
Town of Lansing

Tuesday, April 19, 2011 7:00 PM, Zoning Board of Appeals Meeting

ZONING BOARD OF APPEALS MEMBERS

(*Denotes present)

*	Gregg Travis, Chairman	*	David Dittman
*	Linda Hirvonen	*	Dan Konowalow
*	Henry (Hurf) Sheldon		
*	Jeffrey Overstrom, Engineer & Planning Coordinator		
*	Kathryn Miller, Town Board Liaison		
	Lorraine Moynihan Schmitt, ZBA Attorney		

PUBLIC PRESENT

Darrell Rhoads

Casey Hatfield

Dan Isbell

Chad West

Andy Sciarabba

GENERAL BUSINESS

Chairman Gregg Travis called The Town of Lansing Zoning Board of Appeals Meeting to order at 7:03 PM and reviewed the Agenda with the Public.

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

Public Hearing-Area Variance, Applicant: Rhoads, Darrell, 14 Auburn Road, Tax Parcel # 31.-5-10

Daniel Konowalow made a motion to open the Public Hearing at 7:04 PM. Linda Hirvonen seconded.

VOTE AS FOLLOWS:

David Dittman - Aye
Linda Hirvonen - Aye
Daniel Konowalow - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye

APPROVED

MOTION CARRIED.

Mr. Rhoads appeared before the Board requesting that an Area Variance be granted to allow him to construct a 25' x 10' open deck in the front of his home. The District is a B1 which requires 50' front setback. Mr. Rhoads will encroach on the requirements by approximately 19' or so.

Comments/Concerns

Mr. Overstrom advised the Board that a Building Permit is not required for a deck without a roof.

Linda Hirvonen inquired if Mr. Rhoads is going to add a roof on the structure down the road. Mr. Rhoads states no.

NYS DOT offered the following comment;

Rachel,
Please accept this email as my response to your letter dated March 15, 2011, concerning Area Variance for 14 Auburn Rd(NYS Route 34), Darrell Rhoads Property. Our records indicate that Darrell Rhoads is not building on the State R.O.W., therefore we have no concerns.

Thank you,

Fred Morrison, Assistant Resident Engineer
NYSDOT Region 3
Cortland/Tompkins Residency
Phone: 607-756-7072

Tompkins County Planning Department offered the following;

APPROVED

Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: Area Variance for 14 Auburn Road, Tax Parcel No. 12.-1-17.2,
Darrell Rhoads, Owner/Applicant.

Dear Ms. Jacobson:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it has no negative inter-community, or county-wide impacts.

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

Sincerely,



Edward C. Marx, AICP
Commissioner of Planning
and Community Sustainability

cc: New York State Department of Transportation

David Dittman made a motion to close the Public Hearing at 7:07 PM. Daniel Konowalow seconded.

VOTE AS FOLLOWS:

David Dittman - Aye
Linda Hirvonen - Aye
Daniel Konowalow - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye

MOTION CARRIED.

Comments/Concerns

Daniel Konowalow states this will not change the character of the neighborhood.

Henry (Hurf) Sheldon has concerns with this deck being turned into a permanent addition to the house, eventually adding walls, window, roof etc. Mr. Sheldon states overtime, it should not be made into living space.

The Board reviewed the following criteria:

FINDINGS:

APPROVED

1. State whether an undesirable change in the neighborhood character will be created, and reason why:

No.

2. State whether there is an alternative method to achieve what the applicant desires, and reason why:

Could be smaller deck but not different impact.

3. State whether the variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and reason why:

No.

4. State whether the alleged difficulty (variance needed) was self-created, and reason why:

Yes.

5. State whether the request is substantial:

No.

CONDITIONS: List conditions prescribed by the Zoning Board of Appeals in granting this variance:

- 1. The Deck area must not become an enclosed living space in the future.**

Henry (Hurf) Sheldon made a motion to grant a Variance with the condition that it not become an enclosed space. Linda Hirvonen seconded.

