

ZONING BOARD OF APPEALS

**Town of Salina
September 19, 2022
Final Minutes**

1 A regular meeting of the Zoning Board of Appeals was held on Monday, September
2 19, 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
8	Member	Bill Tassone
9	Member	Michael Brigandi
10	Member	Bill McGillivray
11	Attorney	Joseph Frateschi Esq.
12	Secretary	Denise Wilhelm
13	Code Enforcement Officer	Peter Mitchell
	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 August 15, 2022 meeting.

14
15 **APPROVAL OF MINUTES**

16
17 Mr. Gunther abstained due to the fact he was not at the August 15, 2022 meeting. Mr.
18 Hunter made a motion to approve the minutes of August 15, 2022 and the motion was
19 seconded by Edward Puma. It was unanimously carried by the remaining board
20 members.

21
22 **SEQR RESOLUTION:**

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

27
28 **NEW BUSINESS**

29
30 **014.-03-26.0 RANDY & ANNE KERR, 117 ROBERTA DR**
31 **ZONED R-1, 1ST WARD**

32
33 **CASE 22-22 Applicant is requesting an Area Variance from Zoning**
34 **Ordinance 235-7 D (6) & 235-33 A (3) to construct a second**
35 **utility shed which is located 13' from the rear lot line.**

36
37 Randy Kerr provided the Burden of Proof. Mr. Kerr stated the benefit sought cannot be
38 achieved by other feasible means because there is no other area on the property to add
39 another shed. Granting the variance will not produce an undesirable change in the
40 character of the neighborhood or a detriment to nearby properties because the neighbor
41 next door has an existing shed. The requested variance is not substantial as it will not

42 interfere with anyone else's property around us. The requested variance will not have an
43 adverse physical or environmental effect on the neighborhood or district because we are
44 placing the shed off the property line enough to maintain the entire yard around it. The
45 alleged difficulty was self-created.

46
47 Mr. Gunther asked for questions from the Zoning Board Members.

48
49 Mr. Muldoon asked if Mr. Kerr has 2 sheds already. Mr. Kerr responded no, just one big
50 shed. Mr. Muldoon requested that Mr. Kerr cover the bottom of the shed to prevent
51 animals from getting underneath. Mr. Hunter asked why he couldn't put the shed up
52 further in the yard. Mr. Kerr responded that since his lot was not that big, the shed would
53 be in the middle of his yard. Mr. Hunter asked is Mr. Kerr considered the setbacks. Mr.
54 Kerr thought the rear setback was 10'. Mr. Puma asked what he will be storing in the
55 shed. Mr. Kerr replied his tractor, gardening tools, boxes and more tools.

56
57 Mr. Gunther asked if anyone in the audience wanted to speak for or against this project.
58 None was noted.

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

60
61
62 Mr. Muldoon summarized Case 22-22 Randy & Anne Kerr, 117 Roberta Dr, Tax Map 014.-
63 03-26.0 Zoned R-1 1st Ward

64 The applicant is asking for an area variance from the Zoning Ordinance 235-7 D (6) &
65 235-33 A (3) to construct a second utility shed located 13' from the rear lot line. Based
66 upon the testimony given in this matter and the exhibits offered, it is hereby resolved the
67 applicant has met the requirements by providing the following: an undesirable change will
68 not be produced in the character of the neighborhood or a detriment to nearby properties.
69 It's the only method of obtaining the benefit sought. It is not substantial. The proposed
70 variance will not have an adverse physical or environmental effect on the neighborhood or
71 district. The alleged difficulty is self-created. I therefore move based upon the forgoing
72 that the variance applied for be granted. Of granting the above variance is conditioned
73 upon the following: 1) All improvements to be constructed and located in accordance with
74 the exhibits submitted herewith in support of the application. 2) That the building permit
75 must be obtained within 30 days of the date of the variance approval. 3) That all work
76 must be completed within the time that the permit is granted for. 4) Unless these
77 conditions are complied with, the variance shall expire. Mr. Muldoon made a motion. Mr.
78 Brigandi seconded it. Mr. Gunther polled the board members.

