

Village of Lansing  
Board of Zoning Appeals  
Minutes of July 16, 2024

The meeting of the Village of Lansing BZA in person and via Zoom was called to order at 7:07 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:** Mike McCracken, Hospitality Restaurant Group; Matt Napierala and John Bessette from Napierala Consulting Professionals.

Wisor moved to open the public hearing for 2024-01 through 2024-03 variance requests. Seconded by Hogben.

Ayes: Hogben, Leopold and Wisor

Nays: None

**Agenda item;**

*Mike McCracken, Director of Development for The Hospitality Restaurant Group, is seeking 3 variances for a proposed Taco Bell establishment located at 2301 North Triphammer Road. The existing building was formally the Pizza Hut (Tax Parcel #46.1-5-4.3). The applicant is seeking a front yard setback variance of 58.1' where the required front yard setback for the Commercial High Density District is 75'. The applicant is also seeking 2 sign variances. The following are the variance requests:*

***Appeal No. 2024-01;***

***Variance request for a 16.9' foot Front Yard Setback for a Principal Building.***

***Appeal No. 2024-2;***

***Variance request for an 80 square foot Pylon Sign no taller than 25 feet high.***

***Appeal No. 2024-03;***

***Variance request for 5 building mounted signs totaling 127.1 feet.***

Matt Napierala introduced himself and his colleges. Napierala explained the reasoning behind needing the setback relief as the need for a more visible building and to increase the space needed for the drive through.

Scott reminded the BZA that by granting the variance, the positioning of the building would then be clear of the sewer easement that exists on the property.

Napierala added that there would still be a large buffer between the building and North Triphammer Road.

The BZA members did not have an issue with this request.

Leopold read through the following resolution:

*VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON July 16, 2024 FOR APPEAL NO. 2024-01.*

*Motion made by:*            Roy Hogben    

*Motion seconded by:*       John Wisor    

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Appeal No. 2024-01; Mike McCracken, Director of Development for The Hospitality Restaurant Group, is applying for an area variance for a proposed Taco Bell establishment located at 2301 North Triphammer Road. The existing building was formally the Pizza Hut (Tax Parcel #46.1-5-4.3). The applicant is seeking a front yard setback variance of 58.1' where the required front yard setback for the Commercial High Density District is 75'; and*
- B. On July 16, 2024, 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 July 16, 2024, 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 July 16, 2024, 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, not noticeable*

*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, sewer easement issue*

*Whether the requested area variance is substantial.*

*Finding: No, less than 25% of conforming value*

*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, not noticeable*

*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:**

1. *Contingent on the final approval of the special permit by the Village of Lansing Planning Board.*

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

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

*AYES: Hogben, Leopold and Wisor*

*NAYS: None*

*The motion was declared to be carried.*

Scott explained the reasoning for including the former Pizza Hut within the Cayuga Mall Planned Sign Area.

Napierala discussed the need for a pylon sign for that property because the parcel sits 16 feet below the level of Route 13 and added that success of the eatery depends heavily on advertising to nearby drivers.

The pylon sign is 75 square feet and Leopold asked if there was a way to decrease this dimension.

McCracken stated that the pylon sign only come in certain sizes and that the next size down was about 48 square feet which McCracken felt was way too small.

With the height being 25 feet, the pylon sign would be eye level with the Route 13 off ramp and approximately 90' from said ramp and 65' from Triphammer Road.

The BZA members were not fond of the pylon sign but, understood why it was needed for that parcel. Leopold asked for a rendering of the sign from different angles. McCracken will provide this.

Leopold read the following resolution:

***VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON JULY 16, 2024 FOR APPEAL NO. 2024-02.***

*Motion made by:*         John Wisor

Motion seconded by: Roy Hogben

**WHEREAS:**

- E. This matter involves consideration of the following proposed action: Appeal No. 2024-02; Mike McCracken, Director of Development for The Hospitality Restaurant Group, is applying for an area variance for a proposed Taco Bell establishment located at 2301 North Triphammer Road. The existing building was formally the Pizza Hut (Tax Parcel #46.1-5-4.3). The applicant is seeking a sign variance to allow for a 75 square foot pylon sign no taller than 25 feet high. The Village Zoning Officer has determined that said parcel is part of the Cayuga Mall and therefore, is part of the approved Cayuga Mall Plan Sign Area which only mentions a common pylon sign at the entrance of the Cayuga Mall; and*
- F. On July 16, 2024, 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*
- G. On July 16, 2024, 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*
- H. On July 16, 2024, 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, other signs in that area.*

*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*

*Whether the requested area variance is substantial.*

*Finding: Yes, more signs than allowed.*

*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*

*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:**

- 1.** *Contingent on the final approval of the special permit by the Village of Lansing Planning Board.*
- 2.** *Contingent upon the approval of the Village of Lansing Planning Board as to the size and location of the proposed sign as described in "A".*

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

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

*AYES: Hogben, Leopold and Wisor*

*NAYS: None*

*The motion was declared to be carried*

Scott made it clear that because this parcel is part of the Planned Sign Area, the Planning Board will have final say on the number of signs and the sizes.

For the final variance request, Napierala stated that out of the 5 requested signs, one will be at the door entry. The other four are on the Taco Bell small towers so as to be seen from every direction.

Leopold asked if these tower signs which are approximately 28 square feet each, could be reduced in size.

McCracken stated that these signs are also factory sized and a smaller one would look odd on the tower.

Hogben made a point that only a couple of tower signs would be seen at a time.

Leopold read the following resolution:

*VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON JULY  
16, 2024 FOR APPEAL NO. 2024-03.*

*Motion made by:      Roy Hogben*

*Motion seconded by: John Wisor*

***WHEREAS:***

- I. This matter involves consideration of the following proposed action: Appeal No. 2024-03; Mike McCracken, Director of Development for The Hospitality Restaurant Group, is applying for an area variance for a proposed Taco Bell establishment located at 2301*

*North Triphammer Road. The existing building was formally the Pizza Hut (Tax Parcel #46.1-5-4.3). The applicant is seeking a sign variance to allow for 5 building mounted signs totaling 127.1 square feet. The Village Zoning Officer has determined that said parcel is part of the Cayuga Mall and therefore, is part of the approved Cayuga Mall Plan Sign Area which allows for a storefront sign not to exceed 71 square feet; and*

- J. On July 16, 2024, 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*
- K. On July 16, 2024, 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*
- L. On July 16, 2024, 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*

*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: Yes, other types of signs*

*Whether the requested area variance is substantial.*

*Finding: Yes, basically doubling the allowed sign area*

*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*

*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:**

- 3.** *Contingent on the final approval of the special permit by the Village of Lansing Planning Board.*
- 4.** *Contingent upon the approval of the Village of Lansing Planning Board as to the size and location of the proposed signs as described in "A".*

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

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

*AYES: Hogben, Leopold and Wisor*

*NAYS: None*

*The motion was declared to be carried*

**Approval of minutes**

Wisor moved to approve the minutes of March 21, 2023. Seconded by Hogben.

Ayes: Hogben, Leopold, and Wisor

Nays: None

**Adjournment:**

Leopold asked for a motion to adjourn at 8:02 PM. Moved by Wisor. Seconded by Hogben

Ayes: Hogben, Leopold and Wisor

Nays: None

Minutes taken by: Michael Scott, CEO