



ZONING BOARD OF APPEALS MEETING

Lansing Town Hall Board Room
Wednesday, February 14, 2024
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: Two Area Variances for relief from § 270-11, Schedule II: Area, Frontage, Yard, Height and Coverage Requirements

Applicant: Jeffrey Barber, owner

Location: 2 Ladoga Park Road, TPN 33.-1-43

Project Description: The applicant is applying for two variances from Town of Lansing Zoning Law § 270-11, Schedule II: Area, Frontage, Yard, Height, and Coverage Requirements to construct a new 56' x 30' garage. The following variances are requested: front yard (east), 14.8 feet where 60 feet is required; and rear (south west), 5.1 feet, where 10 feet is required. The project is within the L1 – Lakeshore Zone.

SEQR: This is a Type II action requiring no further SEQR review

Anticipated Action: review of the application and determination

- b. Applicant: Jon Lucente, owner

Location: 40 Sun Path Road, TPN 42.-1-2.28

Project Description: The applicant is applying for one variance from Town of Lansing Zoning Law § 270-11, Schedule II: Area, Frontage, Yard, Height, and Coverage Requirements, to keep an existing deck. The following variance is requested: side (east), 0 feet, where 15 feet is required. The project is within the R1 Zone.

SEQR: This is a Type II action requiring no further SEQR review

Anticipated Action: Public Hearing; review of the application

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.

January 30, 2024

From: Jean and Jeff Barber

To: Town of Lansing Zoning Board of Appeals

Attn: Mason Molesso, Planner

Re: Garage project at 2 Ladoga

We wish to provide this as a narrative regarding the above-mentioned project. We purchased the property in March of 2018. This information is to provide a timeline explaining different issues and approvals we have experienced as we have progressed, and how they have affected the development of the garage.

Although this need for a garage has been present, our initial priority upon purchase was directed toward repairs to the house and living area. Once those repairs were accomplished, and we could focus on a garage, our biggest question was where to site it, knowing that much of our space is utilized by our septic leach field.

For that reason, our first inquiry was to the County Health Department to clarify any options available to us. Included with this correspondence are emails (doc. 1, page 1) from February of 2023 from Chris Laverack of the Tompkins County Health Department which explain the site visit from Chris and Scott Freybuger, the Engineer for the Department. They found it “best to leave the current functioning septic system in place and build the garage behind it.” (note: this means construct the garage towards the railroad tracks). Until we were provided with this information, we were wondering if it would be best to remove and relocate the leach field toward the tracks, and site the new garage closer to our house.

The email (doc.1, page 1) from Chris of 2-9-23 states: “A grinder pump type bathroom can be installed in the interior of the garage and it may be pumped to the existing septic tank at the cottage without the need for a permit, inspection by our office, or alteration of the current cottage septic system.”

A few days later, on 2-13-23, Scott Freyburger sent an email (Doc. 2) to Jeff Barber and Scott Russell in which he stated: “I just wanted to clarify one more thing related to this topic. That bathroom in the garage would not count as an increase in daily flow if the space it was going into would not be counted as a bedroom according to NYS building code.”

Scott Freyburger had explained this to me (Jeff Barber) during his site visit....Septic usage is rated by number of bedrooms, not bathrooms. Copies of these emails in their entirety are included with this correspondence. We have NEVER had any intention of having living space in this garage....It will include a sink, toilet, and shower, but no bedroom(s) or kitchen.

Scott Freyburger’s email (Doc. 2) of February 13th also mentions a request that was made to him 2 days after our meeting on site which refers to a question posed by a realtor concerning adding a bathroom and bedroom to an existing garage at a “neighboring property”.

Once we understood that this project could be sited between the leach field and the railroad track, we had another obstacle....which is the NYSEG power pole that is exactly in the way of this new garage

location. The pole is shown on the survey maps provided for this project. Not only the pole, but the guy wires attached to it, and also the overhead wires, are very much a problem....unless we could manage to get the pole moved.

Scott Russell was kind enough to provide us with a very informative email (doc. 3) on 11-16-22 explaining what approvals are required for this project. He listed all individuals along with their respective departments, agencies, etc. Knowing that this power pole was a unique problem, and one with which we ourselves had to deal with, we were a bit slowed down after we realized the garage would need to be sited between the leach field and the railroad tracks.

After many, many hours of effort contacting “the right people” at NYSEG, we were advised by them (Doc. 4 page 2) on 6/2/2023 that we had a Job number, and they were waiting for an easement. Our neighbors directly across the road have been very kind in agreeing to have the wires moved from our pole to a pole that already exists on their property. (Doc. 4 page 3)

Enclosed is information from NYSEG regarding this situation. (Doc. 4....9 pages) Please note that we received an email (Doc. 4 page 4) dated June 5, 2023, from Richard Hansen of NYSEG in which he states that NYSEG would be receiving an easement from our neighbor to relocate the pole and remove it from our property. This relocation would of course require payment by us. On June 6th we received the quote from NYSEG. (Doc. 4 page 5). The amount to accomplish this pole relocation is \$7,811.42.

At that time, we were still trying to be sure that we could receive the proper permission from The Town of Lansing Planning Board. One by one, we were contacting the different entities as outlined by Scott Russell in November of 2022. On November 14, 2023, I met with Mike Moseley and received an email (Doc. 5) the following day in which he said there are “no issues from a Highway maintenance perspective.” (copy enclosed)

With that, the setback variance request meeting was scheduled for December 13th, 2023. The only variance that was in question for that meeting was the West boundary between our property and the neighbors, who submitted a letter (Doc. 6) stating their approval to reduce the setback from ten feet to 5.1 feet.

At the meeting, the proximity to the road was discussed, with some questions even being raised among board members concerning whether or not the road in question was a Township road, or a private road. (We have always fully understood that it is a Township road... It provides public access to the lake and is snow plowed and maintained by the Township).

Even though this was a public hearing, and advertised as such to many neighbors, there were no other people present, other than us. (Jean and Jeff Barber). The planning board’s desire and decision to schedule another meeting for the purpose of granting a variance on the road side of the project is understood.

Referring once again to our NYSEG situation with the pole re-location, please see the attached quote from NYSEG dated 6-6-23. (Doc. 4 page 5). In the center of the statement (Doc. 4 page 6) you can see that the quote was valid for 90 days. The ninety- day period expired on September 6, 2023. We decided to go ahead and issue payment to NYSEG and did so with a personal check on November 6, 2023, (Doc. 4 page 8) which was 60 days after the quote was deemed valid. We didn’t want to wait any longer, and we were by then aware of our neighbors’ acceptance of the setback variance change.

Enclosed is an updated survey and updated drawings showing the changes to our original plan which was presented at the December meeting. Foremost among our concessions is the elimination of the original building (labeled garage) that is on the property. As we have stated previously, we were advised by the prior owner that this structure was built and used by the boatbuilder that built many if not most of the original cottages in the neighborhood. The structure is over 100 years old. When we bought the property in 2018 the roof was totally open to the elements, and we were advised to tear it down. Instead, we installed a new roof, straightened up the structure, repaired the windows, and repainted it. In addition to losing the historical character of the building, we are accustomed to the much-needed storage it provides. It is in fact the ONLY storage building we have.

By eliminating this structure, the setback from the railroad property increases from 8.7 feet to 15.3 feet. (see survey). If this original structure had been rotated and attached to the new construction as we requested, the setback would have been 9.9 feet. We are hopeful that elimination of this original building mitigates any concern regarding the northwest boundary of our property.

Additionally, we have re-designed the garage so there is entry for vehicles from the north (railroad) side of the building. This eliminates two out of three doors that were originally designed to enter onto the street. The footprint of the garage itself has been reduced from 48 feet to 46 feet, with those two feet included now under the shed roof which covers the patio/porch portion of the structure.

With only one overhead door now facing the street, we have accomplished a greater distance between the garage and the road, as said distance increases as it proceeds toward the lake. We also plan to “radius” the apron to this overhead door, so any vehicle can start turning earlier as it enters the road. This stated re-design should mitigate any concern regarding safety when compared to the original plan.

For perspective, the south (porch/patio) end of the garage will be approximately 138 feet from the north side of our house at 2 Ladoga. The meeting on January 10th included discussion of the “character” of the neighborhood. We are VERY fortunate that our property provides us with arguably the “deepest” lot in the entire neighborhood. We feel that this structure provides very minimal sight disruption or proximity to any neighbors. As stated previously, our two closest neighbors to this project have voluntarily offered their cooperation to assist us.