VOTE AS FOLLOWS:

- David Dittman - Aye**
- Linda Hirvonen - Aye**
- Daniel Konowalow - Aye**
- Henry (Hurf) Sheldon - Aye**
- Gregg Travis - Aye**

MOTION CARRIED.

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. Henry (Hurf) seconded.

VOTE AS FOLLOWS:

- David Dittman - Aye**
- Linda Hirvonen - Aye**
- Daniel Konowalow - Aye**

APPROVED

Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye

MOTION CARRIED.

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

**Public Hearing-Area Variance, Applicant: Lansing Market LLC,
3125 North Triphammer Road, Tax Parcel # 30.-1-16.24**

Henry (Hurf) Sheldon made a motion to open the Public Hearing at 7:15 PM. David Dittman seconded.

VOTE AS FOLLOWS:

David Dittman - Aye
Linda Hirvonen - Aye
Daniel Konowalow - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye

MOTION CARRIED.

Andrew Sciarabba, Agent for the Lansing Market, LLC. appeared before the Board requesting an Area Variance to permit signage for the new grocery store that will be in excess of the Lansing Sign Ordinance. The Town Sign Ordinance allows 50 Sq. Feet where the Applicant is requesting 111 Sq. Feet. Two Signs will appear on the Building and the other one near the entrance on North Triphammer Road.

The County Planning Department offered the following;

Re: Review Pursuant to §239 -1 -m and -n of the New York State General Municipal Law
Action: Area Variance for Signage at 3125 North Triphammer Road, Tax Parcel No. 30.-1-16.24, Lansing Market, LLC, Owner/Applicant.

Dear Ms. Jacobson:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -1 -m and —n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it has no negative inter-community, or county-wide impacts.

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

Sincerely,
Edward C. Marx. ATCP
Commissioner of Planning
and Community Sustainability

APPROVED

Inc(usion

Henry (Hurf) Sheldon has concerns with permitting over the limit signage therefore, setting a precedence. In addition to permitted signage, stores are displaying banners, sandwich boards and so forth.

Mr. Overstrom advised the Board that the Town of Lansing does not have a definition for banners, boards etc. and is in need of reviewing their current Sign Ordinance.

Linda Hirvonen made a motion to close the Public Hearing at 7:27 PM. Henry (Hurf) Sheldon seconded.

VOTE AS FOLLOWS:

- David Dittman - Aye**
- Linda Hirvonen - Aye**
- Daniel Konowalow - Aye**
- Henry (Hurf) Sheldon - Aye**
- Gregg Travis - Aye**

MOTION CARRIED.

Further Discussion

None

Linda Hirvonen made a motion to approve the request for a Variance. Henry (Hurf) Sheldon seconded.

VOTE AS FOLLOWS:

- David Dittman - Aye**
- Linda Hirvonen - Aye**
- Daniel Konowalow - Aye**
- Henry (Hurf) Sheldon - Aye**
- Gregg Travis - Aye**

MOTION CARRIED.

The Board reviewed the following criteria;

FINDINGS:

1. State whether an undesirable change in the neighborhood character will be created, and reason why:

No.

2. State whether there is an alternative method to achieve what the applicant desires, and reason why:

Smaller Signs could be used.

APPROVED

3. State whether the variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and reason why:

No.

4. State whether the alleged difficulty (variance needed) was self-created, and reason why:

Yes.

5. State whether the request is substantial:

Yes, because % above Ordinance is 111%

CONDITIONS: List conditions prescribed by the Zoning Board of Appeals in granting this variance:

None

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.

Linda Hirvonen made a motion to declare a negative declaration. David Dittman seconded.

VOTE AS FOLLOWS:

David Dittman - Aye

Linda Hirvonen - Aye

Daniel Konowalow - Aye

Henry (Hurf) Sheldon - Aye

Gregg Travis - Aye

MOTION CARRIED.

Other Business - 239 Reviews for Signage:

Mr. Sciarabba inquired as to why the Town had to send down to the County for their review when we have an agreement to exclude certain items and Signage is one.

