
Town of Lansing

Zoning Board of Appeals Meeting
Tuesday, June 14, 2022 6:30 PM
Library Community Room- 27 Auburn Rd

Present

Excused

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

Other Staff Present

John Zepko, Planner Heather Dries, Planning Clerk

Public Present

Erin Worsell, Derek Osborne, Mark Armstrong, Holly Hamilton

General Business

Chair Judy Drake opened the meeting at 6:30pm.

PUBLIC HEARING: Consideration of an Appeal made by Erin Worsell and Derek Osborne, owners, at 2 Beach Road; Tax Parcel No. 31.-2-4, located in the Mixed Use – B1 Zoning District. The applicant is proposing to construct approximately 146 feet of eight foot high fence where six feet in height is the maximum permitted. The applicant is applying for an Area Variance from Town of Lansing Zoning Law § 270-24 A., Fences and Walls. This is a Type II Action under the State Environmental Quality Review Act 6 NYCRR 617.5(c)(12), construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density.

Motion to Open the Public Hearing for 2 Beach Rd at 6:31 pm.

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

Summary of Discussion:

- Applicants Erin Worsell & Derek Osborne were present to discuss this project.
- The applicants have safety concerns and have made several attempts to plant a natural buffer, which have not survived along that side of the property. Trees also interfere with the septic.

- There was one member of the public, who did not introduce themselves, that had concerns about wildlife and the environment. The Town Planner addressed these concerns.
- The fence will not be in the state Right of Way, and it will not impede the view of traffic.

Motion to Close the Public Hearing for 2 Beach Rd at 6:43 pm.

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

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

BACKGROUND INFORMATION

Applicant and Owner:	Variance No: 22-02
Erin Worsell and Derek Osborne	Zoning District: B1
2 Beach Road	Public Hearing Published on: 6/7/22
Lansing, NY	600’ Notices Mailed: 6/6/22
Property Location: 2 Beach Road	
Tax Parcel #: 31.-2-4	
Requirement for which Area Variances are requested: Town of Lansing Zoning Law § 270-11, Permission to Frontage, Yard, Height and Coverage Requirements	

RESOLUTION AND FINDINGS

WHEREAS, Erin Worsell and Derek Osborne, Applicants and Owners of 2 Beach Road, Tax Parcel No. 31.-2-4 located in the Mixed Use – B1 Zone applied for an Area Variance from Town of Lansing Zoning Law § 270-24 A., Fences and Walls, to construct approximately 146 feet of eight foot high fence where six feet in height is the maximum permitted; and

WHEREAS, on 14 June 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 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 617.5(c)(12), (construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density), such that no further environmental review is required, nor does this matter require a GML Section 239 review; so, upon due deliberation upon the foregoing, the application, and all evidence and testimony presented to the ZBA,

83 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

84

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

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

90

91 Yes ___ No x Findings: The Zoning Board of Appeals finds that the applicant is installing
92 a professional fence that will be attractive and have longevity.

93

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

96

97 Yes ___ No x Findings: The Zoning Board of Appeals finds that the applicant has done
98 due diligence by attempting to use a natural buffer several times. A six-foot fence does not
99 achieve the desired goal.

100

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

102

103 Yes ___ No x Findings: The Zoning Board of Appeals finds that the request of an eight-
104 foot fence is not substantial.

105

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

108

109 Yes ___ No x Findings: The Zoning Board of Appeals finds that there would be no
110 environmental impact. As 8’ deer fencing, as defined in the town zoning code, is allowed,
111 permitting a privacy fence would only have an aesthetic impact.

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

113

114 Yes x No ___ Findings: The Zoning Board of Appeals finds that this difficulty is self-
115 created, as the applicant simply wants the fence to be taller.

116

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

118

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

125

126 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED: Area Variance under 270-24 A., Fences and**
127 **Walls, to construct approximately 146 linear feet of eight-foot-high fence where six feet in**
128 **height is the maximum permitted.**

129

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

131 Yes ___ No x

132

133

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

136

137 **Motion by:** Mary Stoe

138 **Seconded by:** Rick Hayes

139

140 Richard Hayes – Aye

141 Mary Stoe – Aye

142 Susan Tabrizi – Aye

143 Jack Young – Aye

144 Judy Drake – Aye

145

146 Dated: 14 June 2022

147

148 **PUBLIC HEARING:** Consideration of an Appeal made by Mark Armstrong, owner of 233 Asbury
149 Road; Tax Parcel No. 38.-1-20, located in the Low Density Residential – R1 Zoning District. The
150 applicant is proposing to construct an approximately six foot porch in the front yard, 55’ and 9”
151 from the center line of the road, where 60’ is required. The applicant is applying for an Area
152 Variance from Town of Lansing Zoning Law § 270-11, Schedule II: Area, Frontage, Yard, Height
153 and Coverage Requirements. This is a Type II Action under the State Environmental Quality
154 Review Act 6 NYCRR 617.5(c)(16), granting of individual setback and lot line variances and
155 adjustments.

