

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

Public Hearing Dated:
Monday December 8, 2025 - 5:00 P.M.
Piseco School

Minutes - Town of Arietta Zoning Board of Appeals was called to order by Chairman Barry Baker at 5:03 PM.
Members present: Barry Baker, Kevin Dorr, Dan Fish, Bill Hotaling. Zoning Officer Mel LaScola Secretary Marie Buanno
Members absent: Jaime Parslow
Public in Attendance: Patrick Rowe

Chairman Baker asked for roll call. Chairman Baker welcomed new ZBA member Howie Parslow who was appointed to fill the seat vacated by Dan Fish. With a quorum present, Chairman Baker asked for a motion to accept the minutes of the October 13, 2025 meeting/hearing. Kevin Dorr made a motion to accept the minutes as written, 2nd by Bill Hotaling. All were in favor (3 – 0). Howie Parslow did not vote as he was not yet a member of the ZBA at that meeting.

Case #2503 – Patrick Rowe wants to replace an existing deck and put a permanent roof over it. His parcel is located at 1251 Old Piseco Road. His 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 Patrick Rowe has an existing deck which is about 25 feet from the lake with a temporary (canvas) roof over it. He would like to put a permanent roof over the deck. Chairman Baker noted in looking over the paperwork he did not see any mention of a roof already existing over the deck. Mel apologized and said it must have been an oversight on his part. Patrick Rowe noted that the existing roof is no more than a canvas covering. That is what he would like to make permanent. He provided a copy for the members. He is also replacing the existing deck with a composite deck the same size as the existing one. He will not be going any closer to the lake but the new deck will also replace 8 feet where steps currently are located. Kevin Dorr asked how wide the property is. Mr. Rowe responded it is 50 feet wide. The house is 25 feet wide.

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 noted that neighbors within 500 feet of the project were notified and no one responded for or against the project.

Chairman Baker asked if the members of the board had any other questions before voting. No one did.

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 4 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 4 voted No.

(3) Whether the requested variance is substantial. All 4 voted No.

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

The Chairman asked for a motion that the board approve the variance. Bill Hotaling made that motion. 2nd by Kevin Dorr. All were in favor (4 – 0).

Case closed.

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

Case #2504 – Dave and Linda Bellville of 715 Old Piseco Road want to build a screened porch off their existing house. Kevin Dorr is representing them as their contractor and will recuse himself from voting as a ZBA member on this variance project. 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”.

The porch will be approximately 6 feet x 8 feet. The septic is on the opposite side of the house from the project. On one side of the house there is approximately 62 feet from the property line. It is approximately 42 feet from the lake. Bill Hotaling questioned the 62 foot setback on the one side. He noted the property is only 110 feet wide so how is this possible? Bill said he knows they also own a vacant lot next door but the measurements do not make sense. Kevin noted he did not measure it out but went by what the Bellvilles gave him for measurements. After looking it over, it was determined that the setback would be need to be 25 feet and a separate variance application or amendment to the current application would need to be filed and voted on for it to be less. The porch would add 8 feet to the width. The house with the proposed porch would be 52 ½ feet. Accurate setback footage is needed. A motion to table this variance decision in anticipation of additional information from the applicant pertaining to the width of the property and improvements was made by Barry Baker. 2nd by Bill Hotaling. All were in favor (3 – 0). This will result in a continuance of this case #2504 when new information is presented.

Chairman Baker noted that neighbors within 500 feet of the project were notified and no one responded for or against the project.

Having no other business to discuss, a motion to adjourn was made by Bill Hotaling, Seconded by Howie Parslow. All were in favor (4 – 0).

There are 12 attachments to these minutes: The 1 page variance notification for two cases, 1 page permit denial per Zoning Officer for Rowe, a 5-page JIF application for Rowe, a 2 page APA Jurisdictional Determination for Rowe, 1 page reasoning by Patrick Rowe, 1 page description of proposed project and a 1 page photo for Rowe, 1 page of neighbors notified of project for Rowe, a 2-page deed for Rowe, 1 map showing location of project for Rowe, 1 page of neighbors notified of project for Bellville, 1 map showing location of project for Bellville. Additional information for the Bellville project were not made available to the Secretary by the filing deadline of these minutes.

Respectfully Submitted
Marie C. Buanno