

**TOWN OF WESTERLO
SPECIAL TOWN BOARD & WORKSHOP MEETING
OF
TUESDAY, OCTOBER 5, 2021**

The Town of Westerlo Town Board held a Special Town Board and Workshop meeting on Tuesday, October 5, 2021 at the Town Hall located at 933 County Route 401, Westerlo, NY. Deputy Supervisor Matthew Kryzak opened the meeting at 7:02 PM with the Pledge of Allegiance to the Flag.

Attending were: Deputy Supervisor Matthew Kryzak
Councilwoman Amie L. Burnside
Councilman Richard Filkins
Councilman Joseph J. Boone

Also attending were: Town Attorney George McHugh, Highway Superintendent Jody Ostrander, Planning Board Chairperson Dorothy Verch, Town Clerk Karla Weaver and approximately four (4) interested residents.

OLD BUSINESS

SEQRA PART 2- PROPOSED LOCAL LAW NO. 2 OF 2021 - BATTERY ENERGY STORAGE SYSTEMS

Town Attorney McHugh reviewed SEQRA Part 2 with the Town Board regarding proposed Local Law 2 of 2021, Battery Energy Storage Systems. Since the proposed action will not result in any significant adverse environmental impact, Councilman Kryzak made a motion for a negative declaration on the proposed Battery Energy Storage Law. Councilwoman Burnside seconded; all in favor motion carried. Councilman Kryzak signed the Environmental Assessment Form.

RESOLUTION TO ADOPT LOCAL LAW NO. 2 OF 2021 – BATTERY ENERGY STORAGE SYSTEMS

Councilman Kryzak reviewed the latest revisions that were made to the proposed Battery Energy Storage Systems Local Law and then read and made a motion to adopt the following resolution:

WHEREAS, the Town Board of the Town of Westerlo has introduced a proposed Local Law in the Year 2021 entitled “Battery Energy Storage Systems”, to authorize the establishment of a Battery Energy Storage Systems local law to regulate the installation and use of battery energy storage systems within the Town of Westerlo; and

WHEREAS, the Town Board of the Town of Westerlo does hereby declare itself Lead Agency pursuant the NYS Environmental Quality Review Act (SEQRA) to review for potential adverse environmental impacts that may result from adoption of such proposed local law; and

WHEREAS, the proposed adoption of the moratorium is classified as a Type II action by 6

NYCRR § 617.5(c) (36) and therefore no further SEQRA review is required pursuant to 6 NYCRR § 617.5 (a); and

WHEREAS, the proposed local law was forwarded to the Albany County Planning Board for their review and recommendations, a copy of which are attached hereto; and

WHEREAS, a public hearing was held on June 15, 2021 at 7:00p.m. at the Town Park, 950 CR 401, Westerlo, New York; July 14, 2021 at 7:00p.m., and September 7, 2021 at 6:00p.m. at the Westerlo Town Hall, 933 CR 401, Westerlo, New York;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Westerlo does hereby enact the proposed Local Law attached hereto and made a part hereof, which shall be numbered Local Law #2 of the year 2021 and entitled “Battery Energy Storage Systems”.

Seconded by Councilwoman Burnside; a vote resulted as follows:

AYES: Councilman Kryzak, Councilwoman Burnside, Councilman Boone,
Councilman Filkins

NAYS: None

RESOLUTION # 97 of 2021 was thereby duly adopted.

Planning Board Chairperson Verch believed this should be a Type I SEQRA not a Type II. Attorney McHugh mentioned this could always be amended after double checking with Albany County Planning Board.

SEQRA PART 2- PROPOSED LOCAL LAW NO. 3 OF 2021 – WIND ENERGY SYSTEMS LOCAL LAW

Town Attorney McHugh reviewed SEQRA Part 2 with the Town Board regarding proposed Local Law 3 of 2021, Wind Energy Systems. Since the proposed action will not result in any significant adverse environmental impact, Councilman Kryzak made a motion for a negative declaration on the proposed Wind Energy Systems Law. Councilman Filkins seconded; all in favor motion carried. Councilman Kryzak signed the Environmental Assessment Form.

