

**ZONING BOARD OF APPEALS
WESTERLO, NY
MEETING**

DATE: September 25, 2023

LOCATION: Richard Rapp Municipal Building

ZBA MEMBERS: Chairman George Spahmer, James Gallogly, Sean Leary, Guy Weidman and Rich VanInderstine

TOWN ATTORNEY: George McHugh- not present

CODE-ENFORCEMENT OFFICER : Jeff Pine- not present

NON-MEMBERS PRESENT: Art and Chris Allen, Joseph Kralovich, Jeffery Blackman, Debora Stalker, Amanda Quick, Susan Ragone, Christian Narvaez, Daniel Narvaez, and Claire Marshall Clerk to ZBA

OPEN MEETING:

Meeting was open at 7pm with the Pledge of Allegiance.

ZBA Member Leary made a motion to approve the August 28th 2023 meeting minutes. ZBA Member Weidman seconded: motion carried all in favor.

OLD BUSINESS

PUBLIC HEARING V-23-4 ALLEN:

Public Hearing for V-23-4 Arthur Allen was opened at 7:01 pm by ZBA Member Gallogly. Member VanInderstine seconded; motion carried all in favor.

The applicant requests a relief of 32' from the required 50' front set back in the RD/A as per zoning section 8.30 (4) A. This request is for a newly constructed pole barn that was placed too close to the road. The contractor and the owner did not fully understand the setback requirements. Chairman Spahmer informed the Board that construction inspections are mentioned in section 7.30 of the zoning law and should have been visited by the Building Inspector before the building was erected. Mr. Allen indicated Mr. Pine visited the site and determined it was too close to the road after the building was put up. No comments were received from abutters. With no other questions or comments Chairman Spahmer closed the Public Hearing at 7:09 pm. Member Weidman seconded; motion carried all in favor.

ACCEPTANCE OF V-23-4

Member Gallogly made a motion to approve the Allen V-23-4 Variance. Member VanInderstine seconded; motion carried all in favor. Member Weidman mentioned the row of trees helps hide the fact the building is close to the road. Chairman Spahmer read the balancing test and answered each question. 1 whether benefit can be achieved by other means. Since the building is already up and foundation has been poured there is no other way. 2. Undesirable change in neighborhood. The trees really help the closeness of the road with the building. 3. Is request substantial. Yes, ½ setback to road. 4. Request will have an adverse effect. No. 5. Self-created. Yes, but not their fault, there is no detriment to health, safety, or community.

PUBLIC HEARING V-23-5 NARVEZ:

The Public Hearing for V-23-5 Narvez was opened at 7:15 pm by Chairman Spahmer. Member Weidman seconded; motion carried all in favor.

The applicant is seeking relief of 31' from the required 50' front yard setback as per Zoning section 8.40(4) A. Applicant would like to replace the main entrance stone front steps with a 10-foot-wide wooden deck. The members had a site visit and mentioned the angle of the house is close to the road. There were no questions from the Board.

Members of the public had parking concerns. Debora Stalker informed the Zoning Board that the applicants park in the road overnight. In snowstorms plowing can be difficult as they park in the road. The applicants informed the Board that they have placed gravel on the side of the house and plan on using that for parking. The Board informed the public they would need to complain to the State Troopers regarding parking on the road. Parking is outside the scope of the Variance. With no other concerns or questions Chairman Spahmer closed the Public Hearing at 7:23 pm for V-23-5. Member Gallogly seconded; motion carried all in favor.

ACCEPTANCE OF V-23-5

Chairman Spahmer made a motion to accept Narvez V-23-5 Variance. Member Leary seconded; motion carried all in favor. Member Weidman asked for the measurement from the porch to the road which is 17ft. Chairman Spahmer read the balancing test. 1. Can benefit be achieved by other means. There is no big change about 2ft from the other porch and the steps are going out the side. 2. Any other way to do this. The area is tight anyway and there is no other way to do this. 3. Change in neighborhood. This will help it look better and with driveway will be easier to get down road. 4. Request will have adverse effects. No adverse physical or environmental effects on lake area. 5. Self-created. No because the nature of the size of parcels in this area. Member Weidman suggested to follow up with Highway Superintendent Jody Ostrander to see if there should be parking on road at all.

NEW BUSINESS:

KRALOVICH V-23-6

V-23-6 Joseph Kralovich. Applicant is seeking a subdivision of his 40-acre lot to create a lot for his father to build on. He is seeking relief of the 25ft from Zoning Article 6 definition (Flag Lot). Flag Lots require the flag corridor to be not less than 50ft. The existing lot has 50ft of road frontage on Elm Lane Ext. Applicant proposed to use 25ft for each lot for the Flag corridor.

The applicant owns Elm Lane Ext. per his deed. There is an easement on each of the neighbors' deeds for use of the road. Member Weidman suggested a second dwelling Variance on the current parcel. Other members did not agree. Applicant states the house would be in trust. It was suggested that the applicant look into his mortgage before they accepted the application. The applicant did not realize he owned the road.

COMMENTS:

None

ADJOURNMENT OF MEETING

With no other comments or questions. Chairman Spahmer made a motion to close the meeting at 7:40 pm. Member VanInderstine seconded; motion carried all in favor.

Respectfully Submitted,

Claire Marshall Clerk to ZBA