Mr. Overstrom states the Lansing Market, LLC request exceeds the 20% that the County allows to be excluded.

Mr. Sciarabba requested that the Town consider relinquishing their contract with the County for their reviews. Kathy Miller, Town Board Liaison was made aware of this request.

APPROVED

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

Public Hearing - Area Variance, Applicant: Dan Isbell, 11 Maple Ave., Tax Parcel # 26.-10-15

Daniel Konowalow made a motion to open the Public Hearing at 7: 37 PM.
Linda Hirvonen seconded.

VOTE AS FOLLOWS:

David Dittman - Aye
Linda Hirvonen - Aye
Daniel Konowalow - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye

MOTION CARRIED.

Dan Isbell appeared before the Zoning Board requesting a Variance that will allow him to erect a 10' x 20' Pre-fab Shed across the street on property he owns. The Town Zoning requires 50' from the center of the road, whereas Mr. Isbell only has 40'. According to Mr. Isbell there still will be enough space for parking in front of the Shed.

Henry (Hurf) Sheldon made a motion to close the Public Hearing at 7:38 PM.
David Dittman seconded.

VOTE AS FOLLOWS:

David Dittman - Aye
Linda Hirvonen - Aye
Daniel Konowalow - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye

MOTION CARRIED.

The Members reviewed the following criteria;

FINDINGS:

1. State whether an undesirable change in the neighborhood character will be created, and reason why:

No.

2. State whether there is an alternative method to achieve what the applicant desires, and reason why:

APPROVED

Could be smaller shed

3. State whether the variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and reason why:

No.

4. State whether the alleged difficulty (variance needed) was self-created, and reason why:

Yes.

5. State whether the request is substantial:

No.

CONDITIONS: List conditions prescribed by the Zoning Board of Appeals in granting this variance:

None

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.

Henry (Hurf) made a motion to declare a negative declaration. Linda Hirvonen seconded.

VOTE AS FOLLOWS:

David Dittman - Aye
Linda Hirvonen - Aye
Daniel Konowalow - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye

MOTION CARRIED.

Linda Hirvonen made a motion to accept the request and grant the Variance. Daniel Konowalow seconded.

VOTE AS FOLLOWS:

David Dittman - Aye
Linda Hirvonen - Aye
Daniel Konowalow - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye

MOTION CARRIED.

APPROVED

Approval/Denial of December 7, 2010 Minutes

Henry (Hurf) Sheldon made a motion to approve as presented. Gregg Travis seconded.

VOTE AS FOLLOWS:

**David Dittman - Aye
Linda Hirvonen - Aye
Daniel Konowalow - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye**

MOTION CARRIED.

Approval/Denial of February 15, 2010 Minutes

David Dittman states on page 5, under the Vote, his name should be removed and Daniel Konowalow inserted.

Page 2, fourth sentence needs to be clarified (Mr. Overstrom clarified that the footprint used will be of Mr. Nuttle's existing building).

Linda Hirvonen made a motion to approve as amended. Henry (Hurf) Sheldon seconded.

VOTE AS FOLLOWS:

**David Dittman - Aye
Linda Hirvonen - Aye
Daniel Konowalow - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye**

Other Business-Alternate Position

Linda Hirvonen inquired how the process is coming along with filing the Alternate position on the Zoning Board. Mr. Overstrom advised the Board that the position has been advertised, with no luck.

Henry (Hurf) Sheldon states Ruth Hopkins was interested in the Planning position at one time. Henry (Hurf) and Linda Hirvonen both recommend Ruth for either Zoning Board or the Planning Board.

David Dittman made a motion to adjourn the Meeting at 8:00 PM. Daniel Konowalow seconded.

APPROVED

VOTE AS FOLLOWS:

David Dittman - Aye

Linda Hirvonen - Aye

Daniel Konowalow - Aye

Henry (Hurf) Sheldon - Aye

Gregg Travis - Aye

MOTION CARRIED.