

Village of Lansing  
Board of Zoning Appeals  
Minutes of May 18, 2021

The meeting of the Village of Lansing BZA via Zoom was called to order at 7:03 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:** Alexander K. Deyhim and David Bravo-Cullen

Leopold described the following agenda item:

*Galway Capital, LLC, represented by Alexander K. Deyhim, is proposing to build a duplex on a 2-acre parcel located at 1601 East Shore Drive (Tax Parcel # 42.1-1-24.1). As per Village Code Section 145-39E(1)(b)[2], the minimum lot size for a Two-unit residential building in a non-sewered area within the Low-Density Residential District is 90,000 square feet or approximately 2.066 acres. To be granted a building permit, the applicant will need the following area variance:*

***Appeal No. 2021-39, Minimum Lot Size in a Non-Sewered Area of the LDR District is 90,000 Square Feet (2.066 acres): Proposed 87,120 Feet (2 acres).***

Scott gave a brief explanation of the recent minor subdivision and why the applicants are required to apply for a variance.

Bravo-Cullen and Deyhim took turns describing the how the duplex would look and explained that their intention would be to connect into the future sewer system along East Shore Drive whenever that project is completed.

Leopold read through the following resolution:

***VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION ADOPTED ON MAY 18, 2021 FOR APPEAL NO. 2021-39.***

*Motion made by:*        Roy Hogben

*Motion seconded by:*   Pat Gillespie

**WHEREAS:**

- A. *This matter involves consideration of the following proposed action: Appeal No. 2021-39, Galway Capital, LLC, represented by Alexander K. Deyhim, is proposing to build a duplex on a 2-acre parcel located at 1601 East Shore Drive (Tax Parcel # 42.1-1-24.1). As per Village Code Section 145-39E(1)(b)[2], the minimum lot size for a Two-unit residential building in a non-sewered area within the Low-Density Residential District is 90,000 square feet or approximately 2.066 acres. To be granted a building permit, the applicant will need an area variance for .066 acres (2,880 square feet).*
- B. *On May 18, 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 May 18, 2021, 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 May 18, 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. There are other single family and duplexes in the 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, Unanimous. Applicant would have to wait until sewer was installed in the area.*

*Whether the requested area variance is substantial.*

*Finding: No, Unanimous. (.066) acres is a small amount.*

*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, property was subdivided*

*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:**

- A) *When the new sewer is installed on East Shore Drive, applicant is advised to connect to the new system and abandon existing septic system.*

*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*

Scott said that he would start the project plan review.

Wisor moved to approve the minutes of February 16, 2021. Seconded by Powell.

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

**Nays:** None

**Adjournment:**

Leopold asked for a motion to adjourn at 7:43 PM. Moved by Gillespie. Seconded by Powell

Ayes: Gillespie, Hogben, Leopold, Powell and Wisor

Nays: None

Minutes taken by: Michael Scott, CEO