



# ZONING BOARD OF APPEALS MEETING

Lansing Community Library, 27 Auburn Rd  
Tuesday, June 14, 2022  
6:30 PM

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## 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](http://www.lansingtown.com), click on button “Town YouTube Channel” (round circle located on far right).

1. **Call Meeting to Order**
2. **Roll Call**
3. **Public Hearing**
4. **Action Items**

- a. **PUBLIC HEARING:** Consideration of an Appeal made by Erin Worsell, owner, at 2 Beach Road; Tax Parcel No. 31.-2-4, located in the Mixed Use – B1 Zoning District.

The applicant is proposing to construct approximately 146 feet of eight foot high fence where six feet in height is the maximum permitted. The applicant is applying for an Area Variance from Town of Lansing Zoning Law § 270-24 A., Fences and Walls. This is a Type II Action under the State Environmental Quality Review Act 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.

- b. **PUBLIC HEARING:** Consideration of an Appeal made by Mark Armstrong, owner of 233 Asbury Road; Tax Parcel No. 38.-1-20, located in the Low Density Residential – R1 Zoning District.

The applicant is proposing to construct an approximately six foot porch in the front yard, 55’ and 9” from the center line of the road, where 60’ is required. The applicant is applying for an Area Variance from Town of Lansing Zoning Law § 270-11, Schedule II: Area, Frontage, Yard, Height and Coverage Requirements. This is a Type II Action under the State Environmental Quality Review Act 6 NYCRR 617.5(c)(16), granting of individual setback and lot line variances and adjustments.

c.

**PUBLIC HEARING:** Consideration of an Appeal made by Robert Sterling, owner of 1184 East Shore Drive; Tax Parcel No. 48.-1-10, located in the Lakeshore – L1 Zoning District.

The applicant is proposing to construct a 10’ x 20’ in the side yard, 18” from the side yard line, where 10’ is required. The applicant is applying for an Area Variance from Town of Lansing

Zoning Law § 270-11, Schedule II: Area, Frontage, Yard, Height and Coverage Requirements. This is a Type II Action under the State Environmental Quality Review Act 6 NYCRR 617.5(c)(16), granting of individual setback and lot line variances and adjustments.

## **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.



**Town of Lansing Zoning Board of Appeals  
Application for Variance**

Application Fee \$175.00

Application Date 05/09/2022

**Property for which Variance is being requested**

Tax Parcel No. 31.-2-4 Street Address 2 Beach Road

**Applicant's Name and Address**

Erin Worsell

Derek Osborne

**Zoning District (check one)**Phone \_\_\_\_\_ R1 Cell (607) 351-2753 R2 Email erin\_worsell@yahoo.com R3 

(If Applicant different from owner, notarized written permission of owner must be attached hereto.)

**Owner's Name and Address (if different)**

Same

Phone \_\_\_\_\_ B1  *(Business)*Cell \_\_\_\_\_ B2 Email \_\_\_\_\_ L1 RA IR **Application for (check applicable item)**

- A. Interpretation of Zoning Ordinance or Map
- B. Area Variance
- C. Use Variance
- D. Appeal of decision of Code Enforcement Officer

**Request relates to provisions of (check applicable item)**

- A. Town of Lansing Land use Ordinance, Section \_\_\_\_\_
- B. Town of Lansing Subdivision Regulations, Section 611.1
- C. Other (Identity) \_\_\_\_\_

**Purpose of Request: (attach additional information if necessary)**

We are requesting a variance to the standard 6' fence height rule so we can have constructed a  
8' fence along the south end of our property along Ridge Road (State Route 34). The fence would run parallel  
to Ridge Road and then turn in on each end for a short distance up to two large trees we have on the  
property. Please refer to attached drawing.

**Justification of Request: (attach additional information if necessary)**

Please see attached.

Erin Worsell  
Derek Osborne  
2 Beach Road  
Lansing, NY 14882

RE: Justification of Request

We are seeking a variance in order to have constructed an 8' fence on the south end of our property running parallel to Ridge Road (State Route 34). The proposed fence will turn in on each end and will extend north up to two large trees we have on each side of our property. All specifications and a drawing are included from the Whitmore Fence Co. of whom we would like to use for the project.

We purchased 2 Beach Road and moved into the property in December 2017. At the time, the property was in a grave state of disrepair and was the eyesore of the neighborhood. Over the past four years we have worked tirelessly to improve the property through extensive renovations. For all the improvements we have made, one thing we cannot remedy is the property's location along Ridge Road (State Route 34). The Ridge Road side of our property has resulted in many problems for us that have made it difficult to enjoy our property.

We have made multiple attempts (at a great expense) to plant and grow a row of trees along Ridge Road as a natural way to remedy our issues. Despite our attempts, everything we plant quickly dies. We have researched trees known to handle heavy road salt, but none seem to work despite wrapping them in the winter. The hope was that the trees would grow 20-30' and provide us with a sense of privacy in order to better enjoy our property. This remedy was probably ill-advised anyhow as our septic system is in the same area.

The biggest issue with Ridge Road is that it is an extremely busy highway with a great deal of motor vehicle traffic resulting in a lack of peace and privacy. The G Plus, which is directly across from us on Ridge Road, is a great business with a friendly owner. However, cars pulling out of the parking lot at nighttime results in their headlights pointing at our property and the lights shining directly through our windows and into our home. There is also a great deal of heavy truck traffic, much of it consisting of salt trucks going to and from Cargill just a short distance from our home. Most often, we need to keep our windows covered because people in these vehicles can look right into our home. To make matters worse, any time we are out on the south side of the property performing lawn care, male passerby's continually honk their horns, whistle, or cat call at Erin.

