

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

Minutes

Date: November 28, 2022

Location: Westerlo Town Hall

ZBA Members: Chairman Richard VanIlderstine, Guy Weidman, George Spahmer, James Gallogly, Sean Leary

Town Attorney: George McHugh- present

Town Supervisor: Matthew Kryzak- not present

Code Enforcement Office: Jeffry Pine - present

Non-members present: Louis Berchielli, Ms. Mattot and Family, Claire Marshall ZBA Clerk and Town Clerk Karla Weaver

**MINUTES**

Zoning Board of Appeals Member Gallogly made a motion to approve the November 16, 2022 minutes. ZBA Member Leary seconded; all in favor motion carried.

**OLD BUSINESS**

**Public Hearing for Bishop Variance V- 22-3**

ZBA Member Gallogly made a motion to open the Bishop Variance 22-3 Public Hearing at 7:03pm. ZBA Member Weidman seconded; all in favor motion carried.

CEO Jeff Pine presented the ZBA members and the audience with a time line he prepared of the Bishop sales history and actions taken, which he read aloud.

Chairman VanIlderstine asked the Town Attorney Mr. McHugh, why the applicant needed to come before the ZBA. Town Attorney Mr. McHugh indicated the Supreme Court vacated the decision of a lot line adjustment.

Lisa Mattot's daughter, who was present on behalf of her mother, indicated her mother is a neighbor of the Bishop parcel. She has been there for 30 years, and was not aware of any issues. Her mother's driveway as of now is fine. If converted back, she would have to go all around the lot, which would leave it non-practical and expensive. When her mother purchased the lot it was done legally by a lawyer.

Mr. Berchielli mentioned he wasn't trying to change the property to go back to original. He would like to leave it the way it is, however, is concerned about the septic; which CEO Pine responded that is up to the Albany County Health Department.

Mr. Berchielli complained about the lot line adjustment. The ZBA Members informed him that was not a ZBA decision. Ms. Mattot's daughter informed the members she has legal documents that the lot line was approved. Mr. Berchileli concern about a special use permit on the trailer is up to the Planning Board.

Chairman Vaniderstine informed the ZBA members that the variance is for 13ft road frontage of the 200feet requirement and 1 acre of the 3 acre requirement. Town Attorney McHugh advised that the applicant is building a mobile home on property and that is why he needs a variance. The property lost its pre-existing non-conforming definition when they took action so now it cannot revert back so they will need a variance for a permeant dwelling.

CEO Pine informed the ZBA members that he has explained to the applicant that they will need to meet all setbacks in order to build. If they don't receive variance, they can't build. If variance is accepted, they would have to get a building permit. An engineer and Albany County Health Department would need to review the well and septic.

No other public comment.

Chairman Vanlderstine made a motion to close the Public Hearing of the Bishop Variance at 7:41pm. ZBA Member Weidman seconded; all in favor motion carried.

## **NEW BUSINESS**

### **EXECUTIVE SESSION**

ZBA Chairman Vanlderstine informed the ZBA members the only new business would be to discuss the Bishop Variance 22-3 and make a decision. Chairman Vanlderstine made a motion to go into executive session at 7:43pm; ZBA Member Weidman seconded; all in favor motion carried. The ZBA indicated no decision will be made tonight.

The ZBA next meeting will be December 12, 2022 at 7pm.

Chairman Vanlderstine made a motion to return from executive session at 8pm; ZBA Member Weidman seconded; all in favor motion carried.

Chairman Vanlderstine made a motion to adjourn at 8:01pm; ZBA Member Leary seconded; all in favor motion carried.

Respectfully Submitted,

Claire Marshall

ZBA Clerk

