

**Town of Westerlo
Zoning Board
Westerlo, New York
Zoning Board Meeting**

Minutes of Date: April 25, 2016

Location: Westerlo Town Hall, Westerlo, New York

Board Members: Chairperson Virginia Mangold, Wilfred VanInderstine, Robert Beck, John Sefcik, Guy Weidman

Town Attorney: Aline D. Galgay, Esq. ; Zoning Administrator: Edwin Lawson

Present: Virginia Mangold, John Sefcik, Wilfred VanInderstine, Guy Weidman & Zoning Administrator, Edwin Lawson

Chairperson Virginia Mangold called the meeting to order at 7:00 pm and led the Pledge of Allegiance.

The Board reviewed the minutes of March 28, 2016 meeting. John Sefcik made a motion to accept the minutes as written; Guy Weidman seconded the motion. All voting members present in favor.

Old Business:

Chairperson Mangold made mention of the legal notice for the following two Public Hearings.

Chairperson Mangold opened the public hearing for applicant David Rebeor, 40 County Route 1, Westerlo, NY 12193 Tax map #139.9-1-13. A site visit on Tuesday, April 5th was completed with the board taking physical measurements. Applicant requests an 11.5 foot sideline setback variance to build a 12 X 24 garage in the hamlet of Westerlo. A negative SEQRA was declared for this application. As well Chairperson Mangold mentioned the approved recommendation of the ACPB. Asked present abutters if they had concerns or questions. They did not. The PH was then closed at 7:15 p.m. Wilfred VanInderstine made a motion to accept the application; John Sefcik seconded the motion.

AYE: Virginia Mangold, John Sefcik, Wilfred VanInderstine, Guy Weidman

NAYE: None

Chairperson Mangold opened the public hearing for Monolith Solar Associates, LLC (property owner John Hancock), 46 Gifford Road, Westerlo, NY 12193 tax map# 174.-1-38. ZBA members completed a site visit on Tuesday April 5th where they were unable to find a noticeable property line to start the measurement for this application of a large ground mount solar system on a property size of less than an acre. Chairperson Mangold explained to owner John Hancock & Monolith rep, Robert Scebaniak, without an actual property line to work from, it was not possible to grant a variance and further requested applicant & owner check for any pins put in place when it was surveyed. The Board also reminded applicant the measurements are taken from the top end of the solar panels nearest the side line (not from the base). The board left the site and asked the applicant to find any markings or pins and would come back out for a second site visit and measurements. Mangold was called to come out for the second site visit and was told owner found a survey pin. Thinking logically it was on the North side of the property where the Board would take measurements, found the pin was located at the Southwest corner and not a help in determining where to begin the measurements. Mangold asked again for the owner to contact the surveyor, Santos, to come and set a pin or at least tell owner where he may find a pin at the North side somewhere and the Board would again go out to check the measurements for the PH set for April 25th. Owner spoke to surveyor and was told there was a pin in the Northeast corner. Mangold was contacted again to go back over for a 3rd site visit. At that, the Board took measurements and asked applicant to move the stakes as far as possible. At

that site visit the applicant and Board measured 10 feet from the side line taking notice then that the trees (that are located on neighboring property) were shadowing the lawn area more than halfway.

The Board reviewed the application. A negative SEQRA was declared for this application. Abutters Dorothy Hesel and Aileen Hesel were present and had concerns and needed further explanations. Chairperson Mangold went over the entire scenario with abutters and after reviewing information with them, were satisfied. Chairperson Mangold suggested to the applicant they needed to move the solar panels another 5 feet making it now 15 feet from the line. The applicant and owner agreed to do so. The Board then declared this to be a 35 foot sideline variance. Chairperson Mangold closed the public hearing at 7:40 pm. Virginia Mangold made a motion to accept the application. Wilfred VanInderstine seconded the motion.

AYE: Virginia Mangold, John Sefcik, Wilfred VanInderstine, Guy Weidman

NAYE: None

With no new business, Wilfred VanInderstine motioned to adjourn the meeting; John Sefcik seconded the motion. All members present in favor. The next ZBA meeting is May 23rd at 7 p.m. This meeting adjourned at 7:45 pm.

Respectfully submitted,
Jennifer Bungay, Zoning Board Clerk