
Town of Lansing

Zoning Board of Appeals Meeting
Tuesday, September 13, 2022 6:30 PM
Library Community Board 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
Bronwyn Losey, Councilmember

Public Present

Matthew Poole

General Business

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

PUBLIC HEARING: Rehearing 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 - LI (with lake frontage) Zoning District. The applicant was granted a variance on Oct 12, 2021 to demolish an existing shed and to construct a 10' x 10 accessory building at the same location. The accessory building was proposed to extend 2' to the South from the existing footprint. The applicant is requesting to modify the condition of approval which required substantial construction to begin within one year of the variance's issuance. 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).

Motion to Open the Public Hearing for 166 Ludlowville Rd at 6:32 pm.

Motioned by: Jack Young Seconded by: Mary Stoe All in Favor (Motion Carried)

Summary of Discussion:

- Matthew Poole was present to discuss this request.
- The shed will be used for basic storage needs.
- Mr. Poole will be installing a fence around the back of the property which will buffer the view of the shed.

- The location of the septic prevents the applicant from placing the shed anywhere else on the property

Motion to Close the Public Hearing for Ludlowville Rd at 6:36 pm.

Motioned by: Rick Hayes 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: 22-06
Matthew Poole	Zoning District: R2
166 Ludlowville Road	Public Hearing Published on: 9/7/22
Lansing, NY 14882	600' Notices Mailed: 9/7/22

Property Location: 166 Ludlowville Rd
Tax Parcel #: 26.-5.12

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, Matthew Pool, Applicant and Owner of 166 Ludlowville Rd, Tax Parcel No. 26.-5.12, located in the Moderate Density Residential – R2 Zone applied for an Area Variance from Town of Lansing Zoning Law § 270-11, to construct a 10' x 16' accessory 3 feet from the side and rear yard lines, where 10 feet is required.

WHEREAS, on 13 September 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 Part 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:

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

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

88
89 Yes ___ No x Findings: The Zoning Board of Appeals finds that the lot is small and this
90 structure will fit with the character of that neighborhood.

91
92 b. **Whether the benefit sought by the applicant can be achieved by some method, feasible for**
93 **the applicant to pursue, other than an area variance?**

94
95 Yes ___ No x Findings: The Zoning Board of Appeals finds that this is a small lot and
96 other configurations would not work due to the septic placement.

97
98 c. **Whether the requested area variance is substantial?**

99
100 Yes x No ___ Findings: The Zoning Board of Appeals finds that a 70% request is
101 substantial, however it is mitigated by other factors.

102
103 d. **Whether the proposed variance will have an adverse effect or impact on**
104 **the physical or environmental conditions in the neighborhood or district?**

105
106 Yes ___ No x Findings: The Zoning board of Appeals finds that the addition of the
107 fence will reduce the visual impact.

108
109 e. **Whether the alleged difficulty was self-created?**

110
111 Yes ___ No x Findings: The Zoning Board of Appeals finds that this is an extremely
112 small lot and there is no other configuration that would work considering the septic.

113
114 2. DETERMINATION BASED ON THE ABOVE FACTORS (choose one):

115
116 It is hereby determined by the Town of Lansing Zoning Board of Appeals (the “ZBA”) that the
117 following area variance is **GRANTED**, with any conditions hereafter stated (if any), it being
118 further found and determined that (i) the benefit to the applicant outweighs any potential
119 negative impacts or detriment to the neighborhood or community; and (ii) such area variance is
120 the minimum necessary as adequate to grant relief and, at the same time, preserve and protect
121 the character of the neighborhood and the safety and welfare of the community.

122
123 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED: Area Variance under 270-11 (Frontage, Yard,**
124 **Height and Coverage Requirements to construct a 10’ x 16’ accessory 3 feet from the side and**
125 **rear yard lines, where 10 feet is required.**

126

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

128 Yes ___ No x

129

130 STATEMENT OF CONDITIONS:

131

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

134

135 **Motion by:** Richard Hayes

136 **Seconded by:** Susan Tabrizi

137

138 Richard Hayes – Aye

139 Mary Stoe – Aye

140 Susan Tabrizi – Aye

141 Jack Young – Aye

142 Judy Drake – Aye

143

144 Dated: 13 September 2022

145

146

147 Chair Judy Drake adjourned meeting at 6:45 PM

148

149 Minutes taken and executed by Heather Dries