



ZONING BOARD OF APPEALS MEETING

Lansing Town Hall Board Room
Wednesday, May 14, 2025
6:30 PM

AGENDA

SUBJECT TO CHANGE

Meeting is open to the public and streamed live on YouTube.

VIEW THE MEETING LIVE - TOWN OF LANSING YOUTUBE CHANNEL

To find our YouTube Channel - Go to www.lansingtown.com, click on the "YouTube" Icon (red square) located on the bottom left corner of our Home Page.

1. Call Meeting to Order

2. Roll Call

3. Action Items

- a. **Project:** Requesting an Area Variance for a front (north) yard setback of 6'-6" where 60' is required

Applicant: George Breuhaus on behalf of Scott Hicks

Location: 13 Water Wagon Road, TPN 42.-1-1.121

Project Description: The applicant has applied for an Area Variance to tear down the existing shop building and build a new 40' x 100' structure in its place. The applicant is seeking relief from Town of Lansing Zoning Law § 270-11, Schedule II: Area, Frontage, Yard, Height, and Coverage Requirements for a front (north) yard setback of 6'-6" where 60' is required.

SEQR: This project is a Type II action

Anticipated Action: Review variance request, hold Public Hearing, issue conditions & approval

4. Adjourn Meeting

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact the Town Clerk's Office at 607-533-4142. Request should be made 72 hours prior to the meeting.

Scott Hicks is proposing to tear down an existing Quonset hut storage structure and replace it with a new pole barn structure. The existing building is in bad repair, including significant deterioration of supporting roof framing. An area variance is requested to allow new supporting poles to bear on undisturbed soil immediately outside of the existing structure.

PROPOSED STORAGE R
SCOTT HICKS
10 WATERWAGON ROAD, ITHACA, NY 14850

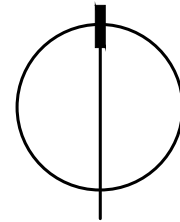
GEORGE W. BREUHAUS, AFB
950 DANBY ROAD SUITE 2200
ITHACA, NEW YORK 14850

SCALE: AS NOTED

DATE: 20 FEB 2025

FLOOR PLAN

3



HICKS SEPTIC AND EXCAVATION, INC.

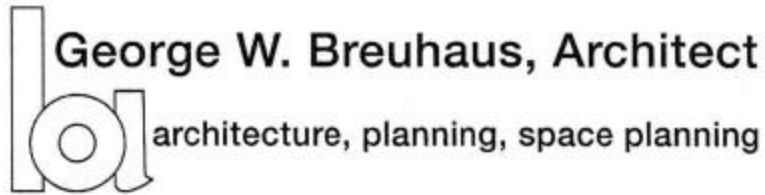
J. Scott Hicks, Owner
13 Waterwagon Rd.
Ithaca, N.Y. 14850
Phone: (607) 273-0867
Email: jshicks62@gmail.com

February 20, 2025

To whom it may concern:

I hereby give my consent to have George Breuhaus (architect) to represent me and my business in all dealings with the Lansing Planning Board in getting approval for the building of a shop at the above address.


J Scott Hicks



March 18, 2025

Town of Lansing
29 Auburn Road
Lansing, New York 14882

Re: Proposed Area Variance
Storage Building Replacement
10 Waterwagon Road
J.Scott Hicks

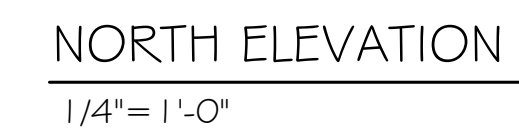
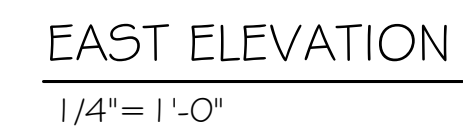
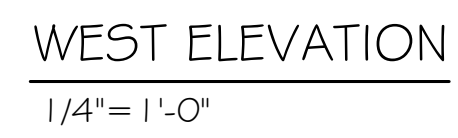
The following are answers to Variance questions:

1. Can benefit be achieved by other means?
Answer: No
2. Will proposed action bring an undesirable change in character?
Answer: No
3. Is request substantial?
Answer: No
4. Will action have adverse physical or environmental affect?
Answer: No
5. Is difficulty self-created:
Answer: No

Thank you for you review.

