

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

Public Meeting Dated:
Monday June 28, 2021 - 6:00 P.M.
Piseco Community Hall

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

Members present: Barry Baker Kevin Dorr Bill Hotaling Dave Roberts Frank Sczerzenie
Secretary Marie Buanno

Public present: Peter Blessing

Bill Hotaling read the minutes of the June 14, 2021 meeting and noted a spelling error.

Chairman Sczerzenie asked for a motion to accept the minutes.. Kevin Dorr made a motion to accept them as corrected. Seconded by Barry Baker. All were in favor (4 – 0). Dave Roberts was not present at that meeting so he did not vote on accepting the minutes.

Case #2103 – Peter Blessing of 1215 Old Piseco Road wants to raise up his camp at that address and put a poured foundation under it to replace the piers it now sits on. He is looking to raise it 3-4 feet to get the grade correct. He is 12 feet from one neighbor and 25 feet from the other. Barry Baker asked about the screened porch. Peter said there is no foundation under the screen porch and it will remain on piers but new ones. Dave Roberts wanted to just clarify that nothing was changing, and that the camp is just going up in height. Peter said that was correct. Bill Hotaling asked if it was a pump up system. Peter said yes and already plans on replacing the tank and pump that will be located in the basement which should be inspected by Zoning Officer Mel LaScola. Zoning Officer Mel LaScola denied his application and cited the need for the variance is due to Code #5.030 Shoreline Structure Setback that states “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”. #5.030A states “The Shoreline building setback restrictions apply to all principal buildings and to all accessory structures exceeding 100 square feet in size”. Also, Code #11.010 Nonconforming Uses, Structures, & Property (a) states “...such activity shall create new non-conformity or increase the degree of existing non-conformity”. (c) states “Buildings and structures which do not comply with the minimum setbacks specified in these regulations shall not be permitted to expand their non-conformity in any direction, including height, without the issuance of a variance by the Zoning Board of Appeals”.

There were no other questions from the ZBA members.

The ZBA went on to vote on the variance criteria.

(1) 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.

(2) 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.

(3) Whether the requested variance is substantial. All 5 voted No.

(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. 4 voted No, 1 voted Yes.

The vote whether to approve the variance: All 5 voted Yes.

Neighbors within 500 ft. were notified. All receipts were on hand. No responses were received for or against the project. There were no other comments from the ZBA members.

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

Case closed.

A motion to adjourn was made by Kevin Dorr and Seconded by Dave Roberts. All were in favor (5 -0).

Attachments: Project meeting announcement, 1 page ZBA application, 3 page application denial from Zoning Officer, list of notified neighbors, 6 page APA JIF form, 62 page APA JIF determination, 1 page of drawn plans, 2 page deed indenture, 1 page property map

Respectfully Submitted
Marie C. Buanno