
Town of Lansing

Tuesday, October 21, 2014 7:00 PM, Zoning Board of Appeals Meeting

ZONING BOARD OF APPEALS MEMBERS

(*Denotes present)

- | | |
|---|--------------------------|
| * Gregg Travis, Chairman | |
| * Linda Hirvonen | * Dan Konowalow |
| Henry (Hurf) Sheldon | * Donna Scott, Alternate |
| * Judy Drake | |
| * Ruth Hopkins, Town Board Liaison | |
| Lorraine Moynihan Schmitt, ZBA Attorney | |
| * Lynn Day, Zoning Officer | |

PUBLIC PRESENT

Vicki Westfall
Stephen Givin

GENERAL BUSINESS

Chairman Gregg Travis called The Town of Lansing Zoning Board of Appeals Meeting to order at 7:04 PM.

Chairman Travis acknowledged the Legal Notice was duly published in The Ithaca Journal as required.

Public Hearing – Area Variance, Applicant: Vicki Westfall, 25 Beach Road, Tax Parcel # 31.-3-2

Daniel Konowalow moved to open the Public Hearing at 7:05 PM. Linda Hirvonen seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) Judy Drake, Member
Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member
Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member
Vote of Zoning Board . . . (Aye) Donna Scott, Alternate
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

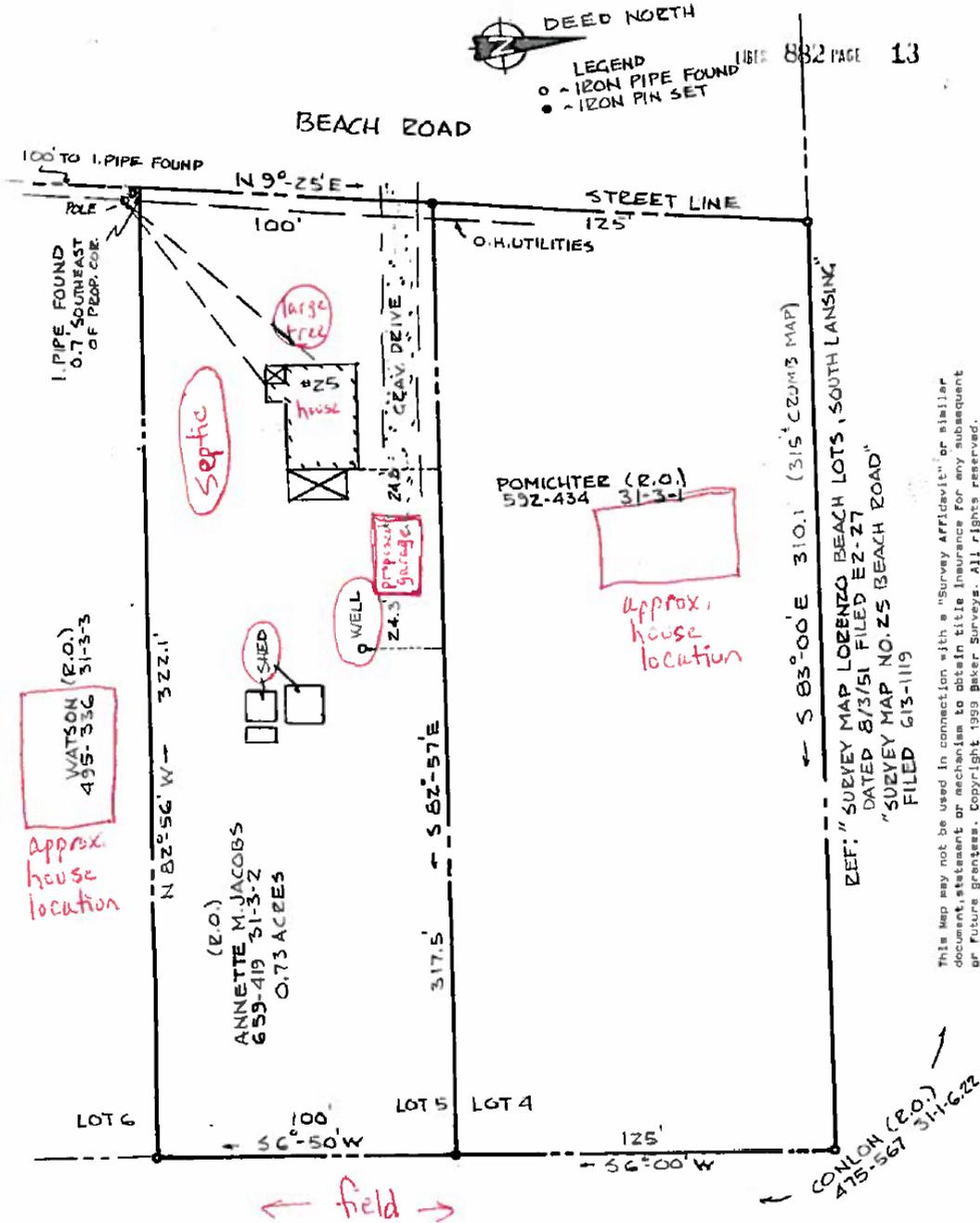
Ms. Westfall and her Contractor appeared before the Board requesting an Area Variance to build a detached Garage on her property. Due to the location of her septic, well and a very large tree, Ms. Westfall feels there is no other feasible

APPROVE

location to erect the garage and is requesting to build the structure as close as 7' from her side lot line rather than the required 15'. Ms. Westfall states she does not believe this will impact the neighborhood or change the character of the neighborhood. Most of the lots in the neighborhood were subdivided years ago and are narrow lots.

