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# Town of Lansing

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Tuesday, February 21, 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                  |                 |
| * Chris Williams, Alternate      |                 |

### Other Staff

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

## PUBLIC PRESENT

Nolan Hatfield  
Kelly Jo Hunink  
Phil & AJ Munson

## GENERAL BUSINESS

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

### Alternate Position Filled

Chairman Sheldon announced Chris Williams has been appointed by the Town Board as the Alternate Member of the Zoning Board of Appeals.

### Approval/Denial of Minutes for: January 17, 2017

Page 3, 2<sup>nd</sup> Paragraph, 3<sup>rd</sup> sentence remove **she** and insert **that**.

Page 6, under Finds: add **Law** after current

Check Names under all voting (Hirvonen & Cowen) missing

Judy Drake made motion to approve as amended. Linda Hirvonen 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) 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**

Chairman Sheldon acknowledged the Legal Notices have been published in The Ithaca Journal as required by Law.

Linda Hirvonen made a motion to open the Public Hearing on the Application made by Nolan Hatfield at 6:35 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 Hearing - Consideration of an Area Variance made by;**  
**Nolan Hatfield, 248 Munson Rd., Tax # 19.-1-30**

Mr. Hatfield appeared before the Board requesting an Area Variance to allow him to construct a 28' x 36' attached Garage with a 14' x 10' breezeway closer to the allowed requirements for front yard setbacks.

**APPROVED**



Mr. Hatfield states he cannot move the location of the proposed building in line with his home as it would put the structure out in the lawn. Reducing the size would not help.

**Public/Member Comments/Concerns**

Linda Hirvonen states by trying to straighten out the proposed building, then aesthetically, it would not look right.

Philip H. (Huff) Munson states the location where Mr. Hatfield resides was originally a paint shop on his family homestead. Mr. Munson further states Mr. Hatfield did what he calls an extensive urban renewal. Mr. Munson states he has been a wonderful neighbor for the last 4-5 years and the place has never looked that good in 68 years. Mr. Munson is requesting the Zoning Board accommodate Mr. Hatfield's needs.

Maureen Cowen made a motion to close the Public Hearing at 6:45 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**

**APPROVED**

**Further Member Discussion**

Judy Drake and Linda Hirvonen felt this is a small request.

Maureen Cowen felt there was no danger present with moving the structure closer to the road.

Members reviewed the criteria for the Area Variance.

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

**BACKGROUND INFORMATION**

Applicant: Nolan Hatfield

Variance No: 17-02

Zoning District: RA

Published Notice on: 02-07-17

Notice to County Sent on: N/A

SEQRA Hearing Held On: N/A

Property Location: 248 Munson Road

Tax Parcel #: 19.-1-30

Requirement for which Variance is Requested: Front Yard Set Back

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

**RESOLUTION AND FINDINGS**

WHEREAS, Nolan Hatfield has applied for an Area Variance and

WHEREAS, on February 21, 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

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Town of Lansing Zoning Board of Appeals ("ZBA") hereby makes the

**APPROVED**

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:

**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 X No \_\_\_\_

Findings:

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

Yes \_\_ No X

Findings:

**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:

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

**APPROVED**

Yes  No

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

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:

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.

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

**APPROVED**

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

Dated: February 21, 2017

Linda Hirvonen offered the following decision granting the request. 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**

Daniel Konowalow made a motion to open the Public Hearing on the Application for the Robbins Sign Co., Agent for; Mirabito at 6:57 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;**  
**Robbins' Sign Co., Agent for Mirabito of 32 Peruville Rd., Tax #**  
**30.-1-16.4**

Kelly Jo Hunink from Robbins Sign Co appeared before the Board requesting an Area Variance. Due to the different requests under the Variance Application, the Zoning Board Members agreed they would review the proposal as three separate requests/discussions.

Ms. Hunink states the following; after Meeting with Mirabito she was able to get them to change some their request, especially the square footage. The canopy signs that were lit, have been deleted. The Canopies will only have vinyl on them. The existing Pylon Sign will remain. See request below;



# APPROVED

Mirabito  
32 Peruville Rd  
Lansing, NY

### XtraFuel/Mirabito Signage Summary

		Existing Xtra Fuel	Proposed Mirabito	Completed
A)	Building sign Lexan sign face in lit cabinet	13 sq ft	13 sq ft	13 sq feet
B)	Pylon Sign Double sided Lit ID sign	32 sq ft	32 sq ft	
C)	Gas Canopy Front Vinyl letters/logo	10.16 sq ft	19 sq ft	
D)	Gas Canopy Side Vinyl letters/logo	10.16 sq ft	19 sq ft	
E)	Diesel Canopy Side Vinyl letters/logo	0	19 sq ft	19 sq ft
		75.48 sq ft	102 sq ft (Allowed 96sq ft)	