In addition to the documents mentioned above, drawings of the structure are also part of our submitted material. An updated professional survey has already been dropped off to the Township offices.

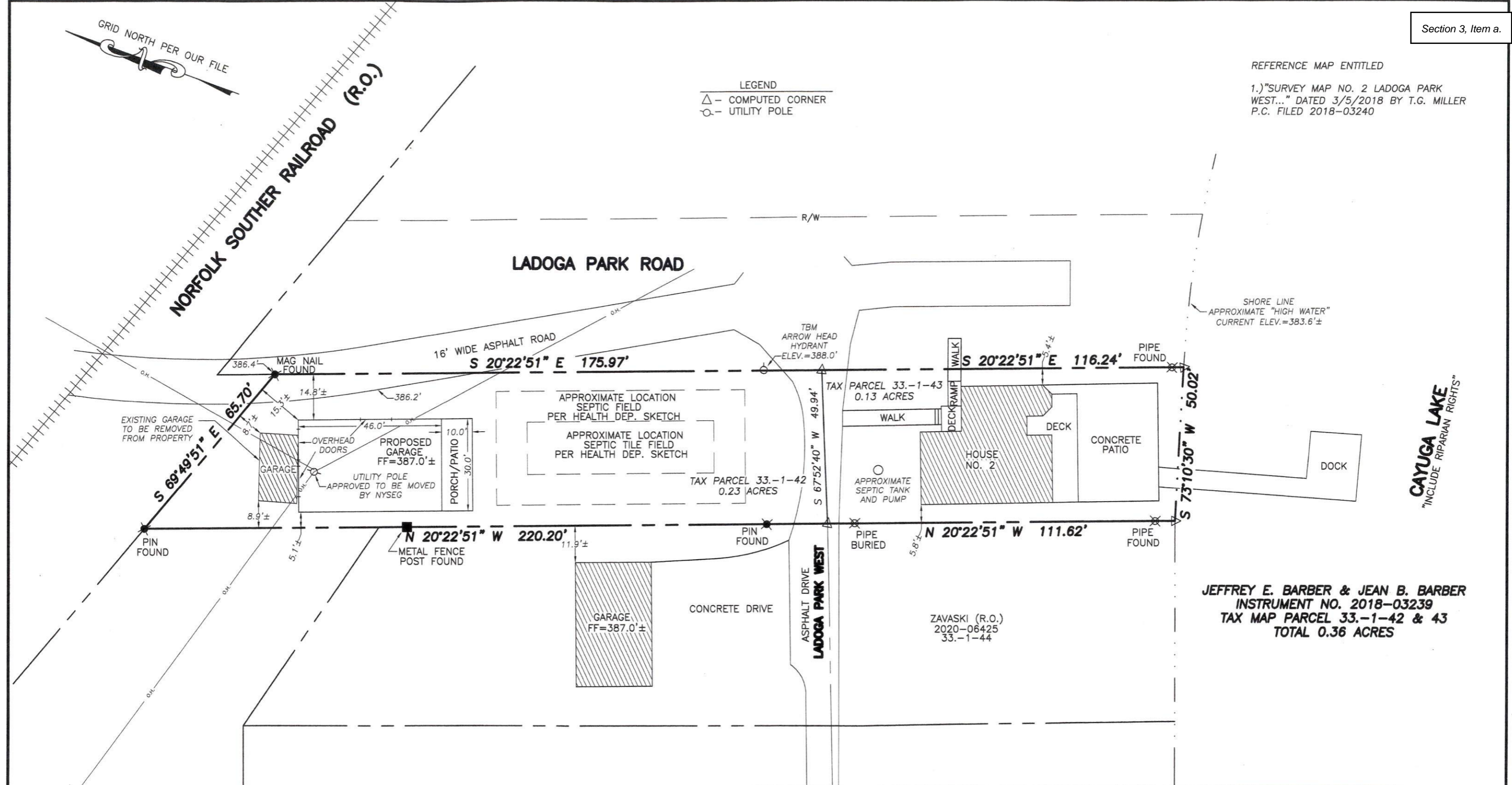
Thank you for your continued consideration and attention to this project.

Regards,

Jean and Jeff Barber

REFERENCE MAP ENTITLED
 1.) "SURVEY MAP NO. 2 LADOGA PARK WEST..." DATED 3/5/2018 BY T.G. MILLER P.C. FILED 2018-03240

LEGEND
 Δ - COMPUTED CORNER
 ○ - UTILITY POLE



CAYUGA LAKE
 "INCLUDE RIPARIAN RIGHTS"

JEFFREY E. BARBER & JEAN B. BARBER
 INSTRUMENT NO. 2018-03239
 TAX MAP PARCEL 33.-1-42 & 43
 TOTAL 0.36 ACRES

- NOTES
- 1.) VERIFY ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
 - 2.) DATUM OF ELEVATIONS ARE ON NGVD 29 PER NGS BENCH MARK NBO467, FEMA 1% BASE FLOOD ELEV.=386.3'.



SHEIVE LAND SURVEYING
 165 WOOD ROAD
 FREEVILLE, NY 13068
 607-347-9800

WARNING
 ALTERATION OF THIS MAP NOT CONFORMING TO SECTION 7209, SUBDIVISION 2, NEW YORK STATE EDUCATION LAW, ARE PROHIBITED BY LAW. ALL CERTIFICATIONS HEREON ARE VALID FOR THIS MAP AND COPIES THEREOF ONLY IF SAID MAP OR COPIES BEAR THE IMPRESSION SEAL OF THE LICENSED LAND SURVEYOR WHOSE SIGNATURE APPEARS HEREON.

TITLE: **SITE PLAN**
NO. 2 WEST LADOGA PARK,
 TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK

DATE: 08/09/2023 FILE NO. 23082B2 SCALE: 1"=30'

| |
|--|
| REVISED |
| 1/29/2024 - TO SHOW PORCH/PATIO & EXISTING GARAGE TO BE REMOVED. |
| |
| |
| |
| |
| |
| |



DOC. 1
PAGE 1

Section 3, Item a.

From: Chris Laverack <claverack@tomkins-co.org>
Sent: Thursday, February 9, 2023 4:14 PM
To: Scott Russell <srussell@lansingtown.com>
Cc: Jeff Barber <jeffb@statelineauto.com>; Scott Freyburger <sfreyburger@tomkins-co.org>
Subject: 2 Ladoga Park Rd. Septic

Hello Scott-

We met with Mr. Barber on site to discuss his sewage system options with consideration to a garage he would like to build on the parcel.

In summery, we found it best to leave the current functioning septic system in place and build the garage behind it.

It was asked if he could install a bathroom in the garage as part of the project and tie it to the existing septic system.

-A grinder pump type bathroom can be installed in the interior of the garage and it may be pumped to the existing septic tank at the cottage without the need for a permit, inspection by our office, or alteration of the current cottage septic system.

-If a buried exterior septic tank and pump is installed at the new garage, a septic tank/ pump chamber permit will need to be issued by our office. This would also be pumped to the existing cottage septic tank and no change to the current cottage sewage system would be needed.

Please let me know if you have questions.

Thank you

Chris Laverack

Environmental Health Specialist

Tompkins County Health Department

Environmental Health Division

55 Brown Road

Ithaca, NY 14850

Scott Freyburger, P.E., M. Eng.

Public Health Engineer

DOG 1
Section 3, Item a.
PAGE 2

From: Scott Russell <srussell@lansingtown.com>
Sent: Friday, February 10, 2023 6:34 AM
To: Chris Laverack <claverack@tompkins-co.org>
Cc: Jeff Barber <jeffb@statelineauto.com>; Scott Freyburger <sfreyburger@tompkins-co.org>
Subject: RE: 2 Ladoga Park Rd. Septic

Good morning Chris,

Thank you very much for the information! I will print your email and attach it to the from cover of the file to flag the file.

Thank you,

Scott Russell

Town of Lansing Code Enforcement Officer

Office Number 607-533-7054

Email srussell@lansingtown.com

ATTN: Building permits, applications for building permits, Planning Board and Zoning Board applications, and questions regarding permits or applications are addressed during office hours Monday through Thursday 7:30 a.m. to 12:30 p.m., Friday 7:30 a.m. to 11:55 a.m., or by appointment. Call 607-533-7054 or send us an email at tolcodes@lansingtown.com to make an appointment.

