

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

Public Hearing Dated:
Monday December 9, 2024 - 5:00 P.M.
Piseco School

Approved Minutes - Town of Arietta Zoning Board of Appeals was called to order by Chairman Barry Baker at 5:10 PM.

Members present: Barry Baker, Dan Fish, Bill Hotaling Secretary Marie Buanno

Members absent: Kevin Dorr, Jaime Parslow, Zoning Officer Mel LaScola

No Public in Attendance.

Chairman Baker asked for roll call. With a quorum present, Chairman Baker asked for a motion to accept the minutes of the August 12, 2024 meeting. Bill Hotaling made a motion to accept the minutes as written, 2nd by Dan Fish. All were in favor (3 – 0).

Case #2402 – Richard and Lynn Wilt of 669 Old Piseco Road want to extend the deck on their adjoining property at 673 Old Piseco Road. They would like to enlarge an existing structure on the 3.80 acre parcel. Their application was denied due to the project being within 100 feet of the lake. 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”.

Chairman Baker noted for the record that due to illness, Zoning Officer Mel LaScola could not be present tonight, however, he did provide background information. The Wilts have also provided detailed information as to what they plan to do. A demolition permit is on file showing they previously demolished a deck which was within 100 feet of the lake. The application indicates their plan to replace the deck plus an additional extension with a lateral expansion of approximately 3 feet beyond what was there totaling 11 feet. It will extend across the entire front of the building. It is not going to be any closer to the lake than the original deck and not going within the sideline setbacks. He asked if the Zoning Board members had any questions or comments.

The members present had reviewed the project. Bill Hotaling did not see any issues with the proposed project moving forward. Dan Fish noted it did not appear there would be a substantial change to the character of the building. They are basically replacing an unusable deck which was previously demolished and adding an ADA compliant ramp. Mel LaScola had said the deck was unusable.

Chairman Baker noted that neighbors within 500 feet of the project were notified and only one responded. Neighbor Don Western said he would have done the same thing if it were his property and was in full support of the project. There were no other responses for or against the project.

Dan Fish felt that it should be noted since it is within 100 feet of the lake that the ZBA is supporting this project due to several issues. One is that it involves a handicap ramp and that it is replacing an existing deck. There is no environmental impact as the septic system is on the opposite side of the building from the project. It does not alter the complexion of the neighborhood. Bill Hotaling noted there appears there is still vegetation in the picture provided since the old deck was removed. Barry Baker offered that no vegetation or trees are being removed.

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 3 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 3 voted No.

(3) Whether the requested variance is substantial. All 3 voted No.

(4) Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood. All 3 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 3 voted No.

Chairman Baker noted that clearly this property was in existence long before zoning or the APA regulations and that they are replacing a failing structure with one that is slightly larger. Dan Fish noted it also makes it handicapped accessible.

A motion to approve the variance was made by Bill Hotaling, Seconded by Dan Fish. All were in favor (3 – 0).

Case closed.

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

Having no other business to discuss, a motion to adjourn was made by Dan Fish, Seconded by Bill Hotaling. All were in favor (3 – 0).

There are three attachments to these minutes: The 1 page variance notification, 1 page description of what was submitted with the application and a 2 page APA Jurisdictional Determination.

Respectfully Submitted
Marie C. Buanno