79 Mr. McGillivray Yes

80 Mr. Brigandi Yes

81 Mr. Muldoon Yes

82 Mr. Hunter Yes

83 Mr. Puma Yes

84 Mr. Tassone Yes

85 Mr. Gunther Yes

86 Mr. Gunther stated it is adopted and passed.

87

88 **NEW BUSINESS**

89

90 **083.-03-13.0 RICHARD NAPLES, 401 DREXLER ST**
91 **ZONED R-3, 4TH WARD**

92

93 **CASE 22-23 Applicant is requesting an Area Variance from Zoning**
94 **Ordinance 235-10 D (5) to construct a carport off the**
95 **side of the dwelling with a zero foot side yard setback.**

96

97 Mr. Richard Naples provided the Burden of Proof. Mr. Naples stated the benefit sought
98 cannot be achieved by other feasible means because he has no garage and can't afford to
99 build one. Granting the variance will not produce an undesirable change in the character
100 of the neighborhood or detriment to nearby properties because it's not blocking the
101 neighbor. The requested variance is not substantial and I need it for health reasons. The
102 requested variance will not have an adverse physical or environmental effect on the
103 neighborhood or district because it will improve the looks of my property. The alleged

104 difficulty is self-created due to my health issues. Mr. Gunther stated that Mr. Naples
105 mentioned his neighbor but there is nothing in the file that anyone has approached the
106 Town of Salina about this issue. Also, there are no neighbors present at this meeting. Mr.
107 Naples states that the neighbors do not have a problem with it. Mr. Gunther asks Mr.
108 Naples if he understands the importance of putting gutters there with a zero setback. Mr.
109 Naples replies yes, he plans on getting custom made ones to keep the water on his
110 property.

111
112 Mr. Gunther asked for questions from the Zoning Board Members.

113
114 Mr. Brigandi asks if the carport will be open or closed in. Mr. Naples replies it will be open
115 on 2 sides and that the side where it's attached to the house will be the only side that's
116 closed. Mr. Brigandi asked if the roof will be flat or will there be a pitch to the roof. Mr.
117 Naples answers that it will have a slow pitch on it. Mr. Muldoon stated to Mr. Naples that
118 the edge of the gutters cannot go past the zero setback. Mr. Naples understood. Mr.
119 Mitchell asked if this was for the storage of a vehicle. Mr. Naples replies yes. Mr. Mitchell
120 states he wants Mr. Naples to understand that they don't want him storing junk
121 underneath. Mr. Naples responded that he will keep it neat.

122
123 Mr. Gunther asked if anyone in the audience wanted to speak for or against this project.
124 None was noted.

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

126
127 Mr. Brigandi summarized Case 22-23 Richard Naples, 401 Drexler St, Tax Map 083.-03-
128 13.0 Zoned R-3, 4th Ward

129 The applicant is asking for an Area Variance from the Zoning Ordinance 235-10 D (5) to
130 construct a carport off the side of the dwelling with a zero foot side yard setback. . Based
131 upon the testimony given in this matter and the exhibits offered, it is hereby resolved the
132 applicant has met the requirements by providing the following: an undesirable change will
133 not be produced in the character of the neighborhood or a detriment to nearby properties.
134 It's the only method of obtaining the benefit sought. It is not substantial. The proposed
135 variance will not have an adverse physical or environmental effect on the neighborhood or
136 district. The alleged difficulty is self-created. I therefore move based upon the forgoing
137 that the variance applied for be granted. Of granting the above variance is conditioned
138 upon the following: 1) All improvements to be constructed and located in accordance with
139 the exhibits submitted herewith in support of the application. 2) That the building permit
140 must be obtained within 30 days of the date of the variance approval. 3) That all work
141 must be completed within the time that the permit is granted for. 4) Rain gutters to be
142 placed on the carport directing drainage away from neighboring properties 5) Unless
143 these conditions are complied with, the variance shall expire. Mr. Brigandi made a motion.
144 Mr. Tassone seconded it. Mr. Gunther polled the board members.

