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**Town of Lansing**

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**Zoning Board of Appeals Meeting**  
**Tuesday, September 13, 2022 6:30 PM**  
**Library Community Board Room- 27 Auburn Rd**

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**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, Applicant and Owner, was present to discuss this request.
- Applicant stated the shed will be used for basic storage needs; a fence will be installed 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.

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**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:	
Matthew Poole	
166 Ludlowville Road	Variance No: 22-06
Lansing, NY 14882	Zoning District: R2
Property Location: 166 Ludlowville Rd	Public Hearing Published on: 9/7/22
Tax Parcel #: 26.-5.12	600' Notices Mailed: 9/7/22

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 Poole, 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:**

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

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

87  
88 Yes \_\_\_ No  x  Findings: The Zoning Board of Appeals finds that the lot is small and this  
89 structure will fit with the character of that neighborhood.

90  
91 b. **Whether the benefit sought by the applicant can be achieved by some method, feasible for**  
92 **the applicant to pursue, other than an area variance?**

93  
94 Yes \_\_\_ No  x  Findings: The Zoning Board of Appeals finds that this is a small lot and  
95 other configurations would not work due to the septic placement.

96  
97 c. **Whether the requested area variance is substantial?**

98  
99 Yes  x  No \_\_\_ Findings: The Zoning Board of Appeals finds that a 70% request is  
100 substantial, however it is mitigated by other factors.

101  
102 d. **Whether the proposed variance will have an adverse effect or impact on**  
103 **the physical or environmental conditions in the neighborhood or district?**

104  
105 Yes \_\_\_ No  x  Findings: The Zoning board of Appeals finds that the addition of the  
106 fence will reduce the visual impact.

107  
108 e. **Whether the alleged difficulty was self-created?**

109  
110 Yes \_\_\_ No  x  Findings: The Zoning Board of Appeals finds that this is an extremely  
111 small lot and there is no other configuration that would work considering the septic.

112  
113 2. DETERMINATION BASED ON THE ABOVE FACTORS (choose one):

114  
115 It is hereby determined by the Town of Lansing Zoning Board of Appeals (the “ZBA”) that the  
116 following area variance is **GRANTED**, with any conditions hereafter stated (if any), it being  
117 further found and determined that (i) the benefit to the applicant outweighs any potential  
118 negative impacts or detriment to the neighborhood or community; and (ii) such area variance is  
119 the minimum necessary as adequate to grant relief and, at the same time, preserve and protect  
120 the character of the neighborhood and the safety and welfare of the community.

121  
122 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED: Area Variance under 270-11 (Frontage, Yard,**  
123 **Height and Coverage Requirements to construct a 10’ x 16’ accessory 3 feet from the side and**  
124 **rear yard lines, where 10 feet is required.**

125

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

127 Yes \_\_\_ No  x

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129 STATEMENT OF CONDITIONS:

130

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

133

134 **Motion by:** Richard Hayes

135 **Seconded by:** Susan Tabrizi

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137 Richard Hayes – Aye

138 Mary Stoe – Aye

139 Susan Tabrizi – Aye

140 Jack Young – Aye

141 Judy Drake – Aye

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143 Dated: 13 September 2022

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146 Chair Judy Drake adjourned meeting at 6:45 PM

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148 Minutes taken and executed by Heather Dries