
Town of Lansing

Zoning Board of Appeals Meeting
Tuesday, October 12, 2021 6:30 PM
Via Zoom

Present

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

Excused

Other Staff Present

John Zepko, Planner Bronwyn Losey, Councilperson Heather Dries, Planning Clerk

Public Present

May Lovelace Amy Newman Eric Clay Drew Minson Barry Ziring
Tracey Cucci

General Business

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

Alternate Jack Young was enacted as a voting member in the excused absence of a voting member.

Motion to Approve the Minutes of September 14, 2021 as amended.

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

PUBLIC HEARING #1:

Consideration of an Appeal made by Amy Newman and Eric Clay on behalf of Newman-Clay Revocable Trust, 281 Bill George Rd; Tax Parcel No. 24.-4-2, located in the Lakeshore – L1 (with lake frontage) Zoning District. The applicant is proposing to demolish an existing shed construct an 8' x 12' accessory building at the same location. The proposed accessory building will extend 2' to the South from the existing footprint. The applicant is requesting permission to replace and expand a nonconforming structure per Town of Lansing Zoning Code § 270-44. This is an Unlisted Action under the State Environmental Quality Review Act 6 NYCRR 617.5(c)(16) and 6 NYCRR 617.5(c)(17).

The above referenced appeal and its supporting documents are available for inspection at <https://lfweb.tompkinsco.org/WebLink/Browse.aspx?id=52144&dbid=7&repo=Lansing>

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Motion to Open the Public Hearing for 281 Bill George Road at 6:43 pm.

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

Summary of discussion:

- The Applicant and their representative explained their new application.

Public Comment:

- Neighbor, Drew Minson, explained his opposition to the project.

Board Deliberation:

- The additional 2' the applicant would like to add to the structure are on the south side of the structure, away from the closest neighbor.
- The structure will be raised 3 ½ ' off the ground to allow maintenance and storage.
- The only concern the Zoning Board members have would be with the raised height of the shed.
- The applicants have put a lot of effort into minimizing the impact on neighbors.

Motion to Close the Public Hearing for 281 Bill George Road at 7:02 pm.

Motioned by: Jack Young Seconded by: Richard Hayes (Motion Carried)

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

BACKGROUND INFORMATION

Applicant: Amy Newman & Eric Clay	Variance No: 21-07
281 Bill George Road	Zoning District: L1
Groton NY 13073	Public Hearing
	Published on 09/29/2021
	Mailed 600' Notices
Property Location: 281 Bill George Road	on: 09/30/2021
Tax Parcel #: 24.-4-2	

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

RESOLUTION AND FINDINGS

WHEREAS, Amy Newman & Eric Clay, Applicants, are proposing to demolish an existing shed and construct an 8' x 12' accessory building at the same location. The proposed accessory building will extend 2' to the South from the existing footprint. The applicant is requesting permission to replace and expand a nonconforming structure per Town of Lansing Zoning Code § 270-44; and

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WHEREAS, on September 14, 2021, 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 the ZBA; and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Yes ___ No x Findings: The Zoning Board of Appeals finds that by using the existing footprint with only a slight modification, there is not an undesirable change to the character of the neighborhood. From the neighbor’s photographs, it does not appear that the proposed structure would reach the base of his windows. There would be no impact to other neighbors.

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

Yes ___ No x Findings: The Zoning Board of Appeals finds that it would be difficult to achieve the desired use by staying in the current footprint.

c. Whether the requested area variance is substantial?

Yes ___ No x Findings: The Zoning Board of Appeals finds that the requested area variance is not substantial. The structure is very small in size, is staying mostly within the same footprint, and is expanding two feet away from the closest neighbor’s residence.

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

125 Yes ___ No x Findings: The Zoning Board of Appeals finds there would not be an
126 adverse effect on the physical or environmental conditions in the neighborhood. The applicant is
127 replacing an existing shed.

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129 e. Whether the alleged difficulty was self-created?

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131 Yes ___ No x Findings: The Zoning Board of Appeals finds that the cost of rebuilding
132 exceeding 51% of the value of the existing structure and the proximity to the floodplain have
133 triggered the necessity to comply with floodplain regulations in raising the height of the building,
134 this difficulty is not self-created.

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

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

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145 **DESCRIPTION OF SPECIFIC VARIANCE GRANTED: 8'x12' shed raised 3 ½' extending to the south**
146 **2' off the original footprint**

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

150 Yes x No ___

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152 STATEMENT OF CONDITIONS:

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

161 2. These conditional area variance approvals are not, and do not constitute, a determination
162 upon, or concurrence respecting, the nature or quality of underlying rights in title or in
163 the littoral use of Cayuga Lake, but are only issued in respect to the bulk, density, setback,
164 yardage, and any other dimensional requirements of zoning respecting the lots and
165 parcels of the subject application.

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

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DRAFT

169 **Motion by:** Richard Hayes

170 **Seconded by:** Jack Young

171 **Maureen Cowen – Aye**

172 **Judy Drake – Aye**

173 **Richard Hayes – Aye**

174 **Mary Stoe – Aye**

175 **Jack Young – Aye**

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177 Dated: October 12, 2021

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179 **Discussion:**

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181 **Chair Judy Drake adjourned meeting at 7:28PM**

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183 Minutes taken and executed by Heather Dries