156

157 **Motion to Open the Public Hearing for 233 Asbury Rd at 6:52 pm.**

158 Motioned by: Susan Tabrizi Seconded by: Rick Hayes (Motion Carried)

159

160 **Summary of Discussion:**

- 161 • Mark Armstrong was present to discuss this project.
- 162 • The current structure is rotting and fills with water and ice during the winter.

163

164 **Motion to Close the Public Hearing for 233 Asbury Rd at 6:58 pm.**

165 Motioned by: Rick Hayes Seconded by: Jack Young (Motion Carried)

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

BACKGROUND INFORMATION

170
 171 Applicant and Owner: Variance No: 22-03
 172 Mark Armstrong Zoning District: R1
 173 233 Asbury Road Public Hearing Published on: 6/7/22
 174 Lansing, NY 600' Notices Mailed: 6/6/22
 175
 176 Property Location: 233 Asbury Rd
 177 Tax Parcel #: 38.-1-20
 178
 179
 180 Requirement for which Area Variances are requested: Town of Lansing Zoning Law § 270-11,
 181 Permission to Frontage, Yard, Height and Coverage Requirements
 182

RESOLUTION AND FINDINGS

183
 184
 185 WHEREAS, Mark Armstrong, Applicant and Owner of 233 Asbury Road, Tax Parcel No. 38.-1-20
 186 located in the Low Density Residential – R1 Zone applied for an Area Variance from Town of
 187 Lansing Zoning Law § 270-11, to construct an approximately six foot long porch in the front yard, 55'
 188 and 9" from the center line of the road, where 60' is required
 189

190 WHEREAS, on 14 June 2022 the Town of Lansing Zoning Board of Appeals (the "ZBA") thoroughly
 191 reviewed and analyzed: (i) the information and evidence submitted by the applicant in support
 192 of the requested area variance; (ii) all other information and materials properly before the ZBA;
 193 and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA;
 194 and
 195

196 WHEREAS, this application is classified as a Type II Action under 6 NYCRR Part 617.5(c)(16),
 197 granting of individual setback and lot line variances and adjustments, such that no further
 198 environmental review is required, nor does this matter require a GML Section 239 review; so,
 199 upon due deliberation upon the foregoing, the application, and all evidence and testimony
 200 presented to the ZBA,
 201

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

202
 203
 204 1. The Town of Lansing Zoning Board of Appeals ("ZBA") hereby makes the following findings with
 205 respect to the specific criteria for area variances as set forth in Town Law § 267-b(3)(b), and other
 206 applicable provisions of law and of the Zoning Ordinance:

207 a. **Whether an undesirable change will be produced in the character of the neighborhood or a**
 208 **detriment to nearby properties will be created by the granting of the area variance?**
 209

210 Yes ___ No x Findings: The Zoning Board of Appeals finds that there would not be a
 211 change in character or a detriment to the neighborhood.
 212

213 b. Whether the benefit sought by the applicant can be achieved by some method, feasible for
214 the applicant to pursue, other than an area variance?
215

216 Yes ___ No x Findings: The Zoning Board of Appeals finds that this is a standard structure
217 for the front of a house.
218

219 c. Whether the requested area variance is substantial?
220

221 Yes ___ No x Findings: The Zoning Board of Appeals finds that this is a small request.
222

223 d. Whether the proposed variance will have an adverse effect or impact on
224 the physical or environmental conditions in the neighborhood or district?
225

226 Yes ___ No x Findings: The Zoning Board of Appeals finds that there will be no impact.
227

228 e. Whether the alleged difficulty was self-created?
229

230 Yes x No ___ Findings: The Zoning Board of Appeals finds that this is self-created simply
231 because they want to add this porch to the structure.
232

233 2. DETERMINATION BASED ON THE ABOVE FACTORS (choose one):
234

235 It is hereby determined by the Town of Lansing Zoning Board of Appeals (the "ZBA") that the
236 following area variance is **GRANTED**, with any conditions hereafter stated (if any), it being
237 further found and determined that (i) the benefit to the applicant outweighs any potential
238 negative impacts or detriment to the neighborhood or community; and (ii) such area variance is
239 the minimum necessary as adequate to grant relief and, at the same time, preserve and protect
240 the character of the neighborhood and the safety and welfare of the community.
241

242 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED: Area Variance under 270-11 (Frontage, Yard,
243 Height and Coverage Requirements) to permit the construction of an approximately six foot
244 long porch in the front yard, 55' and 9" from the center line of the road, where 60' is required**
245

