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# Town of Lansing

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Tuesday, January 17, 2017 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                  |                 |

### Other Staff

- \* Lynn Day, Zoning Officer
- \* Robert Cree, TB Liaison

## PUBLIC PRESENT

Louise Buck  
Pat Welch  
Douglas Fowler  
David Burns  
Chris Williams

## GENERAL BUSINESS

Chairperson, Henry (Hurf) Sheldon called The Town of Lansing Zoning Board of Appeals Meeting to order at 6:30 PM.

### Approval/Denial of Minutes for: December 12, 2016

Judy Drake made motion to approve as presented. 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

**APPROVED**

Other Business:

Chairman Sheldon requested a copy of the Legal Notice be included in future packages to the Members.

Mr. Sheldon acknowledged the Legal Notices pertaining to the Area Variance request was published in the Ithaca Journal as required.

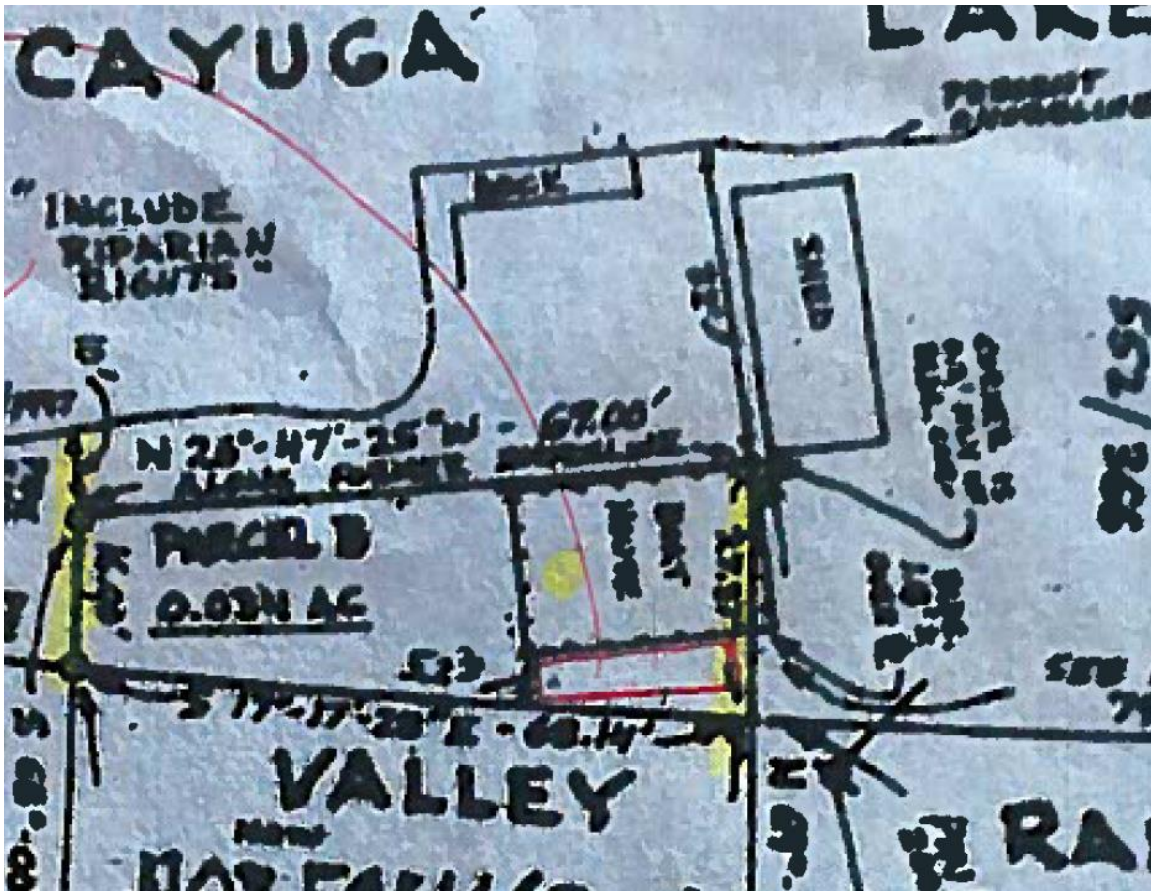
Daniel Konowalow made a motion to open the Public Hearing at 6:30 PM. Linda Hirvonen seconded the motion and it was carried by the following roll call vote:

