

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

Public Meeting Dated:
Monday August 16, 2021 - 6:00 P.M.
Piseco Community Hall

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

Members present: Barry Baker Bill Hotaling Dave Roberts Frank Sczerzenie

Members absent: Kevin Dorr

Secretary Marie Buanno Zoning Officer Mel LaScola

Public present: Lori and Rodney Fuller, Fred Knapp, David Belleville, Jon P. Belleville, Kathleen K. Belleville.

The minutes of the March ZBA meeting inadvertently were not previously approved. Chairman Sczerzenie asked for a motion to accept the minutes of the March 22, 2021 meeting. Barry Baker made a motion to accept them as written. Seconded by Dave Roberts. All were in favor (3 – 0). (Bill Hotaling did not vote as he was absent from the March 22, 2021 meeting). Chairman Sczerzenie asked for a motion to accept the minutes of the August 9, 2021 meeting. Bill Hotaling made a motion to accept them as written. Seconded by Dave Roberts. All were in favor (4 – 0).

Case #2105 – Lori and Rodney Fuller of 13 Simola Lane want to make an addition to their 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. He had denied their application and cited the need for the variance is due to Code #5.030 Shoreline Structure Setback – “A minimum setback of one hundred (100) feet from the shoreline is required for all structures in excess of one hundred (100) square feet except docks.” Code #11.010 Nonconforming Uses, Structures, & Property (3) (a) states: Expansion of structure cannot increase the present setback non-conformance and (c) Setback will be no less than 25 feet from sideline and finished structure will not exceed 50% of lot width without the issuance of a variance by the Zoning Board of Appeals”.

Mr. Fuller said they want to take an existing porch off and expand it to make a larger open deck. The actual cabin would remain the same. The bathroom would remain the same but they would add a utility room to it. They want to replace the piers and the roof. The roof line would change but it would actually be lower. Nothing will be going any closer to the lake. He would like to extend to the right towards their adjoining property. Barry noted it appeared on the maps that the existing north side is currently only 9 feet from the property line. No matter how much they add on, they are closer to the property line. Mr. Fuller explained that he owned that parcel as well. If they go the proposed 10 feet, that would be over the property line. Mr. Fuller did not know that mattered as long as he owned both. Mr. Fuller asked if they should combine the properties. This is a decision he would have to make as once they combine the properties, they could never subdivide them again as he might want to do if he were selling in the future. Frank said he would think the Planning Board would need to be involved in the reestablishing of the property lines, whether it is to make the smaller property larger by making a boundary line adjustment or combining the properties. He felt that even though it may sound like a good idea to combine them, it may cause a problem in the future. Mr. Fuller wanted to know if making the addition smaller would help as he is flexible. Barry noted the property line setback is 7 feet on one side and 9 feet on the other. It was noted there is a raised bed septic system. The leech field covers pretty much the rest of the lot. Even going with a smaller addition doesn't change any of that. Frank asked if it should be tabled. He said while they don't want to deny it, even going smaller with the plans violates town codes. Bill said he felt it would be a cleaner and clearer project if they were to combine the two properties. Mr. Fuller said

he was hoping to walk away tonight with the ability to get started on this by at least setting the new piers and getting the roof done. The cabin will be lifted about 16” but the roof will have a lower roof line. Mel questioned what is going to happen if the lots become one. There will be two principle buildings on it. Bill said they are already there so it shouldn’t be an issue. Further discussion on the roof line ensued. If the new roof is put on according to the submitted plans, it adds to the already non-compliant setbacks. New plans would have to be submitted for consideration depending on what is decided about the boundary adjustment. It was agreed that a permit was needed for the piers as the new ones are raising the building which adds to the non-conformity.

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 4 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 4 voted No.

(3) Whether the requested variance is substantial. All 4 voted Yes.

(4) Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood. All 4 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. 2 voted No, 2 voted Yes.

The vote whether to approve the variance: Frank Sczerzenie proposed that the ZBA approves the project with restrictions that it is limited to only raising the building on new piers which will raise the height of the building with no other alterations at this time. All 4 voted Yes.

Neighbors within 500 ft. were notified. All receipts were on hand. There were no responses for or against.

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

Case closed.

Case 2106 – Jon and Kathleen Belleville of 109 South Shore Road want to make an addition to their 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 will also need a variance on height. He had denied their application and cited the need for the variance is due to Code #5.030 Shoreline Structure Setback – “A minimum setback of one hundred (100) feet from the shoreline is required for all structures in excess of one hundred (100) square feet except docks.” Code #11.010 Nonconforming Uses, Structures, & Property (3) (a) states: “Expansion of structure cannot increase the present setback non-conformance and (b) Expansion does not increase the height of the existing structure” without the issuance of a variance by the Zoning Board of Appeals”. Jon Belleville told the ZBA that they want to preserve the existing camp as much as possible. They want to add on to include a bedroom and a new kitchen area. A pump up septic system was installed in 2000. The setbacks on the sides are not an issue. The existing porch is the only part that is close to the lake and they are not going any closer. There are no survey maps to show accurate measurement from the mean high water mark. There were only hand drawn, guesstimated plans shared with the members with unofficial measurements of anywhere between 25 and 29 feet from the shore. There was no proof submitted that the addition is not

closer to the lake. It was noted that it would be interesting to see exactly where the leech field to the septic is as well. There are a few trees that will need to be removed in order to accomplish this project. There is a concern regarding the deck they want to increase in size. There is fear it would be increasing the non-conformance. All of these things need to be included on formal plans including a survey map. The Bellevilles were told once they have plans, a continuation could be scheduled. They could send their contractor as a representative with the formal plans if need be.

Barry Baker made a motion to table this variance decision with a request for more information. 2nd by Dave Roberts. All were in favor (4-0).

A motion to adjourn was made by Dave Roberts. Seconded by Barry Baker. All were in favor (4 -0).

Attachments: Fuller Project – meeting announcement, tax map, project map, septic site plan (ZBA application, denial from Zoning Officer, list of notified neighbors, APA JIF, deed indenture, property maps were submitted for files earlier). Belleville Project – meeting announcement (ZBA application, denial from Zoning Officer, list of notified neighbors, APA JIF, deed indenture, property maps were submitted for files earlier).

Respectfully Submitted
Marie C. Buanno