
1 **Town of Lansing**

2 **Zoning Board of Appeals Meeting**
3 **Wednesday, July 10, 2024 6:30 PM**
4 **Lansing Town Hall, 29 Auburn Rd**

5 **Present**

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

Excused

Mary Stoe

11
12 **Other Staff Present**

13 Kelly Geiger, Planning Clerk
14 Mason Molesso, Planner
15 Judy Drake, Liaison

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17 **Public Present**

18 Roger & Debbie Loring
19 Richard Winter
20 Matt Liponis
21 Heike Michelsen & Larry Zuidema
22 Kirsten Post Eynav
23 Ting-Yen Chi & Yihong Ji
24 Danny Pace
25 Kathleen Blair
26 Brigitta Putnam & John Putnam
27 Otto Roser
28 Jeffrey Lallas
29 Derek Osborne
30 Erin Worsell
31 Peter Eliason
32 Mike & Sarah Tomei
33 David Sayles
34 Theodore Skibinski
35 Betsy Rudolph
36 Dorothy Krizek
37 Richard Krizek
38 Nick Cortese

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41 Chair Jack Young opened the meeting at 6:33pm
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44 **Action Items:**

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47 **Project: Area Variance to construct a new 12' x 28' inground pool**

48 **Applicant:** Derek Osbourne, owner

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Location: 2 Beach Road, TPN 31.-2-4

52 **Project Description:** The applicant is applying for one (1) Area Variance: (1) relief from Town
53 of Lansing Zoning Law § 270-11 Schedule II: Area, Frontage, Yard, Height, and Coverage
54 Requirements for a front yard (east/ Beach Rd) setback of 39' where 60' is required. This project
55 is located in the B1 zoning district.

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SEQR: This project is a Type II action and will not require further review.

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Anticipated Action: Review of project, public hearing, final decision/conditions

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Summary of Discussion:

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- Derek Osborne was present to discuss this project.
- The applicant discussed the reason for the need of the variance, location due to property being wet, and parking of construction vehicles.
- Board Approved the Project

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Motion to Open the Public Hearing for 2 Beach Rd at 6:46 pm.

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

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Motion to Close the Public Hearing for 2 Beach Rd at 6:48 pm.

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Moved by: Susan Tabrizi Seconded by: Roger VandePoel (Motion Carried)

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

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BACKGROUND INFORMATION

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Variance No: 24-11

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Zoning District: B1

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Public Hearing Published on: 06/28/24

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600' Notices Mailed: 06/25/24

86
87

Applicant:

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Derek Osbourne, owner

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2 Beach Road

Lansing, NY 14882

Property Location: 2 Beach Road

Tax Parcel #: 31.-2-4

91 Requirement for which Area Variances are requested: Town of Lansing Zoning Law § 270-11
92 Schedule II, Frontage, Yard, Height, and Coverage Requirements for a front yard (east) setback
93 of 39' whereas 60' is required.

94
95 **RESOLUTION AND FINDINGS**
96

97 WHEREAS, Derek Osbourne, owner of 2 Beach Road Tax Parcel No. 31.-2-4 located in the B1
98 zoning district, has applied for a variance to construct a 12' x 28' inground pool. The applicant is
99 applying for one (1) Area Variance: (1) relief from Town of Lansing Zoning Law § 270-11
100 Schedule II: Area, Frontage, Yard, Height, and Coverage Requirements for a front yard (east/
101 Beach Rd) setback of 39' where 60' is required; and
102

103 WHEREAS, on 10 July 2024 the Town of Lansing Zoning Board of Appeals (the "ZBA") thoroughly
104 reviewed and analyzed: (i) the information and evidence submitted by the applicant in support
105 of the requested area variance; (ii) all other information and materials properly before the ZBA;
106 and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA;
107 and
108

109 WHEREAS, this application is classified as a Type II Action under 6 NYCRR 617.5(C)(12),
110 construction, expansion or placement of minor accessory/appurtenant residential structures,
111 including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes,
112 fences, barns, storage sheds or other buildings not changing land use or density, such that no
113 further environmental review is required; so, upon due deliberation upon the foregoing, the
114 application, and all evidence and testimony presented to the ZBA.
115

116 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
117

118 1. The Town of Lansing Zoning Board of Appeals ("ZBA") hereby makes the following findings with
119 respect to the specific criteria for area variances as set forth in Town Law § 267-b(3)(b), and other
120 applicable provisions of law and of the Zoning Ordinance:
121
122
123

124 **a. Whether an undesirable change will be produced in the character of the neighborhood or a**
125 **detriment to nearby properties will be created by the granting of the area variance?**
126