From: Chris Laverack <claverack@tompkins-co.org>
Sent: Thursday, February 9, 2023 4:14 PM
To: Scott Russell <srussell@lansingtown.com>
Cc: Jeff Barber <jeffb@statelineauto.com>; Scott Freyburger <sfreyburger@tompkins-co.org>
Subject: 2 Ladoga Park Rd. Septic

Hello Scott-

From: "Jeff Barber" <jeffb@statelineautoauction.onmicrosoft.com>
To: "jbarber5@stny.rr.com" <jbarber5@stny.rr.com>
Cc:
Bcc:
Priority: Normal
Date: Wednesday November 15 2023 6:34:12PM
Fwd: RE: meeting to discuss road right of way

----- Forwarded message -----

From: Mike Moseley <mmoseley@lansingtown.com>
Date: Nov 15, 2023 10:47 AM
Subject: RE: meeting to discuss road right of way
To: Jeff Barber <jeffb@statelineautoauction.onmicrosoft.com>
Cc: Scott Russell <srussell@lansingtown.com>

Hi Jeff,

Thanks for meeting with me yesterday to discuss your garage in its proximity to the road right of way. Due to the existing width of the road, along with the shoulder, there are no issues from a Highway maintenance perspective.

If you need anything else, please let me know.

Thanks,

Mike

Michael D. Moseley

Highway Superintendent

P: (607) 533-4328 F: (607) 533-4089

Town of Lansing

Highway Department

10 Town Barn Rd.

Lansing, NY 14882

Mon-Fri 6:00am-2:00pm

From: Jeff Barber <jeffb@statelineautoauction.onmicrosoft.com>
Sent: Wednesday, November 8, 2023 8:21 AM

4 Ladoga Park Road
Lansing, NY 14882
12/6/2023

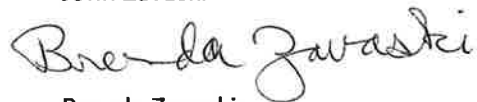
Town of Lansing
Zoning, Planning, and Code Enforcement
29 Auburn Road
Lansing, NY 14882

To Whom This May Concern:

This letter is in regard to the variance requested by Mr. Jeffrey Barber of 2 Ladoga Park Road. This would allow Mr. Barber to construct a garage 5 feet 1 inch off our property line. We have no issues with his request, and grant our full approval.