RESOLUTION TO ADOPT LOCAL LAW NO. 3 OF 2021 – WIND ENERGY SYSTEMS LOCAL LAW

Councilman Kryzak reviewed the latest revisions that were made to the proposed Wind Energy Systems Local Law. Councilman Boone read and made a motion to adopt the following resolution:

WHEREAS, the Town Board of the Town of Westerlo has introduced a proposed Local Law in the Year 2021 entitled “Wind Energy Systems Local Law”, to authorize the establishment of a Wind Energy Systems local law to regulate the installation and use of Wind Energy Systems within the Town of Westerlo; and

WHEREAS, the Town Board of the Town of Westerlo does hereby declare itself Lead Agency pursuant the NYS Environmental Quality Review Act (SEQRA) to review for potential adverse environmental impacts that may result from adoption of such proposed local law; and

WHEREAS, the proposed adoption of the moratorium is classified as a Type II action by 6 NYCRR§ 617.5(c) (36) and therefore no further SEQRA review is required pursuant to 6 NYCRR §617.5 (a); and

WHEREAS, the proposed local law was forwarded to the Albany County Planning Board for their review and recommendations, a copy of which are attached hereto; and

WHEREAS, a public hearing was held on June 15, 2021 at 7:00p.m. at the Town Park, 950 CR 401, Westerlo, New York; July 14, 2021 at 7:00p.m., and September 7, 2021 at 6:00p.m. at the Westerlo Town Hall, 933 CR 401, Westerlo, New York;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Westerlo does hereby enact the proposed Local Law attached hereto and made a part hereof, which shall be numbered Local Law #3 of the year 2021 and entitled “Wind Energy Systems Local Law”.

Seconded by Councilman Kryzak; a vote resulted as follows:

AYES: Councilman Boone, Councilman Kryzak, Councilman Filkins, Councilwoman Burnside

NAYS: None

RESOLUTION # 98 of 2021 was thereby duly adopted.

SEQRA PART 2- PROPOSED LOCAL LAW NO. 4 OF 2021 – RESIDENTIAL/COMMERCIAL SOLAR ENERGY SYSTEMS LOCAL LAW

Town Attorney McHugh reviewed SEQRA Part 2 with the Town Board regarding proposed Local Law 4 of 2021, Residential/Commercial Solar Energy Systems. Since the proposed action will not result in any significant adverse environmental impact, Councilman Kryzak made a motion for a negative declaration on the proposed Residential/Commercial Solar Energy Law. Councilwoman Burnside seconded; all in favor motion carried. Councilman Kryzak signed the Environmental Assessment Form.

RESOLUTION TO ADOPT LOCAL LAW NO. 4 OF 2021 – RESIDENTIAL/COMMERCIAL SOLAR ENERGY SYSTEMS LOCAL LAW

Councilman Kryzak reviewed the latest revisions that were made to the proposed Residential/Commercial Solar Energy Systems Local Law. There were several typos in the document which will be corrected. Councilwoman Burnside read and made a motion to adopt the following resolution:

WHEREAS, the Town Board of the Town of Westerlo has introduced a proposed Local Law in the Year 2021 entitled “Residential/Commercial Solar Energy Systems Local Law”, to repeal and replace Article 18 (Solar) of Local Law 1 of 2019, and to regulate the installation and use of Residential/Commercial Solar Energy Systems within the Town of Westerlo; and

WHEREAS, the Town Board of the Town of Westerlo does hereby declare itself Lead Agency pursuant the NYS Environmental Quality Review Act (SEQRA) to review for potential adverse

environmental impacts that may result from adoption of such proposed local law; and

WHEREAS, the proposed adoption of the moratorium is classified as a Type II action by 6 NYCRR§ 617.5(c) (36) and therefore no further SEQRA review is required pursuant to 6 NYCRR §617.5 (a); and

WHEREAS, the proposed local law was forwarded to the Albany County Planning Board for their review and recommendations, a copy of which are attached hereto; and

WHEREAS, a public hearing was held on June 15, 2021 at 7:00p.m. at the Town Park, 950 CR 401, Westerlo, New York; July 14, 2021 at 7:00p.m., and September 7, 2021 at 6:00p.m. at the Westerlo Town Hall, 933 CR 401, Westerlo, New York;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Westerlo does hereby enact the proposed Local Law attached hereto and made a part hereof, which shall be numbered Local Law #4 of the year 2021 and entitled “Residential/Commercial Solar Energy Systems Local Law”.

