

**Town of Berne  
Zoning Board of Appeals  
Meeting Minutes  
November 15, 2023**

**Public Hearing: Todd Martin Variance 64 Lakeside Lane ( SBL # 70.13-1-20)**

- Chairman Spargo called the Public Hearing to order at 6:30 PM
- Pledge of Allegiance
- Roll Call: Chairman Spargo, Board Member Kisselback, Board Member Ryan, Board Member Godin, Board Member Bauer
- A Quorum was established
- Chairman Spargo asked Ashley Rubino from Conklin Architecture representative for Todd Martin to share an overview of the proposed plans that require a setback as well as an area variance.
- Kathy Newell a neighbor to the Martin's and the property owner that would be most affected by this project spoke in support of the Variance. Her only concern was that there was an open crevasse at least 4 ft wide and unknown depth so she wanted to make sure that it was acknowledged with the building plans for the garage and deck.
- Eileen Newell Criscione Kathy Newell's sister and another owner of the property next door is in support of the variance as she stated in the email because she couldn't be there in person for the public hearing..
- Board Member Kisselback made a motion to end the Public Haring . Chairman Spargo seconded the motion, the motion was carried with all members voting AYE.
- Adjourned at 6:45 PM

**Regular Meeting: Todd Martin Variance 64 Lakeside Lane (SBL# 70.13-1-20)**

- Board Member Kisselback made a motion to accept the minutes from October 18, 2023, Board Member Bauer seconded the motion , the motion was carried all members voted AYE.
- Board Member Bauer asked if all members of the Board had read the Conservation Board report. Chairman Spargo then read aloud the Conservation Boards report. The Conservation Board's Chairman Kathleen Moore and the Conservation Board do not recommend the approval of this project.

- **Board Member Bauer let it be known to the ZBA Members that the extent of the setback percentages that are needed to achieve this project at 64 Lakeside Lane is 92 feet and that is only one side where the setback requirements are needed and not met.**
- **The ZBA Members filled out there Variance Decision Worksheets the following was the 5 questions answer by each Board Member for each Separate Variance Issue**

- **Addition Variance:**

1. Y
2. N
3. Y
4. N
5. N

- **Addition Variance Denied by a 4-1 Vote. Chairman Spargo, Board Member Bauer, Board Member Ryan, Board Member Godin voted Denied and Board Member Kisselback voted to Grant.**

- **Deck Extension Variance:**

1. Y
2. N
3. Y
4. Y
5. N

- **Deck Extension Variance Denied by a 4-1 Vote. Chairman Spargo, Board Member Bauer, Board Member Ryan, Board Member Godin Voted Denied and Board Member Kisselback voted to Grant.**

- **Area Variance:**

1. Y
2. N
3. Y
4. Y

**5. N**

- **Area Variance Denied by a 4-1 Vote. Chairman Spargo, Board Member Bauer, Board Member Ryan, Board Member Godin voted Denied and Board Member Kisselback voted to Grant.**
- **Roll Call Vote to Grant or Deny the Variance Application for 64 Lakeside Lane ( SBL # 70.13-1-20) are as Follows:**

**Chairman Spargo – DENY**

**Board Member Bauer – DENY**

**Board Member Ryan – DENY**

**Board Member Godin – DENY**

**Board Member Kisselback – GRANT**

- **In a 4-1 Vote the requested Variances were Denied by the ZBA**
- **Chairman Spargo made a motion to Adjourn the meeting Board Member Kisselback seconded the Motion the motion was carried with all Members voting AYE.**
- **Meeting Adjourned at 7:45 PM**

**Respectfully Submitted,**

**Peggy Sue Deitz  
Administrative Assistant**