

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

Public Hearing Dated:
Monday July 10, 2023 - 5:00 P.M.
Piseco School

Minutes - Town of Arietta Zoning Board of Appeals was called to order by Chairman Barry Baker at 5:00 PM.

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

Secretary Marie Buanno

Zoning Officer Mel LaScola

Public present: Ken Kull, Peter Blessing

Chairman Baker asked for roll call. With all members present, Chairman Baker asked for a motion to accept the minutes of the May 8, 2023 meeting. Kevin Dorr made a motion to accept the minutes as written, 2nd by Bill Hotaling. All were in favor (4 – 0). Jaime Parslow did not vote as she was not in attendance at the May meeting.

Case #2301 – Peter Blessing of 1239 Old Piseco Road wants to relocate an existing structure and build a new, larger one where the existing one currently is on the 1.20 acre parcel. His application was denied due to the project needing to be 50 feet from the shoulder of the road and side line setbacks not being met. The plot plan shows 29 feet from the shoulder. For the larger building the plot plan shows 14 feet for the side line setback and 12 feet for the smaller one. He is in violation of Town of Arietta Code #4.010 Regulation for Setback from the Road which states “A building shall at a minimum be set back 75 feet from near edge of the pavement of a state highway and 50 feet from near edge of the pavement of a public highway other than a state highway, provided that no building shall be within a public highway right of way.” Also Code #11.010 Nonconforming Uses, Structures, & Property – A. (3) (c) “Setback will be no less than 25 feet from sideline and finished structure will not exceed 50% of lot width.”

Everyone had reviewed the extensive plans. Chairman Baker supplied a survey map so Mr. Blessing could explain more about the plans. He explained that initially he wanted to take down the existing 20 x20 garage and build something larger than 36 x 34 but decided to keep it by moving it 90 degrees then building a 36 x 34 Morton building in the place of the existing garage. The property is under 1.3 acres zoning so it automatically requires a variance. If he took down the old garage and built a larger building, he would have had to reconfigure his driveway, take more trees down, relocate a propane tank and infringe on his septic system. He now thinks the side line setbacks for the new building will be about 20 feet and the smaller one about 15 feet. Fortunately, he also owns that parcel next door so it will not be infringing on anyone else's property. On the other side, the setback is approximately 35 feet. He has talked to a lot of his neighbors and no one seems to have any issue with his plans. Return receipts were on hand for the neighbors within 500 feet who were notified. There were no letters received for or against the project. The current garage is 29 feet from the road. The new one will be at least that far back, if not further. Jaime Parslow asked if there was a storm water plan. Mr. Blessing said no, however, he planned to line the drip edge with stone. It is also far enough from the lake that it will not cause runoff or washout to the lake. Both buildings need to be taken into consideration in this hearing due to the setbacks. Even though one building is just being repositioned, the setbacks on both buildings are on the same side. Mr. Blessing noted about eight to ten trees will be coming down to make way for this project. The project is much more than 100 feet from the lake. The only other thing he may do is to try to straighten the corner turn in the driveway.

Chairman Baker explained the process for voting. 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.

(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. 3 No, 2 Yes.

(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. All 5 voted No.

Dan Fish made a motion to approve the variance, 2nd by Kevin Dorr. All 5 voted Yes without conditions. There was no further discussion.

A motion to adjourn was made by Bill Hotaling. Seconded by Jaime Parslow. All were in favor (5 – 0).

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

Case closed.

There are three attachments to these minutes: The 12 page Building Permit Application for Pete Blessing including deed and project diagrams, the application denial from Zoning Officer Mel LaScola and the hearing announcement.

Respectfully Submitted
Marie C. Buanno