Seconded by Councilman Filkins; a vote resulted as follows:

AYES: Councilwoman Burnside, Councilman Filkins, Councilman Kryzak,
Councilman Boone

NAYS: None

RESOLUTION # 99 of 2021 was thereby duly adopted.

Councilman Boone thanked Leonard Laub, William Bichteman, Chuck Voss and Councilman Kryzak for their time spent on these documents.

BUILDING DEPARTMENT FILING FEES & PLANNING AND ZONING BOARD ABUTTER LETTERS

Councilman Kryzak mentioned it was recommended by Code Enforcement Officer Jeff Pine and Town Clerk Weaver that residential and commercial filing fees be removed for applications coming before the Building Department. The permit application fee schedule will need to be updated.

Mr. Kryzak also advised that the Planning and Zoning Boards are in agreement that the Town should be responsible for sending out abutter letters for any applications before the Boards in order to obtain appropriate documentation, making the process more streamlined and efficient. The Town Board agreed that the Clerk to the Boards would handle mailing abutter letters in the future, as opposed to the applicant. To cover the cost, the Town Board discussed charging applicants \$10 per certified letter. Attorney McHugh suggested charging the initial application fee with a caveat that when the Town figures out how many abutters there are, there will be a \$10 per letter charge which would have to be paid prior to having their public hearing. Councilman Kryzak indicated if the fee isn't paid, then the public hearing doesn't take place. Attorney McHugh advised, he knows of other Town's that do this and the applicants are relieved and happy to pay the fee so they do not have to do it themselves. Mr. McHugh

suggested revising the the “Board Review” section of the fee schedule to read “Fees do not include Legal/Engineer expenses or certified abutter notices as applicable” and adding a “Certified Abutter Notice” line with a total of \$10/letter.

Councilman Kryzak made a motion to adopt the following resolution:

- WHEREAS:** The permit application fee schedule from July 2020 needs to be updated to remove residential and commercial filing fees under “F” on page 2, and
- WHEREAS:** abutter letter language and fee needs to be added to the fee schedule under the section titled “Board Reviews”, be it hereby
- RESOLVED:** The Town Board adopts a revised fee schedule (October 2021) removing residential and commercial filing fees “F” on page 2, and further
- RESOLVED:** the Town will charge applicants a fee of \$10.00 per certified letter which will be added to the fee schedule for abutter letters. (see attached)

Seconded by Councilwoman Burnside; a vote resulted as follows:

AYES: Councilman Kryzak, Councilwoman Burnside, Councilman Boone,
Councilman Filkins

NAYS: None

RESOLUTION # 100 of 2021 was thereby duly adopted.

TRANSFER STATION COMMERCIAL HAULERS

Councilman Kryzak advised there is one hauler who is not in compliance with Local Law No. 3 of 2019 - Solid Waste Management Code (SWMC). The applicant was sent letters on May 16th and July 14th by the Town Clerk, advising of their permit expiring on 8/15/2021. The letters explained what needed to be submitted along with their application in order to receive a new permit; the hauler has not made an effort to comply. Mr. Kryzak also quoted sections of the SWMC pertaining to this issue and based on non-compliance, a cease-and-desist letter will be sent to the hauler notifying them that they are in violation of dumping at the Town Transfer Station without a valid permit. The Town Attorney advised that the Town Board would act as the appellate authority in case of an appeal within 30 days of the notice. The Town Attorney will draft the letter for Mr. Kryzak’s signature.

Highway Superintendent Jody Ostrander mentioned that the locks will soon be changed at the Transfer Station.

