

ZONING BOARD OF APPEALS

**Town of Salina
August 15, 2022
Final Minutes**

1 A regular meeting of the Zoning Board of Appeals was held on Monday, August 15,
2 2022 the Salina Town Hall, 201 School Road, and Liverpool at 7:00 P.M. Those
3 present were:

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

Mr. Muldoon served as the chair for tonight's meeting in the absence of Mr. Gunther. Mr. Muldoon introduced the members of the Zoning Board Team. Mr. Lafaver was present from the Codes Office in Mr. Mitchell's absence. Mr. Muldoon read for the record the Staff Report from the Director of Planning and Development, the affidavit of mailing to the neighbors and submitted exhibits for tonight's case.

14 **NEW BUSINESS**

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16 **021.-03-20.0 SUSAN BURROWS, 126 SUN HARBOR DR**
17 **ZONED R-1, 1ST WARD**

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19 **CASE 22-21 Applicant is requesting an Area Variance from Zoning**
20 **Ordinance 235-33 A (1) to install a utility shed with a zero**
21 **setback from the dwelling where a minimum setback of 10'**
22 **is required.**

23
24 Susan Burrows provided the Burden of Proof. Ms. Burrows stated the benefit sought
25 cannot be achieved by other feasible means because she could not afford an addition to
26 the garage and the shed was more affordable. Granting the variance will not produce an
27 undesirable change in the character of the neighborhood or a detriment to nearby
28 properties because the shed is in character with my dwelling and the existing surrounding
29 homes. It will be put in place per the town code. The requested variance is not substantial
30 due to the fact the shed will not create any significant changes and will blend in to the
31 current surroundings. The requested variance will not have an adverse physical or
32 environmental effect on the neighborhood or district because it will be placed 3' from the
33 front of my garage and 5' from the garage cedar siding. The structure is a Lifetime shed in
34 basic colors that are not offensive or loud. The alleged difficulty was self-created because
35 she needed storage for garden tools, supplies and large equipment and this is the only
36 location she has to put the shed. She stated that she has a very small back yard that
37 would not accommodate the shed. Before Mr. Muldoon asked for questions from the
38 board he stated he would like Mr. Lafaver for the record, go over what they are looking at.
39 Mr. Lafaver stated that Ms. Burrows is looking for a 0' clearance to the house instead of 10'
40 setback that is required.

41
42 Mr. Muldoon asked for questions from the Zoning Board Members.

43
44 Mr. Brigandi stated that Ms. Burrows has nowhere to put it in her back yard. It will be on
45 the side of her home. Mr. Brigandi asks Ms. Burrows will there be any issues with the
46 neighbor on that side. Ms. Burrows replies that all she heard was the neighbor would lose

47 her view of her windows in the back. The view she will have is the end part of the shed
48 instead of people walking down the street. Mr. Brigandi states so this will be a free
49 standing structure with no connections to your home. Ms. Burrows agreed. He continued
50 and the color of the structure will match your home. Ms. Burrows replied that it's not
51 matching her home. She states her home is a grayish color and the shed is a grayish
52 green color. Mr. Brigandi asks but it will blend in with your home. Ms. Burrows replied
53 yes. Mr. Muldoon asked Mr. Lafaver or Mr. Frateschi if there were any notes from the
54 neighbor in the file. Mr. Lafaver stated no. To clarify, Mr. Muldoon asked Ms. Burrows so
55 your neighbor was concerned with looking from the back of her house looking past your
56 house, she might lose that view because of the roof and the shed. Ms. Burrows replied
57 yes. Mr. Hunter stated he discussed fireproofing the shed with her because it is so close
58 to the house and there is no other place where the shed would be appropriate. Mr. Puma
59 asked her what she will be storing in the shed. Ms. Burrows replied she will be storing her
60 snow blower, lawnmower and gardening supplies because she wants to use the garage as
61 a sitting area in the summertime. Mr. Muldoon stated that he saw the shed and it's well-
62 structured with a wood grain-vinyl type flooring.

63

64 **SEQR RESOLUTION:**

65 For the Zoning Board Case tonight, the Board has declared itself the lead agency for
66 these actions. Mr. Frateschi declared the proposed actions to be Type II actions under
67 the New York State Environmental Quality Review Act and requiring no further action
68 by the Zoning Board.

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70 Mr. Muldoon asked if anyone in the audience wanted to speak for or against this project.
71 None was noted.

72

73 Mr. Muldoon closed the Public Hearing and asked for determination.

74

75 Mr. Hunter summarized Case 22-21 Susan Burrows, 126 Sun Harbor Dr, Tax Map 021.-
76 03-20.0 Zoned R-1

77 The applicant is asking for an area variance from the Zoning Ordinance 235-33 A (1) to
78 install a utility shed with a zero setback from the dwelling. Based upon the testimony given
79 in this matter and the exhibits offered, it is hereby resolved the applicant has met the
80 requirements by providing the following: an undesirable change will not be produced in
81 the character of the neighborhood or a detriment to nearby properties. It's the only method
82 of obtaining the benefit sought. She needs storage for her snow blower and other
83 equipment. There is no other place to put the shed. It is not substantial. The proposed
84 variance will not have an adverse physical or environmental effect on the neighborhood or
85 district. The alleged difficulty is self-created because she needs more storage. I therefore
86 move based upon the forgoing that the variance applied for be granted. Of granting the
87 above variance is conditioned upon the following: 1) All improvements to be constructed
88 and located in accordance with the exhibits submitted herewith in support of the
89 application. 2) That the building permit must be obtained within 30 days of the date of the
90 variance approval. 3) That all work must be completed within the time that the permit is
91 granted for. 4) Unless these conditions are complied with, the variance shall expire. Mr.
92 Hunter made a motion. Mr. Muldoon seconded it. Mr. Muldoon polled the board
93 members.

94 Mr. Brigandi Yes

95 Mr. Hunter Yes

96 Mr. Puma Yes

97 Mr. Tassone Yes

98 Mr. Muldoon Yes

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100 Mr. Muldoon stated it is adopted and passed.

101

102 **APPROVAL OF MINUTES**

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104 Mr. Muldoon entertained a motion to approve the minutes of July 18, 2022. Mr. Hunter
105 made the motion and the motion was seconded by Edward Puma. It was unanimously
106 carried by the remaining board members.

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110 **ADJOURNMENT**

111 Mr. Muldoon adjourned the Zoning Board of Appeals meeting at 7:12 pm.

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113 Prepared By: Denise Wilhelm

114 Denise Wilhelm, Secretary