

**BALDWINSVILLE ZONING BOARD OF APPEALS**  
**16 WEST GENESEE STREET, BALDWINSVILLE, NEW YORK**

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**Approved November 13, 2017**

The regular meeting of the Baldwinsville Zoning Board of Appeals was called to order on August 14, 2017 at 7:00 p.m. by Chairman, Jim Zuccolotto

Present: Jim Zuccolotto Chairman  
John Rutkowski  
Fred Thomas  
Kevin Beverine

Ms. Connie Taft was unable to attend tonight's meeting.

Also Present: Mary Augustus, Secretary  
Gregg Humphrey, Code Enforcement Officer  
Bob Baldwin, Village Attorney

Guests: Sharon Henderson - 108 Downer Street  
Mr. & Mrs. Sellers - 42 Braeside Rd.

**Motion** by Mr. Zuccolotto, second by Mr. Thomas to approve the minutes from July 10, 2017 as submitted  
*Motion carried with a vote of 4:0.*

**42 Braeside Rd. - AREA variance**

Mr. Zuccolotto stated that Mr. & Mrs. Sellers are requesting an AREA variance for a 30' x 8' front porch to be constructed on their home located at 42 Braeside Rd. The house is in a R-1 district. The Public Notice reads as follows:

***Village of Baldwinsville***

**FOR PUBLICATION IN THE MESSENGER ON AUGUST 2, 2017**

ZONING BOARD OF APPEALS  
VILLAGE OF BALDWINSVILLE, NEW YORK  
NOTICE OF HEARING

A public hearing before the Zoning Board of Appeals of the Village of Baldwinsville will be held on Monday, **August 14, 2017 at 7:15 pm** (local time) at 16 West Genesee Street, Baldwinsville, New York.

To be considered is the application of Sharon Henderson, requesting an AREA variance for the property located at 108 Downer St., Baldwinsville, New York 13027 (tax map # 001.-03-18.0). The AREA variance is of, **Article IV 345-9 (c) Front Yards**

A building permit has been applied for to allow for the construction of an accessible ramp to allow for the ingress and egress of a wheelchair. The ramp will extend approximately 10 feet into the front yard setback. This will make the front yard setback approximately 15.5 feet from the front property line and

approximately 21.5 feet from the edge of the road.

The design of the landing and ramp are arranged to allow for the encroachment of a bay window and kitchen and to allow for the distance required to meet the 1/12 elevation change to the driveway. window and to allow for the distance

The following basic standards shall be applicable to all R-1 district unless exceptions are granted in accordance with the requirements specified herein:

Front yards. Each lot shall have a front yard with a minimum depth of 40 feet, except that if there are principal structures fronting on the same street within 300 feet of either or both of the side lines of the lot, the front yard depth shall be equal to the average of the setbacks of the nearest of such structures on each side, or to the average of such setback and 50 feet if there is such a structure on one side only, but not less than 20 feet in any case. In the case of a corner lot, there shall be provided on each street a yard equal in depth to the required front yard depth on such street.

Persons wishing to appear at such hearing may do so in person or by attorney or another representative. Communication in writing in relation thereto may be filed with the Board or presented at such hearing.

Mary E. Augustus  
Secretary, Zoning Board of Appeal

Chairman Zuccolotto declares this a Type II Action under SEQRA, so moved by Mr. Thomas, all in Favor.

Mr. & Mrs. Sellers were present at tonight's meeting.

Mr. Humphrey stated when this sub-division was established the Code was a 30' set-back for the front yards, the project was approved by the Village Board to continue the development. Currently our Coder requires a 40' front yard set-back. So, for this AREA variance we will have to use the 40'

The applicants brought in pictures of neighboring properties to show the front yards of homes in the development.

List of neighbors contacted regarding the Public Hearing:

Bank of America  
7105 Corporate Dr.  
Plano, TX 75024

Neal & Suzanne Smith  
38 Braeside Rd.  
Baldwinsville, NY 13027

Thomas & Lynn Dailey  
41 Braeside Rd.  
Baldwinsville, NY 13027

Michael Cahill  
39 Braeside Rd.  
Baldwinsville, NY 13027

Harvey & Angela Sellers  
42 Braeside Rd.  
Baldwinsville, NY 13027

Gary & Christi Pluff  
29 Braeside Rd.  
Baldwinsville, NY 13027

Hugh & Roberta Sweeney  
43 Braeside Rd.  
Baldwinsville, NY 13027

James & Nichole Hiltbrand  
31 Braeside Rd.  
Baldwinsville, NY 13027

James & Jill Poff  
44 Braeside Rd.  
Baldwinsville, NY 13027

John & Cheryl Robinson  
33 Braeside Rd.  
Baldwinsville, NY 13027

Jeffrey & Terri Lauzon  
46 Braeside Rd.  
Baldwinsville, NY 13027

George Kuhn  
1 Steeplechase Lane  
Baldwinsville, NY 13027

William Pearce  
32 Braeside Rd.  
Baldwinsville, NY 13027

Jon Ward  
37 Braeside Rd.  
Baldwinsville, NY 13027

Nicholas & Mellissa Badolato  
34 Braeside Rd.  
Baldwinsville, NY 13027

Jason Disco  
36 Braeside Rd.  
Baldwinsville, NY 13027

**Revised** Finding of Fact from July 10, 2017 meeting:

- Harvey & Angela Sellers, 42 Braeside Rd. are seeking an AREA variance in an R-1 zone.
- Variance is of Article IV 345-9 (c) front yard
- To allow for the construction of a 30' x 8' porch with an overhang of 16" front yard setback of 14'9" when built.
- When home built? (1987); When purchased (1988);  
Public presents for or against (Mr. Smith of 38 Braeside Rd. was present at the meeting on July 10, 2017 and he is in favor of the porch.)
- Project cost? Approx. \$18,000.00. Materials-base pressure treated wood
- Housing on either side have similar set-backs
- Would improve house and area value of home
- Wheeler chair accessible for Mr. & Mrs. Seller's niece
- Will have an overhang with asphalt shingles
- Contractor for the job will be James Bureroff
- The steps would be part of the set-back. The steps will extend 22" from the porch.

**Motion** by Chairman Zuccolotto closed the Public Hearing second by Mr. Beverine

*Motion carried 4:0*

**VILLAGE OF BALDWINSVILLE  
ZONING BOARD OF APPEALS**

**AREA VARIANCE FINDINGS & DECISION**

**UPON A MOTION BY MEMBER ZUCCOLOTTO AND SECONDED BY MEMBER RUTKOWSKI, THE ZONING BOARD OF APPEALS PASSED THE FOLLOWING RESOLUTION:**

**WHEREAS**, The applicants, Harvey Edward Sellers and Angela Sellers came before the Zoning Board of Appeals on August 14, 2017, for a variance of the provisions of Village Code Article IV, §345-9(C), to allow the front yard construction of a 30' by 8' front porch at the premises located at 42 Braeside Road in the Village of Baldwinsville.

**NOW, THEREFORE, BE IT RESOLVED**, that the Zoning Board of Appeals adopts the following findings and decisions:

Applicant: Harvey Edward Sellers and Angela Sellers  
Zoning District: R1  
Published Notice on: August 2, 2017

Property Location: 42 Braeside Road  
Use for which Variance is Requested: Construction of a front porch  
Applicable Sections of Village Zoning Code: Article IV, §345-9(C)  
Permitted Uses of Property: Residential  
Tax Map No. 001.-03-18.0

**I. Notice Sent to the County Planning Board:**

Not Applicable

**II. SEQRA (State Environmental Quality Review Act)**

Type II Action

**III. Findings of Fact:**

**IV. Factors Considered:**

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes \_\_\_\_\_ No X

Reasons: There are other porches in the neighborhood that extend out into the front yard. It is a typical front addition.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes \_\_\_\_\_ No X

Reasons: The porch with front access is necessary to allow access for a disabled family member. The porch needs to be 8 feet in order to allow for placement of furniture.

3. Whether the request variance is substantial: Yes \_\_\_\_\_ No X

Reasons: Based on the neighborhood and the setback of all the houses in the neighborhood, the variance is not substantial and would not stand out.

4. Would the variance have an adverse impact on the physical or environmental conditions of the neighborhood: Yes \_\_\_\_\_ No X

Reasons: The porch will have a positive impact visually on the neighborhood. There is no environmental impact.

5. Whether the alleged difficulty was self-created: Yes X \_\_\_\_\_ No

Reasons: The front yard setback regulations were in effect when the applicants purchased the property and therefore they were aware of the restrictions.

**III. DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:**

The ZBA, after taking into consideration the above five factors, finds that:

X The benefit to the applicant **DOES** outweigh the Detriment to the Neighborhood or Community.

\_\_\_\_\_ The benefit to the applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance requested is denied.

The ZBA further **GRANTS** the variance with the condition that the porch construction is completed in accordance with the plans attached as an Exhibit to this Resolution.

**RECORD OF VOTE**

Member Name	Aye	Nay
J. Rutkowski	X	
K. Beverine	X	
F. Thomas	X	
J. Zuccolotto	X	

Chairman Zuccolotto then declared the Resolution duly adopted.

