

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

Public Meeting Dated:
Monday February 13, 2017- 6:00 P.M.
Piseco School

Approved Minutes - Town of Arietta Zoning Board of Appeals was called to order by Chairman Frank Sczerzenie at 6:00 PM.

Members present: Frank Sczerzenie, Chairman Bill Hotaling Chris Laver Secretary Marie Buanno
Zoning Officer Mel LaScola

Members absent: Kevin Dorr Tim Morris

Chairman Frank Sczerzenie told the members that at the October 2, 2016 Town Board meeting a Resolution was passed stating the Zoning Board of Appeals would meet on a regular basis every second Monday of each month at 6PM. The ZBA members will be paid a \$500.00 per year compensation whether there is one hearing or numerous instead of \$50.00 per hearing. The NYS auditor did not like the per hearing payment system. Minutes will be taken for meetings as well as hearings. Kevin Dorr was reappointed. It was noted that ZBA member Tim Morris may have resigned or is resigning and another member will have to be selected if or when this happens. It was suggested a woman be considered. Chairman Sczerzenie presented to each member a copy out of the Town of Arietta Land Use Code book as verification that meetings of the ZBA can be held for discussion purposes, not just for hearings and that the minutes need to be recorded no matter if it is a meeting or a hearing. Chairman Sczerzenie noted that wording was taken out of the "Forward" in the Town of Arietta Land Use Code book that indicates the cost for a variance. Also removed from the Town of Arietta Land Use Code book was that the ZBA only meets for an appeal. A copy of Code #15.33 and the Forward are filed with these minutes.

Discussion ensued about the variance application fee. It was noted that the dollar amount can be changed by Resolution by the Town Board. It was felt that the fee of \$385.00 was high and that compensation to pay the ZBA members and Secretary should not be incorporated into the fee for an application. It was agreed the fee needs to be supported and justified. The Chairman will go to the NYS Planning Federation to see what they recommend. It was also agreed that the amount should be decided on as soon as possible before the "building season" starts.

NYS Town Law Article 16, Section 267- 7a Training and attendance requirements – Chairman Sczerzenie read most of this and noted he plans to have at least four meetings a year to focus on training. He will ask if there could be a Resolution stating that these training meetings will satisfy the ZBA training requirements. He will be talking to the Association of Towns and the NYS Planning Federation to try to get resources to do this in house if it is approved of by the Town. It was questioned if NYS should also approve it. According to this section of NYS law, the Town Board must approve it. A copy is filed with these minutes.

NYS Town Law Article 16, Section 267-a #4 Board of Appeals procedure – Indicates the Town can appeal if they are in disagreement with the Zoning Officer. A copy is filed with these minutes.

NYS Town Law Article 16, Section 274-a #3 Site Plan Review – Indicates the ZBA can meet without having an appeal. The Zoning Officer would still be involved. Someone could meet with the ZBA but it might not be because the Zoning Officer denied a variance. A copy is filed with these minutes.

NYS Town Law Article 16, Section 267-b #2a, 3a & 4a Permitted Action by Board of Appeals – Chairman Sczerzenie read about Use Variances, Area Variance and Imposition of conditions and noted it was certainly supportive of Town law. A copy is filed with these minutes.

New Business – The Dorr brothers were contacted by Tom Higgins to build a 1,440 square foot second principle residence on a parcel zoned 1.3 acres. He also wants to hook up to the existing septic system on the parcel adjacent to the new house parcel where Eileen Higgins residence is located. Greg Dorr has started the process already and Mel LaScola has already told him he would deny it. Mel plans on running it by the Planning Board at the meeting Tuesday night. Mel also asked if it would be a consideration to move the ZBA meetings to the day after the Planning Board meets as he usually keeps the Planning Board informed of upcoming projects and to get their input. It was noted that this type of project would not come before the Planning Board as the persons involved realize they are going against code and would need a variance so they would go to the ZBA only. Once a site plan and details are available, the ZBA can discuss it further. So far only a floor plan is available. Mel LaScola felt they might come to get information from the ZBA and realizing it might not be approved they might not even spend the money to file an application.

A motion to adjourn was made by Chris Laver, 2nd by Bill Hotaling. All were in favor 3 – 0. So moved.

Respectfully Submitted

Marie C. Buanno

Attachments – Code 15.33 and Forward from the Town of Arietta Land Use Code book (2 pages)
Code 267-7-a NYS Article 16 Town Law (3 pages)
Code 267-a NYS Article 16 Town Law (3 pages)
Code 274-a NYS Article 16 Town Law (3 pages)
Code 267-b NYS Article 16 Town Law (2 pages)