

Village of Lansing
Board of Zoning Appeals
Minutes of July 20, 2021

The meeting of the Village of Lansing BZA in person and via Zoom was called to order at 7:08 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: Michael Gavin and Ken Farrall

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. The following are the appeal request within the Commercial High Traffic District:

Parcel M

Appeal No. 2021-40, Minimum Side Yard Setback is 25 Feet.

Proposed 0 Feet.

Appeal No. 2021-41, Minimum Rear Yard Setback is 25 Feet.

Proposed 0 Feet.

Appeal No. 2021-42, Minimum Front Yard Parking Setback is 25 Feet.

Proposed 0 Feet.

Appeal No. 2021-43, Minimum Side Yard Parking Setback is 15 Feet.

Proposed 0 Feet.

Appeal No. 2021-44, Minimum Front Yard Setback is 75 Feet.

Proposed 0 Feet

Leopold asked for a motion to open the public hearing. Powell moved it. Wisor seconded.

Scott explained the parameters of the new parcel and why it needed the variances. Leopold stated that these variances would be handled just as the other parcels were. Leopold will read through all of the resolutions first and the Board will then answer the qualifying questions.

Leopold read through the following resolutions:

*VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON JULY
20, 2021 FOR APPEAL NO. 2021-40.*

Motion made by: Pat Gillespie

Motion seconded by: Roy Hogben

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2021-40, 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 M (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 July 20, 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 July 20, 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.*

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, Powell, and Wisor

NAYS: None

The motion was declared to be carried

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON JULY
20, 2021 FOR APPEAL NO. 2021-41.**

Motion made by: Pat Gillespie

Motion seconded by: Roy Hogben

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2021-41, 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 M (See attached site survey). The Village rear 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 rear yard setback resulting in a 25-foot deficiency of the Village code requirement.*
- B. On July 20, 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 July 20, 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.*

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, Powell, and Wisor

NAYS: None

The motion was declared to be carried.

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON JULY
20, 2021 FOR APPEAL NO. 2021-42.**

Motion made by: Pat Gillespie

Motion seconded by: Roy Hogben

WHEREAS:

- A. This matter involves consideration of the following proposed action: Appeal No. 2021-42, 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 M (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 July 20, 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 July 20, 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.*

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, Powell, and Wisor

NAYS: None

The motion was declared to be carried.

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON JULY
20, 2021 FOR APPEAL NO. 2021-43.**

Motion made by: Pat Gillespie

Motion seconded by: Roy Hogben

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2021-43, 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 M (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 July 20, 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 July 20, 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.*

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, Powell, and Wisor

NAYS: None

The motion was declared to be carried.

**VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON JULY
20, 2021 FOR APPEAL NO. 2021-44.**

Motion made by: Pat Gillespie

Motion seconded by: Roy Hogben

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Appeal No. 2021-44, 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 proposed Parcel M (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 July 20, 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 July 20, 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.*

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, Powell, and Wisor

NAYS: None

The motion was declared to be carried.

Leopold asked for a motion to close the public hearing. Wisor moved to close the public hearing. Powell seconded it.

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

Nays: None

Approval of the May 18, 2021 Minutes

Hogben motioned to approve the May 18, 2021 minutes. Gillespie seconded.

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

Nays: None

Adjournment:

Leopold asked for a motion to adjourn at 7:27 PM. Moved by Gillespie. Seconded by Wisor

Ayes: Gillespie, Hogben, Leopold, Powell and Wisor

Nays: None

Minutes taken by: Michael Scott, CEO