

TOWN OF WESTERLO
WESTERLO, NY 12193
ZONING BOARD MINUTES

DATE: April 29, 2024

LOCATION: Richard Rapp Municipal Building

BOARD MEMBERS: Chairman George Spahmer, Rich VanInderstine, Sean Leary, Guy Weidman.

Town Attorney: George McHugh- not present

Code Enforcer: Jeff Pine- present

Non-Member Present: Michael Moore, Mark Contreras, Michael Latham & wife, Planning Board Member Bill Hall, and Claire Marshall Clerk to Zoning Board.

Open Meeting: The meeting was called to order at 7pm with the Pledge of Allegiance.

Minutes: Chairman Spahmer made a motion to approve the March 25, 2024 minutes. Member VanInderstine seconded; motion carried all in favor.

Old Business: None

Public Hearings:

V-24-1 Contreras Chairman Spahmer made a motion to open the Public Hearing at 7:02pm. Member Leary seconded; motion carried all in favor. Applicant is seeking relief of 38 feet of the required set back of 50 feet to construct a residential garage. Mike Latham at 333 CR 1 is North of Mr. Contreras and is fine with the application. With no other questions or comments Chairman Spahmer made a motion to close the Public Hearing at 7:05pm. Member Leary seconded; motion carried all in favor. The Board members discussed the County Planning Board letter which stated it there was no impact and referred the case back to the town. Since there was no more questions or comments Chairman Spahmer made a motion to vote on the approval of the Variance V 24-1. Member VanInderstine seconded; a roll call was taken in which the members either approved or denied the application as follows. Member Leary approved, Chairman Spahmer approved and read the Balancing Test as follows: 1. No other means. 2. No undesirable change in neighborhood. 3. Is request substantial? No 4. Adverse physical or environmental effects? No 5. Self-Created No. Member VanInderstine approved and Member Weidman approved. Application has been approved.

V 24-2 Moore Chairman Spahmer made a motion to open the Public Hearing at 7:11pm. Member VanInderstine seconded; motion carried all in favor. This applicant is seeking relief of 35 feet of the required set back of 50 feet to construct a detached garage. One abutter Brenda Klob 727 CR 403 had written a letter, no objections. With no other questions or comments from the Public Chairman Spahmer made a motion to close the Public Hearing at 7:14pm. Member Leary seconded; motion carried all in favor.

Questions or Comments from the Board Members were presented. Code Enforcer Pine wanted to know about the Easement. It was an electric line. A map was shown to explain it. He also stated that the

Albany County Planning Board found that the project would have no impact and referred the case back to the Town. With no other questions or comments Chairman Spahmer made a motion to vote on the approval of the Variance V-24-2. Member Leary seconded; a roll call was taken in which the members wither approved or denied the application as follows. Member Leary approved, Chairman Spahmer approved and read the Balancing Test as follows: 1. No other means. 2. No undesirable change in neighborhood. 3. Substantial no 4. Adverse physical or environmental effects? No 5. Self-created? No Member VanInderstine approved and Member Weidman. Application has been approved.

Next step for all application is applying for a building permit.

New Business: Code Enforcer Pine stated with the solar law you can't put panels on a roof of a non-conforming building. You need to go for a variance. If you are putting the panels on a roof, it does not make the roof any bigger and we already know it's a non-conforming building why does the person need a variance? Why does the Town regulate it? Local Law review is looking into it. That would be anything in the hamlet.

Code Enforcer also stated about the sign law. The Diner in Westerlo wants a new sign and the Town law is size and illumination. Bigger sign is an area variance but to illuminate it is a use variance which is harder to get. Right now, to illuminate a sign is prohibited in the Town. There is no definition of sign only the size of one. Mr. Pine wanted to inform the Board for their opinion and give them time. The applicant will be coming in next month.

Public Comment: none

Closure of Meeting: Since there was no other business or comments Planning Board Chairman Spahmer made a motion to close the meeting at 7:35pm. Member VanInderstine seconded; motion carried all in favor.

Respectfully Submitted,

Claire Marshall Clerk to Zoning Board