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**Town of Lansing**

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**Zoning Board of Appeals Meeting**  
**Tuesday, November 9, 2021 6:30 PM**  
**Via Zoom**

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**Present**

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

**Excused**

**Other Staff Present**

John Zepko, Planner                      Heather Dries, Planning Clerk

**Public Present**

Jason Demarest                      Sean & Jennifer Whittaker

**General Business**

Chair Judy Drake opened the meeting at 6:34pm.

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

**Motion to Approve the Minutes of October 12, 2021 as amended.**

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

**PUBLIC HEARING #1:**

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 construct a two family dwelling and is requesting a Use Variance from Town of Lansing Zoning Law § 270, Schedule I which does not permit two family dwellings. 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.tompkins-co.org/WebLink/Browse.aspx?id=59983&dbid=7&repo=Lansing>

**Motion to Open the Public Hearing for 300 Portland Point Road at 6:47 pm.**

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

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**Summary of discussion:**

- Sean Whittaker, Jennifer Whittaker, and Architect Jason Demarest were present to discuss this project.
- Jason Demarest explained the project.
- This project would not need a variance if the property was zoned in the manor it has been used- Residential.
- The application did not include a SEQRA Environmental Assessment Form. An EAF must be submitted for the Zoning Board to consider this application.
- The County considered this a local issue. They have no other comments.
- The Zoning Board reviewed the appeal test questions (review criteria) with the Applicant.
- The Applicant wishes to include an accessory apartment above the garage of the guest house.
- The Applicant intends for this area to use by their adult children while visiting; Applicant states it will not be used as a rental property.

**Public Comment:**

- No Public Comment

**Board Deliberation:**

- There was no variance issued for the existing structure.
- There is no written communication with former code enforcement officer.
- The Zoning Board would like to have clearer answers to the appeal test questions.
- There is a discrepancy with the 2017 Use Variance on this property. The Variance was subjected to the test questions for an Area Variance, not a Use Variance.
- The Town Planner will reach out to the applicant and their representative to discuss other options, including rezoning.
- A determination cannot be made at this time.
- The Public Hearing will remain open.

**Discussion:**

**Chair Judy Drake adjourned meeting at 7:21PM**

Minutes taken and executed by Heather Dries