Next door to the G Plus, at 47 Ridge Road, there is a tenant house that has been a constant issue in the neighborhood. Last year, multiple people residing in the property parked abandoned vehicles on the property and used them to create constant noise and commotion by revving the engines. This year, there is a tenant who constantly comes outside and screams at the top of her lungs for no apparent reason. This has gone on every day, every 30-60 minutes or so, for multiple months now. When we pull into our driveway, or a guest stops by, she comes out screaming while extending her middle finger towards us. She also violently breaks items over her porch railing and throws items from the porch onto the front yard. The same behavior has been exhibited towards our 13-year-old daughter causing her to be fearful. The outside of the front of this house is now completely covered in graffiti.



We simply hope to screen out from our view the issues we are experiencing along Ridge Road. We have referenced 6' and 8' intervals using painters' tape on the utility pole between our house and Ridge Road and have determined that only an 8' fence will help with the issues we are experiencing. We have installed fencing in other areas of our property, and this is the only section we are requesting to have at 8'. If approved, we plan to build raised garden beds behind it.

A variance would be greatly appreciated.

Erin Worsell  
Derek Osborne



**fence installation**

**mmoseley** <mmoseley@lansingtown.com>  
To: erin\_worsell@yahoo.com <erin\_worsell@yahoo.com>

May 6 at 2:35 PM

Hi Erin,

I am just following up on your question regarding the installation of a fence on your property.

I recall in July of 2020 the former Highway Superintendent, Charlie Purcell, and myself coming out to walk the road frontage of your property. Once we completed the evaluation, we determined that there would be no issue to the line of site in regards to the intersection of Beach & Ridge Road. (with the installation of the fence)

It is my understanding that the N.Y.S D.O.T right of way is 36 feet from the center of the road. As long as the fence is out of the state right of way, I do not see an issue with the installation of the fence, from the Highway Departments perspective.

Thank you,

**Michael D. Moseley**

Highway Superintendent  
P: (607) 533-4328 F: (607) 533-4089  
[lansinghwy@lansingtown.com](mailto:lansinghwy@lansingtown.com)



Town of Lansing  
Highway Department  
10 Town Barn Rd.  
Lansing, NY 14882  
M-F 6:00am-2:00pm

**1 File** | 6.9kB



image001.jpg  
7kB

May 10, 2022

To whom it may concern,

I worked at a garden center called Bakers' Acres and we specialized in perennials, ground covers, shrubs and herbs. Erin Worsell came to us about 4 years ago and expressed her concern for an area in front of her home that was along a main highway.

She was looking for an evergreen shrub or tree that would get at least 8 ft. high and act as a hedge to block highway noise and provide privacy. She had already tried a shrub variety that seemed to fit the bill but had died with 2 attempts. I made a site visit and determined that due to the location there was a lot of salt spray and that was most likely the cause of the demise of her shrubs.

Erin did some extensive research and come up with a new variety that was considered salt tolerant. She went ahead and ordered them and installed them. The first winter, there were a couple of casualties and we replaced them assuming it was a problem with the individual plant. The shrubs did seem to do alright for a few years but did not really grow much and were not really thriving. This past winter was a difficult winter with the warm and cold spells and the shrubs seem to all be dead this spring.

I feel that the soil must be contaminated with a lot of salt and that makes it difficult for plants to grow even if they are salt tolerant. I really do not have any other suggestions that fit her criteria.

Thanks,

Reenie Sandsted

MapDraw

File Settings Customer Information About Troubleshoot Screen

New Project Save Load Capture Image Undo New Start Point Job Description Help

Map Satellite

Google Keyboard shortcuts | Map data ©2022 Imagery ©2022 New York GIS | Terms of Use | Report a map error

MapDraw 42.5391431, -76.5111794

Segment Type	Distance
Fence	37
Fence	83
Fence	33

Segment Control

Segment Type:

Distance:

Start:

End:

[Split Segment](#)

**Estimate**

Total Distance: 153 Total Gates: 0





# Whitmore Fence Company

Aug 5, 2021 · 🌐

Section 4, Item a.

## Delaware Sandwich Privacy Fence













Section 4, Item a.