PROPOSED LOCAL LAW TO AMEND LOCAL LAW NO. 1 OF 1989 - REGARDING SUBDIVISIONS

The Town Board discussed having to amend the Zoning Law to include the subdivision regulations. No dates have been set for a public hearing yet and the Town Attorney hopes to have more information at the next meeting.

The Town Board also mentioned codifying laws in the future.

UPCOMING MEETINGS

The Town Clerk mentioned the Town Board passed the budget schedule on Oct. 5th which included holding a workshop meeting on Tuesday, Oct. 12th at 7 pm however, there is a

Planning Board meeting that night so it needs to be rescheduled. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Board needs to hold a workshop meeting to discuss the proposed 2022 Tentative Budget and proposed 2022 Town of Westerlo Vol. Fire Co. Budget, be it hereby

RESOLVED: The Town Board authorizes the Town Clerk to advertise for a workshop meeting on Wednesday, October 13th at 7pm for the purpose of discussing the proposed 2022 Tentative Budget and proposed 2022 Town of Westerlo Vol. Fire Co. Budget.

Seconded by Councilwoman Burnside; a vote resulted as follows:

AYES: Councilman Kryzak, Councilwoman Burnside, Councilman Filkins, Councilman Boone

NAYS: None

RESOLUTION # 101 of 2021 was thereby duly adopted.

PARK APPLICATION & RULES AND RESERVATIONS

Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Clerk provided the Town Board with suggested changes to the Park Application and Park Rules and Reservations, be it hereby

RESOLVED: The Town Board adopt the revised Park Application and Rules and Reservations as written (see attached).

Seconded by Councilman Filkins; a vote resulted as follows:

AYES: Councilman Kryzak, Councilman Filkins, Councilman Boone, Councilwoman Burnside

NAYS: None

RESOLUTION # 102 of 2021 was thereby duly adopted.

NEW BUSINESS

2022 TOWN OF WESTERLO TENTATIVE BUDGET

The Town Clerk provided the 2022 Town of Westerlo Tentative Budget and 2022 Town of Westerlo Vol. Fire Co. Tentative Budget to the Town Board.

No other new business was discussed.

OPEN TO PUBLIC

Hometown Heroes closing ceremony will be November 13th at 2pm at the Baptist Church.

With no further business to discuss, Councilman Filkins made a motion to adjourn the meeting, seconded by Councilwoman Burnside. All in favor motion carried. Meeting adjourned at approximately 8:39pm.

Respectfully submitted,

Karla J. Weaver
Town Clerk

TOWN OF WESTERLO
PERMIT APPLICATION FEE
REVISED: OCTOBER 2021

RESIDENTIAL BUILDINGS

New

Up to 1,600 sq. ft.....	\$150.00
1,601 to 3,000 sq. ft. in floor area....	\$20.00 per 100 sq. ft. (or fraction thereof)
*Over 3,000 sq. ft. in floor area.....	\$600.00 plus \$25.00 per 100 sq. ft. over 3,000 sq. ft. (or fraction thereof)

*Unfinished basements and attics are not included in floor area.

*Attached garages are included.

Additions, Alternations, Accessory Buildings & Repairs

(By total cost of work to be done)

Up to \$1,000.00.....	\$20.00
\$1,001 to \$15,000.....	\$20.00 plus \$8.00 per additional \$1,000 over \$1,000 (or fraction thereof)
\$15,001 to \$50,000.....	\$132.00 plus \$5.00 per additional \$1,000 over \$15,000 (or fraction thereof)
Over \$50,000.....	\$307.00 plus \$4.00 per additional \$1,000 over \$50,000 (or fraction thereof)

AG BUILDINGS WITH AG EXEMPTION

Up to 1,000 sq. ft.....	\$100.00
Over 1,000 sq. ft.....	\$200.00

NON-RESIDENTIAL BUILDINGS

New and Additions (for other than warehouse type structure)

Up to 3,000 sq. ft. in floor area.....	\$25.00 per 100 sq. ft. (or fraction thereof)
Over 3,000 sq. ft. in floor area.....	\$750.00 plus \$22.00 per 100 sq. ft. over 3,000 sq. ft. (or fraction thereof)

