

Village of Baldwinsville Zoning Board of Appeals  
Monday June 9, 2025  
Approved

PRESENT:

James Zuccolotto - Chairperson  
Margaret (Peg) Halleron  
Kevin Baker  
Mathew Fox  
Rocco Nalli  
Bob Baldwin, Village Attorney  
Michelle Hamilton, Zoning Board of Appeals Secretary

Chairperson James Zuccolotto called a meeting to order at 7:00 PM and led The Pledge of Allegiance.

Motion made to approve Zoning Board of Appeals corrected edited meeting minutes of April 14, 2025, by Kevin Baker and seconded by Matt Fox. Motion carried. Unanimously approved.

**Old Business:** none

**New Business: 2827 Cold Springs Road**

Motion made to open public hearing for 2827 Cold Springs Road, by Kevin Baker and seconded by Matt Fox. Motion carried. Unanimously approved.

List all individuals notified as part of the public hearing.

1. Jeffrey/ Shari Silino – 27 Ronway Drive
2. Randy/Doreen Reinhardt – 137 Casterbridge Lane
3. Rajai Fasho – 35 Ronway Drive
4. Carl/ Elizabeth MacKenzie – 33 Ronway Drive
5. Frank/ Rosemarie Nestasia – 31 Ronway Drive
6. Donald Giromini- 4 Doe Run
7. Michael Barcomb- 6 Doe Run
8. Anthony/ Yaroslava – 43 Ronway Drive
9. Donald/Cynthia Cronin – 41 Ronway Drive
10. Mehran Nojan – 39 Ronway Drive
11. Bryan/Dolores Rubenau – 37 Ronway Drive
12. Edward/ Darlene VanDerWater- 118 Commune Road
13. Kyle/ Lauren Bavis – 2813 Cold Springs Road

Public Hearing Notice and Application Dates

Clarification was sought regarding the dates of the public hearing notice and application for the use variance at 2827 Cold Springs Road. The notice was sent on May 12th, with an update

posted on the website. The original notice had an incorrect date. Update Notice Dates in Messenger: June 4, 2025

### Use Variance Application for 2827 Cold Springs Road

Discussion focused on the applicant's request to convert a commercial daycare building in an R1A zone to an R2 use for three multi-family units. The applicant outlined the economic hardship of maintaining the property as a single-family home, the lack of market demand, and the financial impracticality of demolition and rebuilding.

### Proposal Details: Conversion to Three Accessible Apartments

The applicant proposed converting the 3,500 square foot building into three fully accessible apartments for individuals with reduced mobility, citing a shortage of such housing. The plan includes energy-efficient upgrades and collaboration with Access CNY and county housing initiatives.

### Community Impact and Support

The applicant emphasized the social and economic benefits of the project, including preventing vacancy, supporting local businesses, and fostering community for people with reduced mobility. Two letters of support were received from the Baldwin Hill community and CNY Access doctors.

### Clarification of Project Description Language

Concerns were raised about the language in the public notice, specifically the use of 'handicapped or disabled facility.' The applicant and a community member suggested using 'reduced mobility' and clarifying that the project is for independent living, not a care facility.

### Notification of Adjacent Property Owners

The board confirmed that adjacent property owners, including those on Runway and 370, were notified individually as required. A letter of support from a resident at 17 Runway was read.

### Procedural Concerns and Application Process

The applicant expressed a desire for a more supportive and less complicated application process, emphasizing the importance of clear guidance from the board.

### Support for Accessible Housing Project

Robert Weber MD and Margaret A. Kirk MD expressed support for the renovation of the property at 117 Iowa Trail into accessible apartments for people with mobility disabilities, highlighting the lack of affordable accessible housing in the area and the benefits of proximity for shared support services.

### Project Scope and Design

Discussion of the planned renovation: demolition, reconstruction, and redesign of the interior to create three apartments with features such as accessible floors, furniture, showers, and common ADA-compliant areas for socialization.

### Timeline and Project Delays

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Questions raised about the project timeline. The project cannot proceed until approval is granted. The purchase process took at least three months due to an out-of-state owner. The building was vacant for three months before purchase.

#### Zoning and Tax Implications

Clarification sought on whether changing from commercial to residential would impact taxes. The property is zoned R1 residential, not commercial, so no rezoning is required.

