

**Zoning Board of Appeals  
Town of Berne  
Berne, NY 12023**

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**Date:** March 16, 2022

**Present:**

Tom Spargo, Chair, Donald Bauer, Sandra Kisselback, Dennis Ryan, Cheryl Rudolph (Secretary).

Chair Tom Spargo gave an introduction on how the Public Hearing and Regular meeting are to be held to the audience.

1. *Motion, Donald Bauer made a motion, seconded by Dennis Ryan to start the Public Hearing at 6:31PM for the Leonards Variance application. Motion Carried with the following members voting aye: Tom Spargo, Donald Bauer, Dennis Ryan and Sandra Kisselback.*

**Public Hearing**

1. Jean Horn's Lawyer spoke for Mrs Leonard who was not able to attend, in regard to the application and Lot Line application because they are undersized Lots to make the Horn's lot larger and will also make both lots closer to the same size. This will make the house to be more consistent with other homes on the Lake. The he proceeded to speak of the 5 part analysis for the process to request the Variance.
  - A. They have no options to build anywhere else on their property as well as trying to purchase land across the street from the Helderberg Lake Association.
  - B. The Variance will not produce negative character of the property due to Berne Code stating Non-Conforming Lot.
  - C. The variance can happen with the property being sold from the neighbor producing a Lot Line Adjustment.
  - D. No Detrimental impact to the neighborhood, or wetlands etc.
  - E. The situation was not self-created

Chair, Tom Spargo asked if there was a negative impact on surrounding land, and the board said OK to move forward.

Chair, Tom Spargo asked Cheryl Rudolph to read emails sent in from surrounding neighbors for the positive outlook and or the negative ones.

Chair, Tom Spargo pointed out that the map supplied with the application describes the need for a Variance.

**Public Speaking**

1. Mike Vincent spoke of his Planning Board site visit to the property, with regards to the septic and well and retaining walls, etc., He feels that the property looks good as far as he is concerned.
2. Joe Martin mentioned that the property also was close to qualifying for the waiver under MDR Code 190.

*Motion made by Donald Bauer to close the public hearing at 7:04 PM, seconded by Dennis Ryan. Motion carried. Motion carried with the following members voting aye: Tom Spargo, Donald Bauer, Dennis Ryan and Sandra Kisselback.*

**Regular Meeting:**

- Tom Spargo called the meeting to order at 7:05pm and led the Pledge of Allegiance.
- Review of February 17, 2022 Minutes
  1. *Motion, Donald Bauer made a motion, seconded by Sandra Kisselback to accept the minutes from February 17th. Motion carried with the following members voting aye: Tom Spargo, Donald Bauer, Sandra Kisselback, and Dennis Ryan.*

Regular Meeting started at 7:05 PM

**New Business:**

Chair Tom Spargo, read to the audience the process for the ZBA needs to make the final determination based on our board member's sheet.

Questions were read on the sheet and board members filled out the sheets during the meeting. ZBA to make a final decision after all questions have been presented.

Chair Tom Spargo asked each board member to answer their question to the other board members. Then it was Asked of Tom Spargo had each board member state if they will Allow of Deny the determination of the Variance application based on their sheets.

1. Donald Bauer said Allow based on the Property map supplied with the application to be included as a guide and not to exceed the lot line adjustment no more 42 feet as shown on supplied map.
2. Tom Spargo said Allow
3. Sandra Kisselback said Allow
4. Dennis Ryan said Allow

*Motion made by Sandra Kisselback to approve the variance application with the map as a source document, seconded by Dennis Ryan. Motion carried with the following members voting aye: Tom Spargo, Donald Bauer, Dennis Ryan and Sandra Kisselback.*

**Old Business:** none

**Other:** none

*Motion made by Donald Bauer to adjourn the meeting at 7:25 PM, seconded by Dennis Ryan. Motion carried with the following members voting aye: Tom Spargo, Donald Bauer, Dennis Ryan and Sandra Kisselback.*

Respectfully Submitted,

Cheryl Rudolph  
Administrative Assistant