

Village of Lansing
Board of Zoning Appeals
Minutes of December 20, 2022

The meeting of the Village of Lansing BZA in person and via Zoom was called to order at 7:01 PM by Chair, Lynn Leopold.

Present at the meeting:

BZA Members: Roy Hogben, (Board Chair) Lynn Leopold, and John Wisor

Village Legal Counsel: Natalie French

Village CEO: Michael Scott

Attending: Nooshin Ahmadi and Bear Smith representing Maguire Chevy/Cadillac

Leopold stated that no one is present for any Public Comment.

Wisor moved to open the public hearing. Seconded by Hogben.

Ayes: Hogben, Leopold, and Wisor

Nays: None

Scott stated that all required mailings were received by the evenings applicants.

Leopold read the following agenda item:

Public Hearing for Variance Appeal #2022-05 for Subdivision #2022-4630

Nooshin Ahmadi is proposing to subdivide a 4.023 acre lot located at 42 Esty Drive (Tax Parcel # 43.1-1-1.1) into 2 separate lots. The required frontage for a parcel located in the Low-Density Residential District is 150 feet. One of the proposed subdivided parcels has 100 feet of frontage, therefore, requiring an area variance of 50 feet:

Appeal No. 2022-05, 150 Required Road Frontage: Proposed Frontage is 100 Feet.

Scott explained how the original parcel was subdivided and Ahmadi purchased the smaller of the 2. Now, Ahmadi would like to divide the newly acquired parcel into 2 separate parcels as stated in the opening paragraph. When separated, the 2 parcels are large enough to meet the Low Density Residential District requirements for size but, one of the parcels lacks 50' of street frontage to comply with Village Code.

There were no questions from Board Members or added comments from the applicant.

Leopold read the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
DECEMBER 20, 2022 FOR APPEAL NO. 2022-05.**

Motion made by: Roy Hogben

Motion seconded by: John Wisor

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2022-05, Nooshin Ahmadi is proposing to subdivide a 4.023 acre lot located at 42 Esty Drive (Tax Parcel # 43.1-1-1.1) into 2 separate lots. The required frontage for a parcel located in the Low-Density Residential District is 150 feet. One of the proposed subdivided parcels only has 100 feet of frontage, therefore, requiring an area variance of 50 feet; and*
- B. *On December 20, 2022, 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 20, 2022, 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 Board of Zoning Appeals determined that the proposed action is a Type II action, and thus may be processed without further regard to SEQR; and*
- D. *On December 20, 2022, 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 variance(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, not enough available frontage

Whether the requested area variance is substantial.

Finding: Yes, but minor

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, 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: *None*

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

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, and Wisor

NAYS: None

The motion was declared to be carried

Wisor moved to close the public hearing for Variance Appeal #2022-05. Seconded by Hogben.

Ayes: Hogben, Leopold, and Wisor

Nays: None

Approval of Minutes

Wisor moved to approve the April 19, 2022 minutes. Seconded by Hogben.

Ayes: Hogben, Leopold, and Wisor

Nays: None

Hogben moved to approve the May 3, 2022 minutes. Seconded by Wisor.

Ayes: Hogben, Leopold, and Wisor

Nays: None

Leopold read the following agenda item:

Public Hearing for Variance Appeal #2022-06 through #2022-12 for Special Permit #2022-4575

Maguire Chevrolet/ Cadillac, located at 35 Cinema Drive (Tax Parcel #46.1-6-5.12), is seeking to update the existing building with improvements to the interior showroom areas, service area, and body shop. John Snyder, representing Maguire Chevrolet/Cadillac, will review the proposed changes which include a new entrance to the West façade and a second floor for the new Cadillac showroom. Parcel is located in the Commercial High Traffic District and will require the following variances:

Appeal No. 2022-06, 75 Foot Front Yard Setback (Uptown Road): Proposed Distance is 10 Feet.

Appeal No. 2022-07, 25 Foot Front Parking Setback (Cinema Drive): Proposed 3.2 Feet.

Appeal No. 2022-08, 25 Foot Front Parking Setback (Uptown Road): Proposed 2.4 Feet.

Appeal No. 2022-09, 15 Foot Side Yard Parking Setback (South): Proposed 6.33 Feet.

Appeal No. 2022-10, 15 Foot Side Yard Parking Setback (East): Proposed 0 Feet.

Appeal No. 2022-11, 12 Foot Wide Driving Lanes: Proposed 11 Feet.

Appeal No. 2022-12, 100 Square Feet of Signage Including (1) Free Standing and (2) Advertising: Proposed 270.91 Square Feet With (2) Free Standing and (6) Advertising.

Smith gave a review and description of the variance requests. In general, the variance requests are an improvement of the existing situation but, are still not compliant to the Village Code.

