
1 **Town of Lansing**

2 **Zoning Board of Appeals Meeting**

3 **Wednesday, May 8, 2024 6:30 PM**

4 **Lansing Community Center, 29 Auburn Rd**

5 **Present**

6 Jack Young, Chair

7 Mary Stoe

8 Susan Tabrizi

9 Bruce Barber

10 Roger VandePoel

11

12 **Other Staff Present**

13 John Zepko, Acting Director of Planning

14 Kelly Geiger, Planning Clerk

15 Mason Molesso, Planner

16 Judy Drake, Liaison

17 Guy Krogh

18

19 **Public Present**

20 Skip Hardie

21 Holly Hardie

22 John Guo

23 Kristin Bartholomew

24 Greg Mezey

25 Richard Warkentin

26 Jean Barber

27 Gary Bortz

28 Beverly Bortz

29 Jason Demerest

30 David Lincoln

31 Stacy Holstein

32 Lillian Babcock

33 Brenda Zavaski

34 Alicia Stoklosa

35 Melissa Melko

36 Mollie Messenger

37

38 Chair Jack Young opened the meeting at 6:36pm

39

40 **Action Items:**

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43

44 **Project: Construction of new 16' x 30' garage and 12' x 24' car port.**

45 **Applicant:** John Guo, owner

46

47 **Location:** 2608 N Triphammer Road, TNP 42.-1-42

48

49 **Project Description:** The applicant is applying for two (2) area variances from Town of Lansing
50 Zoning Law § 270-11, Schedule II: Area, Frontage, Yard, Height, and Coverage Requirements:
51 (1) front yard setback of 60' where 80' is required and (2) front yard setback of 60' where 80' is
52 required. This property is located in the R2 Zoning district.

53

54 **SEQR:** This action is classified as being Type II under SEQR and requires no further review.

55 **Anticipated Action:** review of the application, public hearing, final decision/conditions

56

57

58 **Summary of Discussion:**

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62

63

- John Guo was present to discuss this project.
- The applicant discussed the reason for the need of the variance, location, direction, dimensions, and the purpose of the project.
- Board Approved Project

64 **Motion to Open the Public Hearing for 2608 N Triphammer Rd at 6:40pm.**

65 Moved by: Bruce Barber Seconded by: Mary Stoe (Motion Carried)

66

67 **Motion to Close the Public Hearing for 2608 N Triphammer Rd at 6:47 pm.**

68 Moved by: Mary Stoe Seconded by: Susan Tabrizi (Motion Carried)

69

70

71 Variance No: 24-04

72 Zoning District: R2

73 Public Hearing Published on: 4/22/24

74 600' Notices Mailed: 4/4/24

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77

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

78

79

BACKGROUND INFORMATION

80

81 Applicant:

82 John Guo, owner

83 2608 N Triphammer Road

84 Lansing, NY 14882

85

86

86 Property Location: 2608 N Triphammer Road

87 Tax Parcel #: 42.-1-42

88

89

90 Requirement for which Area Variances are requested: Town of Lansing Zoning Law § 270-11
91 Schedule II, Frontage, Yard, Height, and Coverage Requirements
92

93 **RESOLUTION AND FINDINGS**
94

95 WHEREAS, John Guo, owner of 2608 N Triphammer Road Tax Parcel No. 42.-1-42 located in the
96 R2 Zone, applied to construct a new 16' x 30' garage and a 12' x 24' car port: Two (2) area
97 variances are requested for relief from Town of Lansing Zoning Law §270-11 Schedule II: Area,
98 Frontage, Yard, Height, and Coverage Requirements for (1) front yard (south/garage) of 60'
99 where 80' is required, and (2) front yard (north/car port) of 60' where 80' is required; and
100

101 WHEREAS, on 8 May 2024 the Town of Lansing Zoning Board of Appeals (the "ZBA") thoroughly
102 reviewed and analyzed: (i) the information and evidence submitted by the applicant in support
103 of the requested area variance; (ii) all other information and materials properly before the ZBA;
104 and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA;
105 and
106

