

**TOWN OF LANSING ZONING BOARD OF APPEALS  
MEMORANDUM**

TO: ZONING BOARD OF APPEALS MEMBERS

FROM: MICHAEL H. LONG, AICP

RE: **ASBURY HILL (AKA Whispering Pines Phase VI)**  
Area Variance Request – Lot #28 Flag Lot of a major SUBDIVISION –

DATE: February 4, 2016

The applicant's representative, Larry Fabbroni, P.E., appeared before the Planning Board at the December 14, 2015 meeting for Final Plat Review of the proposed Asbury Hill (f/k/a Whispering Pines Phase VI) Subdivision proposal. The proposal was for 28 +/- lots which are on approximately 68.64 +/- acres on # 40-3-2.12 within the (R1) Residential – Low Density Zone.

The "Preliminary Plat" approval was granted at the May 11, 2015 Planning Board meeting. That meeting included the SEQRA Negative Declaration for the entire project and Final Plat. The December 14, 2015 meeting, the Planning Board approved the "Final Subdivision Plat" for the overall 28 lot subdivision with a condition that Lot #28 receive an area for the 20 foot width of the "Flag Lot" access to Tiger Lilly Lane.

**Project Overview:** I went through the files to try and understand the background related to this specific issue. In 2001, the Town Board adopted the Lansing Land Use Ordinance with a 20 foot width as a minimum road frontage dimension for a "Flag Lot". The Whispering Pines Phase V subdivision (an early phase by the same owners /engineers) applied for a large subdivision about that time. The Planning Board made a motion and voted unanimously to accept the Final Subdivision Plat for the 20 foot flag lot at their November 8, 2004 Planning Board Meeting. This lot created a 20 foot driveway access to a storm water retention basin that was intended to serve the area that was part of the overall subdivision plat that was approved and filed.

The Town Board modified the Land Use Ordinance to increase the "Flag Lot" width to 30 feet minimum that was effective January 3, 2004 with many other changes to the overall Zoning Ordinance. The Final Subdivision Plat Map was approved for Whispering Pines V by the Planning Board with the 20 foot roadway access and was signed on August 25, 2005. As this was originally designed as a driveway access to the storm water pond, it probably should have been increase to 30 foot at the time of Planning Board approval, however it was not detected. This was established as a separate 20 foot wide driveway access parcel at that time.

**Staff Recommendations:** The Planning Board approved the subsequent “Final Subdivision Plat” for Asbury Hills (also known as Whispering Pines VI) with a condition that Lot #28 receive an area variance from the Zoning Board of Appeals to recognize the existing 20 foot “Flag Lot” entrance to lot #28. The recommendation is that the ZBA should grant the area variance as the dimensional requirements were changed about the time the land was earlier subdivided when there was only a 20 foot requirement.