

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

Public Hearing Dated:
Monday July 13, 2026 - 5:00 P.M.
Piseco School

Accepted 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, Bill Hotaling, Howie Parslow, Zoning Officer Mel LaScola, Secretary Marie Buanno

Members absent: Jaime Parslow

Public in Attendance: Jennifer Phelan, Stuart Phelan

Chairman Baker asked for roll call. With a quorum present, Chairman Baker asked for a motion to accept the minutes of the May 11, 2026 meeting/hearing. Bill Hotaling made a motion to accept the minutes as written, 2nd by Kevin Dorr. All in attendance were in favor (4 – 1 Absent). The Chairman also noted that all of the cases we have heard this year (one continuation from 2025 plus two new cases have either been APA approved or the 30 day waiting period has expired). Everything we have discussed has been decided and it is OK to move forward. He also noted there will be a hearing scheduled for August 10th. At that time, our meeting place will be moved to the large meeting room at the other end of the building. The time will remain at 5 PM.

Case #2603 – Jennifer and Stuart Phelan of 1682 State Route 8 want to build a 30' x 40' garage at that address. Their application was denied by Zoning Officer Mel LaScola as the address is in Zone 11 according to the Town of Arietta Land Use Code book which is "Special Town Center" and requires a "Special" permit. The code reads: SPECIAL DISTRICT (SD): An area, governed by these regulations, which appears on the Zoning Map of the Town of Arietta and/or which may have additional requirements. SPECIAL USE PERMIT (SP): Is a use, because of public convenience and necessity and its effects upon the neighborhood, which shall be permitted only upon the approval of the Zoning Board of Appeals after due notice, a public hearing, and a finding that it will not be detrimental to the general land use plan or to adjacent surrounding property. Also required is a Site Plan Approval by the Town of Arietta Planning Board.

Zoning Officer Mel LaScola reiterated the regulations surrounding the variance request in the Special District. The Phelans have submitted the required paperwork and meet all the town zoning requirements and are looking to the ZBA to decide if they can move forward with the project.

Chairman Baker asked if any ZBA members had any questions. Howie Parslow asked if anyone had responded with any comments about the project. 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 the Phelans if they had anything they would like to add or comment on as to why we are having this hearing. Jennifer Phelan said they just really need this garage. Mel LaScola noted they want to be able to start this in the fall. Jennifer said they really would have preferred to start it in February of this year. With the special circumstances surrounding the Special Town Center, it became a little more involved than just applying for a building permit. Stuart Phelan said they will have to get back in touch with the builder as they probably have been put further down on the builders list time wise. The Chairman said there should be no other delays as everything looks straight forward. It is not another principal building, it is under 1,250 square feet and it meets all the setback requirements.

Chairman Baker asked if the members of the board had any other questions before voting. No one did. He explained the variance criteria the board must take into consideration. They do not have any bearing on the final determination but the board has to consider them per New York State law. 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. 4 voted No, 1 Absent.

(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. 4 voted No, 1 Absent.

(3) Whether the requested variance is substantial. 4 voted No, 1 Absent.

(4) Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood. 4 voted No, 1 Absent.

(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. 4 voted No, 1 Absent.

The Chairman asked for a motion that the board approve the variance. Kevin Dorr made that motion. 2nd by Howie Parslow. 4 were in favor, 1 Absent. So moved.

Case closed.

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

There are 11 attachments to these minutes: The 1 page original variance notification, 1 page permit denial per Zoning Officer, 1 page variance application, a 23 page deed, 1 page of neighbors notified of project and 2 maps of them, 2 pages of nearby residential buildings, 3 maps showing proposed project, 1 hand drawn diagram showing project, 6 page builders proposal, a 4 page JIF application

Respectfully Submitted
Marie C. Buanno