
1 **Town of Lansing**

2 **Zoning Board of Appeals Meeting**
3 **Wednesday, June 12, 2024 6:30 PM**
4 **Lansing Town Hall, 29 Auburn Rd**

5 **Present**

Excused

6 Jack Young, Chair
7 Mary Stoe
8 Susan Tabrizi
9 Rick Hayes
10 Bruce Barber
11 Roger VandePoel

12
13 **Other Staff Present**

14 John Zepko, Acting Director of Planning
15 Kelly Geiger, Planning Clerk
16 Mason Molesso, Planner
17 Judy Drake, Liaison
18 Guy Krogh

19
20 **Public Present**

21 Carl Schimmelfing
22 Scott Purcell
23 Alvin Parker
24 Jennifer Gaffney
25 Katie Thompson
26 Heather Gaffney
27 Nathan Thompson
28 Mollie Messenger
29 Melissa Melko
30 Elisabeth Hegarty
31 Michael Cox
32 Zachary E. Longstreth
33 Gary Bortz
34 Beverly Bortz
35 Jason Demerest
36 Lillian Babcock
37 Dennis Gaffney
38 Steve Ruoff
39 Sue Ruoff
40 David Lincoln
41 Stacy Holstein
42 Robert Holstein
43 Brenda Zavaski

44 Cheryl Beach
45 Debbie Loring
46 Curtis Lyons
47 Nick Cortese
48 Roger Loring
49 Michelle L. Zirbel

50
51 Chair Jack Young opened the meeting at 6:33pm

52
53 **Action Items:**

54
55
56 **Project: Two Area Variance's for construction of a 10' x 14' greenhouse in the front yard**

57 **Applicant:** Michael Cox, representing Elisabeth Hegarty

58
59 **Location:** 2 Asbury Drive, TPN 40.-2-25

60
61 **Project Description:** The applicant is applying for two (2) Area Variance's: (1) relief from
62 Town of Lansing Zoning Law § 270-11 Schedule II: Area, Frontage, Yard, Height, and Coverage
63 Requirements for a front yard setback of 56' where 80' is required on North Triphammer Road.
64 (2) relief from Town of Lansing Zoning Law § 270-38 Accessory Uses (D)(3) prohibiting an
65 accessory structure of less than 144 square feet to encroach in the front yard. This property is
66 located in R2 zoning

67
68 **SEQR:** This project is a Type II action (617.5(C)(12)) and does not require further review.

69
70 **Anticipated Action:** review of the application, public hearing, final decision/conditions

71
72
73 **Summary of Discussion:**

- 74
- 75 • Michael Cox and Elisabeth Hegarty were present to discuss this project.
 - 76 • The applicant discussed the reason for the need of the variance, location, direction,
77 dimensions, and the purpose of the project.
 - 78 • Board Approved the Project

79 **Motion to Open the Public Hearing for 2608 N Triphammer Rd at 6:37pm.**

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

81
82 **Motion to Close the Public Hearing for 2608 N Triphammer Rd at 6:38 pm.**

83 Moved by: Rick Hayes Seconded by: Mary Stoe (Motion Carried)

84
85
86 Variance No: 24-8

87 Zoning District: R2

88 Public Hearing Published on: 05/31/24

89 600' Notices Mailed: 05/28/24

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

92
93 **BACKGROUND INFORMATION**
94

95 Applicant:
96 Michael Cox, representing Elizabeth Hegarty
97 2 Asbury Drive
98 Ithaca, NY 14850
99

100 Property Location: 2 Asbury Drive
101 Tax Parcel #: 40.-2-25
102

103 Requirement for which Area Variances are requested: Town of Lansing Zoning Law § 270-11
104 Schedule II, Frontage, Yard, Height, and Coverage Requirements and Town of Lansing Zoning
105 Law § 270-38 Accessory Uses.
106

107 **RESOLUTION AND FINDINGS**
108

109 WHEREAS, Michael Cox, son of the owner of 2 Asbury Drive Tax Parcel No. 40.-2-25 located in the
110 R2 zoning district, has applied for variances to site a 10'x 14' greenhouse in the front yard. The
111 applicant is applying for two (2) Area Variance's: (1) relief from Town of Lansing Zoning Law §
112 270-11 Schedule II: Area, Frontage, Yard, Height, and Coverage Requirements for a front yard
113 setback of 56' where 80' is required on North Triphammer Road. (2) Relief from Town of Lansing
114 Zoning Law § 270-38 Accessory Uses (D)(3) prohibiting an accessory structure of less than 144
115 square feet to encroach in the front yard; and
116

117 WHEREAS, on 12 June 2024 the Town of Lansing Zoning Board of Appeals (the "ZBA") thoroughly
118 reviewed and analyzed: (i) the information and evidence submitted by the applicant in support
119 of the requested area variance; (ii) all other information and materials properly before the ZBA;
120 and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA;
121 and
122

