
Town of Lansing

Tuesday, October 29, 2013 7:00 PM, Zoning Board of Appeals Meeting

ZONING BOARD OF APPEALS MEMBERS

(*Denotes present)

- | | |
|---|--------------------------|
| * Gregg Travis, Chairman | |
| * Linda Hirvonen | * Dan Konowalow |
| * Henry (Hurf) Sheldon | * Donna Scott, Alternate |
| * Judy Drake | |
| * Ruth Hopkins, Town Board Liaison | |
| Lorraine Moynihan Schmitt, ZBA Attorney | |
| * Lynn Day, Zoning Officer | |

PUBLIC PRESENT

Kelly Daulton Jack Jensen
Jonathan Stank John Andersson
David Huckle
Sandy Conlon
Marty Conlon

GENERAL BUSINESS

Chairman Gregg Travis called The Town of Lansing Zoning Board of Appeals Meeting to order at 7:00 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 - Application & SEQR Review - Use Variance - Applicant: Jonathan Stank, 134 Ridge Road, Tax Parcel # 35.-2-1

Daniel Konowalow moved to open the Public Hearing on the Application at 7:03 PM. Linda Hirvonen seconded the motion and it was carried by the following roll call vote:

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 Sheldon, Member
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

Application Discussion

APPROVED

Applicant Jonathan Stank is requesting a Use Variance to open up a Can/Bottle Redemption Center in the Commercial Garage on the above property, and utilized the house as rental property. This particular type of Business is not listed in the Town of Lansing Land Use Ordinance, therefore, not a permitted Use. Mr. Stank states the Center will tentatively operate on Saturdays and Sundays for the first 6-12 months with him and his partner working and eventually operating from Thursday through Sunday with hours of operation from 10:00 AM to 6:00 PM. There will be two part-time employees to begin with.

Public Comments/Concerns

Pat Conlon offered the following letter;

APPROVED

PATS KELLEY

56 CONLON RD.
LANSING, NY 14882

607 533 4175

OCTOBER, 28, 2013



RECEIVED
10/29/13
5:07:00 PM

GREGG TRAVIS, CHAIRPERSON AND MEMBERS OF:
ZONING BOARD OF APPEALS
TOWN OF LANSING
29 AUBURN RD.
LANSING, NY 14882

SUBJECT: VARIANCE APPLICATION- FOR TAX MAP PARCEL 35-2-1
AS DESCRIBED IN YOUR "LEGAL NOTICE OF PUBLIC
HEARING(S) TOWN OF LANSING ZONING BOARD OF APPEALS"
DOCUMENT.YOUR NAME, TITLE AND TOWN OF LANSING ADDRESS
APPEARS ON THE BOTTOM OF **THE DOCUMENT, DATED SEPT 18,
2013, IS UNSIGNED.**

DEAR GREGG;

1. THE ITEM THAT COULD HAVE THE BIGGEST IMPACT ON MY ADJOINING
CROP LAND DOES NOT SHOW IN ANY OF THE PAPER WORK THAT I
RECEIVED. THIS IS THE CREEK THAT RUNS ALONG MY SOUTH LINE AND
DIRECTLY BEHIND THE SUBJECT PROPERTY

**THIS CREEK DRAINS ALL OF THE SOUTH SIDE OF PERUVILLE RD,
FROM THE OLD TOWN HALL (NOW LIBRARY) TO JUST BEYOND VAN
OSTRAND RD. THE PERUVILLE RD DITCH ALSO PICKS UP WATER
DRAINING FROM THE NORTH END OF BENSON RD., ARMSTRONG
RD.AND NORTH TRIPHAMMER RD. AT THE LIBRARY(OL D TOWN HALL)
THE WATER CROSSES UBURN RD AT 90 DEGREES AND RUNS NORTH
THROUGH THE WEST SIDE OF THE TOWN LAND UNTIL IT ENTERS THE
SOUTHEAST CORNER OF MY PROPERTY. AT WHICH POINT IT RUNS
WESTERLY THRU MY PROPERTY, ESSENTIALLY ALONG MY SOUTH LINE,
BEHIND THE FIREHOUSE AND ADVANCED DESIGN CONSULTING(ADC) AND
THE SUBJECT PROPERTY (TAX PARCEL 35.-2-1. THE CREEK FURTHER
CARRIES DRAINAGE FROM THE NORTH SIDE OF PERUVILLE RD. AND THE
WEST SIDE OF AUBURN RD. ON THE CURVE, OLD, OLD TOWN BARN(NOW
LANDSCAPING BUSINESS WITH ICE CREAM AND A VACANT PARCEL WITH
A"FOR DEVELOPMENT SIGN ON IT..**