246 ARE CONDITIONS IMPOSED WITH RESPECT TO THE AREA VARIANCES AS GRANTED?
247

248 Yes ___ No x
249

250 **THE VOTE ON THE FOREGOING DECISION, DETERMINATIONS, AND RESOLUTION OF THE TOWN
251 OF LANSING ZONING BOARD OF APPEALS WAS AS FOLLOWS:**
252

253 **Motion by:** Susan Tabrizi

254 **Seconded by:** Mary Stoe
255

256 Richard Hayes – Aye

257 Mary Stoe – Aye
258 Susan Tabrizi – Aye
259 Jack Young – Aye
260 Judy Drake – Aye

261
262 Dated: 14 June 2022

263
264 **PUBLIC HEARING**: Consideration of an Appeal made by Robert Sterling, owner of 1184 East
265 Shore Drive; Tax Parcel No. 48.-1-10, located in the Lakeshore – L1 Zoning District. The
266 applicant is proposing to construct a 10' x 20' in the side yard, 18" from the side yard line,
267 where 10' is required. The applicant is applying for an Area Variance from Town of Lansing
268 Zoning Law § 270-11, Schedule II: Area, Frontage, Yard, Height and Coverage Requirements.
269 This is a Type II Action under the State Environmental Quality Review Act 6 NYCRR 617.5(c)(16),
270 granting of individual setback and lot line variances and adjustments.

271
272 **Motion to Open the Public Hearing for 1184 East Shore Dr at 7:04 pm.**
273 Motioned by: Rick Hayes Seconded by: Susan Tabrizi (Motion Carried)

274
275 **Summary of Discussion:**

- 276 • Holly Hamilton was present to discuss this project.
- 277 • The property will not have a garage or basement, so they need storage space.
- 278 • There is a duplex on the property, as well as the septic system. This creates very limited
279 available space.
- 280 • There is a similar structure on the neighboring property that is similarly close to the
281 property line.
- 282 • There is a chain link fence between the two properties.

283
284 **Motion to Close the Public Hearing for 1184 East Shore Dr at 7:09 pm.**
285 Motioned by: Jack Young Seconded by: Rick Hayes (Motion Carried)

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

289
290 **BACKGROUND INFORMATION**

291 Applicant and Owner:	Variance No: 22-04
292 Robert Sterling	Zoning District: L1
293 1184 East Shore Road	Public Hearing Published on: 6/7/2022
294 Lansing, NY	600' Notices Mailed: 6/6/2022
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296 Property Location: 1184 East Shore Road	
297 Tax Parcel #: 48.-1-10	
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299 Requirement for which Area Variances are requested: Town of Lansing Zoning Law § 270-11,	
300 Permission to Frontage, Yard, Height and Coverage Requirements	

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RESOLUTION AND FINDINGS

WHEREAS, Robert Sterling, Applicant and Owner of 1184 East Shore Road, Tax Parcel No. 48.-1-10 located in the Lakeshore – L1 Zone applied for an Area Variance from Town of Lansing Zoning Law § 270-11, Schedule II: Area, Frontage, Yard, Height and Coverage Requirements, to construct a 10’ x 20’ shed in the side yard, 18 inches from the side yard line, where 10’ is required, ;and

WHEREAS, on 14 June 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 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 NYCRR 617.5(c)(16), granting of individual setback and lot line variances and adjustments, such that no further environmental review is required, nor does this matter require a GML Section 239 review; 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 area variances 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 the shorter distance from property lines is standard for the neighborhood.

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 the proposed location for the structure is the best fit for this property in relation to the other structures and the septic.

c. Whether the requested area variance is substantial?

Yes x No ___ Findings: The Zoning Board of Appeals finds that this is a substantial request, but is warranted due to the character of the neighborhood.

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

345 Yes ___ No x Findings: The Zoning Board of Appeals finds that there would be no
346 impact.

347

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

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350 Yes x No ___ Findings: The Zoning Board of Appeals finds that this is self-created simply
351 because they want a shed in that location.

352

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

354

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

361

362 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED: Area Variance under 270-11, Schedule II:**
363 **Area, Frontage, Yard, Height and Coverage Requirements, to construct a 10' x 20' shed in the**
364 **side yard, 18 inches from the side yard line, where 10' is required,**

365

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

367 Yes x No ___

368

369 STATEMENT OF CONDITIONS:

370 1. The structure be no taller than 12 feet.

371

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

374

375 **Motion by:** Mary Stoe

376 **Seconded by:** Rick Hayes

377

378 Richard Hayes – Aye

379 Mary Stoe – Aye

380 Susan Tabrizi – Aye

381 Jack Young – Aye

382 Judy Drake – Aye

383

384 Dated: 14 June 2022

385

386 Chair Judy Drake adjourned meeting at 7:25 PM

387

388 Minutes taken and executed by Heather Dries