123 WHEREAS, this application is classified as a Type II Action under 6 NYCRR 617.5(C)(12),
124 construction, expansion or placement of minor accessory/appurtenant residential structures,
125 including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes,
126 fences, barns, storage sheds or other buildings not changing land use or density, such that no
127 further environmental review is required; so, upon due deliberation upon the foregoing, the
128 application, and all evidence and testimony presented to the ZBA.
129
130

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

132

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

136

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

139

140 Yes___ No__✓___ Findings:

141

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

144

145 Yes___ No__✓___ Findings:

146

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

148

149 Yes__✓___ No___ Findings: Front yard setback request from N. Triphammer deemed
150 “boarder-line” substantial at approx. 30% of the required setback.

151

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

154

155 Yes___ No__✓___ Findings:

156

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

158

159 Yes__✓___ No___ Findings: Applicant erected greenhouse negligent of setback and use
160 requirements

161

in R2 zoning

162

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

164

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

171

172 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED:** Two (2) Area Variance’s: (1) relief from Town
173 of Lansing Zoning Law § 270-11 Schedule II: Area, Frontage, Yard, Height, and Coverage

174 Requirements for a front yard setback of 56' where 80' is required on North Triphammer Road.
175 (2) Relief from Town of Lansing Zoning Law § 270-38 Accessory Uses (D)(3) prohibiting an
176 accessory structure of less than 144 square feet to encroach in the front yard.

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

178

179 Yes____ No____

180

181 **STATEMENT OF CONDITIONS:**

182

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

185

186 **Motion by:** Rick Hayes

187 **Seconded by:** Mary Stoe

188

189 Bruce Barber (alt) – Not Voting

190 Richard Hayes – Aye

191 Mary Stoe – Aye

192 Susan Tabrizi –Aye

193 Roger VandePoel –Aye

194 Jack Young – Aye

195

196 Dated: 12 June 2024

197

198

199 **Project: Applicant wishes to remove prior conditions allowing for fill to be added to site to**
200 **create positive drainage**

201

202 **Applicant:** Jason Demarest, representing Lillian Babcock

203

204 **Location:** 30 Ladoga Park W, TPN 33.-1-58

205

206 **Project Description:** The applicant has applied for a rehearing to discuss the removal of prior
207 conditions (from 7/20/2004) which would allow for fill to be added to create positive drainage at
208 30 & 32 Ladoga. This property is located in L1 zoning with lake frontage

209

210 **SEQR:** This project is an Unlisted action and will require further review

211

212 **Anticipated Action:** public hearing, SEQRA review, final decision/conditions

213

214 **Summary of Discussion:**

215

216

217

218

219

- Jason Demarest and Lillian Babcock were present to discuss this project.
- The applicant discussed the reason for the need of the variance, location, drainage, lake wall, grading and fill for the purpose of the project.
- Board Postponed the decision, requesting Engineer Report of the Project

220 **Motion to Open the Public Hearing for 30-32 Ladoga Park West at 7:04pm.**
221 Moved by: Roger VandePoel Seconded by: Susan Tabrizi (Motion Carried)

222
223 **Motion to Close the Public Hearing for 30-32Ladoga Park West at 7:46 pm.**
224 Moved by: Roger VandePoel Seconded by: Rick Hayes (Motion Carried)

225
226
227 **Project:Area Variance for side yard setback**

228
229 **Applicant:** Heather Gaffney, owner

230
231 **Location:** 140 Locke Road, TPN 6.-1-24.4

232
233 **Project Description:** The applicant has applied for an Area Variance to site a modular home
234 within the 15’ required setback. The home is currently sited 7.7’ feet away from the property line,
235 which is approximately half the required setback. This project is located in the AG zoning which
236 has a 15’ minimum side yard setback requirement

237 **SEQR:** This project is a Type II action (617.5 (C) (17)) and does not require further review

238
239 **Anticipated Action:** public hearing, final decision/conditions

240
241 **Summary of Discussion:**

- 242 • Heather Gaffney and Dennis Gaffney were present to discuss this project
- 243 • The applicant discussed the reason for the need of the variance for the side yard setback
- 244 • Carl Schimmelfing was present to discuss this project
- 245 • The Board Approved the project with conditions

246
247
248 Variance No: VAR 24-10

249 Zoning District: AG

250 Public Hearing Published on: 05/31/24

251 600’ Notices Mailed: 05/28/24

252
253 **AREA VARIANCE FINDINGS AND DECISION**
254 **TOWN OF LANSING ZONING BOARD OF APPEALS**

255
256 **BACKGROUND INFORMATION**

257
258 Applicant:
259 Heather Gaffney, owner
260 140 Locke Road
261 Lansing, NY 13092