127 Yes ___ No Findings: In- ground pool – minimal disturbance, which is in the ground.
128

129 **b. Whether the benefit sought by the applicant can be achieved by some method, feasible for**
130 **the applicant to pursue, other than an area variance?**
131

132 Yes ___ No Findings: Oddly shaped lot with wet areas preventing alternate siting.
133
134

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

136

137 Yes No Findings: Approx. 35% variance from what is required = "substantial"

138

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

141

142 Yes No Findings:

143

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

145

146 Yes No Findings: Yes but noted that there weren't many other options to locate
147 elsewhere.

148

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

150

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

157

158 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED:** One (1) Area Variance: (1) relief from Town of
159 Lansing Zoning Law § 270-11 Schedule II: Area, Frontage, Yard, Height, and Coverage
160 Requirements for a front yard (east/ Beach Rd) setback of 39' where 60' is required.

161

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

163

164 Yes No

165

166 **STATEMENT OF CONDITIONS:** Construction vehicle parking, staging, loading/unloading must not
167 obstruct

168 the intersection of RT 34 & Beach Road or interfere with the line of sight when pulling a vehicle
169 through said intersection. All construction vehicles must continuously maintain a 60' setback
170 from the corner intersection of RT 34 & Beach Road during the entire construction period.

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

175

176 **Motion by:** Rick Hayes

177 **Seconded by:** Susan Tabrizi

178

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

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187 Dated: 10 July 2024

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190 **Action Items:**

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193 **Project: Area Variance to construct a 10’ x 14’ shed**

194 **Applicant: Mike Tomei, owner**

195

196 **Location:** 14 Laura Lane, TPN 44.-1-38.29

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198 **Project Description:** The applicant is applying for relief from Town of Lansing Zoning Law §
199 270-11 Schedule II: Area, Frontage, Yard, Height, and Coverage Requirements for (1) a side
200 yard (north) setback of 2’ where 10’ is required and (2) rear yard (east) setback of 2’ where 10’
201 is required. This project is located in the R2 zoning district.

202 SEQR: This project is a Type II action and will not require further review

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204 **Anticipated Action:** Review of project, public hearing, final decision/conditions

205

206 **Summary of Discussion:**

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208 • Mike and Sarah Tomei were present to discuss this project.
209 • The applicant discussed the reason for the need of the variance and the requested location
for placement of the shed

210 • Peter Eliason and Jeff Lallas spoke regarding concerns of placement of the shed

211 • Mike and Sarah Tomei chose to hold off on the vote until the August 2024 meeting to try
212 to work out a plan with the neighbors

213 • The Board voted to hold off on the project determination until the August 2024 meeting

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215 **Motion to Open the Public Hearing for 14 Laura Ln at 6:54 pm.**

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

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218 **Motion to Close the Public Hearing for 2 Beach Rd at 7:21 pm.**

219 Moved by: Bruce Barber Seconded by: Susan Tabrizi (Motion Carried)

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

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

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229 **Location:** 0 N. Triphammer Road; two neighboring lots: 44.-1-1.2 and 44.-1-3.3

230

231 **Project Description:** The applicant has applied for a Use Variance to construct 2 Solar Energy
232 Facilities off N. Triphammer Road. This project is located in R2 zoning which does not permit
233 the construction of a Solar Energy Facility

234

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

236

237 **Anticipated Action:** SEQR review, Public Hearing, determination of “public utility”
238 classification

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241 **Summary of Discussion:**

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- Jack Young Recused himself as Chair and Susan Tabrizi stepped in as Chair
- Matt Liponis and Richard Winter were present to discuss this project.
- Larry Zuidema, Danny Pace, Otto Roser, Nick Cortese, Roger & Debbie Loring, Ting-yen Chi and Yuhong Ji, Jessie Young, Ted Skibinski, Kirsten Post Eynav, and Briggitta Putnam spoke during the public hearing
- The Board did not make a decision and the public hearing was closed, however, the Board extended to the community, the opportunity to send written letters regarding the project, with a deadline of July 17th at 5:00 pm. The Board will continue to discuss the project at the August 2024 meeting

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252 **Motion to Open the Public Hearing for 0 N Triphammer Rd at 7:25 pm.**

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Moved by: Rick Hayes Seconded by: Roger VanDepoel (Motion Carried)

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255 **Motion to Close the Public Hearing for 2 Beach Rd at 8:20 pm.**

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Moved by: Rick Hayes Seconded by: Roger VanDepoel (Motion Carried)

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Susan Tabrizi adjourned the meeting at 8:44 PM

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Minutes taken and executed by Kelly Geiger

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