Very Truly Yuors,
George W. Breuhaus, Architect

George W. Breuhaus



XXXXXX
XXXXXX
XXXX, ITHACA, NY

GEORGE W. BREUHAUS, ARCHITECT
950 DANBY ROAD SUITE 220
ITHACA, NEW YORK 14850

PROJ. NO: 25 - 04
SCALE: AS NOTED
DRAWN: BREUHAUS
DATE: 28 JAN 2025

ELEVATIONS

AGRICULTURAL DATA STATEMENT

Section 3, Item a.

Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

- A. Name of applicant: SCOTT HICKS
Mailing address: 10 WATERWAGON ROAD
LANSING, NEW YORK
- B. Description of the proposed project: REPLACEMENT OF DETRIMENTAL QUONSET
STORAGE BUILDING WITH NEW POLE BARN STORAGE BUILDING
- C. Project site address: 10 WATERWAGON ROAD Town: LANSING, N.Y.
- D. Project site tax map number: 42-1-1.130
- E. The project is located on property:
☐ within an Agricultural District containing a farm operation, or
☒ with boundaries within 500 feet of a farm operation located in an Agricultural District.
- F. Number of acres affected by project: _____
- G. Is any portion of the project site currently being farmed?
☐ Yes. If yes, how many acres _____ or square feet _____ ?
☒ No.
- H. Name and address of any owner of land containing farm operations within the Agricultural District and is located within 500 feet of the boundary of the property upon which the project is proposed.
JOHN YOUNG - OWNER
BOB MONSON - LEASEE
831 BUCK ROAD
GEORGETOWN, N.Y.
- I. Attach a copy of the current tax map showing the site of the proposed project relative to the location of farm operations identified in Item H above.

FARM NOTE

Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

GEORGE W. BEEHAWES, ARCHITECT

Name and Title of Person Completing Form

MAR. 18, 2025

Date

Short Environmental Assessment Form

Part 1 - Project Information

Section 3, Item a.

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

Name of Action or Project:

PROPOSE STORAGE REPLACEMENT BUILDING

Project Location (describe, and attach a location map):

10 WATERWAGON ROAD LANSING, NEW YORK

Brief Description of Proposed Action:

REPLACE EXISTING DETRIORATE QUONSET HUT STORAGE BUILDING WITH NEW POLE BARN STORAGE BUILDING.

Name of Applicant or Sponsor:

GEORGE W. BREUHAUS

Telephone: 607-257-8348

E-Mail: breuhausarchitect@yonop.com

Address:

950 DANBY ROAD STE 220

City/PO:

LITHACA

State:

N.Y.

Zip Code:

14850

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?

NO

YES

If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.

☐

☐

2. Does the proposed action require a permit, approval or funding from any other government Agency?

NO

YES

If Yes, list agency(s) name and permit or approval:

☐

☐

3. a. Total acreage of the site of the proposed action?

9.85 acres

b. Total acreage to be physically disturbed?

0.12 acres

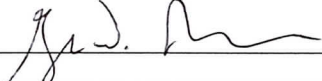
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?

