

Village of Lansing
Board of Zoning Appeals
Minutes of October 20, 2020

The meeting of the Village of Lansing BZA via Zoom was called to order at 7:02 PM by Chair, Lynn Leopold.

Present at the meeting:

BZA Members: Patrick Gillespie, Roy Hogben, Board Chair Lynn Leopold, and John Wisor

Village Legal Counsel: Absent

Village CEO: Michael Scott

Attending: Ron and Ereign Seacord; Michael Powell

Leopold explained the items on the agenda for the evening.

Leopold opened public comment period for anyone wishing to speak.

Gillespie motioned to close public comment period. Seconded by Hogben.

Ayes: Gillespie, Hogben, Leopold, and Wisor

Nays: None

Leopold introduced Michael Powell as a possible replacement for Simon Moll.

Leopold read the following agenda item:

Ron and Ereign Seacord are proposing to subdivide their property located at 1437-1439 East Shore Drive (Tax Parcel # 43.1-1-17.22) into 2 parcels. Parcel A would contain the existing homes and garage while Parcel B would contain the existing barn and the location of a future home. A new lot line that runs between the existing garage and existing barn will create a non-conforming side yard setback on Parcel A which will require approval of the following 2 variance appeals:

***Appeal No. 2020-06, LDR Side Yard Setback Minimum (Principle Buildings) is 25 feet:
Proposed Setback 15 feet.***

***Appeal No. 2020-07, LDR Side Yard Setback Minimum (Accessory Buildings) is 15 feet:
Proposed Setback 9 feet.***

Ron Seacord said that they sent out the mailings. Scott confirmed. Seacord continued to explain that his brother passed away last year and his sister-in-law would like to move on to the property. There are currently 2 homes on the property and if Seacord is allowed to subdivide, his daughter and sister-in-law would live in those and Seacord and his wife would build on the new lot.

Leopold asked if Parcel B went all the way to Burdick Hill Road. Seacord said yes. Leopold suggested it looked like a flag lot. Scott agreed but said the Village does not recognize a typical flag lot because that generally entails a single small road frontage. Scott said Parcel A is a corner

lot and Parcel B is similar to a corner lot in it has 2 different road frontages. Because of this, both lots only have front and side setbacks. Seacord would like the existing barn to be within Parcel B. By separating the barn and the garage with a new lot line, a need for a side yard setback variance is created on one of the new parcels. The current survey shows a need for 2 separate variances for Parcel A. Leopold asked if the driveway was an issue. Scott said no.

Leopold asked the Board if there were any questions. Wisor said it seemed very straight forward.

Leopold read through the following resolution:

*VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON
OCTOBER 20, 2020 FOR APPEAL NO. 2020-06.*

Motion made by: Pat Gillespie

Motion seconded by: John Wisor

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2020-06, Ron and Ereign Seacord of 1437-1439 East Shore drive (Tax Parcel # 43.1-1-17.22), Ithaca, New York, are requesting an area variance for a side yard setback. The Seacords are proposing to subdivide their property into 2 parcels. Parcel A would contain the existing 2 homes and garage while Parcel B would contain the existing barn and the location of a future home. A new lot line that runs between the existing garage and existing barn would create a non-conforming side yard setback. As per Village Code Section 145-39E(5)(a)[1], the side yard setback for a principle building in the Low-Density Residential District is 25 feet. The applicants are asking for a variance to decrease the side yard setback to 15 feet; and*
- B. On October 20, 2020, the Village of Lansing Board of Zoning Appeals held a public hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other 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 October 20, 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 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 October 20, 2020, 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, 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, Unanimous

*It is hereby determined by the Village of Lansing Board of Zoning Appeals that the following variance is **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:

*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: Gillespie, Hogben, Leopold, 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
OCTOBER 20, 2020 FOR APPEAL NO. 2020-07.**

