

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

Public Meeting Dated:  
Monday February 14, 2022 - 6:00 P.M.  
Piseco Community Hall

Minutes - Town of Arietta Zoning Board of Appeals was called to order by Chairman Barry Baker at 6:03 PM.  
**Members present:** Barry Baker Kevin Dorr Dan Fish Bill Hotaling Jaime Parslow  
Zoning Officer Mel LaScola Secretary Marie Buanno  
**Public present:** Jon & Kathleen Belleville and their Architect Keith Cramer all via ZOOM

Chairman Baker asked for roll call. With all members in attendance, he asked for a motion to accept the minutes of the October 25, 2021 meeting. Bill Hotaling made a motion to accept them as written. Seconded by Kevin Dorr. All were in favor (3 – 0). (Dan Fish and Jaime Parslow did not vote as they were not members of the ZBA at that time).

**Case #2106** – Chairman Baker announced the ZBA was reconvening (from the August 16, 2021 hearing) in the matter of Jon and Kathleen Belleville at 109 South Shore Road and their application for a variance to expand their existing structure which is within 100 feet of the shoreline. They also want to increase the height of the existing structure which increases their level of non-conformance with the shoreline setback. More information had been requested from the Bellevilles initial application to indicate a more precise location of the proposed improvements and to indicate the setbacks from the mean high water mark and shoreline. Those plans are now in hand and are attached to these minutes. Zoning Officer Mel LaScola had initially denied the permit 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” and 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”. The only question Mel LaScola had at this time was if the Bellevilles could verify that the septic system installed by GH Wood in 2000 was a 1,500 gallon tank that is suitable for a five bedroom house. Jon Belleville responded that the location is noted on the second page of the new plans (sheet1) and it is a 1,500 gallon tank with a 1,000 gallon pump tank. It pumps up to the noted “SEPTIC” area near South Shore Road away from the lake. The actual holding tank is on the west side of the property past the shed noted “SEPTIC TANK”. Architect Keith Cramer joined on ZOOM at this point. Chairman Baker gave him a brief update of what had been discussed so far. The Chairman asked for questions from the ZBA members. Jaime Parslow asked if any of the shoreline would need to be cleared for this project. Mr. Belleville said he does not want to but there may be some clearing at the footprint of the building. If there is any loss of trees, they plan to replace them. Barry Baker said he hadn’t noticed in the first set of plans as having a deck on the second story. He asked if the deck was going to be in line with the existing screen porch. The Architect said it is intended to be in line with the existing deck. Mel LaScola suggested that it should be noted as a stipulation in granting the variance. All agreed.

There were no other questions from the ZBA members.

The ZBA went on to vote on the variance criteria.

(1) 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.

(2) 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.

(3) Whether the requested variance is substantial. All 5 voted Yes.

(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. 2 voted Yes, 3 voted No.

The vote whether to approve the variance with the stipulation that the second story deck does not exceed the first floor screen porch and is not any closer to the lake. All 5 voted Yes.

Neighbors within 500 ft. were notified. There were no responses for or against the project.

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

Case closed.

There was no other business to discuss. Mel LaScola noted he has another possible variance in addition to the Town variance coming up.

A motion to adjourn was made by Kevin Dorr. Seconded by Jaime Parslow. All were in favor (5 -0).

The 7 page plans for this project are attached.

Respectfully Submitted  
Marie C. Buanno