

**MINUTES**  
**MUNICIPAL BUILDING**  
**ZONING BOARD OF APPEALS**

November 25, 2025

5:00 P.M.

**PRESENT:** Kevin Foltz, Chairman, Meghan Lutz, Sheila Tracy, Nancy Babis, Sam Marotta, Andrew Rosenberg, David Blackley, Corporation Counsel, Jason Dool, Chief Building Inspector

**EXCUSED:** Kevin McDonough

The Chairman explained to those present the procedure followed in these Hearings, First the explanation by the Appellant as to what he/she is appealing for, second, any questions those present wishes to ask to clarify the appeal, and third, the Board will hear any opinions for or against the granting of this variance. The chairman stressed the point that anyone wishing to speak must first state their name and address.

Roll call was taken by Chairman Kevin Foltz and all the members present stated that they have seen the properties.

The first case to be called was Case No. 2361. Appeal of Coulton Baker-Durst to utilize the property for agricultural operation with a retail stand located at 59 Nicholls Street situated in a Medium Density Residential Zone.

Mr. Baker-Durst stated that he is the owner and operator of Rolling Roots in Lockport. He said that he is applying for a special use permit to continue use of his small city farm on his residential property. He said that this is more than a business it is valuable to the community and deeply meaningful part of his own life. He said that Rolling Root began with the desire to grow clean, pesticide free food for himself. He said that over time it grew into something much bigger, a place where the community could access fresh local produce without traveling far or paying inflated grocery store prices. He said that he operates the farm with care and responsibility.

Mr. Baker-Durst said that while he is not legally certified organic yet, his growing methods do not use pesticides, hormones or synthetic chemicals. He said that everything he grows is done naturally and by hand using composting, mulching, plant rotation and sustainable soil practices. He said that one of the strongest points of his case is the support from the community of Lockport and surrounding towns far and wide. He said that between online support and physical signatures he has received over three hundred signatures of support from people that want Rolling Roots farms to stay exactly where it is.

Mr. Baker- Durst said that he believes that he could have obtained more signatures of support but because of his physical limitations and the short amount of time before this meeting he couldn't.

Mr. Baker-Durst that the neighborhood appreciates having fresh produce accessible locally especially in households that lack transportation or access to such things as affordable produce or plants. He said that this can give people the ability to grow their own produce and plants.

Mr. Baker-Durst said that the community likes that they can purchase fresh produce at the farmer's market as well as enjoying his stand in the neighborhood. He said that people like the human to human contact they get from purchasing from him rather than a mass produced grocery store. He said that people want his stand to remain and see more of them across the City. He said people believe that the neighborhood stand as well as the farmer's market adds to the City both culturally and nutritionally.

Mr. Baker Durst said that he has received support from both the Mayor and Common Council members, stating the benefits of Rolling Roots farm even though they do not sit on this board.

Mr. Baker Durst stated statistical facts regarding produce.

Mr. Baker-Durst said that Rolling Roots is not just a business for him, it is therapy. He said that growing food, caring for plants, being outside working the soil has become a major importance to his mental wellbeing. He said that it keeps him focused and grounded and productive. He said that the truth of the matter is, if he can't keep Rolling Roots operating as a business, he cannot afford to maintain it even as a hobby.

Mr. Baker-Durst said that also losing the ability to operate it as a business removes a huge part of the therapy it brings for him. He said that the seeds, soil, plants, mulch and compost add up. He said that the small income from selling his products allows him to maintain the farm and serve the community. He said that losing the ability to operate the farm legally would not only affect his livelihood it would remove something that benefits the community and became an anchor in his life.

Mr. Baker-Durst said that Rolling Roots has just finished its first year in business. He said that he has learned a lot, made mistakes and has already taken steps to improve for year two. He said that he is building a professional website for online ordering and communication. He said that he is organizing crop planting, improving irrigation and fungal management systems. He said that he is trying to create a cleaner, safer more efficient operation. He said that he plans to manage and expand the menu of produce, fruits and flowers maximizing the growth season in Lockport, New York.

Mr. Baker-Durst said that he is working on branding consistency and transparency so that the farm can become a long term trusted staple in the City of Lockport and surrounding communities. He said that he also plans on offering CSA shares to the residents of

Lockport and food hubs increasing the amount of food available to residents. He said that none of this will be possible without the ability to legally operate on his property.

Mr. Baker-Durst said that Rolling Roots has done nothing but benefit the community respectfully, responsibly and safely. He said that he is not asking for anything unreasonable. He said that he is asking permission to keep doing what he loves and what the community has showed up to defend. He said that hopes that the Board can relate to and understand the points that he has tried to make and to see why this holds so much value to people. He said that he hopes they allow him to continue to operate.

Mr. Foltz stated that Mr. Baker-Durst mentioned requesting approval for a Special Use Permit. He said that this Board does not grant those. He said that he is applying for a variance. He said there is a difference.

Mr. Baker-Durst said that he gets confused. He said that he has heard both. He said that he had to chase around in circles to even get where he is in front of the Board tonight.

Mr. Foltz said that a Special Use Permit is temporary and a variance stays with the property for life.

