

ZONING BOARD OF APPEALS

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

1 A regular meeting of the Zoning Board of Appeals was held on Monday, March 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
7	Member	John Muldoon Excused
8	Member	Bill Tassone
9	Attorney	Joseph Frateschi Esq.
10	Secretary	Denise Wilhelm
11	Code Enforcement Officer	Peter Mitchell

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13 **APPROVAL OF MINUTES**

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15 Mr. Gunther entertained a motion to approve the minutes of March 7, 2022. Mr. Puma
16 made the motion and the motion was seconded by Mr. Tassone and was unanimously
17 carried. Mr. Hunter abstained due to he was not present at the March 7, 2022 meeting.

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19 **NEW BUSINESS**

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21 **053.-02-05 RYAN SWIDOWSKI, 119 BROOKFIELD RD**
22 **ZONED R-1A, 3RD WARD**

23
24 **CASE 22-2 Applicant is requesting an Area Variance from Zoning**
25 **Ordinance 235-33A (1) to construct a 720 square foot**
26 **detached garage where a maximum of 700 square feet**
27 **is allowed.**

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29
30 Mr. Gunther welcomed those in attendance and explained the procedure for requesting an
31 Area Variance. He proceeded to read for the record the Staff Reports from the Director of
32 Planning and Development, the affidavit of mailings to the neighbors and submitted
33 exhibits for tonight's cases.

34
35 Ryan Swidowski provided the Burden of Proof. Mr. Swidowski stated that the benefit
36 sought cannot be achieved other feasible means because he needs more space for his
37 four cars. Granting the variance will not produce an undesirable change in the character
38 of the neighborhood or a detriment to nearby properties because there are a few other
39 garages in this same area similar in size. The requested variance is substantial as he
40 needs to store his vehicles inside. Granting the variance will not have an adverse physical
41 or environmental effect on the neighborhood or district as he is replacing an existing
42 structure. The alleged difficulty was self-created because he needs a bigger garage. Mr.
43 Gunther stated that when we're speaking about the existing garage besides not meeting
44 your current needs for storage, from the front it appears that perhaps it's in disrepair. Mr.
45 Swidowski responded that the walls on the existing one have slid off the wood footers. In
46 talking with a number of people, it would cost more to repair then to take it down and
47 rebuild. Mr. Gunther stated that we have nothing in the file that would represent that any
48 of your neighbors have issued a concern to the town regarding this project. Have you had
49 any neighbors give you concern about it? Mr. Swidowski replied that he has talked to both
50 neighbors on each side and the ones in front and behind him and everyone seemed okay
51 with it. Mr. Gunther added that the garage purposed is a good size garage and this is for
52 the purpose of storage for four vehicles. He continued, is there any concerns this board

53 should have that this is for the purpose of a business or anything associated with anything
54 but the storage for your own use. Mr. Swidowski replied, not a bit. It's just for me.

55
56 Mr. Gunther asked for questions from the Zoning Board Members.

57
58 Mr. Hunter asked if there was any way he could have made it smaller to make up for the
59 20 foot difference. Mr. Swidowski said that the problem with that is that 3 out of 4 of the
60 cars are lengthy and this was the smallest he could go to fit his cars nose to tail. Mr.
61 Hunter asked if he was going to have any lifts in the garage. Mr. Swidowski replied he will
62 have a half lift. It will sit on the floor and not mounted. Mr. Hunter asked what the height is
63 of the garage at its peak. Mr. Swidowski replied 15 feet and the walls will be 10 feet. Mr.
64 Gunther asked how this would match his home or if it would be out of character with his
65 home. Mr. Swidowski replied that it will match his home with tan walls and a brown metal
66 roof. Mr. Hunter stated that he noticed the old garage is closer to the fence and the new
67 one is further away. He states that he doesn't want it to become a collection area on that
68 side. Mr. Swidowski responds that he has rock gardens around his house and he will do
69 the same here. Mr. Gunther suggests that gutters should be installed on the side of the
70 neighbors to keep the water on your own property. Mr. Swidowski agreed.

71
72 Mr. Gunther noted there was no one in the audience to speak for or against this.

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

75
76 Mr. Gunther summarized Case 22-2 Ryan Swidowski, 119 Brookfield Rd, Tax Map 053.-
77 02-05, C-3, 3rd Ward

78 The applicant is seeking relief for an area variance from the Zoning Ordinance 235-33A (1)
79 to construct a 720 square foot detached garage. Based upon the testimony given in this
80 matter and the exhibits offered, it is hereby resolved the applicant has met the
81 requirements by providing the following: an undesirable change will not be produced in
82 the character of the neighborhood or a detriment to nearby properties will be created by
83 the granting of the area variance. He is replacing an old dilapidated garage. The benefit
84 sought by the applicant cannot be achieved by some other method feasible for the
85 applicant to pursue other than an area variance because he needs more space. The
86 requested variance is not substantial. The proposed variance will not have an adverse
87 physical or environmental effect on the neighborhood or district. No neighbors have
88 complained about this project. The alleged difficulty was not self-created because he is
89 replacing an old garage. I therefore move based upon the forgoing that the variance
90 applied for be granted. Of granting the above variance is conditioned upon the following:
91 1) All improvements to be constructed and located in accordance with the exhibits
92 submitted herewith in support of the application. 2) That the building permit must be
93 obtained within 30 days of the date of the variance approval. 3) That all work must be
94 completed within the time that the permit is granted for. 4) Gutters to be placed on the
95 garage on the side closest to the neighbors.

96 Mr. Gunther made a motion. Mr. Hunter seconded it. Mr. Gunther polled the board
97 members.

98 Mr. Hunter Yes

99 Mr. Tassone Yes

100 Mr. Puma Yes

101 Mr. Gunther Yes

102

103 Mr. Gunther stated it is adopted and passed.

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105 There were no other matters before the Board.

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107 **ADJOURNMENT**

108 Mr. Puma entertained a motion to close the Zoning Board of Appeals at 7:25 pm. Mr.
109 Hunter seconded the motion and it was unanimously carried. The meeting was adjourned.

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111 Prepared By: Denise Wilhelm

112 Denise Wilhelm, Secretary

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