145 Mr. McGillivray Yes

146 Mr. Brigandi Yes

147 Mr. Muldoon Yes

148 Mr. Hunter Yes

149 Mr. Puma Yes

150 Mr. Tassone Yes

151 Mr. Gunther Yes

152 Mr. Gunther stated it is adopted and passed.

153
154 **NEW BUSINESS**

155
156 **040.-02-13.0 PASQUAL PASCARELLA, 5067 HOMEVIEW DR**
157 **ZONED R-O, 2ND WARD**

158
159 **CASE 22-24 Applicant is requesting an Area Variance from Zoning**
160 **Ordinance 235-7 D (5); 235-32 A to construct a utility shed**
161 **located 3' from the side lot line and 8' from the swimming pool.**

162 Pasquale Pascarella provided the Burden of Proof. Mr. Pascarella stated the benefit
163 sought cannot be achieved by other feasible means because we have so much space to
164 place a shed and a variance would give us the plan that we need. Granting the variance

165 will not produce an undesirable change in the character of the neighborhood or a
166 detriment to nearby properties because many neighbors have larger sheds of this size.
167 The requested variance is not substantial. We are asking for 2' of set-back reduction.
168 The requested variance will not have an adverse physical or environmental effect on the
169 neighborhood or district because there would be no change. The alleged difficulty was
170 self-created because we do not have a garage and need a larger shed for storage.

171
172 Mr. Gunther asked for questions from the Zoning Board Members.

173
174 Mr. Hunter asked the size of the shed. Mr. Pascarella replied it will be 10' x 18'. Mr.
175 Hunter asked if Mr. Pascarella was going to put pool supplies in the shed. Mr. Pascarella
176 responds yes and other storage. Mr. McGillivray asked if it will be an above ground pool.
177 Mr. Pascarella replied no, it will be an in ground.

178
179 Mr. Gunther asked if anyone in the audience wanted to speak for or against this project.
180 None was noted.

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

182
183 Mr. Hunter summarized Case 22-24 Pasquale Pascarella, 5067 Homeview Dr, Tax Map
184 040.-02-13.0, Zoned R-O, 2nd Ward

185 The applicant is asking for an Area Variance from the Zoning Ordinance 235-7 D (5); 235-
186 32 A to construct a utility shed located 3' from the side lot line and 8' from the swimming
187 pool. Based upon the testimony given in this matter and the exhibits offered, it is hereby
188 resolved the applicant has met the requirements by providing the following: an
189 undesirable change will not be produced in the character of the neighborhood or a
190 detriment to nearby properties. It's the only method of obtaining the benefit sought
191 because he does not have a garage. It is not substantial. The proposed variance will not
192 have an adverse physical or environmental effect on the neighborhood or district. The
193 alleged difficulty is self-created. I therefore move based upon the forgoing that the
194 variance applied for be granted. Of granting the above variance is conditioned upon the
195 following: 1) All improvements to be constructed and located in accordance with the
196 exhibits submitted herewith in support of the application. 2) That the building permit must
197 be obtained within 30 days of the date of the variance approval. 3) That all work must be
198 completed within the time that the permit is granted for. 4) Rain gutters to be placed on
199 the carport directing drainage away from neighboring properties 5) Unless these
200 conditions are complied with, the variance shall expire. Mr. Hunter made the motion. Mr.
201 Muldoon seconded it. Mr. Gunther polled the board members.

202 Mr. McGillivray Yes
203 Mr. Brigandi Yes
204 Mr. Muldoon Yes
205 Mr. Hunter Yes
206 Mr. Puma Yes
207 Mr. Tassone Yes
208 Mr. Gunther Yes

209 Mr. Gunther stated it is adopted and passed.

210

211 **NEW BUSINESS**

212

213 **019.-10-15.0 ARIC GANGEMI, 114 SEABREEZE DR**
214 **ZONED r-1, 1ST WARD**

215

216 **CASE 22-25 Applicant is requesting an Area Variance from Zoning Ordinance**
217 **235-7 D (4), 235-7 D (5), 235-33 A (2) to construct a detached**
218 **garage with a 3' side yard setback, a 10' front yard setback and**
219 **a 3' setback from the principal structure.**

220

221 Aric Gangemi provided the Burden of Proof. Mr. Gangemi stated the benefit sought
222 cannot be achieved by other feasible means because he doesn't have any other room on
223 his property to place the shed. Granting the variance will not produce an undesirable
224 change in the character of the neighborhood or a detriment to nearby properties because
225 there are many other houses in the neighborhood that have 2 car garages. The requested
226 variance is not substantial. He has a car in storage that he pays for each month and he

227 needs the space for storage. The requested variance will not have an adverse physical or
228 environmental effect on the neighborhood or district. The alleged difficulty was self-created
229 because he needs more storage space. Mr. Gunther stated that with the unique character
230 of your property, it's safe to say there is nowhere else to put this garage where you
231 wouldn't need a variance. Mr. Gangemi replies that he considered removing a big tree in
232 the back but he was afraid to build anything over that as it would heave his concrete over
233 the years. The colors I have chosen are between the color of my house and my neighbors
234 so it will look like it belongs there. Mr. Gunther asked if Mr. Gangemi had any neighbors
235 that voiced concerns. Mr. Gangemi replies no and that he has spoken with his neighbors.
236 Mr. Gunther states that because it is so close to your property, the Codes Department
237 would have to discuss the fire code concerns. Mr. Gangemi responds that it is going to be
238 a metal building. Mr. Mitchell states that he will look up to see if there are any fire codes
239 for a metal building.