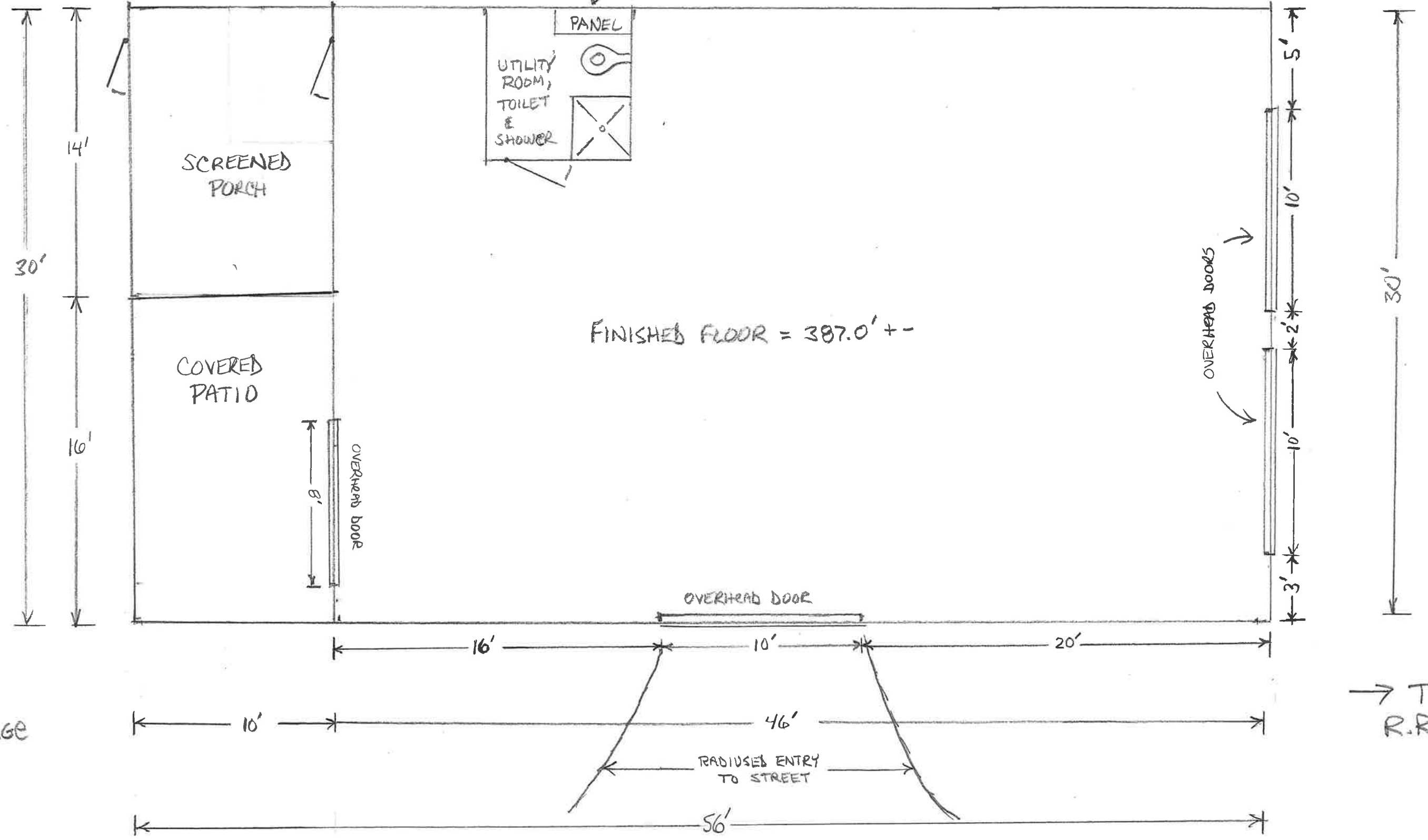


John Zavaski

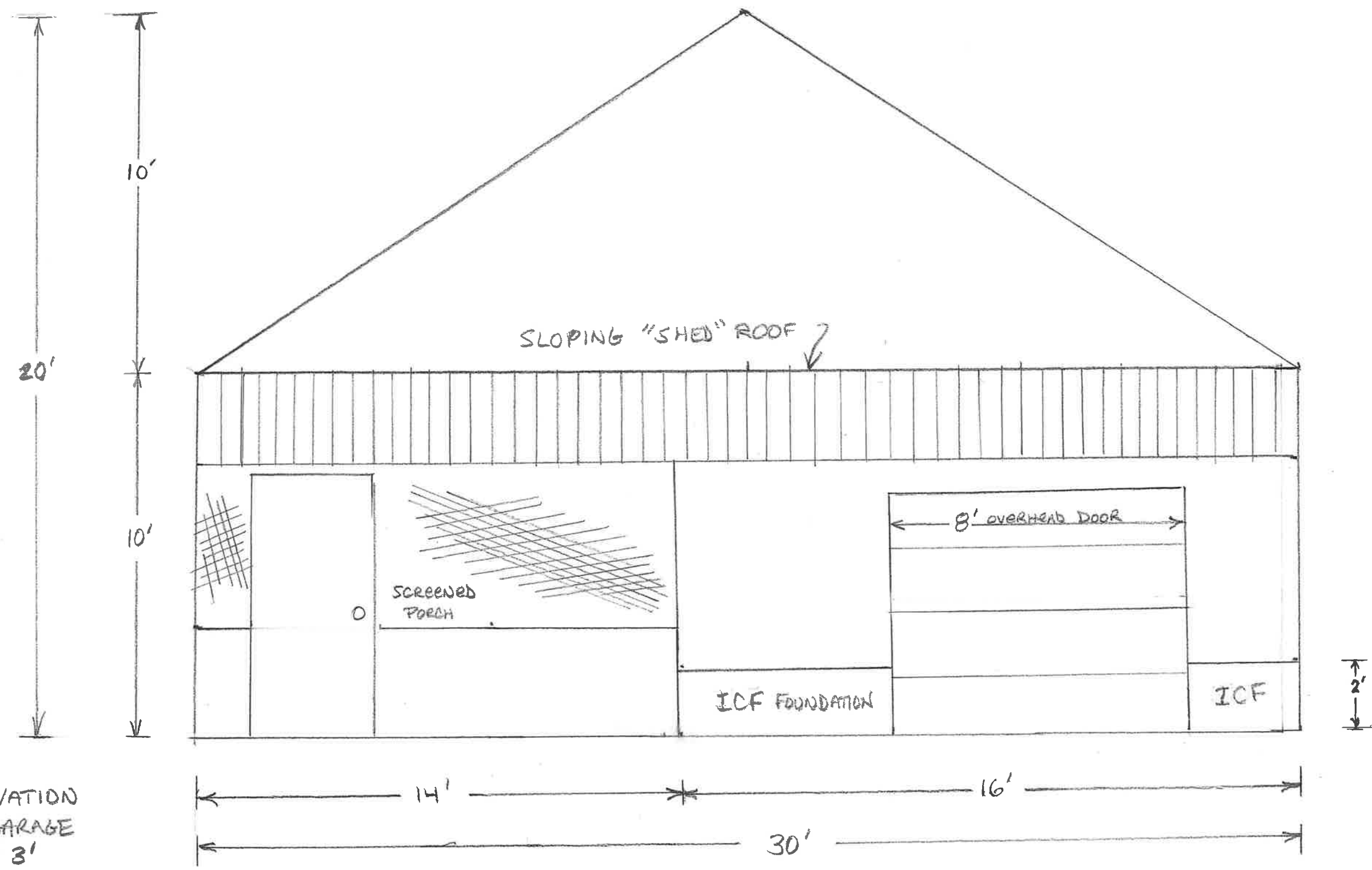


Brenda Zavaski

EXACT SIZE, LOCATION
AND LAYOUT OF
THIS ROOM
T.B.D. ↓

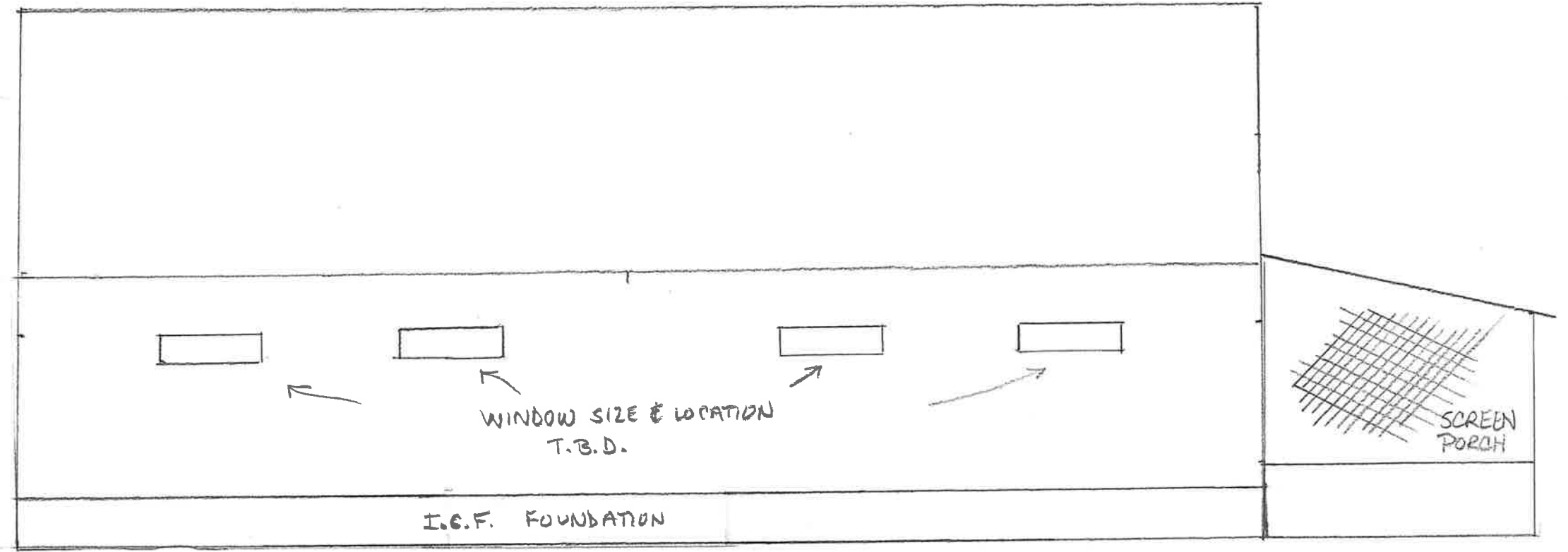


PLAN VIEW
 2 LABOGA GARAGE
 SCALE: 1" = 5'
 J.E.B.
 1/30/24

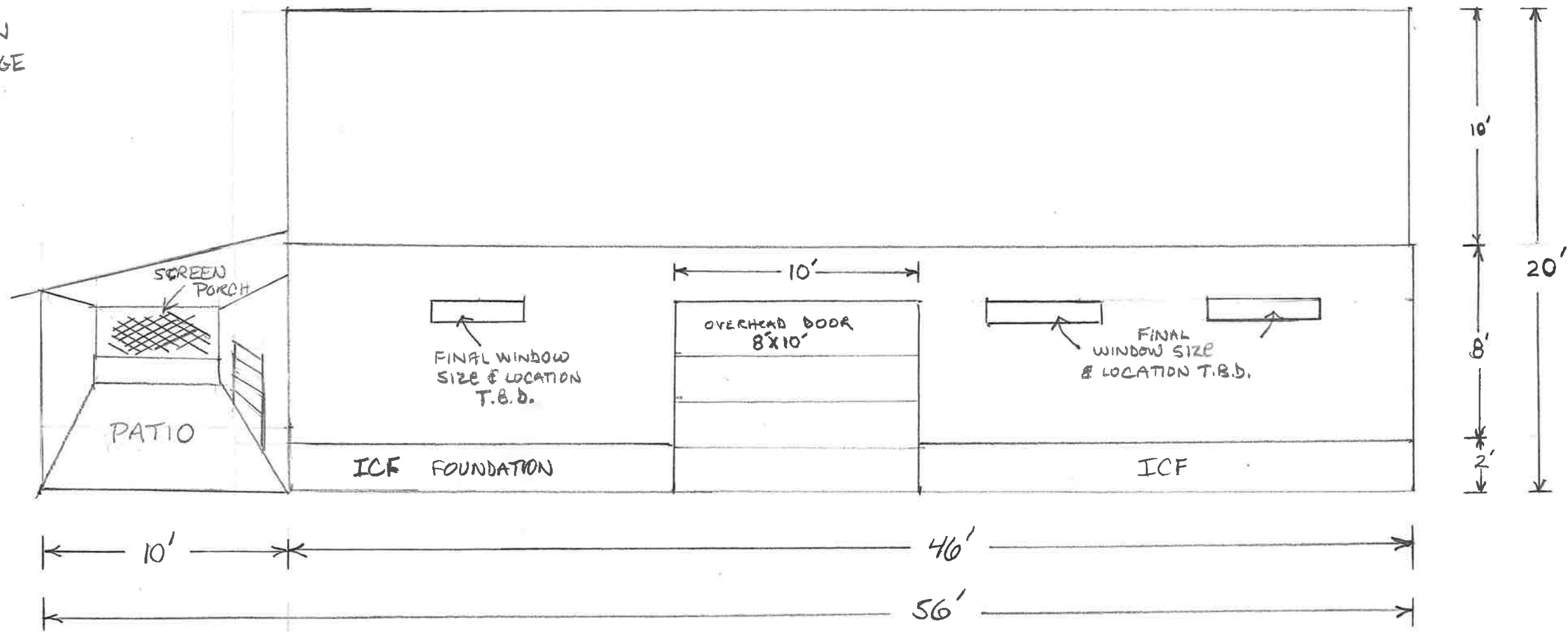


SOUTH ELEVATION
2 LADOGA GARAGE
SCALE 1" = 3'
J.E.B.
1/30/24

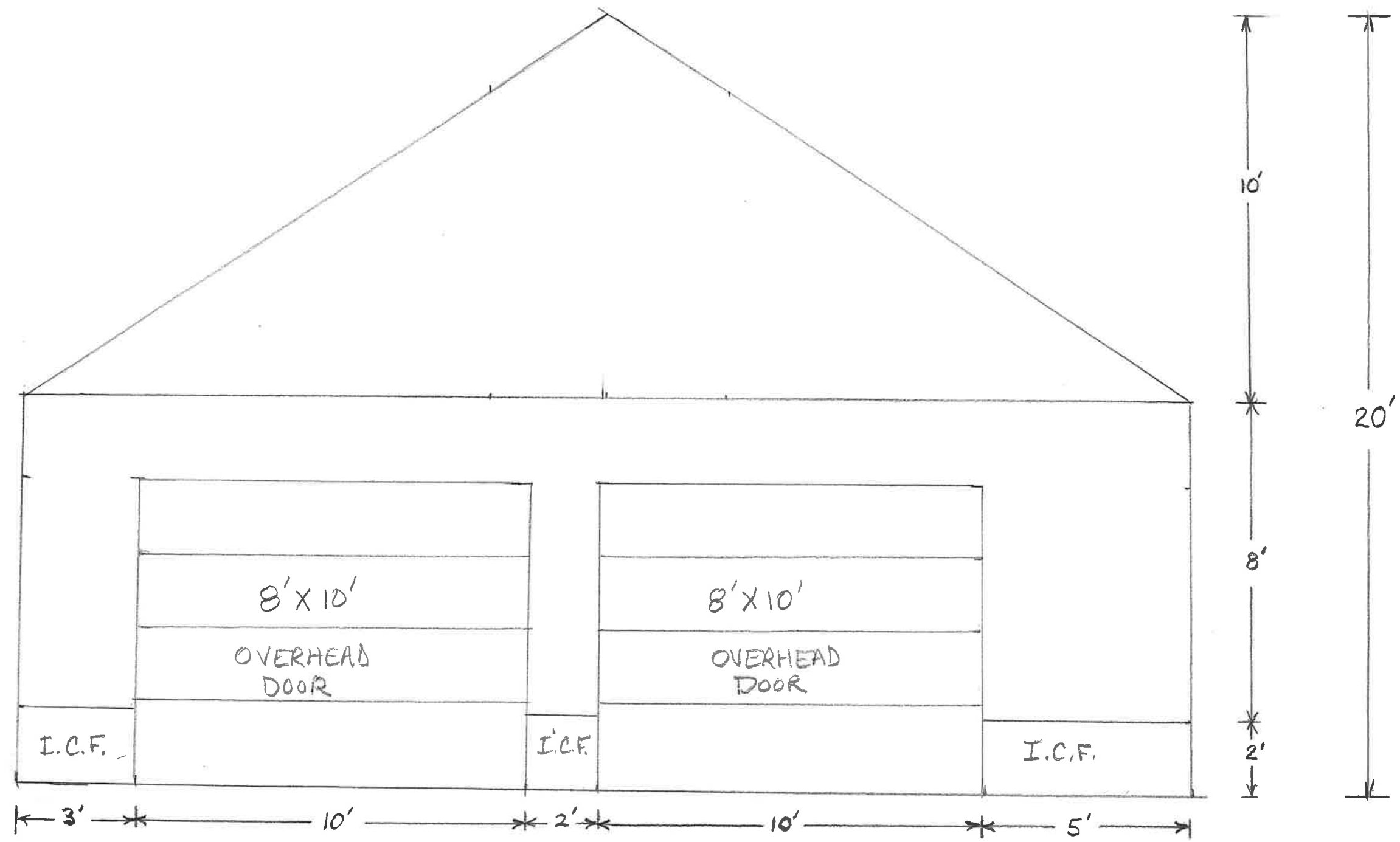
WEST ELEVATION
2 LADOGA GARAGE
SCALE: 1" = 5'
J.E.B.
1/30/24



EAST ELEVATION
2 LADOGA GARAGE
SCALE: 1" = 5'
J.E.B.
1/30/24



NORTH ELEVATION
2 LADOGA GARAGE
SCALE: 1" = 3'
J.E.B.
1/30/24



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

BACKGROUND INFORMATION

Applicant and Owner:
Jeff Barber
2 Ladoga Park Road
Lansing, NY 14882

Variance No: 23-XX
Zoning District: L1
Public Hearing Published on:
600’ Notices Mailed:

Property Location: 2 Ladoga Park Road
Tax Parcel #: 33.-1-43

Requirement for which Area Variances are requested: Town of Lansing Zoning Law § 270-11 Schedule II, Frontage, Yard, Height and Coverage Requirements

RESOLUTION AND FINDINGS

WHEREAS, Jeff Barber, Applicant and Owner of 2 Ladoga Park Road, Tax Parcel No. 33.-1-43, located in the Lakeshore – L1 Zone, applied for an Area Variance from Town of Lansing Zoning Law § 270-11, Schedule II: Area, Frontage, Yard, Height and Coverage Requirements, to construct a 56’ x 30’ garage. The following variances are requested: front yard (east), 14.8 feet where 60 feet is required; and rear (southwest), 5.1 feet, where 10 feet is required.

WHEREAS, on 14 February 2024 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 617.5(c)(12), (construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density), such that no further environmental review is required, nor does this matter require a GML Section 239 review; so, upon due deliberation upon the foregoing, the application, and all evidence and testimony presented to the ZBA,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town of Lansing Zoning Board of Appeals (“ZBA”) hereby makes the following findings with respect to the specific criteria for area variances 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 ___ Findings:

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 ___ Findings:

