
Town of Lansing

Monday, April 12, 2016 7:00 PM, Zoning Board of Appeals Meeting

ZONING BOARD OF APPEALS MEMBERS

(*Denotes present)

- | | |
|----------------------------------|-----------------|
| * Linda Hirvonen | * Dan Konowalow |
| * Henry (Hurf) Sheldon, Chairman | * Judy Drake |
| * Maureen Cowen | |
| * Dean Shea, Alternate | |

Other Staff

- * Mike Long, Planning Consultant
- * Lynn Day, Zoning Officer
- * Robert Cree, TB Liaison

PUBLIC PRESENT

Dennis Rattay

GENERAL BUSINESS

Chairperson, Henry (Hurf) Sheldon called The Town of Lansing Zoning Board of Appeals Meeting to order at 7:02 PM.

Public Hearing-Area (Signage) Variance Signage, Applicant: Dennis Rattay, Agent for: ALL BRITE SIGN & SERVICE, 1989 East Shore Drive-Dollar General, P/O Tax # 37.1-2-53.21, requesting additional Sq. Footage to Wall Mount and Freestanding Sign, additional Height to Road Side Sign

Mike Long, Planning Consultant gave the Board a brief overview of the proposed Dollar General Commercial Store and the Planning Board's comments/conditions on the Site Approval as follows;

The Planning Board Resolution contained approval for the general location of the Signs as long as they were in compliance with the current Sign Ordinance unless granted a variance by the ZBA for a different size / height than currently allowed.

APPROVED

Judy Drake moved to open the Public Hearing at 7:08 PM. Daniel Konowalow seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) Maureen Cowen, Member
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 (Hurf) Sheldon, Chair

Public/Member Comments/Concerns

Dennis Rattay, Agent for All Brite Signs states All Brite is requesting the following Area Variance;

1. The Building Sign is proposed for 26 foot by 3.75 foot or 97.5 square feet and the maximum permitted area is 48 square feet.
2. Free standing sign - proposed 10 feet ½ inch by 5 feet ½ inch or 50.63 square foot sign each side (48 square feet maximum permitted).
3. Free standing sign Height - proposed a 20 foot mounting height. Maximum permitted height in the Town of Lansing is 15 foot overall height.

The Tompkins County Planning Department offered the following 239 formal recommendation;

APPROVED

Tompkins County
DEPARTMENT OF PLANNING

121 East Court Street
Ithaca, New York 14850

Edward C. Marx, AICP
Commissioner of Planning

Telephone (607) 274-5560
Fax (607) 274-5578

March 8, 2016

Ms. Rachel Jacobsen, Zoning Clerk
Town of Lansing
Box 186
Lansing, NY 14882

Re: Review Pursuant to §239 -1, -m and -n of the New York State General Municipal Law
Action: Sign Variance for the proposed Dollar General at East Shore and Cayuga Vista Drives,
Town of Lansing Tax Parcel #37.01-2-53.21, Finger Lakes Tire and Auto Service, Owner;
Primax Properties, Applicant; Bohler Engineering, Agent.

Dear Ms. Jacobsen:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -1 and -m of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it may have negative inter-community, or county-wide impacts as described below. We recommend modification of the proposal. If the Board does not incorporate the recommendations, such approval will require a vote of a supermajority (meaning a majority plus one) of all members of the decision-making body.

Recommended Modifications

- Given the proposal's prominent location on the Cayuga Lake Scenic Byway, we recommend the road sign height variance be denied to ensure the character of the corridor is maintained.

Please inform us of your decision so that we can make it part of the record.

Sincerely,



Edward C. Marx, AICP
Commissioner of Planning

Cc: Eric Buck, Resident Engineer, NYSDOT Region 3

Inclusion through Diversity

Linda Hirvonen inquired as to why that height is being requested.

Dennis Rattay states the Dollar General typically has Sign Packages they use from different Vendors. Dollar General chooses the size they would like to see that would dress up the building, keep cost down and generate the best business.

Linda Hirvonen is concern that the location is on the "Scenic Byway", Ms. Hirvonen states the Town depends on Tourism and the Community will look appealing.

Maureen Cowen states the Town has a current Sign Law that is only a couple of years old. Ms. Cowen states when the Law was established, it was her understanding the reason for the size regulations was to keep all Signs in sync. Also, Ms. Cowen reminded the Members the parcel is located in a mixed use area that also has residential homes nearby.

APPROVED

Members discussed other Business Signs within the area and determined they were existing under the old Sign Law.

Judy Drake inquired why the extreme large size on the building. Mr. Rattay states that actually that is the smaller of the box signs.

Linda Hirvonen inquired if the Town's regulations permit the signs to be lit during certain hours.

Lynn Day states he believes they can be lit one hour prior/after opening/closing.

Lynn Day indicated the County 239 reply and the Planning Board both did not favor the height of the proposed Sign. Mr. Day thought if the size of the Sign by the road was reduced, possibly they could have the larger Sign on the building.

