

Village of Baldwinsville Zoning Board of Appeals  
Monday August 11, 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 Rocco Nalli Motion carried. Unanimously approved.

**Old Business:**

**26 Grove Street** – update waiting for their surveyor to complete necessary work. The applicant requested to postpone the hearing to the following month. The board had previously scheduled a public hearing for this item but had to pull it. A new public hearing will need to be scheduled at least two weeks in advance once the applicant has completed their survey and application materials

**New Business:**

**Maguire** - was tabled until next month at the applicant's request.

**20 Aspen Springs Drive** - area variance fence

The board reviewed a new application from Luke Evans, who bought the house in October 2023, represented by his attorney, Patrick Martin, for a property with a partially constructed fence.

The applicant is seeking relief from two sections of the village code: 138.4 (fence height) and 166.4 (requirement for the finished side of the fence to face outward).

The board chair outlined the five criteria for granting a variance that the applicant will need to address at the public hearing:

- i. Whether the variance would produce an undesirable change in the neighborhood.
- ii. Whether the benefit sought by the applicant can be achieved by other feasible alternatives.
- iii. Whether the requested variance is substantial.
- iv. Whether the variance would have an adverse impact on physical or environmental conditions.
- v. Whether the alleged difficulty was self-created.

Patrick Martin, the attorney, stated the fence is approximately 85-90% complete. A stop-work order was issued because the fence was built without a permit. The applicant has since paid a fine and triple the permit fee.

The non-conforming portions of the fence are eight feet high (where six is permitted) and have the “bad side” facing out. The property is next to a commercial property with easements and a communications tower. Luke, the applicant, explained the purpose of the fence is to ensure the safety of his “two young children, a three-year-old and a one-year-old” and two dogs by creating a separation from the adjacent industrial areas.

Board member Mr. Baker noted the fence appears to be constructed over the village gravel area and over the water easement. Easements were discussed.

The board discussed a shed on the property and its compliance with setback rules, noting it appears to be five feet inside the south line on the west side. It was recommended the applicant confirm the exact dimensions with their surveyor to determine if an additional variance is needed, as the board noted it did not sound like one was required.

The board will require an affirmation from the applicant’s attorney that any variance granted will be conditioned on the structures being compliant with the rights of the easement holders.

Motion was made to schedule a public hearing for 20 Aspen Springs Peg Palleron seconded by Rocco Nalli. Motion carried. Unanimously approved.

- Board members will visit the applicant's property to observe the fence and site conditions firsthand.
- Before next month's meeting. Provide Highlighted Survey The applicant must provide the board with color- coded copies of the survey map, clearly highlighting the non-conforming sections of the fence and adding dimensions.
- Luke Evans & attorney Patrick Martin - Before next month's meeting. This will clarify the exact relief being requested for the public hearing, specifically highlighting non-conforming sections (red) and conforming sections (yellow).
- Verify Shed Compliance - The applicant needs to confirm with their surveyor whether the shed meets setback requirements. |Luke Evans & attorney Patrick Martin - Before next month's meeting. If non-compliant, the variance application must be modified to include relief for the shed.
- Provide Easement Affirmation - The applicant's attorney must provide a written affirmation that any approved structures within easements will comply with the easement holders' rights. Before next month's meeting. This is to address concerns about encroachment on village and utility easements.

A board member raised the issue of public perception and safety during site visits, citing "goofy stuff on social media" about unidentified individuals on private property.

A suggestion was made to acquire official identification for board members to wear during site visits. Ideas included ID badges, hats, or safety vests with the village logo.

The board favored the idea of safety vests, as they are highly visible and clearly denote an official purpose.

Motion was made to adjourn the meeting at 7:30 PM by Kevin Baker and seconded by Matt Fox.

Motion carried. Unanimously approved.

. Meeting adjourned.

Respectfully submitted,

*Michelle Hamilton*

Michelle Hamilton

Zoning Board of Appeals, Board Secretary