#### Alternative Uses and Options Considered

Discussion of options considered for the property, including demolition, reconstruction, and conversion to a single-family home. Conversion to a 3,500- square-foot single-family home was deemed not in demand.

#### ADA Compliance and Accessibility Standards

Clarification that as a private owner, full ADA compliance is not required, but the project aims to create ADA-compliant common areas and meet housing standards for reduced mobility.

#### Neighborhood Characteristics and Precedents

Discussion of nearby multi-family homes (five two-family homes) and lot sizes. The property is already divided into three sections with separate utilities.

#### Financial Estimates and Project Viability

Questions about who prepared financial estimates and how they were calculated. Estimates were based on local contractor information and verified by Greg Hoover.

#### Previous and Potential Uses

The building was previously a daycare center, vacant for three months before purchase. Attempts were made to find a new daycare tenant, but rent was prohibitive. Other uses considered included medical facilities and manufacturing, but these were rejected due to community impact concerns.

#### Zoning Code and Vacancy Rules

Reference to Baldwinville code 360 regarding vacancy rules: six months or 18 months within three years. After six months of vacancy, property defaults to R1 zoning.

#### Conclusion

1. Support offered by Robert Weber MD and Margaret A. Kirk MD, including willingness to speak to interested parties and provide further assistance.
2. Plan is to create three large, accessible apartments with ADA-compliant common areas; exterior changes will focus on increasing light.
3. Project start is pending approval; timeline for construction not specified.
4. No rezoning needed; tax implications not fully addressed.
5. Three-unit accessible apartment plan chosen as most viable and beneficial.
6. Common areas will be ADA-compliant; apartments designed for accessibility.
7. Neighborhood has precedent for multi-family housing; property layout supports proposed use.
8. Estimates provided; project considered not economically viable as a single-family home.
9. Daycare use not pursued due to financial and community considerations; accessible apartments chosen as best use.
10. Property met criteria for R1 zoning due to vacancy period.

#### Property Zoning History and Status

Discussion about the property's zoning history, including its previous commercial use, conversion to R1 residential, and confusion over current zoning as shown on tax records and New York Gov.

#### Self-Created Hardship and Use Variance Standards

Clarification of the legal standards for use variances, specifically the concept of self-created hardship and whether the applicant's reliance on tax records was reasonable.

#### Site Visits and Property Condition

Board members confirm site visits and discuss the property's appearance, noting it looks commercial with three entrances and is not configured as a single-family home.

#### Financial Hardship and Construction Costs

Review of the applicant's claim that converting the property to a single-family home would cost \$440,000 for construction and \$45,000 for demolition, totaling nearly \$500,000, making it financially unviable.

#### Planned Property Modifications

Discussion of proposed changes: reducing asphalt, adding green space, grading, and reducing frontage from 50 foot to 20 foot. No changes to the building footprint.

#### County and Planning Board Review

Reference to Onondaga County planning board's review, approval, and recommendations, including concerns about stormwater, green space, and a sanitary easement.

#### Sanitary Easement and Survey Issues

Clarification that a patio was mistakenly shown over a sanitary easement due to an unprofessional drawing; applicant commits to ensuring no structures will be built over the easement.

#### Board Deliberation on Use Variance Criteria

Systematic review of the four use variance criteria: economic deprivation, uniqueness of hardship, neighborhood character, and self-created hardship.

#### Neighborhood Character and Uniqueness

Analysis of the R1A district's composition, noting the subject property is unique due to its commercial history and the inconsistency of the surrounding area.

#### Applicant's Reliance on Tax Records

Applicant explains reliance on tax bill zoning information, which led to misunderstanding about the property's zoning status.

#### Public Utility Variance Analogy and Broader Policy Context

Discussion of whether the need for housing and state policy could be considered similarly to public utility variances, potentially lowering the standard for granting the variance.

Motion made to close public hearing for 2827 Cold Springs Road, by Kevin Baker and seconded by Peg Halleron. Motion carried. Unanimously approved.

