
1 **Town of Lansing**

2 **Zoning Board of Appeals Meeting**

3 **Wednesday, February 14, 2024 6:30 PM**

4 **Lansing Town Hall, 29 Auburn Rd**

5 **Present**

Excused

6 Jack Young, Chair
7 Rick Hayes
8 Mary Stoe
9 Susan Tabrizi

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11 **Other Staff Present**

12 John Zepko, Acting Director of Planning
13 Kelly Geiger, Planning Clerk
14 Mason Molesso, Planner
15 Judy Drake, Town Board Liaison

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17 **Public Present**

18 Jon Lucente, Tracy Brady, Jeff Barber, Jean Barber, Greg Mezey, Emily Barber, Dave Heck

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20 Chair Jack Young opened the meeting at 6:30pm

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22 **Action Items:**

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24 **Project: Area Variance**

25 **Applicant:** Jeffrey Barber, owner

26 **Location:** 2 Ladoga Park Rd, Tax Parcel No. 33.-1-43

27 **Project Description:** The applicant applied for an Area Variance from Town of Lansing Zoning
28 Law § 270-11, Schedule II: Area, Frontage, Yard, Height and Coverage Requirements, to construct
29 a 56' x 30' garage. The following variances are requested: front yard (east), 14.8 feet where 60
30 feet is required; and rear (southwest), 5.3 feet, where 10 feet is required.

31 The project is within the L1 – Lakeshore Zone.

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

34 **Anticipated Action:** Review of the application and Determination

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37 **Summary of Discussion:**

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- Jeff and Jean Barber were 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.
 - Dave Heck presented concerns regarding the size of the build
 - The Zoning Board Granted the area variance with the following condition of approval:

43 To provide a basic erosion and sediment control plan to protect surface waters during
44 construction Prior to the issuance of a building permit.

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46 **ZBA RESOLUTION: 24-01**

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

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51 **BACKGROUND INFORMATION**

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53 Applicant and Owner:
54 Jeff Barber
55 2 Ladoga Park Road
56 Lansing, NY 14882

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58 Variance No: 24-01
59 Zoning District: L1
60 Public Hearing Published on: 12/22/23
61 600' Notices Mailed: 12/22/23

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

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

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69 **RESOLUTION AND FINDINGS**

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71 WHEREAS, Jeff Barber, Applicant and Owner of 2 Ladoga Park Road, Tax Parcel No. 33.-1-43,
72 located in the Lakeshore – L1 Zone, applied for an Area Variance from Town of Lansing Zoning
73 Law § 270-11, Schedule II: Area, Frontage, Yard, Height and Coverage Requirements, to construct
74 a 56' x 30' garage. The following variances are requested: front yard (east), 14.8 feet where 60
75 feet is required; and rear (southwest), 5.3 feet, where 10 feet is required.

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77 WHEREAS, on 14 February 2024 the Town of Lansing Zoning Board of Appeals (the “ZBA”)
78 thoroughly reviewed and analyzed: (i) the information and evidence submitted by the applicant in
79 support of the requested area variance; (ii) all other information and materials properly before the
80 ZBA; and (iii) the issues and impacts raised for consideration by neighbors, the public, and the
81 ZBA; and

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83 WHEREAS, this application is classified as a Type II Action under 6 NYCRR 617.5(c)(12),
84 (construction, expansion or placement of minor accessory/appurtenant residential structures,
85 including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences,
86 barns, storage sheds or other buildings not changing land use or density), such that no further
87 environmental review is required, nor does this matter require a GML Section 239 review; so,
88 upon due deliberation upon the foregoing, the application, and all evidence and testimony
89 presented to the ZBA,

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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 **__X__** 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 **__X__** Findings:

c. Whether the requested area variance is substantial?

Yes **__X__** 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 **__X__** Findings:

e. Whether the alleged difficulty was self-created?

Yes **__X__** 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**, 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), 5.3 feet, where 10 feet is required.

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

136 Yes No

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138 **STATEMENT OF CONDITIONS:** Prior to the issuance of a building permit the applicant will
139 provide a basic erosion and sediment control plan to protect surface waters during
140 construction. The erosional and sediment control plan shall be approved by the Department of
141 Planning & Code Enforcement

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

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146 **Motion by:** Rick Hayes

147 **Seconded by:** Susan Tabrizi

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149 Richard Hayes – **Aye**

150 Mary Stoe – **Aye**

151 Susan Tabrizi – **Aye**

152 Jack Young – **Aye**

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154 Dated: 14 February 2024

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157 **Project: Area Variance**

158 **Applicant:** Jon Lucente, owner

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

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

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

166 **Anticipated Action:** Public Hearing; review of the application

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169 **Summary of Discussion:**

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- Jon Lucente and Tracy were 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.
- The Zoning Board discussed Easement vs. Encroachment
- The Zoning Board Granted the area variance, no conditions imposed

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176 **Motion to Open the Public Hearing for 40 Sun Path Rd at 6:59pm.**

177 Moved by: Susan Tabrizi Seconded by: Rick Hayes (Motion Carried)

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179 **Motion to Close the Public Hearing for 40 Sun Path Rd at 7:00 pm.**

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

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184 **ZBA RESOLUTION: 24-01**

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

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BACKGROUND INFORMATION

191 Applicant and Owner:

192 Jon Lucente

193 40 Sun Path Road

194 Lansing, NY 14850

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196 Variance No: 24-02

197 Zoning District: R1

198 Public Hearing Published on: 2/5/24

199 600' Notices Mailed: 2/1/24

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201 Property Location: 40 Sun Path Road

202 Tax Parcel #: 42.-1-2.28

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

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207 **RESOLUTION AND FINDINGS**

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

214

215 WHEREAS, on 14 February 2024 the Town of Lansing Zoning Board of Appeals (the "ZBA")
216 thoroughly reviewed and analyzed: (i) the information and evidence submitted by the applicant in
217 support of the requested area variance; (ii) all other information and materials properly before the
218 ZBA; and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA;
219 and

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221 WHEREAS, this application is classified as a Type II Action under 6 NYCRR 617.5(c)(12),
222 (construction, expansion or placement of minor accessory/appurtenant residential structures,
223 including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences,
224 barns, storage sheds or other buildings not changing land use or density), such that no further
225 environmental review is required, nor does this matter require a GML Section 239 review; so, upon
226 due deliberation upon the foregoing, the application, and all evidence and testimony presented to
227 the ZBA,

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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 X 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 X Findings:

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

Yes X 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 X Findings:

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

Yes X 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**, 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 X

STATEMENT OF CONDITIONS:

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

282
283 **Motion by:** Mary Stoe
284 **Seconded by:** Rick Hayes

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286 Rick Hayes – **Aye**
287 Mary Stoe – **Aye**
288 Susan Tabrizi – **Aye**
289 Jack Young – **Aye**

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291 Dated: 14 February 2024

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294 Chair Jack Young adjourned meeting at 7:04 PM

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296 Minutes taken and executed by Kelly Geiger

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