
Town of Lansing

**Zoning Board of Appeals Meeting
Tuesday, February 9, 2021 6:30 PM
Via Zoom Meeting – Live on YouTube**

Present

Richard Hayes
Peter Larson
Mary Stoe
Maureen Cowen
Jack Young, Alternate
Judy Drake, Chair

Other Staff Present

C.J. Randall, Director of Planning

General Business

Chair Judy Drake opened the meeting at 6:30pm.

Roll Call for Attendance:

Peter Larson- Aye
Maureen Cowen – Aye
Mary Stoe – Aye
Judy Drake – Aye
Jack Young – Aye

Chair Judy Drake enacted Jack Young, Alternate as a voting member due to Rick Hayes’ absence. Rick Hayes was having connection issues, so he was in attendance. Jack Young was not a voting member at this meeting.

Read by Chair Judy Drake

PUBLIC HEARING: Electronically via conference call instead of a public meeting open for the public to attend in person, on the following matter: All interested persons or representatives thereof will be given an opportunity to be heard; send comments in writing to Town of Lansing, Planning & Code Enforcement Department, 29 Auburn Rd, Lansing, NY 14882 or tolcodes@lansingtown.com and your statement will be forwarded to the Zoning Board of Appeals for their consideration. If you want your statement read aloud, please state that in your letter or email. Meeting will be transcribed and posted on the Town’s website at <https://www.lansingtown.com/town-docs>

Any members of the public wishing to be heard by the Board may enter the meeting room at the time of the respective Public Hearing at:
<https://us02web.zoom.us/j/84817705277?pwd=czNGemJSQ2E4MDV1YU5MNkZ5em1wZz09> or by calling 1-646-558-8656 and entering meeting ID 848 1770 5277 and Password 40313.

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PUBLIC HEARING:

Consideration of an Appeal made by Nolan Hatfield, Applicant and Owner, 248 Holden Rd., Tax Parcel 8.-1-2, located in the Rural Agricultural (RA) Zoning District for an Area Variance from Town of Lansing Code § 270, Schedule II which requires a 60’ minimum setback from center of road. Applicant is seeking a 15’ Area Variance from the minimum setback to facilitate construction of a new 40’ x 60’ pole barn (accessory building) with 16’ x 60’ attached lean-to. This is a Type II Action under the State Environmental Quality Review Act 6 NYCRR 617.5(c)(16). The above referenced appeal and its supporting documents are available for inspection at <https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=50003&dbid=7&repo=Lansing>

Motion to Open the Public Hearing for 248 Holden Road.

Motioned by: Maureen Cowen Seconded by: Richard Hayes (Motion Carried)

Roll Call for Opening the Public Hearing

- Peter Larson – Aye
- Richard Hayes – Aye
- Maureen Cowen – Aye
- Mary Stoe – Aye
- Judy Drake – Aye

Variance request discussion with the ZBA

Applicant and Owner, Nolan Hatfield, was admitted to the meeting and discussed the variance request.

Summary of discussion

- There is limited space between the road and the fence line for the pasture on the property.
- The grade of the land slopes down to toward the pasture, which limits how far to the west the structure can be built.
- The applicant would like to place the barn between the trailers and the farmhouse, creating a barrier between himself and the tenants he rents the trailers to.
- There is an existing barn on the property that is closer than 45 feet to the road. The applicant also believes the house may be closer than 60 feet to the road.
- The Director of Planning verified that the existing structures did not have variances recorded for them. They were built before the Town had been zoned.
- The applicant expressed need of this larger sized barn.
- The trailers on the property, one single wide and one double wide, are permanent structures. They cannot be moved.
- The Director of Planning explained that there would need to be a 5 foot separation between the new barn and the existing structures.
- It is not possible to rotate the structure 90° due to the placement of entry doors.
- With the lean-to the applicant has planned, rotating the structure would still require a variance.

- 85 • The applicant intends the structure to be used for storage, repairs, etc. for matters
- 86 related to the farm.
- 87 • For clarity, the diagram the applicant submitted is inaccurate. The structure would be
- 88 closer to the road than depicted.

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90 **Public Comments**

91 There were no public comments on this matter.

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93 **Motion to Close Public Hearing**

94 Motion by: Richard Hayes Seconded by: Pete Larson (Motion Carried)

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96 Roll Call for Closing the Public Hearing

97 Peter Larson- Aye

98 Richard Hayes – Aye

99 Maureen Cowen – Aye

100 Mary Stoe – Aye

101 Judy Drake – Aye

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103 **Board Deliberation**

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- 105 • This structure is appropriate with both the existing structures on this property, and with
- 106 other properties in the area.
- 107 • A neighbor sent a letter in support of the applicant’s plan.
- 108 • The only property drainage would affect would be the applicant’s. He will be responsible
- 109 for addressing drainage.

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

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BACKGROUND INFORMATION

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116 Applicant: Nolan Hatfield
117 248 Munson Road
118 Groton NY 13073

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121 Property Location: 248 Holden Road
122 Tax Parcel #: 8.-1-2

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124 Requirement for which Area Variance is requested: Town of Lansing Code (the “Code”): Section
125 270, Schedule II: Area, Frontage, Yard, Heights and Coverage Requirements.

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RESOLUTION AND FINDINGS

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129 **WHEREAS**, Nolan Hatfield, Applicant, applied for an Area Variance to construct a new 2400 sq.
130 ft. Pole Barn with a 16’ attached lean-to that is not compliant with the 60’ Minimum Front Yard
131 Setback; and

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133 **WHEREAS**, Applicant is requesting an Area Variance of 15’ from the Minimum Front Yard Setback
134 requirement; and

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136 **WHEREAS**, on February 9, 2021, the Town of Lansing Zoning Board of Appeals (the “ZBA”) thoroughly reviewed and analyzed: (i) the information and evidence submitted by the applicant
137 in support of the requested area variance; (ii) all other information and materials properly before
138 the ZBA; and (iii) the issues and impacts raised for consideration by neighbors, the public, and
139 the ZBA; and

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142 **WHEREAS**, this application is classified as a Type II Action under 6 NYCRR Part 617.5 (c)(17) (such
143 that no further environmental review is required) and this matter also does not require General
144 Municipal Law §239 -l, -m, and -n referral as the items are excluded per an Inter-Governmental
145 Agreement between the Tompkins County Planning Department and the Town of Lansing dated
146 December 17, 2003; and; so, upon due deliberation upon the foregoing, the application, and all
147 evidence and testimony presented to the ZBA,

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149 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

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151 1. The Town of Lansing Zoning Board of Appeals (“ZBA”) hereby makes the following findings with
152 respect to the specific criteria for an Area Variance as set forth in Town Law § 267-b(3)(b), and
153 other applicable provisions of law and of the Zoning Ordinance:

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155 **a. Whether an undesirable change will be produced in the character of the neighborhood or a
156 detriment to nearby properties will be created by the granting of the area variance?**

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158 Yes ___ No X Findings:
159 *The Zoning Board feels this structure fits with the other structures on the property, so it will not
160 pose any detriment to the area.*

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162 **b. Whether the benefit sought by the applicant can be achieved by some method, feasible for
163 the applicant to pursue, other than an area variance?**

164 Yes ___ No X Findings:
165 *Using a different type of building, size, or location may impose financial hardship to the applicant.
166 The building would be used for farm operations and is appropriate for such use.*

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168 **c. Whether the requested area variance is substantial?**

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170 Yes ___ No X Findings:
171 *The applicant is applying for a 15ft variance into the 60ft front yard setback. This is not substantial
172 for the area.*

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d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Yes ___ No X Findings:

This structure will fit in with the existing structures on the property, and with other properties in the area. The owner of a neighboring property has expressed support for this structure.

e. Whether the alleged difficulty was self-created?

Yes ___ No X Findings:

The applicant has submitted all documents before beginning the project, so this is not self-created.

2. DETERMINATION BASED ON THE ABOVE FACTORS (choose one):

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

DESCRIPTION OF SPECIFIC VARIANCE GRANTED: 15ft variance into the 60ft front yard setback.

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

Yes X No ___

STATEMENT OF CONDITIONS:

- As variances are exceptions based upon exigent need or emergency, should applicant fail to avail itself of the benefits of the above-described area variance within one year from the date hereof, this approval and such area variance shall expire. In cases where construction may be applicable, "avail itself of the benefits" shall mean a building permit obtained (if necessary) and substantial construction as commenced. Said one-year approval period may be extended for good cause by the ZBA if application for an extension is submitted before the expiration of the then applicable variance period.

215 THE VOTE ON THE FOREGOING DECISION, DETERMINATIONS, AND RESOLUTION OF THE TOWN
216 OF LANSING ZONING BOARD OF APPEALS WAS AS FOLLOWS:

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218 **Motion by:** Mary Stoe

219 **Seconded by:** Maureen Cowen

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Richard Hayes – Aye

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Peter Larson – Aye

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Mary Stoe – Aye

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Maureen Cowen – Aye

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Judy Drake – Aye

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226 Dated: February 9, 2021

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230 **Any other business deemed necessary:**

231 The Planning Board will be having a training session on Monday, March 8, 2021 to discuss
232 conditions in land use approvals. This is largely related to site plan, but the Zoning Board
233 members are welcome to attend.

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235 **Chair Judy Drake adjourned meeting at 7:02 PM**

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237 Minutes executed by Heather Dries