

# ZONING BOARD OF APPEALS MEETING

Lansing Community Library, 27 Auburn Rd Tuesday, July 12, 2022 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 <u>www.lansingtown.com</u>, click on button "Town YouTube Channel" (round circle located on far right).

- 1. Call Meeting to Order
- 2. Roll Call
- 3. Privilege of the Floor: Limited to 20 Minutes with a Maximum of 3 Minutes per Speaker
- 4. Action Items
  - a. 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.S(c)(17).

### 5. 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.

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

## **BACKGROUND INFORMATION**

Applicant: Amy Newman & Eric Clay

281 Bill George Road Groton NY 13073 Variance No: 21-07 Zoning District: L1

Public Hearing Published on 09/29/2021

Mailed 600' Notices

Property Location: 281 Bill George Road

Tax Parcel #: 24.-4-2

on: 09/30/2021

Requirement for which Area Variance is requested: Town of Lansing Code (the "Code"): Section 270, Schedule II: Area, Frontage, Yard, Heights and Coverage Requirements.

### **RESOLUTION AND FINDINGS**

WHEREAS, Amy Newman & Eric Clay, Applicants, are proposing to demolish an existing shed and construct an 8' x 12' accessory building at the same location. The proposed accessory building will extend 2' to the South from the existing footprint. The applicant is requesting permission to replace and expand a nonconforming structure per Town of Lansing Zoning Code § 270-44; and

WHEREAS, on September 14, 2021, 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)(17) (such that no further environmental review is required) and this matter also does not require General Municipal Law §239 -l, -m, and -n referral as the items are excluded per an Inter-Governmental Agreement between the Tompkins County Planning Department and the Town of Lansing dated December 17, 2003; and; 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 an Area Variance 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 by using the existing footprint with only a slight modification, there is not an undesirable change to the character of the neighborhood. From the neighbor's photographs, it does not appear that the proposed structure would reach the base of his windows. There would be no impact to other neighbors.

# 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  $\underline{x}$  Findings: The Zoning Board of Appeals finds that it would be difficult to achieve the desired use by staying in the current footprint.

## c. Whether the requested area variance is substantial?

Yes \_\_\_\_ No \_x Findings: The Zoning Board of Appeals finds that the requested area variance is not substantial. The structure is very small in size, is staying mostly within the same footprint, and is expanding two feet away from the closest neighbor's residence.

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

Yes \_\_\_ No \_x Findings: The Zoning Board of Appeals finds there would not be an adverse effect on the physical or environmental conditions in the neighborhood. The applicant is replacing an existing shed.

### e. Whether the alleged difficulty was self-created?

Yes \_\_\_ No \_\_x \_\_ Findings: The Zoning Board of Appeals finds that the cost of rebuilding exceeding 51% of the value of the existing structure and the proximity to the floodplain have triggered the necessity to comply with floodplain regulations in raising the height of the building, this difficulty is not self-created.

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

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

# DESCRIPTION OF SPECIFIC VARIANCE GRANTED: 8'x12' shed raised 3 ½' extending to the south 2' off the original footprint

ARE CONDITIONS IMPOSED WITH RESPECT TO THE AREA VARIANCE AS GRANTED? Yes \_x \_ No \_\_\_\_

### STATEMENT OF CONDITIONS:

- 1. As variances are exceptions based upon exigent need or emergency, should applicant fail to avail itself of the benefits of the above-described area variance within one year from the date hereof, this approval and such area variance shall expire. In cases where construction may be applicable, "avail itself of the benefits" shall mean a building permit obtained (if necessary) and substantial construction as commenced. Said one-year approval period may be extended for good cause by the ZBA if application for an extension is submitted before the expiration of the then applicable variance period.
- 2. These conditional area variance approvals are not, and do not constitute, a determination upon, or concurrence respecting, the nature or quality of underlying rights in title or in the littoral use of Cayuga Lake, but are only issued in respect to the bulk, density, setback, yardage, and any other dimensional requirements of zoning respecting the lots and parcels of the subject application.

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

Motion by: Richard Hayes Seconded by: Jack Young

Maureen Cowen – Aye Judy Drake – Aye Richard Hayes – Aye Mary Stoe – Aye Jack Young – Aye

Dated: October 12, 2021

Received in the Lansing Town Clerk's Office on

Debbie Munson, Town Clerk
Town of Lansing

Tompkins County, New York

# TOWN OF LANSING ZONING BOARD OF APPEALS VARIANCE REQUEST

Application Fee \$:	Application Date 7/2/21
Property for which Variance is	being requested
Tax Parcel No. <u>244-2</u>	Application Date 4/2/21  *update to provinctly submitted  being requested  Street Address 28/ 12:11 Garge Rd. Lausing, NY
Applicants Name and Address	<b>Zoning District (Check One)</b> Phone 607 - 592 - 6874 R1
Dry Newman	Phone <u>607 - 592 - 6874</u> R1 Cell <u>917 - 589 - 6169</u> R2
Eric Clay	Email any x new man Egmail. R3
US A live to different from owner notorize	d written permission of owner must be attached hereto). B1
Owners Name and Address	B2
Dry Newman	Phone 607-592-6874 L1
Exic Clay	Cell 917-589-6169 RA
	Email any x rew mar Cgnail. IR
	- O com
Application for (check applicab	le item)
A. Interpretation of Zoning Or	dinance or Map
B. Area Variance	
C. Use Variance	
D. Appeal of decision of Code	Enforcement Officer
Request relates to provisions of  A. Town of Lansing Land use  B. Town of Lansing Subdivisi  C. Other (Identity)	
Purpose of Request (attach additi	ional information if necessary)
	a to frest yard setback and
and minimizer to	\ \alpha \text{Cea}
Justification for Request (attach	additional information if necessary)
existing shed is de	tericrating and becoming a hazard
to safety and the	environment; su king to move
and replace struct	are to reduce one of Ahree
current soning viol	ations and to provide a more
Scause Aubure	

# For Context: 281 Bill George Rd. Lakefront

## 290 Bill George Rd.

(Drew Minson)

Grandfathered house on the lake

# 281 Bill George Rd.

(Eric Clay and Amy Newman)

Current shed

# 295 Bill George Rd.

(The Zirings)

Room similar to, but larger than, what we propose to build



# This proposal continues our improvements at the lakefront

## **Dilapidated Upper Deck**

The current shed is shown here with an upper, 16' X 16' deck, which we removed because it was rotted and dangerous—and too close to our neighbor to the north.

# **Current Shed Setback Violations**

The current shed violates two setback requirements:

- Less than 10 feet from our neighbor to the north
- Within 30 feet of the Cayuga Lake shoreline



2

# The current shed is irreparable and not secure

This is the current interior of the shed: rotted out and in danger of washing away.



Anything left in the shed, like this chair, will be covered with mouse debris. We lost 4 or 5 life jackets and two beach towels because mice chewed through them.



Our goal is to have a secure, dry place to store water items and to sit with a book or laptop.

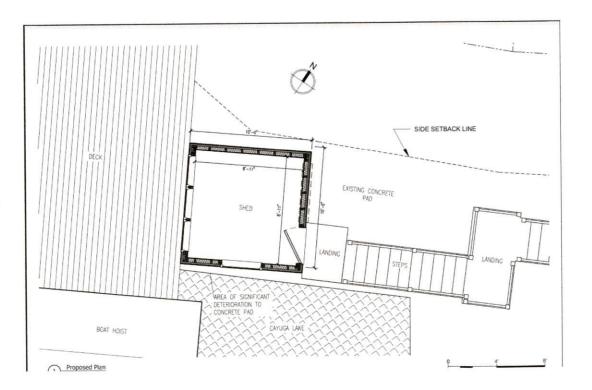
# We have revised our original building plan

Responding to neighbor concerns and feedback from the Town Planning Board on June 29, we have changed the location and reduced the size of the original plan (previously south of the stairs and 10' X 12').

## **New Plan**

10' X 10' near the current shed location (north of the stairs). The current shed is 9' 10" X 8' 2" including eaves (measured per the NYS building code Section 202).

The new location is away from the embankment, which was a concern of our original plan.

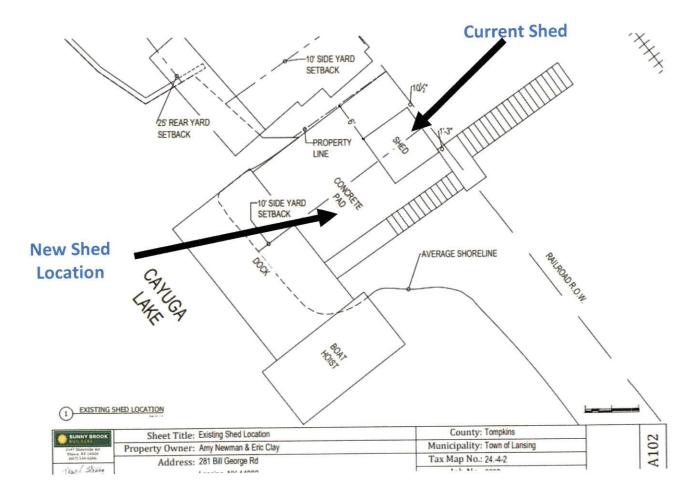


4

# Our new proposal fixes one of two current setback violations and will be functional, dry, and secure

# Requires One Setback Variance—30' from the Lake

This structure will no longer violate the setback variance (10 feet) from 290 Bill George, will be away from the embankment, and will be easier to access and use.



5

# The new plan is similar space for our own use—not living space.



## **Current Structure**

9' 10" X 8' 2" mouse-infested flooding hazard.

