



**Town of Lansing Zoning Board of Appeals  
Application for Variance**

Application Fee \$175.00

Application Date 05/09/2022

**Property for which Variance is being requested**

Tax Parcel No. 31.-2-4 Street Address 2 Beach Road

**Applicant's Name and Address**

Erin Worsell  
Derek Osborne

Phone \_\_\_\_\_  
Cell (607) 351-2753  
Email erin\_worsell@yahoo.com

**Zoning District (check one)**

R1   
R2   
R3

(If Applicant different from owner, notarized written permission of owner must be attached hereto.)

**Owner's Name and Address (if different)**

Same  
Phone \_\_\_\_\_  
Cell \_\_\_\_\_  
Email \_\_\_\_\_

B1   
B2   
L1   
RA   
IR

*(Business)*

**Application for (check applicable item)**

- A. Interpretation of Zoning Ordinance or Map
- B. Area Variance
- C. Use Variance
- D. Appeal of decision of Code Enforcement Officer

**Request relates to provisions of (check applicable item)**

- A. Town of Lansing Land use Ordinance, Section \_\_\_\_\_
- B. Town of Lansing Subdivision Regulations, Section 611.1
- C. Other (Identity) \_\_\_\_\_

**Purpose of Request: (attach additional information if necessary)**

We are requesting a variance to the standard 6' fence height rule so we can have constructed a  
8' fence along the south end of our property along Ridge Road (State Route 34). The fence would run parallel  
to Ridge Road and then turn in on each end for a short distance up to two large trees we have on the  
property. Please refer to attached drawing.

**Justification of Request: (attach additional information if necessary)**

Please see attached.

Erin Worsell  
Derek Osborne  
2 Beach Road  
Lansing, NY 14882

RE: Justification of Request

We are seeking a variance in order to have constructed an 8' fence on the south end of our property running parallel to Ridge Road (State Route 34). The proposed fence will turn in on each end and will extend north up to two large trees we have on each side of our property. All specifications and a drawing are included from the Whitmore Fence Co. of whom we would like to use for the project.

We purchased 2 Beach Road and moved into the property in December 2017. At the time, the property was in a grave state of disrepair and was the eyesore of the neighborhood. Over the past four years we have worked tirelessly to improve the property through extensive renovations. For all the improvements we have made, one thing we cannot remedy is the property's location along Ridge Road (State Route 34). The Ridge Road side of our property has resulted in many problems for us that have made it difficult to enjoy our property.

We have made multiple attempts (at a great expense) to plant and grow a row of trees along Ridge Road as a natural way to remedy our issues. Despite our attempts, everything we plant quickly dies. We have researched trees known to handle heavy road salt, but none seem to work despite wrapping them in the winter. The hope was that the trees would grow 20-30' and provide us with a sense of privacy in order to better enjoy our property. This remedy was probably ill-advised anyhow as our septic system is in the same area.

The biggest issue with Ridge Road is that it is an extremely busy highway with a great deal of motor vehicle traffic resulting in a lack of peace and privacy. The G Plus, which is directly across from us on Ridge Road, is a great business with a friendly owner. However, cars pulling out of the parking lot at nighttime results in their headlights pointing at our property and the lights shining directly through our windows and into our home. There is also a great deal of heavy truck traffic, much of it consisting of salt trucks going to and from Cargill just a short distance from our home. Most often, we need to keep our windows covered because people in these vehicles can look right into our home. To make matters worse, any time we are out on the south side of the property performing lawn care, male passerby's continually honk their horns, whistle, or cat call at Erin.

Next door to the G Plus, at 47 Ridge Road, there is a tenant house that has been a constant issue in the neighborhood. Last year, multiple people residing in the property parked abandoned vehicles on the property and used them to create constant noise and commotion by revving the engines. This year, there is a tenant who constantly comes outside and screams at the top of her lungs for no apparent reason. This has gone on every day, every 30-60 minutes or so, for multiple months now. When we pull into our driveway, or a guest stops by, she comes out screaming while extending her middle finger towards us. She also violently breaks items over her porch railing and throws items from the porch onto the front yard. The same behavior has been exhibited towards our 13-year-old daughter causing her to be fearful. The outside of the front of this house is now completely covered in graffiti.

We simply hope to screen out from our view the issues we are experiencing along Ridge Road. We have referenced 6' and 8' intervals using painters' tape on the utility pole between our house and Ridge Road and have determined that only an 8' fence will help with the issues we are experiencing. We have installed fencing in other areas of our property, and this is the only section we are requesting to have at 8'. If approved, we plan to build raised garden beds behind it.