**ANY INCREASED DEVELOPMENT IN THE CREEK'S CORRIDOR WILL CAUSE
INCREASING AMOUNTS OF WATER. TO BE CONTROLLED.**

APPROVED

THE ENLARGEMENT OF THE PERUVILLE RD. DITCH A FEW YRS AGO HAS INCREASED THE WATER FLOW OF THE DITCH MENTIONED ABOVE.

2. TRAFFIC PROBLEMS

A RECYCLING/REDEMPTION CENTER WOULD CONTRIBUTE TO TRAFFIC PROBLEMS PRESENTLY EXISTING IN THE "SOUTH LANSING" AREA. THE TRAFFIC ON RTE. 34B (RIDGE RD) AND AUBURN RD. IS GETTING TO BE QUITE A HASSLE AT VARIOUS TIMES OF DAY. DURING THE MORNING AND AFTERNOON COMMUTING HOURS. AT WHICH TIME THE SCHOOL BUSES ARE ALSO RUNNING, MAKES FOR LONG LINES OF CARS AT THE HOTEL INTERSECTION. AND GREATER GRID LOCK. TRYING TO ENTER THOSE TWO ROADS DURING THE COMMUTING HRS IS DIFFICULT TO SAY THE LEAST. ADDING 300-400 SALT TRUCKS ON A TYPICAL DAY IN THE WINTER MONTHS ON MAKES MATTERS WORSE, **ESPECIALLY FROM A SAFETY POINT OF VIEW.**

3. ENVIRONMENTAL

THE PRIOR USE OF THE PROPERTY (AS A GAS STATION AND A PRINT SHOP) CERTAINLY CAUSES SOME CONCERNS. ADDING A RECYCLING OPERATION WOULD ONLY INCREASE SAID SUBJECT.

COMMON SENSE TELLS US THAT A PIE SHAPE LOT WITH LIMITED SPACE NEAR A HEAVILY TRAVELED AND SOMEWHAT DANGEROUS HIGHWAY DOES NOT MAKE FOR A LOGICAL REDEMPTION CENTER.

COWS AND PEOPLE DON'T MIX VERY WELL IN THE SAME NEIGHBORHOOD. CANS AND CARS WILL NOT BE A GOOD FIT FOR SUBJECT PROPERTY.

RESPECTFULLY ,



LAWRENCE H (PAT). CONLON JR.

Marty Conlon states he is concerned with the increased traffic and should be taken into consideration based on the location of the property.

Donna Scott brought up concerns with "cockroaches" and "bugs" being brought in on the bottles/cans. Ms. Daulton indicated redemption pick up will be on a weekly basis and they will monitor the property for critters.

According to Zoning Officer Lynn Day, there is plenty of Parking on the premises. Mr. Stank states he projects about 80 cars per weekend day. Judy Drake had some concerns with respect to the traffic, however after visiting a small site within the City of Ithaca, she sees no problem with the traffic for this site.

David Huckle, Agent for the seller is trying to work with the seller to clean up the property prior to sales.

APPROVED

Henry (Hurf) Sheldon inquired if the old tanks have been taken out and is the property environmentally safe? Mr. Stank states to his knowledge they have. Phase I has not been performed yet, and this is a contingency for the purchasing of the property.

Daniel Konowalow states this particular use would be no more onerous than a lot of other allowed uses in that area, therefore, he finds no reason not to approve this use.

Linda Hirvonen states this type of business could be considered adjunct part of one of the allowed uses.

