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**Town of Lansing**

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**Zoning Board of Appeals Meeting**  
**Tuesday, December 14, 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  
Bronwyn Losey, Town Board Liaison

**Public Present**

Sharon Olin

**General Business**

Chair Judy Drake opened the meeting at 6:32pm.

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

**Motion to Approve the Minutes of November 9, 2021 as amended.**

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

**Public Hearing:** Consideration of an Appeal made by Sharon Olin, 456 Ridge Road; Tax Parcel No. 32.-1-34, located in the Residential Low Density – R1 Zoning District. The applicant is proposing to construct an eight (8) foot tall fence and is requesting an Area Variance from Town of Lansing Zoning Law § 270- 24 which permits fencing up to six (6) feet in height. This is a Type II Action under the State Environmental Quality Review Act 6 NYCRR 617.5(c)(16) and 6 NYCRR 617.5(c)(17).

**Motion to Open the Public Hearing for 456 Ridge Road at 6:36 pm.**

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

**Summary of discussion:**

- 41 - Sharon Olin described her appeal.
- 42 - The applicant has concerns over her safety and privacy.
- 43 - The fence is 18 feet from the property line, 34 feet from the road, and approximately 75
- 44 feet long.
- 45 - The neighboring property sits higher than the applicant's, so a taller fence is necessary
- 46 to be useful.
- 47 - The applicant is willing to trim her lilac bush back to ensure it does not block the view of
- 48 the road.

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50 **Public Comment:**

- 51 - No Public Comment

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53 **Motion to Close the Public Hearing for 456 Ridge Road at 6:48 pm.**

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

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56 **Board Deliberation:**

- 57 - The neighbor's property does sit higher than the applicants.
- 58 - The main concern is obstruction of view.
- 59 - The Town Planner shared photos of the properties.
- 60 - The lilac bush does appear that it would obstruct the view during the summer months.
- 61 - The Zoning Board would like to include a condition that the applicant cut back the lilac
- 62 bush.

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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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69 Applicant: Sharon Olin  
70 456 Ridge Road  
71 Lansing, NY 14882

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74 Property Location: 456 Ridge Rd

75 Tax Parcel #: 32.-1-34

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77 Requirement for which Area Variance is requested: Town of Lansing Code (the "Code"): Section  
78 270-24 E. Fences and Walls

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**RESOLUTION AND FINDINGS**

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Variance No: 21-08  
Zoning District: RA  
Public Hearing  
Published on 12/2/2021  
Mailed 600' Notices  
on: 12/1/2021

82 **WHEREAS**, Sharon Olin, Applicant, is proposing to construct an 8' high fence at her residence  
83 located at 456 Ridge Road, where 6 feet is the maximum permitted height (**Section 270-24 E.**  
84 **Fences and Walls**).

85  
86 **WHEREAS**, on December 14, 2021, the Town of Lansing Zoning Board of Appeals (the "ZBA")  
87 thoroughly reviewed and analyzed: (i) the information and evidence submitted by the applicant  
88 in support of the requested area variance; (ii) all other information and materials properly before  
89 the ZBA; and (iii) the issues and impacts raised for consideration by neighbors, the public, and  
90 the ZBA; and

91  
92 **WHEREAS**, this application is classified as a Type II Action under 6 NYCRR Part 617.5 (c)(17) (such  
93 that no further environmental review is required) and this matter also does not require General  
94 Municipal Law §239 -l, -m, and -n referral as the items are excluded per an Inter-Governmental  
95 Agreement between the Tompkins County Planning Department and the Town of Lansing dated  
96 December 17, 2003; and; so, upon due deliberation upon the foregoing, the application, and all  
97 evidence and testimony presented to the ZBA,

98  
99 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

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

104  
105 **a. Whether an undesirable change will be produced in the character of the neighborhood or a**  
106 **detriment to nearby properties will be created by the granting of the area variance?**

107  
108 Yes \_\_\_ No   x   Findings: The Zoning Board finds that the fence is far enough away from  
109 the neighboring home, the shared property line, and the road.

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

113  
114 Yes \_\_\_ No   x   Findings: The Zoning Board finds that other options, such as planting trees,  
115 are not feasible in a timely manner.

116  
117 **c. Whether the requested area variance is substantial?**

118 Yes \_\_\_ No   x   Findings: The Zoning Board finds that the variance is not substantial. It is a  
119 2 ft variance on the downhill side of a slope.

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

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124 Yes \_\_\_ No   x   Findings: The Zoning Board finds that this will not have an adverse  
125 effect. The applicant has support from most neighbors.

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

Yes  No  Findings: The Zoning Board finds that the difficulty was self-created, as the applicant began constructing the fence before getting approval.

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:** Construction of an 8' heigh fence where 6' is the maximum permitted height.

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

Yes  No

STATEMENT OF CONDITIONS:

1. 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.
2. These conditional area variance approvals are not, and do not constitute, a determination upon, or concurrence respecting, the nature or quality of underlying rights in title or in the littoral use of Cayuga Lake, but are only issued in respect to the bulk, density, setback, yardage, and any other dimensional requirements of zoning respecting the lots and parcels of the subject application.
3. The applicant shall prune the Lilac bush to the extent that provides good visibility during all seasons.
4. The fence shall not extend closer than 34 feet from the white line on the eastern edge of Ridge Road.

167 5. The fence shall be no longer than 75 feet in length.

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

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171 **Motion by:** Richard Hayes

172 **Seconded by:** Maureen Cowen

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**Maureen Cowen – Aye**

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**Judy Drake – Aye**

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**Richard Hayes – Aye**

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**Mary Stoe – Aye**

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**Jack Young – Aye**

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179 **Motion to go into Executive Session at 7:06 per Article 7 (Public Officers) Law Section 105(f) –**  
180 **Interviews of candidates and matters leading to the appointment, employment, promotion,**  
181 **demotion, discipline, suspension, dismissal or removal of a particular person.**

182 Moved by: Mary Stoe

Seconded by: Richard Hayes

(Motion Carried)

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184 **Motion to come out of Executive Session at 7:58 pm**

185 Moved by: Maureen Cowen

Seconded by: Richard Hayes

(Motion Carried)

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187 **Motion to make a recommendation to the Town Board for Jack Young to be appointed as a**  
188 **Town of Lansing Zoning Board of Appeals member for a five (5) year term; and for Susan**  
189 **Tabrizi to be appointed to finish the remaining one (1) year of Pete Larson’s term; and for Erin**  
190 **Worsell to be appointed to a one (1) year term as alternate.**

191 Moved by: Richard Hayes

Seconded by: Maureen Cowen

(Motion Carried)

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193 Chair Judy Drake adjourned meeting at 7:21PM

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195 Minutes taken and executed by Heather Dries