: William Troy

Village CEO: Michael Scott

Attending: Mike Gavin and Ken Farrall representing The Shops at Ithaca

Leopold described the following agenda item:

PMI NEWCO, LLC, owner of The Shops at Ithaca Mall, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-22) and represented by Michael Gavin of Gavin Law, are requesting area variances for parcels created by a proposed subdivision currently being reviewed by the Village Planning Board. Any variance approval(s) will be contingent on the approval of the subdivision.

Leopold stated that this meeting is generally a continuation of the last BZA meeting with the same types of variance appeals but for different proposed parcels.

Scott displayed the answers commonly used for the 5 questions of the resolutions at the last meeting. It was said that unless stated, those answers would be used again for this meeting.

All agreed.

Scott described Parcel G

Leopold read through the following resolution:

*VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR APPEAL NO. 2021-23.*

Motion made by: Roy Hogben

Motion seconded by: Mike Powell

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2021-23, PMI NEWCO, LLC, owner of The Shops at Ithaca Mall, located at 40 Catherwood Drive*

(Tax Parcel # 47.1-1-22) and represented by Michael Gavin of Gavin Law, are requesting an area variance for the side yard setback of the proposed Parcel G (See attached site survey). The Village side yard setback for a principal building, as per the Village of Lansing Code Section 145-43 E(5)a, requires 25-feet in the Commercial High Traffic District. PMI NEWCO, LLC is asking for a variance to allow for a zero-line side yard setback resulting in a 25-foot deficiency of the Village code requirement.

- B. On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

Description of Variance: *As described in paragraph "A"*

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Leopold read through the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR**

Motion made by: Roy Hogben

Motion seconded by: Mike Powell

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2021-24, PMI NEWCO, LLC, owner of The Shops at Ithaca Mall, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-22) and represented by Michael Gavin of Gavin Law, are requesting an area variance for the rear yard setback of the proposed Parcel G (see attached site*

survey). *The Village rear yard setback for a principal building, as per the Village of Lansing Code Section 145-43 E(6), requires 25-feet in the Commercial High Traffic District. PMI NEWCO, LLC is asking for a variance to allow for a zero-line rear yard setback resulting in a 25-foot deficiency of the Village code requirement.*

- B. On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

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

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Leopold read through the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR APPEAL NO. 2021-25.**

Motion made by: Roy Hogben

Motion seconded by: Mike Powell

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2021-25, PMI NEWCO, LLC, owner of The Shops at Ithaca Mall, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-22) and represented by Michael Gavin of Gavin Law, are requesting an area variance for the front yard parking setback of the proposed Parcel G (See attached site survey). The front yard parking setback, as per the Village of Lansing Code Section 145-43 E(7)a, requires 25-feet in the Commercial High Traffic District. PMI NEWCO,*

LLC is asking for a variance to allow for a zero-line front yard parking setback resulting in a 25-foot deficiency of the Village code requirement.

- B. On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

Description of Variance: *As described in paragraph "A"*

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Gillespie, Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Leopold read through the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR APPEAL NO. 2021-26.**

Motion made by: Mike Powell

Motion seconded by: John Wisor

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2021-26, PMI NEWCO, LLC, owner of The Shops at Ithaca Mall, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-22) and represented by Michael Gavin of Gavin Law, are requesting an area variance for the side yard parking setback of the proposed Parcel G (See attached site survey). The side yard parking setback, as per the Village of Lansing Code Section 145-43 E(7)b, requires 15-feet in the Commercial High Traffic District. PMI NEWCO,*

LLC is asking for a variance to allow for a zero-line side yard parking setback resulting in a 15-foot deficiency of the Village code requirement.

- B. On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

Description of Variance: *As described in paragraph "A"*

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Gillespie, Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Leopold read through the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR APPEAL NO. 2021-27.**

Motion made by: Mike Powell

Motion seconded by: Roy Hogben

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2021-27, PMI NEWCO, LLC, owner of The Shops at Ithaca Mall, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-22) and represented by Michael Gavin of Gavin Law, are requesting an area variance for the rear yard parking setback of the proposed Parcel G (See attached*

site survey). *The rear yard parking setback, as per the Village of Lansing Code Section 145-43 E(7)c, requires 15-feet in the Commercial High Traffic District. PMI NEWCO, LLC is asking for a variance to allow for a zero-line rear yard parking setback resulting in a 15-foot deficiency of the Village code requirement.*

- B. On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

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

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Scott described the main section of the Mall for the next set of appeals.