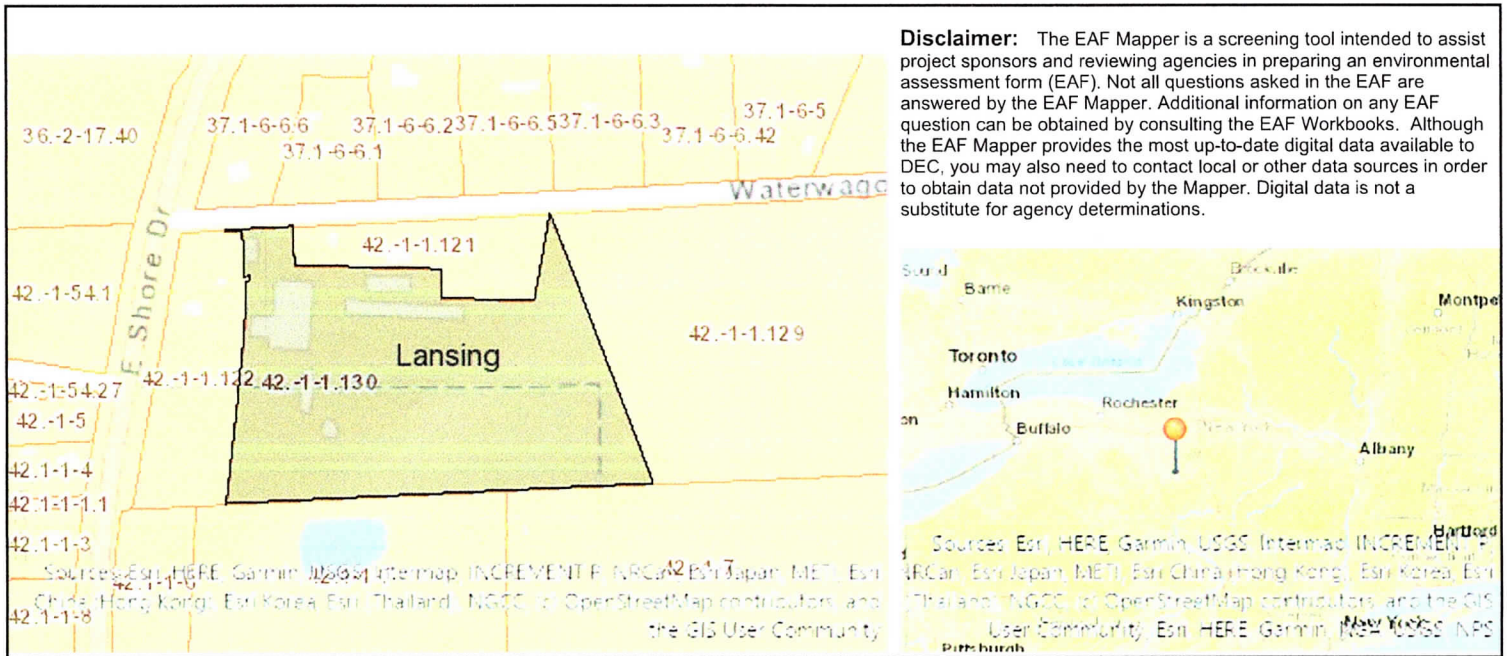
11.02 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

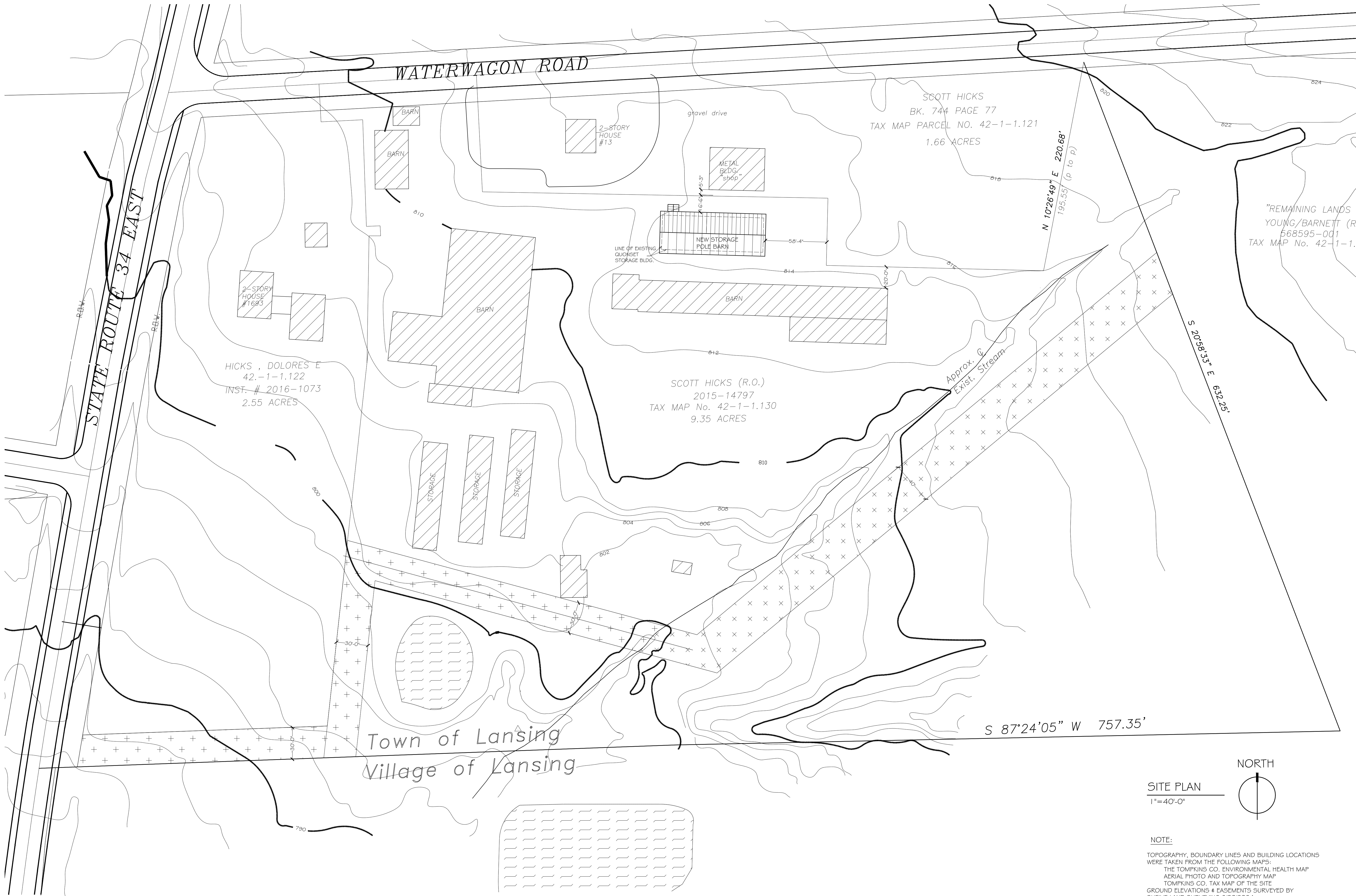
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)
☐ Forest ☒ Agriculture ☐ Aquatic ☐ Other(Specify):
☐ Parkland

