

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

Public Meeting Dated:
Monday July 25, 2022 - 6:00 P.M.
Piseco Community Hall

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

Members present: Barry Baker Kevin Dorr Dan Fish Bill Hotaling Jaime Parslow

No members were absent.

Zoning Officer Mel LaScola Secretary Marie Buanno

Public present: Scott Olszowy, Bill Edwards, Charlotte Minich

Chairman Baker asked for roll call. With all members in attendance, Barry asked for a motion to accept the minutes of the May 2, 2022 meeting. Bill Hotaling made a motion to accept the minutes as written, 2nd by Jaime Parslow. Kevin Dorr did not vote as he was absent from the May meeting. All were in favor (4 – 0).

Case #2203 – Chairman Baker stated the hearing tonight had to do with property located at 843 Old Piseco Road. He asked Zoning Officer Mel LaScola to comment on how we have come to this point. Mel told the group Scott Olszowy had applied to him to renovate and repair a guest cottage and the main house. He had to deny the request as the guest cottage is too close to the lake (within 100 feet) and the main house is too close to the road and doesn't meet the setback requirements to the road or sideline.

The permit was denied due to Code #11.010 Nonconforming Uses, Structures, & Property A. (1) (a) that states: "Buildings and structures which contain a non-conforming use shall not be enlarged or extended unless the use therein is changed to a conforming use. A structure containing a non-conforming use may be repaired, maintained, or converted, provided that no such activity shall create new non-conformity or increase the degree of existing non-conformity..." (3) states "...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 the sideline and finished structure will not exceed 50% of lot width" without the issuance of a variance by the Zoning Board of Appeals. Chairman Baker asked if there was a possible septic issue. Mel said that is already being worked on and a permit will be issued.

Scott Olszowy addressed the group to inform them of his plans. He said the guest cottage has two small bedrooms, a bath and a living room. He is looking to gut it out and make it livable for family and friends only. (Not looking to rent it out). Currently it is in uninhabitable shape as the septic is not intact. He hired Rita Carlson to engineer a septic system and make it workable on the property. The plans are to add another 1,000 gallon tank and pump and an additional 30 feet of leech field on the end of the main house. Currently there is an existing 1,000 gallon tank at the main house which is pumped up to the leech field. Brad Weakley will be putting in the septic system. Mr. Olszowy also plans to replace the west side of the foundation wall on the guest cottage. A variance is not needed for the foundation work as it is in the same footprint. Everything else done will be cosmetic. The bedroom windows will be larger. Nothing is going any closer to the lake. No one had any other questions about the cottage.

The main house is half on a slab and half on piers. He wants to put a foundation under the portion that is now on piers. He will be replacing the deck and extending it the full length of the house. He is replacing the deck roof but is not entirely sure about extending it the full length of the deck. On the road side he would like to put a 2 ft. shed roof over the windows on both sides of the door. Again, nothing is going any closer to the lake. On the lake side he wants to remove the block siding and replace with wood siding and insulation for ease of wiring. The septic is approximately 20 years old so it is a modern system. Chairman Baker noted a wood framed structure on the map provided and asked what it was. Mr. Olszowy stated it is a garage but nothing was going to be done with it as it is in great shape. Bill Hotaling asked if there were any gas tanks still there as it

used to be a store. He said two were removed and one was decommissioned by the DEC. Brad Weakley has been made aware of it for when he digs for the septic install. The soil has also been successfully tested. No one had any other questions.

Chairman Baker asked for public comment. Bill Edwards spoke on behalf of himself and The Edwards Family Trust. They are very happy with the plans for this. Charlotte Minich said she has met Scott and speaks for the others in her family when she says they are very happy they are going to make this so nice and have no objections.

Neighbors within 500 feet were notified. Chairman Baker said he received one letter in support of the project from Ed and Lois Cox. They apologized for not being able to attend. (A copy of their letter is attached to these minutes).

There were no other questions from the ZBA members.

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 5 voted No. Jaime Parslow added that she thinks, if anything, it will improve the neighborhood.

(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 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. Jaime Parslow added that with such small structural changes being made to the roofline, it will not increase any storm water runoff.

(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 5 voted No. The Chairman added they were both pre-existing structures.

Dan Fish made a motion to approve the variance, 2nd by Jaime Parslow. All 5 voted Yes.

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

Case closed.

Chairman Baker noted that we need to discuss the Belleville variance that was reversed by the APA. He said he has been in contact with the APA since then. Originally he was told that the APA would consider information and detailed discussions from the hearing that were omitted from the minutes. Now, he has received notice that there is only a formal process in place for any variance reversal. The options are to rehear the Belleville's application or request the Belleville's modify and resubmit their application. The ZBA would have to unanimously vote to rehear which is what the Chairman suggests.

Dan Fish asked how can we possibly justify allowing the project 22 ft. from the lake and doubling the size on a non-conforming lot plus raising the roof line? Chairman Baker noted they didn't reverse the ruling on that premise but on the change in elevation and we didn't explain why they couldn't go backwards on the property.

Jaime Parslow wondered why we aren't requesting a consultation as they recommended? Would they approve it if we rehear the variance and include everything that we omitted last time? The Chairman said they won't say ahead of time. Jaime thought they were recommending we seek their guidance. We wouldn't want to rehear it and have them still reverse it and have to put off the Belleville's again.

Chairman Baker said he had thought that he had provided them with enough information they said was missing in the many times he went back and forth with them. It appears they want complete information all at once in a new packet submitted by the Belleville's or rehear them and send more detailed justification on why we approved the variance.

Kevin Dorr asked what do the Belleville's want to do? The window to start anything this year is pretty much closed. Chairman Baker and Mel LaScola both said they want to provide whatever we need to be able to get a variance to proceed even if they have to change the plans somewhat.

If we rehear it, it would be the same project with hopefully more information and no additional permit fee.

They could provide an elevation map to show how high the chimney will be since that was one criteria that was mentioned by the APA.

Jaime thought it would be good if they could provide a map of where the well and septic are and show how closed in with bedrock they are. Perhaps they could provide an aerial map or aerial pictures to overlay on their property map.

We need to convey what we know about their property to the APA better.

Kevin Dorr made a motion to rehear the application from the Belleville's with the additional information on elevation and aerial photos and/or maps. 2nd by Jaime Parslow. All were in favor 5 – 0. Chairman Baker will contact the Belleville's with the decision and suggestions of additional information requested.

After a little discussion, it was discovered that a full ZBA would not be available until Monday August 29, 2022 at 6 PM. Chairman Baker will inform Joyce Page that is when we will rehear the Belleville case.

A motion to adjourn was made by Kevin Dorr. Seconded by Dan Fish. All were in favor 5 -0.

Attachments to these minutes concerning the Olszowy project are – 3 page application denial from Mel LaScola, 3 hand drawn project plans, 1 survey map copy, 1 letter in support of the project from Ed & Lois Cox

Respectfully Submitted
Marie C. Buanno