Leopold read through the following resolution:

***VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR APPEAL NO. 2021-28.***

Motion made by: Mike Powell

Motion seconded by: Roy Hogben

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2021-28, PMI NEWCO, LLC, owner of The Shops at Ithaca Mall, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-22) and represented by Michael Gavin of Gavin Law, are requesting*

an area variance for the front yard setback of the Main Mall area (See attached site survey). The front yard setback, as per the Village of Lansing Code Section 145-43 E(4), requires 75-feet in the Commercial High Traffic District. PMI NEWCO, LLC is asking for a variance to allow for a zero-line front yard setback resulting in a 75-foot deficiency of the Village code requirement.

- B. On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

Description of Variance: *As described in paragraph "A"*

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Leopold read through the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR APPEAL NO. 2021-29.**

Motion made by: Pat Gillespie

Motion seconded by: Mike Powell

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2021-29, PMI NEWCO, LLC, owner of The Shops at Ithaca Mall, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-22) and represented by Michael Gavin of Gavin Law, are requesting an area variance for the side yard setback of the Main Mall (See attached site survey). The Village side yard setback for a principal building, as per the Village of Lansing Code Section 145-43 E(5)a, requires 25-feet in the Commercial High Traffic District. PMI*

NEWCO, LLC is asking for a variance to allow for a zero-line side yard setback resulting in a 25-foot deficiency of the Village code requirement.

- B. On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

Description of Variance: *As described in paragraph "A"*

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Gillespie, Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Leopold read through the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR APPEAL NO. 2021-30.**

Motion made by: Mike Powell

Motion seconded by: John Wisor

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2021-30, PMI NEWCO, LLC, owner of The Shops at Ithaca Mall, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-22) and represented by Michael Gavin of Gavin Law, are requesting an area variance for the rear yard setback of the Main mall (see attached site survey). The Village rear yard setback for a principal building, as per the Village of Lansing Code Section 145-43 E(6), requires 25-feet in the Commercial High Traffic District. PMI NEWCO, LLC is asking for a variance to allow for a zero-line rear yard setback resulting in a 25-foot deficiency of the Village code requirement.*

- B. *On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. *On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. *On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

Description of Variance: *As described in paragraph "A"*

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Leopold read through the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR APPEAL NO. 2021-31.**

Motion made by: Roy Hogben

Motion seconded by: John Wisor

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2021-31, PMI NEWCO, LLC, owner of The Shops at Ithaca Mall, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-22) and represented by Michael Gavin of Gavin Law, are requesting an area variance for the front yard parking setback of the Main Mall (See attached site survey). The front yard parking setback, as per the Village of Lansing Code Section 145-43 E(7)a, requires 25-feet in the Commercial High Traffic District. PMI NEWCO, LLC is asking for a variance to allow for a zero-line front yard parking setback resulting in a 25-foot deficiency of the Village code requirement.*

- B. *On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. *On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. *On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

Description of Variance: *As described in paragraph "A"*

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Leopold read through the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR APPEAL NO. 2021-32.**

Motion made by: Roy Hogben

Motion seconded by: John Wisor

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2021-32, PMI NEWCO, LLC, owner of The Shops at Ithaca Mall, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-22) and represented by Michael Gavin of Gavin Law, are requesting an area variance for the side yard parking setback of the Main Mall (See attached site survey). The side yard parking setback, as per the Village of Lansing Code Section 145-43 E(7)b, requires 15-feet in the Commercial High Traffic District. PMI NEWCO, LLC is asking for a variance to allow for a zero-line side yard parking setback resulting in a 15-foot deficiency of the Village code requirement.*

- B. *On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. *On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. *On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

Description of Variance: *As described in paragraph "A"*

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Leopold read through the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR APPEAL NO. 2021-33.**

Motion made by: Roy Hogben

Motion seconded by: John Wisor

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2021-33, PMI NEWCO, LLC, owner of The Shops at Ithaca Mall, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-22) and represented by Michael Gavin of Gavin Law, are requesting an area variance for the rear yard parking setback of the Main Mall (See attached site survey). The rear yard parking setback, as per the Village of Lansing Code Section 145-43 E(7)c, requires 15-feet in the Commercial High Traffic District. PMI NEWCO, LLC is asking for a variance to allow for a zero-line rear yard parking setback resulting in a 15-foot deficiency of the Village code requirement.*

- B. *On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. *On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. *On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

Description of Variance: *As described in paragraph "A"*

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Scott described parcel D and the proposed appeals

Leopold read through the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR APPEAL NO. 2021-34.**

Motion made by: Roy Hogben

Motion seconded by: John Wisor

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2021-34, Michael Gavin of Gavin Law representing PMI NEWCO, LLC, owner of The Shops at Ithaca Mall and representing Target, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-24), is requesting an area variance for the side yard setback of the proposed Parcel D (See attached site survey). The Village side yard setback for a principal building, as per*

the Village of Lansing Code Section 145-43 E(5)a, requires 25-feet in the Commercial High Traffic District. PMI NEWCO, LLC is asking for a variance to allow for a zero-line side yard setback resulting in a 25-foot deficiency of the Village code requirement.