		Section 3, Item a.	
5.	Is the proposed action,	NO	
a.	A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES
	If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.	a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.	Does the proposed action meet or exceed the state energy code requirements?	NO	YES
	If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10.	Will the proposed action connect to an existing public/private water supply?	NO	YES
	If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11.	Will the proposed action connect to existing wastewater utilities?	NO	YES
	If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12.	a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13.	a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>
	If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		

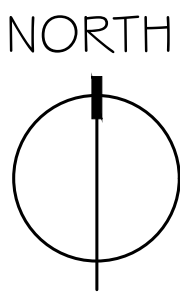
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply.		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>GEORGE W. BREUKAAS, ARCHITECT</u> Date: <u>MAR. 18, 2025</u>		
Signature: <u></u> Title: <u>ARCHITECT</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No



SITE PLAN
1"=40'-0"



NOTE:

TOPOGRAPHY, BOUNDARY LINES AND BUILDING LOCATIONS WERE TAKEN FROM THE FOLLOWING MAPS:
THE TOMPKINS CO. ENVIRONMENTAL HEALTH MAP
AERIAL PHOTO AND TOPOGRAPHY MAP
TOMPKINS CO. TAX MAP OF THE SITE
GROUND ELEVATIONS & EASEMENTS SURVEYED BY SHEIVE LAND SURVEYING 8/30/2024

PROPOSED STORAGE REPLACEMENT BUILDING

SCOTT HICKS
10 WATERWAGON ROAD, ITHACA, NY 14850

GEORGE W. BREUHAUS, ARCHITECT
950 DANBY ROAD SUITE 220
ITHACA, NEW YORK 14850

PROJ.NO: 25 - 04

SCALE: AS NOTED

DRAWN: BREUHAUS

DATE: 18 MAR 2025

SITE PLAN

SITE -1



Section 3, Item a.

Doc 4
Copy

Tompkins County Clerk Recording Page

Return To

J SCOTT HICKS
ENV

Maureen Reynolds, County Clerk

Tompkins County Clerk
320 North Tioga Street
Ithaca, NY 14850
(607) 274-5431

Document Type: **DEED**

Receipt Number: 15-111402

Grantor (Party 1)

KASHDIN, ROBERT

Grantee (Party 2)

HICKS, J SCOTT

Fees

Recording Fee	\$20.00
Pages Fee	\$45.00
State Surcharge	\$20.00
TP-584 Form Fee	\$5.00
RP-5217 Form Fee	\$125.00
State Transfer Tax	\$440.00
County Transfer Tax	\$220.00
Total Fees Paid:	\$875.00

Transfer Amt: \$110,000.00

Instrument #: 2015-14797

Transfer Tax #: 000809

Property located in **Lansing**

State of New York
County of Tompkins

Recorded on December 10th, 2015 at 3:41:48 PM
with a total page count of **9**.