#### Conclusion

1. The property was previously commercial, converted to R1, but tax records still list it as commercial, leading to confusion for the current owners.
2. If the board finds the applicant's reliance on tax records reasonable, the hardship may not be considered self-created.
3. Multiple board members have visited the site and agree it does not resemble a single-family residence.
4. The board acknowledges the financial hardship is supported by contractor estimates and documentation.
5. Applicants plan to improve green space and drainage, but may need to consult the planning board and codes officer regarding site plan requirements.
6. County planning board approved the project with conditions, including addressing the sanitary easement.
7. Applicant will ensure no hard surfaces are built over the sanitary easement; future plans will be based on a proper survey.
8. Board members generally agree the criteria are met, with supporting documentation and discussion.
9. The property is unique within the district, and granting the variance would not alter the essential character of the neighborhood.
10. Board members find the applicant's reliance on tax records reasonable under the circumstances.
11. Board acknowledges the broader policy context but focuses on the reasonableness of the applicant's reliance on official records.

#### Variance Requests and Zoning Board Deliberations

Motion to vote a variance at 2827 Cold Springs Road by Peg Halleron and seconded by Matt Fox, Variance approved for three one-bedroom apartments for reduced mobility occupants, subject to Onondaga County Planning Board conditions and a 10- year agreement. Resolution to be drafted accordingly. Motion carried. Unanimously approved.

Motion was made by Kevin Baker and seconded by Peg Halleron. Motion carried. Unanimously approved to declare the discussed variance as an unlisted action for SEQR (State Environmental Quality Review) purposes, ensuring it is recorded in the meeting minutes.

Variance for 2027 Route 370 – Use for Reduced Mobility Apartments Discussion centered on granting a variance for the property at 2027 Route 370 to allow three one-bedroom apartments specifically for occupants with reduced mobility, referencing the Onondaga County Planning Board resolution dated May 21, 2025 (Case Z-25-155). The board debated the appropriate language for the condition (disabled vs. reduced mobility), the duration of the use restriction (10-year agreement with the county), and ADA compliance.

Clarification was made that the action is a variance for use, not a rezoning from R1A to R2, and that the variance is tied to the use of three one-bedroom apartments for reduced mobility occupants.

#### Drafting and Notification of Resolution

Arrangements were made for the drafting of the resolution reflecting the agreed- upon conditions and for sending the approval notice to SOCPA.

## **Variance Request for 26 Grove Street – Carport Setback Issue**

Initial informal hearing for a variance request regarding a carport at 26 Grove Street, represented by Donald Wilcox for Janet Steyer. The carport was built on an old foundation, possibly only one to two feet from the property line, not meeting the required five-foot setback. Discussion included the history of the foundation (dating back over 50 years), the size of the carport (20 by 25 feet), the concrete slab (measured at 20 by 42 or 43 feet), and neighbor complaints. The board requested an updated survey and cost estimates for moving the structure.

### **Criteria for Granting Variances**

The board outlined the criteria for variance consideration: undesirable neighborhood change, feasible alternatives, substantiality of the request, and environmental/physical impacts.

### **Next Steps for 26 Grove Street Variance**

The board requested that the applicant provide an updated survey showing the exact distance from the property line and an estimate of the cost to move the carport, to be presented at the public hearing scheduled for the next month.

The group discussed scheduling a public hearing for the applicant, contingent on receiving the updated survey map. There was a motion to schedule the hearing for the following month once the map is provided.

Clarification was sought regarding whether the structure in question would have walls, what materials would be used (sheet metal), and whether this would affect the dimensions and compliance with setback requirements.

Applicant to consult with the planning board and codes officer regarding site plan requirements for green space and drainage modifications.

The applicant has not yet provided updated and accurate survey maps and supporting documentation (including contractor estimates and details on the location and materials of proposed structures) necessary for the board to assess the feasibility, compliance, and impact of granting variances, particularly for the 26 Grove Street carport and related property improvements.

The public hearing for the applicant will be scheduled pending receipt of the survey map. Motion made by Peg Haelleron and seconded by Matt Fox to schedule public hearing for 26 Grove Street contingent on receiving the updated survey map. Motion carried. Unanimously approved.

Motion was made to adjourn the meeting at 8:52 PM by Peg Halleron and seconded by Matt Fox. Motion carried. Unanimously approved.

. Meeting adjourned.

Respectfully submitted,

*Michelle Hamilton*

Michelle Hamilton

Zoning Board of Appeals, Board Secretary