A variance would be greatly appreciated.

Erin Worsell  
Derek Osborne





**fence installation**

erin\_worsell@ya.../Inbox



**mmoseley** <mmoseley@lansingtown.com>  
To: erin\_worsell@yahoo.com <erin\_worsell@yahoo.com>

May 6 at 2:35 PM

Hi Erin,

I am just following up on your question regarding the installation of a fence on your property.

I recall in July of 2020 the former Highway Superintendent, Charlie Purcell, and myself coming out to walk the road frontage of your property. Once we completed the evaluation, we determined that there would be no issue to the line of site in regards to the intersection of Beach & Ridge Road. (with the installation of the fence)

It is my understanding that the N.Y.S D.O.T right of way is 36 feet from the center of the road. As long as the fence is out of the state right of way, I do not see an issue with the installation of the fence, from the Highway Departments perspective.

Thank you,

**Michael D. Moseley**

Highway Superintendent  
P: (607) 533-4328 F: (607) 533-4089  
[lansinghwy@lansingtown.com](mailto:lansinghwy@lansingtown.com)



Town of Lansing  
Highway Department  
10 Town Barn Rd.  
Lansing, NY 14882  
M-F 6:00am-2:00pm

**1 File** | 6.9kB



image001.jpg  
7kB

May 10, 2022

To whom it may concern,

I worked at a garden center called Bakers' Acres and we specialized in perennials, ground covers, shrubs and herbs. Erin Worsell came to us about 4 years ago and expressed her concern for an area in front of her home that was along a main highway.

She was looking for an evergreen shrub or tree that would get at least 8 ft. high and act as a hedge to block highway noise and provide privacy. She had already tried a shrub variety that seemed to fit the bill but had died with 2 attempts. I made a site visit and determined that due to the location there was a lot of salt spray and that was most likely the cause of the demise of her shrubs.

Erin did some extensive research and come up with a new variety that was considered salt tolerant. She went ahead and ordered them and installed them. The first winter, there were a couple of casualties and we replaced them assuming it was a problem with the individual plant. The shrubs did seem to do alright for a few years but did not really grow much and were not really thriving. This past winter was a difficult winter with the warm and cold spells and the shrubs seem to all be dead this spring.

I feel that the soil must be contaminated with a lot of salt and that makes it difficult for plants to grow even if they are salt tolerant. I really do not have any other suggestions that fit her criteria.

Thanks,

Reenie Sandsted

MapDraw

File Settings Customer Information About Troubleshoot Screen

New Project Save Load Capture Image Undo New Start Point Job Description Help

Map Satellite

37' 83' 33'

34B

Ridge Rd

Beach Rd

Beach Rd

Beach Rd

Segment Type	Distance
Fence	37
Fence	83
Fence	33

Segment Control

Segment Type

Distance

Start

End

Split Segment

Google Keyboard shortcuts | Map data ©2022 Imagery ©2022 New York GIS | Terms of Use | Report a map error

MapDraw 42.5391431, -76.5111794

Estimate

Total Distance: 153 Total Gates: 0





# Whitmore Fence Company



Aug 5, 2021 · 

## Delaware Sandwich Privacy Fence

















# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

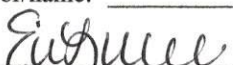
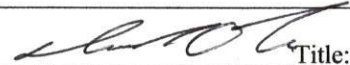
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Erin Worsell & Derek Osborne			
Name of Action or Project: Fence Project (variance request for an 8' fence on south side of property along NYS Route 34)			
Project Location (describe, and attach a location map): See property map with location of fencing shown			
Brief Description of Proposed Action: We are seeking a variance to the 6' fencing height limit in order to construct an 8' fence on the north end of the property along SR34. If approved, the fence will be installed by Whitmore Fence Co.			
Name of Applicant or Sponsor: Erin Worsell & Derek Osborne		Telephone: (607) 351-2753 E-Mail: erin_worsell@yahoo.com	
Address: 2 Beach Road			
City/PO: Lansing		State: NY	Zip Code: 14882
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		92.1 x 260 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		92.1 x 260 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: Not Applicable _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor/name: <u>Erin Worsell &amp; Derek Osborne</u> Date: <u>06/06/22</u> Signature: <u>x  x </u> Title: _____		

**PRINT FORM**



8' FENCE