## 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.

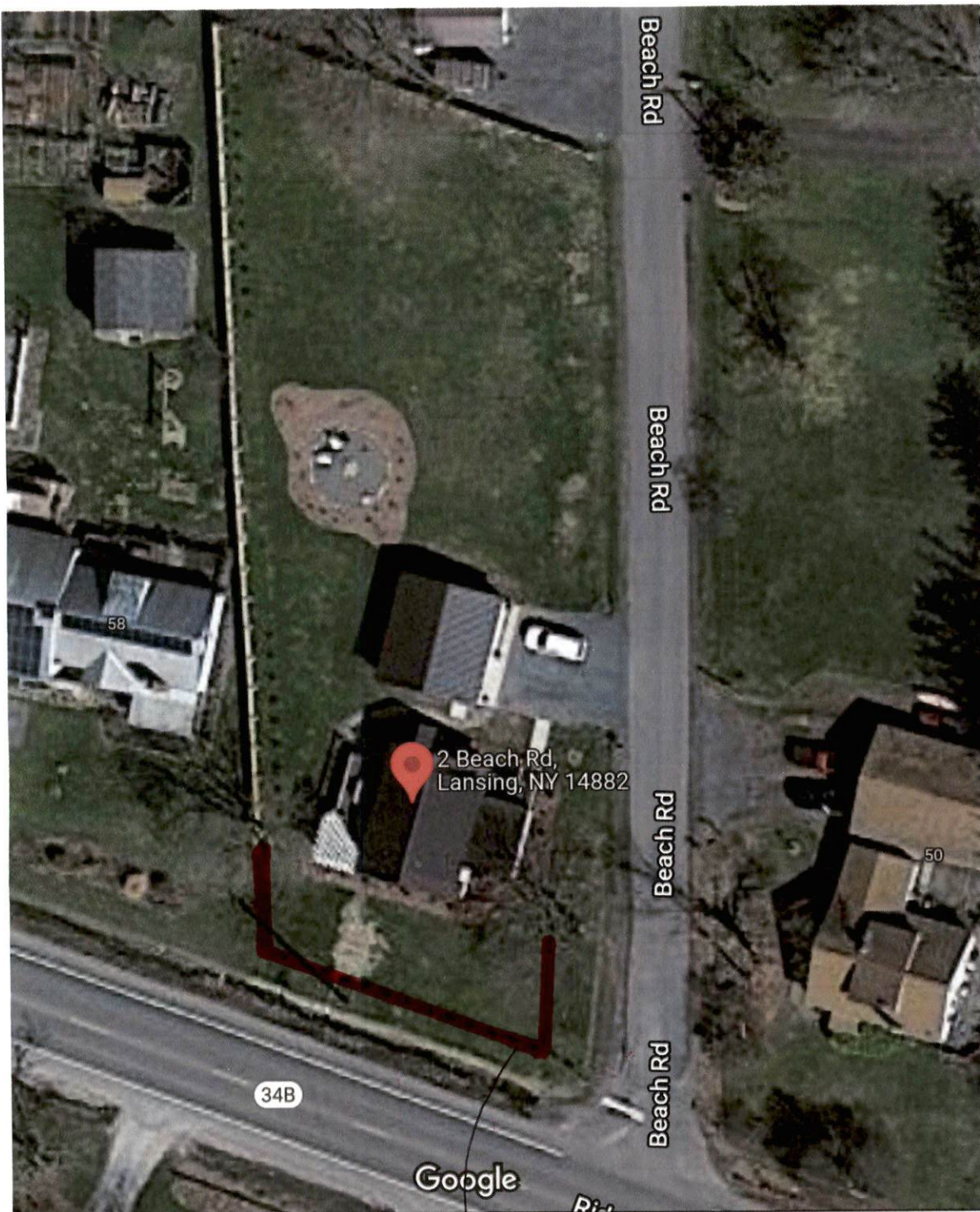
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Erin Worsell & Derek Osborne			
Name of Action or Project: Fence Project (variance request for an 8' fence on south side of property along NYS Route 34)			
Project Location (describe, and attach a location map): See property map with location of fencing shown			
Brief Description of Proposed Action: We are seeking a variance to the 6' fencing height limit in order to construct an 8' fence on the north end of the property along SR34. If approved, the fence will be installed by Whitmore Fence Co.			
Name of Applicant or Sponsor: Erin Worsell & Derek Osborne		Telephone: (607) 351-2753 E-Mail: erin_worsell@yahoo.com	
Address: 2 Beach Road			
City/PO: Lansing		State: NY	Zip Code: 14882
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	YES
		<input checked="" type="checkbox"/>	<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	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		92.1 x 260 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?		92.1 x 260 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<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			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: Not Applicable _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? 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?	NO	YES	
	<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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



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?	NO	YES
	<input checked="" 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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input 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"/>
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: <u>Erin Worsell &amp; Derek Osborne</u> Date: <u>06/06/22</u></p> <p>Signature: <u>x <i>Erin Worsell</i> x <i>Derek Osborne</i></u> Title: _____</p>		



8' FENCE



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

**BACKGROUND INFORMATION**

Applicant and Owner:  
Erin Worsell and Derek Osborne  
2 Beach Road  
Lansing, NY

Variance No: 22-XX  
Zoning District: B1  
Public Hearing Published on: 6/7/22  
600' Notices Mailed: 6/6/22

Property Location: 2 Beach Road  
Tax Parcel #: 31.-2-4

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

**RESOLUTION AND FINDINGS**

WHEREAS, Erin Worsell and Derek Osborne, Applicants and Owners of 2 Beach Road, Tax Parcel No. 31.-2-4 located in the Mixed Use – B1 Zone applied for an Area Variance from Town of Lansing Zoning Law § 270-24 A., Fences and Walls, to construct approximately 146 feet of eight foot high fence where six feet in height is the maximum permitted;and

WHEREAS, on 14 June 2022 the Town of Lansing Zoning Board of Appeals (the “ZBA”) thoroughly reviewed and analyzed: (i) the information and evidence submitted by the applicant in support of the requested area variance; (ii) all other information and materials properly before the ZBA; and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA; and

WHEREAS, this application is classified as a Type II Action under 6 NYCRR 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: Area Variance under 270-24 A., Fences and Walls, to construct approximately 146 linear feet of eight foot high fence where six feet in height is the maximum permitted.**

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

Yes \_\_\_ 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 variances within two years from the date hereof, this approval and such area variances 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 variances period.

**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 –
- Judy Drake –

Dated: 14 June 2022

Received in the Lansing Town Clerk's Office on \_\_\_\_\_

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

DRAFT



**Town of Lansing Zoning Board of Appeals  
Application for Variance**

Application Fee \_\_\_\_\_

Application Date May 4 2022

**Property for which Variance is being requested**

Tax Parcel No. 38.-1-20 Street Address 233 Asbury Rd

**Applicant's Name and Address**

Mark Armstrong , 233 Asbury Rd

**Zoning District (check one)**

Phone \_\_\_\_\_ R1

Cell (607) 279-5198 R2

Email marmst2@twcny.rr.com R3

(If Applicant different from owner, notarized written permission of owner must be attached hereto.)

**Owner's Name and Address (if different)**

same

Phone \_\_\_\_\_ B1

Cell \_\_\_\_\_ B2

Email \_\_\_\_\_ L1

RA

IR

**Application for (check applicable item)**

- A. Interpretation of Zoning Ordinance or Map
- B. Area Variance
- C. Use Variance
- D. Appeal of decision of Code Enforcement Officer

**Request relates to provisions of (check applicable item)**

- A. Town of Lansing Land use Ordinance, Section \_\_\_\_\_
- B. Town of Lansing Subdivision Regulations, Section \_\_\_\_\_
- C. Other (Identity) set back from centerline of Asbury Rd.

**Purpose of Request: (attach additional information if necessary)**

Would like to add a porch to the front of the house. Specifically a roof over recessed front door.

