
Town of Lansing

Monday, June 1, 2009 7:00 PM, Zoning Board of Appeals Meeting

ZONING BOARD OF APPEALS MEMBERS

(*Denotes present)

- | | |
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| <ul style="list-style-type: none"> * Gregg Travis, Chairman Linda Hirvonen * Ronald Bricker, Alternate Member * Jeffrey Overstrom, Engineer & Planning Coordinator * Bud Shattuck, Town Board Liaison Lorraine Moynihan Schmitt, ZBA Attorney | <ul style="list-style-type: none"> David Dittman * Dan Konowalow Henry (Hurf) Sheldon |
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PUBLIC PRESENT

Connie Wilcox

GENERAL BUSINESS

Gregg Travis called the meeting to order at 7:00 PM.

Public Hearing for: Use Variance, Applicant: Town of Lansing Farmer’s Market, 29 Auburn Road, Tax Parcel No. 37.1-2-8

Daniel Konowalow made a motion to open the Public Hearing at 7:01 PM.
Ronald Bricker Seconded.

VOTE AS FOLLOWS:

- Daniel Konowalow - Aye
- Ronald Bricker - Aye
- Gregg Travis - Aye

MOTION CARRIED.

Connie Wilcox expressed to the Members that the Town would like to establish a Farmer’s Market for residents to participate in. The Market will be held every Saturday beginning July 12th and going through to October. The hours of operation will be 9:00 AM to 12:00 PM. The location will be in the west side of the Town Parking lot. A portion of the Town Hall will be open for restroom facilities for the Vendors and the Community Center will be open for use by the paying customers. There will be no set up fee for the Vendors this year, however, there may be in the future.

A 239 County referral was sent and the following response came in.

May 8, 2009

Ms, Rachel Jacobsen, Planning/Zoning/Code Clerk
Town of Lansing, Zoning, Planning and Code Enforcement
Box 186
Lansing, NY 14882

Re: Review Pursuant to §239 -l and -m of the New York State General Municipal Law
Action: Use Variance, Farmer's Market, 29 Auburn Road, Tax Parcel No. 37.1-2-8

Dear Ms. Jacobsen:

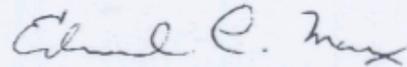
This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -l and -m of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it has no negative inter-community, or county-wide impacts. We offer the following comment, which is not a formal recommendation under GML §239.

Comment

We note that a use variance is not the most appropriate way to address this situation. If it is not considered a public use which would be permitted on Town property in accordance with the Town's zoning ordinance, a zoning amendment to specifically permit it would be appropriate. The standard for granting a use variance as established in New York State law would not appear to be met in this instance.

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 Public Works

Member/Public Comments/Concerns:

There were no comments.

The Board Members reviewed the criteria for a Use Variance.

1. Can the Applicant not realize a reasonable return?

No financial benefit anticipated to the Town.

2. Is the alleged hardship unique and does it apply substantial portion of the district or neighborhood?

It is unique for this particular spot, but it is not out of the ordinary for what you would expect for a Town Center.

3. Will this alter the essential character of the neighborhood?

No.

4. Is this hardship self created?

It is not a hardship, it is an opportunity and a Public Service Operation.

Daniel Konowalow made a motion requesting that the petition for a Use Variance be **granted**. Ronald Bricker seconded.
VOTE AS FOLLOWS:

Daniel Konowalow - Aye

Ronald Bricker - Aye

Gregg Travis - Aye

MOTION CARRIED.

Ronald Bricker made a motion to adjourn the Meeting. Daniel Konowalow seconded.

VOTE AS FOLLOWS:

Daniel Konowalow - Aye

Ronald Bricker - Aye

Gregg Travis - Aye

MOTION CARRIED.