Ms. Lutz stated that there are four use variance criteria. She said that they are specific and by law you have to meet all the criteria for a use variance. She asked if the applicant understood that.

Ms. Lutz read aloud the criteria for a use variance.

Ms. Lutz said that based upon the four criteria they judge each application and make a decision. She said that looking at the first criteria, financial hardship documentation, there is no financial evidence that there is a financial hardship on the property. She said that looking at what was submitted you purchased the property in 2021. She asked if Mr. Baker-Durst purchased the property knowing the property was in a residential neighborhood.

Mr. Baker-Durst said yes.

Ms. Lutz asked if he is still lives there as a single-family residence.

Mr. Baker-Durst said yes.

Ms. Lutz asked if he has tried to sell the property or done anything to the property that would deem it financially unsolvable.

Mr. Baker-Durst said no necessarily. He said at the same time selling the property or attempting to sell the property, due to the location, layout and his handicap the property is very suitable for him.

Mr. Baker-Durst said that for him to go to a whole new property would be difficult. He said that he has had to go through a multitude of organizations to even make his house handicap accessible. He said that to do so over again would be difficult to contact the same organizations to make it happen. He said that he has not attempted to sell the property.

Ms. Lutz asked if Mr. Baker-Durst has financial evidence to show the Board about the property itself.

Mr. Baker-Durst asked what type.

Ms. Lutz said to show the cost that Mr. Baker-Durst had to put into making the house the way that it is.

Mr. Baker-Durst asked if they are looking for financial paperwork showing work on the handicap situations that he put into the house. He said that he does not have those on him. He said that he is in a wheelchair. He said that he rode his wheelchair here. He said that not for nothing but he has been battling for nine months to obtain another manual wheelchair. He said that he has been going through the motions and a multitude of different companies and it has been an absolute nightmare to acquire a new chair. He said that he was gifted the one he has from a friend, if not he would have been bedridden for the last nine months and this business wouldn't exist.

Mr. Baker-Durst said that he was not informed that he needed to provide that information to the Board or anything about the money that was spent to make the house handicap accessible. He said that ramps and floor modifications were made to the home. He said that he is working with Crystal Valenti at Victim's Assistance about installing a handicap bathroom as well as remodel the entire kitchen. He said that he can submit this information after the meeting tonight if they would like him to.

Ms. Lutz said that financial evidence is one of the criteria that they have to review in order to make a decision.

Mr. Baker-Durst said that the question that is being portrayed, he has spoken to a couple of people, and the way that it is worded is very confusing to him. He said that he did take the application to an attorney and discussed it with him. He said that the attorney tried to explain it to him as well. He said that the answers on the application were the answers that the attorney helped him with. He said that the person was not a zoning attorney. He said that if things need to be submitted, he can provide it. He said that he just didn't know he needed to present them tonight.

Mr. Marotta said that if Mr. Baker-Durst does not have the information with him to meet the required criteria, he has the option to not have the board make a judgement tonight. He said that the applicant can ask for the request to be tabled and come back with a full application to be considered.

Mr. Baker-Durst asked if that meant he would have to come back to another meeting.

Mr. Marotta said yes.

Mr. Baker-Durst said that with the documents that he was discussing, is that the only way that he can get the variance. He said that again, reading that questions he had five people read the question and all of them where confused. He said that a financial hardship to him is like he can't pay the taxes on the property or take care of the house and start a small business on the property so that he doesn't lose his house.

Corporation Counsel Blackley stated that he would like to clarify that some of the costs cited to may not be interpreted as a financial hardship, such as what you did to home to fit your needs. He said that the hardship has to go with the property when you first bought it. He said that he just wants him to understand. He said that does not preclude him from getting more information to the Board. He said that he doesn't want him to go in the wrong direction as far as documenting. He said that the hardship isn't necessarily what had to be done to the home because of your condition it would be a hardship on the property. He said that if he has other information to bring, it may be something to consider.

Mr. Baker-Durst said that he was never told to provide anything. He said that he has been downtown to City Hall probable 40 times in the last month to make sure that he filled the application out correctly. He said that this is all new to him. He said that he wants to make it clear to the Board in getting this variance, his goal is eventually move the farm productions off the property. He said that without being able to run the small operation now to accumulate the funds, he doesn't have the background to get loans from the bank. He said that he doesn't come from a family with money. He said that this is completely built from ground zero. He said that he wants to operate his farm and go to farmers markets to accumulate the funds to acquire land outside of the City that he can legally run as a business or farm per se without these issues. He said that he went over that questions 50 times with 50 different people and a lot of them were confused.

Mr. Baker- Durst said that when you say hardship, to him it's that he can't afford to pay the taxes or keep the house up. He said that he asked 50 people and 50 people told him different ways of what this could mean. He said that he keeps getting told that is not what it means, he doesn't understand.

Mr. Foltz suggested speaking with Building Inspection.

