
Town of Lansing

Tuesday, February 21, 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 | | |
| | Ruth Hopkins, Town Board Liaison | | |
| | Lorraine Moynihan Schmitt, ZBA Attorney | | |

PUBLIC PRESENT

Dan & Julie Boles
Deb Trumbull
Oya & Robert Rieger
Floyd Davis
Mike Field
Geoff Coates

GENERAL BUSINESS

Chairman Gregg Travis called The Town of Lansing Zoning Board of Appeals Meeting to order at 7:05 PM and reviewed the Agenda with the Public.

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

Daniel Konowalow moved to open the Public Hearing at 7:06 PM. Henry Sheldon seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member
Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Member
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

Public Hearing – Area Variance, Applicant: H. Floyd Davis, Lake Forest Lane, Tax Parcel #32.-1-37.428

APPROVED

Zoning Board Members again reviewed their packets that were previously provided to them. The Zoning Clerk provided an additional Unique Natural Area Map of the proposed project location and the 2nd page to the Environmental Management Council's response to the proposal, as it was unintentional left off of the copying.

Mr. Floyd Davis appeared before the Board requesting an Area Variance for two (2) driveways in order for him to subdivide a portion of his property creating 2 flag lots and a third parcel would remain with his property. The Flag Lots would each have potential driveways lengths of approximately 1,200 ft. +/- however, there is an existing driveway that would be used to access the properties in question and legally through an easement. The Town of Lansing Subdivision Rules and Regulations, Section 606 E states no Flag Lots shall have a driveway over 500 feet long, therefore, Mr. Davis is requesting this Variance.

Dan Konowalow inquired as to how the property owners would get from the existing driveway to the proposed lots. Mr. Davis states an extension would be added to the existing drive with easements over Lot 2 and Lot 3.

- David Dittman arrived at 7:23 PM.

Members discussed the proposal in its entirety including a large gully near where the proposed driveways would be created if needed and suggested that Mr. Davis put in a dedicated Town Road that would provide road frontage for his long term plans of a Major Subdivision with the remaining 43.86 acres. Mr. Davis indicated that it is not feasible at this time.

Public Comments/Concerns

Julie Boles: Concerned that the Board would approve this Variance and the Applicant would return in the very near future for additional Variances.

Debra Trumbull: Had concerns with the fragile bank near where the Pole driveways would be developed.

Dan Boles: Feels Mr. Davis is trying to "get around" the cost to properly create a Subdivision by proposing Flag Lots. Mr. Boles further states, there is very little room between the driveway and the gully.

Michael Fields: Does not have a problem with Mr. Davis's proposal, although he does have an easement off the existing driveway which will take him down to the top of the lake via the proposed Lot 1.

Dan Boles: Has an Electric easement on the property too.

Robert Reager: Wife and he are interested in purchasing the property (Lot 1) and erecting a home that meets all the requirements of the covenants and his financial lender. Mr. Reager welcomes a shared driveway.

APPROVED

Geoff Coates: In favor of the project. Would prefer that Mr. Davis build a Town Road, but understands it is very costly. Mr. Coates also has an easement like Mr. Fields.

Dan Boles: Questioned whether this would be setting a precedence, which would then allow neighbors in the area to do the same.

Jeff Overstrom: States there may be a problem with a shared driveway according to the NYS Codes.

Henry (Hurf) Sheldon made a motion to close the Public Hearing at 8:08 PM. Daniel Konowalow seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) David Dittman, Member
Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member
Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Member
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

Further Member Discussion

Members briefly discussed the Tompkins County Environmental Management Councils' suggestion and determined there are errors in their statement with respect to the Town of Lansing Land Use Ordinance.

Tompkins County Planning Department offered the following Modifications;

Recommended Modifications

- Specifics related to the access easement along the existing driveway should be provided and that detail should be provided on the proposed subdivision map. Additionally, the access strips to Lots 1 and 2 should be identified as areas of no building so as to maintain the recommended minimum 50 foot buffer to the intermittent stream which follows the parent parcel's southern boundary.
- Clarification should also be provided for the intended use of the section of Lot 3 which divides Lots 1 and 2. It is possible that this should be designated as a "no build" area.
- The exact dimensions for the proposed lots should also be provided on the proposed subdivision map so as to ensure the adequate amount of buildable land is available, especially considering the need to provide on-site septic systems.

Mr. Sheldon feels this proposal is written to get around the regulations as they stand right now, and to provide Mr. Davis with income from two saleable lots without having to make an investment. Although the Board has previously approved two Area Variances on driveway lengths of a few extra feet, this particular request is far greater by almost three times the lengths. Mr. Sheldon feels this could set precedence. Those previous approvals were not entirely the owners making, nor were they focused around finances.

Dan Konowalow states he believes this is a start of a development without the things a development should have.

APPROVED

Henry (Hurf) Sheldon made a motion to **deny** the Variance request. Daniel Konowalow seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) David Dittman, Member
Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member
Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Member
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

The Zoning Board reviewed the following criteria:

FINDINGS:

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

Yes. This Application proposes Flat Lots with much longer access drives than in the neighborhood.

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

Yes. Could do a full scale development plan for the entire parcel with Town road to the parcels.

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, as long as Poles of the lots were not actually used for driveways.

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

Yes. The lots are proposed with 1,200 to 1,500 feet driveways.

5. State whether the request is substantial:

Yes. The length of the drives is far beyond usual Flag Lot Pole lengths.

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

Approval/Denial of November 15, 2011 Minutes

APPROVED

David Dittman made a motion to approve the Minutes of November 15, 2011 as presented. Henry (Hurf) Sheldon seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) David Dittman, Member
Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member
Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Member
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

Update on Amendments To Open Meetings Law §103

Material on this update provided to the Members. The Zoning Clerk advised the Members and the Public that the Town also has updated their website to reflect this requirement.

New Town Board Liaison

Gregg Travis advised the Board Members that Ruth Hopkins is now the new Zoning-Town Board Liaison. Ms. Hopkins is requesting that the Board bring to her any issues they may have that are related to the Zoning.

Dan Konowalow states the Zoning Law is written as Lansing being in a suburban area and it is not.

David Dittman moved to adjourn the Meeting at 8:45 PM. Henry (Hurf) Sheldon seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) David Dittman, Member
Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member
Vote of Zoning Board . . . (Aye) Henry (Hurf) Sheldon, Member
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair