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**Town of Lansing**

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**Zoning Board of Appeals Meeting**  
**Tuesday, January 11, 2022 6:30 PM**  
**Via Zoom**

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**Present**

Judy Drake, Chair  
Richard Hayes  
Mary Stoe  
Susan Tabrizi  
Jack Young

**Other Staff Present**

John Zepko, Planner                      Heather Dries, Planning Clerk  
Bronwyn Losey, Town Board Liaison

**Public Present**

Sean & Jennifer Whittaker                      Jason Demarest

**General Business**

Chair Judy Drake opened the meeting at 6:36pm.

**Motion to Approve the Minutes of December 14, 2021.**

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

**Public Hearing:** Consideration of an Appeal made by Sean & Jennifer Whittaker, 300 Portland Point Road; Tax Parcel No. 36.-1-83, located in the Industrial/Research – IR Zoning District. The applicant is proposing to demolish and rebuild a legally pre-existing nonconforming single-family dwelling and is requesting an Area Variance from Town of Lansing Zoning Law § 270-44, Permission to Alter or Enlarge. This is a Type II Action under the State Environmental Quality Review Act 6 NYCRR 617.5(c)(17).

**Motion to Open the Public Hearing for 300 Portland Point Road at 6:41 pm.**

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

**Summary of discussion:**

- Jason Demarest, and Sean & Jennifer Whittaker were present to discuss the project.
- Jason Demarest described the changes they have made to the proposal.
- The proposed structure will be larger than the existing structure. The existing structure is ~3000 sqft, the proposed structure will be ~3400 sqft.
- There will be 10% lot coverage on the property.

- The residential structure is more benign than the industrial use the property is zoned for.
- The proposal is consistent with the future goals of the Town Comprehensive Plan.

**Public Comment:**

- No Public Comment

**Motion to Close the Public Hearing for 300 Portland Point Road at 6:50 pm.**

Motioned by: Susan Tabrizi    Seconded by: Jack Young    (Motion Carried)

**Board Deliberation:**

- The structure will be moving a substantial distance but it will be moving towards the primary residence on the property, so it will not affect neighboring properties.
- The change in the size of the home is not substantial.
- The proposed structure is replacing an existing structure of the same use.

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

**BACKGROUND INFORMATION**

Applicant and Owner:  
 Sean & Jennifer Whittaker  
 300 Portland Point Road  
 Lansing, NY  
 1/6/2022

Variance No: 22-01  
 Zoning District: IR  
 Public Hearing  
 Published on:

Mailed 600' Notices  
 Sent on: 1/5/2022

Property Location: 300 Portland Point Road  
 Tax Parcel #: 36.-1-83

Requirement for which Area Variances are requested: Town of Lansing Land Use Ordinance (the "Zoning Ordinance"): Town of Lansing Zoning Law § 270-44, Permission to Alter or Enlarge

**RESOLUTION AND FINDINGS**

WHEREAS, Sean & Jennifer Whittaker, Applicant and Owner of 300 Portland Point Road, Tax Parcel No. 36.-1-83 located in the industrial/Research Zoning District (IR) applied for an Area Variance from Town of Lansing Zoning Law § 270-44, Permission to Alter or Enlarge; and

WHEREAS, Applicant is requesting an Area Variance to facilitate the relocation and expansion of a legally pre-existing non-conforming single family dwelling; and

WHEREAS, on 11 January 2022 the Town of Lansing Zoning Board of Appeals (the "ZBA") thoroughly reviewed and analyzed: (i) the information and evidence submitted by the applicant in support of the requested area variance; (ii) all other information and materials properly before

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

87  
88 WHEREAS, this application is classified as a Type II Action under 6 NYCRR Part 617.5 (c)(17) (such  
89 that no further environmental review is required) and this matter also does not require a GML  
90 Section 239 review; so, upon due deliberation upon the foregoing, the application, and all  
91 evidence and testimony presented to the ZBA,

92  
93 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

94  
95 1. The Town of Lansing Zoning Board of Appeals (“ZBA”) hereby makes the following findings  
96 with respect to the specific criteria for area variances as set forth in Town Law § 267-  
97 b(3)(b), and other applicable provisions of law and of the Zoning Ordinance:

98  
99 **a. Whether an undesirable change will be produced in the character of the neighborhood or a  
100 detriment to nearby properties will be created by the granting of the area variance?**

101  
102 Yes \_\_\_ No  x  Findings: The Zoning Board of Appeals finds that there will be no change in  
103 the nature of the neighborhood. It is just a demolition and replacement of an existing structure.

104  
105 **b. Whether the benefit sought by the applicant can be achieved by some method, feasible for  
106 the applicant to pursue, other than an area variance?**

107  
108 Yes \_\_\_ No  x  Findings: The Zoning Board of Appeals finds that there is no other feasible  
109 method, other than not doing anything. The current structure is not energy efficient.

110  
111 **c. Whether the requested area variance is substantial?**

112  
113 Yes \_\_\_ No  x  Findings: The Zoning Board of Appeals does not find the increase of 400  
114 sqft to be substantial. The structure is and will remain a 3 bedroom dwelling.

115  
116 **d. Whether the proposed variance will have an adverse effect or impact on  
117 the physical or environmental conditions in the neighborhood or district?**

118  
119 Yes \_\_\_ No  x  Findings: The Zoning Board of Appeals finds that this variance will not  
120 have an adverse effect on the physical or environmental conditions in the neighborhood. There  
121 will be improvements made on site during the construction of the new structure.

122  
123 **e. Whether the alleged difficulty was self-created?**

124  
125 Yes  x  No \_\_\_ Findings: The Zoning Board of Appeals finds that the alleged difficulty  
126 was self-created. There is a habitable structure on site. The construction of a new home has not  
127 been imposed on the applicant.

128

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

130

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

137

138 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED: Area Variance under 270-44 (Permission to**  
139 **Alter or Enlarge) to permit the movement and expansion of a legally preexisting nonconforming**  
140 **single family dwelling. The existing house, garage, and shed totaling 2,981 sf will be**  
141 **demolished and replaced by a single family home and garage totaling 3,407 sf, with an**  
142 **additional accessory structures comprised of a covered walkway and deck totaling 1,669 sf, as**  
143 **shown on the submitted drawing AC0.01, dated 12/16/21, titled Sean & Jennifer Whittaker's**  
144 **Guest House and created by Jason K. Demarest Architecture.**

145

146 ARE CONDITIONS IMPOSED WITH RESPECT TO THE AREA VARIANCES AS GRANTED?

147 Yes   x   No       

148

149 STATEMENT OF CONDITIONS:

- 150 1. As variances are exceptions based upon exigent need or emergency, should applicant fail
- 151 to avail itself of the benefits of the above-described area variances within two (2) years
- 152 from the date hereof, this approval and such area variances shall expire. In cases where
- 153 construction may be applicable, "avail itself of the benefits" shall mean a building permit
- 154 obtained (if necessary) and substantial construction as commenced. Said two-year
- 155 approval period may be extended for good cause by the ZBA if application for an
- 156 extension is submitted before the expiration of the then applicable variances period.

157

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

160

161 **Motion by:** Richard Hayes

162 **Seconded by:** Jack Young

163

164 Richard Hayes – Aye

165 Mary Stoe – Aye

166 Susan Tabrizi – Aye

167 Jack Young – Aye

168 Judy Drake – Aye

169

170 Chair Judy Drake adjourned meeting at 7:05PM

171

172 Minutes taken and executed by Heather Dries