262
263 Property Location: 140 Locke Road

264 Tax Parcel #: 6.-1-24.4

265

266 Requirement for which Area Variances are requested: Town of Lansing Zoning Law § 270-11
267 Schedule II, Frontage, Yard, Height, and Coverage Requirements for side yard setbacks requiring
268 15' for single family residences in AG zoning.
269

270 **RESOLUTION AND FINDINGS**
271

272 WHEREAS, Heather Gaffney, owner of 140 Locke Road Tax Parcel No. 6.-1-24.4 located in the AG
273 zoning district, has applied for an Area Variance to site a modular home within the 15' required
274 setback. The home is currently sited 7.7' away from the property line, whereas 15' is required in
275 the AG zoning district; and
276

277 WHEREAS, on 12 June 2024 the Town of Lansing Zoning Board of Appeals (the "ZBA") thoroughly
278 reviewed and analyzed: (i) the information and evidence submitted by the applicant in support
279 of the requested area variance; (ii) all other information and materials properly before the ZBA;
280 and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA;
281 and
282

283 WHEREAS, this application is classified as a Type II Action under 6 NYCRR 617.5(C)(17), granting
284 of an Area Variance for a single – family residence, such that no further environmental review is
285 required; so, upon due deliberation upon the foregoing, the application, and all evidence and
286 testimony presented to the ZBA.
287
288

289 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
290

291 1. The Town of Lansing Zoning Board of Appeals ("ZBA") hereby makes the following findings with
292 respect to the specific criteria for area variances as set forth in Town Law § 267-b(3)(b), and other
293 applicable provisions of law and of the Zoning Ordinance:
294

295 **a. Whether an undesirable change will be produced in the character of the neighborhood or a**
296 **detriment to nearby properties will be created by the granting of the area variance?**
297

298 Yes No Findings: Yes, house is located at approximately half of the
299 required side yard setback
300

301 **b. Whether the benefit sought by the applicant can be achieved by some method, feasible for**
302 **the applicant to pursue, other than an area variance?**
303

304 Yes No Findings:
305

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

307 Yes No Findings: Yes, request for approx. 50% variance from side yard setback;
308 house is
309 sited 7.7' from east property line where 15' is required
310

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

313
314 Yes No Findings:

315
316 **e. Whether the alleged difficulty was self-created?**

317
318 Yes No Findings: House was sited without consideration or conformation to
319 required bulk
320 regulations (side yard setback) for AG zoning
321

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

323
324 It is hereby determined by the Town of Lansing Zoning Board of Appeals (the "ZBA") that the
325 following area variance is **GRANTED**, with any conditions hereafter stated (if any), it being
326 further found and determined that (i) the benefit to the applicant outweighs any potential
327 negative impacts or detriment to the neighborhood or community; and (ii) such area variance is
328 the minimum necessary as adequate to grant relief and, at the same time, preserve and protect
329 the character of the neighborhood and the safety and welfare of the community.
330

331 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED:** Area Variance to site a modular home within
332 the 15' required setback. The home is currently sited 7.7' away from the property line, whereas
333 15' is required in the AG zoning district.
334

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

336
337 Yes No

338
339 **STATEMENT OF CONDITIONS:**

- 340
341 1. Entry door on east wall is required to be removed and replaced with a window. The stairs
342 must also be removed from the east side of home.
343 2. Applicant and neighbors at the eastern bordering property (6.-1-24.3/Sovereign Rentals,
344 LLC) must decide upon and establish a clear delineation along the property line of each
345 parcel; vegetation screening to be used.
346
347
348

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

351

352 **Motion by:** Mary Stoe

353 **Seconded by:** Susan Tabrizi

354

355 Bruce Barber (alt) – Not Voting

356 Richard Hayes – Aye

357 Mary Stoe – Aye

358 Susan Tabrizi –Aye

359 Roger VandePoel –Aye

360 Jack Young – Aye

361

362

363 Dated: 12 June 2024

364

365

366

367 **Project: Area Variance for construction of Ice Cream window on North side of building-**
368 **Momo’s Cafe**

369

370 **Applicant:** Michelle Zirbel, owner

371

372 **Location:** 1173 Auburn Road, TPN 6.-1-18

373

374 **Project Description:** The applicant is proposing to construct an ice cream window with a roof
375 covering the area 20 feet along the north side of the building and extending 8 feet to the side
376 property line, 0' from the property line, where 15' is required. This project is located in RA
377 zoning which has a 15' minimum side yard setback requirement

378

379 **SEQR:** This project is a Type II Action under the State Environmental Quality Review Act 6
380 NYCRR

381

382 **Anticipated Action:** review of project updates, final decision / conditions

383

384

385

386 **Summary of Discussion:**

- 387 • Michelle Zirbel was present to discuss this project.
- 388 • The applicant discussed the reason for the need of the variance for the side yard setback,
389 agreement between Momo’s and the Fire Department, and Parking
- 390 • The Board Approved the project with conditions