Regarding Appeal #2022-12, Scott stated that although there are actually two franchises within the one building, the Village Code does not recognize this situation as a candidate for a “Planned Sign Area”. If the franchises were on separate parcels, the requested sign square footage would not look as elevated from code compliance.

Although the request is much less than the Maguire Nissan proposal from a year ago, Leopold still feels that car dealerships require too much signage. Leopold added that she has always been concerned about sign clutter and has worked to keep the Village of Lansing from looking like Meadow Street in Ithaca.

There was a discussion about the sign lighting and lighting in general.

Leopold read through the following resolutions:

***VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
DECEMBER 20, 2022 FOR APPEAL NO. 2022-06.***

Motion made by: John Wisor

Motion seconded by: Roy Hogben

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2022-06, Maguire Chevrolet/ Cadillac, located at 35 Cinema Drive (Tax Parcel #46.1-6-5.12), is seeking to update the existing building with improvements to the interior showroom areas, service area, and body shop. John Snyder, representing Maguire Chevrolet/Cadillac, will review the proposed changes which include a new entrance to the West façade and a second floor for the new Cadillac showroom. The applicant is requesting an area variance for front yard setback on Uptown Road. The Village front yard setback, as per Section 145-43 E(4), requires 75-feet in the CHT district. The applicant is asking to adjust the requirement to 10-feet resulting in a 65-foot deficiency of the Village code requirement; and*

- B. On December 20, 2022, 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 20, 2022, 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 Board of Zoning Appeals determined that the proposed action is a Type II action, and thus may be processed without further regard to SEQR; and*
- D. On December 20, 2022, 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, 65-foot deficiency

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, 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: None

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

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, and Wisor

NAYS: None

The motion was declared to be carried

*VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
DECEMBER 20, 2022 FOR APPEAL NO. 2022-07.*

Motion made by: Roy Hogben

Motion seconded by: John Wisor

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2022-07, Maguire Chevrolet/ Cadillac, located at 35 Cinema Drive (Tax Parcel #46.1-6-5.12), is seeking to update the existing building with improvements to the interior showroom areas, service area, and body shop. John Snyder, representing Maguire Chevrolet/Cadillac, will review the proposed changes which include a new entrance to the West façade and a second floor for the new Cadillac showroom. The applicant is requesting an area variance for front parking setback on Cinema Drive. The Village front parking setback, as per Section 145-43 E(7)a, requires 25-feet in the CHT district. The applicant is asking to adjust the requirement to 3.2-feet resulting in a 21.8-foot deficiency of the Village code requirement; and*
- B. *On December 20, 2022, 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 20, 2022, 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 Board of Zoning Appeals determined that the proposed action is a Type II action, and thus may be processed without further regard to SEQR; and*
- D. *On December 20, 2022, 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, Almost 22 feet is substantial

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

*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: *None*

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

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, and Wisor

NAYS: None

The motion was declared to be carried

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
DECEMBER 20, 2022 FOR APPEAL NO. 2022-08.**

Motion made by: Roy Hogben

Motion seconded by: John Wisor

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2022-08, Maguire Chevrolet/ Cadillac, located at 35 Cinema Drive (Tax Parcel #46.1-6-5.12), is seeking to update the existing building with improvements to the interior showroom areas, service area, and body shop. John Snyder, representing Maguire Chevrolet/Cadillac, will review the proposed changes which include a new entrance to the West façade and a second floor for the new Cadillac showroom. The applicant is requesting an area variance for front parking setback on Uptown Road. The Village front parking setback, as per Section 145-43 E(7)a, requires 25-feet in the CHT district. The applicant is asking to adjust the requirement to 2.4-feet resulting in a 23.6-foot deficiency of the Village code requirement; and*
- B. On December 20, 2022, 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 20, 2022, 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 Board of Zoning Appeals determined that the proposed action is a Type II action, and thus may be processed without further regard to SEQR; and*
- D. *On December 20, 2022, 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, 24 feet is substantial

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, 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: *None*

*It is hereby determined by the Village of Lansing board of Zoning Appeals that the requested variance is **GRANTED***

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, and Wisor

NAYS: None

The motion was declared to be carried

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
DECEMBER 20, 2022 FOR APPEAL NO. 2022-09.**

Motion made by: John Wisor

Motion seconded by: Roy Hogben

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2022-09, Maguire Chevrolet/ Cadillac, located at 35 Cinema Drive (Tax Parcel #46.1-6-5.12), is seeking to update the existing building with improvements to the interior showroom areas, service area, and body shop. John Snyder, representing Maguire Chevrolet/Cadillac, will review the proposed changes which include a new entrance to the West façade and a second floor for the new Cadillac showroom. The applicant is requesting an area variance for side yard parking setback to the South. The Village side yard parking setback, as per Section 145-43 E(7)b, requires 15-feet in the CHT district. The applicant is asking to adjust the requirement to 6.33-feet resulting in a 8.67-foot deficiency of the Village code requirement; and*
- B. *On December 20, 2022, 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 20, 2022, 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 Board of Zoning Appeals determined that the proposed action is a Type II action, and thus may be processed without further regard to SEQR; and*
- D. *On December 20, 2022, 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, somewhat

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, 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: *None*

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

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, and Wisor

NAYS: None

The motion was declared to be carried

***VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
DECEMBER 20, 2022 FOR APPEAL NO. 2022-10.***

Motion made by: John Wisor

Motion seconded by: Roy Hogben

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2022-10, Maguire Chevrolet/ Cadillac, located at 35 Cinema Drive (Tax Parcel #46.1-6-5.12), is seeking to update the existing building with improvements to the interior showroom areas, service area, and body shop. John Snyder, representing Maguire Chevrolet/Cadillac, will review the proposed changes which include a new entrance to the West façade and a second floor for the new Cadillac showroom. The applicant is requesting an area variance for side yard parking setback to the East. The Village side yard parking setback, as per Section 145-43 E(7)b, requires 15-feet in the CHT district. The applicant is asking to adjust the requirement to 0-feet resulting in a 15-foot deficiency of the Village code requirement; and*
- B. On December 20, 2022, 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 20, 2022, 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 Board of Zoning Appeals determined that the proposed action is a Type II action, and thus may be processed without further regard to SEQR; and*
- D. On December 20, 2022, 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, Zero setback is substantial

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, 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: *None*

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

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, and Wisor

NAYS: None

The motion was declared to be carried

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
DECEMBER 20, 2022 FOR APPEAL NO. 2022-11.**

Motion made by: John Wisor

Motion seconded by: Roy Hogben

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2022-11, Maguire Chevrolet/ Cadillac, located at 35 Cinema Drive (Tax Parcel #46.1-6-5.12), is seeking to update the existing building with improvements to the interior showroom areas, service area, and body shop. John Snyder, representing Maguire Chevrolet/Cadillac, will review the proposed changes which include a new entrance to the West façade and a second floor for the new Cadillac showroom. The applicant is requesting a variance for driving lane width. The Village driving lane width, as per Section 145-51 B, requires a 24-foot wide driving lane in a two-way accessory parking lot in any district. The applicant is asking to adjust the requirement to 22-feet resulting in a 2-foot deficiency of the Village code requirement; and*

- B. On December 20, 2022, 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 20, 2022, 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 Board of Zoning Appeals determined that the proposed action is a Type II action, and thus may be processed without further regard to SEQR; and*
- D. On December 20, 2022, 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, but not much

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, 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: *None*

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

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, and Wisor

NAYS: None

The motion was declared to be carried

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
DECEMBER 20, 2022 FOR APPEAL NO. 2022-12.**

Motion made by: John Wisor

Motion seconded by: Roy Hogben

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2022-12, Maguire Chevrolet/ Cadillac, located at 35 Cinema Drive (Tax Parcel #46.1-6-5.12), is seeking to update the existing building with improvements to the interior showroom areas, service area, and body shop. John Snyder, representing Maguire Chevrolet/Cadillac, will review the proposed changes which include a new entrance to the West façade and a second floor for the new Cadillac showroom. The applicant is requesting a variance for signage. The Village Code Section 115-7.1B(2)a limits the total square footage of signs to 100 square feet which includes a maximum of (1) free standing sign and (2) advertisement signs for new car sales. The applicant is asking to adjust the requirement to 270.91- square feet resulting in a 170.91- square foot overage of the Village code maximum. The applicant is also proposing (2) free standing signs and (6) advertising signs; and*
- B. *On December 20, 2022, 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 20, 2022, 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 Board of Zoning Appeals determined that the proposed action is a Type II action, and thus may be processed without further regard to SEQR; and*
- D. *On December 20, 2022, 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, New signs are better than existing

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, 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, better than existing

Whether the alleged difficulty was self-created.

Finding: Yes, 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: *None*

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

The vote on the foregoing motion was as follows:

AYES: Hogben, Leopold, and Wisor

NAYS: None

The motion was declared to be carried

Hogben moved to close the public hearing for Variance Appeals # 2022-6 through #2022-12.
Seconded by Wisor.

AYES: Hogben, Leopold, and Wisor

NAYS: None

Adjournment:

Leopold asked for a motion to adjourn at 8:01 PM. Moved by Wisor. Seconded by Hogben

Ayes: Hogben, Leopold, and Wisor

Nays: None

Minutes taken by: Michael Scott, CEO