### **New Structure**

10' X 10' square-foot room on blocks with windows and waterproof walls—but no water source or fixtures (no sink, toilet, or shower). We are planning to have electricity, as we have in the current shed and as is required for exterior safety. We will not create living space and welcome the Board to visit regularly and inspect the property.

# We have addressed other concerns

The situation is complicated, and we understand that it's unusual for residents in our position—with access but unclear ownership rights—to come before the Town Boards.

We have completed the following, as requested:

- Submitted our attorney's opinion that we are within our rights to rebuild (letter dated July 14, 2021, sent to C.J. Randall).
- Submitted an application for a railroad crossing permit.
- Because the project falls within the Special Flood Hazard Area (SFHA), we are building to Flood-Resistant Construction standards by using Flood Damage-Resistant Materials and raising the structure 2' above the Base Flood Elevation.



July 14, 2021

BINGHAMTON BAINBRIDGE CORTLAND HANCOCK ITHACA MONTROSE OWEGO WALTON

www.cglawoffices.com 798 Cascadilla Street, Suite A Ithaca, NY 14850

Mailing Address: P.O. Box 6599 Ithaca, NY 14851 (607) 379-6709 1 (877) COUGHLIN Fax: (607) 216-9688 Email: Dgalbraith@cglawoffices.com

## VIA ELECTRONIC MAIL - crandall@lansingtown.com

C.J. Randall, LEED AP ND Director of Planning, Town of Lansing 29 Auburn Road Lansing, NY 14882-9093

> Re: 281 Bill George Road Our File:

Dear Ms. Randall:

Our clients, Amy Newman and Eric Clay have asked me to respond to your email of July 2, 2021 concerning the site plan application for the reconstruction of their shed.

The shed in question is depicted upon a survey map dated August 29, 2005 which was prepared at the behest of the prior owners of 281 Bill George Road, a copy of which is attached hereto. Although you reference a 20 year period of use and occupation in your email the period of time for acquisition of title by adverse possession is actually 10 years (Real Property Actions & Proceedings Law §501 [2]; Civil Practice Law and Rules §212 [a]).

Although our clients believe that the shed has existed in its present location for much longer than 20 years the attached survey demonstrates 16 years of open use and occupancy.

The deed under which our clients hold title to their property contains a right of reverter covering land upon which the shed exists in case of abandonment by the railroad. Our clients have therefore been operating under the good faith belief that they have a continuing right to use the structures on the property to the West of the railroad tracks.

I am therefore of the opinion that Ms. Newman and Mr. Clay have a meritorious claim of adverse possession to the area occupied by the shed which they seek to reconstruct.

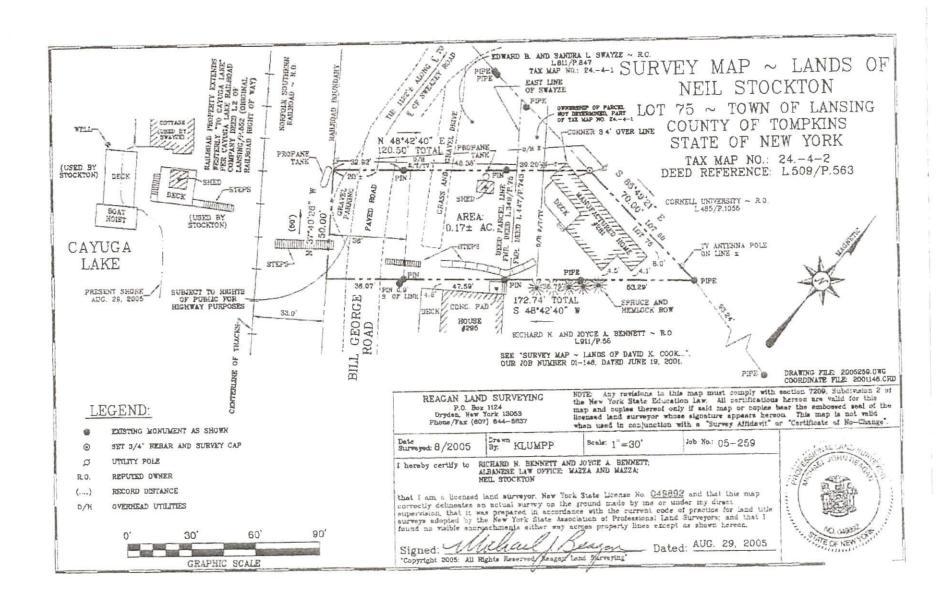
Very truly yours,

COUGHEN & GERHART, LLP

By: Dirk A. Galbraith Of Counsel

DAG/cjn Enclosures

cc: Eric Clay <u>-wericclay@aol.com</u> Amy Newman - <u>amyxnewman@gmail.com</u>



09/05/2013 03:08:14 PM

### WARRANTY DEED WITH LIEN COVENANT

THIS INDENTURE, made the S day of September, Two Thousand Thirteen,

Between RICHARD N. BENNETT, of 47-2 Hickory Street, Old Lyme, Connecticut 06371, and JOYCE A. BENNETT, of 295 Bill George Road, Lansing, New York 14882, parties of the first part, and

AMY NEWMAN of 1125 Trumansburg Road, Ithaca, New York 14850, party of the second part

WITNESSETH, that the parties of the first part, in consideration of One Dollar (\$1.00), lawful money of the United States, and other good and valuable consideration, paid by the party Of the second part, do hereby grant and release unto the party Of the second part, her heirs, distributees and assigns forever,

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

COMMENCING at a point in the easterly boundary of the Norfolk and Southern Railroad right of way which point is located 20 feet more or less on a course having bearings south 48° 42′ 40″ west from a point in the centerline of Bill George Road 1,122 feet more or less from the intersection of said centerline and the centerline of Swayze Road; thence north 48° 42′ 40″ east a distance of 120.50 feet to a ¼ inch rebar, passing through iron pins set at 32.92 feet and 81.3 feet; thence south 85° 49′ 21″ east a distance of 70.00 feet to an iron pipe; thence south 48° 42′ 40″ west a distance of 172.74 feet to a point in the easterly boundary of the Norfolk and Southern Railroad right of way, passing through a pipe set at 53.29 feet and iron pins set at 89.08 feet and 136.67 feet; thence north 37° 40′ 26″ west a distance of 50.00 feet along the easterly boundary of said right of way to the point or place of beginning.

RESERVING, however, a strip of land from the above described premises 36 feet wide extending easterly from said railroad's east boundary line for right of way purpose as it now exists, the whole width of the premises hereby conveyed.

As part of the consideration herefor, the strip of land between the high water mark of Cayuga Lake and the westerly boundary line of the premises hereby conveyed, including right of way reserve, in case of abandonment to revert to the party of the second part, her heirs, and assigns forever, insofar as the parties of the first have any interest.

RESERVING unto the grantor herein, Joyce A. Bennett, her heirs, successors, assigns, agents and invitees, a pedestrian easement, including but not limited to the right to transport equipment, 10 feet

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in width and 87 feet more or less in length along the southerly boundary of the lands conveyed herein, as described upon the survey map referred to hereinbelow for the benefit of the premises of the grantor known as 295 Bill George Road as described in a deed recorded in the Office of the Tompkins County Clerk as Instrument No. 557083-001.

The above described premises are depicted upon a survey map entitled "RESURVEY MAP - LANDS OF RICHARD N. & JOYCE A. BENNETT," prepared by Michael J. Reagan, L.S., dated August 8, 2013, a copy of which is annexed hereto and intended to be recorded herewith.

BEING the same premises conveyed to the grantors herein by Neil Stockton by deed dated December 2, 2005 and recorded in the Office of the Tompkins County Clerk as Instrument No. 478568-001.

TOGETHER with the appurtenances and all the estate and rights of the parties of the first part in and to said premises,

TO HAVE AND TO HOLD the premises granted unto the party of the second part, her heirs, distributees and assigns forever.

AND said parties of the first part covenant as follows:

FIRST, That the party of the second part shall quietly enjoy the said premises;

SECOND, That said parties of the first part will forever WARRANT the title to said premises.

THIRD, That, in Compliance with Sec. 13 of the Lien Law, 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 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.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year above written.

IN PRESENCE OF

ICHARD N BENNETT

RICHARD N. BENNETT

ion ce the brase (L.S.)

(L.S.)

.

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STATE OF CONNECTICUT

35.:

On the 28 day of Avort in the year 2013, before me, the undersigned, personally appeared RICHARD N. BENNETT, 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 agreed, executed the instrument.

my committion expires: Many SI, 2016 Notary Public Co

Notary Public Cotherine A. Nurchal

STATE OF NEW YORK
COUNTY OF TOMPKINS : ss.:

On the day of Sentend Tin the year 2013, before me, the undersigned, personally appeared JOYCE A. BENNETT, 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.