107 WHEREAS, this application is classified as a Type II Action under 6 NYCRR 617.5(c)(12),
108 construction, expansion or placement of minor accessory/appurtenant residential structures,
109 including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes,
110 fences, barns, storage sheds or other buildings not changing land use or density, such that no
111 further environmental review is required; so, upon due deliberation upon the foregoing, the
112 application, and all evidence and testimony presented to the ZBA.
113

114 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
115

116 1. The Town of Lansing Zoning Board of Appeals ("ZBA") hereby makes the following findings with
117 respect to the specific criteria for area variances as set forth in Town Law § 267-b(3)(b), and other
118 applicable provisions of law and of the Zoning Ordinance:
119
120

121 **a. Whether an undesirable change will be produced in the character of the neighborhood or a**
122 **detriment to nearby properties will be created by the granting of the area variance?**
123

124 Yes ___ No X Findings:
125

126 **b. Whether the benefit sought by the applicant can be achieved by some method, feasible for**
127 **the applicant to pursue, other than an area variance?**
128

129 Yes ___ No X Findings:
130
131
132

133 c. Whether the requested area variance is substantial?

134

135 Yes ___ No X Findings:

136

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

139

140 Yes ___ No X Findings:

141

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

143

144 Yes X No ___ Findings:

145

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

147

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

154

155 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED:** Two (2) area variances are requested for relief
156 from Town of Lansing Zoning Law §270-11 Schedule II: Area, Frontage, Yard, Height, and
157 Coverage Requirements for (1) front yard (south/garage) of 60' where 80' is required, and (2)
158 front yard (north/car port) of 60' where 80' is required; and

159

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

161

162 Yes X No ___

163

164 **STATEMENT OF CONDITIONS:**

165

166 Granting of variance (1-south/garage) conditional pending applicants receipt of appropriate
167 NYSDOT curb cut permits. Granting of variance (2-north/carport) requires the carport to not
168 exceed 12'x16'; certificate of compliance will not be issued until shed is verified to be no larger
169 than 12'x16'.

170

171

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

174

175 **Motion by:** Bruce Barber

176 **Seconded by:** Mary Stoe

177
178 Bruce Barber (alt) – Aye
179 Richard Hayes – Absent
180 Mary Stoe – Aye
181 Susan Tabrizi –Aye
182 Roger VandePoel – Aye
183 Jack Young – Aye

184
185
186 Dated: 8 May 2024

187
188
189 **Project: Demolition of existing structure and rection of a new 2 story single family**
190 **dwelling unit.**

191
192 **Applicant:** Kristin Bartholomew, owner’s agent Location: 18 Ladoga Park West, TPN 33.-1-50
193

194 **Project Description:** The applicant is applying for five (5) variances for relief from Town of
195 Lansing Zoning Law § 270-11, Schedule II: Area, Frontage, Yard, Height, and Coverage
196 Requirements: (1) front yard (west) 27.33 feet where 30 feet is required, (2) front yard (south)
197 14.92 feet where 30 feet is required, (3) rear yard (north) 3.08 feet where 25 feet is required and
198 (4) rear yard (east) 14.46 where 25 feet is required. (5) The minimum open space requirements
199 dictate only 25% max lot coverage whereas applicant seeks 29% coverage (2146 sq ft of a 7350
200 sq ft lot). This property is located in L1 zoning with lake frontage.

