

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

Public Hearing Dated:
Monday August 10, 2026 - 5:00 P.M.
Piseco School

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

Members present: Barry Baker, Bill Hotaling, Howie Parslow, Jaime Parslow Zoning Officer Mel LaScola, Secretary Marie Buanno

Members absent: Kevin Dorr

Public in Attendance: Ty Allen, Clare O'Connor, Tim Dwyer, Anthony (Tony) Dwyer, Danny Cullen, Teddy Cullen, Mike Cullen

Chairman Baker asked for roll call. With a quorum present, Chairman Baker asked for a motion to accept the minutes of the July 13, 2026 meeting/hearing. Howie Parslow made a motion to accept the minutes as written, 2nd by Bill Hotaling. All in attendance were in favor 3 – 2 (1 Abstain, 1 Absent). So moved. Jaime Parslow was not present at the July meeting/hearing and did not vote. Kevin Dorr is absent.

Case #2604 – Anthony Dwyer of 46 Arrowhead Road wants to renovate his house at that address. The application was denied by Zoning Officer Mel LaScola as the project is within 100 feet of the lake and exceeds the height permissible by Town of Arietta Code. The codes read: 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”. Code #4.010 Regulations for SR1, SR2 A. Height – “No building shall be of a height above natural grade greater than 40 feet, excluding cupolas, chimneys or other projections above the roof line”.

Zoning Officer Mel LaScola said he has been working with Mr. Dwyer for about a year now going back and forth. He has found that it is within 100 feet of the lake and the height on the garage exceeds the threshold. Mel noted an error on his part that Mr. Dwyer also wants to increase the size of the deck, which would also require a variance.

Chairman Baker noted that the original plans submitted have recently been changed (as of this AM). A revised set of plans has been received for the Zoning Board to review. In the interest of the public, the ZBA will not be able to make a determination tonight. The presentation of the revisions will be heard but this is considered a new project and will have to again be advertised to the public and the neighbors within 500 feet will again be notified.

The Chairman has provided the ZBA members with copies of the revised plans. Architect for the project Ty Allen and owner Tony Dwyer made the presentation.

The bulk of the house is on a pre-existing non-conforming lot within 100 feet of the lake and that is the reason for this hearing. The deck expansion is the part that is within the 100 feet setback. It doesn't encroach any further. Mr. Allen pointed out the location of the new deck as opposed to the old deck. The deck needs to be entirely replaced as it has rotten wood. The space is very narrow and limited and has no stairs.

They also plan on a master suite addition to the north side. They are trying to get as much as possible on the main floor of the house for convenience as they age, including a washer and dryer and mud room. It appears as an odd shape and that is due to the more restrictive HOA 20-foot setback. The house will have three bedrooms total. They are trying to limit any basement living space. The basement bedroom will be moved above the garage. There will be a connector between the second story and the loft garage so they will not have to go down to the next floor to exit. The connector is the big change there but not needing a variance. The garage is outside of that 100-foot setback. There are two dormers. The one on the south side is mainly for head

space. Mr. Allen was not sure if they were permissible or not but included them for consideration. They are increasing the height a little. The building is in the same footprint, only higher.

Howie Parslow clarified there would be three bedrooms. The answer was yes. He asked how old the septic system was. It was unknown to everyone present. Jaime Parslow wanted to know if the septic system would be replaced. She thought it would be. The answer was no. When they considered the fourth bedroom it was a consideration but not with three. Bill Hotaling asked where the septic was located. Mr. Allen said it is on the other side of the driveway about fifteen feet inside the road. It is a pump-up system.

Mr. Allen said he had to reach out to the APA now that the project has been scaled down to see if he has to reapply for a new Jurisdictional Determination.

Chairman Baker wanted it noted that the Town of Arietta side setbacks are more intense than association setbacks. For waterfront properties the Town of Arietta codes state 25 feet. Code #11.010 3c states: "Shoreline setback and cutting in no case shall any increase or expansion of any building or structure, or any shoreline cutting, increase non-conformance, in any direction including height, with the minimum setbacks from shorelines and shoreline cutting restrictions without obtaining an area variance. Expansion of an existing non-conforming structure not meeting the shoreline setback requirements of 100 feet must also comply with the following standards. (c) Setback will be no less than 25 feet from sideline and finished structure will not exceed 50% of the width." Mr. Allen was surprised as he thought he had been very thorough in looking through the codes.

Chairman Baker asked if any ZBA members had any questions. Howie Parslow said his question was for Mel about fire separation. Mel explained that it was noted in the plans. Mr. Allen said it was a decent separation. Howie felt all his questions were answered. Bill Hotaling reiterated the need for an additional variance for the larger setback requirements for waterfront properties that Barry noted. Jaime Parslow thanked Mr. Allen and Mr. Dwyer for the complete and detailed plans they submitted. She felt it certainly made it easier to understand.

Chairman Baker noted that neighbors within 500 feet of the project were notified. We received inquiries by telephone from four neighbors. The Secretary received the calls in the Town Clerks office. Paul Arceiro, Sharon Sorenson and Pam Stacy just asked why they received the legal notice. Marie gave them the highlights of the original plans, and they didn't seem to have any issues. Jim Hallman filed a FOIL request, and the Secretary did not hear any pros or cons from him. The Chairman did not receive any comments pro or con.

The Chairman said the neighbors will all have to be contacted again, the public notice legal ad will run again noting there are revisions, and we will reconvene at next month's meeting date for a continuance of the hearing. Absent ZBA member Kevin Dorr may have questions of his own at that time. The ZBA will make a determination that night. It then goes to the APA who have 30 days to respond. They may respond prior to the expiration of the 30 days. If the 30 days expire without a response, their approval is automatic.

No one from the public in attendance wanted to make a comment at this time.

The Chairman asked for a motion to adjourn. Bill Hotaling made that motion. 2nd by Howie Parslow. 4 were in favor, 1 Absent. So moved.

There are 8 attachments to these minutes: The 1 page original variance notification, 1 page permit denial per Zoning Officer, 1 page variance application, 2 cover pages from ARK Design Studio re Dwyer project, a 2 page APA Jurisdictional Determination, a 3 page deed, 2 pages of neighbors notified of the project, and the revised project maps.

Respectfully Submitted
Marie C. Buanno