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# Town of Lansing

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Tuesday, August 16, 2016 6:30 PM, Zoning Board of Appeals Meeting

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## ZONING BOARD OF APPEALS MEMBERS

(\*Denotes present)

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

### Other Staff

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

## PUBLIC PRESENT

Abby Hatfield  
David Hatfield  
John Young  
Bruce Turnbull  
Martha Turnbull  
Duncan Rogers  
Charles Mund

## GENERAL BUSINESS

Chairperson, Henry (Hurf) Sheldon called The Town of Lansing Zoning Board of Appeals Meeting to order at 6:31 PM.

Mr. Sheldon reviewed the Agenda and requested a change of order.

Daniel Konowalow made a motion to change the order of the Agenda to allow for the Minutes of May 17, 2016 reviewed after the 2<sup>nd</sup> listed Appeal request. Maureen Cowen seconded the motion and it was carried by the following roll call vote:

**APPROVED**

**Vote of Zoning Board . . . (Aye) Maureen Cowen, Member**  
**Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member**  
**Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**  
**Vote of Zoning Board . . . (Aye) Dean Shea, Alternate**  
**Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Chair**

Alternate Dan Shea was enacted to vote this evening due to a Member being absent.

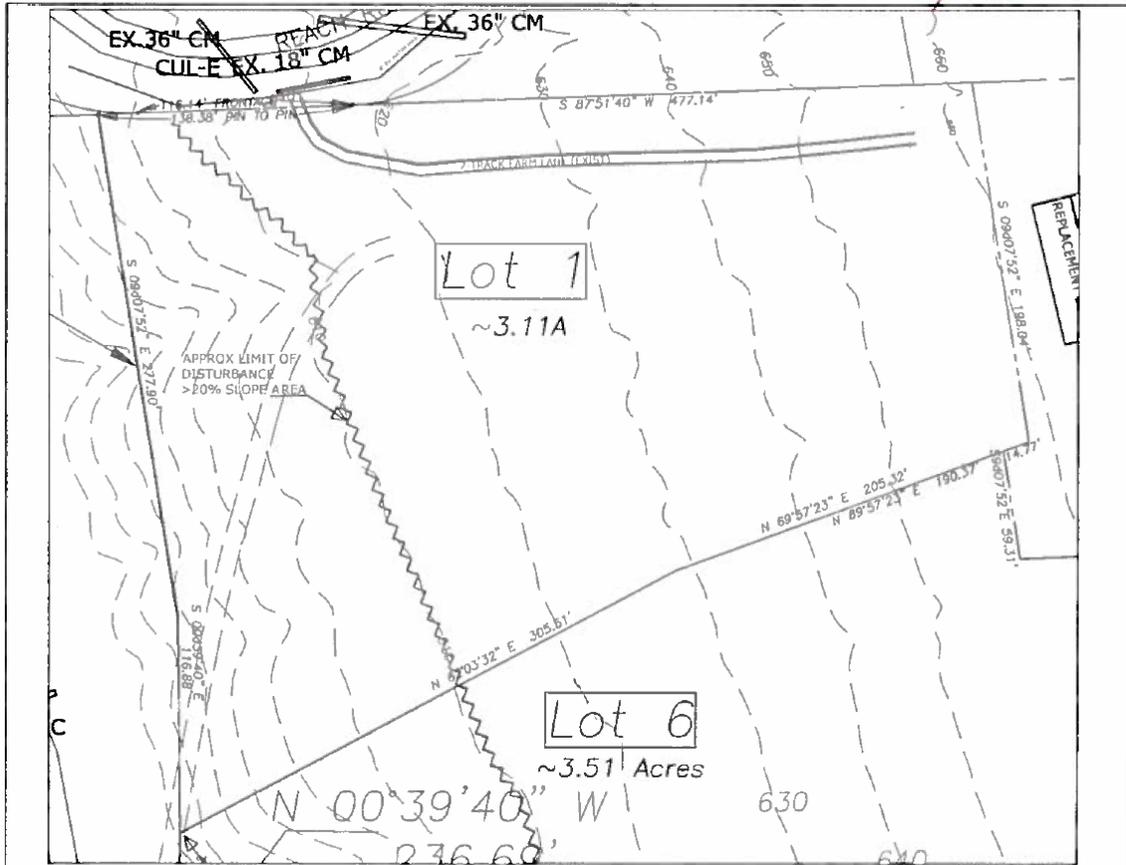
Mr. Sheldon acknowledged the Legal Notices pertaining to the two requests were published in the Ithaca Journal as required.