House is 61' 9" from centerline of Asbury Rd, Support posts for proposed porch roof will be no more than

6' from the house toward the road.

**Justification of Request: (attach additional information if necessary)**

Existing recessed entryway has allowed water to damage sill.

Protection provided by the porch roof will eliminate cause of damage.



## 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.

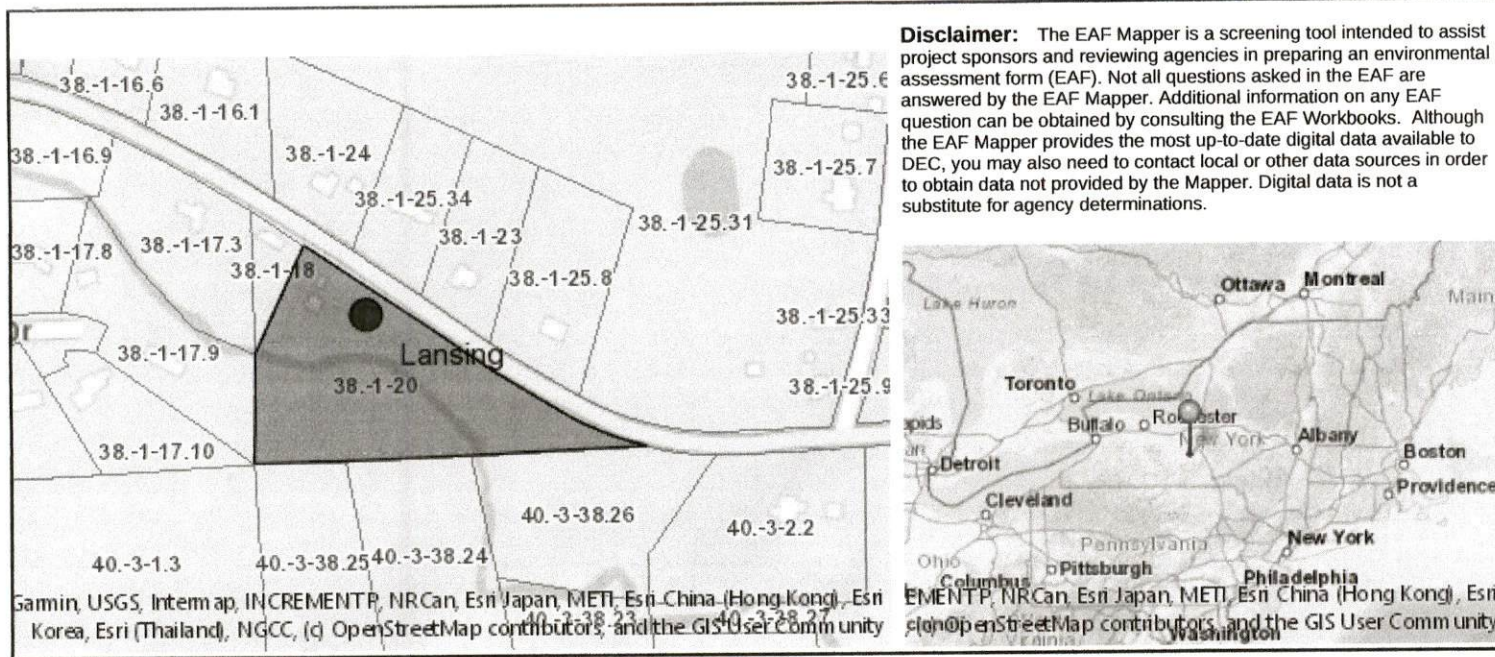
<b>Part 1 – Project and Sponsor Information</b>			
Mark Armstrong			
Name of Action or Project: Front Porch Addition			
Project Location (describe, and attach a location map): 233 Asbury Rd, Lansing NY Tax map # 38.-1-20			
Brief Description of Proposed Action: Add roof over front entry. Approx. 48 sq ft ( 8 x 6 ft ) attached to the house and supported by 2 posts within 6' from the house.			
Name of Applicant or Sponsor: Mark Armstrong		Telephone: 607 279 9904 E-Mail: MARMST2@TWCNY.RR.COM	
Address: 233 Asbury Rd			
City/PO: Lansing		State: NY	Zip Code: 14882
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 checked="" 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 checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		48 sq ft acres	
b. Total acreage to be physically disturbed?		8 sq ft acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		4.8 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			

		NO	YES	N/A
5. Is the proposed action,				
a. A permitted use under the zoning regulations?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<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?		<input type="checkbox"/>	<input type="checkbox"/>	
If the proposed action will exceed requirements, describe design features and technologies: N/A		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?		<input type="checkbox"/>	<input type="checkbox"/>	
If No, describe method for providing potable water: _____ N/A		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		<input type="checkbox"/>	<input type="checkbox"/>	
If No, describe method for providing wastewater treatment: _____ N/A		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		<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?		<input type="checkbox"/>	<input checked="" 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?	NO	YES
	<input checked="" type="checkbox"/> 4	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/> 4	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/> 4	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/> 4	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/> 4
If Yes, briefly describe: _____ New rain gutter to be tied in to existing _____		
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"/> 4	<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"/> 4	<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"/> 4	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>Mark Armstrong</u> Date: <u>6-2-2022</u>  Signature: _____ Title: _____		