c. Whether the requested area variance is substantial?

Yes ___ No ___ Findings:

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 ___ Findings:

e. Whether the alleged difficulty was self-created?

Yes ___ No ___ Findings:

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/DENIED**, 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 is 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 VARIANCES GRANTED: § 270-11, Schedule II: Area, Frontage, Yard, Height and Coverage Requirements, to construct a 56' x 30' garage. The following variances are requested: front yard (east), 14.8 feet where 60 feet is required; and rear (southwest), 5.1 feet, where 10 feet is required.

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

Yes ___ No ___

STATEMENT OF CONDITIONS:

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

Motion by:
Seconded by:

- Richard Hayes –
- Mary Stoe –
- Susan Tabrizi -
- Jack Young –

Dated: 14 February 2024

Received in the Lansing Town Clerk's Office on _____

Debbie Munson, Town Clerk
Town of Lansing
Tompkins County, New York

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

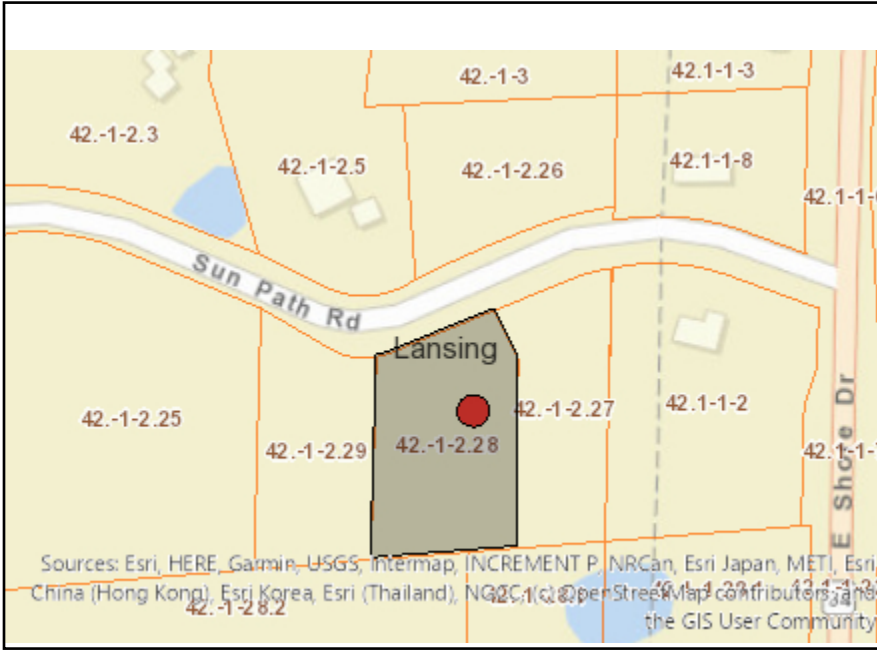
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Deck setback Variance | | | |
| Project Location (describe, and attach a location map): Deck of home at 40 Sun Path Road | | | |
| Brief Description of Proposed Action: Asking for setback variance for deck on 40 Sun Path Road | | | |
| Name of Applicant or Sponsor: Jon Lucente | | Telephone: 607 280 6058 | |
| | | E-Mail: jonpluc@aol.com | |
| Address: 40 Sun Path Road | | | |
| City/PO: Lansing | | State: NY | Zip Code: 14850 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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. | | | NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: | | | NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action? | | _____ 1.14 acres | |
| b. Total acreage to be physically disturbed? | | _____ 0 acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | _____ 1.14 acres | |
| 4. Check all land uses that occur on, are adjoining or near the proposed action: | | | |
| 5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) | | | |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): | | | |
| <input type="checkbox"/> Parkland | | | |