Chairman Travis read the following reply from the Tompkins County Planning Department;

APPROVED

**Tompkins County
DEPARTMENT OF PLANNING**

121 East Court Street
Ithaca, New York 14850

Edward C. Marx, AICP
Commissioner of Planning

RECEIVED
10/16/13
Hand delivered to
Scott Doyle

Telephone (607) 274-5560
Fax (607) 274-5578

October 16, 2013

Ms. Rachel Jacobsen, Planning Clerk
Town of Lansing
PO Box 186
29 Auburn Road
Lansing, NY 14882

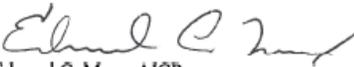
Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: Use Variance for the proposed redemption center at 134 Ridge Road, Chris Muka, Owner;
Jonathan Stank, Applicant.

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, -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. We look forward to conducting the formal review of the site plan should the project progress.

Sincerely,


Edward C. Marx, AICP
Commissioner of Planning

A brief discussion took place with regards to erecting a sign. Lynn Day, Zoning Officer advised Mr. Stank there is no sign law at this time, however, the Board informed Mr. Stank that a new Sign Law is in the works. The Board requested that the new Sign conform with the new law.

Henry (Hurf) Sheldon made a motion to close the Public Hearing on the Application. Judy Drake seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Aye) Judy Drake, Member
Vote of Zoning Board . . . (Aye) Linda Hirvonen, Member

APPROVED

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

Member's reviewed the following criteria for a Use Variance;

1. The Applicant cannot realize a reasonable return, as shown by the competent financial evidence. The lack of return must be substantial:

Yes No

Proof: This property has been vacant for over 12 years with no prospects since.

Gregg Travis states this property is not so unique that it can't be used in other ways that are allowed in the Town's Land Use Ordinance.

2. The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the zoning district or neighborhood.)

Yes No

Proof: This is a use not allowed elsewhere in the Town but would generate issues similar to other allowed uses in this zone.

3. The requested Use Variance, if granted will not alter the essential character of the neighborhood: Yes No

Proof:

4. The alleged hardship has been self-created: Yes No

- DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after reviewing the above four proofs, find:

Linda Hirvonen offered the following motion, the Applicant has proven unnecessary hardship through the application of the four test required by the state statutes and therefore grants a Use Variance for the Bottle/Can Redemption Center with the following condition;

1. **Site Plan Review must be performed by the Town Planning Board.**

APPROVED

Adverse impact to be minimized: Traffic, Signage, Lighting, Drainage, Outside Storage.

The Zoning Board Members reviewed Part I and completed Part II of the Full Environmental Assessment Form and declared a negative declaration.

Henry (Hurf) Sheldon seconded the motion and it was carried by the following roll call vote:

- 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 Sheldon, Member**
- Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

**Public Hearing- Application & SEQR Review- Area Variance,
Applicant: Jack Jensen , Peruville Road & Farm Pond Circle, Tax
Parcel (s)# 38.-1-4.121 & 38.-1-4.122**

Daniel Konowalow made a motion to open the Public Hearing. Linda Hirvonen seconded the motion and it was carried by the following roll call vote:

- 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 Sheldon, Member**
- Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

Jack Jensen is requesting an Area Variance from Schedule 504, Area, Frontage, Yard, Heights And Requirements for the Town of Lansing. Mr. Jensen is proposing to construct a duplex unit on two lots each having approximately 52,000 Sq. Ft whereas 80,000 Sq. Ft. is required. Mr. Jensen stated he is also representing and working with Cornell University's Sustainability Design Program which builds very energy efficient houses.

The following statement was provided to the Board;

APPROVED

Zoning Lot Size Variance

The Town of Lansing Zoning regulations require a minimum of 40,000 square feet of lot area per living unit. This proposal is to construct a duplex unit on two lots, each about 1.2 acres (about 52,000 sf) not counting right-of-ways. A variance is being sought to allow the construction of duplexes on lots of less than 80,000 sf. Points to be considered for granting this approval include:

- The CUSD, Community Building Works! and the owner believe there is a need for owner-occupied dwellings with an auxiliary unit. The intention is that a senior person or couple would own the building and live in the 2-bedroom unit and rent the 1-bedroom unit, providing occupancy of the property if the seniors take frequent or long vacations, and for providing security of a close neighbor.
- The primary unit will be about 1500 sf on one floor and the auxiliary unit about 1200 sf. This total is smaller than many single family homes constructed today.
- The total number of bedrooms on each lot will be three. Many single family homes constructed today have 3-5 bedrooms.
- Building set-backs and yard spaces will comply with the zoning requirements.
- The proposed lot areas are similar to others in the Farm Pond Circle Subdivision and a little larger the older adjacent lots (1 acre to the west; 1.16 acre to the southwest).
- Open space is provided by the adjacent Lot 19 that will remain larger than 7 acres. A one acre pond sits within over two acres of federally protected wetland adjacent to proposed Lot 20.

