
Town of Lansing

Zoning Board of Appeals Meeting
Tuesday, October 11, 2022 6:30 PM
Library Community Board Room- 27 Auburn Rd

Present

Judy Drake, Chair
Richard Hayes
Mary Stoe
Susan Tabrizi

Excused

Jack Young

Other Staff Present

John Zepko, Planner Heather Dries, Planning Clerk

Public Present

Dale Williams

General Business

Chair Judy Drake opened the meeting at 6:28pm.

PUBLIC HEARING: Rehearing of an Appeal made by Dale and Judy Williams, 99 Armstrong Road; Tax Parcel No. 38.-1-12, located in the Low Density Residential – R1 Zoning District. The applicant was granted a variance on September 14, 2021 to construct a 28’ x 24 car port and is requesting a 16’ Area Variance from Town of Lansing Zoning Law § 270, Schedule II which requires a 60’ Minimum Front Yard Setback from the center line of the road. 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 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 99 Armstrong Rd at 6:30 pm.

Motioned by: Judy Drake Seconded by: Mary Stoe All in Favor (Motion Carried)

Summary of Discussion:

- Dale Williams was present to discuss this project.
- Due to the increase in cost and lack of building materials, the applicant has been unable to begin the project.
- The Zoning Board of Appeals discussed and agreed unanimously to remove the condition that the project begin construction in one year.

Motion to Close the Public Hearing for 99 Armstrong Rd at 6:34 pm.

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

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42 **AREA VARIANCE FINDINGS AND DECISION**
43 **TOWN OF LANSING ZONING BOARD OF APPEALS**
44

45 **BACKGROUND INFORMATION**
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48 Applicant and Owner:
49 Dale and Judy Williams
50 99 Armstrong Road
51 Lansing, NY

Variance No: 22-07
Zoning District: R1
Public Hearing Published on: 9/29/22
600' Notices Mailed: 9/28/22

52
53 Property Location: 281 Bill George
54 Tax Parcel #: 38.-1-12
55

56 **RESOLUTION AND FINDINGS**
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58 WHEARAS on September 14, 2021, the applicant was granted a 16' area variance to from Town
59 of Lansing Code (the "Code"): Section 270, Schedule II: Area, Frontage, Yard, Heights and
60 Coverage Requirements, to construct a 28' x 24 carport 44' from the center line of the road
61 where a 60' setback is required. The proposal was located at 99 Armstrong Road, tax map #38.-
62 1-12; and
63

64 WHEREAS, the applicants Dale and Judy Williams, Applicants, are requesting to modify a
65 condition of the original approval which required substantial construction to begin within one
66 year from the granting of an area variance on September 14, 2021, from Town of Lansing Code
67 (the "Code"): Section 270, Schedule II: Area, Frontage, Yard, Heights and Coverage
68 Requirements; and
69

70 WHEARAS, the condition of approval which the applicant has requested to modify states:

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72 "As variances are exceptions based upon exigent need or emergency, should applicant fail
73 to avail itself of the benefits of the above-described area variance within one year from
74 the date hereof, this approval and such area variance shall expire. In cases where
75 construction may be applicable, "avail itself of the benefits" shall mean a building permit
76 obtained (if necessary) and substantial construction as commenced. Said one-year
77 approval period may be extended for good cause by the ZBA if application for an
78 extension is submitted before the expiration of the then applicable variance period."; and
79

80 WHEREAS, the Zoning Board of Appeals affirms the findings of the September 14, 2021 decision
81 in regards to the balancing questions required by NYS Town Law for area variances; and
82

83 WHEREAS, the previous application was and continues to be classified as a Type II Action under
84 NYCRR 617.5(c)(16), granting of individual setback and lot line variances and adjustments, such

85 that no further environmental review is required, nor does this matter require a GML Section
86 239 review; so, upon due deliberation upon the foregoing, the application, and all evidence and
87 testimony presented to the ZBA,
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89

90 **NOW, THEREFORE, BE IT RESOLVED.**

91

92 It is hereby determined by the Town of Lansing Zoning Board of Appeals (the “ZBA”) finds that
93 removal of the condition of the September 14, 2021, area variance approval requiring
94 substantial completion within one year of the issuance of the area variance, will not have an
95 effect upon either the area variance granted or its conditions, review, determinations or the
96 environmental impacts incident to the same.
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97

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

100

101 **Motion by:** Mary Stoe

102 **Seconded by:** Susan Tabrizi

103

104 Judy Drake – Aye

105 Richard Hayes – Aye

106 Mary Stoe – Aye

107 Susan Tabrizi – Aye

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109 Dated: 11 October 2022

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112 Chair Judy Drake adjourned meeting at 6:49 PM

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114 Minutes taken and executed by Heather Dries