| | | Section 3, Item b. | |
|--|----|-------------------------------------|--|
| 5. Is the proposed action, | NO | | |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a. A permitted use under the zoning regulations? | | <input checked="" type="checkbox"/> | <input 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 | <input type="checkbox"/> | YES <input checked="" type="checkbox"/> |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? | NO | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| If Yes, identify: _____ | | | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | NO | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | <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 | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| If the proposed action will exceed requirements, describe design features and technologies: _____ _____ | | | |
| 10. Will the proposed action connect to an existing public/private water supply? | NO | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| If No, describe method for providing potable water: _____ _____ | | | |
| 11. Will the proposed action connect to existing wastewater utilities? | NO | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| If No, describe method for providing wastewater treatment: _____ _____ | | | |
| 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 | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| | | <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 | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? | | <input checked="" 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 type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" 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? Lake Sturgeon | NO | YES |
| | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan? | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, | NO | YES |
| a. Will storm water discharges flow to adjacent properties? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If Yes, briefly describe: _____ _____ | | |
| 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 | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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 | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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 | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____ | | |



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

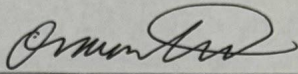


| | |
|---|---|
| Part 1 / Question 7 [Critical Environmental Area] | No |
| Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] | No |
| Part 1 / Question 12b [Archeological Sites] | No |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] | Yes - 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] | Yes |
| Part 1 / Question 15 [Threatened or Endangered Animal - Name] | Lake Sturgeon |
| 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 |

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.

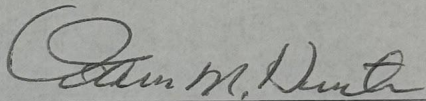
In Witness Whereof, the party of the first part has hereunto set its hand(s) and seal(s) for delivery of this deed the day and year first above written.

In Presence Of


OMAR TAHA

STATE OF NEW YORK)
COUNTY OF TOMPKINS) SS.:

On the 6TH day of July in the year 2022 before me, the undersigned, personally appeared OMAR TAHA, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.


NOTARY PUBLIC

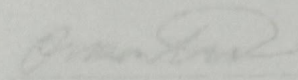
JOANNE M. HUNTER
Notary Public, State of New York
No. 4943753
Qualified in Tompkins County
Term Expires October 31, 2022

Warranty Deed

This Indenture made the 22nd day of July in the year Two Thousand and Twenty Two

BETWEEN

OMAR TAHA,
of 40 Sun Path,
Ithaca, New York 14850,


OMAR TAHA

party of the first part, and

JONATHAN P. LUCENTE,
of 106 Village Circle, Apt. R,
Ithaca, New York 14850,

party of the second part,

WITNESSETH that the party 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, does hereby grant and release unto the party of the second part, and the heirs, distributees, successors and assigns of the party of the second part forever,

See SCHEDULE A attached hereto and incorporated herein.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

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

AND said party of the first part covenants as follows:

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

SECOND, That the party of the first part will forever **WARRANT** the title to said premises; and

THIRD, That, in Compliance with Section 13 of the Lien Law, the party of the first part 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.

Can the benefit be obtained by other means feasible to the applicant?: No, in order to make the deck setback compliant, the entire 850 sq ft deck would have to be demolished and rebuilt and put into the air on pillars at a cost of \$100,000 that I most certainly do not have.

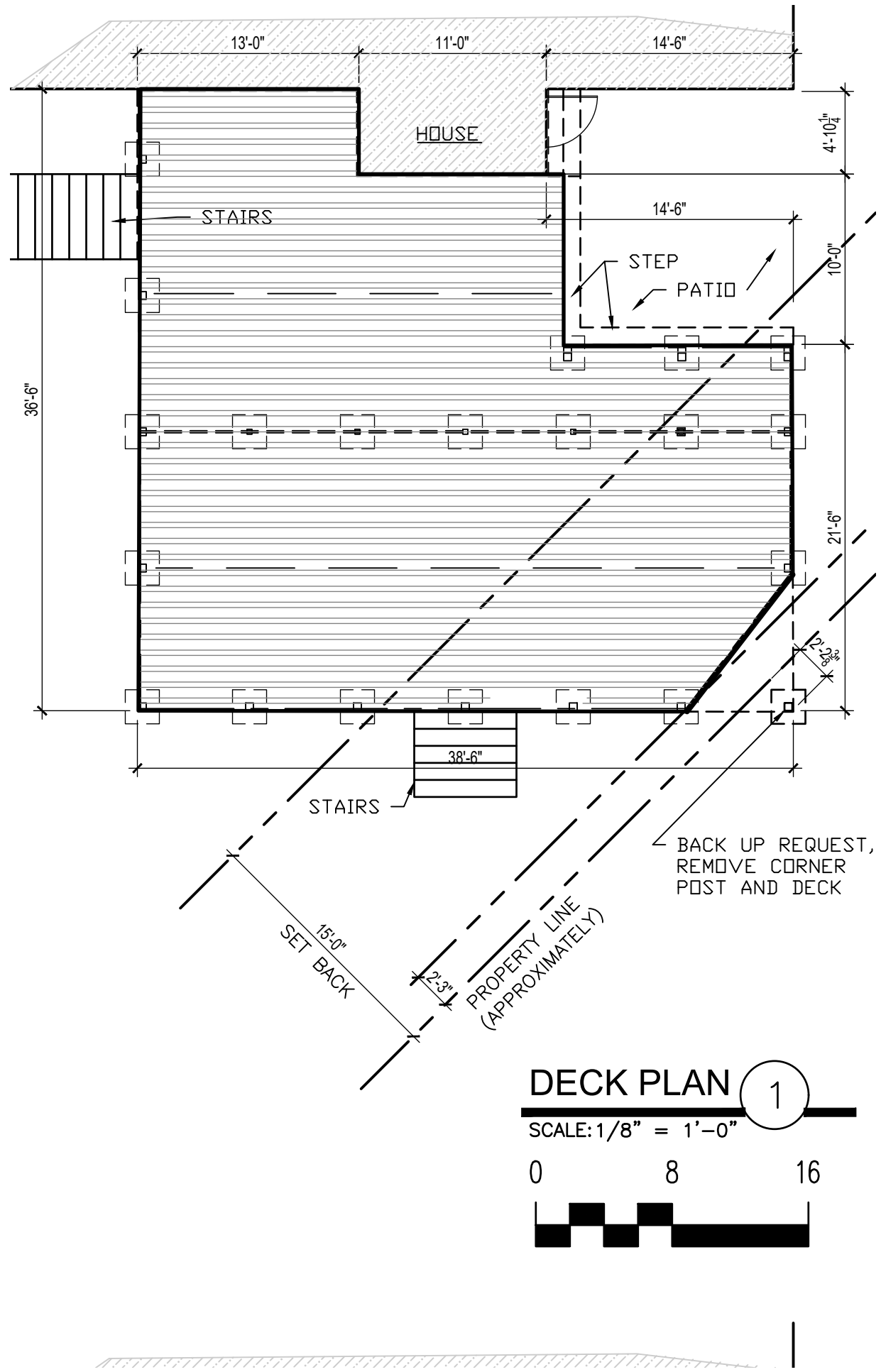
Will there be an undesirable change in the neighborhood character or nearby properties?: No. The deck already exists in its current location with permission from the former owner to be there and no change would occur.

Is the request substantial?: Yes. This would have an impact on the assessed value of the property by \$75,000 if the deck has to be destroyed to comply with setback restrictions.