201
202 **SEQR:** This action is classified as being Type II under SEQR and requires no further review.
203

204 **Anticipated Action:** review of the application, public hearing, final decision / conditions
205

206 **Summary of Discussion:**

- 207
- Kristen Bartholomew was present to discuss this project.
 - The applicant discussed the reason for the need of the variance, location, direction, dimensions, and the purpose of the project.
 - Board Approved Project
- 210

211
212 **Motion to Open the Public Hearing for 18 Ladoga Park West at 6:55pm.**

213 Moved by: Jack Young Seconded by: Susan Tabrizi (Motion Carried)

214
215 **Motion to Close the Public Hearing for 18 Ladoga Park West at 7:02 pm.**

216 Moved by: Mary Stoe Seconded by: Susan Tabrizi (Motion Carried)

217
218
219
220

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

223
224 **BACKGROUND INFORMATION**

Variance No: 24-05
Zoning District: L1 with Lake Frontage
Public Hearing Published on: 4/22/24
600' Notices Mailed: 4/4/24

225
226 Applicant:
227 Kristen Bartholomew, owner's agent
228 35 Myers Road
229 Lansing, NY 14882

230
231 Property Location: 18 Ladoga Park West
232 Tax Parcel #: 33.-1-50

233
234 Requirement for which Area Variances are requested: Town of Lansing Zoning Law § 270-11
235 Schedule II, Frontage, Yard, Height, and Coverage Requirements

236 **RESOLUTION AND FINDINGS**

237 WHEREAS, Kristin Bartholomew, applicant and owner's agent for 18 Ladoga Park West Tax Parcel
238 No. 33.-1-50 located in the L1 Zone, applied for variance to demo the existing structure and erect
239 a new two- story single family home. Five area variances are requested for relief from Town of
240 Lansing Zoning Law §270-11 Schedule II: Area, Frontage, Yard, Height, and Coverage
241 Requirements for (1) front yard (west) 27.33 feet where 30 feet is required, (2) front yard (south)
242 14.92 feet where 30 feet is required, (3) rear yard (north) 3.08 feet where 25 feet is required and
243 (4) rear yard (east) 14.46 where 25 feet is required. (5) The minimum open space requirements
244 dictate only 25% max lot coverage whereas applicant seeks 29% coverage (2146 sqft of a 7350
245 sqft lot); and

246
247 WHEREAS, on 8 May 2024 the Town of Lansing Zoning Board of Appeals (the "ZBA") thoroughly
248 reviewed and analyzed: (i) the information and evidence submitted by the applicant in support
249 of the requested area variance; (ii) all other information and materials properly before the ZBA;
250 and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA;
251 and

252
253 WHEREAS, this application is classified as a Type II Action under 6 NYCRR 617.5(c)(2),
254 replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site,
255 including upgrading buildings to meet building, energy, or fire codes unless such action meets
256 or exceeds any of the thresholds in section 617.4 of this part, such that no further
257 environmental review is required; so, upon due deliberation upon the foregoing, the
258 application, and all evidence and testimony presented to the ZBA.

259
260 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
261

262 1. The Town of Lansing Zoning Board of Appeals (“ZBA”) hereby makes the following findings with
263 respect to the specific criteria for area variances as set forth in Town Law § 267-b(3)(b), and other
264 applicable provisions of law and of the Zoning Ordinance:
265

266 a. **Whether an undesirable change will be produced in the character of the neighborhood or a**
267 **detriment to nearby properties will be created by the granting of the area variance?**
268

269 Yes ___ No X Findings:
270

271 b. **Whether the benefit sought by the applicant can be achieved by some method, feasible for**
272 **the applicant to pursue, other than an area variance?**
273

274 Yes ___ No X Findings:
275

276 c. **Whether the requested area variance is substantial?**
277

278 Yes X No ___ Findings:
279

280 d. **Whether the proposed variance will have an adverse effect or impact on**
281 **the physical or environmental conditions in the neighborhood or district?**
282

283 Yes ___ No X Findings:
284

285 e. **Whether the alleged difficulty was self-created?**
286

287 Yes ___ No X Findings:
288

289 **2. DETERMINATION BASED ON THE ABOVE FACTORS (choose one):**
290

291 It is hereby determined by the Town of Lansing Zoning Board of Appeals (the “ZBA”) that the
292 following area variances are **GRANTED** with any conditions hereafter stated (if any), it being
293 further found and determined that (i) the benefit to the applicant outweighs any potential
294 negative impacts or detriment to the neighborhood or community; and (ii) such area variance is
295 the minimum necessary as adequate to grant relief and, at the same time, preserve and protect
296 the character of the neighborhood and the safety and welfare of the community.
297

298 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED:** Five area variances are requested for relief
299 from Town of Lansing Zoning Law §270-11 Schedule II: Area, Frontage, Yard, Height, and
300 Coverage Requirements for (1) front yard (west) 27.33 feet where 30 feet is required, (2) front
301 yard (south) 14.92 feet where 30 feet is required, (3) rear yard (north) 3.08 feet where 25 feet is
302 required and (4) rear yard (east) 14.46 where 25 feet is required. (5) The minimum open space
303 requirements dictate only 25% max lot coverage whereas applicant seeks 29% coverage (2146
304 sqft of a 7350 sqft total lot); and
305

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

307 Yes ___ No X

308

309 **STATEMENT OF CONDITIONS:**

310

311

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

314

315 **Motion by:** Jack Young

316 **Seconded by:** Susan Tabrizi

317

318 Bruce Barber (alt.) –Aye

319 Richard Hayes – Absent

320 Mary Stoe – Aye

321 Susan Tabrizi – Aye

322 Roger VandePoel- Aye

323 Jack Young – Aye

324

325 Dated: 8 May 2024

326

327

328 **Project: Removal of existing conditions applicable to development of 32 Ladoga Park**

329

330 **Applicant:** Jason Demarest, agent for Lillian Babcock

331

332 **Location:** 30 – 32 Ladoga Park

333

334 **Project Description:** Agent on behalf of client is requesting removal of the condition that limits
335 filling the property around the cottage at 32 Ladoga Park W. “The original concern with this
336 variance at the time was about drainage onto adjacent properties. Since the newly acquired lawn
337 area (30 Ladoga) is not bound by the variance, that parcel is permitted to be filled. The new
338 drainage plan per the floodplain application shows that water does not run onto adjacent
339 properties, which satisfies the purpose of the condition from the 2004 variance.”

340

341 **SEQR:** this project is listed as a Type II action under SEQR, requiring no further review from
342 the board

343

344 **Anticipated Action:** Unanimous decision required on whether to re-hear

345

346 **Summary of Discussion:**

347

- Jason Demarest and Lillian Babcock were present to discuss this project.
- The applicant discussed the reason for the need of removal of existing conditions, drainage, and the purpose of the project.
- The Board set a Public Hearing date for June 12, 2024

348

349

350

351 **Project: Delaware River Solar N. Triphammer Road Solar Facility-Project #1: 5MW Solar**
352 **Facility. Project #2: 3MW Solar Facility**

353
354 **Applicant:** Delaware River Solar

355
356 **Location:** N. Triphammer Road; two neighboring lots: 44.-1-1.2 and 44.-1-3.3

357
358 **Project Description:** Applicant wishes to develop one five (5) megawatt and one three (3)
359 megawatt AC solar facilities located on the two neighboring properties on N. Triphammer Road,
360 tax map numbers 44.-1-1.2 and 44.-1-3.3. This project is located in the R2 zoning district, which
361 does not permit the installation of solar energy facilities. The applicant wishes to have this
362 application reviewed under the use variance standards applicable to public utilities, rather than
363 the traditional use variance test under N.Y Town Law 267-b(2).

364
365 **SEQR:** This project is classified as an Unlisted action under SEQR and will require further
366 review.

367
368 **Anticipated Action:** review of the application, SEQR Review

369
370 **Summary of Discussion:**

- 371
- 372 • Jack Young Recused himself as Chair and Susan Tabrizi stepped in as Chair
 - 373 • Mollie Messenger, Melissa Melko and Stacy Holstein were present to discuss this project.
 - 374 • The applicant discussed why they should be seen as a public utility and the purpose of the project.
 - 375 • Who will take on Lead Agency for SEQR
 - 376 • The Board set a Public Hearing date for June 12, 2024
- 377

378
379 Susan Tabrizi adjourned the meeting at 7:59 PM

380
381 Minutes taken and executed by Kelly Geiger