I, Mary Augustus, CLERK OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF BALDWINSVILLE, hereby certify that the foregoing is a true and correct excerpt from the minutes of a meeting of said Board duly convened and held on August 14, 2017, a quorum being present.

Mary E. Augustus

CLERK

**108 Downer Street - AREA variance**

Ms. Sharon Henderson was present at last month's meeting for requesting a variance for a front yard set-back, Article IV 349-9 (c). the house currently sets back 26' off the property line. Mr. Zuccolotto explained Ms. Henderson uses a wheelchair and needs a ramp for exit and entrance via the front door of her home located 108 Downer Street, the house is in a R-1 zone with a required 40' set-back.

Mary Augustus, ZBA Secretary, read the Public Notice as follows:

***Village of Baldwinsville***

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To be considered is the application of Sharon Henderson, requesting an AREA variance for the property located at 108 Downer St., Baldwinsville, New York 13027 (tax map # 001.-03-18.0). The AREA variance is of, **Article IV 345-9 (c) Front Yards**

A building permit has been applied for to allow for the construction of an accessible ramp to allow for the ingress and egress of a wheelchair. The ramp will extend approximately 10 feet into the front yard setback. This will make the front yard setback approximately 15.5 feet from the front property line and approximately 21.5 feet from the edge of the road.

The design of the landing and ramp are arranged to allow for the encroachment of a bay window and kitchen and to allow for the distance required to meet the 1/12 elevation change to the driveway. window and to allow for the distance

The following basic standards shall be applicable to all R-1 district unless exceptions are granted in accordance with the requirements specified herein:

Front yards. Each lot shall have a front yard with a minimum depth of 40 feet, except that if there are principal structures fronting on the same street within 300 feet of either or both of the side lines of the lot, the front yard depth shall be equal to the average of the setbacks of the nearest of such structures on each side, or to the average of such setback and 50 feet if there is such a

structure on one side only, but not less than 20 feet in any case. In the case of a corner lot, there shall be provided on each street a yard equal in depth to the required front yard depth on such street.

Persons wishing to appear at such hearing may do so in person or by attorney or another representative. Communication in writing in relation thereto may be filed with the Board or presented at such hearing.

Mary E. Augustus  
Secretary, Zoning Board of Appeals

**Motion** by Mr. Zuccolotto to declare the variance request for 108 Downer Street a Type II Action under SEQRA with no further action required, second by Mr. Thomas.

*Vote carried 4:0*

Michael & Mary Beth Malecki  
101-103 Wilkinson Place Ext.  
Baldwinsville NY 13027

John Emmons  
101 Downer St.  
Baldwinsville NY 13027

Iee Dee & Sons, LLC  
131 Downer St.  
Baldwinsville NY 13027

James & Nancy Black  
114-116 Downer St.  
Baldwinsville NY 13027

Kristin Ruscitto  
99 Downer St.  
Baldwinsville NY 13027

MK-Menlo Property Owner LL  
13 Downer St.  
Baldwinsville, NY 13027

Stuart & Carol Ledwith  
3 Frawley Ave.  
Baldwinsville NY 13027

Richard & Karen Huebner  
97 Downer St.  
Baldwinsville NY 13027

Morgan Bville Apts LLC  
197 Downer St.  
Baldwinsville, NY 13027

Community Wesleyan Church  
112 Downer St.  
Baldwinsville NY 13027

Victor D. Berger  
95 Downer St.  
Baldwinsville NY 13027

Mary Delamoy  
103 Downer St.  
Baldwinsville NY 13027

Michael & Mary Beth Malecki  
101-103 Wilkinson Place Ext.  
Baldwinsville NY 13027

Cody Allen Simmons  
93 ½ Downer St.  
Baldwinsville NY 13027

Kimberly Viney  
7777 Meigs Rd.  
Baldwinsville NY 13027

Thomas Reisinger  
106 Downer St.  
Baldwinsville NY 13027

Falardeau Funeral Home  
93 Downer St.  
Baldwinsville NY 13027

Chris & Barb Godfrey  
104 Downer St.  
Baldwinsville NY 13027

Joseph & Terrie Fabbio  
40 Division St.  
Baldwinsville NY 13027

Robert & Carol Burkhart  
100-102 Downer St.  
Baldwinsville NY 13027

Landrush Way Apts.  
7776 Landrush Way  
Baldwinsville NY 13027

Gritzke Revoc Trust  
105 Downer St.  
Baldwinsville NY 13027

Andrew & Jessica Corbett  
7763 Meigs Rd.  
Baldwinsville NY 13027

Above neighbors were notified by mail regarding Public Notice for 108 Downer Street.