**Vote of Zoning Board . . . (Aye) Maureen Cowen, Member**  
**Vote of Zoning Board . . . (Aye) 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 Hearing - Consideration of an Area Variance made by; David Burns-Duramax Developers, Agent for Harry Ash, East Shore Drive, Tax # 48.-1-18**

David Burns, Agent for the Ash's appeared before the Board. Mr. Burns states the Ash's have been renovating their existing Boat House and have decided to consider adding an addition on the back of the structure to house their Canoes and boating gear. The Ash's would like to use the existing/newly remolded Boat House more for an entertaining place than for storage. The Area Variance request is for setbacks for the side yard (1 foot-North side) and rear (24 foot, 10 inches - East Side). The Town of Lansing Land Use Ordinance, Section 504 Schedule II, requires 10' side yard setback and 25' setback from the rear.

Henry (Hurf) Sheldon inquired if the Applicant considered any other location on the property to construct the Storage Building. Mr. Burns states they did, however, they wanted to attach to the existing structure so that they would not have to request a Variance from the existing waterline and they would not be able to meet the shoreline setback.



Public/Member Comments/Concerns

Louise Buck states she personally does not care if there is an extension of the Ash’s Boathouse. What concerns her is the railroad getting involved with respect to access of the Ash property. Mr. Ash is looking into the legal aspect of obtaining access legally through Ms. Buck’s property and Ms. Buck feels if the Use were not changed from Storage to Living, then access would not be a problem.

Pat Welch states she received a letter from the railroad advising her that she needed to speak to Mr. Ash with respect to giving him a right of way. Ms. Welch states that her Garage is on the railroad right of way and she pays rent on that portion. Ms. Welch further stated a man from the railroad advised her to work it out with the neighbor because if the railroad gets involved, nobody will be happy. Ms. Welch suggested Mr. Ash construct a portable structure that he can move on his property.

Douglas Fowler has concerns with an increase in traffic on their “private road”.

**APPROVED**

Chairman Henry (Hurf) Sheldon expressed to all that access has nothing to do with the Variance request.

Linda Hirvonen made a motion to close the Public Hearing at 7:04 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 Discussion**

Daniel Konowalow inquired from Mr. Burns as to what other alternatives to putting an addition to the existing building have the owners considered? Mr. Burns states a portable Shed constructed by the Amish.

Henry (Hurf) Sheldon suggested putting racks on the Boathouse.

Daniel Konowalow suggested adding a second story.

Lynn Day, Zoning Officer states it would still require a Variance if he were to add a second story.

Members reviewed the criteria for the Area Variance.

Daniel Konowalow offered the following decision denying the request. 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) 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**

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

**BACKGROUND INFORMATION**

**APPROVED**

Applicant:

Harry Ash

Variance No: 17-01

Notice to County Sent on: N/A

SEQRA: N/A

Hearing Held On: 01-17-17

Property Location: East Shore Drive, Ithaca, NY 14850

Tax Parcel #: 48.-1-18

Requirement for which Variance is requested: Side and Rear Setbacks

Applicable Section of Town Zoning Ordinance:

Section 504, Schedule II: AREA, FRONTAGE, YARD, HEIGHTS AND COVERAGE REQUIREMENTS

**RESOLUTION AND FINDINGS**

**WHEREAS**, David Burns, Agent for Harry Ash has applied for an Area Variance and

**WHEREAS**, on January 17, 2017 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**, on January 17, 2017 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**

**APPROVED**

**granting of the area variance?**

Yes  No

Findings: Existing structure already encroaches with respect to current Law and exacerbates the existing problem.

**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: There are alternatives to explore.

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

Yes  No

Findings: Requesting a 24' increase in a 25' Zone.

**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: This would be a unique change for an already non-conforming neighborhood.

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

Yes  No

Findings: Applicant request is for new construction.

**2. DETERMINATION BASED ON THE ABOVE FACTORS:**

It is hereby determined by the Town of Lansing Zoning Board of Appeals (the "ZBA") that the following area variance is **DENIED**.

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

**APPROVED**

**WAS AS FOLLOWS:**

Member: Maureen Cowen - Aye  
Member: Judy Drake- Aye  
Member: Linda Hirvonen - Aye  
Member: Daniel Konowalow - Aye  
Chair: Henry (Hurf) Sheldon- Aye

Daniel Konowalow made a motion to adjourn the Meeting at 7:35 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) Judy Drake, Member**  
**Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member**  
**Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member**  
**Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Chair**