Daniel Konowalow made a motion to open the Public Hearing at 6:35 PM on the Application request made by John Young for an Area Variance. Linda Hirvonen seconded the motion and it was carried by the following roll call vote:

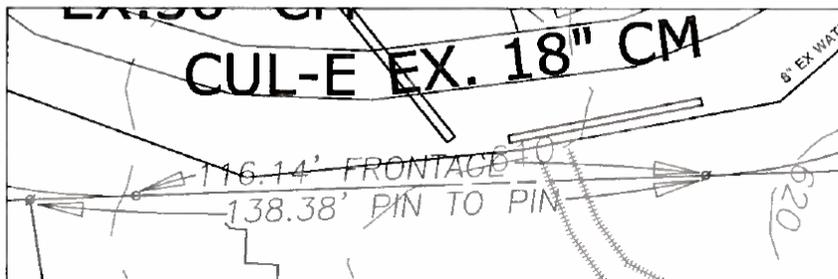
**Vote of Zoning Board . . . (Aye) Maureen Cowen, Member**  
**Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member**  
**Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**  
**Vote of Zoning Board . . . (Aye) Dean Shea, Alternate**  
**Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Chair**

**Consideration of an Application made by John Young, Agent for Novalane Subdivision, of East Shore Drive, Tax Parcel # P/O 36.-1-17.40 for an Area Variance. Mr. Young is requesting to create a new building lot to be located on a curve off of Reach Run Road. Due to the curvature of the road, the lot frontage does not conform to the Land Use Requirements.**

Mr. Jack Young, Developer for the proposed Novalane Subdivision appeared before the Board requesting approval for an Area Variance for frontage requirements on Lot # 1 of his proposed Major Subdivision. Mr. Young stated when the Lake Watch Subdivision was laid out by the Developer, only 116.14 feet of frontage for the Novalane tract of land where the curvature is located was left. The following Map was presented;



SCALE: 1" = 80'



SCALE: 1" = 30' DETAIL OF FRONTAGE ON REACH RUN

REQUEST TO ACCEPT THE NON-CONFORMING ROAD FRONTAGE DIMENSION OF THE PROPOSED LOT 1, NOVALANE SUBDIVISION, AS 116.14' ON REACH RUN INSTEAD OF 150'. DISTANCE FROM PROPOSED LOT 1 DRIVEWAY TO NEAREST DRIVEWAYS:

- 200' TO NORTHEAST ON SAME SIDE OF REACH RUN;
- 175' TO NORTHEAST ON OPPOSITE SIDE;
- 575' TO NORTHWEST.

LOT 1 WILL BE SUBJECT TO:

- DEED RESTRICTION TO PROTECT THE WOODED SLOPE ON THE WESTERN SIDE.
- ADDITIONAL RESTRICTIONS AS STATED IN THE APPROVAL OF THE PRELIMINARY PLAT BY THE TOWN OF LANSING PLANNING BOARD, AUGUST 8, 2016.
- STORMWATER DISTRICT RESTRICTIONS REQUIRING CONSTRUCTION, MAINTENANCE, AND INSPECTION OF STORMWATER FACILITIES IN ACCORDANCE WITH THE APPROVED STORM WATER POLLUTION PREVENTION PLAN (SWPPP).

<b>NOVALANE SUBDIVISION PROPOSED LOT 1</b> tax parcel		Project A14 - 101
36.-1-17.40 Town of Lansing, County of Tompkins		
John M. Andersson, P. E. NYSPE #015610 1 Woodland Road Ithaca, NY 14850 Voice & Fax 607-539-7096 Cell 607-229-6100 J.AnderssonPE@yahoo.com	<b>WARNING:</b> It is a violation of Section 7209 of the New York State Education Law for any person to alter an item on or in this document in any way except an engineer who shall affix to the altered item (her)(his) seal and the notation "altered by" followed by (her)(his) signature and the date of such alteration, and a specific description of the alteration.	
Scale 1" = as shown	Date: AUGUST 9, 2016	
Sheet Title: BZA REQUEST - LOT 1 NON-CONFORMING FRONTAGE	Sheet No. 1 of 1	

Mike Long, AICP gave a brief overview to the Members with respect to the proposed Subdivision that is currently under the Planning Board's jurisdiction and how the process has proceeded.

## APPROVED

Members discussed the previous history of the Novalane property with respect to the old logging path, existing large trees, garbage on the property, etc.

### Public/Member Comments/Concerns

Charles Mund: Inquired about the land as far as what type of disturbance would occur. Although the question was not related to the Area Variance with respect to frontage requirements, Mr. Young advised Mr. Mund the tree line will remain as is.

Duncan Rodgers also inquired about Stormwater issues. Mr. Young addressed his concerns as well as they were not related to the Variance request.

Daniel Konowalow made a motion to close the Public Hearing at 7:25 PM. 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) Linda Hirvonen, Member**  
**Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**  
**Vote of Zoning Board . . . (Aye) Dean Shea, Alternate**  
**Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Chair**

There were no further comments or concerns.

Members reviewed the criteria for the Area Variance.

Dean Shea offered the following Decision in favor of granting the requested Area Variance. 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) Linda Hirvonen, Member**  
**Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**  
**Vote of Zoning Board . . . (Aye) Dean Shea, Alternate**  
**Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Chair**

**APPROVED**

**AREA VARIANCE FINDINGS AND DECISION  
TOWN OF LANSING ZONING BOARD OF APPEALS**

**BACKGROUND INFORMATION**

Applicant:

John Young  
410 Triphammer Road  
Ithaca, NY 14850

Variance No: 16-05  
Zoning District: R1  
Published Notice on: 08/03/16  
Notice to County Sent on: N/A  
SEQRA: 08/08/16  
Hearing Held On: 08/08/16

Property Location: Parent Parcel East Shore Drive (Reach Run)

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Tax Parcel #: P/O 36.-1-17.40

Requirement for which Variance is Requested: Frontage Requirement

Applicable Section of Town Zoning Ordinance:  
Sec. 504, Schedule II Area, Frontage, Yard, Heights and Coverage Requirements.

**RESOLUTION AND FINDINGS**

WHEREAS, John Young, Developer for “Novalane Subdivision” has applied for an Area Variance and

WHEREAS, on August 16, 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

**APPROVED**

WHEREAS, on August 16, 2016 the ZBA, in accordance with Town Law § 267 *et seq.* and the Town of Lansing Land Use Ordinance, 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:

1. 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?**

Yes \_\_\_ No X

Findings: Good visibility, no negative comments. Moreover this is desirable rather than a Flag Lot. (See C below)

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**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 X

Findings: Other options were discussed and found wanting

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

Yes \_\_\_ No X

Findings: More desirable than a Flag Lot.

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**APPROVED**

**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 X

Findings: Stormwater issues will, as a result of this lot's development.

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

Yes X No \_\_\_\_

Findings: Prior Planning left no other option.

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**2. DETERMINATION BASED ON THE ABOVE FACTORS (choose one):**

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

**DESCRIPTION OF SPECIFIC VARIANCE GRANTED:**

Variance for Lot # 1 is to allow the road frontage to be 116.14 Ft, which is 33.86 Ft. less than the 150 Ft. required for the R1 (Residential-Low Density) District.

**ARE CONDITIONS IMPOSED WITH RESPECT TO THE AREA VARIANCE AS GRANTED:**

Yes X No \_\_\_\_

**STATEMENT OF CONDITIONS:**

1. As variances are exceptions based upon exigent need or emergency, should applicant fail to avail itself of the benefits of the above-described area variance within one year from the date hereof, this approval and such area

**APPROVED**

variance shall expire. In cases where construction may be applicable, “avail itself of the benefits” shall mean a building permit obtained (if necessary) and substantial construction has commenced. Said one-year approval period may be extended for good cause by the ZBA if application for an extension is submitted before the expiration of the then applicable variance period.

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

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

- Member: Maureen Cowan- Aye
- Member: Linda Hirvonen – Aye
- Member: Daniel Konowalow –Aye
- Alternate Member: Dean Shea - Aye
- Chair: Henry (Hurf) Sheldon – Aye

Maureen Cowen made a motion to open the Public at 7:38 PM on the Application request of David Hatfield for an Area Variance. 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) Linda Hirvonen, Member**
- Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**
- Vote of Zoning Board . . . (Aye) Dean Shea, Alternate**
- Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Chair**

**Consideration of an Application made by David Hatfield, of 18 Wilson Road, Tax Parcel # 32.-1-22.1 for an Area Variance. Mr. Hatfield is requesting to construct a Pavilion on an existing Pad which**

David Hatfield appeared before the Board requesting an Area Variance for front yard setback requirements. Mr. Hatfield has an existing concrete pad that is located 55’ from the center of the road that he would like to place a Pavilion on. The Town requirement for setback in the R3 District is 60’.

Dean Shea states he made a trip to the neighborhood and from his visual intake of the structures in the surrounding neighborhood, they are historically not in compliance with the Town’s current rules.

**APPROVED**

Linda and Hurf see no objection to the request.

**Public Comments/Concerns**

William Gilmore submitted the following letter via US Mail in favor;



MR. DAVID HATFIELD:

MY MAIL TODAY INCLUDED A ZONING BOARD OF APPEALS NOTICE ABOUT YOUR PROPOSED PAVILION.

I'M UNABLE TO ATTEND THE HEARING, BUT YOU SHOULD KNOW THAT I HAVE NO OBJECTIONS TO YOUR PAVILION CONSTRUCTION.

BEST OF LUCK,

SINCERELY,

BILL GILMORE

CC: ZONING BOARD OF APPEALS  
TOWN OF LAWSON

Linda Hirvonen made a motion to close the Public Hearing at 7:42 PM. Maureen Cowen 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) Linda Hirvonen, Member**
- Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**
- Vote of Zoning Board . . . (Aye) Dean Shea, Alternate**
- Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Chair**

No further Member comments or concerns.

**APPROVED**

Members completed the criteria for the Area Variance.

Daniel Konowalow offered the following Decision granting the request for an Area Variance. 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) Linda Hirvonen, Member**  
**Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**  
**Vote of Zoning Board . . . (Aye) Dean Shea, Alternate**  
**Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Chair**

**AREA VARIANCE FINDINGS AND DECISION**  
**TOWN OF LANSING ZONING BOARD OF APPEALS**

**BACKGROUND INFORMATION**

Applicant:

David Hatfield  
18 Wilson Road  
Lansing, NY 14882  
Exempt

Variance No: 16-06  
Zoning District: RA  
Published Notice on: 08/03/16  
Notice to County Sent on:  
  
SEQRA: N/A  
Hearing Held On: N/A

Property Location: 18 Wilson Road

Tax Parcel #: 32.-1-22.1

Requirement for which Variance is Requested: Frontage Set Back

Applicable Section of Town Zoning Ordinance:

Sec. 504, Schedule II Area, Frontage, Yard, Heights and Coverage Requirements.

**RESOLUTION AND FINDINGS**

WHEREAS, David Hatfield has applied for an Area Variance and

WHEREAS, on August 16, 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

**APPROVED**

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 August 16, 2016 the ZBA, in accordance with Town Law § 267 *et seq.* and the Town of Lansing Land Use Ordinance, 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:

1. 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?**

Yes \_\_\_ No X

Findings: No Negative Public Comment. One letter in favor.

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**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 X

Findings: Pad existed prior to previous Zoning.

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**APPROVED**

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

Yes \_\_\_\_ No X

Findings: Requested change is under 5' and not in Public Right-of-Way.

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**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 X

Findings: Improvement will take place.

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

Yes X No \_\_\_\_

Findings: \_\_\_\_\_

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**2. DETERMINATION BASED ON THE ABOVE FACTORS (choose one):**

It is hereby determined by the Town of Lansing Zoning Board of Appeals (the "ZBA") that the following area variance is **GRANTED**, with any conditions hereafter stated (if any), it being further found and determined that (i) the benefit to the applicant outweighs any potential negative impacts or detriment to the neighborhood or community; and (ii) such area variance is the minimum

**APPROVED**

necessary as adequate to grant relief and, at the same time, preserve and protect the character of the neighborhood and the safety and welfare of the community.

DESCRIPTION OF SPECIFIC VARIANCE GRANTED: To allow construction of a Pavilion upon an existing slab within the required Town of Lansing's Land Use Setback.

ARE CONDITIONS IMPOSED WITH RESPECT TO THE AREA VARIANCE AS GRANTED:

Yes  No

STATEMENT OF CONDITIONS:

1. As variances are exceptions based upon exigent need or emergency, should applicant fail to avail itself of the benefits of the above-described area variance within one year from the date hereof, this approval and such area variance shall expire. In cases where construction may be applicable, "avail itself of the benefits" shall mean a building permit obtained (if necessary) and substantial construction has commenced. Said one-year approval period may be extended for good cause by the ZBA if application for an extension is submitted before the expiration of the then applicable variance period.

It is hereby determined by the Town of Lansing Zoning Board of Appeals that the request for an Area Variance is: **APPROVED**

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

Member: Maureen Cowan- Aye  
Member: Linda Hirvonen - Aye  
Member: Daniel Konowalow - Aye  
Alternate Member: Dean Shea - Aye  
Chair: Henry (Hurf) Sheldon- Aye

Approval/Denial of May 17, 2016 ZBA Minutes

Pg. 8, Remove the 2<sup>nd</sup> 10'

**APPROVED**

Pg. 4, Under Judy Drake: insert the word carbon before footprint.

Maureen Cowen made a motion to approve the Minutes as amended. Dean Shea 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) Linda Hirvonen, Member**  
**Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**  
**Vote of Zoning Board . . . (Aye) Dean Shea, Alternate**  
**Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Chair**

Daniel Konowalow made a motion to adjourn the Meeting at 8:03 PM. Dean Shea 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) Linda Hirvonen, Member**  
**Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**  
**Vote of Zoning Board . . . (Aye) Dean Shea, Alternate**  
**Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Chair**