

**ZONING BOARD OF APPEALS**

**Town of Salina  
March 7, 2022  
Final Minutes**

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

4	Chairman	Mike Gunther
5	Member	Edward Puma
6	Member	Richard Hunter Excused
7	Member	John Muldoon
8	Member	Bill Tassone
9	Attorney	Joseph Frateschi Esq.
10	Secretary	Denise Wilhelm
11	Code Enforcement Officer	Peter Mitchell

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Mr. Gunther stated that the first order of business is the Organizational Meeting for 2022. Mr. Gunther nominated Mr. John Muldoon for the position of Zoning Board Vice Chairman. Mr. Gunther then made the motion and Mr. Tassone seconded it. All were in favor. Mr. Gunther then went on to appoint Bill Tassone as our newest member of the Zoning Board. Mr. Muldoon made the motion and Mr. Gunther seconded it. Ms. Denise Wilhelm was appointed Zoning Board Secretary. Mr. Gunther made the motion and Mr. Puma seconded it. Mr. Joseph Frateschi was appointed the Zoning Board Attorney. Mr. Gunther made the motion and Mr. Muldoon seconded it. All the Zoning Board Members were in favor of all of the above appointed positions. Mr. Gunther recognized the Zoning Board Meeting Schedule for 2022. Mr. Gunther continued to state that all Board Members are required to have 4 hours of continuing education a year. He reminded the Board Members of the upcoming Planning Symposium on March 10, 2022 for the continued education requirement. If a member cannot make it to the Symposium training, then we will schedule a work session with our attorney, Joseph Frateschi, to fulfill the 4 hours of required training before the end of the year. Mr. Gunther added that our sexual harassment training that is required by New York State will be coming up soon.

12 **APPROVAL OF MINUTES**

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14 Mr. Gunther entertained a motion to approve the minutes of December 20, 2021. Mr.  
15 Muldoon made the motion and the motion was seconded by Mr. Tassone and was  
16 unanimously carried.

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18 **NEW BUSINESS**

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20 **074.-02-01.1           DEBORAH GUARASCE, 414 7<sup>TH</sup> NORTH ST**  
21 **ZONED C-3 4<sup>TH</sup> WARD**

22  
23 **CASE 22-1               Applicant is requesting an Area Variance from Zoning**  
24 **Ordinance 235-27C (4)(a) and 235-27C (4)(b) for the insulation of**  
25 **signage at a new Mirabito Fueling Station/Convenience store.**  
26 **Where a total of 1 free standing sign and 1 attached sign are**  
27 **allowed. Where 6 total signs have been installed and a maximum**  
28 **of 120 square feet of signage is allowed and 240 square feet**  
29 **has been installed.**

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31  
32 Mr. Gunther welcomed those in attendance and explained the procedure for requesting an  
33 Area Variance. He proceeded to read for the record the Staff Reports from the Director of  
34 Planning and Development, the affidavit of mailings to the neighbors and submitted  
35 exhibits for tonight's cases. Mr. Gunther stated that the case before us is an unlisted

36 action so he turned the floor over to Mr. Fratchesi to take us through the SEQR. Mr.  
37 Frateschi stated that because this is a commercial variance in a commercial area we need  
38 to make a SEQR determination. He asked the board to make a motion to designate the  
39 Town of Salina Zoning Board as lead agency for SEQR purposes. Mr. Muldoon made the  
40 motion and Mr. Gunther seconded the motion and it was unanimously carried. Mr.  
41 Frateschi stated he reviewed and made a preliminary determination that the proposed  
42 variance will not have a significant impact for SEQR purposes. He read the 11 questions  
43 from the SEQR and there was no objection from the board which indicates the answers  
44 were either no or a minor impact. Mr. Frateschi asked the board to make a motion finding  
45 no significant impact for SEQR purposes. Mr. Muldoon made the motion. Mr. Tassone  
46 seconded the motion and it was unanimously carried.

47  
48 Deborah Guarasce provided the Burden of Proof. Ms. Guarasce stated that the benefit  
49 sought cannot be achieved other feasible means because they explored alternative  
50 designs and reducing signage but their store on Brighton Ave has the same signage. If  
51 they did less, it wouldn't provide justice to the site. Futher, the site is a gas station with a  
52 full service C-store offering food and the need for the Café sign. Signage on Canopies is a  
53 critical and an important branding element to the fuel industry and the customers they  
54 serve. Granting the variance will not produce an undesirable change in the character of  
55 the neighborhood or a detriment to nearby properties because the signage does not  
56 interfere, infringe upon or obstruct in any way. The requested variance is substantial.  
57 Granting the variance will not have an adverse physical or environmental effect on the  
58 neighborhood or district because it is all LED and environmentally friendly. There will be  
59 no noise, glare or flashing signs to interfere with traffic or pedestrians. It does not block or  
60 create hazardous conditions or alter character of the surrounding parcels. The alleged  
61 difficulty was not self-created due to the property (gas station) was developed, erected and  
62 built to meet Town of Salina Zoning requirements. She thanked the Board for their time.

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64 Mr. Gunther asked for questions from the Zoning Board Members.

65  
66 Mr. Gunther stated that it is substantial because you are going from 1 sign to 6 signs and  
67 doubling the square footage that's allowed. I don't necessarily think it's out of character  
68 with the other signage in that area. We just don't want it to become the Vegas strip going  
69 up to 7<sup>th</sup> North Street. Mr. Muldoon stated the presentation was very well done. I've  
70 looked at the property carefully and don't think it's out of character. We have a number of  
71 gas station facilities that have changed their signage. It's a nice addition to the 7<sup>th</sup> North  
72 Street corridor. Mr. Tassone added that the extra signage will bring a little more lighting to  
73 the gas station area which for some people would make them feel safe. Mr. Frateschi  
74 asked Mr. Mitchell if he had gotten any objections to the extra signage. Mr. Mitchell replied  
75 no.

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77 Mr. Gunther noted there was no one in the audience to speak for or against this.

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

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81 Mr. Puma summarized Case 22-1 Deborah Guarasce, 414 7<sup>th</sup> North Street, Tax Map 074.-  
82 02-01.1, C-3, 4<sup>th</sup> Ward

83 The applicant is seeking relief for an area variance from the Zoning Ordinance 235-27C  
84 (4)(a) and 235-27C (4)(b) to install a new sign at Mirabito Fueling Station/Convenience  
85 store. Based upon the testimony given in this matter and the exhibits offered, it is hereby  
86 resolved the applicant has met the requirements by providing the following: an  
87 undesirable change will not be produced in the character of the neighborhood or a  
88 detriment to nearby properties will be created by the granting of the area variance. The  
89 benefit sought by the applicant cannot be achieved by some other method feasible for the  
90 applicant to pursue other than an area variance. The requested variance is substantial.  
91 The proposed variance will not have an adverse physical or environmental effect on the  
92 neighborhood or district. The alleged difficulty was not self-created. I therefore move  
93 based upon the forgoing that the variance applied for be granted. Of granting the above  
94 variance is conditioned upon the following: 1) All improvements to be constructed and  
95 located in accordance with the exhibits submitted herewith in support of the application. 2)  
96 That the building permit must be obtained within 30 days of the date of the variance

97 approval. 3) That all work must be completed within the time that the permit is granted for.  
98 4) Unless these conditions are complied with, the variance shall expire.  
99 Mr. Puma made a motion. Mr. Muldoon seconded it. Mr. Gunther polled the board  
100 members.

101 Mr. Muldoon Yes  
102 Mr. Tassone Yes  
103 Mr. Puma Yes  
104 Mr. Gunther Yes

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106 Mr. Gunther stated it is adopted and passed.

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108 There were no other matters before the Board.

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110 **ADJOURNMENT**

111 Mr. Gunther entertained a motion to close the Zoning Board of Appeals at 7:26 pm. Mr.  
112 Hunter seconded the motion and it was unanimously carried. The meeting was adjourned.

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114 Prepared By: Denise Wilhelm  
115 Denise Wilhelm, Secretary

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