

ZONING BOARD OF APPEALS

**Town of Salina
November 21, 2022
Final Minutes**

1 A regular meeting of the Zoning Board of Appeals was held on Monday, November 21,
2 2022 the Salina Town Hall, 201 School Road, and Liverpool at 7:00 P.M. Those
3 present were:

4	Chairman	Mike Gunther
5	Member	Edward Puma
6	Member	Richard Hunter Excused
7	Member	John Muldoon
8	Member	Bill Tassone Excused
9	Member	Michael Brigandi
10	Member	Bill McGillivray
11	Attorney	Joseph Frateschi Esq.
12	Secretary	Denise Wilhelm
13	Code Enforcement Officer	Peter Mitchell Excused
	Zoning Board Engineer	Cosmo Pagano III

Mr. Gunther welcomed those in attendance and explained the purpose of our meeting tonight is to hear the cases before the Zoning Board of Appeals for Area and Use Variances. We will also, render interpretation of zoning laws, consider all Planning and Subdivisions and if needed to consider all Special Use Permits. Mr. Gunther will announce each case. He will read for the record the Staff Reports from the Director of Planning and Development, the affidavit of mailings to the neighbors and submitted exhibits for tonight's cases. The person asking for the variance or project will come to the podium. We ask that you speak clearly into the microphone, giving your name and address as this is being recorded for the purpose of the minutes we are required to file. Mr. Gunther went on to state that the first matter before the board is to approve the minutes from the October 3, 2022 meeting.

14 **APPROVAL OF MINUTES**

15 Mr. Muldoon made a motion to approve the minutes of October 3, 2022 and the motion
16 was seconded by Mr. Brigandi. It was unanimously carried by the remaining board
17 members.

18 **SEQR RESOLUTION:**

19 Mr. Gunther stated that for the Zoning Board Cases before us tonight, the Board has
20 declared itself the lead agency for these actions. Mr. Gunther declared the proposed
21 actions to be Type II actions under the New York State Environmental Quality Review
22 Act and requiring no further action by the Zoning Board.
23

24
25 **NEW BUSINESS**

26
27 **064.-04-14.0 KATHLEEN KIZZEE, 122 MARIAN DR**
28 **ZONED R-1, 3RD WARD**

29
30 **CASE 22-32 Applicant is requesting an Area Variance from Zoning**
31 **Ordinance 235-7 D (4) to construct a front porch with a**
32 **17' front yard setback where a 25' setback is required.**
33

34 Kathleen Kizzee and Adam McQueen provided the Burden of Proof. Ms. Kizzee stated
35 the benefit sought cannot be achieved by other feasible means because the existing slab
36 needs repair and it will be nicer in appearance. Granting the variance will not produce an
37 undesirable change in the character of the neighborhood or a detriment to nearby
38 properties because it will look nicer and enhance the appearance of her property. The

39 requested variance is not substantial because the existing slab needs repair. The
40 requested variance will not have an adverse physical or environmental effect on the
41 neighborhood or district because it will be safer than the existing slab that needs repair.
42 The alleged difficulty was self-created because the existing slab needs repair and the front
43 porch will look much nicer. Mr. Gunther asked if Ms. Kizzee if she believed the current
44 entrance way at your house was a safety issue. Mr. McQueen replied that coming out of
45 the entranceway to the porch it will be level to the doorway so there would be no trip
46 hazard. Mike Gunther stated to the Board that when people in Mattydale want to put a
47 front porch on to enhance their property, and this is common for the Mattydale area, it
48 would be impossible to do without needing a variance.

49
50 Mr. Gunther asked for questions from the Zoning Board Members.

51
52 Mr. Brigandi asked if there would be a roof overhang. Mr. McQueen replied no. Mr.
53 Brigandi asked if this will be a freestanding deck. Mr. McQueen replied yes. Mr. Brigandi
54 stated that he noticed there was going to be a space underneath. He asked that they put
55 lattice or something around the bottom to keep the animals out. Mr. McQueen stated he
56 may use siding so animals can't get through. Mr. McGillivray asked if it was going to be
57 enclosed. Mr. Gunther stated no, it's open and basically a front porch deck.

58
59 Mr. Gunther asked if anyone in the audience wanted to speak for or against this project.
60 None was noted.

61 Mr. Gunther closed the Public Hearing and asked for determination.

62
63 Mr. Gunther summarized Case 22-32 Kathleen Kizzee, 122 Marian Dr, Tax Map 064.-04-
64 14.0 Zoned R-1, 3rd Ward

65 The applicant is asking for an area variance from the Zoning Ordinance 235-7 D (4) to
66 construct a front porch with a 17' yard setback. Based upon the testimony given in this
67 matter and the exhibits offered, it is hereby resolved the applicant has met the
68 requirements by providing the following: an undesirable change will not be produced in
69 the character of the neighborhood or a detriment to nearby properties as it's replacing a
70 concrete slab. It's the only method of obtaining the benefit sought to enhance her
71 property. It is not substantial. The proposed variance will not have an adverse physical or
72 environmental effect on the neighborhood or district. The alleged difficulty is not self-
73 created because she is replacing a dilapidated slab. I therefore move based upon the
74 forgoing that the variance applied for be granted. Of granting the above variance is
75 conditioned upon the following: 1) All improvements to be constructed and located in
76 accordance with the exhibits submitted herewith in support of the application. 2) That the
77 building permit must be obtained within 30 days of the date of the variance approval. 3)
78 That all work must be completed within the time that the permit is granted for. 4) Unless
79 these conditions are complied with, the variance shall expire. Mr. Gunther made a motion.
80 Mr. Hunter seconded it.

81
82 Mr. Gunther polled the board members.

83 Mr. McGillivray Yes

84 Mr. Brigandi Yes

85 Mr. Muldoon Yes

86 Mr. Puma Yes

87 Mr. Gunther Yes

88 Mr. Gunther stated it is adopted and passed.

89
90 Mr. Gunther brought up should we have a holiday get together. Mr. Muldoon thought we
91 can get together at the Town's party that is on December 3, 2022. Mr. Frateschi stated
92 that he likes their own get together. It was decided that the Zoning Board will have a
93 holiday gathering at Tully's on 7th North on December 5, 2022 at 6 pm.

94
95 **ADJOURNMENT**

96 Mr. Gunther entertained a motion to close the Zoning Board of Appeals at 7:17 pm. Mr.
97 Brigandi made the motion. It was seconded by Mr. Puma and it was unanimously carried.
98 The meeting was adjourned.

101 Prepared By: _____
102 Denise Wilhelm, Secretary
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