Motion made by: Roy Hogben

Motion seconded by: Pat Gillespie

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2020-07, Ron and Ereign Seacord of 1437-1439 East Shore drive (Tax Parcel # 43.1-1-17.22), Ithaca, New York, are requesting an area variance for a side yard setback. The Seacords are proposing to subdivide their property into 2 parcels. Parcel A would contain the existing 2 homes and garage while Parcel B would contain the existing barn and the location of a future home. A new lot line that runs between the existing garage and existing barn would create a non-conforming side yard setback. As per Village Code Section 145-39E(5)(a)[2], the side yard setback for an accessory building in the Low-Density Residential District is 15 feet. The applicants are asking for a variance to decrease the side yard setback to 9 feet; and*
- B. On October 20, 2020, the Village of Lansing Board of Zoning Appeals held a public hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant(s) in support*

- of this appeal, (ii) all other 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 October 20, 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 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 October 20, 2020, 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, 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, Unanimous

*It is hereby determined by the Village of Lansing Board of Zoning Appeals that the following variance is **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:

*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: Gillespie, Hogben, Leopold, and Wisor

NAYS: None

The motion was declared to be carried.

Leopold asked the Seacords about the old cemetery near their property. Ron Seacord said it belongs to Ken Horawitz. There was more conversation about the local railroads.

Leopold moved on to the next agenda item. Scott asked if everyone understood all of the paperwork and changes that he proposed. The minutes for the 3/20/18 were never done. Scott put the minutes together from some notes left by the previous CEO recognizing that if any current members needed anything changed to please let him know. While reviewing the minutes, Scott also noticed there were appeals numbered incorrectly marked and needed to be changed. All of this is included in the resolution.

Leopold read the following resolution:

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION
ADOPTED ON OCTOBER 20, 2020 FOR CORRECTIONS**

Motion made by: Roy Hogben

Motion seconded by: John Wisor

WHEREAS:

A. *This matter involves consideration of the following proposed action: During a routine review of the 2020 BZA information, a discrepancy was found in the assignment of appeal numbers. To correct the error, the Village of Lansing Board of Zoning Appeals must approve any changes in past agendas, minutes, and resolutions as a result of the corrections. The following documents will be reviewed:*

- a. *August 15, 2018 Agenda*
- b. *August 15, 2018 Minutes*
- c. *August 15, 2018 Dairy One Resolution*
- d. *September 19, 2018 Agenda*

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

It is hereby determined by the Village of Lansing Board of Zoning Appeals that the following corrections are APPROVED (with conditions, if any, as indicated

Description of Changes: As described in "A" and attached to this resolution.

Conditions of Changes:

It is hereby determined by the Village of Lansing Board of Zoning Appeals that the requested corrections are GRANTED.

The vote on the foregoing motion was as follows: AYES:

Gillespie, Hogben, Leopold, and Wisor

NAYS: None

The motion was declared to be carried.

Approval of Minutes

Wisor motioned to approve the minutes of August 18, 2020. Seconded by Hogben.

Ayes: Hogben, Leopold, and Wisor

Nays: None

Abstain: Gillespie

Wisor motioned to approve the minutes of March 20, 2018. Seconded by Gillespie.

Ayes: Gillespie, Hogben, Leopold, and Wisor

Nays: None

Other Business

Scott met with the engineer and architect for the Council to go over the site and building plans. Depending on the outcome of the Council's meeting with the Planning Board, they could be presenting to the BZA. Scott then described the information he received from the engineers. Wisor asked Scott if viewing the site and building plan has changed his feeling on the "hospital" category. Scott said he really has not changed his thoughts because the information has not changed since he first received it. The official categorization will be determined after the formal presentation from the Council to the Planning Board.

Hogben asked about any future BZA activity such as the Mall. Scott said the Mall representatives have gather the requested information by the Planning Board and should be presenting that at the next PB meeting. If the Mall subdivision goes through, there will be many variances coming the BZA way.

Adjournment:

Leopold asked for a motion to adjourn at 7:44 PM. Moved by Gillespie. Seconded by Hogben

Ayes: Gillespie, Hogben, Leopold, and Wisor

Nays: None

Minutes taken by: Michael Scott, CEO