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1 **Town of Lansing**

2 **Zoning Board of Appeals Meeting**  
3 **Wednesday, March 22, 2023 6:30 PM**  
4 **Lansing Town Hall, 29 Auburn Rd**

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5 **Present**

6 Judy Drake, Chair  
7 Richard Hayes  
8 Susan Tabrizi  
9 Jack Young

**Excused**

Mary Stoe

10  
11 **Other Staff Present**

12 John Zepko, Acting Director of Planning      Bronwyn Losey, Councilperson

13  
14 **Public Present**

15 James Gensel, Fagan Engineers      Duane Phillips, Dandy Corp.,  
16 And several members of the public.

17  
18 Chair Judy Drake opened the meeting at 6:30pm

19  
20 **Action Item:**

21 **Area Variances**

22 **Applicant:** Dandy Mini-Mart

23 **Location:** Corner of Ridge Road and East Shore Drive; Tax Parcel Number 31.-6-9.1, 31.-6-10,  
24 31.-6-11, 31.-6-13, 31.-6-14, 37.1-1-2

25 **Project Description:** The applicant is applying for area variances to allow for the addition of  
26 signs beyond that which is permitted under §210 – Signs.

27 **SEQR:** This is a part of a Type I action currently under the review of the Planning Board.

28 **Anticipated Action:** Decision

29  
30 **Summary of Discussion:**

- 31
- 32 • Jamie Gensel and Duane Phillips were present to discuss this project.
  - 33 • All signs will be at least 12'-15' from the Right of Way.
  - 34 • Zoning Board members feel that redundant signs are not necessary, but that their size and number are mitigated by the distances and angles at which they are viewed.
  - 35 • Zoning Board members asked the applicant to consider 1 monument sign and  
36 directional arrows at the entrances, however input was given from the Planning Board  
37 Chairman explaining that the Planning Board had directed the applicant to keep the  
38 North East corner of the property as green space and to provide monument signs at  
39 each entrance.
- 40

41 **AREA VARIANCE FINDINGS AND DECISION**  
42 **TOWN OF LANSING ZONING BOARD OF APPEALS**

43  
44 **BACKGROUND INFORMATION**

45  
46 Applicant: Duane Philips  
47 Dandy Mini-Mart

Variance No: 23-01  
Zoning District: B1  
Public Hearing Published on: 1/25/23  
Notices Mailed on: 1/24/23

48  
49  
50  
51  
52 Property Location: Ridge Rd & East Shore Dr.  
53 Tax Parcel #: 31.-6-9, 31.-6-10, 31.-6-11, 31.-6-13, 31.-6-14

54  
55 Requirement for which Area Variance is requested: Town of Lansing Code (“Code”): Section 210-5  
56 I(1) – maximum number of commercial signs; 210-8 A. – maximum size of a commercial signs

57  
58 **RESOLUTION AND FINDINGS**

59  
60 **WHEREAS** Duane Phillip acting as agent for Dandy Mini Mart is requesting relief from the Town  
61 of Lansing Zoning Code § 210-5 I(1) and 210-8 A. to include 11 signs totaling 341 square feet on its  
62 site plan currently under review by the Town of Lansing Planning Board. The zoning code permits  
63 two (2) commercial signs and a maximum area of 48 square feet.

64  
65 **WHEREAS** on March 14, 2023 the Town of Lansing Zoning Board of Appeals (ZBA) thoroughly  
66 reviewed and analyzed: (i) the information and evidence submitted by the applicant in support of the  
67 requested area variances; (ii) all other information and materials properly before the ZBA; and (iii) the  
68 issues and impacts raised for consideration by neighbors, the public, and the ZBA; and

69  
70 **WHEREAS** this application is part of a project which was classified as a Type I Action per 6 NYCRR  
71 617.4 (b)(6)(i) and 617.4 (b)(9) and a Coordinated Review of the environmental assessment was made  
72 with the Town of Lansing Planning Board acting as lead agency. The Town of Lansing Planning  
73 Board, after careful review of all materials submitted, did on February 27, 2023 issue a Negative  
74 Declaration of Significance.