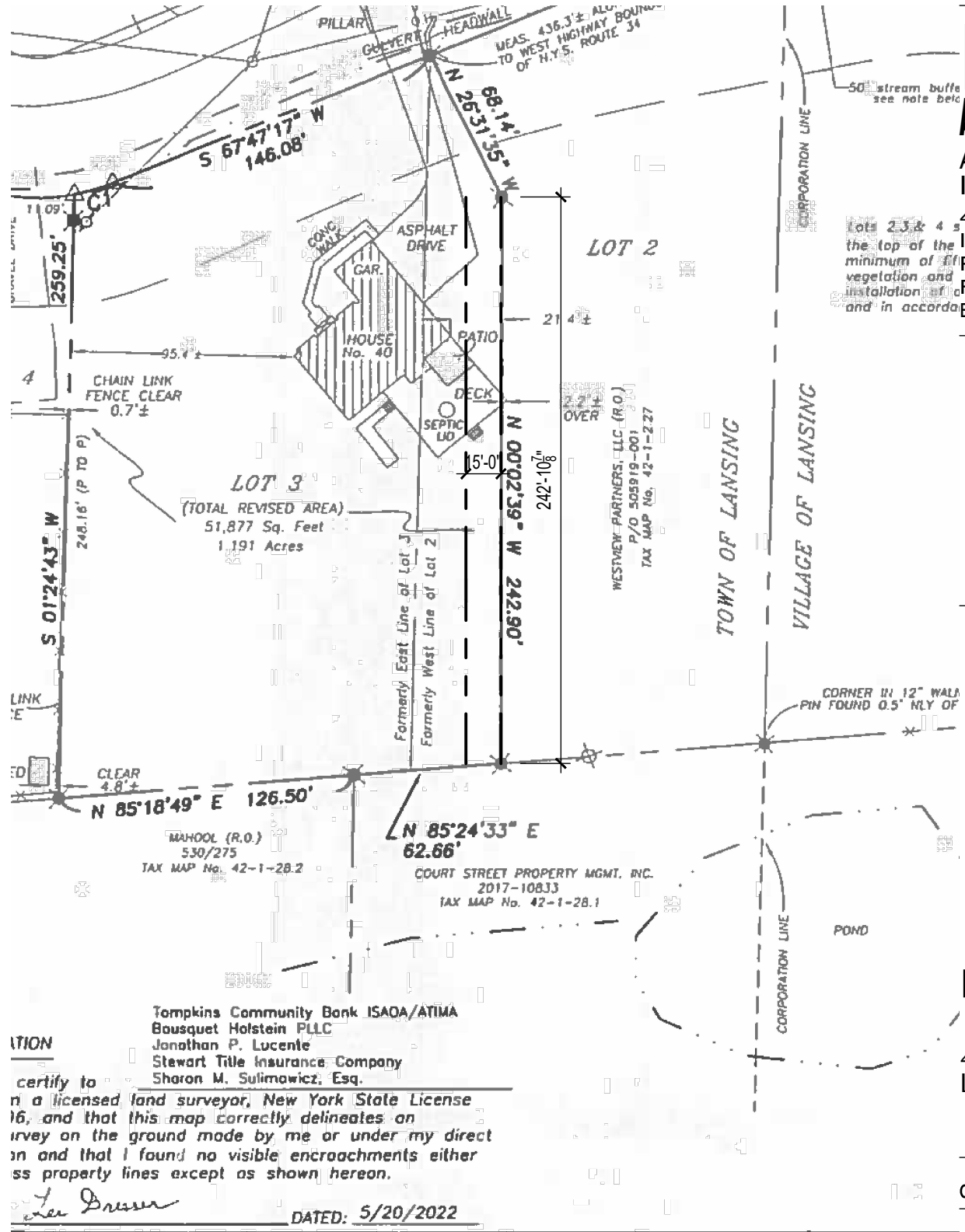
Will this request have adverse physical or environmental effects?: No.

Is the difficulty self created? No. The conditions were present prior to purchase of home.

NEW YORK STATE EDUCATION LAW, ARTICLE 147, COMMISSIONER'S REGULATIONS, PART 69:
IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED ARCHITECT, TO ALTER THIS DRAWING IN ANY WAY.



DECK PLAN ①
SCALE: 1/8" = 1'-0"
0 8 16



NOTATION
I certify to be a licensed land surveyor, New York State License No. 16, and that this map correctly delineates an as-surveyed property on the ground made by me or under my direct supervision and that I found no visible encroachments either on or over the property lines except as shown hereon.

Lee Brewer
DATED: 5/20/2022

EGNER
Architectural Associates LLC
ARCHITECTS • PLANNERS
INTERIOR DESIGNERS
408 WEST STATE STREET
ITHACA, NEW YORK 14850
PHONE • (607) 273 - 8280
FAX • (607) 272 - 6533
E-MAIL • mail@egnerarch.com

lots 2, 3 & 4
the top of the
minimum of 10'
vegetation and
installation of
and in accordance

DECK REVIEW
40 SUN PATH ROAD
LANSING, NY

| | | | |
|--|---|--|----------------------|
| LLER P.C. SURVEYORS E STREET, SUITE A YORK 14850 272-6477 | TITLE: SURVEY MAP No. 40 SUN PATH TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK | REVISED: 5/20/2022 - SU ALL CORNERS FI | CONCEPTS PRE |
| | DATE: 4/8/2020 | SCALE: 1" = 60' | DWG. NO. 2324-A-1 |
| S20204 | DATE: 01.02.2024 NOTED pda | CHECKED: | BINDING NO. 25 |

I would like to respectfully request the Board's permission to waive regulatory setback restrictions, and be allowed to enforce the provisions in the Encroachment Agreement between the neighboring properties at 40 and 44 Sun Path Road (See enclosed copy) This encroachment agreement was created because several days before closing on the sale of 40 Sun Path, the title company showed a small corner of the existing deck to be intruding on the empty lot next door by approx 18" to 2'. (See document enclosed) My Real Estate Attorney made arrangements with Seller to get an encroachment agreement between the current owners which was executed and properly attached to the deed. The Tompkins County bank attorney also signed off on this solution. Because of this, I reasonably thought I had in good faith met all regulatory requirements and proceeded with the purchase.

I am first requesting that the terms of the encroachment agreement be allowed to stand with the provision that the deck will be brought up to regulatory standards to the satisfaction of the Lansing Code officer.

As a second fallback request, if this less desirable alternative would satisfy the Board, it would be possible to shear off the small intruding corner of the deck and remove the part that was physically on the neighbors property. This should cause only minimal damage to the overall viability, value, and integrity of the deck. As a side note, this alteration will also nullify the encroachment agreement, as it forbids alterations to the deck. But with a Variance granted on the setback and the deck then fully on my property, the deck's location should be safe from any further challenge without reliance on the current Easement Agreement.

However, if the full statutory setback requirement was enforced, it would shear a diagonal line across the middle of the deck rendering it functionally unusable (Doc B) and destroying a beautiful \$75,000 deck that is much enjoyed. I would also have to bear the additional cost of demolition, loss of use, loss of appraisal value, and the loss of the value of the encroachment agreement.







ENCROACHMENT AGREEMENT

RE: Deck at 40 Sun Path
Affecting Property at 44 Sun Path
Town of Lansing, County of Tompkins, State of New York
DATE: July 22, 2022

WHEREAS, Boris Simkin is a Member and duly authorized representative of Westview Partners, LLC, a New York limited liability company (hereinafter "Westview"), owner of real property located at 44 Sun Path in the Town of Lansing, County of Tompkins and State of New York, Tax Map Parcel No. 42.-1-2.27 (see deed dated March 22, 2007 and recorded March 22, 2007 in the Tompkins County Clerk's Office as Instrument No. 505919-001); and

WHEREAS, Omar Taha (hereinafter "Taha") is the owner of adjoining real property located at 40 Sun Path in the Town of Lansing, County of Tompkins and State of New York, Tax Map Parcel No. 42.-1-2.28 (see deed dated April 28, 2020 and recorded May 29, 2020 in the Tompkins County Clerk's Office as Instrument No. 2020-04869); and

WHEREAS, a survey map incorporated herein entitled "Survey Map No. 40 Sun Path, Town of Lansing, Tompkins County, New York," prepared by Lee Dresser, L.L.S. No. 050096, of T.G. Miller P.C., Engineers and Surveyors, Ithaca, New York, dated April 8, 2020 and revised May 20, 2022, a copy of which is attached hereto and recorded in the Tompkins County Clerk's Office concurrently herewith, shows portions of the deck of Taha encroaches over the mutual boundary line of premises of the parties hereto; and

WHEREAS, the parties hereto are desirous of establishing the certain rights and obligations pertaining to said encroachment upon the terms and conditions set forth herein.