**Motion** by Mr. Zuccolotto to open the Public Hearing second by Mr. Beverine

Ms. Henderson stated she needs a ramp, she has decided not to get a portable moveable ramp but to hire the contractor to install a permanent structure. My son will help her financial with the cost of the ramp.

There is a picture window and a garden window that will have to be consider in the design of the ramp. 108 Downer Street is a corner lot, with the current Code of a front yard set-back of 40-feet. When this area was developed in the 1950's the required front yard set-back was 30'. The house set-back now is 25 ½ -feet and about 31 ½ -feet from the road. Originally, Downer street was much narrower and has had it widen through-out the years. The contractor is called Cedar Rock, cost of the project is \$5,300.00.

Mr. Rutkowski asked Ms. Henderson, how many years ago did she buy the house, she replied 37 years ago, did you have your disability at that time? Ms. Henderson stated no, she did not.

**Motion** Chairman Mr. Zuccolotto to close the Public Hearing, second by Mr. Thomas.

**VILLAGE OF BALDWINSVILLE  
ZONING BOARD OF APPEALS**

**AREA VARIANCE FINDINGS & DECISION**

**UPON A MOTION BY MEMBER ZUCCOLOTTO AND SECONDED BY MEMBER RUTKOWSKI, THE ZONING BOARD OF APPEALS PASSED THE FOLLOWING RESOLUTION:**

**WHEREAS**, The applicant, Sharon M. Henderson came before the Zoning Board of Appeals on August 14, 2017, for a variance of the provisions of Village Code Article IV, §345-9(C), to allow the front yard installation of a wheelchair ramp at the premises located at 108 Downer Street in the Village of Baldwinsville.

**NOW, THEREFORE, BE IT RESOLVED**, that the Zoning Board of Appeals adopts the following findings and decisions:

Applicant: Sharon M. Henderson  
Zoning District: R1  
Published Notice on: August 2, 2017



Property Location: 108 Downer Street  
Use for which Variance is Requested: Installation of a wheelchair ramp  
Applicable Sections of Village Zoning Code: Article IV, §345-9(C)  
Permitted Uses of Property: Residential  
Tax Map No. 021.-03-33.0

**IV. Notice Sent to the County Planning Board:**

      X       Not Applicable

**V. SEQRA (State Environmental Quality Review Act)**

      X       Type II Action

**III. Findings of Fact:**

**IV. Factors Considered:**

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes \_\_\_\_\_ No X

Reasons: Existing houses in the area have the same or similar setback. The ramp is a necessity, and is a common fixture to a residence.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes \_\_\_\_\_ No X

Reasons: The owner is suffering from a disability and needs the ramp for accessibility. A portable ramp is not feasible. The house and lot configuration would not allow for a practical alternative.

3. Whether the request variance is substantial: Yes \_\_\_\_\_ No X

Reasons: The ramp is a minor addition to the front of the property and is needed to provide accessibility to the disabled owner.

4. Would the variance have an adverse impact on the physical or environmental conditions of the neighborhood: Yes \_\_\_\_\_ No X

Reasons: The ramp is a common addition to a residence where the owner or resident is disabled.

5. Whether the alleged difficulty was self-created: Yes \_\_\_\_\_ No X

Reasons: The owner's disability arose after she purchased the residence and therefore the requirement for the ramp and the variance was not present when she acquired the property.

**DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:**

The ZBA, after taking into consideration the above five factors, finds that:

  X   The benefit to the applicant **DOES** outweigh the Detriment to the Neighborhood or Community.

       The benefit to the applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance requested is denied.

The ZBA further **GRANTS** the variance with the condition that the ramp will be removed when no longer needed by the applicant and with the condition that if the property transfers ownership then the ramp will be removed

**RECORD OF VOTE**

Member Name	Aye	Nay
J. Rutkowski	X	
K. Beverine	X	
F. Thomas	X	
J. Zuccolotto	X	

Chairman Zuccolotto then declared the Resolution duly adopted.

I, Mary Augustus, CLERK OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF BALDWINSVILLE, hereby certify that the foregoing is a true and correct excerpt from the minutes of a meeting of said Board duly convened and held on August 14, 2017, a quorum being present.

*Mary E. Augustus*

CLERK

It was discussed by the Board if this variance was granted that a condition would be consider having the ramp removed prior the sale of the house or if the ramp was no longer needed.

**Motion** by Mr. Zuccolotto to adjourn the meeting at 8:20pm, second by Mr. Rutkowski  
*Vote carried 4:0*

Next meeting scheduled for September 11, 2017.

Respectfully submitted,  
*Mary E. Augustus*  
ZBA Secretary