
Town of Lansing

Monday, December 7, 2009 5:00 PM, Zoning Board of Appeals Meeting

ZONING BOARD OF APPEALS MEMBERS

(*Denotes present)

*	Gregg Travis, Chairman	David Dittman
*	Linda Hirvonen	Dan Konowalow
	Ronald Bricker, Alternate Member	* Henry (Hurf) Sheldon
*	Jeffrey Overstrom, Engineer & Planning Coordinator	
*	Bud Shattuck, Town Board Liaison	
	Lorraine Moynihan Schmitt, ZBA Attorney	

PUBLIC PRESENT

P.J. Solat	Arnold Dates
Kalendra Solat	Justin Kirkwood
Nolan Milliman	George Wigsten
Sreyana Vorobyev	Paul Barron
Donald Worsell	Richard Anderson
Susan Worsell	

GENERAL BUSINESS

Gregg Travis called the meeting to order at 5:05 PM. Mr. Travis reviewed the Agenda items and acknowledged the Legal Notice published in The Ithaca Journal with regards to the Public Hearing(s) on the Area Variances.

Public Hearing for: Area Variance Application, Applicant: Kalendra Solat, East Shore Circle, Tax Parcel # 37.1-7-14

Linda Hirvonen made a motion to open the Public Hearing at 5:05 PM. Henry (Hurf) Sheldon seconded.

VOTE AS FOLLOWS:

Linda Hirvonen - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye

MOTION CARRIED.

APPROVED

Mr. & Mrs. Solat appeared before the Board requesting an Area Variance to erect a 22' x 26' covered steel structure behind their existing garage, for the purpose of storing an RV and Boat. The Solat's reside in the R1 district which require 30' rear and 25' side yard set backs. Jeff Overstrom indicated that being the structure is opened there is no concerns with the fire separation of the existing garage. This is not a permanent structure as it can be moved.

Member/Public Comments/Concerns:

Gregg Travis inquired why they could not put the structure adjacent to the existing garage.

Kalendra Solat stated they have a ½ acre of land and already have a house and two car garage. Their lawn is limited and they did not want to create an "eye sore" in the neighborhood.

Bud Shattuck, Town Board Liaison stated to the Members that they do not want to set a precedent.

Henry (Hurf) Sheldon made a motion to close the Public Hearing at 5:17PM. Linda Hirvonen seconded.

VOTE AS FOLLOWS:

Linda Hirvonen - Aye

Henry (Hurf) Sheldon - Aye

Gregg Travis - Aye

MOTION CARRIED.

Further Member Discussion

Linda Hirvonen states she appreciates what the the Solat's would like to do, however, she does not feel it would be the right thing to do by approving the Variance.

Henry (Hurf) Sheldon states he has a problem with cutting the set back to 10' from 30'.

Gregg Travis agrees with both Members. Mr. Travis further stated due to it being an opened structure, it won't be that intrusive to their yard.

The Board Members reviewed the criteria for an Area Variance.

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

The request would encroach too far into the setbacks.

APPROVED

2. Is there an alternative method, feasible to pursue, to achieve what the Applicant desire, and reason why:

Yes.

3. State whether the requested Area Variance is substantial, and reason why;

Yes.

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

The request would set a bad precedence.

5. State whether the alleged difficulty was self-created, and reason why:

Yes.

Henry (Hurf) Sheldon made a motion to **deny** the Area Variance. Linda Hirvonen seconded.

VOTE AS FOLLOWS:

Linda Hirvonen - Aye

Henry (Hurf) Sheldon - Aye

Gregg Travis - Aye

MOTION CARRIED.

Public Hearing(s) for: Area Variance Application & SEQOR Review, Applicant: Donald Worsell, Ridge & Emmons Road, Tax Parcel # 16.-1-40.22

Linda Hirvonen made a motion to open the Public Hearing on the Application at 5:19 PM. Henry (Hurf) Sheldon seconded.

VOTE AS FOLLOWS:

Linda Hirvonen - Aye

Henry (Hurf) Sheldon - Aye

Gregg Travis - Aye

MOTION CARRIED.

Mr. Worsell appeared before the Board requesting an area Variance for the length of two of the driveways in his proposed Subdivision. The Town of Lansing Subdivision Rules and Regulations state the driveway may not be over 500 feet long. Mr. Overstrom indicated for the Flag Lots, Mr. Worsell has the widths for each one therefore, the Variance request is for the 8.4 acre lot which

APPROVED

has a proposed driveway of 639.43' and the 17.27 acre lot with the proposed driveway being 695.51'.

Member/Public Comments/Concerns:

Gregg Travis inquired if this proposed Subdivision is part of a previous parent parcel.

Donald Worsell stated yes. The last parcel sold was approximately 3 years ago or longer.

Gregg Travis had concerns with a potential buyer wanting to further subdivide.