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





223  
Asbury



223 Asbury







233 Asbury Rd  
SBL # 38.-1-20

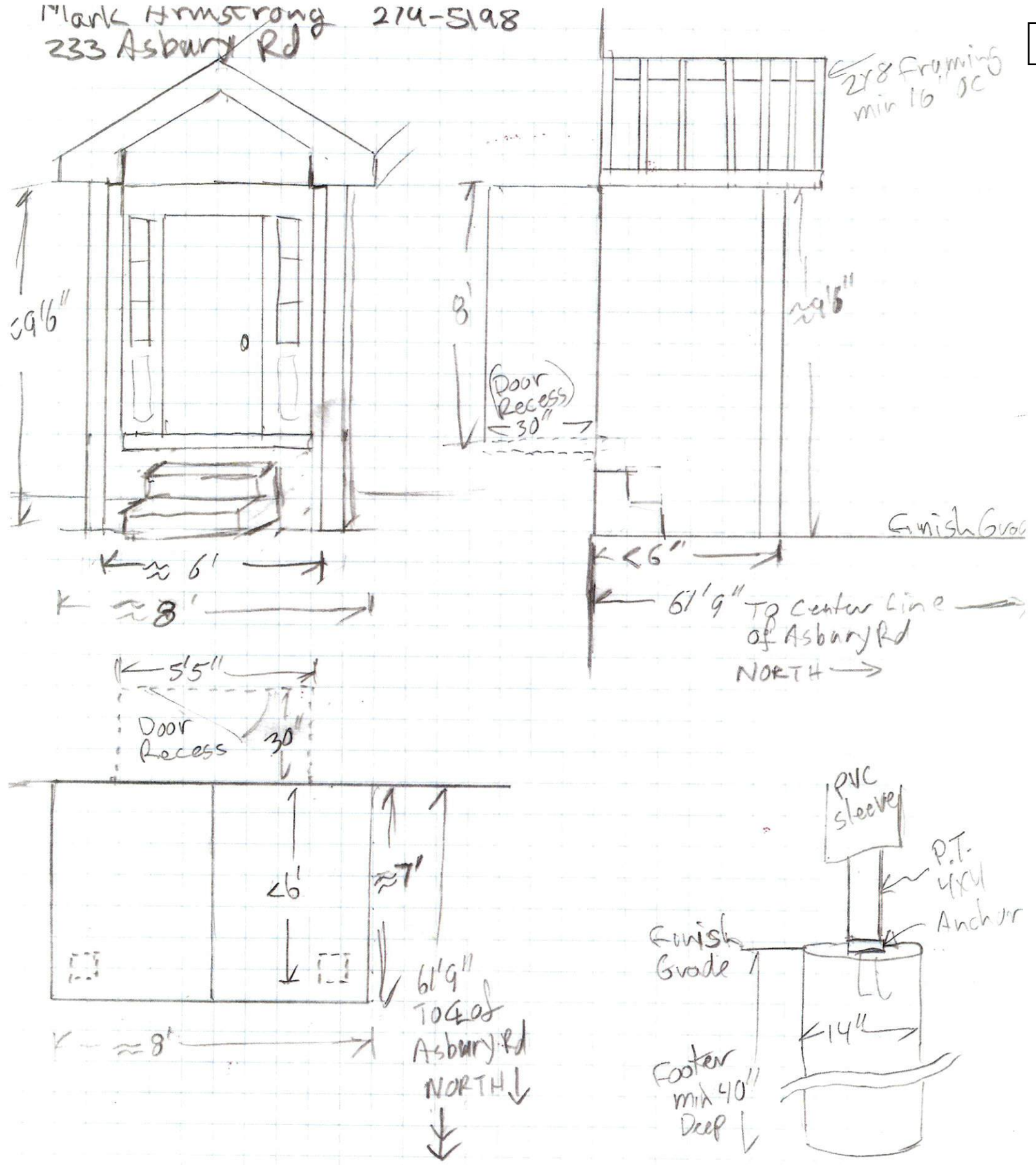


0 15 30 60 90 120  
US Feet



Mark Armstrong 214-5198  
233 Asbury Rd

Section 4, Item b.



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

**BACKGROUND INFORMATION**

Applicant and Owner:  
Mark Armstrong  
233 Asbury Road  
Lansing, NY

Variance No: 22-XX  
Zoning District: IR  
Public Hearing Published on: 6/7/22  
600’ Notices Mailed: 6/6/22

Property Location: 233 Asbury Rd  
Tax Parcel #: 38.-1-20

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

**RESOLUTION AND FINDINGS**

WHEREAS, Mark Armstrong, Applicant and Owner of 233 Asbury Road, Tax Parcel No. 38.-1-20 located in the Low Density Residential – R1 Zone applied for an Area Variance from Town of Lansing Zoning Law § 270-11, to construct an approximately six foot long porch in the front yard, 55’ and 9” from the center line of the road, where 60’ is required

WHEREAS, on 14 June 2022 the Town of Lansing Zoning Board of Appeals (the “ZBA”) thoroughly reviewed and analyzed: (i) the information and evidence submitted by the applicant in support of the requested area variance; (ii) all other information and materials properly before the ZBA; and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA; and

WHEREAS, this application is classified as a Type II Action under 6 NYCRR Part 617.5(c)(16), granting of individual setback and lot line variances and adjustments, such that no further environmental review is required, nor does this matter require a GML Section 239 review; so, upon due deliberation upon the foregoing, the application, and all evidence and testimony presented to the ZBA,

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

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: Area Variance under 270-11 (Frontage, Yard, Height and Coverage Requirements) to permit the construction of an approximately six foot long porch in the front yard, 55' and 9" from the center line of the road, where 60' is required**

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

Yes \_\_\_ 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 variances within two years from the date hereof, this approval and such area variances 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 variances period.

**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 –  
Judy Drake –

Dated: 14 June 2022

Received in the Lansing Town Clerk's Office on \_\_\_\_\_

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

DRAFT





**Town of Lansing Zoning Board of Appeals  
Application for Variance**

Application Fee \$175Application Date 05 09 2022**Property for which Variance is being requested**Tax Parcel No. 48.-1-10 Street Address 1184 East Shore Drive, Ithaca**Applicant's Name and Address**Robert Sterling**Zoning District (check one)**Phone \_\_\_\_\_ R1 Cell 610-703-7174 R2 Email \_\_\_\_\_ R3 

(If Applicant different from owner, notarized written permission of owner must be attached hereto.)

B1 **Owner's Name and Address (if different)**B2 Phone \_\_\_\_\_ L1 Cell \_\_\_\_\_ RA Email \_\_\_\_\_ IR **Application for (check applicable item)**

- A. Interpretation of Zoning Ordinance or Map  
 B. Area Variance  
 C. Use Variance  
 D. Appeal of decision of Code Enforcement Officer

**Request relates to provisions of (check applicable item)**

- A. Town of Lansing Land use Ordinance, Section \_\_\_\_\_  
 B. Town of Lansing Subdivision Regulations, Section \_\_\_\_\_  
 C. Other (Identity) \_\_\_\_\_

**Purpose of Request: (attach additional information if necessary)**Please see attachment**Justification of Request: (attach additional information if necessary)**Please see attachment

**All Applicants for Variances shall please read the following:**

The Board of Zoning Appeals may grant Variances from the provisions of this Ordinance, only where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or where by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of a piece of property, or where by reason of other extraordinary or exceptional circumstances, the strict application of the requirements of this Ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property, and further provided that this relief may be granted without substantially impairing the intent and purpose of this Ordinance. In granting a Variance, the Zoning Board of Appeals may attach such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable so that the purpose of this Ordinance will be served, public safety and welfare secured and substantial justice done. However, the Board of Zoning Appeals shall not be authorized to grant a density Variance or a Use variance to permit a use in a district in which the use is prohibited.

**Incomplete Applications will not be considered.**

**Applicant / Agent must be present at the Public Hearing. This Application, accompanying fee and all supporting documents must be submitted to the Zoning Administrator no later than two (2) weeks prior to the date that the request is to be considered. See Schedule of Meetings at [www.lansingtown.com](http://www.lansingtown.com)**



## Town of Lansing

**AGRICULTURAL DATA STATEMENT**

Date: \_\_\_\_\_

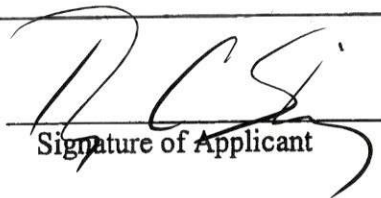
**Instructions:** In accordance with Section 283-a of the New York State Town Law, this form must be completed for an application for a special permit, site plan approval, use variance, or a subdivision requiring municipal review that would occur on property with 500 feet of a farm operation in a certified Agricultural District.

Applicant	Owner (if different from applicant)
Name:	Name:
Address:	Address:

1. Type of Application:  Special Use Permit;  Site Plan Approval;  Use Variance;  Subdivision Approval
2. Project Name/Location: \_\_\_\_\_
3. Tax Parcel Number(s): \_\_\_\_\_
4. Description of proposed project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
5. Number of total acres involved with project: \_\_\_\_\_
6. Number of acres presently in Tax Parcel: \_\_\_\_\_
7. How much of the site is currently farmed? \_\_\_\_\_ Acres
8. Please identify who is farming the site: \_\_\_\_\_
9. Does this person \_\_\_ own, or \_\_\_ rent the land. (Please check only one).
10. Please indicate what the intentions are for the use of the remainder of the property  
 \_\_\_\_\_

11. Who will maintain the remainder of the property not being used for this development?  
\_\_\_\_\_

12. Other project information. Please include information about the existing land cover (crops or vegetation), any known impacts on existing stormwater drainage (including field tiles), or other significant plant materials: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if other than app)

\*\*\*\*\*

**FOR TOWN USE ONLY:**

Note: This form and a map of the parcel(s) should be mailed to County Planning as part of the GML 239 m and n referral. It should also be mailed to property owners within 600 feet of the property boundary (Attach list of property owners within 600 feet).

Name of Staff Person: \_\_\_\_\_

Date referred to County Planning: \_\_\_\_\_



Lansing NY ZBA – Zoning Board  
Area Variance Request  
Parcel 48.-1-10  
Zoning District L1  
Rob Sterling and Holly Hamilton  
1184 East Shore Drive, Ithaca NY14850  
[Rob.sterling@mac.com](mailto:Rob.sterling@mac.com)  
610-703-7174

#### Purpose and Justification

We would like to build/purchase and place a 10x20 Amish type Shed (on a stone pad, without a foundation as per normal sheds of this size) along the north border in the approximate position as noted on the survey. Currently is it overtaken by 12-15 ft tall Yew bushes as shown in the two photos and they will be removed. The placement of this storage shed is adjacent to the neighbor's boathouse, roughly 4-5 feet apart. The current existing shed is 4x5 and shown temporary plastic low shed are too small and cannot accommodate need.

