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1 **Town of Lansing**

2 **Zoning Board of Appeals Meeting**  
3 **Wednesday, November 13, 2024 6:30 PM**  
4 **Lansing Town Hall, 29 Auburn Rd**

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5 **Present**

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

**Excused**

Mary Stoe

11  
12 **Other Staff Present**

13 Kelly Geiger, Planning Clerk  
14 John Zepko, Director of Planning  
15 Guy Krogh, Legal Counsel  
16 Judy Drake, Liaison

17  
18 **Public Present**

19 Usman Chaudhry  
20 Charles Malcomb  
21 Melissa Melko  
22 Mollie Messenger  
23 Valdir Rigdon  
24 Michael Uhrovicik  
25 Michelle Compagni  
26 Stephen Compagni

27  
28 Chair Jack Young opened the meeting at 6:30pm  
29

30 **Action Items:**

31  
32 **Project: Requesting a Use Variance for placement of a pre-existing storage crate where not permitted**

33  
34 **Applicant:** Michael Uhrovicik, property owner

35 **Location:** 191 Drake Road, TPN 37.1-1-27

36 **Project Description:** The applicant has applied for a Use Variance to permit the placement of a  
37 preexisting storage crate in the B2 General Commercial zoning district, which does not permit  
38 the placement of a storage crate

39 **SEQR:** This proposed action is classified as an Unlisted action and will need further review

40 **Anticipated Action:** Review of application, public hearing, SEQR pt 2 review  
41

42 **Summary of Discussion:**

- 43
- 44 • Michael Uhrovicik was present to discuss this project
  - 45 • Board suggested that the applicant speak with the Code Officers to see what, if any options are available to keep the crate on the premises.

46 **Project: Requesting several Area Variances (5 total) for renovations to a single family**  
47 **dwelling unit including associated site/patio work**

48  
49 **Applicant: Craig Modisher, on behalf of property owner Stephen Compagni**

50 **Location: 1166 East Shore Drive, TPN 48.-1-15**

51  
52 **Project Description:** The applicant has applied for five (5) Area Variance's to complete the  
53 construction of a new 125 sqft addition and associated site work. Addition includes the  
54 expansion of an existing bedroom and deck within the existing footprint. The first-floor patio  
55 will be replaced with a new patio, also within the existing footprint. The applicant is seeking the  
56 following relief from §270 Attachment 2 Schedule II Bulk Regulations for 1) nonconforming lot  
57 area of 6969 sq/ft where 20,000 sqft is required, 2) nonconforming road frontage of 50' where  
58 75' is required, 3) nonconforming front yard setback of 27.8' where 30' is required, 4)  
59 nonconforming side yard setback of 6.5' where 10' is required and 5) nonconforming amount of  
60 open space at 66% where 75% is required. This property is located in the L1 Lakeshore zoning  
61 district, with lake frontage

62 **SEQR:** This proposed action is classified as a Type II (617.5 (C)(17)) action and does not  
63 require any further review

64 **Anticipated Action:** Review of application, public hearing

65  
66 **Summary of Discussion:**

- 67 • Craig Modisher and Stephen Compagni were present to discuss this project
- 68 • Existing footprints to remain the same, neighbor concerned about view being blocked by
- 69 closing in the porch
- 70 • Board approved the project.

71  
72  
73 **AREA VARIANCE FINDINGS AND DECISION**  
74 **TOWN OF LANSING ZONING BOARD OF APPEALS**

75  
76 **BACKGROUND INFORMATION**

77 Variance No: 24-14

78 Zoning District: L1 with Lake Frontage

79 Public Hearing Published on: 10/31/24

80 600' Notices Mailed: 10/29/24

81  
82 **Applicant:**

83 Craig Modisher, agent on behalf of S. Compagni

84 1166 E. Shore Drive

85 Lansing, NY 14850

86  
87 **Property Location:** 1166 East Shore Drive

88 **Tax Parcel #:** 48.-1-15

89  
90 **Requirement for which an Area Variance is being requested:** Town of Lansing Zoning Law §  
91 270-11 Schedule II, Frontage, Yard, Height, and Coverage Requirements

92  
93 **RESOLUTION AND FINDINGS**

94  
95 WHEREAS, Craig Modisher, applicant and agent for the owners of 1166 East Shore Drive Tax  
96 Parcel No. 48.-1-15 located in the L1 Zone with Lake Frontage, has applied for five (5) Area  
97 Variance's to complete the construction of a new 125 sqft addition and associated site work.  
98 Addition includes the expansion of an existing bedroom and deck within the existing footprint.  
99 The first-floor patio will be replaced with a new patio, also within the existing footprint. The  
100 applicant is seeking the following relief from §270 Attachment 2 Schedule II Bulk Regulations  
101 for 1) nonconforming lot area of 6969 sq/ft where 20,000 sqft is required, 2) nonconforming road  
102 frontage of 50' where 75' is required, 3) nonconforming front yard setback of 27.8' where 30' is  
103 required, 4) nonconforming side yard setback of 6.5' where 10' is required and 5)  
104 nonconforming amount of open space at 66% where 75% is required; and  
105

