

**DRAFT**

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

Minutes

Date: December 12, 2022

Location: Richard Rapp Municipal Building (Town Hall)

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

Town Attorney: George McHugh-not present

Town Supervisor: Matthew Kryzak- not present

Code Enforcement Office: Jeffry Pine – not present

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

Open Meeting: 7PM

**MINUTES**

ZBA Member Weidman requested a correction be made to the meeting minutes of November 28<sup>th</sup>; correction will be made. ZBA Member Leary made a motion to approve the November 28, 2022 meeting minutes. ZBA member Spahmer seconded; all in favor motion carried.

**OLD BUSINESS**

ZBA Chairman VanInderstine asked the Board if they had any comments or questions on the Bishop Variance 22-3. ZBA Member Weidman did a site visit on November 28, 2022. Chairman VanInderstine stated that he also had visited the site.

**BISHOP VARIANCE 22-3**

ZBA Chairman VanInderstine read through the Balancing Test for the Bishop Variance. The ZBA members answered each question. #1. Cannot realize a reasonable return- substantial as shown by competent financial evidence? Board: NO. #2. Alleged hardship is unique and does not apply to substantial portion of district or neighborhood? Board: NO. #3. Requested variance will not alter essential character of the neighborhood? Board: NO and #4. Alleged hardship has not been self-created? Board: No ZBA Members agreed that this applicant demonstrated no unnecessary hardship. Mr. Berchielli expressed concern regarding the septic and the location of the trailer. Chairman VanInderstine informed Mr. Berchielli that the applicant would have to have everything approved through the Building Department before they could build a house. The ZBA is only reviewing the variance application.

ZBA Chairman VanInderstine read through the Short Environmental Assessment Form SEAF. The ZBA Members determined the variance will not result in a significant adverse environmental impact. ZBA Chairman VanInderstine informed the Board that this was three lots that were formed prior to 1987, prior to the zoning law. The applicant is seeking relief of the one acre from

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the 3-acre requirement and 13 feet of road frontage. This did not affect the acreage on either lot; however, it makes the lots more conforming. With no other comments, ZBA Member Leary made a motion to approve the Bishop Variance 22-3. ZBA Member Spahmer seconded; all in favor motion carried.

## **NEW BUSINESS**

ZBA Chairman VanInderstine informed the Board he has spoken to Supervisor Kryzak about stepping down as Chairman as of January 1<sup>st</sup> 2023, but would like to continue on the Board.

Next meeting will be January 23, 2023.

ZBA Clerk Marshall reminded Chairman VanInderstine that there will be training on December 13, 2022 for all Boards after the Planning Board meeting at 7:30PM at the Town Hall.

## **COMMENTS**

The ZBA heard further comments/concerns from Mr. Berchielli regarding the history of the Bishop property.

ZBA Chairman VanInderstine asked for a motion to adjourn the meeting. ZBA Member Gallogy made a motion to adjourn the meeting. ZBA Member Spahmer seconded; all in favor motion carried.