

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

*Approved April 10, 2017*

The regular meeting of the Baldwinsville Zoning Board of Appeals was called to order on March 13, 2017 at 7:13 p.m. by Chairman, Jim Zuccolotto.

**Present:** Jim Zuccolotto, Chairman  
John Rutkowski  
Connie Taft

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

Kevin Beverine did not attend this meeting.

**Guests:** None

Pledge of Allegiance

A Moment of Silence for recently deceased ZBA Board member, Mr. George LePorte.

Chairman Zuccolotto called for approval of the minutes from December 12, 2016. Upon *motion* by Chairman Zuccolotto and second by Ms. Taft to approve the minutes as submitted.

*Motion carried with a vote of 3:0.*

**19 Endora Dr. - AREA variance**

Chairman Zuccolotto reviewed the application from Dan and Sharon Wiecek requesting an AREA variance to construct a fence at 19 Endora Dr. December 12, 2016 meeting of the ZBA, the Board outlined a resolution to grant a variance with the *condition* the boundary lines are pinned and staked by a licensed surveyor and confirm by Mr. Humphrey, Code Enforcement officer. The survey was done by Ianuzi & Romans, P.C. Mr. Humphrey and Mr. Darcangelo visited the site on March 1, 2017 to measure the area the proposed fence is to be installed. A letter was issued by Mr. Humphrey on March 7, 2017 to the ZBA members with the determination an AREA variance would not be necessary to install a fence with a setback of 6" from the property line in accordance with Village Code. The same letter was sent to Mr. & Mrs. Wiecek. Mr. Humphrey also took pictures which the Board has requested to be put in the *record*.

Mr. Baldwin stated the Board could enter a feasible condition to deny the variance. Mr. Humphrey added there are ways to construct a fence to comply with the site.

Mr. Robert Baldwin, Attorney submitted the following Resolution:

**VILLAGE OF BALDWINSVILLE  
ZONING BOARD OF APPEALS**

**AREA VARIANCE FINDINGS & DECISION**

**UPON A MOTION BY CHAIRMAN ZUCCOLOTTO AND SECONDED BY MS. TAFT THE ZONING BOARD OF APPEALS PASSED THE FOLLOWING RESOLUTION:**

**WHEREAS**, The applicants, Dan and Sharon Wiecek, came before the Zoning Board of Appeals On December 12, 2016, for a variance for approval of a fence to be built within 6 inches of the side yard setback where the Village zoning code requires a 6 inch set back, resulting in a variance of approximately 6 inches.

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

Applicant: Dan and Sharon Wiecek  
Zoning District: R-1  
Published Notice on: December 7, 2016

Property Location:  
Use for which Variance is Requested: Residential area variances  
Applicable Sections of Village Zoning Code: 166-5  
Permitted Uses of Property: R-1  
Tax Map No. 001.-03-06.0

**Findings of Fact**

1. The application is for an area variance for the property located at 19 Endora Drive Tappan Street in Baldwinsville, NY located in an R1 zone and owned by Mr. And Mrs. Daniel Wiecek.
2. The variance request is of Article IV, Section 166-5 Fences; Location Restrictions to allow for installation of a fence closer than 6 inches to the property line.
3. A public notice was published in the Messenger on December 7, 2016.
4. The current use of the property is residential.
5. A copy of the property survey dated July 11, 2003 was submitted with the application.
6. A quote for \$3456 was received from Syracuse Fence.
7. The proposed fence will be replacing an old wooden fence with a PVC fence.
8. Photos were submitted to show the approximate property line.
9. The Applicant desires to erect a fence on the existing property line or closer than 6 inches to the property line versus placing the fence 6 feet into his property or removing existing trees.
10. Notices were sent to nearby property owners regarding this variance request. No correspondence was received for or against the application.

11. No public is present for or against the application.
12. No other fencing will be erected.
13. There is a natural border on the back and east side of the property.
14. There is a 10-foot utility easement located in the back of the property.
15. The approximate length of the fence will be 88 feet.

I. **Factors Considered:**

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

As to the requests for the set-back variance, there would be no undesirable change to the neighborhood unless the fence encroached onto neighboring property.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:

As to whether a feasible alternative to variance can achieve the benefit, the Village Code Enforcement Officer and Village Engineer went to the property and determined the lot line and measured from that line to determine whether a fence could be constructed without the need for a variance. Photos of that investigation were presented to the Board and are part of the record. It is apparent and we so find that a fence can be constructed within the 6-inch setback required without damaging existing trees or their root systems.

3. Whether the request variance is substantial:

The requested variance as to the side yards is not substantial as it is only a matter of inches.

4. Would the variance have an adverse impact on the physical or environmental conditions of the neighborhood:

No adverse impact will be created.

5. Whether the alleged difficulty was self-created:

The alleged difficulty is not self-created as the trees were not planted by the Applicant and the previously existing fence was in place on the neighboring property when the property was purchased by the Applicant.

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

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

The benefit to the applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community as to the lot coverage variance.

Therefore, (1) the variance as requested pursuant to Section 166-5 of the Zoning Code for variance to lot coverage is DENIED, inasmuch as a feasible alternative to the variance is available.

**RECORD OF VOTE**

MEMBER NAME	Aye	Nay
Chairman Zuccolotto	_____	<u>X</u>
Member Rutkowski	_____	<u>X</u>
Member Taft	_____	<u>X</u>

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 March 13, 2017, a quorum being present.

*Mary Augustus*  
Zoning Board of Appeals Secretary

The meeting was adjourned at 7:40 p.m.

The next meeting is scheduled for Monday, May 8, 2017 at 7 pm.

Respectfully Submitted,

*Mary Augustus*  
Zoning Board of Appeals Secretary