106 WHEREAS, on 13 November 2024 the Town of Lansing Zoning Board of Appeals (the "ZBA")  
107 thoroughly reviewed and analyzed: (i) the information and evidence submitted by the applicant  
108 in support of the requested area variance; (ii) all other information and materials properly before  
109 the ZBA; and (iii) the issues and impacts raised for consideration by neighbors, the public, and  
110 the ZBA; and  
111

112 WHEREAS, this application is classified as a Type II Action under 6 NYCRR 617.5(C)(17),  
113 granting of an area variance for a single-family, two-family or three-family residence, such that  
114 no further environmental review is required; so, upon due deliberation upon the foregoing, the  
115 application, and all evidence and testimony presented to the ZBA.  
116

117 NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:  
118

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

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

126 Yes \_\_\_ No  Findings: Changing the footprint to allow for alternative layout would be  
127 more detrimental to the neighborhood  
128

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

132 Yes \_\_\_ No  Findings: One neighbor's view WILL be impacted but larger impact is  
133 minimal  
134

135 **c. Whether the requested area variance is substantial?**  
136

137 Yes \_\_\_ No  Findings: Change is 0%; no change in conditions they are already in  
138 noncompliance with  
139

140 **d. Whether the proposed variance will have an adverse effect or impact on**  
141 **the physical or environmental conditions in the neighborhood or district?**  
142



143 Yes \_\_\_ No \_\_\_ Findings:

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

145

146 Yes  No \_\_\_ Findings:

147

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

149

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

156

157 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED:** five (5) Area Variance’s to  
158 complete the construction of a new 125 sqft addition and associated site work. Addition includes  
159 the expansion of an existing bedroom and deck within the existing footprint. The first-floor patio  
160 will be replaced with a new patio, also within the existing footprint. The applicant is seeking the  
161 following relief from §270 Attachment 2 Schedule II Bulk Regulations for 1) nonconforming lot  
162 area of 6969 sq/ft where 20,000 sqft is required, 2) nonconforming road frontage of 50’ where  
163 75’ is required, 3) nonconforming front yard setback of 27.8’ where 30’ is required, 4)  
164 nonconforming side yard setback of 6.5’ where 10’ is required and 5) nonconforming amount of  
165 open space at 66% where 75% is required.

166

167

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

170

171 Yes \_\_\_ No

172

173

174 **STATEMENT OF CONDITIONS:** None imposed

175

176

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

180

181 **Motion by:** Rick Hayes

182 **Seconded by:** Susan Tabrizi

183

184 Bruce Barber (alt.) – Aye

185 Richard Hayes – Aye

186 Mary Stoe – Absent

187 Susan Tabrizi – Aye

188 Roger VandePoel – Aye

189 Jack Young – Aye

190

191 Dated: 13 November 2024

192 **Project: Requesting a Area Variance for a 12' x 16' shed located in rear (front) yard**

193  
194 **Applicant:** Valdis Rigdon, owner

195 **Location:** 14 Placid Terrace, TPN 40.-3-36.41

196 **Project Description:** The applicant has applied for an Area Variance to locate a 12'x16' shed in  
197 the rear of the house; 45' from the centerline of Triphammer Terrace where 60' is required. The  
198 property is located on a parcel with two front yards, so this will be treated as a front yard setback  
199 despite it being located in the "rear" yard. This property is located in the R1 zoning district

200 **SEQR:** This proposed action is classified as a Type II (617.5 (C)(12)) action and does not  
201 require any further review

202 **Anticipated Action:** Review of application, public hearing

203  
204 **Summary of Discussion:**

- 205 • Valdis Rigdon was present to discuss this project.
- 206 • The Board discussed deed restrictions, setbacks and views and approved the project with  
207 restrictions.

208  
209  
210 **AREA VARIANCE FINDINGS AND DECISION**  
211 **TOWN OF LANSING ZONING BOARD OF APPEALS**

212  
213 **BACKGROUND INFORMATION**

214  
215 Variance No: 24-16

216 Zoning District: R1

217 Public Hearing Published on: 10/31/24

218 600' Notices Mailed: 10/29/24

219  
220 **Applicant:**

221 Valdis Rigdon, owner

222 14 Placid Terrace

223 Lansing, NY 14850

224  
225 **Property Location:** 14 Placid Terrace

226 **Tax Parcel #:** 40.-3-36.41

227  
228 Requirement for which an Area Variance is being requested: Town of Lansing Zoning Law § 270-  
229 11 Schedule II, Frontage, Yard, Height, and Coverage Requirements for a front yard (northwest)  
230 setback of 45' where 60' is required on Triphammer Terrace.