- B. On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

Description of Variance: *As described in paragraph "A"*

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Leopold read through the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR APPEAL NO. 2021-35.**

Motion made by: Roy Hogben

Motion seconded by: John Wisor

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2021-35, Michael Gavin of Gavin Law representing PMI NEWCO, LLC, owner of The Shops at Ithaca Mall and representing Target, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-24) is requesting an area variance for the rear yard setback of the proposed Parcel D (see attached site survey). The Village rear yard setback for a principal building, as per the Village of Lansing Code Section 145-43 E(6), requires 25-feet in the Commercial High*

Traffic District. PMI NEWCO, LLC is asking for a variance to allow for a zero-line rear yard setback resulting in a 25-foot deficiency of the Village code requirement.

- B. On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

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

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Leopold read through the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR APPEAL NO. 2021-36.**

Motion made by: Roy Hogben

Motion seconded by: John Wisor

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2021-36, Michael Gavin of Gavin Law representing PMI NEWCO, LLC, owner of The Shops at Ithaca Mall and representing Target, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-24) is requesting an area variance for the front yard parking setback of the proposed Parcel D (See attached site survey). The front yard parking setback, as per the Village of Lansing Code Section 145-43 E(7)a, requires 25-feet in the Commercial High Traffic*

District. PMI NEWCO, LLC is asking for a variance to allow for a zero-line front yard parking setback resulting in a 25-foot deficiency of the Village code requirement.

- B. On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

Description of Variance: *As described in paragraph "A"*

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Leopold read through the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR APPEAL NO. 2021-37.**

Motion made by: Roy Hogben

Motion seconded by: John Wisor

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2021-37, Michael Gavin of Gavin Law representing PMI NEWCO, LLC, owner of The Shops at Ithaca Mall and representing Target, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-24) is requesting an area variance for the side yard parking setback of the proposed Parcel D (See attached site survey). The side yard parking setback, as per the Village of Lansing Code Section 145-43 E(7)b, requires 15-feet in the Commercial High Traffic*

District. PMI NEWCO, LLC is asking for a variance to allow for a zero-line side yard parking setback resulting in a 15-foot deficiency of the Village code requirement.

- B. On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

Description of Variance: *As described in paragraph "A"*

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Leopold read through the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
FEBRUARY 16, 2021 FOR APPEAL NO. 2021-38.**

Motion made by: Roy Hogben

Motion seconded by: John Wisor

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2021-38, Michael Gavin of Gavin Law representing PMI NEWCO, LLC, owner of The Shops at Ithaca Mall and representing Target, located at 40 Catherwood Drive (Tax Parcel # 47.1-1-24) and represented by Michael Gavin of Gavin Law, are requesting an area variance for the rear yard parking setback of the proposed Parcel D (See attached site survey). The rear yard parking setback, as per the Village of Lansing Code Section 145-43 E(7)c, requires 15-feet in the Commercial High Traffic District. PMI NEWCO, LLC is asking for*

a variance to allow for a zero-line rear yard parking setback resulting in a 15-foot deficiency of the Village code requirement.

- B. On February 16, 2021, 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 information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- C. On December 14, 2020 and December 29, 2020 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Lansing Planning Board declared itself as lead agency and determined that the proposed major subdivision was an Unlisted action, and thus processed the SEQR requirements; and*
- D. On February 16, 2021, in accordance with Section 712-b of the Village Law of the State of New York and Village of Lansing Code Section 145-74 A(1), the Village of Lansing Board of Zoning Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Finding: No, Unanimous

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

Finding: No, Unanimous

Whether the requested area variance is substantial.

Finding: Yes, going to 0 feet is substantial, Unanimous.

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

Finding: No, Unanimous

Whether the alleged difficulty was self-created.

Finding: Yes, because of the subdivision, Unanimous

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

Description of Variance: *As described in paragraph "A"*

Conditions of Variance: *Contingent on the final approval of the subdivision.*

The vote on the foregoing motion was as follows:

AYES: Gillespie, Hogben, Leopold, Powell, and Wisor

NAYS: None

The motion was declared to be carried

Scott stated that if or when the subdivision is approved and the final plat is registered, each parcel will be assigned a tax parcel number. The BZA should amend each resolution to reflect the tax parcel number instead of the current alphabetical label.

Adjournment:

Leopold asked for a motion to adjourn at 7:56 PM. Moved by Gillespie. Seconded by Wisor

Ayes: Gillespie, Hogben, Leopold, Powell and Wisor

Nays: None

Minutes taken by: Michael Scott, CEO