
Town of Lansing

Tuesday, April 22, 2014 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

Grant & Thressa Thompson
Carolyn & Daniel Ferguson
Scott Purcell

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(s) was duly published in The Ithaca Journal as required.

Public Hearing - Application for an Area Variance - Applicant: Daniel & Carolyn Ferguson, 3 Breed Road, Tax # 7.-1-27

Linda Hirvonen moved to open the Public Hearing on the Application at 7:03 PM. 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) Donna Scott, Alternate**
- Vote of Zoning Board . . . (Aye) Henry Sheldon, Member**
- Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

DRAFT

Daniel Ferguson appeared before the Board requesting an Area Variance to construct a 32' x 24' Garage/Breezeway replacing an existing deteriorating 24' x 24' Garage. Currently, Mr. Ferguson's residence is not up to the NYS Building Codes and by adding a Breezeway between the Home and Garage, it will provide a firewall and therefore meet the Code requirement. Mr. Ferguson is increasing the safety of his family and feels this improvement to the property will increase the value of the home. Under the Town of Lansing Land Use Ordinance for the RA District, any corner lot must consider both roads as "Front Yards" and meet the required setback of 30' from the road right of way. Mr. Ferguson is a 25'-27' setback.

Member Concerns/ Questions

Linda Hirvonen inquired as to why Mr. Ferguson was not more specific of his footage request on the Application.

Mr. Ferguson indicated he has a lot of drainage problems and have had his home flooded in the past. His concern is when the old Garage gets dug up, they will find drainage issues. If a barrier wall is required to take care of the water issues, Mr. Ferguson would like to have the extra footage available.

Donna Scott inquired as to what the structure was in the diagram provided on page 4.

Mr. Ferguson explained it is an example of a proposed Breezeway. By constructing this Breezeway attached to the House/Garage will bring Mr. Ferguson's home into compliance with the New York State Fire Codes and secure his family's safety.

Henry (Hurf) Sheldon made a motion to close the Public Hearing at 7:12 PM. Donna Scott 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) Donna Scott, Alternate
Vote of Zoning Board . . . (Aye) Henry Sheldon, Member
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

Further Discussion

Gregg Travis, Chairman stated to the Members that Mr. Ferguson did ask in his Variance request for up to 5' in the right of way, therefore, can be considered in the motion.

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. A smaller Garage or reduce Breezeway.

3. Whether the requested Variance is substantial, and reason why:

No.

4. State would the Variance have an adverse impact on the physical or environmental conditions in the neighborhood, and reason why:

No.

5. State whether the alleged difficult was self created and reason why:

Yes.

Henry (Hurf) Sheldon made a motion to approve the Area Variance for a reduction of 50' from the Centerline of the Road. Donna Scott 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) Donna Scott, Alternate
Vote of Zoning Board . . . (Aye) Henry Sheldon, Member
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

Public Hearing - Area Variance, Applicants: Grant & Thressa Thompson, 32 Asbury Road, Tax # 37.1-8-9

Judy Drake made a motion to open the Public Hearing at 7:21 PM. Linda Hirvonen seconded the motion and it was carried by the following roll call vote:

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

Mr. Grant Thompson appeared before the Board requesting an Area Variance to erect a Storage Shed on the west side of his home 6' from his property line, where 10' is required. Due to the shape/size of the lot, excessive drainage issues, a large tree with exposed roots and the location of his septic system, Mr. Thompson's options for placement of a Shed is very limited.

Linda Hirvonen made a motion to close the Public Hearing at 7:33PM. 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
Vote of Zoning Board . . . (Aye) Donna Scott, Alternate
Vote of Zoning Board . . . (Aye) Henry Sheldon, Member
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

Further Discussion

Members felt the Applicant chose a reasonable location for the Shed due to the drainage issues.

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.

3. Whether the requested Variance is substantial, and reason why:

No.

4. State would the Variance have an adverse impact on the physical or environmental conditions in the neighborhood, and reason why:

DRAFT

No.

5. State whether the alleged difficult was self created and reason why:

Yes.

Judy Drake made a motion to approve the Area Variance request subject to the Applicant recording the Variance approval to include no further incursions in the side setback area on his deed. Said Deed must be filed with the Tompkins County Clerk and notification provided to The Town of Lansing Zoning Officer. 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) Donna Scott, Alternate**
- Vote of Zoning Board . . . (Aye) Henry Sheldon, Member**
- Vote of Zoning Board . . . (Nay) Gregg Travis, Chair**

Scott Purcell, Town of Lansing Fire Chief

Gregg Travis, Chairman asked Chief Purcell to discuss what the requirements are for Fire Truck/ Ambulance for residential access to the back of a structure.

Scott Purcell stated The Lansing Fire Department does not take their apparatus off the hard pavement/gravel to access a back property. It really depends on the height of the building as to how close they would get without being in harm's way. After some discussion, it was stated by Chief Purcell that probably at least one side of a property should have a setback of at least 10'. For the record, this is Mr. Purcell's personal opinion, and is not a written Fire Department requirement. Ultimately it is the Zoning Board of Appeals decision, according to Mr. Purcell.

Zoning Officer Lynn Day states in the Town of Lansing Land Use Ordinance, the setbacks can actually be less than 10' in the B1, B2 & IR Districts as they are set by the Planning Board under Site Plan Review. Mr. Day further stated by the New York State Building Codes a person can build a structure right on the property line as long as there is a fire protection.

Legal Counsel Assistance for Guidelines / Procedure for Deed Variances

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It was the consensus of the Board to invite their Attorney, Lorraine Moynihan Schmitt to attend the next Meeting to further discuss and institute the guidelines/ procedures for Variances attached to Landowners Deeds.

Proposed Land Use Changes

Lynn Day, Zoning Officer advised the Board that the Planning Board/Town Board is in the process of making changes to the Land Use Ordinance and they will be adding time limits (3 Years) on items such as Site Plan Review, Subdivision, and ZBA Variances. ZBA Members felt that was a positive change.

ZBA Meeting Schedule

Henry (Hurf) Sheldon stated he feels the Board has set precedence by setting this Special Meeting for these Applicants. Chairman Travis stated the Board agreed to tentatively set aside two Meeting dates per month, but only hold one in order to accommodate the Public's need.

Zoning Officer, Lynn Day states the Planning Office does their best to make the Variance process user friendly for the Public and accommodate their schedules. In many cases, the Application must be sent to the County for a 239 review, which could take up to 30 days by Law. Mr. Day further advised the Members that the Zoning Clerk would never set up a Meeting without a Quorum agreeing to a date & Time.

Linda Hirvonen, ZBA Member reminded the Members, they are there to serve the people.

Sign Ordinance

The updated Sign Ordinance is now in effect. Sizes of Signs and number of Signs have changed in the Residential Areas and Commercial Areas. Sign with lighting must go before the Planning Board for Site Plan Review.

Approval/Denial of November 19, 2013 Minutes

Linda Hirvonen made a motion to approve the Minutes as submitted. 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) Donna Scott, Alternate
Vote of Zoning Board . . . (Aye) Henry Sheldon, Member
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair

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Linda Hirvonen made a motion to adjourn the Meeting at 8:10 PM. 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**
- Vote of Zoning Board . . . (Aye) Donna Scott, Alternate**
- Vote of Zoning Board . . . (Aye) Henry Sheldon, Member**
- Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**