231  
232 **RESOLUTION AND FINDINGS**

233  
234 WHEREAS, Valdis Rigdon, owner of 14 Placid Terrace Tax Parcel No. 40.-3-36.41 located in the  
235 R1 zoning district, has applied for an area variance to construct a 12' x 16' storage shed in the  
236 rear yard of 14 Placid Terrace. Since this lot has double frontage, the "rear yard" is treated as a  
237 front yard and must meet those setback requirements. The applicant is applying for one (1)  
238 Area Variance: (1) relief from Town of Lansing Zoning Law § 270-11 Schedule II: Area, Frontage,

239 Yard, Height, and Coverage Requirements for a front yard (northwest/ Triphammer Terrace)  
240 setback of 45' where 60' is required; and

241  
242 WHEREAS, on 13 November 2024 the Town of Lansing Zoning Board of Appeals (the "ZBA")  
243 thoroughly reviewed and analyzed: (i) the information and evidence submitted by the applicant  
244 in support of the requested area variance; (ii) all other information and materials properly before  
245 the ZBA; and (iii) the issues and impacts raised for consideration by neighbors, the public, and  
246 the ZBA; and

247  
248 WHEREAS, this application is classified as a Type II Action under 6 NYCRR 617.5(C)(17), granting  
249 of an area variance for a single-family, two-family or three-family residence, such that no  
250 further environmental review is required; so, upon due deliberation upon the foregoing, the  
251 application, and all evidence and testimony presented to the ZBA.

252  
253 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

254  
255 1. The Town of Lansing Zoning Board of Appeals ("ZBA") hereby makes the following findings with  
256 respect to the specific criteria for area variances as set forth in Town Law § 267-b(3)(b), and other  
257 applicable provisions of law and of the Zoning Ordinance:

258  
259  
260  
261 **a. Whether an undesirable change will be produced in the character of the neighborhood or a**  
262 **detriment to nearby properties will be created by the granting of the area variance?**

263  
264 Yes  No  Findings: wouldn't be as convenient for applicant. Is feasible but not desirable

265  
266 **b. Whether the benefit sought by the applicant can be achieved by some method, feasible for**  
267 **the applicant to pursue, other than an area variance?**

268  
269 Yes  No  Findings:

270  
271 **c. Whether the requested area variance is substantial?**

272  
273 Yes  No  Findings: 25% reduction in setback from front yard requirement; not very  
274 substantial

275  
276 **d. Whether the proposed variance will have an adverse effect or impact on**  
277 **the physical or environmental conditions in the neighborhood or district?**

278  
279 Yes  No  Findings:

280  
281 **e. Whether the alleged difficulty was self-created?**

282  
283 Yes  No  Findings:

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

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

291  
292 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED:** One (1) Area Variance: (1) relief from Town of  
293 Lansing Zoning Law § 270-11 Schedule II: Area, Frontage, Yard, Height, and Coverage  
294 Requirements for a front yard (northwest/ Triphammer Terrace) setback of 45’ where 60’ is  
295 required.

296

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

298  
299 Yes  No

300  
301 **STATEMENT OF CONDITIONS:**

- 302 1. Shed must be manufactured by “Tuff Shed” as discussed during 11/13 meeting.
- 303 2. West face of shed must be located with-in 10’ of the east edge of existing landscape  
304 garden bed.
- 305 3. Shed must be built on grade and is not to exceed 12’ maximum height at highest point of  
306 gabled roof.
- 307 4. Shed must be located 45’ from centerline of Triphammer Terrace.

308  
309 **THE VOTE ON THE FOREGOING DECISION, DETERMINATIONS, AND RESOLUTION OF THE TOWN**  
310 **OF LANSING ZONING BOARD OF APPEALS WAS AS FOLLOWS:**

311  
312 **Motion by:** Bruce Barber  
313 **Seconded by:** Susan Tabrizi  
314  
315 Bruce Barber (alt) – Aye  
316 Richard Hayes – Aye  
317 Mary Stoe – Absent  
318 Susan Tabrizi –Aye  
319 Roger VandePoel –Aye  
320 Jack Young – Aye

321  
322  
323 Dated: 13 November 2024

324  
325  
326  
327  
328

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

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

332 **Location:** 0 North Triphammer Road, TPN 44.-1-1.2 and 44.-1-3.3

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

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

338

339

340 **Summary of Discussion:**

- 341 • Jack Young Recused himself as Chair and Susan Tabrizi stepped in as Chair
- 342 • Mollie Messenger, Melissa Melko, Usman Chaudhry and Charles Malcomb were present  
343 to discuss this project.
- 344 • Board discussed Commercial entity in Residential area, definition of utility, the necessity  
345 of electricity now vs.future with projects being forced to turn to electricity, public utility  
346 standard, next steps, SEQR deliberations

347

348 Susan Tabrizi adjourned the meeting at 8:25 PM

349

350 Minutes taken and executed by Kelly Geiger