Member/Public Discussion

Daniel Konowalow feels this is a great project, just in the wrong location. Mr. Konowalow is concerned with setting precedence when allowing higher density where the Zoning does not allow. Septic impacts would be increased.

Henry (Hurf) Sheldon disagreed stating Mr. Jensen will be building a smaller footprint structure than a residential home with less septic impacts.

Jack Jensen explained the Health Department's requirements per bedroom and further explained that his project would have 40% less than the requirement.

Henry (Hurf) Sheldon felt the density is not the issue. Mr. Jensen could build two single family residences that have a larger footprint and will house more occupants. Mr. Sheldon further stated the Board should encourage people to construct these types of innovative energy efficient homes.

Gregg Travis felt Mr. Jensen could move the easterly boundary line of # Lot 20 towards the pond to give more area. By doing so, this would cut down on the ZBA request.

Mr. Jensen states if he did what was requested, it would then cut down on Lot 21's area and infringe on the sewage and water line for lot 20. Federal Wetlands need to be taken into consideration also.

Linda Hirvonen made a motion to close the Public Hearing. Henry (Hurf) Sheldon seconded the motion and it was carried by the following roll call vote:

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 Sheldon, Member
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

APPROVED

The Zoning 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: Yes.

Reasons: Some additional land could be added to at least lot 20. A single family unit could be constructed.

3. State whether the requested Variance is substantial: Yes.

4. Would the Variance have an adverse impact on the physical or environment conditions in the neighborhood: No.

5. Whether the alleged difficulty was self-created: Yes

Henry (Hurf) Sheldon made a motion to approve the Variance as requested. Judy Drake seconded the motion and it was denied by the following roll call vote:

Vote of Zoning Board . . . (Nay) Judy Drake, Member
Vote of Zoning Board . . . (Nay) Linda Hirvonen, Member
Vote of Zoning Board . . . (Nay) Daniel Konowalow, Member
Vote of Zoning Board . . . (Aye) Henry Sheldon, Member
Vote of Zoning Board . . . (Nay) Gregg Travis, Chair

The ZBA, after taking into consideration the above five factors, finds that the Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community therefore, the Variance is denied.

Reasons: Too small of lot area especially since more acreage is available.

Chairman Travis enacted the Alternate Member to vote on the Minutes of June 18, 2013 due to two Members abstaining due to not being in attendance.

Approval/Denial of June 18, 2013 Minutes

Judy Drake: Page 4, 3rd paragraph, second sentence **touch** to **tough**

APPROVED

Henry (Hurf) Sheldon: Page 4, last paragraph, last sentence a should be inserted before slippery

Henry (Hurf) Sheldon made a motion to approve the Minutes as amended.
Daniel Konowalow seconded the motion and it was carried by the following roll call vote:

Vote of Zoning Board . . . (Abstained) Judy Drake, Member
Vote of Zoning Board . . . (Abstained) Linda Hirvonen, Member
Vote of Zoning Board . . . (Aye) Daniel Konowalow, Member
Vote of Zoning Board . . . (Aye) Donna Scott, Alternate
Vote of Zoning Board . . . (Aye) Henry Sheldon, Member
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

Other Business

Linda Hirvonen inquired if Chairman Travis had received a reply from Legal Counsel with respect to Variances being attached to deeds. To date, Mr. Travis has not heard back from Counsel.

Chairman Travis reminded all Members to get their 2013 Training in before the end of the year.

Linda Hirvonen made a motion to adjourn the Meeting at 9:16 PM. Daniel Konowalow seconded the motion and it was carried by the following roll call vote:

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 Sheldon, Member
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair