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# Town of Lansing

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Tuesday, May 20, 2014 7:30 PM, Zoning Board of Appeals Meeting

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## ZONING BOARD OF APPEALS MEMBERS

(\*Denotes present)

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|-------------------------------------------|--------------------------|
| * 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  
Marcy Rosenkranz

## GENERAL BUSINESS

Chairman Gregg Travis called The Town of Lansing Zoning Board of Appeals Meeting to order at 7:04 PM.

Daniel Konowalow made a motion to enter into Executive Session at 7:04 PM to obtain advice from Legal Counsel. 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) Daniel Konowalow, Member**  
**Vote of Zoning Board . . . (Aye) Henry Sheldon, Member**  
**Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

Linda Hirvonen made a motion to exit Executive Session at 7:52 PM and reconvene the Regular Meeting. 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) Daniel Konowalow, Member**  
**Vote of Zoning Board . . . (Aye) Henry Sheldon, Member**  
**Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

**Public Hearing - Application Review for an Area Variance -  
Applicant: Grant & Thressa Thompson, 32 Asbury Road, Tax #  
37.1-8-9**

Daniel Konowalow moved to open the Public Hearing at 7:53 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) Daniel Konowalow, Member  
Vote of Zoning Board . . . (Aye) Henry Sheldon, Member  
Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

Chairman Travis and Lorraine Moynihan Schmitt, Legal Counsel explained that Mr. & Mrs. Thompson previously appeared before the Board for an Area Variance and was approved with conditions. Specifically, the decision indicated a requirement for Mr. Thompson to amend his deed. Ms. Moynihan Schmitt further believes that was not the full intent of Zoning Board nor would it be her recommendation as ZBA Counsel. The recommendation was to have the Variance filed in Miscellaneous Records in the Tompkins County Clerk's Office with a Deed notation.

**Public Comment**

Grant Thompson states the modification to the condition was placed on the Variance after the Public Comments session was closed, therefore he was unable to comment further on the financial impacts that the condition could have placed upon the project.

**The Zoning Board of Appeals made no changes to their original findings of April 22, 2014 (see below)**

FINDINGS:

1. Whether undesirable change would be produce in character of neighborhood or a detriment to nearby properties:

No.

2. Whether benefit sought by Applicant can be achieved by a feasible alternative to the Variance:

Yes.

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

**APPROVED**

No.

4. 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.

The ZBA after taking into consideration the above five factors, finds that: The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community. The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or Community for the reasons following:

1. The Variance for the Shed be included in the deed and notify the Code Official.
2. No further side set back incursions permitted aside from placement of the proposed Shed.

The condition upon which the Original Variance was granted is as follows:

- The applicant must record the variance approval to include no further incursions in the side setback area on his deed for the property before the Board. Said deed must be filed with the Tompkins County Clerk and notification provided to the Town of Lansing Zoning Officer.

After further discussion, it was agreed by the Board to amend and clarify the original approval with regard to the conditions and the filing requisite.

Gregg Travis offered the following Resolution. 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**

## **APPROVED**

After a rehearing of the Application by the ZBA Appeals on May 20, 2014 to further review the above condition, the ZBA determined to Amend the Decision Conditions as follows:

The amended decision shall be filed as a Miscellaneous Record in the Tompkins County Clerk's Office with a deed notation linking the Amended Area Variance Decision with the Applicants' Deed. The responsibility for the filing fees shall be borne by the Applicants, and proof of filing shall be provided by the Applicants to the Zoning Board of Appeals Clerk. No Building Permits may be issued until such proof of filing has been effected.

In addition, there shall be an approval sunset expiration, one (1) year from the date of the Amended Decision, if construction of the Applicants' proposed shed structure has not yet commenced. A one year extension of the sunset expiration shall be permitted, if applied for prior to the expiration of one year from the date of the Amended Decision. If no construction or request for extension is commenced within one year, the Applicants shall be required to submit a new Area Variance Appeal request to the ZBA for full review.

As stated in the Original Decision, no further incursions in the side setback area beyond this approval shall be permitted.

### **Enforcement of ZBA Conditions**

After a brief discussion it was decided that the ZBA authorize Legal Counsel to prepare a Resolution to the Town Board requesting they support the enforcement of the ZBA conditions placed upon any and all properties.

### **Approval/Denial of April 22, 2014 Minutes**

Linda Hirvonen made a motion to approve the Minutes as submitted. 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 . . . (Abstained) Daniel Konowalow**  
**Vote of Zoning Board . . . (Aye) Henry Sheldon, Member**  
**Vote of Zoning Board . . . (Aye) Gregg Travis, Chair**

### **Town Planner Position**

## APPROVED

ZBA Members discussed the need and support for a full time Town Planner.

Hurf: Personally has experience in Real Estate, ZBA Member, has Volunteered on the last Comprehensive Plan and the “100” Item List Committee.

- very complex.
- Continuity
- Having a full time Planner is really a good investment in the future of the Town.
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Linda Hirvonen states as a previous Planning Board Member, they are Volunteers. They have no professional background, they do the best they can and give of their time very willingly and freely.

- They need guidance/professional help.
- At the rate Lansing is growing in the last 25 yrs. it seems unconscious able not to have a professional Planner.
  - Sprawl can happen without full time Planner
  - Must be educated and able to understand

Donna Scott: Planners have experience writing grants.

- A full time professional Planner will be able to write Grants
  - Town Could Save Money by applying for Grants

Dan Konowalow: Sees large projects coming soon

- Sprawl can/will happen without a professional Planner

Judy Drake: Move away from a Consultant. Consultants consult and do not act like an Employee.

- Continuity

Daniel Konowalow made a motion to authorize Lorraine Moynihan Schmitt to prepare a letter on behalf of the Zoning Board Members supporting the full time Planner position. 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**

**APPROVED**

Daniel Konowalow made a motion to adjourn the Meeting at 8:17 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**