75  
76 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

77  
78 The Town of Lansing Zoning Board of Appeals (ZBA) hereby makes the following findings with  
79 respect to the specific criteria for an Area Variance as set forth in Town Law § 267-b(3)(b) and other  
80 applicable provisions of law and of the Zoning Ordinance:

- 81  
82 **1. Whether an undesirable change will be produced in the character of the neighborhood**  
83 **or a detriment to nearby properties will be created by the granting of the area variance:**

84  
85 Yes \_\_\_\_ No  X

87 **Findings:** The Board finds that the signs are part of the commercial use and are in character with  
88 the existing surrounding uses and as such the proposed will have no, or a small impact on the  
89 character of the neighborhood. The area is characterized by commercial uses and is zoned to  
90 permit commercial uses. There are approximately 47 commercial/industrial parcels within one  
91 mile of the Project. Thirteen commercial properties exist within a ¼ mile radius of the project,  
92 including Rogue’s Harbor Inn, Salt Point Brewery, a funeral home, a sub/sandwich shop, a  
93 chiropractic office, a Seido Karate academy, a convenience store, an auto dealer, and a shopping  
94 plaza containing an ice cream shop, a pizzeria and barber/salon. The project, itself located on the  
95 site of a former fueling station, has made many modifications including reducing the area and  
96 number of signs requested and incorporating cutoff lighting fixtures to minimize the potential  
97 impact.

98  
99 **2. Whether the benefit sought by the applicant can be achieved by some method feasible  
100 for the applicant to pursue other than an area variance:**

101  
102 Yes \_\_\_\_ No  X   
103

104 **Findings:** The applicant is requesting an increase in the total number and area of signs from what  
105 is permitted under the zoning law. There is no other way to achieve this other than requesting  
106 relief from the regulation.  
107

108 **3. Whether the requested area variance is substantial:**

109  
110 Yes  X  No \_\_\_\_  
111

112 **Findings:** The request is substantial.  
113

114 **4. Whether the proposed variance will have an adverse effect or impact on  
115 the physical or environmental conditions in the neighborhood or district:**

116  
117 Yes \_\_\_\_ No  X   
118

119 **Findings:** The project is considered a Type I action per 6 NYCRR 617.4 (b)(6)(i) and 617.4 (b)(9)  
120 and a Coordinated Review of the environmental assessment was made with the Town of Lansing  
121 Planning Board acting as lead agency. The Town of Lansing Planning Board, after careful review  
122 of all materials submitted, did on 27 February 2023 issue a Negative Declaration of Significance.  
123 The Zoning Board of Appeals does not find that increasing the total number or area of signs at  
124 the project location will have a negative impact on the physical or environmental conditions in the  
125 neighborhood.  
126

127 **5. Whether the alleged difficulty was self-created:**

128  
129 Yes  X  No \_\_\_\_  
130

131 **Findings:** The difficulty is self-created as the owner (Dandy Mini Mart) is a seasoned developer  
132 with multiple store locations and failed to conduct the proper due diligence on the Town’s sign  
133 regulations prior to purchasing the property.  
134

135 **DETERMINATION BASED ON THE ABOVE FACTORS** (choose one):

136

137 It is hereby determined by the Town of Lansing Zoning Board of Appeals (ZBA) that the following  
138 area variance is granted with any conditions hereafter stated (if any), it being further found and  
139 determined that (i) the benefit to the applicant outweighs any potential negative impacts or  
140 detriment to the neighborhood or community; and (ii) such area variance are the minimum  
141 necessary as adequate to grant relief and at the same time preserve and protect the character of the  
142 neighborhood and the safety and welfare of the community.

143

144 **DESCRIPTION OF SPECIFIC VARIANCE GRANTED:** To permit 11 signs totaling 341  
145 square feet area at the Dandy Mini Mart located at the East Shore Drive and Ridge Road.

146

147 **ARE CONDITIONS IMPOSED WITH RESPECT TO THE AREA VARIANCE AS**  
148 **GRANTED?**

149

150 Yes  No

151

152 **STATEMENT OF CONDITIONS:**

153

154 **THE VOTE ON THE FOREGOING DECISION, DETERMINATIONS, AND**  
155 **RESOLUTION OF THE TOWN OF LANSING ZONING BOARD OF APPEALS WAS AS**  
156 **FOLLOWS:**

157

158 **Motion by:** Richard Hayes

159 **Seconded by:** Susan Tabrizi

160

161 **Vote as Follows:**

162

Judy Drake – Aye

163

Richard Hayes – Aye

164

Mary Stoe – Absent

165

Susan Tabrizi – Aye

166

Jack Young – Aye

167

168 **Dated: 22 March 2023**

169

170 Chair Judy Drake adjourned meeting at 7:28 PM

171

172 Minutes executed by Heather Dries