

**Town of Westerlo  
Zoning Board of Appeals  
Westerlo, NY  
ZBA Meeting**

Minutes

Date: September 27, 2021

Location: Westerlo Town Hall, Westerlo, NY

ZBA Members Present: Chairperson Jill Henck, James Gallogly, Guy Weidman, George Spahmer, Sean Leary

Town Attorney: George McHugh- not present

Zoning Administrator: Jeff Pine- not present

Non-members present: Planning Board and ZBA Clerk Britta Biggs, three interested residents were in attendance, as well as Planning Board Member Gerry Boone

Open with Pledge of Allegiance at 7:01 PM

**MINUTES**

Minutes from the July 26, 2021, meeting were approved with amendments. ZBA Member Gallogly motion to approve the Minutes, Councilwoman Henck seconded; all were in favor.

**AYES: 5    NAYS:0**

Minutes from the August 23, 2021 meeting were approved with amendments. ZBA Member Weidman made a motion to approve the Minutes, ZBA Member Spahmer seconded; all were in favor.

**AYES: 5    NAYS:0**

**OLD BUSINESS**

**PUBLIC HEARINGS FOR BEERS AND FRASER**

**PUBLIC HEARING FOR BEERS AREA VARIANCE (V-21-6)**

ZBA Member Leary made a motion to open to the Public Hearing at 7:05 PM for the Beers Area Variance at 608 County Route 404, Westerlo, NY (Tax Map number 151-1-18.14) Councilwoman Henck seconded; all were in favor.

**AYES: 5      NAYS:0**

No Public Comment. A neighbor did ask where the placement of the array was going to be at the Planning Board meeting that was held on August 10, 2021. The Board as well as Ben from Plug PV LCC explained to her where the placement was going to be. Councilwoman Henck expressed her concern about the location of where the array is going to be placed. She read out loud the criteria describing the rules and regulations of variances in the Town of Westerlo. Ben explained why where they were planning on placing the array was the best place for placement. Due to that's where is has most sun light and it also would not be visible for the homeowners to see. The Board expressed that the neighbors would be able to see the array from their home. Planning Board Member Boone asked about the array being placed on the roof. Due to the home having dormers, that isn't a possibility.

Councilwoman Henck motioned to close the Public Hearing at 7:25 PM. ZBA Member Weidman seconded; all were in favor.

**AYES: 5      NAYS:0**

The ZBA asked Ben to go back to the property owner (Joshua Beers) and ask about a change in the location of the placement of the array. Possibly moving it a little south and over on the property, so it was not in view for the neighbors.

A motion was made to table the discussion until the October 25,2021 meeting, at 7:33 PM by ZBA Member Spahmer, ZBA Member Weidman seconded; all were in favor.

**AYES: 5      NAYS: 0**

### **PUBLIC HEARING FOR FRASER AREA VARIANCE (V-21-7)**

ZBA Member Weidman made a motion to open the Public Hearing for the Fraser Lot Line Adjustment Variance, 271 Johnny Cake Hill Road, Westerlo, NY (Tax Map number 162.-1-1.40) at 7:33 PM. ZBA Member Leary seconded; all were in favor.

**AYES: 5    NAYS: 0**

The garage that is on the property would become property of The Wheelers. The little barn will be demolished. The larger parcel will be merged with the other parcel to make one bigger one.

ZBA Member Weidman motioned to close the Public Hearing at 7:40 PM. ZBA Member Leary seconded; all were in favor.

A Motion to vote on the application with the contingency that the Fraser lots are combined was made at 7:41 PM by ZBA Member Weidman. Mr. Leary seconded; all were in favor.

**AYES: 5    NAYS:0**

### **NEW BUSINESS**

The Zoning Board of Appeals discussed the approved Comp Plans. Councilwoman Henck handed copies of the Plan to the Board. The Board briefly discussed the Local Laws that were on the table for the Town Board meeting on October 5, 2021.

Planning Board Member Boone approached the Board about their opinion on Flag Lots. There was a brief discussion about the road frontage rule. Mr. Boone indicated that he was going to approach the Town Board with his concerns.

### **ADJUREMENT OF MEETING**

ZBA Member Spahmer motioned to adjourn the meeting at 8:04 PM. Mr. Weidman seconded; all were in favor.

**AYES:5    NAYS:0**

Respectfully Submitted,

Britta Biggs  
Zoning Board Clerk