Notary Public

DIRK A. GALBRAITH
Notary Public, State of New York
No. 55-6444320
Qualified in Tumpkins County
Commission Expires May S1, 20



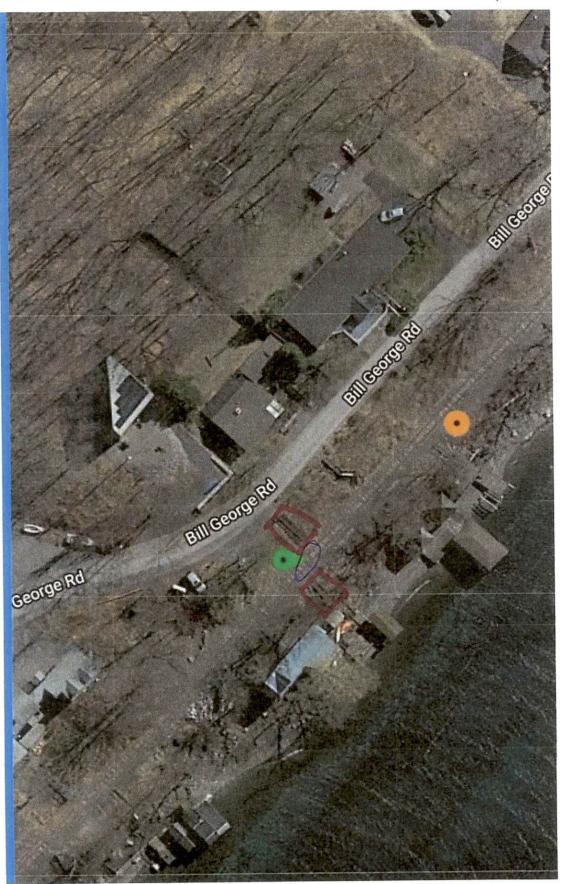
## PRIVATE ROAD CROSSING APPLICATION FORM

APPLICANT INFORMATI to: Norfolk Southern Re	ION: Application fee of \$500 is eal Estate Department, 1200 Pea	enclosed along achtree Street,	with this form (Ma NE, 12 <sup>th</sup> Floor, Atla	il in completed anta, GA 30309	application
Legal Name of Applicant (	party to agreement) AMY N	EUMAN+	PRK CLAY	Tax ID Not a	corporation
Mailing Street 281 Address	Bill George Rd.	Billing Stree	t_Same		
Street	V	Stree			
city <u>Lans</u>	mey	City _			
State	Zip 14882	State	zi <sub> </sub>	p	
Name of Contact Er	ic clay	Billing Contact	Same	-in-	
Title <u>Co-part</u>	4	Title			
	6874Fax # (_)	Phone # (	)Fa	ax # ()	***************************************
E-Mail Address Weri	cclay aaol. com	E-Mail Address			
Applicant is a (Provide sta	te of formation for Corporation and Corporation – State Limited Partnership – State		Non-Profit		
	Limited Liability Company – Sta  Sole Proprietorship / Owner – S			ity – State	
CROSSING INFORMATI Location of Crossing:	ON:				
Nearest Town	nce 318 mile ft  South  George Rd.	West			
Crossing:	`				
to be constructed	already exists DOT No.				
If already existing:	Are other parties presently using t	the crossing?	Yes	No	
	If yes, specify:				pierce
	Are there any agreements covering	g the crossing?	Yes	No	Do not know
	If yes, identify and attach copies:				
	Do improvements have to be mad	le at the crossing	g? Yes	No	
	If yes, explain:				
Crossing to be:	Temporary	nent			
	If temporary, when is it to expire?		C 10	- 11. (	1
For what purpose is the c	rossing to be used? ACCESS	ing the	use of th	e laketra	mt
Type of Crossing:	Commercial	Residential	Farm		

Section 4, Item a.

PRIVATE ROAD CROSSING APPLICATION FORM FOR  Legal Name of Applicant (Tenant): Amy NEWMAN (FRIC LAY Date: 8/24/2021
Crossing to be used by: Pedestrians Vehicles Both
If crossing is to be used by vehicles:  List type of vehicles:
What is the expected volume of vehicular traffic? vehicles per DayMonth
What will be the width of the roadway at the crossing?ft.
Will the crossing be open to the public?
Will the crossing involve an: Overpass
Underpass Yes No
Parallel Roadway Yes No wooden
List any additional provisions or conditions not mentioned above: Two sets of stairs cross the railroad right of way. One set descends from Bill George Rd. from a Standard distance from the tacks. Another set descends from a Standard distance from the tacks to a platform at the edge of the right of the private road crossing and that all road crossing agreements are contingent upon Transportation approvals. Fees, charges and other requirements will be forwarded to Applicant after the application has been reviewed and approved by Norfolk Southern.
Signed: Jmy Neuman Frac CM Date: 8 24 2021
For Railroad use only:
Milepost: Division: DOT/AAR #:
Date Received: Date Forwarded:

# 281 Bill GEORGE RD, LANSING, NY



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AMY NEWMAN
281 BILL GEORGE RD.
LANSING, NY 14882

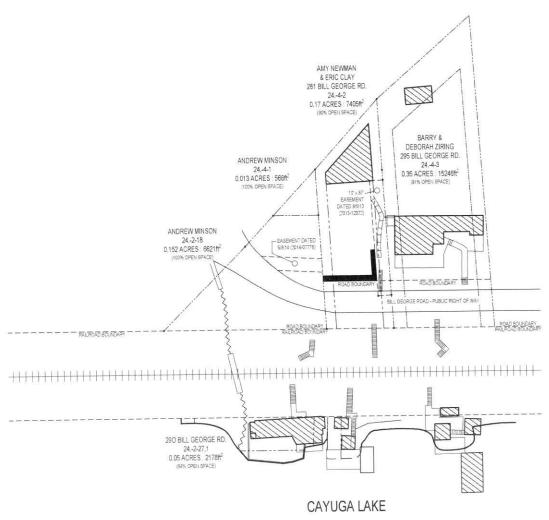
PAY TO NOT FOLK Southern Corporation \$ 500.00

