
Town of Lansing

Tuesday, December 16, 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

Cliff Noel
Cynthia Riggan
John DeRouchey

GENERAL BUSINESS

Chairman Gregg Travis called The Town of Lansing Zoning Board of Appeals Meeting to order at 7:00 PM.

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

Public Hearing - Area Variance, Applicant: John DeRouchey, Agent for Cliff Noel, 932 Auburn Road, Tax Map # 18.-1-13

Donna Scott moved to open the Public Hearing at 7:00 PM. Judy Drake 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) Daniel Konowalow, Member
Vote of Zoning Board . . . (Aye) Donna Scott, Alternate
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

John DeRouchey, Agent for Owner Cliff Noel appeared before the Board requesting an Area Variance to erect a 14.3KW Ground Mount Solar Array on the southern boundary of Mr. Noel's property within the required zoning setback.

DRAFT

The side setback for the RA (Rural Agricultural) District is 15', whereas Mr. Noel is requesting a 5'. Due to the shading from other trees, the southern location is best. The north side of the house has several trees that would be required to cut down. The Array will be 71' long by 13' wide.

The following Sketch was presented;



Lynn Day, Zoning Officer inquired about the piece of property on the side of the Array that looks like something has been planted on it.

Cliff Noel states it's a 1/2 acre piece of property that he has leased for 30 years from the owner, Don Howser.

Daniel Konowalow states if there were no obstructions, a northern exposure would be the best. Mr. Konowalow states from looking at the photos presented, there are trees that will eventually block the Array.

DRAFT

Gregg Travis inquired as to where the geo thermal is located.

Cliff Noel states they are located 6' below ground on the leased land.

Due to Mr. Howser participating in the County's Purchase of Development Rights Program, Mr. Noel is unable to purchase the land.

Daniel Konowalow made a motion to close the Public Hearing at 7:20PM. Judy Drake 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) Daniel Konowalow, Member
Vote of Zoning Board . . . (Aye) Donna Scott, Alternate
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

Further Member Discussion

Donna Scott stated the fact that the land to the south is being leased to this family for 30 years adds another huge aspect to this request that the Board normally does not run into.

Judy Drake agreed that it did change things.

Dan Konowalow felt there is a better solution to place the array, which would be the north side of the property.

The Zoning Board reviewed the following criteria:

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: Yes, there is another site available on current owned land for the array.

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

Yes, there would be only 5' from southern property line. Applicant has lease rights to nearly 1/2 acre south of his property line.

DRAFT

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

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. Even though the Array is very close to the property line, the Applicant has leased rights to the adjacent property for at least 27 years. The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or Community for the reasons following:

Daniel Konowalow made a motion to approve the Area Variance request with the following condition(s)

1. 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.
2. There shall be an approval sunset expiration, one (1) year from the date of the Decision, if construction of the Applicant's proposed Ground Mounted Solar Array 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.

Judy Drake 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) Daniel Konowalow, Member
Vote of Zoning Board . . . (Aye) Donna Scott, Alternate

DRAFT

Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

The Zoning Board reviewed Part I of the Short Environmental Assessment Form completed by the Applicant, and completed Part II by the Zoning Board Members. No significant adverse environmental impacts or effects were identified in Part II by the Zoning Board Members.

Daniel Konowalow made a motion to declare a negative declaration. Donna Scott 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) Daniel Konowalow, Member**
- Vote of Zoning Board . . . (Aye) Donna Scott, Alternate**
- Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

Approval/Denial of October 21, 2014 Minutes

Daniel Konowalow made a motion to approve the Minutes as submitted. Judy Drake 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) Daniel Konowalow, Member**
- Vote of Zoning Board . . . (Aye) Donna Scott, Alternate**
- Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

Daniel Konowalow made a motion to adjourn the Meeting at 7:45PM. Judy Drake 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) Daniel Konowalow, Member**
- Vote of Zoning Board . . . (Aye) Donna Scott, Alternate**
- Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**