
Town of Lansing

Zoning Board of Appeals Meeting
Tuesday, April 13, 2021 6:30 PM
Via Zoom Meeting – Live on YouTube

Present

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

Excused

Jack Young, Alternate

Other Staff Present

C.J. Randall, Director of Planning Heather Dries, Planning Clerk

General Business

Chair Judy Drake opened the meeting at 6:33pm.

Roll Call for Attendance:

 Peter Larson – Aye
 Maureen Cowen – Aye
 Mary Stoe – Aye
 Judy Drake – Aye
 Rick Hayes – Aye

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.

42 **PUBLIC HEARING:**

43 Consideration of an Appeal made by Stacie Sasson, Applicant, on behalf of Aaron Daniel Sasson,
44 Owner, 7 Whispering Pines Dr, Tax Parcel 41.-2-16, located in the Residential – Low Density (R1)
45 Zoning District for an Area Variance from Town of Lansing Code § 270, Schedule II: Area,
46 Frontage, Yard, Heights, and Coverage Requirements which requires a 25’ minimum yard
47 setback from the rear lot line. Applicant is seeking an 8’ (eight) Area Variance from the
48 minimum setback to facilitate construction of a new 40’ x 20’ in-ground swimming pool. This is
49 a Type II Action under the State Environmental Quality Review Act 6 NYCRR 617.5(c)(16).The
50 above referenced appeal and its supporting documents are available for inspection at
51 <https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=51163&dbid=7&repo=Lansing>
52

53 **Motion to Open the Public Hearing for 7 Whispering Pines Drive.**

54 Motioned by: Richard Hayes Seconded by: Peter Larson (Motion Carried)

55 Roll Call for Opening the Public Hearing

- 56 Peter Larson – Aye
- 57 Richard Hayes – Aye
- 58 Maureen Cowen – Aye
- 59 Mary Stoe – Aye
- 60 Judy Drake – Aye

61

62 **Variance request discussion with the ZBA**

63 Applicant and Owner, A. Daniel & Stacie Sasson, were admitted to the meeting and discussed
64 the variance request.

65

66 **Summary of discussion**

- 67 - The applicant would like the variance so they do not have to put the pool flush against
68 their back deck.
- 69 - There is also a sub pump that would need to be rerouted.
- 70 - The properties bordering the rear of the property are either undeveloped or heavily
71 wooded with a house on the far side of the property.
- 72 - Much of the land behind the wooded area behind the
- 73 - There is an existing fence that will comply with the pool requirements.
- 74 - There is a property that is Federally Dedicated Wetlands that is 4-5 lots away. The
75 Sasson property is dry and will not be affected by the swampy nature of that property.

76

77 **Public Comments**

78 Eric Stickel joined the meeting.

- 79 - Eric inquired about the purpose of the 25 ft setback.
 - 80 o The Director of Planning provided the reasoning for the setback.

81

82 **Motion to Close Public Hearing**

83 Motion by: Richard Hayes Seconded by: Mary Stoe (Motion Carried)

84

85 Roll Call for Closing the Public Hearing

- 86 Peter Larson- Aye
- 87 Richard Hayes – Aye
- 88 Maureen Cowen – Aye
- 89 Mary Stoe – Aye
- 90 Judy Drake – Aye

91

Board Deliberation

- 93 - The Zoning Board members agree that this pool would not create a burden for the
- 94 neighbors.
- 95 - There is no environmental concern related to this project.

96

97

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

98

99

BACKGROUND INFORMATION

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102

Applicant: Stacie Sasson

Variance No: 21-02

103

Aaron Daniel Sasson

104

7 Whispering Pines

Zoning District: R1

105

Lansing, NY 14882

Public Hearing

106

Published on 04/06/2021

107

Mailed 600’ Notices

108

Property Location: 7 Whispering Pines

on: 04/06/2021

109

Tax Parcel #: 41.-2-16

110

111

Requirement for which Area Variance is requested: Town of Lansing Code (the “Code”): Section

112

270, Schedule II: Area, Frontage, Yard, Heights and Coverage Requirements.

113

114

RESOLUTION AND FINDINGS

115

116

WHEREAS, Stacie Sasson, Applicant, on behalf of Aaron Daniel Sasson, Owner, applied for an Area

117

Variance to construct a new 40’ x 20’ in-ground swimming pool that is not compliant with the 25’

118

Minimum Rear Yard Setback; and

119

120

WHEREAS, Applicant is requesting an Area Variance of 8’ from the Minimum Rear Yard Setback

121

requirement; and

122

123

WHEREAS, on April 13, 2021, the Town of Lansing Zoning Board of Appeals (the “ZBA”)

124

thoroughly reviewed and analyzed: (i) the information and evidence submitted by the applicant

125

in support of the requested area variance; (ii) all other information and materials properly before

126

the ZBA; and (iii) the issues and impacts raised for consideration by neighbors, the public, and

127

the ZBA; and

128

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

135
136 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
137

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

141
142 a. **Whether an undesirable change will be produced in the character of the neighborhood or a**
143 **detriment to nearby properties will be created by the granting of the area variance?**

144
145 Yes ___ No x Findings: It is a wooded area, and it is compatible with the area.
146

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

149 Yes ___ No x Findings: The locations of the deck and septic limit the placement of the
150 pool.
151

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

153
154 Yes ___ No x Findings: 8 feet is not substantial.
155

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

158
159 Yes ___ No x Findings: There will be not adverse effect or impact on the area.
160
161

162 e. **Whether the alleged difficulty was self-created?**

163
164 Yes x No ___ Findings: This is self-created because they want the pool.
165

166 2. DETERMINATION BASED ON THE ABOVE FACTORS (choose one):
167

168 It is hereby determined by the Town of Lansing Zoning Board of Appeals (the “ZBA”) that the
169 following area variance is **GRANTED**, with any conditions hereafter stated (if any), it being
170 further found and determined that (i) the benefit to the applicant outweighs any potential
171 negative impacts or detriment to the neighborhood or community; and (ii) such area variance

172 are the minimum necessary as adequate to grant relief and, at the same time, preserve and
173 protect the character of the neighborhood and the safety and welfare of the community.

174
175 **DESCRIPTION OF SPECIFIC VARIANCE GRANTED:** 8 ft area variance for the rear lot line setback

176
177
178

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

180 Yes X No _____

181

182 STATEMENT OF CONDITIONS:

183

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

191

192

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

195

196 **Motion by:** Mary Stoe

197 **Seconded by:** Richard Hayes

198

Richard Hayes – Aye

199

Peter Larson – Aye

200

Mary Stoe – Aye

201

Maureen Cowen – Aye

202

Judy Drake – Aye

203

204 Dated: April 13, 2021

205

206 Received and filed in the Lansing Town Clerk’s Office on _____

207

Debbie Munson

208

Town Clerk

209

Town of Lansing

210

Tompkins County, New York

211

212

213

214 **Any other business deemed necessary:**

215 The Zoning Board members are interested in holding meetings using a virtual/in-person hybrid.

216

217 **Chair Judy Drake adjourned meeting at 7:24 PM**

218

219 Minutes taken and executed by Heather Dries