Henry (Hurf) Sheldon inquired what the requirements would be if a potential buyer wanted to further subdivide.

Jeff Overstrom explained they would be required to build a road to the Town of Lansing specs.

Linda Hirvonen questioned Mr. Worsell if he had considered any deed restrictions on the proposed lots.

Donald Worsell states he had not, however if it came down to selling the lots he would.

Gregg Travis expressed to the Members that they could give conditional approval with the condition that if the buyer wants to subdivide again, they would have to build a town road to town specs within each of the rights of way.

Linda Hirvonen agreed with Gregg Travis's prior comment.

Pete Barron states he has no objection to Mr. Worsell's proposal, however, he owns several acres of land which he hunts and will continue to do throughout his life time and his family's lifetime. Mr. Barron is requesting that his statement concerning public safety of any new residential builder within 500' of his property line be warned of noise from shooting and hunting on every inch of his property by way of these Minutes. This is an Agricultural activity, in an Agricultural District.

Arnold Dates has no objections to homes being built on the proposed lots, however, he is not about to loose his rights as a hunter.

Jeff Overstrom advised the Public that the only concern of the ZBA at this Meeting is the length (Flag Pole) of the driveway. Any future Subdivision or development on the property other than a Single Family Residence would need to go before the Planning Board for their review and approval.

Linda Hirvonen advised the Public that NYS has a Law that must be followed when a piece of property in an Ag District gets sold. The buyer must sign a disclosure form indicating they fully understand the parcels lies within an Agricultural District which involves many different uses.

APPROVED

Linda Hirvonen made a motion to close the Public Hearing at 5:40 P.M. Henry (Hurf) Sheldon seconded.

VOTE AS FOLLOWS:

**Linda Hirvonen - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye**

MOTION CARRIED.

Further Member Discussion

Gregg Travis stated he would be in favor of an approval with a contingency for each parcel only being allowed to have one (1) Dwelling Unit to consist of a Single Family Residence or one (1) Duplex.

Henry (Hurf) Sheldon suggested that wordage be included indicating any future Subdivision of the parcels in question must get Planning Board approval and a road built to the Town specifications.

The Board Members reviewed the criteria for an Area Variance.

1. State whether an undesirable change in the neighborhood character will be created, and reason why:
No.
2. Is there an alternative method, feasible to pursue, to achieve what the Applicant desire, and reason why:
Yes, sell all land as one parcel, but he tried and failed to sell as one parcel.
3. State whether the requested Area Variance is substantial, and reason why;
No.
4. State whether the Variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and reason why:
No, SEQR completed.
5. State whether the alleged difficulty was self-created, and reason why:
Yes.

List conditions if any, prescribed by the Zoning Board of Appeals in granting this Variance.

1. Any development on the two parcels will be limited to one building of a Single Family Residence or Duplex.

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Gregg Travis made a motion to **grant** the Variance request with the contingency that each of the lots be restricted to the maximum of, one (1) Single Family Residence or one (1) Duplex. Linda Hirvonen seconded.

VOTE AS FOLLOWS:

Linda Hirvonen - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye

MOTION CARRIED.

Public Hearing - SEQR Review, Applicant: Donald Worsell, Ridge & Emmons Road, Tax Parcel # 16.-1-40.22

Linda Hirvonen made a motion to open the SEQR Public Hearing at 5:51 PM. Henry (Hurf) Sheldon seconded.

VOTE AS FOLLOWS:

Linda Hirvonen - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye

MOTION CARRIED.

The Zoning Board of Appeals reviewed Part I of the Short Environmental Assessment Form completed by the Applicant and completed Part II by the Zoning Board of Appeals. 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. Henry (Hurf) Sheldon seconded.

VOTE AS FOLLOWS:

Linda Hirvonen - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye

MOTION CARRIED

Linda Hirvonen made a motion to close the SEQR Public Hearing at 5:53 PM. Henry (Hurf) Sheldon seconded.

VOTE AS FOLLOWS:

Linda Hirvonen - Aye

APPROVED

**Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye**

MOTION CARRIED

Approval/Denial of October 20, 2009 Minutes

Linda Hirvonen made a motion to approve as presented. Gregg Travis seconded.

VOTE AS FOLLOWS:

**Linda Hirvonen - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye**

MOTION CARRIED.

Many Thanks!

The Zoning Board of Appeals thanked Bud Shattuck, Town Board Liaison for his dedication to the Zoning Board of Appeals over the last few years. His advice and attention has been greatly appreciated.

Linda Hirvonen made a motion to adjourn the Meeting at 5:59 P.M. Gregg Travis seconded.

VOTE AS FOLLOWS:

**Linda Hirvonen - Aye
Henry (Hurf) Sheldon - Aye
Gregg Travis - Aye**

MOTION CARRIED.