240
241 Mr. Gunther asked for questions from the Zoning Board Members.

242
243 Mr. McGilivray asked if Mr. Gangemi will be using blacktop or gravel when he comes off
244 the driveway. Mr. Gangemi responds that when it is approved he plans on marking where
245 the doors will be and he will use concrete. Mr. Muldoon asked if he will be using a
246 concrete pad. Mr. Gangemi answers yes. Mr. Muldoon asks if he plans in the future to put
247 a breezeway between the main garage and the new one. Mr. Gangemi replies that he
248 looked into it but when he spoke with the Codes Department it wouldn't be applicable. Mr.
249 Muldoon states that it would not be allowed under this variance. Mr. Mitchell stated that a
250 breezeway is not part of this permit application. Mr. Brigandi stated that there's going to be
251 a 4' space between the new and the existing garage that he doesn't want to become a
252 catchall for storage and junk. Mr. Gangemi states that it will not be. Mr. Tassone asked if
253 the garage will be metal or wood. Mr. Gangemi replies metal.

254
255 Mr. Gunther asked if anyone in the audience wanted to speak for or against this project.
256 None was noted.

257
258 Mr. Mitchell states wanted the board to be aware that the size on the drawing was
259 increased from 20' x 22' to 22' x 22'. Mr. Gunther stated as long as doesn't change the
260 variance request. Mr. Frateschi wanted to make Mr. Gangemi aware that he is building
261 over the building line that is on his survey. Mr. Frateschi stated that it may or may not be
262 enforced. Mr. Frateschi just wanted to note that the Town Zoning Board has no control
263 over that, for clarification.

264
265 Mr. Gunther closed the Public Hearing and asked for determination

266
267 Mr. McGilivray summarized Case 22-25 Aric Gangemi, 114 Seabreeze Dr, Tax Map
268 019.-10-15.0, Zoned R-1, 1st Ward
269 The applicant is asking for an Area Variance from the Zoning Ordinance 235-10 D (5) to
270 construct a carport off the side of the dwelling with a zero foot side yard setback. . Based
271 upon the testimony given in this matter and the exhibits offered, it is hereby resolved the
272 applicant has met the requirements by providing the following: an undesirable change will
273 not be produced in the character of the neighborhood or a detriment to nearby properties.
274 It's the only method of obtaining the benefit sought. It is not substantial. The proposed
275 variance will not have an adverse physical or environmental effect on the neighborhood or
276 district. The alleged difficulty is self-created. I therefore move based upon the forgoing
277 that the variance applied for be granted. Of granting the above variance is conditioned
278 upon the following: 1) All improvements to be constructed and located in accordance with
279 the exhibits submitted herewith in support of the application. 2) That the building permit
280 must be obtained within 30 days of the date of the variance approval. 3) That all work
281 must be completed within the time that the permit is granted for. 4) Rain gutters to be
282 placed on the carport directing drainage away from neighboring properties 5) Unless
283 these conditions are complied with, the variance shall expire. Mr. McGilivray made a
284 motion. Mr. Muldoon seconded it. Mr. Gunther polled the board members.

