

**TOWN OF WESTERLO**  
**FOUR (4) PUBLIC HEARINGS REGARDING DRAFT COMPREHENSIVE PLAN, DRAFT WIND**  
**ENERGY SYSTEMS LOCAL LAW, DRAFT BATTERY ENERGY STORAGE LOCAL LAW & DRAFT**  
**LOCAL LAW REPEALING AND REPLACING ARTICLE 18 (SOLAR) OF LOCAL LAW 1 OF 2019 TITLED**  
**“RESIDENTIAL/COMMERCIAL SOLAR ENERGY SYSTEMS”**  
**SPECIAL TOWN BOARD**  
**MEETING OF**  
**TUESDAY, SEPTEMBER 7, 2021**

The Town of Westerlo Town Board held four (4) Public Hearings regarding the Draft Comprehensive Plan, Draft Wind Energy Systems Local Law, Draft Battery Energy Storage Local Law and Draft Local Law Repealing and Replacing Article 18 (Solar) of Local Law 1 of 2019 Titled “Residential/Commercial Solar Energy Systems” within the Town of Westerlo. The Public Hearings were followed by a Special Town Board meeting on Tuesday, September 7, 2021 at the Richard H. Rapp Municipal Building located at 933 County Route 401, Westerlo, NY 12193. Deputy Supervisor Kryzak opened the meeting at 6:04pm with the Pledge of Allegiance to the Flag.

Attending were: Deputy Supervisor/Councilman Matthew Kryzak  
Councilman Joseph J. Boone  
Councilman Richard Filkins

Absent was: Councilwoman Amie L. Burnside

Also attending were: Planning Board Chairperson Dorothy Verch, Highway Superintendent Jody Ostrander, CPC Members Dave Lendrum and Jillian Henck, Town Attorney George McHugh, Town Clerk Karla Weaver and approximately thirteen interested residents.

**FOUR (4) PUBLIC HEARINGS**

**DRAFT COMPREHENSIVE PLAN**

Councilman Filkins made a motion to continue the Public Hearing on the Draft Comprehensive Plan at 6:04pm. Councilman Boone seconded; motion carried by those present. Councilman Kryzak reviewed many of the previous suggested changes and mentioned that to save paper, the document which was provided to the public tonight was just the suggested changes from the previous meeting. The intent is that the Town Board will review and incorporate the proposed changes into the draft Comprehensive Plan. He reviewed the revised pages with the public and the Town Board members present.

Discussions included:

- Aging in place
- Wastewater within the hamlet
- A mapping disclosure was added to page 105 and was reworded to “mapping contained within is based on data from previous years and is determined by the tax parcel data gathered by Albany County”.
- Figures on pg 7 were corrected

- It was mentioned that some Comprehensive Plan member's names were misspelled.
- A resident suggested revising the plan in 5 years instead of 15; the Town Attorney advised the Town Board can revisit the plan whenever they wish to.
- A resident believed 74% of people surveyed want open space, indicating solar is not open space.
- Survey data for reassessment was discussed.
- A resident questioned existing agriculture.
- A resident mentioned the Comprehensive Plan did not account for cost of community services
- A resident referring to action 6.2.6 "consider financially supporting the lakes water quality maintenance program in exchange for public access" objected to public assess on Lake Onderdonk. She also mentioned there is excess salt in the water. Discussion continued regarding motorized vehicles on/in the lake. The Town Board heard comments for and against.
- A resident suggested the Town add to the Comprehensive Plan the consideration of restrictions of pesticide/herbicide usage on roadways in town.
- A resident expressed concern for tourism and change mentioning that he lives here for a reason and doesn't want it to turn into the Town of Guilderland. Discussion continued between residents not wanting Westerlo to change.
- On page 68, the last Action should be 3.3.1 not 3.2.1.

With there being no further comments/questions, Councilman Filkins made a motion to close the Public Hearing on the draft Comprehensive Plan at 7:53pm. Councilman Boone seconded; motion carried by those present.

#### **DRAFT LOCAL LAW REGARDING WIND ENERGY SYSTEMS**

Councilman Boone made a motion to continue the Public Hearing on the draft proposed Wind Energy Systems law at 7:55pm. Councilman Filkins seconded; motion carried by those present.

