

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

Public Meeting Dated:
Monday September 26, 2022 - 6:00 P.M.
Piseco School

Approved Minutes – Town of Arietta Zoning Board of Appeals was called to order by Chairman Barry Baker at 6:04 PM.

Members present: Barry Baker Kevin Dorr Dan Fish Bill Hotaling Jaime Parslow
Secretary Marie Buanno
Zoning Officer Mel LaScola was **absent**.

Public present: Lorna Rachon

Chairman Baker asked for roll call. With all members in attendance, Barry asked for a motion to accept the minutes of the July 25, 2022 meeting. (There was no meeting or hearing in August). Kevin Dorr made a motion to accept the minutes as written, 2nd by Jaime Parslow. All were in favor (5 – 0).

Case #2204 – Chairman Baker stated the hearing tonight had to do with property located at 898 Old Piseco Road. With the Zoning Officer absent, he asked Lorna Rachon to tell the members a little about their plans. She said they just want to put a small addition on the existing deck on the street side of their camp. It will be over a rocky part of the property that is not even mowable. There is not a lot of outdoor space where they are and when they have company, find it hard for all of them to fit on the existing deck. The completed deck will be 30 feet from the road and 16.5 feet from the side neighbor. There will be no roof on any of it. They did not square it off with the existing deck due to the hill that is in that area. She was asked if the deck could go on the other side towards the driveway. She said it probably could but it would be very high (approximately 15 feet in height) and piers would have to be put in and it is very rocky. Even if they did build that way, it would still need a variance. She confirmed there would be spaces between the boards to allow rainwater to go through. The new deck will be 140 inches x 164 inches and made out of treated lumber.

Scott and Lorna Rachon had applied to make alterations and additions to an existing single family residence deck. Zoning Officer Mel LaScola had denied their application as the finished deck would be too close to the road and the side line. The permit was denied due to Code #10.063 Setbacks – “No building shall be closer than 100 feet from the near edge of the road bed of a State Highway, nor closer than 75 feet from the near edge of the road bed of a public highway other than a State Highway, provided that no building shall be within the right of way of a public highway; and no building shall be closer than 100 feet from the perimeter of the development” and Code #11.010 Nonconforming Uses, Structures, & Property A. (1) (a) that states: “Buildings and structures which contain a non-conforming use shall not be enlarged or extended unless the use therein is changed to a conforming use. 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) (c) Setback will be no less than 25 feet from the sideline and finished structure will not exceed 50% of lot width” without the issuance of a variance by the Zoning Board of Appeals.

Neighbors within 500 feet were notified. Chairman Baker said the Rachons list was modified as there were a few names that were not on it that should have been. There were no responses received for or against the project. Lorna Rachon said she had talked to some of her neighbors and they had no problem with the project.

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

Chairman Baker explained to Mrs. Rachon the criteria that, by law, have to be voted on in order to grant a variance which is permission to build in an otherwise restricted area. 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 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.

Bill Hotaling made a motion to approve the variance, 2nd by Dan Fish. All 5 voted Yes. There was no further discussion.

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

Case closed.

Chairman Baker noted that the new Belleville hearing was also scheduled and the Bellevilles were going to join via ZOOM, however, it appears there has been no new application received/denied in the file provided to the ZBA. With the absence of new information and the Zoning Officers absence, the ZBA cannot open a hearing and it will have to be rescheduled.

After a little discussion, it was noted that Monday October 10, 2022 is Columbus Day and it would not be possible to beat the deadline to advertise for that date so it was agreed that the hearing would be held on Monday October 17, 2022 at 6 PM. Chairman Baker will inform Zoning Officer Mel LaScola and the Bellevilles that a new application needs to be received and denied in order for the ZBA to have a new hearing. He will notify Joyce Page to readvertise for the new Belleville case.

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

There are 7 attachments to these minutes concerning the Rachon project – 1 page notice of hearing, 1 page application, 1 page application denial from Mel LaScola, 1 parcel map, 1 location map, 1 page of description of project by the Rachons, 1 page of hand drawn project plans.

Respectfully Submitted
Marie C. Buanno