THE ORDER OF MAXIMIZER

MAXIMIZER

MEMO Crossing application

MEMO Crossing applicatio



PLAN OF IMMEDIATE NEIGHBORHOOD

SUNNY BROOK
SUILDERS

2147 Slaterville Rd
[hthacs, NY 14850]
(607) 539-6286

Now Litture

Address: 281 Bill George Rd
Lansing, NY 14882

Sheet Title: LAKEFRONT NEIGHBORS OF 281 BILL GEORGE

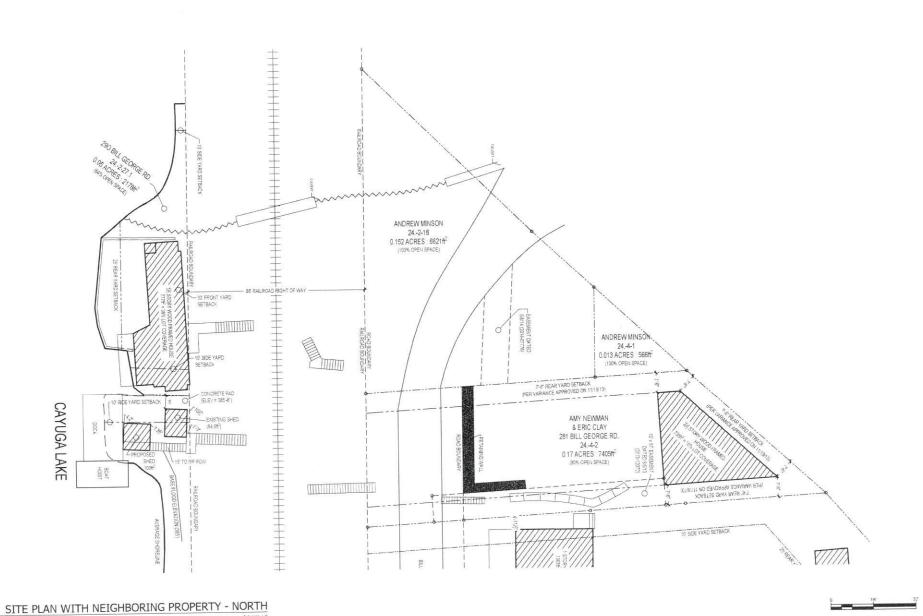
County: Tompkins

Municipality: Town of Lansing

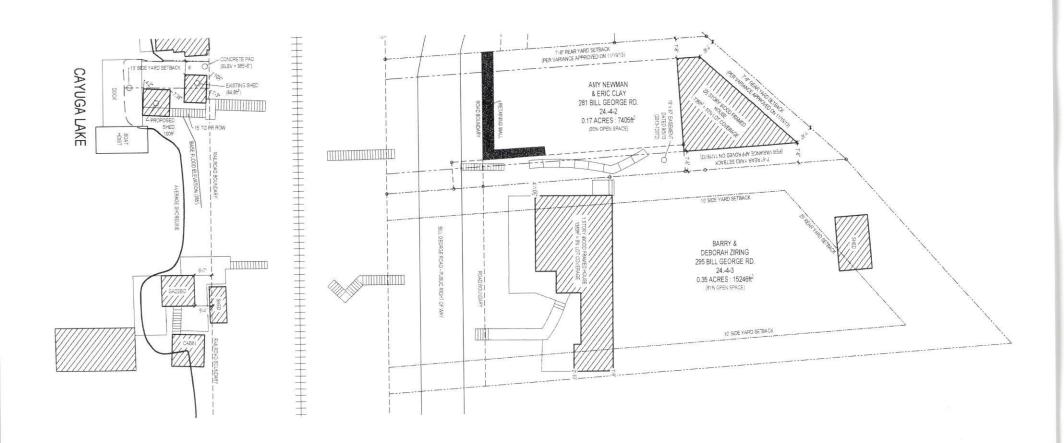
Tax Map No.: 24.-4-2

Job No.: 3282

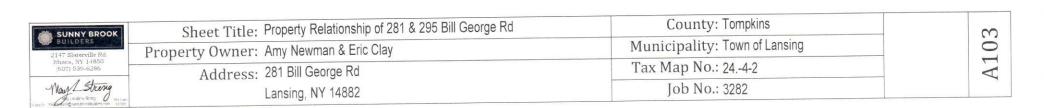
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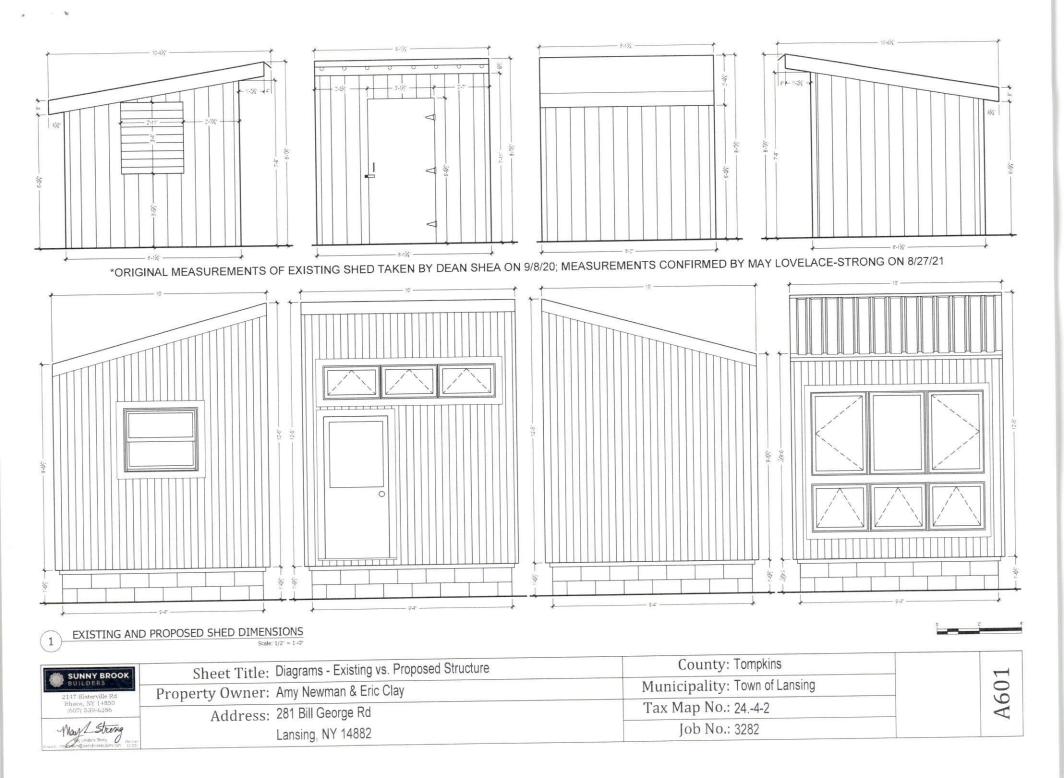


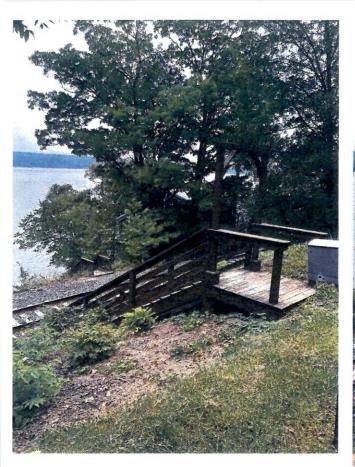
SUNNY BROOK	Sheet Title: Property Relationship of 281 & 290 Bill George Rd	County: Tompkins	~
SUNNY BROOK BUILDERS  2147 Slaterville Rd	Property Owner: Amy Newman & Eric Clay	Municipality: Town of Lansing	0.5
Ithaca, NY 14850 (607) 539-6286	Address: 281 Bill George Rd	Tax Map No.: 244-2	41
Way Lstring	Langing NV 14882	Job No.: 3282	7
Draws in medicare sure brookbuild Me, can 32 2221	Lansing, NY 14002	JOB TON SESE	



	SITE PLAN WITH NEIGHBORING PROP	ERTY - SOUTH
(1)		Scale: 1/16" = 1'-0"







Upper Portion of Lakefront Access Stairs of 281 Bill George Rd.



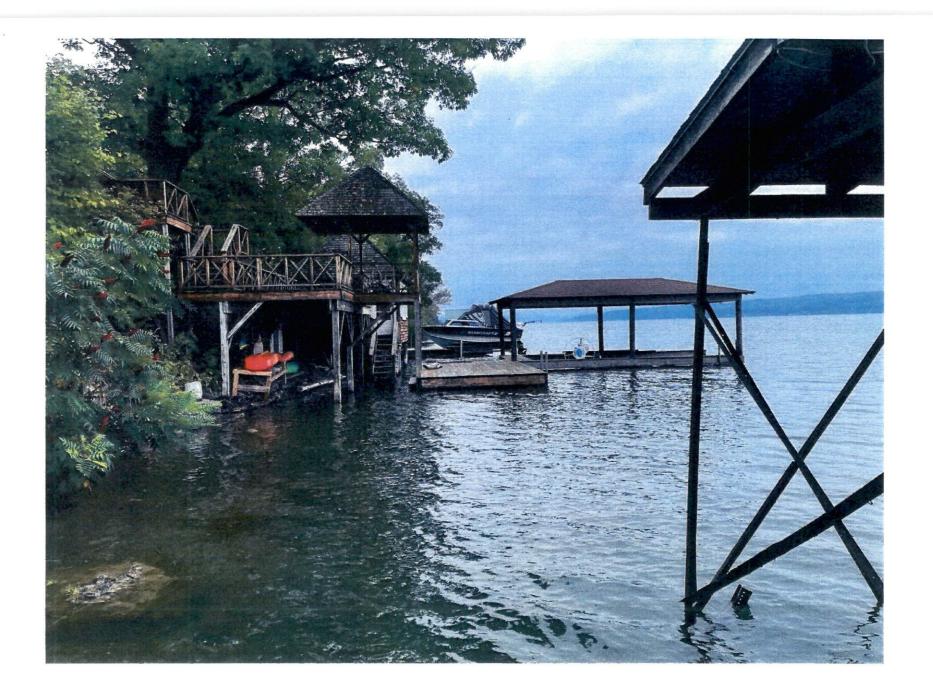
Looking down upper stairway to RR Crossing, Lower Access Stairs, and Lake View of 281 Bill George Rd.



Looking down lower portion of Beachfront Access stairs for 281 Bill George Rd.



290 Bill George Rd in relation to shoreline area of 281 Bill George Rd. - Main House of 281 Bill George Rd. shown above.



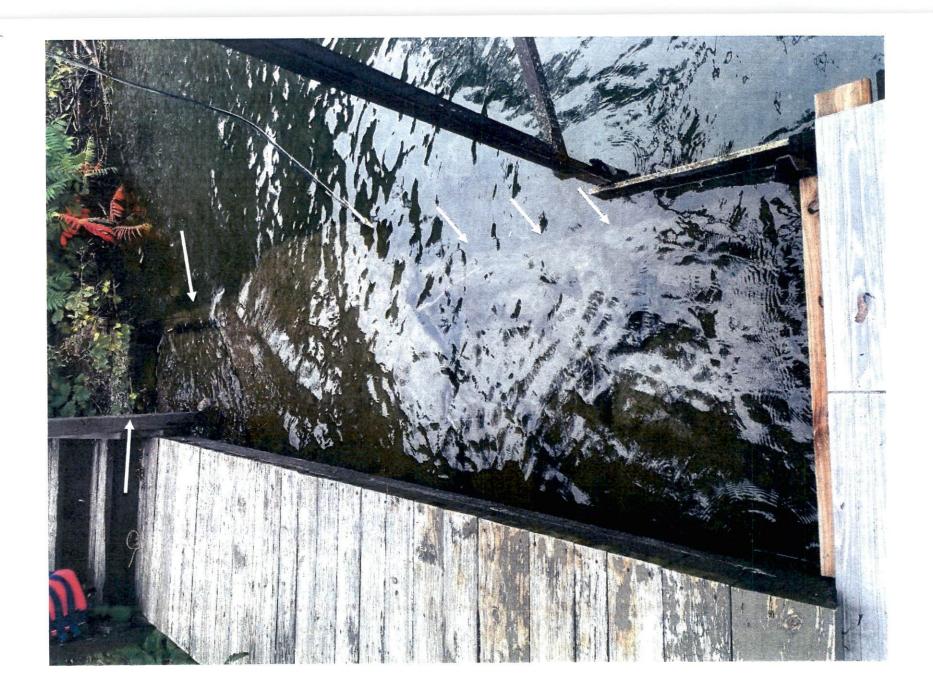
View of Lakeshore Structure at 295 Bill George Rd from boardwalk of 281 Bill George Rd. on Friday, Aug 27th, 2021.

(August 27, 2021; Lake Level = 384.49ft per NOAA)



View along lakeshore property line between 281 and 290 Bill George Rd. - North edge of concrete pad shown deteriorating.

(August 27, 2021; Lake Level = 384.49ft per NOAA)



Deteriorating southern edge of concrete pad. Timber edging can be seen along righthand edge of rubble and remaining edge is visible past stair edge.

(August 27, 2021; Lake Level = 384.49ft per NOAA; Boardwalk surface = 385.5ft)

## Researched Responses to the Neighbors' Concerns:

## 1: Minimum Lot Area for L1 (w/ Lake Frontage) = 20,000ft2 per Dwelling Unit

Due to the historic nature and geographic conditions of the lots located along Bill George Rd., non-compliance in this regard is common. Noted in the chart below 10 of the 18 properties along Bill George Rd listed in the assessment rolls as containing dwelling units are non-compliant as compared to only 8 properties that are compliant. The most extreme example of this issue would be the property located at 290 Bill George Road.

