

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

Public Meeting Dated:
Monday October 25, 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 6:04

Members present: Barry Baker Kevin Dorr Bill Hotaling Frank Sczerzenie

Members absent: Dave Roberts

Secretary Marie Buanno Zoning Officer Mel LaScola

Public present: No public present

Chairman Sczerzenie asked for a motion to accept the minutes of the August 16, 2021 meeting. Barry Baker made a motion to accept them as written. Seconded by Bill Hotaling. All were in favor (3 – 0). (Kevin Dorr did not vote as he was absent from the August 16, 2021 meeting).

Case #2107 – This was a continuation of the September 27, 2021 scheduled hearing. Shannon McEvoy presented plans at that time although nothing could be discussed without a quorum. He was not present tonight, however, the ZBA had all the information needed to discuss and vote on the requested variance on 1249 Old Piseco Road. Mr. McEvoy wants to make an addition to his house at that address and build a garage. Zoning Officer Mel LaScola noted that this is another case of a project on an already non-conforming lot. It is within 100 ft. of the lake. He had denied their application and cited the need for the variance is due to Code #11.010 Nonconforming Uses, Structures, & Property (1) (a) states: A structure containing a non-conforming use may be repaired, maintained, or converted, provided that no such activity shall create a new non-conforming 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 standards (a), (b), (c), (d), (e). Mel LaScola noted Mr. McEvoy wants to add a 5 foot by 18 foot addition to the structure to tie in with the existing porch and addition. The sideline setback will be approximately 30.2 feet and will be in compliance. Everyone agreed that since it is not increasing the non-conformity, the plans were fine.

Mr. McEvoy also submitted plans for a 28 ft. x 36 ft. garage on the same property. Mel LaScola stated the garage plans did not need a variance as it met all building criteria. Frank Szerzenie questioned if it met the criteria for an accessory structure. He came up with well over the 1,250 square feet limit. He configured that by adding in the square foot area of the second floor. Bill Hotaling noted the square foot of the building is figured by the footprint of the building considering Mr. McEvoy's second floor is for cold storage. The other members agreed there was no need for a variance for the garage.

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 No.

(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. 3 voted Yes, 1 voted No.

The vote whether to approve the variance: All 4 voted Yes.

Neighbors within 500 ft. were notified. All receipts were on hand. There were no responses for or against the project. Although the September 27, 2021 hearing could not be opened due to a lack of quorum, neighbor Patrick Rowe appeared in favor of the project at that time.

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. Seconded by Kevin Dorr. All were in favor (4 -0).

There are no attachments to these minutes. Mr. McEvoy submitted spiral bound plans which included maps, APA JIF and other pertinent info concerning this project. One is on file.

Respectfully Submitted
Marie C. Buanno