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ZOING BOARD OF APPEALS

WESTERLO, NY

MEETING MINUTES

DATE: NOVEMBER 27, 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: Joseph Kralovic, Stephen Kralovic, Planning Board Member Bill Hall, and Claire Marshall Clerk to Zoning Board.

OPEN MEETING:

Meeting was open at 7pm with the Pledge of Allegiance

ZBA Member VanInderstine made a motion to approve the October 23,2023 meeting minutes. ZBA Member Leary seconded; motion carried all in favor.

OLD BUSINESS

OPEN PUBLIC HEARING:

The Public Hearing was open by ZBA Member Gallogly at 7:03pm. ZBA Member VanInderstine seconded; motion carried all in favor.

V-23-6- The applicant Joseph and Dawn Kralovich at 82 Elm Lane Ext. is seeking to Sub-Divide his 40-acre lot to create a lot for his father to build on. He is seeking relief of 25 feet from Zoning Article 6 definition (Flag lot). Flag lots require the flag corridor to be no less than 50 feet. The existing lot has 50 feet of road frontage on Elm Lane ext. Applicant proposes to use 25 feet for each lot for the flag corridor.

No Abutters for or against present. Chairman Spahmer asked the applicant what other alternatives could be used. One example was a second residence on the property according to Member Weidman and the comprehensive plan, however that would take a use variance. According to Highway Supervisor Jody Ostrander he has been plowing Elm Lane Ext. for over 30 years. Jody suggested problems with access vehicles, emergency vehicles and how this Variance would affect all this since the flag lot has already reduced the number of feet for the road. One suggestion would be a Cul-de-Sac. Member Leary mentioned that a Cul-de-Sac would not need a Variance. Supervisor of Highway Jody would accept a Cul-de-Sac. If the applicant deeds over the land and puts in a Cul-de-Sac than the Town would own the road and the Town Plow would be able to turn around. Both parcels would have the 50 feet. Chairman Spahmer mentioned the Fire Department is not in favor of a flag lot, since there is no access for side-by-side vehicles if needed. The applicant is worried of losing land, people coming into his land and sharing the Cul-de-Sac. Member Weidman suggested an End of Road sign. Chairman Spahmer mentioned the

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Balancing test. The first question is are there any alternatives or other means. YES (Cul-De Sac.) Second Question is undesirable change in neighborhood. NO, 3rd question whether the request is substantial, YES (because 50% of a change of a Zoning regulation is high) 4th question is adverse physical effects-YES (access of vehicles) and/or environmental effects. NO 5th question is whether alleged difficulty is self-created YES what if parcel is needed to develop in future.

Chairman Spahmer made a motion to close the Public Hearing at 7:48pm. Member Leary seconded; motion carried all in favor.

Chairman Spahmer made a motion whether to grant or deny the application V-23-6. Member Gallogly seconded; roll was as followed. Weidman- deny, VanIlderstine- deny, Spahmer-deny, Gallogly- approve and Leary- deny. 4 Nays 1 Yah.

Application denied. Look into solutions of Cul-de-Sac with Jody and Jeff.

NEW BUSINESS

ZBA training on December 7, 2023 at 7pm at the Town Building. Chairman Spahmer has asked Attorney McHugh for an Agenda but has not received one. Bill Hall asked about Planning Board to attend. Chairman Spahmer replied this was for ZBA Members only. Town is paying Attorney McHugh to have training with both ZBA and Planning Boards. Member Weidman mentioned the Saratoga Spring ZBA/Planning conference is Wednesday January 31st, 2024 at the Conference Center.

PUBLIC COMMENT- none

CLOSURE OF MEETING

Chairman Spahmer made a motion to close the meeting at 8pm. Member VanIlderstine seconded; motioned carried all in favor.

Respectfully Submitted By

Claire Marshall

Clerk to Zoning Board