

**TOWN OF WESTERLO**  
**WESTERLO, NY 12193**  
**ZONING BOARD OF APPEALS**  
**MINUTES**

**DATE :** June 24, 2024

**LOCATION:** Richard Rapp Municipal Building

**BOARD MEMBERS:** Chairman George Spahmer, Rich VanInderstine, Barbara Maughn, Sean Leary, and Member Guy Weidman absent.

**Town Attorney:** George McHugh- present

**Town Code Enforcer :** Jeff Pine- présent

**Non-Members Present:** Karla Weaver Town Clerk, Town Board Members Josh Beers, Peter Mahan, and Lorraine Pecylak, Planning Board Member Bill Hall, Gerry Boone, Kelly Keefe, Allan Clickman, Frank Hessari (Citgo), Sunny Kumar, Harbrinder Dhaliwal and Raj Giri.

**OPEN MEETING:** The meeting was called to order at 7pm with the Pledge of Allegiance.

**MINUTES:** Planning Board Chairman Spahmer made a motion to approve the June 3 minutes. Member Leary seconded; Members VanInderstine and Maughn both abstained so the Minutes will have to be approved at the July meeting.

**OLD BUSINESS:** Chairman Spahmer made a motion to open the Public Hearing for V24-4 Westerlo Deli Sign at 7:02Pm. Member Leary seconded; motion carried by all present. Chairman Spahmer read applicant is seeking two Variances. Both are from Zoning Code Section 12.110 Signs. There is an existing non-conforming sign that is over 32sqft and is internally illuminated. The Applicant would like to replace the existing sign with a new internally illuminated sign. This new sign would require a variance for an additional 16 sqft over the maximum allowed and a variance to allow internal illumination and LED price digits for the new sign.

Frank Hessari spoke from Citgo regarding the sign, they would like to replace at the Westerlo Deli on State Route 143. Citgo requires signage. Change from florescent to LED. Showed pictures of sign over M&B. Allan Clickman asked if it was the same size (yes) and would it flash (no). Kelly Keefe liked that the digits could be changed from inside of store. Bill Hall asked if the entire sign will go off by 9pm. Owner said yes. CEO Pine said illumination is now florescent and LED will replace it. LED less bright and if there are complaints they can be tuned.

With no more questions or comments Chairman Spahmer made a motion to close the Public Hearing at 7:05pm. Member Leary seconded; motion carried by all present. Chairman Spahmer then had deliberations before the vote.

Member Maughn asked what would be the hardship for the variances (cost of customize sign if needed to go back to the correct size sign.) Hessari stated it would be more expensive and a disadvantage to compete with a competitor. Member Leary said Citgo provides for sign standards.

Chairman Spahmer informed the Members that a Variance like this was in 2014 for the M&B Deli. Mostly for the same reasons. This will be the same size sign, internally lit but with LED and gas prices will be LED also. The sign has been there for many years. Unique sign non-conforming. The food mart is an important business. There have been favorable comments they provide good service to community. No adverse condition to community. Chairman Spahmer had two conditions.

1. Automatic shut off or timer so it can not be forgotten. It will go off at the end of business.
2. Dimming of lights or how bright. The Code Enforcer will have authority to adjust the brightness if deemed necessary after dark by neighbors.

Member Leary stated sign could be on until 11pm, but must be shut off at that time including gas digits. Flicker lights could be checked.

Chairman Spahmer made a motion to take a vote. CEO Pine asked if they needed to do a Seqr. Member Spahmer said type 2 not needed. Motion was on the table to approve the V 24-4 Westerlo Size of sign and lighting of sign with the conditions: 1 Automatic shut off and 2. Dimming/Brightness of sign. Member VanInderstine seconded; a roll call was called. Leary- yea, Maughn-yea, Spahmer-yea and VanInderstine- yea. Motion was carried, Variance was approved all in favor. Chairman Spahmer said conditions would be followed up by CEO Pine. CEO Pine said in the Fall.

**NEW BUSINESS:** CEO Pine stated he was not sure what new business because of the Town Boards decision to absolve the Planning Board. There are some applicants for Subdivisions, Special Use Permits. Member Spahmer said all Planning Board. Pine said it depends.

Member VanInderstine wanted to know what was going on with the Planning Board and why. Chairman Spahmer said you should talk to the Town Board its not my place. Member VanInderstine asked if there was any meetings and Member Spahmer said yes, a large Public Hearing not a lot of support for doing it. Attorney McHugh no comment. Members encouraged VanInderstine to call the Supervisor.

**COMMENTS:** none

**CLOSURE OF MEETING:** With no comments or questions Chairman Spahmer made a motion to close the meeting at 7:35pm. Member Leary seconded; motion carried all in favor.

Respectfully Submitted,

Claire Marshall

Clerk to Zoning Board of Appeals