Tompkins County Clerk

This sheet constitutes the Clerk's endorsement required by section 319 of the Real Property Law of the State of New York

Do Not Detach

c 12/10/2015 03:41:48 PM

EXECUTOR'S and TRUSTEES' DEED

THIS CONVEYANCE, made the 9 day of December, Two Thousand and Fifteen, between

ROBERT KASHDIN, of 4853 Carey Drive, Manlius, New York 13104, as Executor of the Estate of John W. Hicks and as Co-Trustee FBO The Lansing Property Trust under Article Fourth of the Will of John W. Hicks and DOLORES E. HICKS, of 1693 East Shore Drive, Ithaca, New York 14850, as Co-Trustee FBO The Lansing Property Trust under Article Fourth of the Will of John W. Hicks, and individually,

the Grantors, and

J. SCOTT HICKS of 13 Waterwagon Road, Ithaca, New York 14850,

the Grantee,

WITNESSETH that the Grantors, by virtue of the power and authority to given in and by said Last Will and Testament, and in consideration of ONE HUNDRED TEN THOUSAND and no/100 DOLLARS (\$110,000.00) lawful money of the United States, paid by the Grantee, do hereby grant and release unto the Grantee, his successors and assigns forever, as follows:

ALL THAT TRACT OR PARCEL OF LAND described on SCHEDULE A annexed hereto and made a part hereof.

TOGETHER with the appurtenances and all the estate and rights of the Grantors in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, his successors and assigns forever.

The Grantors, in compliance with Section 13 of the Lien Law, covenant that the Grantors will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and the Grantors will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

AND said Grantors covenant that the Grantors have not done or suffered anything whereby the said premises have been encumbered in any way whatsoever, except as aforesaid.

IN WITNESS WHEREOF, the Grantors have executed this deed the day and year first above written.

Robert Kashdin

ROBERT KASHDIN, Executor of the Estate of John W. Hicks and as Co-Trustee FBO The Lansing Property Trust under Article Fourth of the Will of John W. Hicks

Dolores E. Hicks

DOLORES E. HICKS, Co-Trustee FBO The Lansing Property Trust under Article Fourth of the Will of John W. Hicks a and Individually

John W. Hicks

RETURN
to
J. Hicks

STATE OF NEW YORK)
COUNTY OF Cortland) ss.:

On the 9 day of December, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT KASHDIN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

MICHAEL R. MAY
Notary Public, State of New York
No. 4829694
Qualified in Tompkins County
Commission Expires July 31, 2017

Michael R. May
NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF Tompkins) ss.:

On the 9 day of December, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared DOLORES E. HICKS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

MICHAEL R. MAY
Notary Public, State of New York
No. 4829694
Qualified in Tompkins County
Commission Expires July 31, 2017

Michael R. May
NOTARY PUBLIC

This deed is also executed by J. Scott Hicks for the purpose of accepting the terms hereof.

J. Scott Hicks
J. SCOTT HICKS

STATE OF NEW YORK)
COUNTY OF Tompkins) ss.:

On the 9 day of Dec, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared J. SCOTT HICKS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

MICHAEL R. MAY
Notary Public, State of New York
No. 4829694
Qualified in Tompkins County
Commission Expires July 31, 2017

Michael R. May
NOTARY PUBLIC

SCHEDULE A

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lansing, County of Tompkins, and State of New York, bounded and described as follows:

BEGINNING at a point in the center line of Waterwagon Road, which point is located South 83° 42' 42" East measured along said center line a distance of 140.84 feet from the center line intersection of Waterwagon Road and New York State Route 34, a/k/a East Shore Drive, and which point of beginning is also located North 06° 49' 13" East a distance of 30.22 feet from a point marked by a set iron pin and cap;

Thence South 06° 49' 13" West a distance of 30.22 feet to a point marked by said set iron pin and cap;

Thence South 83° 42' 42" East a distance of 38.50 feet to a point marked by a set iron pin and cap;

Thence South 06° 49' 13" West a distance of 101.58 feet to a point marked by a set iron pin and cap;

Thence North 87° 33' 03" East a distance of 13.35 feet to a point marked by a set iron pin and cap;

Thence South 06° 01' 22" West a distance of 10.00 feet to a point marked by a set iron pin and cap;

Thence South 86° 39' 45" West a distance of 10.00 feet to a point marked by a set iron pin and cap;

Thence South 11° 00' 13" West a distance of 116.17 feet to a point marked by a set iron pin and cap;