391

392

393

394

395 Variance No: VAR 23-3
396 Zoning District: RA
397 Public Hearing Published on: 06/01/23
398 600' Notices Mailed: 06/01/23
399

400 **AREA VARIANCE FINDINGS AND DECISION**
401 **TOWN OF LANSING ZONING BOARD OF APPEALS**
402

403 **BACKGROUND INFORMATION**
404

405 Applicant:
406 Michelle Zirbel, owner
407 Momo's Café – 1173 Auburn Road
408 Locke, NY 13092
409

410 Property Location: Momo's Café – 1173 Auburn Road
411 Tax Parcel #: 6.-1-18
412

413 Requirement for which Area Variances are requested: Town of Lansing Zoning Law § 270-11
414 Schedule II, Frontage, Yard, Height, and Coverage Requirements for a side yard setback.
415

416 **RESOLUTION AND FINDINGS**
417

418 WHEREAS, Michelle Zirbel, owner of 1173 Auburn RD Tax Parcel No. 6.-1-18 located in the RA
419 Zoning district, has applied for an area variance to construct an ice cream take out window on
420 the North side of the "Momo's Café" building located at 1173 Auburn Road. The applicant is
421 applying for one (1) Area Variance: (1) Relief from Town of Lansing Zoning Law § 270-11 Schedule
422 II: Area, Frontage, Yard, Height, and Coverage Requirements for a side yard (North) setback of 0'
423 where 30' is required; and
424

425 WHEREAS, on 12 June 2024 the Town of Lansing Zoning Board of Appeals (the "ZBA") thoroughly
426 reviewed and analyzed: (i) the information and evidence submitted by the applicant in support
427 of the requested area variance; (ii) all other information and materials properly before the ZBA;
428 and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA;
429 and
430

431 WHEREAS, this application is classified as a Type II Action under 6 NYCRR 617.5 such that no
432 further environmental review is required; so, upon due deliberation upon the foregoing, the
433 application, and all evidence and testimony presented to the ZBA.
434
435
436
437

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

439

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

443

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

446

447 Yes___ No__✓___ Findings:

448

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

451

452 Yes___ No__✓___ Findings:

453

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

455

456 Yes__✓___ No___ Findings: 0’ of north side yard setback where 30’ is required for a
457 Restaurant in RA zoning

458

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

461

462 Yes___ No__✓___ Findings:

463

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

465

466 Yes__✓___ No___ Findings:

467

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

469

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

476 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED:** One (1) Area Variance: (1) Relief from Town of
477 Lansing Zoning Law § 270-11 Schedule II: Area, Frontage, Yard, Height, and Coverage
478 Requirements for a side yard (North) setback of 0’ where 30’ is required.

479

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

481 Yes__ ✓ __ No_____

482

483 **STATEMENT OF CONDITIONS:**

484

485 “Indemnification and Use Agreement” between Lansing Fire District and Momo’s Café/ Michelle
486 Zirbel must be signed and in effect. Application for building permit must be submitted, and
487 conditions of building permit must be met before Certificate of Compliance is issued for the ice
488 cream window.

489

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

492

493 **Motion by:** Susan Tabrizi

494 **Seconded by:** Rick Hayes

495

496 Bruce Barber (alt) – Not Voting

497 Richard Hayes – Aye

498 Mary Stoe – Aye

499 Susan Tabrizi –Aye

500 Roger VandePoel –Aye

501 Jack Young – Aye

502

503

504 Dated: 12 June 2024

505

506

507

508 **Project: Use Variance to construct a Solar Energy Facility off N. Triphammer Road**

509

510 **Applicant:** Mollie Messenger, representing Delawar River Solar

511

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

513

514 **Project Description:** The applicant has applied for a Use Variance to construct a Solar Energy
515 Facility off N. Triphammer Road. This project is located in R2 zoning which does not permit the
516 construction of a Solar Energy Facility

517

518 **SEQR: This project is a Type I action (617.4 (B)(2) and 617.4 (6)(i)) and will require review**

519

520 **Anticipated Action: Further discussion and review**

521

522

523

524

525

526 **Summary of Discussion:**

- 527
- Jack Young Recused himself as Chair and Susan Tabrizi stepped in as Chair
 - Mollie Messenger and Melissa Melko were present to discuss this project.
 - The applicant discussed further the purpose of the project, providing more information to the board regarding roads, open space, flag lot entrance, wetlands, wildlife, glint and glare analysis, noise, and screening.
 - The Board set a Public Hearing date for July 10, 2024
- 530
- 531
- 532
- 533
- 534

535 Susan Tabrizi adjourned the meeting at 9:21 PM

536

537 Minutes taken and executed by Kelly Geiger

538