

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

Public Hearing Dated:
Monday October 13, 2025 - 5:00 P.M.
Piseco School

Approved Minutes - Town of Arietta Zoning Board of Appeals was called to order by Chairman Barry Baker at 5:02 PM.

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

Public in Attendance: Al Johnson, Richard Kovalsky

Chairman Baker asked for roll call. With the whole board present, Chairman Baker asked for a motion to accept the minutes of the December 9, 2024 meeting/hearing. Dan Fish made a motion to accept the minutes as written, 2nd by Bill Hotaling. All were in favor (3 – 0). Kevin Dorr and Jaime Parslow did not vote as they did not attend that meeting. Chairman Baker also asked for a motion to accept the minutes of the April 14, 2025 meeting/hearing. Jaime Parslow made a motion to accept the minutes as written, 2nd by Dan Fish. All were in favor (3 – 0). Kevin Dorr and Bill Hotaling did not vote as they did not attend that meeting.

Case #2502 – Brittany Toffey wants to remove an existing cottage on the 0.37 acre parcel located at 1155 Old Piseco Road and replace it with a single family residence. Her 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 asked Zoning Officer Mel LaScola to tell the board what has transpired with this variance request. Mel noted that Al Johnson was here to represent Vogel Construction who will be heading up the project should it be approved. He noted that the plan will involve tearing down the existing cottage which is within 100 feet of the lake and building new further away from the lake to be in line with the other existing neighbors. Moving it back still does not comply with the 100 foot zoning. They are unable to move it back any further due to a rock ledge. He then asked Al Johnson to inform the board of the plans.

Al said the existing building was built in approximately 1924. Ms. Toffey wants to tear it down and build new. The existing building is 20 feet from the high water mark. Moving it back it is still only 40 feet from the high water mark. This still leaves enough room for a two car parking area and a pump up septic system (although it has not officially been engineered yet). Having worked for Vogel many years he is quite certain a pump up septic system is possible. Mel agreed that there are many different designs for septic systems these days and he too is sure something could be designed that will comply. This is a plus as the existing is a gravity fed septic system on the side of the existing building. Al is approaching the ZBA now so that if the variance is approved, demolition can be done now in preparation for construction next summer. The property has a new well that was drilled last year.

Jaime Parslow noted the lines on the plans are unclear as to the setbacks from the neighbors. Al assured everyone the setbacks will be more than the required 15 feet on both sides but unsure at this time.

Neighbor Richard Kavalisky asked to be acknowledged. Chairman Baker told him he was welcome to speak. His main concern is if the side of the new house is going to be wider than it is now. Al Johnson said no, it was just going to sit further back and roof line will be 4 feet higher.

Dan Fish asked for clarification that this is a non-conforming lot that is only 26,000 square feet. Chairman Baker said yes, it is a legal non-conforming lot as it pre-existing. Dan suggested that a compelling argument for approving this is noted in the minutes.

The APA has already sent back the non-jurisdictional determination that turns this back to the town. A copy is filed with these minutes.

Chairman Baker asked Al Johnson about clarifying the lines noted on one of the maps submitted. Al said he has the actual survey map clarifying the actual property lines. Chairman Baker said it is confusing that there is a “west line” notification and a “deeded line” notification. Bill Hotaling noted there is a GORE noted on the map as well. Barry Baker said the lines are not specific enough to determine where the property line actually is. There have been issues in the past with sheds splitting property lines. Al assured all that no matter what the angle of the building ends up being, there will be still be 19 feet for a setback from the neighbor.

Jaime Parslow asked what the maximum square footage allowed on a parcel of this size is. Barry Baker said right now the codes say 50% of the lot width is to be followed. The Planning Board has talked about implementing a density code to follow but it is not in play at this time.

Dan Fish noted on the JIF there is a question about the cutting of vegetation within 35 feet of the lake. He wondered if and what would be cut. Al Johnson said he may be cutting down some trees once the demolition is completed but nothing on the lake shore.

Jaime asked if the stone retaining wall would be extended. Al said there is no real reason to.

Barry Baker asked if the 30 x 42 proposal includes the front porch.. Al said it does include the porch. He also asked what would be done to prevent erosion during the work on the project. Al said a silt fence would be put up. Seeding will be done to keep the soil in place once the project is completed..

There are no current plans for new steps down to the lake. That would be at a separate time.

Chairman Baker asked if anyone had anything else to add. Bill Hotaling said it’s better than what was there before and the new septic system is key. With the limitations available to the owner finds this is a hardship. Jaime Parslow is fine with everything as long as there are assurances the new septic system can go in. Dan Fish asked if there were any alternatives to this project. Al Johnson felt the grade was too steep to consider doing it another way. Kevin Dorr was fine with the project. Mel LaScola says the best part is moving it away from the lake and getting it in line with the other neighbors plus an upgraded septic system.

Neighbor Richard Kovalsky added his family is hoping it is not going to be an air bnb and there is not going to be major lighting put in. Al Johnson commented that it is his understanding that it will be family used and there is no call for excessive outside lighting.

Everyone felt that this project will be a major improvement to the aesthetics of the neighborhood. Even if the existing building had excessive work done on it instead of rebuilding, the foundation (built in the 1920’s) is crumbling and unsafe.

Chairman Baker noted that neighbors within 500 feet of the project were notified and no one responded for or against the project with the exception of Richard Kovalsky who appeared tonight.

Chairman Baker asked if the members of the board had any other questions before voting. No one did. The Chairman made a motion that the board approve the variance provided the project adheres to the 15 foot setbacks on either side with plans worked out with Zoning Officer Mel LaScola and that there is an approved septic system plan in place. 2nd by Kevin Dorr. All were in favor (5 – 0).

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. All 5 voted No.

Case closed.

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

It was noted by the Chairman that there are variance cases to be heard at the November 10, 2025 meeting.

Having no other business to discuss, a motion to adjourn was made by Kevin Dorr, Seconded by Jaime Parslow. All were in favor (5 – 0).

There are ten attachments to these minutes: The 1 page variance notification, 1 page permit denial per Zoning Officer, a 6-page JIF application, a 2 page APA Jurisdictional Determination, 1 page description of proposed project, 2 pages of neighbors notified of project, a 4-page deed and filing info from County Clerk, 2 maps showing location of project, 6 pages of plans to scale from Vogel Construction.

Respectfully Submitted
Marie C. Buanno