Thence South 15° 27' 21" West a distance of 367.79 feet to a point marked by a set iron pin and cap;

Thence South 83° 21' 55" East (passing through a point marked by a set iron pin and cap at 165.00 feet) a total distance of 185 feet, more or less, to a point in the center line of a stream;

Thence Northeasterly along the center line of said stream a distance of 643 feet, more or less, to a point in the center line of said stream that is on a chord tie of North 59° 29' 24" East, 637.84 feet from the last described point;

Thence North 19° 40' 47" East a distance of 25 feet to a point marked by a set iron pin and cap at the southeasterly corner of premises reputedly owned by J. Scott Hicks (L. 744/P. 77);

Thence North 79° 20' 10" West along a southerly boundary of said J. Scott Hicks premises a distance of 205.20 feet to a point marked by a set iron pin and cap;

Thence North 10° 39' 50" East along a westerly boundary of J. Scott Hicks premises a distance of 63.64 feet to a point marked by a set iron pin and cap;

Thence North 79° 20' 10" West along a southerly boundary of J. Scott Hicks premises a distance of 325.00 feet to a point marked by a set iron pin and cap at a southwesterly corner of said J. Scott Hicks premises;

Thence North 06° 17' 18" East along the westerly boundary of said J. Scott Hicks premises (passing through a point marked by a set iron pin and cap at 86.14 feet) a total distance of 111.14 feet to a point in the center line of Waterwagon Road;

Thence North 83° 42' 42" West along said center line of Waterwagon Road a distance of 150.24 feet to the point and place of beginning, containing 5.4 acres (to center line of road).

TOGETHER WITH the following:

1. An easement 15 feet in width for the use, repair, maintenance and replacement of the existing water service line and associated pumps and electric lines from an existing water meter pit located within the bounds of New York State Route 34 and extending generally northeasterly across premises labeled proposed parcel "A" on the survey map hereinafter referred to to the westerly boundary line of the above described premises labeled proposed parcel "B" on the survey map hereinafter referred to, said location of the water service line being as shown on said survey map. This easement shall be 15' in width, the center line of which is the existing water service line. If the surface over such water service line is disturbed in the exercise of any of the easement rights granted, the party responsible shall reasonably restore the surface and shall not unreasonably interfere with the use of the real estate over which this easement extends.

2. An easement for use, repair, maintenance and replacement of utility lines and gas lines extending from public utility services across the premises labeled proposed parcel "A" as shown on the survey map hereinafter referred to, the location of such public utility lines being as shown on said survey map.

3. For so long as Dolores E. Hicks remains a resident of the premises at 1693 East Shore Drive in the Town of Lansing (being the premises labeled proposed parcel "A" on the survey map hereinafter referred to), the existing sign for East Shore Storage located northerly of the house on said proposed parcel "A" shall be maintained in its current condition comparable to the existing sign but with the telephone number being changed on said sign as instructed by the Grantee and with the name of the business being changed if the Grantee so desires (subject to the reasonable approval of Dolores E. Hicks), with the Grantee having the authority to enter from New York State Route 34 for maintenance of such sign (but with Dolores E. Hicks having the right to maintain any landscaping/flower beds in the vicinity of such sign as she reasonably arranges). If in the exercise of these rights any surface area is disturbed the party responsible shall reasonable restore the surface and shall not unreasonably interfere with the use of the real estate over which the sign is located. The rights under this paragraph shall terminate upon the discontinuance of Dolores E. Hicks residing in the premises at 1693 East Shore Drive in the Town of Lansing.

4. A 30' wide right-of-way extending from New York State Route 34 to the parcel conveyed herein, the southerly boundary of such right-of-way being the southerly boundary of the parcel labeled Proposed Parcel "A" on the survey map hereinafter referred to, said right-of-way being labeled on such survey map as "Proposed 30' wide R-O-W.

SUBJECT TO the following:

1. An easement for the use, repair, maintenance and replacement of the water service lines and associated pumps and electric lines currently existing on the conveyed premises, that serve the premises labeled proposed parcel "A" on the survey map hereinafter referred to (1693 East Shore Drive, Town of Lansing), with the location of such water service lines being as shown on the survey map hereinafter referred to. Said easement shall be 15 feet in width with the center line being the existing water service lines. If the surface over such water service line is disturbed when these easement rights are exercised then the party responsible shall reasonably restore the surface and shall not unreasonably interfere with the use of the real estate over which this easement extends.