# Lot Size by Dwelling Unit

	Tax Map		Dwelling	
#	#	Acreage	Units	Sqft/DU
3	241-1	3.62	1	157,687
10	242-2	0.38	1	16,553
180	242-6	0.31	1	13,504
184	242-7.2	0.77	1	33,541
208	242-10	0.35	1	15,246
222	242-11	0.32	1	13,939
236	242-13	0.50	1	21,780
242	242-14	0.32	1	13,939
258	242-15.2	0.49	1	21,344
270	242-16	0.29	1	12,632
278	242-17	0.18	1	7,841
290	242-27.1	0.11	1	4,792
281	244-2	0.22	1	9,583
295	244-3	0.40	1	17,424
303	244-4	0.72	1	31,363
321	245-1.1	1.14	2	24,829
347	245-1.2	12.57	1	547,549
367	245-3	6.03	1	262,667

#N/A: 6
Compliant: 8
Non-Compliant: 10

### 2: Minimum Road Frontage for L1 (w/ Lake Frontage) = 75ft

The subject property offers only 50ft of road frontage. This issue of non-compliance is a historic condition of the property originating with its creation by deed from Charles W. Sweazey & wf. to Christine R. Inman, recorded on 8/5/39 in Liber 251 Page 311. It is not, however, the most extreme example as quite a number of properties located along the shoreline, such as the property at 290 Bill George Rd, provide no (0ft) road frontage.

### 3a: Required Side Yard Setback = 10ft and Rear Yard Setback = 25ft - Main House

The main house, constructed in 2013, is situated with a 7.5ft side yard setback on either side and a 7.5ft rear yard setback. When the applicants first purchased the property in 2013 there existed a Manufactured Home that was situated only 8ft from, and roughly parallel to, the rear lot line. This existing home came within 4.5ft and 4.1ft of the shared property line with 295 Bill George Rd, at its closest points, and passed into tax map parcel 24.-4-1 by 3.4ft.

A request for variance on the Side and Rear Yard Setbacks was filed in 2013 and was granted by the Zoning Board at their meeting held November 19, 2013. The Findings of the Board indicated that this action would <u>not</u> create an undesirable change in the neighborhood as it would, in fact, eliminate an existing encroachment and would be "in keeping with structures in the neighborhood".

. 8

Lynn Day, the Zoning Office for the Town of Lansing at the time of that action, indicated that the applicants could build within the existing footprint, if they so chose, but that they were instead attempting to change the foot print in order to stay within their property bounds.

The current main structure is in compliance with the granted 7.5ft side and rear yard setback variance. The unusual footprint of the structure demonstrates the applicants' diligence to comply with the requests of the Board.

This variance was challenged by a letter dated September 11, 2015 which was discussed at the June 19, 2018 Zoning Board of Appeals meeting. It was concluded that the property was in compliance with the variance granted and that the house did not contribute to the parking issues in the general area.

### 3b: Required Side Yard Setback = 10ft - Proposed Structure

There currently exists on the lakefront area in question a 9'-10" x 8'-2" wooden storage shed which is located a little over 5' south of the southern property line of 290 Bill George Rd. If a side yard setback is applied to the section of shoreline in question, approximately half of this existing shed would be located within that side yard setback. Both the original and the modified proposed plans seek to eliminate this issue of non-compliance.

# 36: Required Front Yard Setback = 30ft from the Mean High Water Line – Proposed Structure

As the lakefront portion of <u>all</u> properties located along Bill George extend out to the shoreline no more than 35ft from the western boundary of the Norfolk Southern (per Town of Lansing Tax Map #24), this issue of non-compliance applies to all properties that have placed any structures along the shoreline. The most extreme examples of this issue of non-compliance occur at:

- 290 Bill George Road A 948ft² two-bedroom home has been constructed along the western boundary of the
  railroad right-of-way extending approximately 26ft out upon a shoreline property that has been artificially
  stabilized to a lot depth of approximately 35ft. Multiple footers for this building were observed to be located
  below the water line on August 27, 2021², as well as a balcony and a newly constructed boardwalk that extends
  over the water.
- 295 Bill George Road An elaborate complex of wooden stairs, decks, and structures (including a shed, gazebo, and 12'x12' cabin<sup>3</sup>) have been constructed upon the steep slope. Despite the fact that a portion of this decking and what appears to be the entirety of the shed encroach into the railroad right of way by approximately 6-7ft, the multiple footers were observed to be below the water line on August 27, 2021<sup>2</sup>.

The newly proposed structure is intended to be located at the front (lake side) edge of the existing concrete pad which has a top surface located 385'-6" at its lowest (undamaged) point. As the existing dock obstructs access to the shoreline west of this edge, we are not aware to what distance the shoreline extends beyond this point (within the limits of the coverage of the dock). By securing this structure to the existing concrete pad at this location we are able to maintain the use of the existing stairway with minimum disruption and with no disruption to the soil along the embankment.

<sup>&</sup>lt;sup>1</sup> As measured from the roof projections per the NYS Building Code definition of Area, Building]

<sup>&</sup>lt;sup>2</sup> Water level on 8/27/21 was 384.49ft per NOAA. Base Flood Elevation equals 385ft per the obtained Flood Elevation Certificate dated 4/12/21.

<sup>&</sup>lt;sup>3</sup> The 12'x12' enclosed structure located on the lakeshore at 295 Bill George was labeled as an equipment shed on the plans supplied to the building department in 2004 and as a storage room on the certificate of occupancy granted in 2005, however the assessment rolls and the survey completed in 2016 indicate that this is being used as a cabin/bungalow.

#### 4: Intended Use

New York Building Code §202 defines the following...

Accessory Structure - "A structure that is accessory to and incidental to that of the dwelling(s)"

<u>Dwelling Unit</u> – "A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation."

The proposed structure provides no source of heat, potable water, nor restroom facilities. As we are not requesting approval for construction of a "Dwelling Unit" but instead for an "Accessory Structure", as defined by the New York State Building Code, it is not anticipated that we would be receive approval for anything other than an Accessory Structure; therefore approval of this project does not enable such use.

Insulation, air-sealing, and energy efficient windows and doors are vital to providing a stabilized environment for storage of waterfront recreation items such as life preservers which can be damaged by excessive heat and moisture. These measures also serve to deter rodents and other small creatures that might be inclined to seek entry through small openings leading to further equipment damage.

The property owners have been fully honest with the boards about their intention to sit in the structure at times to view the lake.

### 5: Size of Existing Structure

Specifics regarding the dimensions of the existing structure as well as the intended replacement structure are provided on the included diagram sheet (A601).

#### 6: Lot Size

The size of lot 24.-4-2 (281 Bill George Rd – subject property) is listed as containing  $\pm 0.17$  acres. The Tompkins County Assessment department lists this property as containing 0.22 acres. Upon contacting the Assessment Dept. we were informed that they are being Assessed, and taxed, for 0.05 acres of lakeshore. These figures were consolidated by the Assessment Dept. in 2000 and ownership was assumed. The numbers therefore indicate the size of the deeded property ( $\pm 0.17$  acres) and the size of the assessed property (0.22 acres).



# Property Description Report For: 290 Bill George Rd, Municipality of Lansing

No Photo Available

Status:

Active

**Roll Section:** 

Taxable

Swis:

503289

Tax Map ID #:

24.-2-27.1

**Property Class:** 

210 - 1 Family Res

Site:

RES 1

In Ag. District:

No

**Site Property Class:** 

210 - 1 Family Res

**Zoning Code:** 

L1 - I1

32040

**Neighborhood Code:** 

**School District:** 

2021 - \$109,500 2020 - \$109,500

Lansing

**Total Assessment:** 

2021 - \$220,000 2020 - \$220,000

2021 - \$220,000 2020 - \$220,000

**Property Desc:** 

**Equalization Rate: Deed Book:** 

Total Acreage/Size:

Land Assessment:

Full Market Value:

2018

0.11

**Deed Page:** 

11691

**Grid East:** 

816722

**Grid North:** 

935631

### Area

Living Area:

948 sq. ft.

First Story Area:

777 sq. ft.

Second Story Area:

104 sq. ft.

Half Story Area:

67 sq. ft.

**Additional Story Area:** 

0 sq. ft.

3/4 Story Area:

0 sq. ft.

**Finished Basement: Finished Rec Room** 

0 sq. ft. 0 sq. ft.

**Number of Stories: Finished Area Over**  1.5

Garage

0 sq. ft.

## Structure

**Building Style:** 

Contemporary

Bathrooms (Full - Half): 1 - 0

2

Kitchens:

Bedrooms: Fireplaces:

**Basement Type:** 

Partial 132.00

**Porch Type:** 

**Basement Garage Cap:** 

Porch-open/deck

Porch Area: Attached Garage Cap:

0.00 sq. ft.

**Overall Condition:** Year Built:

Normal 1998

**Overall Grade:** 

Economy

### Utilities

Sewer Type: **Utilities:** 

Private

Electric

Water Supply: Heat Type:

Private

Hot wtr/stm

**Fuel Type:** 

Propane/LPG

Central Air:

No

Section 4, Item a.

## Improvements

Structure	Size	Grade	Condition	Year
Porch-open/deck	132.00 sq ft	Average	Normal	1998
Porch-open/deck	392.00 sq ft	Average	Normal	1985
Canpy-roof	280.00 sq ft	Average	Normal	1965

# Land Types

Туре	Size
Primary	114 × 42

# Taxes

Year Description Amount

 $\ast$  Taxes reflect exemptions, but may not include recent changes in assessment.



