

TOWN OF WESTERLO
ZONING BOARD OF APPEALS
WESTERLO, NY
MEETING

Date: July 24, 2023

Location: Richard Rapp Municipal Building (Town Hall)

ZBA Members: Chairman George Spahmer, James Gallogly, and Guy Weidman. ZBA Members Sean Leary and Richard VanInderstine were absent

Town Attorney: George McHugh- not present

Code Enforcement Officer: Jeff Pine- present

Non-Members present: Ed Languish, James and Nancy Malphrus, Thomas Smith, Edith Rea, Dani Minnick, Attorney Melissa Cherubino (represented Michael Sterthous, Esq), and Claire Marshall Clerk to ZBA Board.

MINUTES

Open Meeting 7.00 PM

ZBA Member Gallogly made a motion to approve the June 26, 2023 meeting minutes. ZBA Member Weidman seconded: motioned carried by those present.

OLD BUSINESS

V-23-1 Crookes

Chairman Spahmer informed all the applicants and the members of the audience that they have the option to postpone any public hearing or discussions until the next meeting since there was not a full Board however, there were enough for a quorum. None of the applicants or their representatives decided to postpone.

Public Hearing for V-23-1 Steven Crookes was opened at 7:02 by ZBA Member Gallogly. Member Weidman seconded: motion carried by those present. Since there were no questions ZBA Member Weidman made a motion to close the Public Hearing at 7:05pm. Member Gallogly seconded: motion carried by those present. ZBA Member Gallogly made a motion to approve V-23-1. Member Weidman seconded: motion carried by those present.

NEW BUSINESS

V-23-2 James Malphrus

Applicant recently replaced a 72x14 1988 mobile home with a new modular ranch. The applicant would like to keep the mobile home for use as a storage building. Applicant is asking relief from zoning code section 14.50C (no mobile home should be used as a storage shed). Applicant would like to use it as a

garage. ZBA Member Weidman made a motion to accept the application for V-23-2 Malphus. Member Gallogly seconded: motion carried by those present.

Clerk Marshall informed the applicant there will be a Public Hearing on August 28, 2023 at 7pm and there are four abutters. Chairman Spahmer scheduled a site visit on Monday, August 7th. ZBA Member Gallogly made a motion to schedule a Public Hearing on August 28, 2023 at 7pm. Member Weidman seconded: motioned carried by those present.

STOP WORK ORDER V-23-3 Smith

Applicant Smith on Stewart Rd. is requesting an appeal to the Code Enforcement Officer's stop work order issued 06/05/2023 as per Zoning Code section 16.40(a). CEO Pine stated the stop work order was issued because the applicant does not have a building permit and the foundation of the dwelling is not concrete but instead are tubes and piers. Also not having a roof or walls in between both dwellings, and the applicant did not meet the 2,000 sq ft requirement.

The applicant's residence is 1800 sq ft. with concrete piers and no secondary floor. There is another building according to the Code Enforcement Officer that is connected by a platform and not part of the main building. The second building has a bathroom. According to CEO Pine the application was for a storage building. The applicant knew about the stipulations in the deed. A representative for the applicant's attorney was present and commented on deed restrictions and that the stipulations were to exclude mobile homes.

The applicant indicated the stipulations were not enforceable by the town. The neighbors provided written letters of approval regarding the work done on the property to the Zoning Board.

ZBA Member Gallogly made a motion to accept the application of V-23-3 for Thomas Smith (Stewart Rd) with the intent that the Town Attorney would be consulted on the deed restrictions, stipulations and the Town's involvement. Member Weidman seconded: motion carried by those present.

A Public Hearing will not be set until the Zoning Board has consulted with the Town Attorney.

COMMENTS

None

ZBA Member Weidman made a motion to adjourn the meeting at 8:05 pm. ZBA Member Gallogly seconded; motioned carried by those present.

Respectfully submitted,

Claire Marshall

ZBA Clerk