Henry (Hurf) Sheldon stated there is an Ordinance in effect and the ZBA's job is to see that the Ordinance is enforced. Mr. Sheldon does not consider giving up one for the other.

Judy Drake moved to close the Public Hearing at 8:06 PM. Daniel Konowalow seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) Maureen Cowen, Member
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 (Hurf) Sheldon, Chair

Further Member Comments/ Concerns

Linda Hirvonen states she is opposed to the height.

Judy Drake states she could agree to the additional 2 Sq. ft for the Sign, but not any increase in the height of the free standing Sign.

Maureen Cowen too agreed she does not care for the increased height and reiterated the Sign Law was intended to keep Signs in sync in size.

After some discussion, the Board Members agreed they would have three (3) separate votes on the requests.

Free Standing Sign- #3;

APPROVED

Linda Hirvonen made a motion requesting the free standing Sign comply in height and size with the current Town of Lansing Sign Law. Judy Drake seconded the motion and it was carried by the following roll call vote:

- Vote of Zoning Board . . . (Aye) Maureen Cowen, Member**
- 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 (Hurf) Sheldon, Chair**

Size of Free Standing Sign-#2

Daniel Konowalow made a motion to deny. Judy Drake seconded the motion and it was carried by the following roll call vote:

- Vote of Zoning Board . . . (Aye) Maureen Cowen, Member**
- 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 (Hurf) Sheldon, Chair**

Wall Sign Increase-#1

Judy Drake made a motion to deny the attached Wall Sign.

Judy Drake felt the Sign would look huge, and the Developer should meet our requirements as they did in Dryden, NY.

Dean Shea felt the color scheme caught the individuals eyes.

Daniel Konowalow seconded the motion and it was carried by the following roll call vote:

- Vote of Zoning Board . . . (Aye) Maureen Cowen, Member**
- 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 (Hurf) Sheldon, Chair**

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

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

APPROVED

Yes No

Findings:

As noted by the Tompkins County Planning Departments 239 Review and mixed use area with Residential users.

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

Yes No

Findings: Comply with the existing Signage Ordinance.

c. Whether the requested area variance is substantial?

Yes No

Findings: As a group: 25% increase Height, 100% size of building mounted.

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

Yes No

Findings: As in A. Not in keeping with existing conditions.

e. Whether the alleged difficulty was self-created?

Yes No

Findings: Law has been in effect for 2 years.

Daniel Konowalow offered the following Resolution. Linda Hirvonen seconded the motion and it was carried by the following roll call vote:

**Vote of Zoning Board . . . (Aye) Maureen Cowen, Member
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 (Hurf) Sheldon, Chair**

APPROVED

RESOLUTION

WHEREAS, Dennis Rattay, Agent for ALL BRITE SIGN & SERVICE has applied for an Area Variance and

WHEREAS, on April 12, 2016 the Town of Lansing Zoning Board of Appeals (the "ZBA")

thoroughly reviewed and analyzed: (i) the information and evidence submitted by the applicant(s) in support of the requested area variance; (ii) all other information and materials properly before the ZBA; and (iii) the issues and impacts raised for consideration by neighbors, the public, and the ZBA; and

WHEREAS, in accordance with Article 8 of the New York State Environmental Conservation Law and the State Environmental Quality Review Act, and its implementing regulations at 6 NYCRR Part 617, the ZBA has determined that this action—considering and approving or denying an area variance—is a Type II Action per 6 NYCRR 617.5(c), and therefore no environmental review is required; and

WHEREAS, on April 12, 2016 the ZBA, in accordance with Town Law § 267 *et seq.* and the Town of Lansing Local Law 1 of 2014, considered the application and all materials before the ZBA and, in the course of deliberations, took into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety, and welfare of the neighborhood or community arising from the potential granting of an area variance.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

DETERMINATION BASED ON THE ABOVE FACTORS:

It is hereby determined by the Town of Lansing Zoning Board of Appeals that the request for an area variance is **DENIED**.

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

Member: Maureen Cowen - Aye
Member: Judy Drake -Aye
Member: Daniel Konowalow - Aye

APPROVED

Member: Linda Hirvonen- Aye
Chair: Henry (Hurf) Sheldon - Aye

Dated: April 12, 2016

Approval/Denial of February 29, 2016 Minutes

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

Vote of Zoning Board . . . (Aye) Maureen Cowen, Member
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 (Hurf) Sheldon, Chairman

Other -Chairman

Hurf reviewed copies of proposed Resolutions provided to the ZBA Board from the Town Clerk. Proposed Resolutions are for the Land Use Ordinance from an Ordinance to a Local Law, PDA'S and Subdivisions.

Robert Cree, TB Liaison states there are 3-4 Planning Resolutions the Town Board (Legal Counsel) are working on to review and "clean up".

Linda Hirvonen made a motion to adjourn the Meeting at 8:07 PM. Daniel Konowalow seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) Maureen Cowen, Member
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 (Hurf) Sheldon, Chairman