

1 **Town of Lansing**

2 **Zoning Board of Appeals Meeting**

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

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

5 **Present**

6 Jack Young, Chair

7 Mary Stoe

8 Susan Tabrizi

9 Bruce Barber

10 Roger VandePoel

**Excused**

Rick Hayes

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

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40 **Action Items:**

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

**Applicant:** John Guo, owner

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

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

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

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

**Summary of Discussion:**

- 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

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

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

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

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

Variance No: 24-04

Zoning District: R2

Public Hearing Published on: 4/22/24

600' Notices Mailed: 4/4/24

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

**BACKGROUND INFORMATION**

Applicant:  
John Guo, owner  
2608 N Triphammer Road  
Lansing, NY 14882

Property Location: 2608 N Triphammer Road  
Tax Parcel #: 42.-1-42

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

## RESOLUTION AND FINDINGS

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

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

WHEREAS, this application is classified as a Type II Action under 6 NYCRR 617.5(c)(12), construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density, such that no further environmental review is required; 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   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 \_\_\_\_ No   X   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:** Two (2) area variances are requested for relief from Town of Lansing Zoning Law §270-11 Schedule II: Area, Frontage, Yard, Height, and Coverage Requirements for (1) front yard (south/garage) of 60' where 80' is required, and (2) front yard (north/car port) of 60' where 80' is required; and

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

Yes   X   No \_\_\_\_

**STATEMENT OF CONDITIONS:**

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

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

**Motion by:** Bruce Barber

**Seconded by:** Mary Stoe

Bruce Barber (alt) – Aye  
Richard Hayes – Absent  
Mary Stoe – Aye  
Susan Tabrizi –Aye  
Roger VandePoel – Aye  
Jack Young – Aye

Dated: 8 May 2024

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

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

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

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

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

**Summary of Discussion:**

- 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

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

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

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

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

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

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

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

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

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

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

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.

260 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**  
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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 \_\_\_\_ No X 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 variances are **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:** Five area variances are requested for relief from Town of Lansing Zoning Law §270-11 Schedule II: Area, Frontage, Yard, Height, and Coverage Requirements for (1) front yard (west) 27.33 feet where 30 feet is required, (2) front yard (south) 14.92 feet where 30 feet is required, (3) rear yard (north) 3.08 feet where 25 feet is required and (4) rear yard (east) 14.46 where 25 feet is required. (5) The minimum open space requirements dictate only 25% max lot coverage whereas applicant seeks 29% coverage (2146 sqft of a 7350 sqft total lot); and

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

307 Yes \_\_\_\_ No X

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309 **STATEMENT OF CONDITIONS:**

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

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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**

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

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332 **Location:** 30 – 32 Ladoga Park

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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

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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,  
348 drainage, and the purpose of the project.
  - The Board set a Public Hearing date for June 12, 2024



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

**Applicant:** Delaware River Solar

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

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

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

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

**Summary of Discussion:**

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

Susan Tabrizi adjourned the meeting at 7:59 PM

Minutes taken and executed by Kelly Geiger