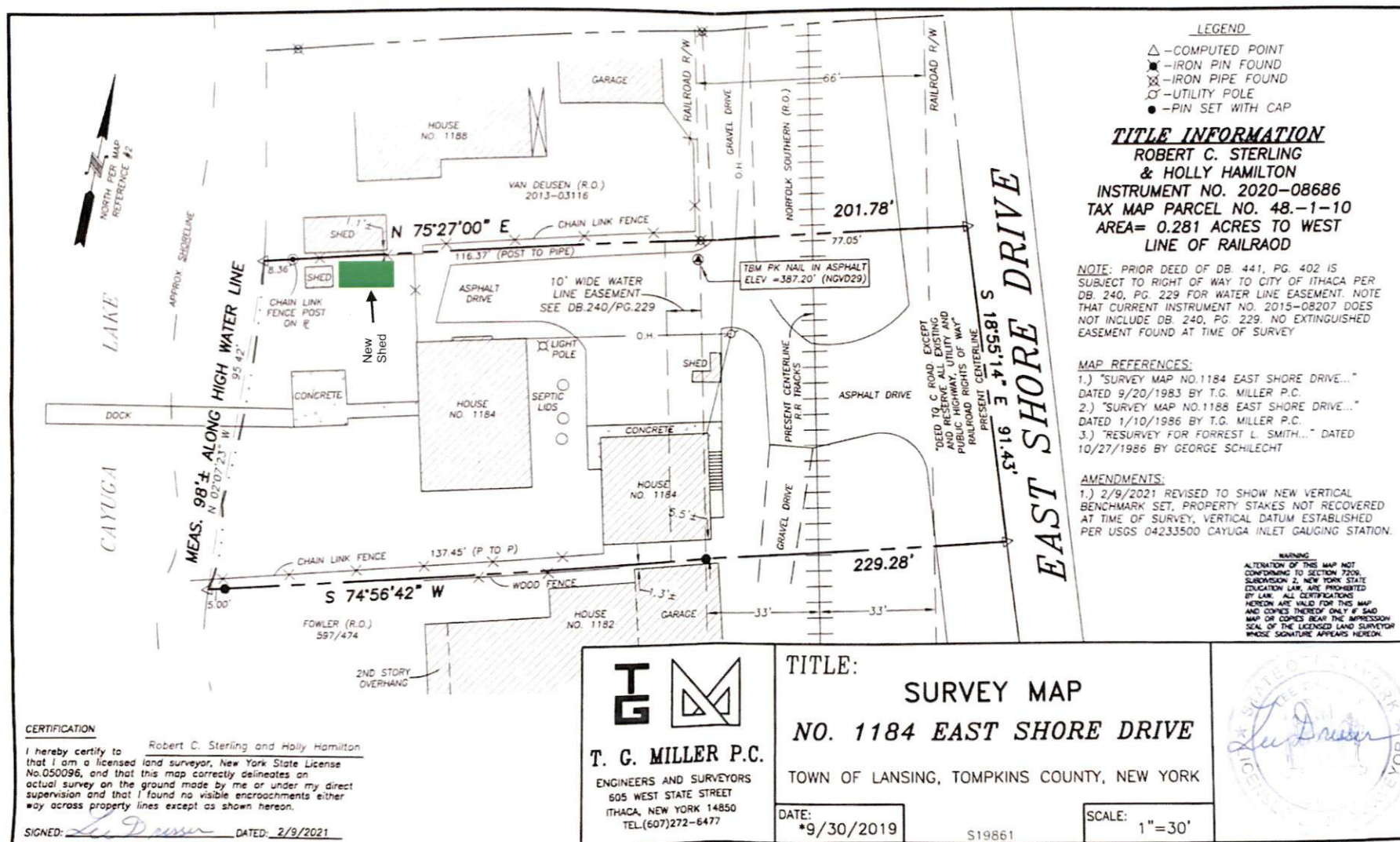
We are not planning to build a garage as we believe we need to maintain access to the lakefront for debris removal and other landscaping, etc. A garage would also require a variance. In addition, our property along the lake cannot have a basement. As a result, we still need space to store snowblower, tools, lawnmower, bikes, and other assorted items normally stored in these locations.

#### ZBA's questions/concerns

- 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? This should not be a detriment to nearby properties or the property as it should make the area nicer than current overgrowth. The color will be the same as the other structures on the property. Adjacent neighbor will not see much of this proposed shed as it is on the other side of his boathouse. The view of the lake may be improved for residents across the street as shed is certainly lower than the tall and wide Yew bushes.*
- 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? Noted above, no garage and no basement. Storage is needed.*
- d. Whether the requested area variance is substantial? The bushes that exist in the same area comprise the same footprint. They extend more than 20 feet of the property line and encroach more than ten feet to the south. As you can see, they are unsightly, overtake a small plastic shed placed 9 feet from the property line and will be removed.*

- d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? *The environment will not be affected as the pad for leveling the area will be drainable stone and contained with 6x6 framing. The area is reasonably level. Run off is not affected as any water coming across driveway is currently captured by drainage at the NW corner and does not run past.*
- e. Whether the alleged difficulty was self-created? *There is no substantial storage existing, either garage or basement.*





