

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

Public Meeting Dated:  
Monday October 17, 2022 - 6:00 P.M.  
Piseco School

Minutes - Town of Arietta Zoning Board of Appeals was called to order by Chairman Barry Baker at 6:15 PM.

**Members present:** Barry Baker Kevin Dorr Dan Fish Bill Hotaling Jaime Parslow  
Secretary Marie Buanno

Zoning Officer Mel LaScola was **absent**.

**Public present:** Jon Belleville joined via ZOOM. No one else was in attendance.

Chairman Baker asked for roll call. All members were in attendance.

**Case #2205** – Chairman Baker stated the hearing tonight had to do with the Jon and Kathleen Belleville property located at 109 South Shore Road. The APA had reversed the ZBA issuance of a variance and the ZBA subsequently chose the option of rehearing the application as a new case.

Zoning Officer Mel LaScola denied the new application 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”.

With the Zoning Officer absent and the original plans plus new information available to all present, Chairman Baker asked Jon Belleville (via ZOOM) to tell the ZBA about the project.

The plans are to put an addition on the existing structure and in doing so they want to keep it as original as possible while making it more functional for the family. They want make an existing bedroom into a kitchen and convert the hallway into a laundry room. They would make a “great room” and a master bedroom/bathroom and den in the new addition. They are not adding bedrooms. They already have a 1,500 gallon septic tank to accommodate 5 bedrooms with a 1,000 gallon pump up station that is at the furthest distance away from the lake. An accurate survey map has been done to be sure the project was not getting any closer to the lake. The northwest corner of the existing porch is the closest point to the lake. They would like to join the new deck to the existing deck so it is continuous. Currently there is a catwalk there. There will be a small porch off the new bedroom.

Chairman Baker thanked Mr. Belleville for providing the architects view of the height comparison (attached to these minutes) and noted that the new structure would be higher than the existing one and wanted to know how much of a difference that would be. It was determined that it would be approximately 5 ft. 8 in. higher including the chimney. The total height would be under the codes limit of 40 feet.

Mr. Belleville noted they also want to try to put a basement under both the old and new structures. That would depend on if the builder ends up hitting a ledge rock or not. Currently there are piers and if a ledge rock is discovered, the new part may end up on piers as well. They are hoping for some semblance of a basement. Chairman Baker also thanked Mr. Belleville for providing images of a 360 degree view of the property. (Attached to these minutes). This was provided mainly to show the limitations of the building area due to rock and the need to build laterally. He asked Mr. Belleville to speak about the images that were sent. He commented that there are limitations on the south side entrance as there are rocks there as well as rocks going towards the septic and the shed so there would be no way to build that way. The septic is actually on the other side of some of the rocks. A tree on the southeast corner of the property will need to be removed for the corner of the addition. He does not want to remove any rocks. ZBA member Jaime Parslow noted the plans indicate there is space to build towards the shed but with the terrain so rocky and Mr. Belleville’s explanation, she felt it understandable how limited the choices are and why he wants to build off the side. ZBA member Kevin Dorr

noted that even if they were going west, with the contour of the property, it may actually be going closer to the lake.

ZBA member Bill Hotaling asked if there was a boathouse and if it were used for storage. Mr. Belleville replied “yes” and that there is a deck on top of the roof of it and it has a floor in it.

Mr. Belleville said he talked to Caitlin Stewart and Lenny Croote at the Hamilton County Soil and Water Dept. concerning drainage during and after construction. (Summary is attached to these minutes). They suggested porous pavers for under the eaves to catch storm water runoff and proper grading to prevent erosion and filtering into the lake. They had offered to come out during and after the construction and to advise on the proper vegetation to put in. Mr. Belleville does not anticipate any trees being removed from the shoreline. Approximately eleven medium sized trees will be coming down where the actual addition will go. He would like to replace anything else removed with vegetation native to the area.

Chairman Baker noted that the plans include adding a dormer to the existing structure and asked Mr. Belleville to comment on that. He said it is a bunk room with stairs to get there. There are currently two small windows, but are not big enough for anyone to get out. The dormer is to let more light in and provide an easier means for escape.

ZBA member Kevin Dorr asked about what kind of finishes are being considered. He wants to put something durable. Currently there is aluminum siding. He had asked about cement siding but was told snow and ice deteriorate it. He was also considering vinyl siding. He certainly wants something that looks good with low maintenance.

Chairman Baker asked if the new deck would be joined to the old deck. Mr. Belleville said that was correct but it would not be any closer to the lake, just larger laterally. There will be no roof on it.

ZBA member Dan Fish asked about the need for the new screen porch. Mr. Belleville said it is just a small porch for privacy off his master bedroom for he and his wife. It will have a 4 ft. walkway that will wrap around from the deck.

Jaime Parslow wanted to be sure Mr. Belleville is preparing properly for the amount of rainwater runoff there will be with the addition being so massive. She suggested rain barrels or the permeable pavers. Chairman Baker asked if drainage would be directed to the adjoining parcel of land. Mr. Belleville said it is now all one parcel having been adjoined several years ago and if need be, space for additional drainage is available.

Jaime Parslow also just wanted to be sure that they wouldn't consider building something a little smaller. Is it necessary for them to build something so large? Mr. Belleville said they come up for 2 – 3 months in the summer and all their five kids and significant others come at that time. With it being more of a winterized house than a camp, they would more than likely come during winter holidays or to enjoy winter activities. If he had to cut something out, he supposes he probably could but it is not something he wants to have to do at this point. He also pointed out it will be nice to have almost everything on one level without stairs.

There were no other questions, concerns or comments from the ZBA members.

This hearing was reposted in the newspaper. Neighbors within 500 feet were notified. Chairman Baker said the only response he had was a telephone call from the Kavouksorians who live next door. They had initially thought they would be coming to the hearing but decided against it due to weather. They just wanted it known they were in favor of the project. Mr. Belleville noted that was another reason to build to the east. By building to the west, it would have been closer to the Kavouksorians and he wanted to protect everyone's privacy.

Mr. Belleville noted his ZOOM session was about to expire. Chairman Baker told him he would notify him of the outcome.

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. ZBA member Dan Fish asked if a contingency plan could be put in place to be sure that the Bellevilles follow through on the drainage plans and address the erosion situation as that is not actually noted on the plans. Chairman Baker said the ZBA can put stipulations on any variance. With that said, All 5 voted No. (See contingency clause in motion to approve the variance).

(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 Yes.

Dan Fish made a motion to approve the variance with the contingency that the contractor, homeowner, Zoning Officer and the building inspector ensure that adequate control measures for erosion are implemented for storm water runoff. 2<sup>nd</sup> by Kevin Dorr. All 5 voted Yes. .

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

Case closed.

Chairman Baker asked for a motion to accept the minutes of the September 26, 2022 meeting. Kevin Dorr made a motion to accept the minutes as written, 2<sup>nd</sup> by Jaime Parslow. All were in favor (5 – 0).

A motion to adjourn was made by Kevin Dorr. Seconded by Dan Fish. All were in favor (5 – 0).

There are 12 attachments (plus 9 color prints) to these minutes concerning the Belleville project – 1 page application, 2 page application denial from Mel LaScola, 1 comparison plan from architect, 1 page recommendations from Hamilton County Soil and Water for proper erosion and sediment control, 7 page original plans, 9 photo images of current site.

Respectfully Submitted  
Marie C. Buanno