Ms. Westfall offered the following Sketch;

APPROVE



This map may not be used in connection with a "Survey Affidavit" or similar document, statement or mechanism to obtain title insurance for any subsequent or future grantees. Copyright 1999 Baker Surveys. All rights reserved.

Survey Map of 25 Beach Road-Town of Lansing-Tompkins County

New York

NOTE: ANY REVISIONS TO THIS MAP MUST COMPLY WITH SECTION 2109, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.			
DATE SURVEYED: 7/18/00	DRAWN BY: KB	SCALE: 1" = 40'	JOB NO.: 2373
I hereby certify to Elmira Savings and Loan, F.A., ISADA; State of New York Mortgage Agency; Ticor Title Insurance Company; Thaler & Thaler; Bixler & Stumber, LLP; M. Annette Jacobs; and Vicki L. Westfall that I am a licensed land surveyor, New York State License No. 049415, and that this map correctly delineates an actual survey on the ground made by me or under my direct supervision, that it was prepared in accordance with the current code of practice for land title surveys adopted by the New York State Association of Professional Land Surveyors; and that I found no visible encroachments either way across property lines except as shown hereon.			
SIGNED: <i>Kenneth A. Baker</i>		DATED: 7/18/00	
KENNETH A. BAKER PROFESSIONAL LAND SURVEYOR			

APPROVE

Donna Scott inquired if the garage could be placed more in the front of the yard?

Vicki Westfall states there is a very large tree (40' high) that would have to be removed. In addition, the front setbacks would not be met.

Dan Konowalow inquired if the garage could be constructed near the corner of the house?

Vicki Westfall states there is a costly established flower bed there that she would like to keep.

Gregg Travis inquired if the garage would have eaves.

Stephen Givin states none. Mr. Givin states it would be nice to have some.

According to the Map presented, the Zoning Officer suggested moving the garage to the south by about 3' or 4' and then the structure would be able to have an eave on it.

Donna Scott made a motion to close the Public Hearing at 7:47 PM. Daniel Konowalow seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) Judy Drake, Member
Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member
Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member
Vote of Zoning Board . . . (Aye) Donna Scott, Alternate
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

Further Member Discussion

Donna Scott brought to the Board's attention a letter from the Lansing Fire Chief expressing no objection to the Variance. In addition, a neighbor (Ken Pomichter) has no objection to the Applicant's request.

Gregg Travis states in looking at the other lots and where structures are placed on them, it looks like they are away from the side lines.

The Zoning Board reviewed the following criteria:

APPROVE

FINDINGS:

1. Whether undesirable change would be produce in character of neighborhood or a detriment to nearby properties:

No.

2. Whether benefit sought by Applicant can be achieved by a feasible alternative to the Variance:

Condition for further setback is recommended.

3. Whether the requested Variance is substantial, and reason why:

Yes, but reasonable for site conditions.

4. Would the Variance have an adverse impact on the physical or environmental conditions in the neighborhood, and reason why:

No.

5. State whether the alleged difficult was self created and reason why:

Yes, but it is a narrow lot compared to current lot size requirements.

The ZBA after taking into consideration the above five factors, finds that: The Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community. The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or Community for the reasons following:

Judy Drake made a motion to approve the Area Variance request with the following condition(s)

1. The Garage structure (to include the roof overhang) may be no less than 10 feet from the property line.
2. The decision shall be filed as a Miscellaneous Record in the Tompkins County Clerk's Office with a deed notation linking the Area Variance Decision with the Applicant's deed. The responsibility for the filing fees shall be borne by the Applicant, and proof of filing shall be provided by the Applicant to the Zoning Board of Appeals Clerk. No Building Permits may be issued until such proof of filing has been effected.

APPROVE

3. There shall be an approval sunset expiration, one (1) year from the date of the Decision, if construction of the Applicant's proposed garage structure has not yet commenced. A one year extension of the sunset expiration shall be permitted, if applied for prior to the expiration of one year from the date of the decision. If no construction or request for an extension is commenced within one year, the Applicants shall be required to submit a new Area Variance Appeal request to the ZBA for full review.

Linda Hirvonen seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) Judy Drake, Member
Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member
Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member
Vote of Zoning Board . . . (Aye) Henry Sheldon, Member
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

Approval/Denial of July 15, 2014 Minutes

Judy Drake made a motion to approve the Minutes as submitted. Linda Hirvonen seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) Judy Drake, Member
Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member
Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member
Vote of Zoning Board . . . (Aye) Donna Scott, Alternate
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

Town Board Liaison's Updates

Ruth Hopkins offered the following comments on the specific topics;

Land Use Ordinance

At the last Town Board Meeting a Public Hearing was set for proposed changes to the Land Use Ordinance. To date a copy of the mark ups have not been provided

Planner-Consultant

A Planning Consultant (Michael Long) has been hired to work up to 30 hours per week for Town. Mr. Long is very knowledgeable and his experience is tremendously helpful. Mr. Long is responsible to report to the Town Board.

Water-Sewer Committee

The Town now has a Water-Sewer Infrastructure Committee. Dan Adinolfi will be the Chairman for the Committee. They are charged with reviewing Applications for back lot water extensions. This will be a useful Committee for the Town.

APPROVE

The Girl's School

Some Guests came to the Town Board to present operating cost to moth ball and heat the building without having someone occupy it. The Town can request an extension of time in order to consider how best to position themselves for that kind of a sale. There is a benefit to getting the 90 day extension. The Town can then talk to folks who may be interested.

Town Emergency Preparedness Committee

This Committee will prepare a Plan for the Town. The Committee will work with the Schools, Fire Department and the Animal Shelter.

Daniel Konowalow made a motion to adjourn the Meeting at 7:58 PM. Linda Hirvonen seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) Judy Drake, Member
Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member
Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member
Vote of Zoning Board . . . (Aye) Donna Scott, Alternate
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair