
1 **Town of Lansing**

2 **Zoning Board of Appeals Meeting**
3 **Wednesday, May 10, 2023 6:30 PM**
4 **Lansing Town Hall, 29 Auburn Rd**

5 **Present**

Excused

6 Judy Drake, Chair

7 Richard Hayes

8 Mary Stoe

9 Susan Tabrizi

10 Jack Young

11
12 **Other Staff Present**

13 John Zepko, Acting Director of Planning Bronwyn Losey, Councilperson

14 Heather Dries, Planning Clerk

15
16 **Public Present**

17 Steve Ruoff, Michelle Zirbel.

18
19 Chair Judy Drake opened the meeting at 6:31pm

20
21 **Action Items:**

22
23 **Project: Variance for relief from §142-5(5)(a) – Flood Damage Protection- Construction**
24 **Standards for Non Residential Structures**

25 **Applicant:** Steve Ruoff

26 **Location:** 34 Ladoga Park Road, TPN 33.-1-59

27 **Project Description:** The applicant is applying for a variance from §142-5(5)(a) of the Flood
28 Damage Prevention Law, requiring the top of the lowest floor to be raised 2' above the Base
29 Flood Elevation (BFE). BFE is 385.6 feet. The applicant is seeking approval to permit wet flood
30 proofing of the structure in accordance with NFIP technical bulletin 7.

31 **SEQR:** This is an Unlisted action requiring no further SEQR review.

32 **Anticipated Action:** Review of the application

33
34 **Summary of Discussion:**

- 35 • Steve Ruoff was present to discuss this project.
36 • The applicant described the reason for his request.
37 • The Director of Planning described the laws requiring the applicant to pursue this
38 variance.
39

40 **AREA VARIANCE FINDINGS AND DECISION**
41 **TOWN OF LANSING ZONING BOARD OF APPEALS**

42
43 **BACKGROUND INFORMATION**

44
45 Applicant: Steve Ruoff
46 38 Ladoga Park Rd

Variance No: 23-02
Zoning District: L1
Public Hearing: NA

47
48
49 Tax Parcel #: 33.-1-59

50
51 Requirement for which Area Variance is requested: Town of Lansing Code ("Code"): Section
52 210-5 I(1) – maximum number of commercial signs; 210-8 A. – maximum size of a commercial
53 signs.

54 **RESOLUTION AND FINDINGS**

55
56 **WHEREAS** Steve Ruoff, owner of 38 Ladoga Park Rd, TPN 33.-1-59 is requesting relief from
57 Town of Lansing Flood Damage Prevention Code §142-5(5)(a), which requires the top of the
58 lowest floor to be raised 2' above the Base Flood Elevation (BFE). BFE is 385.6 feet. The
59 applicant is seeking approval to permit wet-flood proofing of an accessory structure in
60 accordance with FEMA Floodplain Management Bulletin P-2140 and NFIP technical bulletin 7.

61
62 **WHEREAS**, 6 NYCRR § 617 of the State Environmental Quality Review Act ("SEQRA") requires
63 that a Lead Agency be established for conducting environmental review of projects in
64 accordance with state environmental law and the Lead Agency shall be that local agency which
65 has primary responsibility for approving and funding or carrying out the action; and

66
67 **WHEREAS**, the Zoning Board of Appeals, being the local agency which has primary responsibility
68 for approving the action classifies this application as an Unlisted Action and declares itself the
69 Lead Agency for the review of this action under SEQRA; and

70
71 **WHEREAS** on April 10, 2023 the Town of Lansing Zoning Board of Appeals (ZBA) thoroughly
72 reviewed and analyzed: (i) the information and evidence submitted by the applicant in support
73 of the requested variance; (ii) all other information and materials properly before the ZBA; and

74
75 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

76
77 That the Zoning Board of Appeals of the Town of Lansing determines the proposed project will
78 result in no significant impact on the environment and that a Negative Declaration for purposes
79 of Article 8 of the Environmental Conservation Law be filed in accordance with the provisions of
80 Part 617 of the State Environmental Quality Review Act for the action of granting relief from
81 Town of Lansing Flood Damage Prevention Code §142-5(5)(a),; and be it further Resolved

83 The Town of Lansing Zoning Board of Appeals (ZBA) hereby makes the following findings with
84 respect to the specific criteria for a Variance from the Flood Damage Prevention Law as set forth
85 in Town of Lansing Code 142-5(B)(6) :

- 86
- 87 **(1) The danger that material may be swept onto other lands to the injury of others;**
 - 88 **(2) The danger to life and property due to flooding or erosion damage;**
 - 89 **(3) The susceptibility of the proposed facility and its contents to flood damage and the effect**
90 **of such damage on the individual owner;**
 - 91 **(4) The importance of the services provided by the proposed facility to the community;**
 - 92 **(5) The necessity to the facility of a waterfront location, where applicable;**
 - 93 **(6) The availability of alternative locations for the proposed use which are not subject to**
94 **flooding or erosion damage;**
 - 95 **(7) The compatibility of the proposed use with existing and anticipated development;**
 - 96 **(8) The relationship of the proposed use to the Comprehensive Plan and floodplain**
97 **management program of that area;**
 - 98 **(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;**
 - 99 **(10) The costs to local governments and the dangers associated with conducting search and**
100 **rescue operations during periods of flooding;**
 - 101 **(11) The expected heights, velocity, duration, rate of rise, and sediment transport of the**
102 **floodwaters and the effects of wave action, if applicable, expected at the site; and**
 - 103 **(12) The costs of providing governmental services during and after flood conditions, including**
104 **search and rescue operations, maintenance and repair costs to utilities and facilities such as**
105 **sewer, gas, electrical, and water systems, and streets and bridges**

106

107 **DETERMINATION BASED ON THE ABOVE FACTORS** (choose one):

108

109 It is hereby determined by the Town of Lansing Zoning Board of Appeals (ZBA) that the
110 following variance **IS** granted.

111

112 **DESCRIPTION OF SPECIFIC VARIANCE GRANTED:** To grant relief from Town of Lansing Zoning
113 Code §142-5(5)(a) of the Flood Damage Prevention Law, which requires the top of the lowest
114 floor to be raised 2' above the Base Flood Elevation (BFE) and to permit wet-flood proofing of
115 an accessory structure in accordance with FEMA Floodplain Management Bulletin P-2140 and
116 NFIP technical bulletin 7.

117

118 **ARE CONDITIONS IMPOSED WITH RESPECT TO THE VARIANCE AS GRANTED?**

119

120 Yes X No

121

122 **STATEMENT OF CONDITIONS:**

- 123
- 124 **1. The accessory structure cannot be converted for any use other than as a structure by**
125 **which to store low value property accessory and incidental to the principal residential**
126 **structure.**

127
128 **2. Accessory structure may not be used to store hazardous and/or water reactive contents**
129 **which may create a threat to the public safety, health, or welfare if flooded.**

130
131 **THE VOTE ON THE FOREGOING DECISION, DETERMINATIONS, AND RESOLUTION OF THE TOWN**
132 **OF LANSING ZONING BOARD OF APPEALS WAS AS FOLLOWS:**

133
134 **Motion by:** Mary Stoe
135 **Seconded by:** Susan Tabrizi

136
137 **Judy Drake – Aye**
138 **Richard Hayes – Aye**
139 **Mary Stoe – Aye**
140 **Jack Young – Aye**
141 **Susan Tabrizi – Aye**

142
143 **Dated: 10 April 2023**

144
145 **Project: Area Variance**
146 **Applicant:** Michelle Zirbel

147 **Location:** 1173 Auburn Rd, Tax Parcel No. 6.-1-18

148 **Project Description:** The applicant is proposing to construct an ice cream window with a roof
149 covering the area 20 feet along the north side of the building and extending 8 feet to the side
150 property line, 0' from the property line, where 15' is required.

151 The applicant is applying for an Area Variance from Town of Lansing Zoning Law § 270-11,
152 Schedule II: Area, Frontage, Yard, Height and Coverage Requirements.

153 **SEQR:** This is a Type II Action under the State Environmental Quality Review Act 6 NYCRR
154 617.5(c)(16)

155 **Anticipated Action:** Discussion

156
157 **Summary of Discussion:**

- 158 • Michelle Zirbel was present to discuss this project.
- 159 • The applicant described the reason for the request.
- 160 • The Fire District will be discussing this project at their upcoming meeting and will be
161 providing a statement for the next meeting.
- 162 • The Zoning Board of Appeals has requested a larger map, drawing of the roof and
163 serving counter with dimensions, and a statement from the Fire District.
- 164 • The Zoning Board of Appeals has set a public hearing for June 14, 2023.

165
166 Chair Judy Drake adjourned meeting at 7:14 PM

167
168 Minutes taken and executed by Heather Dries