Existing 13 sq ft

Building Sign  
Replace face in existing

A

22" x 84" 13sqft

Completed



This drawing is provided for the purpose of illustrating the proposed project. Unauthorized use, copying, scanning or sharing is strictly prohibited. Art work fees will incur if drawing is used without consent. Due to variables in digital photography, architectural renderings and structural obstacles, the ratio of the finished product to the area it is installed on may appear slightly different from the illustration. Colors shown are representation of Roland or Pantone color code chosen. Variables in monitors, printers, ink and paper will alter how these colors appear on the drawing.

Robbins Signs will not be financially responsible for any errors existing on this approved drawing.

*Please proof spelling, size, material, design and color carefully.*

Copyright 2016

Approved by:

Date:

2187 US Route 11 Kirkwood, NY 13795

ROBBINS  
SIGNS



APPROVED

B



Existing Pylon  
ID Sign 48" x 95", internally illuminated sign 32sqft  
16'7" overall height



New face for existing sign cabinet  
48" x 95" 32sq ft  
16'7" overall height

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Please proof spelling, size, material, design and color carefully.

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Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

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**ROBBINS**  
SIGNS

C



Gas Canopy Front  
Proposed 1pc Vinyl Logo  
32" x 118"

Vinyl Letter Set 19 sq ft



Existing Lit Sign 10.16 sq ft



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Copyright 2016

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

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**ROBBINS**  
SIGNS

APPROVED

D



Vinyl letter 19 sq ft

Gas Canopy Side  
Proposed 1pc Vinyl Logo  
32" x 118"

Existing Lit Sign 10.16 sq ft



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Please proof spelling, size, material, design and color carefully.

Copyright 2016

Approved by: \_\_\_\_\_  
Date: \_\_\_\_\_

2187 US Route 11 Kirkwood, NY 13795

**ROBBINS  
SIGNS**

E



Vinyl Letters 19 sq ft

Diesel Canopy Side  
Proposed 1pc Vinyl Logo  
32" x 118"

Completed

Existing



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Robbins Signs will not be financially responsible for any errors existing on this approved drawing.

Please proof spelling, size, material, design and color carefully.

Copyright 2016

Approved by: \_\_\_\_\_  
Date: \_\_\_\_\_

2187 US Route 11 Kirkwood, NY 13795

**ROBBINS  
SIGNS**

Under the Town's Sign Law only two (2) Signs per Business are permitted for a total of 96 Sq ft. Ms. Hunink is requesting on Mirabito's behalf an additional (3) Signs, for a total of (5) five Signs totaling 102 Sq. Ft. The difference being 6 sq. ft.

**APPROVED**

Linda Hirvonen states originally when the Xtra Mart applied for a Variance their approval was based on 2 Signs per Business which was allowed under the Sign Ordinance at that time. Ms. Hirvonen states with the proposal presented this evening, she would be in favor of approving Proposal A.

Daniel Konowalow inquired what would be the burden on the enterprise if the 19 sq. ft. Signs be changed to 17 sq. ft.?

Kelly Jo Hunink states due to Mirabito’s name being longer than Xtra Mart, the Signs requires to be longer. In addition, aesthetically nothing would be gained.

Daniel Konowalow states this is a new installation, it’s not grandfathered and he is fully aware that the property has history. Mr. Konowalow feels the Board should follow the Town Sign Law.

Henry (Hurf) Sheldon states there are 5 other Businesses that have all erected Signs under the new Sign Law and they are in compliance.

**Proposal A Findings (Number of Signs)**

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

**BACKGROUND INFORMATION**

Applicant:

Variance No: 17-03

Robbins Sign Co., LLC  
Agent for: Mirabito  
32 Peruville Road  
Lansing, NY 14882

Notice to County Sent on: N/A  
SEQRA: N/A  
Hearing Held On: 02-21-17

Property Location: 32 Peruville Road, Lansing, NY 14882

Tax Parcel #: 30.-1-16.4

Requirement for which Variance is Requested: Signage

Applicable Section of Town Zoning Ordinance:

Lansing Town Local Law 1 of 2014, Article V, Section 5-1

**APPROVED**

**RESOLUTION AND FINDINGS**

**WHEREAS**, Robbins Sign Co, Agent for Mirabito has applied for an Area Variance and

**WHEREAS**, on February 21, 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**, a General Municipal Law § 239 referral was delivered to, and a review dated November 21, 2016 was received from, the Tompkins County Planning Department, which officially determined that there will be no "negative inter-community, or county wide impacts"; and

**WHEREAS**, on February 21, 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:

Members reviewed the criteria for the Area Variance for **proposal A** as follows;

- 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:

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**APPROVED**

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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:

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

Yes \_\_\_\_ No X

Findings:

**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:

(3) Three illuminated Signs will not be used and have been removed.