# Property Description Report For: 281 Bill George Rd, Municipality of Lansing

No Photo Available

Status: **Roll Section:**  Active

Swis:

Taxable

Tax Map ID #:

503289 24.-4-2

**Property Class:** 

210 - 1 Family Res

Site:

RES 1

In Ag. District:

No

**Site Property Class:** 

210 - 1 Family Res

Zoning Code:

L1 - I1

Neighborhood Code: **School District:** 

32040

Land Assessment: 2021 - \$93,800 2020 - \$93,800 Lansing

2021 - \$475,000 2020 - \$475,000

**Full Market Value:** 2021 - \$475,000

2020 - \$475,000

0.22

**Property Desc:** 

**Total Assessment:** 

Deed Book: **Grid East:** 

2015 816790

Deed Page: Grid North:

12781 935569

Area

Living Area:

1,837 sq. ft.

First Story Area:

735 sq. ft.

**Second Story Area:** 

735 sq. ft.

**Half Story Area:** 

367 sq. ft.

Additional Story Area:

Total Acreage/Size:

**Equalization Rate:** 

0 sq. ft.

3/4 Story Area:

0 sq. ft.

**Finished Basement: Finished Rec Room** 

0 sq. ft. 0 sq. ft.

**Number of Stories: Finished Area Over**  2.5 0 sq. ft.

Garage

Structure

Fireplaces:

**Building Style:** Bedrooms:

Contemporary

Bathrooms (Full - Half): 2 - 1

Kitchens:

**Basement Type:** 

Porch Area:

Slab/pier 0.00

Porch Type: **Basement Garage Cap:** 

Attached Garage Cap:

0.00 sq. ft.

**Overall Condition:** 

Year Built:

Good

2015

Overall Grade:

Good

Utilities

Sewer Type:

Private

Water Supply:

Private

**Fuel Type:** 

**Utilities:** 

Electric

Geothermal heat

**Heat Type:** Central Air: Hot air Yes

Improvements

Structure Stake dock Size 14 × 28 Grade Average

Condition Normal

Year 1987

Sol Panels, Elec Boat shelter

8.50 sq ft 10 × 24

Good Average

Good Normal 2014 1987

Land Types

Type

Size

Primary

50 × 192

Taxes

Year

Description

Amount

 $\boldsymbol{\ast}$  Taxes reflect exemptions, but may not include recent changes in assessment.



Total Acreage/Size:

Land Assessment:

# Property Description Report For: 295 Bill George Rd, Municipality of Lansing

No	Photo	Available
140	ITTOLO	Available

0.40

Active Status: **Roll Section:** Taxable

Swis: 503289 Tax Map ID #: 24.-4-3

**Property Class:** 210 - 1 Family Res

RES 1 Site: In Ag. District: Yes

**Site Property Class:** 210 - 1 Family Res

**Zoning Code:** L1 - I1

32040

Neighborhood Code: **School District:** Lansing

2021 - \$380,000 **Total Assessment:** 2020 - \$380,000

2021 - \$380,000 2020 - \$380,000 Full Market Value:

**Equalization Rate: Property Desc:** 

2021 - \$125,300 2020 - \$125,300

Deed Book: 2016 Deed Page: 6234 935655 **Grid North: Grid East:** 816949

#### Area

1,363 sq. ft. 1,363 sq. ft. First Story Area: Living Area: Half Story Area: 0 sq. ft. Second Story Area: 0 sq. ft. Additional Story Area: 0 sq. ft. 3/4 Story Area: 0 sq. ft. Finished Basement: 0 sq. ft. **Number of Stories:** 1 Finished Area Over 0 sq. ft. **Finished Rec Room** 0 sq. ft. Garage

#### Structure

**Building Style:** Ranch Bathrooms (Full - Half): 1 - 0 Bedrooms: Kitchens: Crawl Fireplaces: **Basement Type:** 460.00 Porch-open/deck Porch Area: Porch Type: Attached Garage Cap: 0.00 sq. ft. Basement Garage Cap: Overall Grade: **Overall Condition:** Good Average Year Built: 1950

#### Utilities

Water Supply: Private **Sewer Type:** Private **Utilities:** Electric **Heat Type:** Hot wtr/stm Central Air: No Propane/LPG **Fuel Type:** 

#### Improvements

Structure	Size	Grade	Condition	Year	
Porch-open/deck	460.00 sq ft	Average	Good	1990	
Porch-open/deck	10 × 26	Average	Good	2001	
Shed-machine	14 × 14	Average	Good	2004	
Porch-coverd	90.00 sq ft	Average	Good	2004	
Stake dock	0 x 0	Average	Good	2004	
Boat shelter	18 x 24	Average	Good	2004	
Cabin/bungl	12 × 12	Economy	Normal	2004	

#### Land Types

Size Type 77 × 221 Primary

Taxes

Year

Description

Amount

### Property Description Report For: 303 Bill George Rd, \* no survey map found Municipality of Lansing

Status:

Active

**Roll Section:** 

Taxable

Swis:

503289

Tax Map ID #:

24.-4-4

**Property Class:** 

210 - 1 Family Res

Site:

RES 1

In Ag. District:

Yes

**Site Property Class:** 

210 - 1 Family Res

**Zoning Code:** 

L1 - I1

**Neighborhood Code:** 

32040

**School District:** 

Lansing

2021 - \$420,000

**Total Assessment:** 

2020 - \$420,000

**Full Market Value:** 2021 - \$420,000

0.72

No Photo Available

2020 - \$420,000

2021 - \$204,800

2020 - \$204,800

**Equalization Rate:** 

**Property Desc:** Deed Page:

1007

**Deed Book: Grid East:** 

598 817056

**Grid North:** 

935618

Area

Living Area:

1,835 sq. ft.

**First Story Area:** 

1,835 sq. ft.

**Second Story Area:** 

**Total Acreage/Size:** 

**Land Assessment:** 

0 sq. ft.

**Half Story Area:** 

0 sq. ft.

Additional Story Area:

0 sq. ft.

3/4 Story Area:

0 sq. ft.

**Finished Basement: Finished Rec Room** 

0 sq. ft. 0 sq. ft. **Number of Stories: Finished Area Over** 

0 sq. ft.

Garage

Structure

**Bedrooms:** 

**Building Style:** 

Ranch

Bathrooms (Full - Half): 2 - 0

2

Kitchens:

1

Fireplaces:

0

**Basement Type:** 

Crawl 336.00

Porch Type: **Basement Garage Cap:** 

Porch-open/deck

Porch Area: Attached Garage Cap:

576.00 sq. ft.

**Overall Condition:** 

Normal

**Overall Grade:** 

Average

Year Built:

1948

Utilities

Sewer Type:

Private

**Water Supply:** 

Private

**Utilities:** 

Electric

**Heat Type:** 

Electric

**Fuel Type:** 

Electric

Central Air:

*							
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	111	111	w		пе		

Structure	Size	Grade	Condition	Year
Porch-open/deck	336.00 sq ft	Average	Normal	1980
Porch-open/deck	80.00 sq ft	Average	Good	1988
Porch-coverd	324.00 sq ft	Average	Good	1989
Gar-1.0 att	576.00 sq ft	Average	Good	1995
Stake dock	0 x 0	Average	Normal	1990

## Land Types

Туре	Size
Primary	145 × 216

## **Taxes**

Year

Description

**Amount** 



# Property Description Report For: 347 Bill George Rd, **Municipality of Lansing**

No Photo Available	Vo	Photo	Available
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Status:

Active

**Roll Section:** 

Taxable

Swis:

503289

Tax Map ID #:

24.-5-1.2

**Property Class:** 

280 - Res Multiple

Site:

RES 1

In Ag. District:

Yes

**Site Property Class:** 

210 - 1 Family Res

**Zoning Code:** 

L1 - I1

**Neighborhood Code:** 

32040

Lansing

**School District:** 

2021 - \$490,000

**Total Assessment:** 

2020 - \$490,000

Full Market Value: 2021 - \$490,000

2020 - \$490,000

2021 - \$285,000

2020 - \$285,000

**Property Desc:** 

**Deed Page:** 

1001

**Deed Book: Grid East:** 

46202 817636

12.57

**Grid North:** 

935903

#### Area

Living Area: Second Story Area:

**Finished Rec Room** 

1,490 sq. ft. 0 sq. ft.

First Story Area: **Half Story Area:** 

1,490 sq. ft. 0 sq. ft. 3/4 Story Area: 0 sq. ft.

**Additional Story Area: Finished Basement:** 

Total Acreage/Size:

**Land Assessment:** 

**Equalization Rate:** 

0 sq. ft. 0 sq. ft. 0 sq. ft.

**Number of Stories: Finished Area Over** 

1 0 sq. ft.

Garage

#### Structure

Fireplaces:

**Building Style: Bedrooms:** 

**Overall Condition:** 

Ranch 4

1

1965

Bathrooms (Full - Half): 1 - 0

Kitchens: **Basement Type:** 

**Overall Grade:** 

Full 0.00

Porch Type: 0 **Basement Garage Cap:** 

Normal

Porch Area: **Attached Garage Cap:** 

0.00 sq. ft. Economy

Year Built:

Utilities

Sewer Type:

Private Electric Water Supply: **Heat Type:** 

Private Hot air

**Utilities: Fuel Type:** 

Oil

Central Air:

### Improvements

Structure	Size	Grade	Condition	Year
Shed-machine	24 × 16	Average	Normal	1996
Stake dock	18 × 28	Economy	Normal	2000

### Land Types

The state of the s		
250 × 150		
11.21 acres		

### **Taxes**

Year Description Amount



### Property Description Report For: 321 Bill George Rd, + see mapfor 347 Municipality of Lansing

Status:

Active

**Roll Section:** 

Taxable

Swis:

503289

Tax Map ID #:

24.-5-1.1

**Property Class:** 

220 - 2 Family Res

Site:

RES 1

In Ag. District:

Yes

**Site Property Class:** 

220 - 2 Family Res

Zoning Code:

L1 - I1

Neighborhood Code:

32040

**School District:** 

Lansing

2021 - \$217,800

2021 - \$500,000

**Total Assessment:** 

2020 - \$500,000

2021 - \$500,000 **Full Market Value:** 

No Photo Available

2020 - \$217,800 2020 - \$500,000

**Property Desc:** 

**Deed Page:** 

13012

Deed Book: **Grid East:** 

2016 817093

1.14

**Grid North:** 

935290

Area

Living Area:

2,424 sq. ft.