2. An easement for the use, repair, maintenance and replacement of public utility lines and gas lines which extend from Waterwagon Road over the above conveyed premises to provide public utility services to the premises labeled proposed parcel "A" on the survey map hereinafter referred to, the location of such public utility lines being as shown on the survey map hereinafter referred to.

3. Rights of the public in and to that portion of the above conveyed premises located within the public highway of Waterwagon Road.

4. Pole line easements granted to New York State Electric & Gas Corporation as shown by easement recorded in Liber 455 of Deeds at Page 477 and as shown on the survey map hereinafter referred to and a pole line easement granted to New York Telephone Company as shown by easement recorded in Liber 651 of Deeds at Page 1029.

5. Rights of ingress and egress for those premises located westerly of and adjacent to the above conveyed premises over the existing gravel drive extending from and to Waterwagon Road from and to the easterly boundary line of the premises labeled proposed parcel "A" on the survey map hereinafter referred to, all as shown on the survey map hereinafter referred to.

6. A protective covenant that the surface of the portion of the above conveyed premises described as a rectangular shaped parcel at the extreme northwest corner of the above conveyed premises shall not be disturbed nor shall the surface be changed in any way that currently exists, including the right but not the obligation, of the owner of premises labeled proposed parcel "A" on the survey map hereinafter referred to mow the lawn or otherwise maintain the surface of such rectangular area. Such rectangular area is described as follows:

BEGINNING at a point in the center line of Waterwagon Road, which point is located South 83° 42' 42" East measured along said

center line a distance of 140.84 feet from the center line intersection of Waterwagon Road and New York State Route 34, a/k/a East Shore Drive;

Thence South $06^{\circ} 49' 13''$ West a distance of 30.22 feet to a point marked by a set iron pin and cap;

Thence South $83^{\circ} 42' 42''$ East a distance of 38.50 feet to a point marked by an iron pin and cap;

Thence North $06^{\circ} 49' 13''$ East a distance of 30.22 feet, more or less, to a point in the center line of Waterwagon Road;

Thence North $83^{\circ} 42' 42''$ West along the center line of Water Wagon Road a distance of 38.50 feet, more or less, to the point and place of beginning.

THE TERMS of paragraph 7 through and including 11, hereinafter set forth, shall be subject and subordinate to the mortgage granted on the same date as the date of this deed by J. Scott Hicks to First National Bank of Groton:

7. The right of Dolores E. Hicks to store rent free one boat in the East Shore Storage premises in a reasonably safe location as would be used for the storage of any other customer's boat and the right to store property in Unit #8 as it currently exists and the right to store tractors, machinery, and a motor vehicle as currently exists in the East Shore Storage premises rent free, with such rights to exist for the remaining life of Dolores E. Hicks.

8. For so long as Dolores E. Hicks is alive, the Grantee shall not cause or allow any mortgage, refinance, judgment, lien or other obligation that encumbers or could encumber the title to the real property conveyed above or any business assets located thereon, or any replacement of such assets or improvements on such real property, in an amount greater than One Hundred Ten Thousand Dollars (\$110,000.00) and Grantee further covenants and agrees that so long as Dolores E. Hicks is alive, Grantee shall not sell or otherwise convey any part of the above conveyed premises or any other business assets located thereon to any other individual or party without the express written consent of Dolores E. Hicks. The parties agree that monetary damages will not be sufficient for any breach of this provision and that in the event of a potential sale or conveyance of the premises in violation of this provision, Dolores E. Hicks shall have the right to seek specific performance and shall also be entitled to all other legal rights to enforce or otherwise compensate her for any violation of this provision. In the event that the Grantee contemplates selling or conveying any portion of the real property conveyed above or otherwise sell any convey any business assets located thereon, Dolores E. Hicks shall have an option to purchase back such premises for the sum of One Hundred Ten Thousand Dollars (\$110,000.00). All rights under this paragraph shall end upon the death of Dolores E. Hicks or upon her execution of a release of any such rights, in her discretion.

