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1 **Town of Lansing**

2 **Zoning Board of Appeals Meeting**  
3 **Wednesday, April 9, 2025 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 Jamie Jones

**Excused**

Mary Stoe

11  
12 **Other Staff Present**

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

16  
17 **Public Present**

18 Lisa H. Schultz  
19 Becky Kirby  
20 Kevin Kirby  
21 Tom Kirby  
22 Nick Jordan  
23 Shelly Uhl-Stark  
24 Lynne Sheldon

25  
26 Jack Young opened the meeting at 6:32pm

27  
28 **Action Items:**

29  
30 **Project: Requesting an Area Variance for an in-home animal care facility**

31  
32 **Project:** Requesting an Area Variance for an in-home animal care facility

33 **Applicant:** Kevin Kirby, owner/operator

34 **Location:** 89 Goodman Road, TPN 20.-1-8.220

35 **Project Description:** The applicant has applied for an Area Variance and is seeking relief from a  
36 150' setback requirement applicable to Animal Care Facilities located in the AG zoning district.

37 **SEQR:** This project is a Type II action

38 **Anticipated Action:** Hold Public Hearing, conditions & approval

39  
40 **Summary of Discussion:**

- 41
- 42 • Kevin Kirby, Lisa Schultz, Shelly Uhl Stark and Lynne Sheldon were present to discuss this project.
  - 43 • Zoning, privacy fencing, placement of fencing, secured gate, shrub screening and
  - 44 maintenance, number of dogs.
  - 45 • The board approved the Variance with conditions

46  
47 **TOWN OF LANSING ZONING BOARD OF APPEALS RESOLUTION**  
48 **APPROVAL OF AREA VARIANCE WITH CONDITIONS**  
49 **BARKSVILLE INN ANIMAL CARE FACILITY**

50  
51 **BACKGROUND INFORMATION**

52  
53 Applicant: Kevin Kirby, owner/operator

Variance No: 25-03

54  
55 Property Location: 89 Goodman Road

Zoning District: AG

56  
57 Tax Parcel #: 20.-1-8.220

Public Hearing Published on: 03/27/25  
600' Notices Mailed: 03/25/25

58  
59  
60 Requirement for which an Area Variance is being requested: Town of Lansing Zoning Law §  
61 270-37.7(C) Zoning Uses – Principal, Accessory and Temporary.

62  
63 **RESOLUTION AND FINDINGS:**

64  
65 **WHEREAS** an application was made by Kevin Kirby, owner/ operator, for an Area Variance  
66 seeking relief for the placement of an Animal Care Facility located within the residence at 89  
67 Goodman Road, and as shown on “Site Plan No. 89 Goodman Road” dated 1/14/2025. This  
68 property is located within the AG zoning district which, per § 270-37.7(C), requires a 150’  
69 setback from any portion of the facility (including fencing and runs) to all property lines; and

70  
71 **WHEREAS** the setbacks for the currently existing facility are as follows: 1) Northern setback is  
72 150’+ requiring no variance, 2) Eastern setback is 5’ from property line whereas 150’ is required  
73 (145’ variance), 3) Southern setback is 55’ from property line whereas 150’ is required (95’  
74 variance), and 4) Western setback is 50’ from property line whereas 150’ is required (100’  
75 variance); and

76  
77 **WHEREAS** this project is exempt from General Municipal Law § 239 per the 24 November 2003  
78 Inter-governmental Agreement; and

79  
80 **WHEREAS** this project has been classified as a Type II action under SEQRA, and therefore will  
81 not require any further environmental review; and

82  
83 **WHEREAS** legal notice was published on 27 March 2025 and adjacent property owners within  
84 600 linear feet were notified by mail on the same date; and

85  
86 **WHEREAS** pursuant to Town Code § 270-27(F), a public hearing was duly held before the  
87 Zoning Board of Appeals upon 9 April 2025. The public was duly allowed to speak upon and  
88 address the proposed Area Variance; and

89  
90 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

- 91  
92 1. The Town of Lansing Zoning Board of Appeals (“ZBA”) hereby makes the following findings  
93 with respect to the specific criteria for area variances as set forth in Town Law § 267-b(3)(b),  
94 and other applicable provisions of law and of the Zoning Ordinance:

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

97  
98 Yes  No  Findings: Minor  
99

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

102  
103 Yes  No  Findings:  
104

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

106  
107 Yes  No  Findings:  
108

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

111  
112 Yes  No  Findings:  
113

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

115  
116 Yes  No  Findings:  
117

118 **DETERMINATION BASED ON THE ABOVE FACTORS:**  
119

120 It is hereby determined by the Town of Lansing Zoning Board of Appeals (the "ZBA") that the  
121 following area variances are **GRANTED** with any conditions hereafter stated (if any), it being  
122 further found and determined that (i) the benefit to the applicant outweighs any potential  
123 negative impacts or detriment to the neighborhood or community; and (ii) such area variance is  
124 the minimum necessary as adequate to grant relief and, at the same time, preserve and protect the  
125 character of the neighborhood and the safety and welfare of the community.  
126

127 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED:**  
128

129 Area Variance seeking relief for the placement of an Animal Care Facility located within the  
130 residence at 89 Goodman Road. The setbacks for the currently existing facility are as follows: 1)  
131 Northern setback is 150'+ requiring no variance, 2) Eastern setback is 5' from property line  
132 whereas 150' is required (145' variance), 3) Southern setback is 55' from property line whereas  
133 150' is required (95' variance), and 4) Western setback is 50' from property line whereas 150' is  
134 required (100' variance)  
135

136 **ARE CONDITIONS IMPOSED WITH RESPECT TO THE AREA VARIANCES AS**  
137 **GRANTED?**  
138

139 Yes  No   
140  
141  
142  
143

144 **STATEMENT OF CONDITIONS:**  
145

- 146 1. Applicant shall square up fence (from the southeast corner of house to the southeast corner  
147 of fencing) to eliminate “jog” and create a larger area for buffer plantings between eastern  
148 fence line and eastern property line.  
149
- 150 2. Entire perimeter fencing shall be upgraded to include a prevention measure which will  
151 prevent dogs from digging under and escaping from beneath the fencing.  
152
- 153 3. The Eastern section of fencing shall be replaced with solid fencing that has zero  
154 transparency to minimize visual exposure between facility dogs and neighboring dogs.  
155
- 156 4. Shrub screening shall be installed along the eastern property line, between fencing and  
157 property line, to provide additional visual and audio buffering.  
158
- 159 a. Shrub screening shall be no less than a height of 5 feet at time of installation.  
160 b. Shrub screening shall be adequately maintained and cared for.  
161
- 162 5. Facility is limited to no more than 6 dogs at any given time, including dogs registered to  
163 the owner as his own, Effective upon issuance of this variance.  
164
- 165 6. Access gate along eastern fence line shall remain closed and always locked as to prevent  
166 the escape of dogs onto neighboring properties.  
167
- 168 7. This project shall be reviewed by, and receive Site Plan Approval from, the Town of  
169 Lansing Planning Board.  
170
- 171 a. Applicants shall make all necessary upgrades to fencing and installation of  
172 screening, in addition to any applicable Planning Board conditions of approval,  
173 within 60 days from dated resolution approving the Site Plan.  
174

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

179 Dated: 9 April 2025  
180

181 Motioned by: Richard Hayes

182 Seconded by: Roger VandePoel  
183

184 **VOTE AS FOLLOWS:**  
185

186 Richard Hayes – Aye

187 Jamie Jones (Alt.) – Aye

188 Mary Stoe – Absent

189 Susan Tabrizi – Aye

190 Roger VandePoel – Aye

191 Jack Young – Aye  
192  
193  
194  
195  
196  
197

198 **Action Items:**

199

200 **Project: Requesting an Area Variance for construction of a 24' x 40' pole barn garage**

201

202 **Project:** Requesting an Area Variance for the construction of a 24' x 40' pole barn garage

203 **Applicant:** Nick Jordan, property owner

204 **Location:** 394 Van Ostrand Road, TPN 29-1-17

205 **Project Description:** The applicant has applied for an Area Variance to construct a 24' x 40'  
206 (approx. 960 sq/ft) pole barn and needs relief from Town of Lansing Zoning Law § 270-11,  
207 Schedule II: Area, Frontage, Yard, Height, and Coverage Requirements for a 1) southern side  
208 yard setback of 4' where 15' is required and for a 2) western rear setback of 4' where 25' is  
209 required.

