

**TOWN OF ARIETTA
ZONING BOARD OF APPEALS
Old Piseco Road
Piseco, NY 12139**

Public Meeting Dated:
Monday August 9, 2021 - 6:00 P.M.
Piseco Community Hall

Approved Minutes - Town of Arietta Zoning Board of Appeals was called to order by Chairman Frank Sczerzenie at 6:00 PM.

Members present: Barry Baker Kevin Dorr Bill Hotaling Dave Roberts Frank Sczerzenie
Secretary Marie Buanno Zoning Officer Mel LaScola

Public present: Mike Knapp and Patrick Rowe

Chairman Sczerzenie asked for a motion to accept the minutes of the June 28, 2021 meeting. Dave Roberts made a motion to accept them as written. Seconded by Bill Hotaling. All were in favor (5 – 0).

Case #2104 – Patrick Rowe of 1251 Old Piseco Road wants to add a deck to his camp at that address. Zoning Officer Mel LaScola noted that this is another case of a project increasing the non-conformity of the lot. It is within 100 ft. of the lake and does not meet 25 ft. setbacks from sidelines. It is zoned for 1.3 acres and they have .72 acres. He had denied his application and cited the need for the variance is due to Code #11.010 Nonconforming Uses, Structures, & Property (a) states “A structure containing a non-conforming use may be repaired, maintained, or converted, provided that no such activity shall create new non-conformity or increase the degree of existing non-conformity”. (3) states Expansion of an existing non-conforming structure not meeting the shoreline setback requirements of 100 feet must also comply with the following standard: (c) Setback will be no less than 25 feet from sideline...” without the issuance of a variance by the Zoning Board of Appeals”.

Contractor Mike Knapp described what the project would entail. Pictures from his tablet were shared with the ZBA members. The property is on a rock ledge so it cannot be dug out very much. They are looking to go 8 ft. past the house so they can see the lake better. This will be on the road side of the property in place of a plywood plank. When it is windy they can't sit down by the lake and the camp blocks them from seeing the lake. There are a lot of stairs to navigate. The camp is on the property line and the property is only 50 ft. wide. Currently there is a 37 inch wide walkway. The septic is a pump up system by the road that was put in a few years ago and everything has been done to town specs as they want to preserve the lake. Mr. Rowe says he has an illness that causes him to be unsteady at times. Should his illness progress, he would like this deck to serve as a platform for a wheelchair. The Chairman read a letter of support from neighbors Clifford and Elise Cuda (attached) and a text message Mr. Rowe received from neighbor Shannon McEvoy. Barry Baker noted he always has concerns when it comes to increasing non-conformity but he is fine with this as it concerns safety issues for Mr. Rowe. Bill Hotaling said he has no problem as the deck is not on the lake side as he had first thought. Kevin Dorr asked if there will be railings. Mike Knapp answered that a portion will have a railing. Mel noted anything 30 inches off the ground needs a railing. Frank proposed the deck be approved with stipulations it remain at 37” like the existing walkway. He felt the view was still there and room for chairs. Mike Knapp stated that would be right in line with the steps and they are only asking for an additional 5 ft. The other four ZBA members voted to allow the plans as is. Frank recanted his proposal and voted to allow it.

There were no other questions from the ZBA members.

The ZBA went on to vote on the variance criteria.

(1) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. All 5 voted No.

(2) Whether an undesirable change in the character of the neighborhood will be produced or a detriment to nearby properties will be created by the granting of the area variance. All 5 voted No.

(3) Whether the requested variance is substantial. All 5 voted No.

(4) Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood. All 5 voted No.

(5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the ZBA, but shall not necessarily preclude the granting of the area variance. All 5 voted No.

The vote whether to approve the variance: All 5 voted Yes.

Neighbors within 500 ft. were notified. All receipts were on hand. There were no other comments from the ZBA members.

Nothing can be done until the APA responds and they have 30 days to do so.

Case closed.

A motion to adjourn was made by Barry Baker and Seconded by Dave Roberts. All were in favor (5 -0).

Attachments: Project meeting announcement, 1 page ZBA application, 3 page application denial from Zoning Officer, list of notified neighbors, 1 letter of support (Cuda), 3 page of plans, 2 page deed indenture, 2 pages property map

Respectfully Submitted
Marie C. Buanno