9. In the event J. Scott Hicks dies before Dolores E. Hicks, in such event Dolores E. Hicks shall have the option to buy back the real property and business assets conveyed herein and any replacement assets or other improvements on such real property (hereinafter referred to as the "property"), for the sum of One

Hundred Ten Thousand Dollars (\$110,000.00) or the mortgage balance on such property at the time of the death of J. Scott Hicks, whichever is less. In the event that Dolores E. Hicks chooses to buy back such property and three (3) or more years have passed since the closing on the sale of the property to the Grantee and Dolores E. Hicks has not, prior to the death of J. Scott Hicks, provided written notice to the Grantee by certified mail, return receipt requested, that the operation of the storage business or any other activities on such real property have been a nuisance or otherwise interfered with the quiet enjoyment of Dolores E. Hicks in her residence located adjacent to the business real property, then in such event if the option to buy back such property is exercised by Dolores E. Hicks she shall pay an additional \$15,00000 (but again subject to a maximum payment by her of \$110,000.00) to the Estate of J. Scott Hicks as the consideration for receiving back such property as described herein. Dolores E. Hicks or her agent shall provide notice of her execution of this option in writing mailed by first class mail or hand delivered to the Executor or other fiduciary of the J. Scott Hicks Estate within ninety (90) days of her receipt of written notice of the name and address of such Executor or other fiduciary and the name and address of the Court that appointed such Executor or other fiduciary. If such option is exercised, the closing shall occur within ninety (90) days after the notice of exercise provided by Dolores E. Hicks unless the failure to timely close is through no fault of Dolores E. Hicks who shall have the authority to use all legal means to compel completion of the closing. The price to be paid by her shall be applied to pay any mortgage or any other lien or encumbrance on the property such that good title is conveyed to her on such purchase. If Dolores E. Hicks or her agent fails to provide notice of exercise of this option within the aforementioned ninety (90) day time period of her receipt of written notice of the name and address of such Executor or other fiduciary then this option shall end.

10. For so long as Dolores E. Hicks is alive no chain-link fence or other barrier shall be placed or erected around or on any real estate being conveyed under this agreement herein without the express written consent of Dolores E. Hicks. During the life of Dolores E. Hicks there shall be no substantial change in the day-to-day activities carried out or allowed on the premises as compared to the business activities that have occurred there since the death of John W. Hicks, so as to preserve the residential use and quiet enjoyment of the neighboring property of Dolores E. Hicks. If the parties hereto disagree as to whether any portion of the restriction is violated, Robert Kashdin shall be enlisted to examine the facts and make a binding determination, but if he is then deceased or unavailable then a panel of three disinterested parties as described above shall have the authority to examine the facts and make such determination which shall be binding.

11. If the Grantee above defaults on any mortgage, note or other debt instrument associated with the financing of the purchase of the above conveyed premises, or associated with any refinancing of the premises (defined as any financing transaction resulting in a lien, mortgage, or other security interest in any of the real estate conveyed herein or business assets located thereon) in such event Dolores E. Hicks shall have authority to seek to assume any such mortgage or other debt instrument and to compel the Grantee to re-convey such real estate or business assets to Dolores E. Hicks

upon her assumption of such financial obligations. In such event, if the creditor involved does not agree to the assumption of the debt by Dolores E. Hicks then the Grantee shall fully cooperate in arranging for Dolores E. Hicks to obtain her own financing or otherwise to pay off or work out the debt involved that is secured by the premises as part of her receiving conveyance of the premises or business assets from the Grantee.

The above described premises are shown on a survey map labeled "SURVEY MAP SHOWING PROPOSED 2 LOT SUBDIVISION LANDS OF THE ESTATE OF JOHN W. HICKS MILITARY LOT 91; TOWN OF LANSING; COUNTY OF TOMPKINS; STATE OF NEW YORK" by Reagan Land Surveying, the certification of which is dated 07/06/2015, and which survey map is incorporated herein by reference and is being filed concurrently herewith in the Tompkins County Clerk's Office.

BEING A PORTION of the premises conveyed by deed of John William Hicks and Sylvia J. Dorschel to John William Hicks dated November 2, 1994 and recorded in the Tompkins County Clerk's Office on November 22, 1994 in Liber 740 of Deeds at Page 41. John William Hicks, a/k/a John W. Hicks, died testate on November 1, 2013 and Letters Testamentary on his estate were issued to Robert Kashdin by the Tompkins County Surrogate's Court on April 11, 2014. Letters of Trusteeship FBO the Lansing Property Trust (under Article Fourth of the Will of John W. Hicks) were issued to Robert Kashdin and Dolores Hicks (a/k/a Dolores E. Hicks) by the Tompkins County Surrogate's Court on April 11, 2014. Such Letters Testamentary and Letters of Trusteeship remain in full force and effect.