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

Yes X No \_\_\_\_

Findings:

**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

**APPROVED**

the character of the neighborhood and the safety and welfare of the community.

**DESCRIPTION OF SPECIFIC VARIANCE GRANTED:**

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 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:**

**Moved by Maureen Cowen, seconded by Judy Drake**

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

Dated: 02/21/17

**Proposal B (Sq. Footage)**

**AREA VARIANCE FINDINGS AND DECISION**

**APPROVED**

**TOWN OF LANSING ZONING BOARD OF APPEALS**

**BACKGROUND INFORMATION**

Applicant:

Variance No: 17-03

Robbins Sign Co., LLC  
Agent for: Mirabito  
32 Peruville Road  
Lansing, NY 14882

Notice to County Sent on: N/A  
SEQRA: N/A  
Hearing Held On: 02-21-17

Property Location: 32 Peruville Road, Lansing, NY 14882

Tax Parcel #: 30.-1-16.4

Requirement for which Variance is Requested: Signage

Applicable Section of Town Zoning Ordinance:

Lansing Town Local Law 1 of 2014, Article V, Section 5-1

**RESOLUTION AND FINDINGS**

**WHEREAS**, Robbins Sign Co, Agent for Mirabito has applied for an Area Variance and

**WHEREAS**, on February 21, 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**, a General Municipal Law § 239 referral was delivered to, and a review dated November 21, 2016 was received from, the Tompkins County Planning Department, which officially determined that there will be no "negative inter-community, or county wide impacts"; and

**WHEREAS**, on February 21, 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



**APPROVED**

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:

2. 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:

Members reviewed the criteria for the Area Variance for **proposal B** as follows;

- 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

Findings:

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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

Findings:

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

Yes  No

Findings:

- d. **Whether the proposed variance will have an adverse effect or impact on**

**APPROVED**

**the physical or environmental conditions in the neighborhood or district?**

Yes \_\_\_\_ No X

Findings:

(3) Three illuminated Signs will not be used and have been removed.

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

Yes X No \_\_\_\_

Findings:

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 **DENIED**.

**DESCRIPTION OF SPECIFIC VARIANCE DENIED:**

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

Yes X No \_\_\_\_

STATEMENT OF CONDITIONS:

1. Total Signs must be 96 Sq. Ft. approved by the Code Enforcement Officer.

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:**

**Moved by Judy Drake, seconded by Maureen Cowen**

Member: Maureen Cowen - Aye

Member: Judy Drake - Aye

Member: Linda Hirvonen - Aye

Member: Daniel Konowalow - Aye

Chair: Henry (Hurf) Sheldon - Aye

**APPROVED**

Dated: 02/21/17

**Proposal C & D**

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

**BACKGROUND INFORMATION**

Applicant:

Robbins Sign Co., LLC  
Agent for: Mirabito  
32 Peruville Road  
Lansing, NY 14882

Variance No: 17-03

Notice to County Sent on: N/A  
SEQRA: N/A  
Hearing Held On: 02-21-17

Property Location: 32 Peruville Road, Lansing, NY 14882

Tax Parcel #: 30.-1-16.4

Requirement for which Variance is Requested: Signage

Applicable Section of Town Zoning Ordinance:

Lansing Town Local Law 1 of 2014, Article V, Section 5-1

**RESOLUTION AND FINDINGS**

**WHEREAS**, Robbins Sign Co, Agent for Mirabito has applied for an Area Variance and

**WHEREAS**, on February 21, 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**, a General Municipal Law § 239 referral was delivered to, and a review dated November 21, 2016 was received from, the Tompkins County Planning

**APPROVED**

Department, which officially determined that there will be no “negative inter-community, or county wide impacts”; and

**WHEREAS**, on February 21, 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:

3. 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:

Members reviewed the criteria for the Area Variance for **proposal C & D** as follows;

- 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:

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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 X No

Findings:

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**APPROVED**

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

Yes \_\_\_\_ No X

Findings:

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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:

Using existing structure.

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

Yes X No \_\_\_\_

Findings:

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:**

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

Yes X No \_\_\_\_

STATEMENT OF CONDITIONS:

**APPROVED**

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:**

**Moved by Judy Drake, Maureen Cowen seconded.**

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

Dated: 02/21/17

Daniel Konowalow made a motion to adjourn the Meeting at 7:37 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**