Mr. Baker-Durst said that he spoke with her. He said that the first time he came up to Building Inspection she did tell me that the way I answered the question was not a hardship. He said that we debated over it and she tried to explain it to me. He said that it doesn't make sense, like if you buy a piece of property and because of the size of the property you can't build a house on it, you can't do this or that. He said that the second time after seeing an attorney I brought the application and the photos that you have and she told me it was fine and I can submit it. He said that he was never told at any time that

he needed to provide information on the modifications that he has done to the property as far as making it handicap.

Mr. Foltz asked when Mr. Baker-Durst first bought the house did he intend to use it as a residence or farming it.

Mr. Baker-Durst said that he never intended to farm it. He said that during COVID everyone was scared. He said that he wanted to give growing his own food a crack at it and fell in love with it. He said that it became therapy to him. He said that he has future plans to have something bigger, a market garden outside the City won't ever be possible if cannot have the opportunity to operate where he is for a couple years. He said that he is putting the work in to make it possible to be located at that property for the smallest amount of time. He said that he doesn't plan on doing this on his property forever, he just needs somewhere to start while he gathers funds to purchase property to move outside the City. He said that is his goal.

Ms. Lutz stated that she wanted to reiterate that the variance for the property, not the person. She said that whatever decision is made, stays with the property for the life of the property.

Mr. Baker-Durst said that he plans on staying in his house but wants to move the operation so that it can be legal. He said that he wants to move the farm onto a commercial property so that he can operation and not run into these problems. He said that if the Board tonight says that he can do this but with limitations it constricts him. He said that he just needs to operate on this property right now until he can move things.

Mr. Foltz said that the City adopted a new Comprehensive Plan. He said that a home occupation before was a great thing, to be able to operate a small business from home and if you become successful you could move onto something different. He said that on something like this, a variance is permanent. He said a variance goes with the property, what happens if you decide to move, the variance will stay there. He said that you want to variance for yourself, because of who you are. He said the variance doesn't go away if you decide to move, it stays there.

Mr. Baker-Durst stated that he can't see the future, if his business becomes successful he would move the operation but wants to keep the house. He said even if he moved, he would maybe rent the house out but he would still own it. If the variance was granted and he was the landlord, anything like that would still have to come through him. He said he doesn't plan on getting rid of his house, he loves his house and neighbors.

Mr. Foltz asked if the Mr. Baker-Durst would want to table the request and come back with the information that the Board requested. He said that they can go through with this, have the public hearing and if he decided to table it and come back, there will be no public hearing. He asked if he would like to table it now or after the public hearing.

Mr. Baker-Durst said that who is to say that 60 days go by, I provided the information and I get the same answer.

Corporation Counsel Blackley stated that he thinks Mr. Baker-Durst has a misunderstanding on the criteria and if it is a self-created. He said that if he tables it tonight, it will give him time to bring back economic information.

Mr. Baker-Durst asked if Mr. Blackley can help him with that.

Corporation Counsel Blackley said that he cannot do that. He said that he thinks that is what the Board is suggesting, to table the decision today so that he can bring back more information and maybe consult with an attorney.

Mr. Baker-Durst said that he cannot afford an attorney.

Corporation Counsel Blackley said that tabling the decision would preserve Mr. Baker-Durst's rights to peruse this and be able to come back and give the Board some more concrete evidence to make a decision on. He said that he doesn't think the Board request is any impunity against you, it is just allowing you to get some more information.

Mr. Baker-Durst said he guesses that is his only option.

Corporation Counsel Blackley asked if Mr. Baker-Durst is asking to table his request.

Mr. Baker-Durst said yes.

Mr. Foltz said that this can be tabled and you can get some more information, maybe ask your attorney. He said that everyone has their opinion on what a self-created hardship his but only one is going to fly.

Corporation Counsel Blackley stated that the only other thing that needs to do right now is that he has to waive the 45 day decision period since they are going to table the decision. He asked if Mr. Baker-Durst is willing to waive the time period.

Mr. Baker-Durst said yes.

Mr. Foltz said that this will give him some time to gather information.

Mr. Baker-Durst asked when the next meeting will be.

Megan Brewer explained that this board does not meet in December, the next meeting would be the 4<sup>th</sup> Tuesday in January.

Mr. Baker-Durst asked what type of attorney he needs to talk to.

Corporation Counsel Blackley said that we are getting away from the point of this meeting, but he would suggest some type of land use attorney.

**TABLED**

The next case to be called was Case No. 2364. Appeal of Mal Kurtyko to install an 8'x 20' parking area on the north side of the front porch and an 8'x 20' parking area on the south side of the front porch located at 211 Lock Street, Lockport, New York situated in a Mixed Residential Zone.

No one was present to represent the case.

Megan Brewer stated that she would send a courtesy letter explaining that they will be placed on the next agenda and if they do not attend, they will have to reapply.

Andrew Rosenberg made a motion to approve the minutes from the October 28, 2025 meeting. Seconded by Nancy Babis. Ayes-6 Noes-0

Andrew Rosenberg made a motion to adjourn; Motion seconded by Sam Marotta. Ayes-6 Noes-0

**MEETING ADJOURNED**

**The next regularly scheduled meeting will be Tuesday, January 27, 2025 at 5:00 p.m.**