285 Mr. McGilivray Yes
286 Mr. Brigandi Yes
287 Mr. Muldoon Yes
288 Mr. Hunter Yes

289 Mr. Puma Yes
290 Mr. Tassone Yes
291 Mr. Gunther Yes
292 Mr. Gunther stated it is adopted and passed.

293
294 **NEW BUSINESS**

295
296 **023.-01-07.0 EUGENE PLUCINIK, 100 JACKSON DR**
297 **ZONED r-1, 1ST WARD**

298
299 **CASE 22-27 Applicant is requesting an Area Variance from Zoning Ordinance**
300 **235-7 D (6); 235-33 A (2) to construct a 720 square foot detached**
301 **garage 5' from the rear lot line.**

302
303 Eugene Plucinik provided the Burden of Proof. Mr. Plucinik stated the benefit sought
304 cannot be achieved by other feasible means and that he worked with the Codes Officials
305 to make it fit. Granting the variance will not produce an undesirable change in the
306 character of the neighborhood or a detriment to nearby properties because it sits back in
307 his yard behind a fence. He will make it look nice with stone to match his house. The
308 requested variance is substantial but it will look nice and blend with the coloring of his
309 house. The requested variance will not have an adverse physical or environmental effect
310 on the neighborhood or district. The alleged difficulty was self-created. Mr. Gunther asked
311 if there was a reason that he needed 720 square feet versus 700 square feet where you
312 wouldn't need the variance. Mr. Plucinik replied to make everything even and that he was
313 here to get a variance so he might as well have what he wants. Mr. Gunther asked if he
314 had any neighbors that had questions or concerns. Mr. Plucinik replied no. Mr. Muldoon
315 asked if he will be using it for storage and not running a business. Mr. Muldoon asked if he
316 will be constructing this out of wood. Mr. Plucinik stated it will be like a pole barn. Mr.
317 Plucinik responded for storage and that he has classic cars. Mr. Hunter asked if it will
318 have two overhead doors. Mr. Plucinik replied one overhead door. Mr. Hunter asked if he
319 was going to put in a new driveway facing Jackson Drive. Mr. Plucinik replied yes,
320 probably facing Jackson Drive. Mr. Hunter asked how tall the building was going to be.
321 Mr. Plucinik responded 15' tall. Mr. Muldoon asked if he was going to keep his vinyl fence
322 around the new garage. Mr. Plucinik replied yes, everything will stay the same but he'll put
323 a gate there. Mr. Brigandi states if he is going to take the driveway out to the road, there
324 will be another cut to the street. He wanted to know if that would create an issue. Mr.
325 Frateschi stated no, if he rotates it 180 we will have to re-measure everything. As long as
326 he's not covering his entire property with asphalt, he can extend his driveway as he seems
327 fit or open a new driveway to the garage.

328
329 Mr. Gunther asked if anyone in the audience wanted to speak for or against this project.
330 None was noted.

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

332
333 Mr. Muldoon summarized Case 22-27 Eugene Plucinik, 100 Jackson Dr, Tax Map 023.-
334 01-07.0 Zoned R-1 1st Ward

335 The applicant is asking for an area variance from the Zoning Ordinance 235-7 D (6) &
336 235-33 A (2) to construct a 720 square foot detached garage 5' from the rear lot line.
337 Based upon the testimony given in this matter and the exhibits offered, it is hereby
338 resolved the applicant has met the requirements by providing the following: an
339 undesirable change will not be produced in the character of the neighborhood or a
340 detriment to nearby properties. It's the only method of obtaining the benefit sought. It is
341 not substantial. The proposed variance will not have an adverse physical or environmental
342 effect on the neighborhood or district. The alleged difficulty is self-created. I therefore
343 move based upon the forgoing that the variance applied for be granted. Of granting the
344 above variance is conditioned upon the following: 1) All improvements to be constructed
345 and located in accordance with the exhibits submitted herewith in support of the
346 application. 2) That the building permit must be obtained within 30 days of the date of the
347 variance approval. 3) That all work must be completed within the time that the permit is
348 granted for. 4) Unless these conditions are complied with, the variance shall expire. Mr.
349 Muldoon made a motion. Mr. Hunter seconded it. Mr. Gunther polled the board
350 members.

351 Mr. McGillivray Yes
352 Mr. Brigandi Yes
353 Mr. Muldoon Yes
354 Mr. Hunter Yes
355 Mr. Puma Yes
356 Mr. Tassone Yes
357 Mr. Gunther Yes
358 Mr. Gunther stated it is adopted and passed.

359
360 Mr. Gunther stated that we will work on the training once we have no cases before us.

361
362 **ADJOURNMENT**

363 Mr. Gunther entertained a motion to close the Zoning Board of Appeals at 8:09 pm. Mr.
364 Puma made the motion. It was seconded by Mr. Hunter and it was unanimously carried.
365 The meeting was adjourned.

366
367 Prepared By: _____
368 Denise Wilhelm, Secretary
369