Discussion included:

- Mr. Kryzak reviewed items that had been updated since the last Public Hearing. He advised that all three documents have been updated to read the same.

With there being no further comments/questions, Councilman Filkins made a motion to close the Public Hearing on the draft proposed Wind Energy Storage law at 8:12pm. Councilman Boone seconded; motion carried by those present.

#### **DRAFT LOCAL LAW REGARDING BATTERY ENERGY STORAGE**

Councilman Boone made a motion to continue the Public Hearing on draft Battery Energy Storage law at 8:13pm. Councilman Filkins seconded; motion carried by those present.

Discussion included:

- Mr. Kryzak reviewed items that have been updated since the last Public Hearing. He advised that all three documents have been updated to read "Building Department" where it previously said Code Enforcement Officer or Zoning Department throughout all three documents.

- Mr. Kryzak advised that more language has been added regarding the need to have two contact numbers and better response time for emergencies.
- Planning Board Chairperson Verch questioned fire retardants. Mr. Kryzak indicated he would speak to the Town Attorney to determine if a particular fire suppressant should be excluded. It will be called Fire Suppression Limitations & Standards on page 7.
- Mr. Kryzak indicated that Appendix 3: Emergency Operations Plan was added to the end of the document.
- Town Clerk Weaver mentioned pg 8 still references WECS.
- A resident mentioned that the mature forest definition on page 2 reads 6" in diameter however the other documents read 8". They should all be consistent at 6".

With there being no further comments/questions, Councilman Filkins made a motion to close the Public Hearing on the draft Battery Energy Storage law at 8:32pm. Councilman Boone seconded; motion carried by those present.

**DRAFT LOCAL LAW REPEALING AND REPLACING ARTICLE 18 (SOLAR) OF LOCAL LAW 1 OF 2019 TITLED "RESIDENTIAL/COMMERCIAL SOLAR ENERGY SYSTEMS"**

Councilman Boone made a motion to continue the Public Hearing on the proposed law to Repeal and Replace Article 18 of Local Law 1 of 2019 titled "Residential/Commercial Solar Energy Systems" at 8:33pm. Councilman Filkins seconded; motion carried by those present.

Discussion included:

- Councilman Kryzak reviewed items that have been updated since the last Public Hearing.
- A resident mentioned that typically the diameter of a tree is measured at DBH "Diameter at Breast Height". Mr. Kryzak indicated DBH will be added to the document for measurement to get the true circumference.
- Town Clerk Weaver mentioned some typos; pg 9, second paragraph replace Code Enforcement Department with Building Department, pg 6 is missing f and g, pg 12, c, l should be lowercase i.
- Attorney McHugh suggested being consistent with the other documents and changing insurance on pg 12 to 120% for decommissioning costs.
- Mrs. Verch suggested adding "approved by the Town Board" on pg 9, ii. Mr. Kryzak mentioned that there is a 12-month timeframe. Discussion continued as it didn't conform with pg 13, ii. After discussion, the timeframe for site restoration on both pages should be 6 months with potential for a 6-month extension at the discretion of the Planning Board and Building Department. In reference to pg 7, iv of the site plan, Mrs. Verch mentioned landscaping should be maintained for the life of the farm. Mr. Kryzak will add this. Attorney McHugh advised that this can be a condition of the Special use Permit when she does her decision on the Planning Board.

With there being no further comments/questions, Councilman Boone made a motion to close the Public Hearing on the draft Residential/Commercial Solar Energy Systems Local Law at 9:07pm. Councilman Filkins seconded; motion carried by those present.

**PUBLIC COMMENT**

A resident of Lake Onderdonk mention that 218 Lake Road may be an unsafe building from a previous fire; Councilman Kryzak will notify the Code Enforcement Officer.

Councilman Boone thanked Mr. Lendrum and Mrs. Henck for attending on behalf of the Comprehensive Plan Committee. He mentioned that although residents come and express a particular comment, that doesn't mean that those comments will end up verbatim in the document. He also welcomed new Town Attorney George McHugh.

Town Attorney George McHugh gave a brief bio of himself.

**ADJOURNMENT OF MEETING**

With there being no further business, Councilman Filkins made a motion to adjourn the Special Town Board meeting. Councilwoman Burnside seconded; all in favor motion carried. Meeting adjourned at 9:27pm.

Respectfully Submitted,

Karla J. Weaver