## 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.

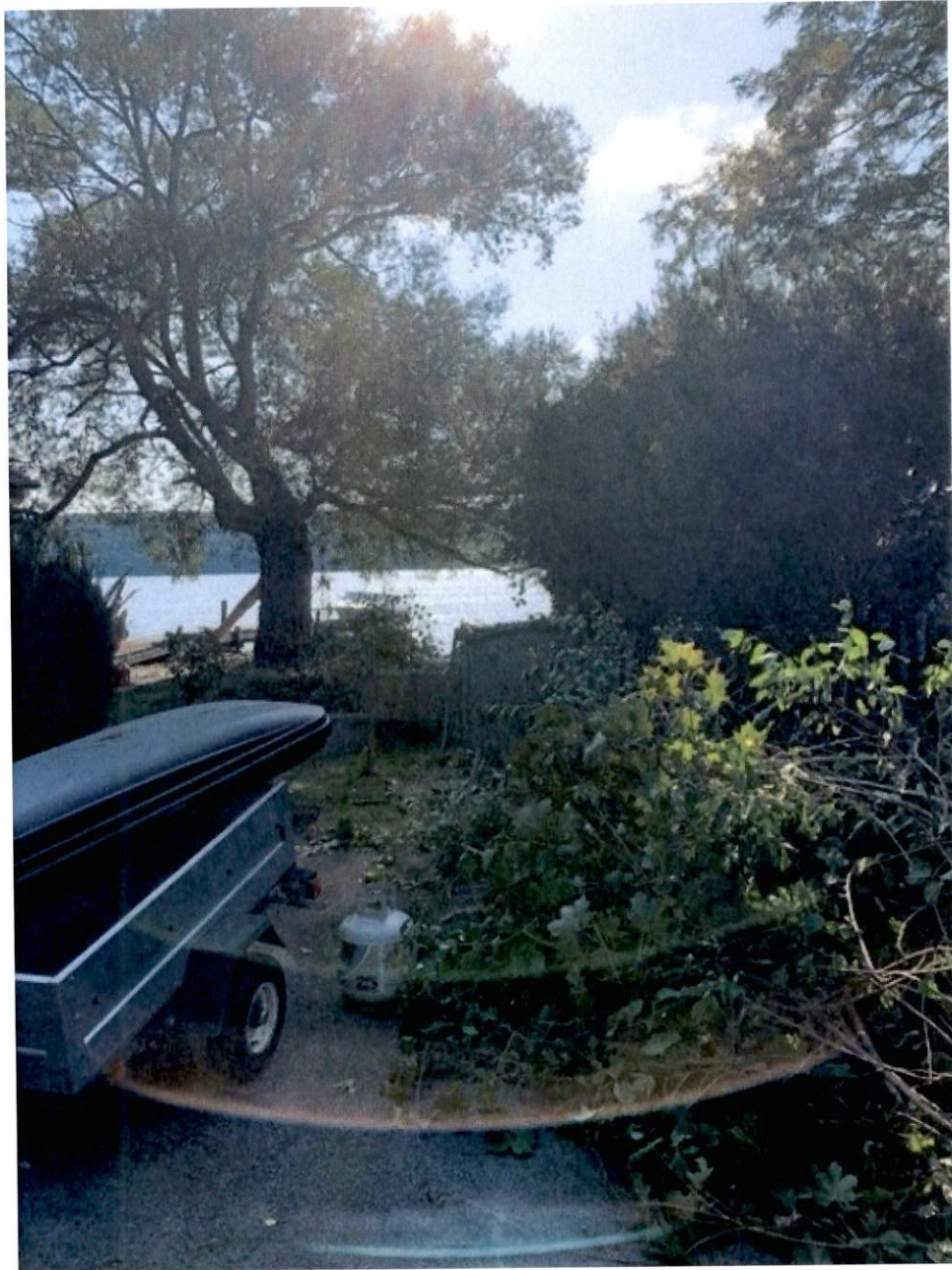
<b>Part 1 – Project and Sponsor Information</b>			
Robert Sterling			
Name of Action or Project: 10x20 non-foundation/non-footer shed			
Project Location (describe, and attach a location map): North Boundary of Property			
Brief Description of Proposed Action: Shed will be placed on stone pad, #2 size stone or similar. The shed will have door opening toward the south. Aged Yew bushes that currently in the location and encroaching thru the property line chain link fences will be removed. Shed back wall will be parallel to the two chain link fences that are on the property line and will be 18 inches the fences, which is the same distance from the neighbors boathouse to the same fence. Shed area is effectively the same as the current overgrown Yew bushes so as not to occupy more space and location on this property than is currently occupied.			
Name of Applicant or Sponsor: Robert Sterling		Telephone: 610-703-7174 E-Mail: rob.sterling@mac.com	
Address: 1184 East Shore Drive			
City/PO: Ithaca		State: NY	Zip Code: 14850
1. <u>Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</u> 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. <u>Does the proposed action require a permit, approval or funding from any other government Agency?</u> If Yes, list agency(s) name and permit or approval: Town of Lansing		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. <u>Total acreage of the site of the proposed action?</u>		Property is .5 acres	
b. <u>Total acreage to be physically disturbed?</u>		Shed .005 acres	
c. <u>Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</u>		.5 acres	
4. <u>Check all land uses that occur on, are adjoining or near the proposed action:</u>			
<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			



5. Is the proposed action,	NO	YES	N/A
a. <u>A permitted use under the zoning regulations?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. <u>Consistent with the adopted comprehensive plan?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. <u>Is the proposed action consistent with the predominant character of the existing built or natural landscape?</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. <u>Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</u>	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. <u>Will the proposed action result in a substantial increase in traffic above present levels?</u>	NO	YES	
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. <u>Does the proposed action meet or exceed the state energy code requirements?</u>	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: Not applicable. Storage shed for tools, snow blower, etc.	<input type="checkbox"/>	<input type="checkbox"/>	
10. <u>Will the proposed action connect to an existing public/private water supply?</u>	NO	YES	
If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. <u>Will the proposed action connect to existing wastewater utilities?</u>	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. <u>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?</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. <u>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?</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
_____			
_____			











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

**BACKGROUND INFORMATION**

Applicant and Owner:  
Robert Sterling  
1184 East Shore Road  
Lansing, NY

Variance No: 22-XX  
Zoning District: L1  
Public Hearing Published on: 6/7/2022  
600’ Notices Mailed: 6/6/2022

Property Location: 1184 East Shore Road  
Tax Parcel #: 48.-1-10

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

**RESOLUTION AND FINDINGS**

WHEREAS, Robert Sterling, Applicant and Owner of 1184 East Shore Road, Tax Parcel No. 48.-1-10 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 10’ x 20’ shed in the side yard, 18 inches from the side yard line, where 10’ is required, ;and

WHEREAS, on 14 June 2022 the Town of Lansing Zoning Board of Appeals (the “ZBA”) thoroughly reviewed and analyzed: (i) the information and evidence submitted by the applicant in support of the requested area variance; (ii) all other information and materials properly before the ZBA; and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA; and

WHEREAS, this application is classified as a Type II Action under NYCRR 617.5(c)(16), granting of individual setback and lot line variances and adjustments, such that no further environmental review is required, nor does this matter require a GML Section 239 review; so, upon due deliberation upon the foregoing, the application, and all evidence and testimony presented to the ZBA,

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

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: Area Variance under 270-11, Schedule II: Area, Frontage, Yard, Height and Coverage Requirements, to construct a 10' x 20' shed in the side yard, 18 inches from the side yard line, where 10' is required,**

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

Yes \_\_\_ 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 variances within two years from the date hereof, this approval and such area variances 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 variances period.

**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 –
- Judy Drake –

Dated: 14 June 2022

Received in the Lansing Town Clerk's Office on \_\_\_\_\_

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

DRAFT