NOW, THEREFORE, in consideration One Dollars (\$1.00) lawful money of the United States, and other good and valuable consideration exchanged between the parties hereto, receipt of which is hereby acknowledged, and of the mutual promises made herein, the parties agree as follows:

1. Westview permits the encroachment of the deck as shown on the aforesaid survey map.
2. Westview permits Taha reasonable access to the Westview premises for the purpose of using and maintaining said deck including the use of the premises enclosed by said deck.
3. Taha shall hold Westview harmless from any and all liability on account of personal injury and property damage actions arising out of Taha's use and maintenance of the deck not resulting from the wanton or negligent acts or omissions of Westview.
4. Taha makes no claim of ownership, and hereby waives any claim for adverse possession, to the Westview premises.

5. In the event the encroaching portion of the deck is ever moved, removed, or destroyed, this agreement shall terminate as to said portion of the deck and Taha will rebuild solely on the Taha premises.

6. This agreement shall run with the lands affected and shall be binding upon the parties hereto, and their respective heirs, successors and assigns forever and may be signed in counterparts.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals effective the date first written above.

[signatures follow]

Notary Public, State of New York
No. 400151
Qualified in Tarrant County, TX
Tara Depina (member 11, 2018)

WESTVIEW PARTNERS, LLC

Joanne Hunter
JOANNE HUNTER

By: *Boris Simkin*
BORIS SIMKIN, Member

STATE OF NEW YORK)
COUNTY OF TOMPKINS) SS.:

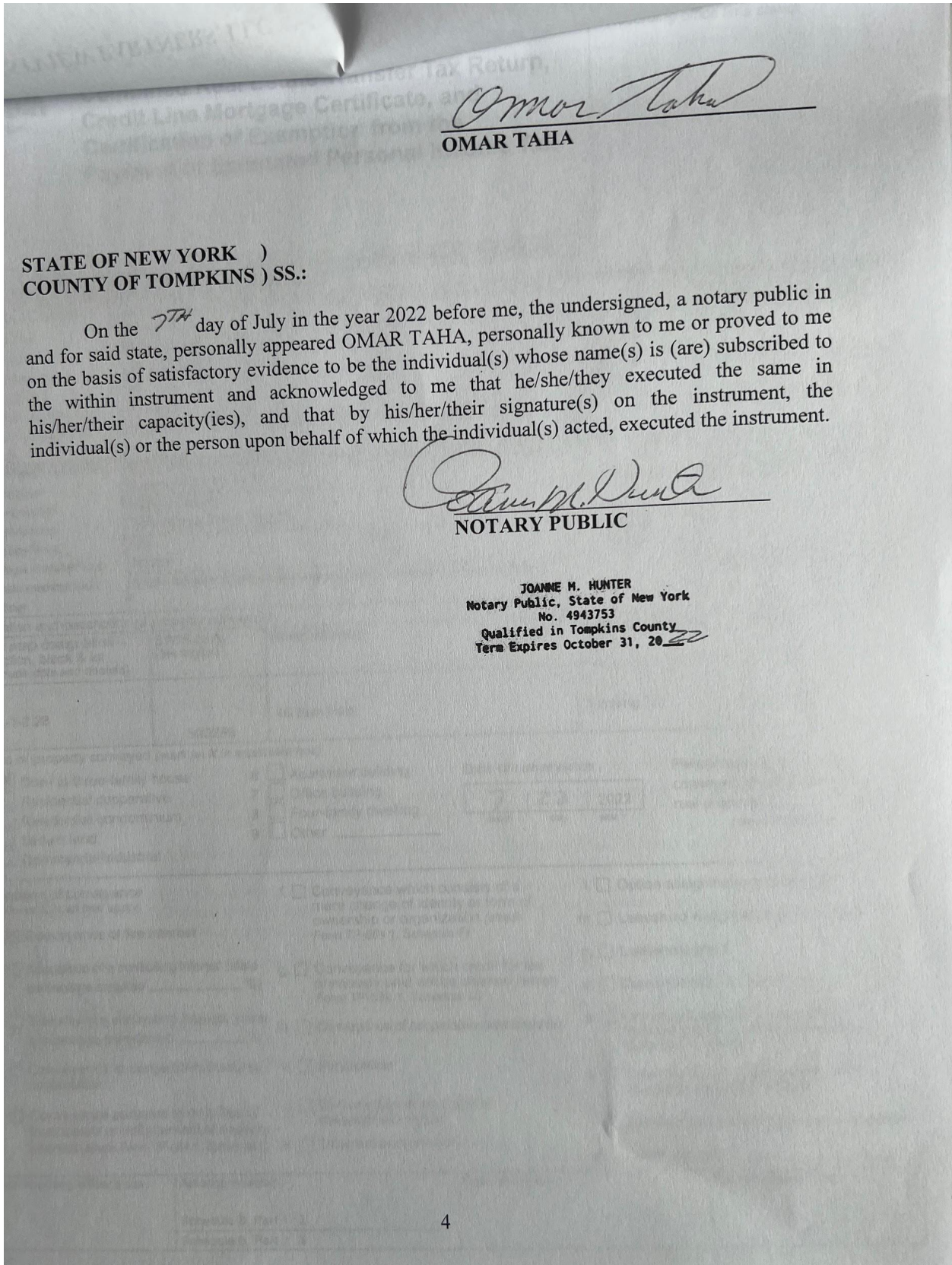
On the 9th day of July in the year 2022 before me, the undersigned, a notary public in and for said state, personally appeared BORIS SIMKIN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Joanne M. Hunter
NOTARY PUBLIC

JOANNE M. HUNTER
Notary Public, State of New York
No. 4943753
Qualified in Tompkins County
Term Expires October 31, 2022

Joanne Hunter *7/72/22*

* LAST NAME * FIRST NAME



Omar Taaha
OMAR TAHA

STATE OF NEW YORK)
COUNTY OF TOMPKINS) SS.:

On the 7th day of July in the year 2022 before me, the undersigned, a notary public in and for said state, personally appeared OMAR TAHA, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Joanne M. Hunter
NOTARY PUBLIC

JOANNE M. HUNTER
Notary Public, State of New York
No. 4943753
Qualified in Tompkins County
Term Expires October 31, 2022

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

BACKGROUND INFORMATION

Applicant and Owner:
Jon Lucente
40 Sun Path Road
Lansing, NY 14850

Variance No: 24-XX
Zoning District: R1
Public Hearing Published on:
600' Notices Mailed:

Property Location: 40 Sun Path Road
Tax Parcel #: 42.-1-2.28

Requirement for which Area Variances are requested: Town of Lansing Zoning Law § 270-11 Schedule II, Frontage, Yard, Height and Coverage Requirements

RESOLUTION AND FINDINGS

WHEREAS, Jon Lucente, Applicant and Owner of 40 Sun Path Road, Tax Parcel No. 42.-1-2.28, located in the R1 Zone, applied for an Area Variance from Town of Lansing Zoning Law § 270-11, Schedule II: Area, Frontage, Yard, Height, and Coverage Requirements, to keep an existing deck. The following variance is requested: side (east), 0 feet, where 15 feet is required. The project is within the R1 Zone.

WHEREAS, on 14 February 2024 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 617.5(c)(12), (construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density), such that no further environmental review is required, nor does this matter require a GML Section 239 review; so, upon due deliberation upon the foregoing, the application, and all evidence and testimony presented to the ZBA,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town of Lansing Zoning Board of Appeals ("ZBA") hereby makes the following findings with respect to the specific criteria for area variances 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 ___ Findings:

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 ___ Findings:

c. Whether the requested area variance is substantial?

Yes ___ No ___ Findings:

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 ___ Findings:

e. Whether the alleged difficulty was self-created?

Yes ___ No ___ Findings:

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/DENIED**, 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 is 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 VARIANCES GRANTED: Variance from § 270-11, Schedule II: Area, Frontage, Yard, Height and Coverage Requirements, to keep an existing deck. The following variance is requested: side (east), 0 feet, where 15 feet is required. The project is within the R1 Zone.

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

Yes ___ No ___

STATEMENT OF CONDITIONS:

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

Motion by:
Seconded by:

- Richard Hayes –
- Mary Stoe –
- Susan Tabrizi -
- Jack Young –

Dated: 14 February 2024

Received in the Lansing Town Clerk’s Office on _____

Debbie Munson, Town Clerk
Town of Lansing
Tompkins County, New York