First Story Area:

720 sq. ft.

Second Story Area:

Total Acreage/Size:

Land Assessment:

**Equalization Rate:** 

1,344 sq. ft.

Half Story Area:

0 sq. ft.

**Additional Story Area:** 

360 sq. ft.

Contemporary

Porch-open/deck

3/4 Story Area:

0 sq. ft.

**Finished Basement: Finished Rec Room** 

0 sq. ft. 0 sq. ft. **Number of Stories:** Finished Area Over

0 sq. ft.

Garage

Structure

Bathrooms (Full - Half): 3 - 0

**Building Style:** Bedrooms:

Kitchens:

Fireplaces: Porch Type:

**Basement Type:** Porch Area:

**Partial** 

**Basement Garage Cap:** 

Attached Garage Cap:

72.00

**Overall Condition:** 

Good **Overall Grade:**  Average

432.00 sq. ft.

Year Built:

1988

Utilities

Private

Water Supply:

Private

**Fuel Type:** 

Sewer Type: **Utilities:** 

Electric

**Heat Type:** 

Hot wtr/stm

Propane/LPG

Central Air:

### Improvements

Structure	Size	Grade	Condition	Year
Gar-1.0 att	432.00 sq ft	Average	Normal	1988
Porch-open/deck	72.00 sq ft	Average	Normal	1988
Porch-open/deck	400.00 sq ft	Average	Normal	1989
Porch-up opn	80.00 sq ft	Average	Normal	1990
Stake dock	0 x 0	Average	Normal	2000
Boat shelter	0 x 0	Average	Normal	2015

### Land Types

Туре	Size		
Primary	$185 \times 150$		
Residual	0.50 acres		

### Taxes

Year Description Amount



# Property Description Report For: 367 Bill George Rd, Municipality of Lansing

Νo	Photo	Available	

Status:

Active

**Roll Section:** Swis:

Taxable 503289

Tax Map ID #:

24.-5-3

**Property Class:** 

210 - 1 Family Res

Site:

RES 1

In Ag. District:

Yes

Site Property Class:

210 - 1 Family Res

Zoning Code:

L1 - I1

Neighborhood Code:

32040

**School District:** 

Lansing

2021 - \$410,000

**Total Assessment:** 

2020 - \$410,000

**Full Market Value:** 2021 - \$410,000

2020 - \$410,000

2021 - \$257,400

2020 - \$257,400

**Property Desc:** 

6.03

Deed Page:

12139

Deed Book: **Grid East:** 

Total Acreage/Size: **Land Assessment:** 

**Equalization Rate:** 

2013 817808

**Grid North:** 

935488

#### Area

Living Area: Second Story Area: 1,408 sq. ft.

0 sq. ft.

0 sq. ft.

First Story Area: Half Story Area: 3/4 Story Area:

0 sq. ft. 0 sq. ft.

1,408 sq. ft.

**Additional Story Area: Finished Basement: Finished Rec Room** 

0 sq. ft. 555 sq. ft. **Number of Stories: Finished Area Over**  1 0 sq. ft.

Garage

#### Structure

**Building Style:** 

Ranch

Bathrooms (Full - Half): 2 - 0

**Bedrooms:** Fireplaces: 3 0 Kitchens: **Basement Type:** 

Full 49.00

**Porch Type:** 

Porch-coverd

Porch Area: Attached Garage Cap:

0.00 sq. ft.

**Basement Garage Cap: Overall Condition:** 

Normal 1961

**Overall Grade:** 

Average

#### Utilities

Year Built:

Sewer Type: **Utilities:** 

Private Electric Water Supply: **Heat Type:** 

Private Hot wtr/stm

**Fuel Type:** 

Oil

**Central Air:** 

### Improvements

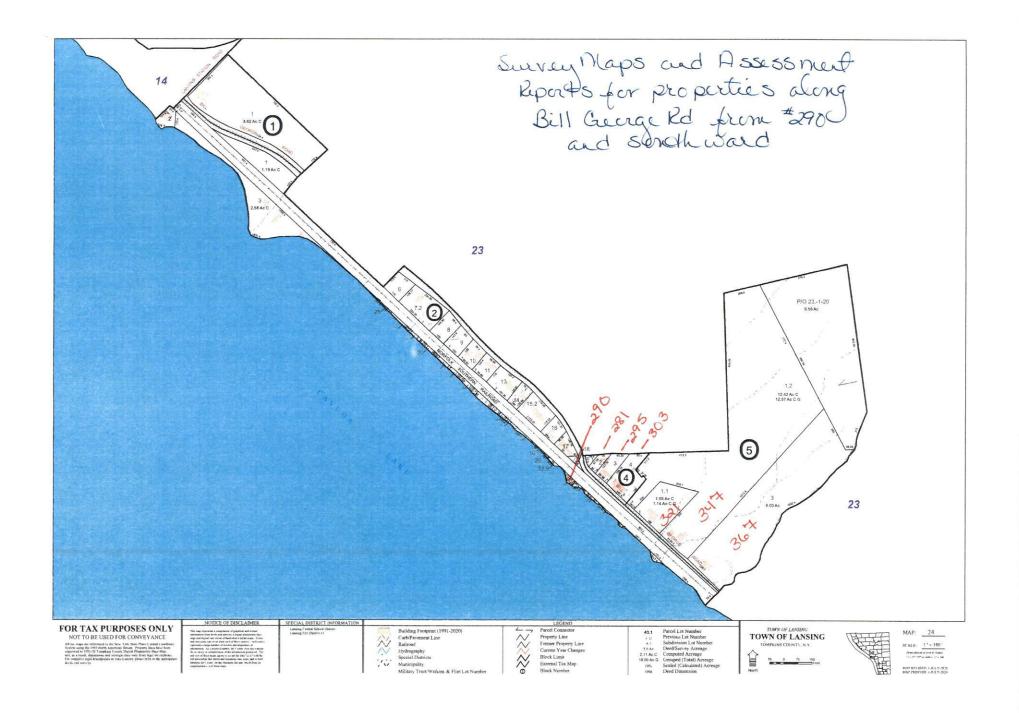
Structure	Size	Grade	Condition	Year
Porch-coverd	49.00 sq ft	Average	Normal	1961
Porch-encisd	66.00 sq ft	Average	Normal	1961