210 **SEQR:** This project is a Type II action

211 **Anticipated Action:** Hold Public Hearing, conditions & approval

212

213 **Summary of Discussion:**

- 214 • Nick Jordan was present to discuss this project
- 215 • Removal of shed, placement of pole barn, trees and shrubs, neighbors input
- 216 • Board approved the Variance

217

218 **TOWN OF LANSING ZONING BOARD OF APPEALS RESOLUTION**  
 219 **APPROVAL OF AREA VARIANCE**  
 220 **POLE BARN LOCATED AT 394 VAN OSTRAND ROAD**

221

222 **BACKGROUND INFORMATION**

223

224 Applicant: Nick Jordan, owner

Variance No: 25-04

225

226 Property Location: 394 Van Ostrand Road

Zoning District: AG

227

228 Tax Parcel #: 29.-1-17

Public Hearing Published on: 03/29/25  
600' Notices Mailed: 03/28/25

229

230

231 Requirement for which an Area Variance is being requested: Town of Lansing Zoning Law §  
232 270-27 Attachment 7 Area, Frontage, Bulk Regulations, Heights and Setback Requirements for  
233 AG Zoning District.

234

235 **RESOLUTION AND FINDINGS:**

236

237 **WHEREAS** an application was made by Nick Jordan, property owner, for an Area Variance  
238 seeking relief for the placement of a 24' x 40' pole barn style garage building located on land at  
239 394 Van Ostrand Road.

240

241 **WHEREAS** the required setbacks for this property are: 1) a front (east) yard setback of 60' which  
242 can be met, 2) a side (north) yard setback of 15' which can be met, 3) a rear (west) yard setback  
243 of 25' whereas the applicant is requesting 4', and 4) a side (south) yard setback of 15' whereas the  
244 applicant is requesting 8'; and

245

246 **WHEREAS** this project is exempt from General Municipal Law § 239 per the 24 November 2003  
247 Inter-governmental Agreement; and

248  
249 **WHEREAS** this project has been classified as a Type II action under SEQRA, and therefore will  
250 not require any further environmental review; and

251  
252 **WHEREAS** legal notice was published on 29 March 2025 and adjacent property owners within  
253 600 linear feet were notified by mail the same date; and

254  
255 **WHEREAS** pursuant to Town Code § 270-27(F) a public hearing was duly held before the Zoning  
256 Board of Appeals upon 9 April 2025. The public was duly allowed to speak upon and address the  
257 proposed Area Variance; and

258  
259 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

260  
261 2. The Town of Lansing Zoning Board of Appeals (“ZBA”) hereby makes the following findings  
262 with respect to the specific criteria for area variances as set forth in Town Law § 267-b(3)(b),  
263 and other applicable provisions of law and of the Zoning Ordinance:

264  
265 **a. Whether an undesirable change will be produced in the character of the neighborhood**  
266 **or a detriment to nearby properties will be created by the granting of the area variance?**

267  
268 Yes \_\_\_ No  Findings:

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

271  
272 Yes \_\_\_ No  Findings:

273  
274 **c. Whether the requested area variance is substantial?**

275  
276 Yes  No \_\_\_ Findings:

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

280  
281 Yes \_\_\_ No  Findings:

282  
283 **e. Whether the alleged difficulty was self-created?**

284  
285 Yes \_\_\_ No  Findings:

286  
287 **DETERMINATION BASED ON THE ABOVE FACTORS:**

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

295 **DESCRIPTION OF SPECIFIC VARIANCES GRANTED:**

296  
297 Area Variance seeking relief for the placement of a 24' x 40' pole barn style garage building  
298 located on land at 394 Van Ostrand Road. the required setbacks for this property are: 1) a front  
299 (east) yard setback of 60' which can be met, 2) a side (north) yard setback of 15' which can be  
300 met, 3) a rear (west) yard setback of 25' whereas the applicant is requesting 4', and 4) a side (south)  
301 yard setback of 15' whereas the applicant is requesting 8'.  
302

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

305  
306 Yes \_\_\_ No

307  
308 **STATEMENT OF CONDITIONS: N/A**

309  
310  
311  
312 **THE VOTE ON THE FOREGOING DECISION, DETERMINATIONS, AND**  
313 **RESOLUTION OF THE TOWN OF LANSING ZONING BOARD OF APPEALS WAS AS**  
314 **FOLLOWS:**

315  
316 Dated: 9 April 2025

317  
318 Motioned by: Susan Tabrizi  
319 Seconded by: Richard Hayes

320  
321 **VOTE AS FOLLOWS:**

322  
323 Richard Hayes – Aye  
324 Jamie Jones (Alt.) – Aye  
325 Mary Stoe – Absent  
326 Susan Tabrizi – Aye  
327 Roger VandePoel – Aye  
328 Jack Young – Aye

329  
330 Jack Young adjourned the meeting at 7:53 PM

331  
332 Minutes taken and executed by Kelly Geiger