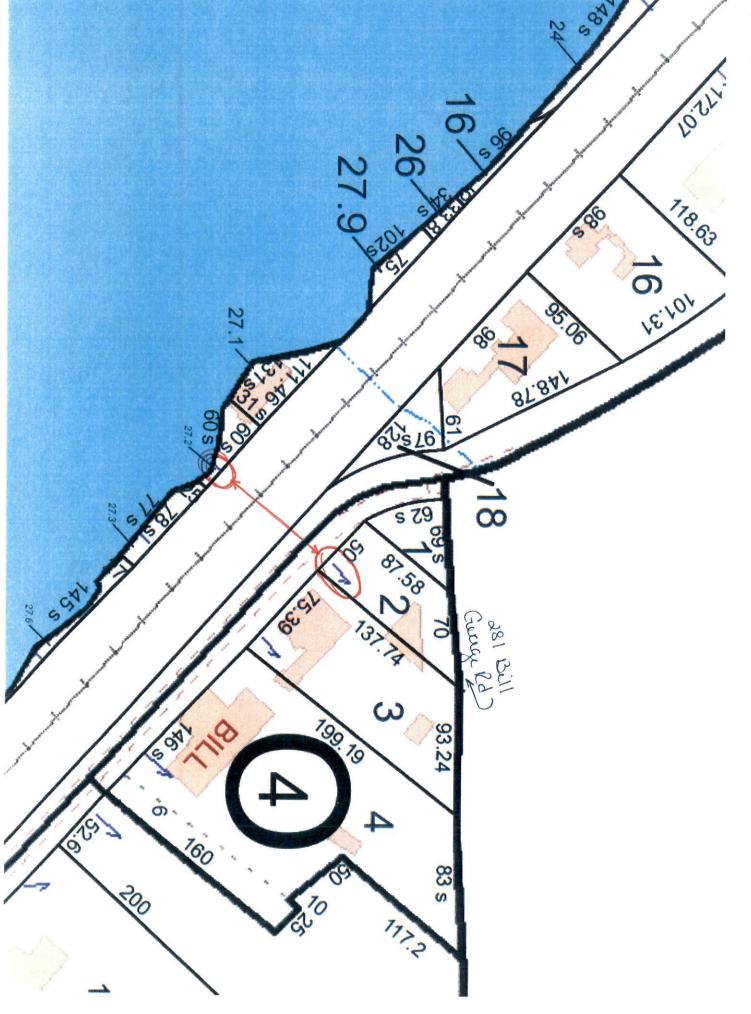
### Land Types

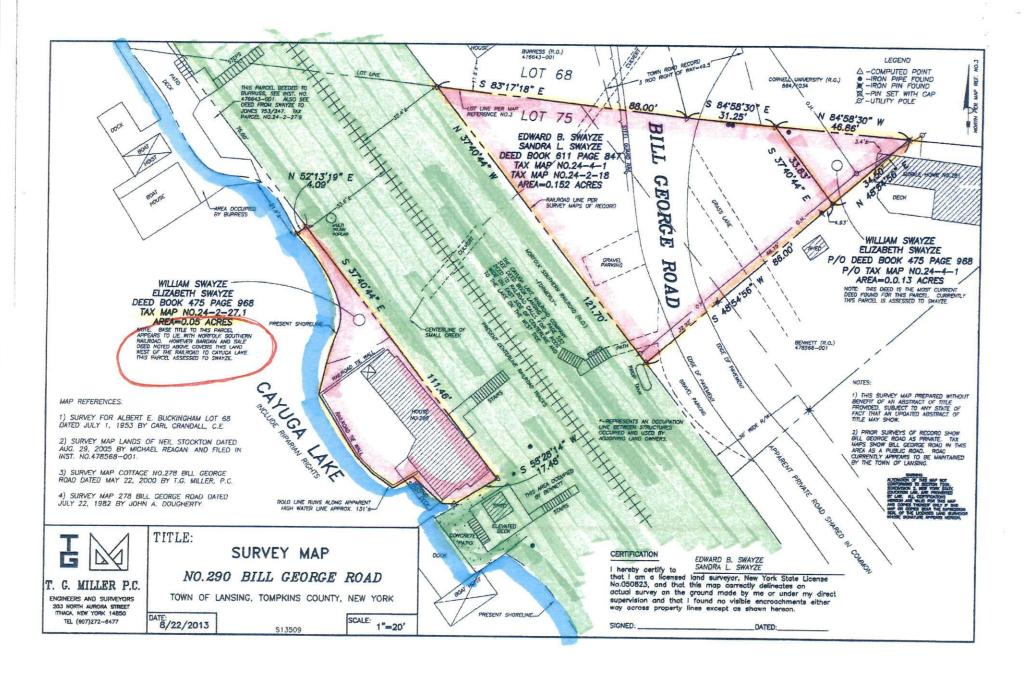
Туре	Size
Primary	225 × 150
Residual	5.26 acres
	3.000

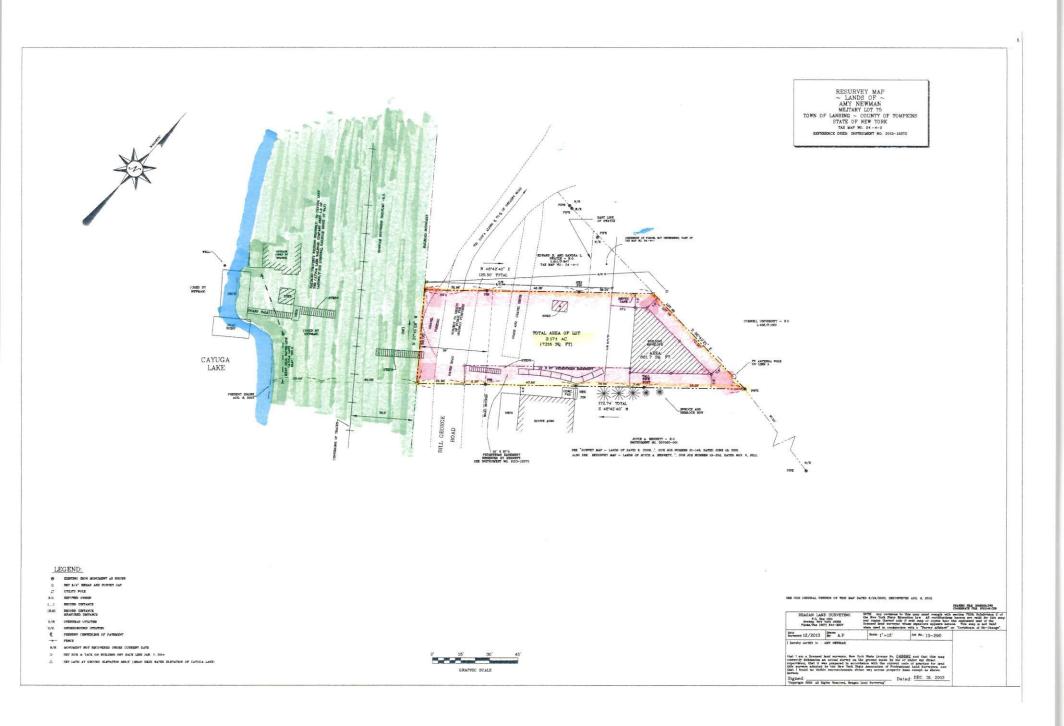
# Taxes

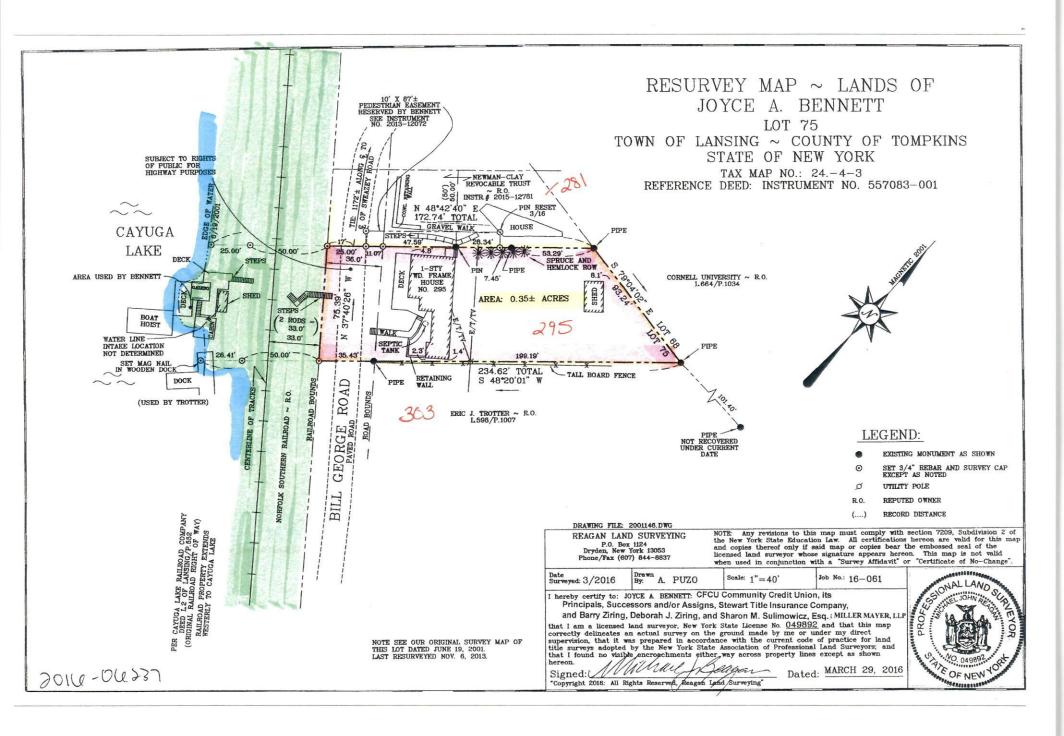
Year Description Amount

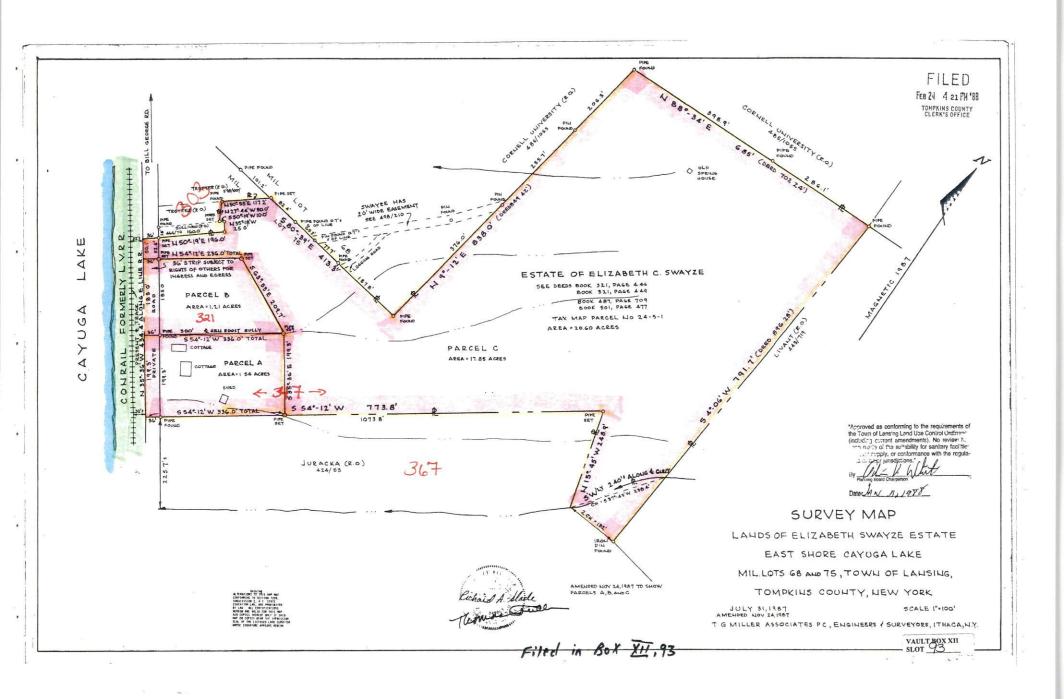












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