New and Additions (for warehouse type structure)

Up to 3,000 sq. ft. in floor area.....	\$25.00 per 100 sq. ft. (or fraction thereof)
Over 3,000 sq. ft. in floor area.....	\$750.00 plus \$17.00 per 100 sq. ft. over 3,000 sq. ft. (or fraction thereof)

Alteration, Modifications, Accessory Buildings & Repairs

(By total cost of work to be done)

Up to \$1,000.....	\$30.00
\$1,001 to \$50,000.....	\$30.00 plus \$7.00 per additional \$1,000 over \$1,000 (or fraction thereof)
\$50,001 to \$100,000.....	\$373.00 plus \$5.00 per additional \$1,000 over \$50,000 (or fraction thereof)
Over \$100,000.....	\$623.00 plus \$4.00 per additional \$1,000 over \$100,000 (or fraction thereof)

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*Res # 43 of 2020 – Adoption of Application Fee Schedule

*Res # 100 of 2021 – Removed Filing Fees

DEMOLITION RESIDENTIAL/COMMERICAL

Any size.....	\$30.00
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CELL TOWER

New.....	\$2,500
Modification.....	\$1,000 min +

New Ring..... \$2,000

BOARD REVIEWS

(Fees do not include Legal/Engineer expenses or certified abutter notices as applicable)

Subdivision.....	\$100.00
Lot Line Adjustment/Annexation.....	\$50.00
Lot Fee.....	\$200.00 per lot
Special Use Permit.....	\$100.00
Variance Request.....	\$50.00
Churches/Fire Departments.....	No Fee
Cell Tower New.....	\$2,500
Modification.....	\$1,000
New Ring.....	\$2,000
Commercial Solar.....	\$2,500
Certified Abutter Notice.....	\$10.00 per letter

NOTES:

- A. Attached garages shall be included in the calculated square footage
- B. When a permit needs renewal, the fee schedule of renewal is as follows:
 - 1st year full fee as per calculation applicable according to approved fee schedule
 - 2nd year renewal will be 75% of original permit cost
 - 3rd year renewal will be 50% of original permit cost
 - 4th year renewal if approved by Planning Board, reverts back to original permit fee
- C. If a permit is revoked, application for a new permit is required and the fees will apply
- D. When any combination of the above categories are involved in a single overall project, permits and fees for each individual category are required
- E. Projects started/completed without having applied for a building permit when a permit is required, will be charged twice the amount of the original fee calculation according to the approved fee schedule

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*Res # 43 of 2020 – Adoption of Application Fee Schedule

*Res # 100 of 2021 – Removed Filing Fees



TOWN OF WESTERLO
Application for use of Town Park facilities
(Westerlo and South Westerlo)

*****In order to ensure your reservation, this form must be submitted with the appropriate fee along with a copy of your driver's license*****

CONTACT INFORMATION

Applicant's Name: _____	Phone #: _____
Applicant's Address: _____	
Town Of Westerlo Resident? _____ Yes (Supply proof: Tax or utility bill) _____ No _____	

RESERVATION INFORMATION

Date of Use: _____ Check which park: _____ Westerlo _____ South Westerlo	
Area to be reserved: _____ Pavilion _____ Softball field (Westerlo) _____ Both (Westerlo)	
Reason for use: _____	
Will there be outside vendors? _____ Yes _____ No _____	If so, how many? _____
Will there be rental services? _____ Yes _____ No _____	If so, please describe: _____
Do you request permission to have alcoholic beverages? _____ Yes _____ No _____	
Do you request the keys to the bathroom facilities (Westerlo Only)? _____ Yes _____ No _____	

PAYMENT INFORMATION

**** Acceptable forms of payment: Cash, Check, Money Order, Credit/Debit Card (fee applies) ****

WESTERLO PARK

SO. WESTERLO PARK

Resident Fee: _____ \$50.00	Resident Fee: _____ \$25.00
Non-Resident Fee: _____ \$100.00	Non-Resident Fee: _____ \$50.00
Park Deposit: _____ \$200.00 (refundable)	Park Deposit: _____ \$100.00 (refundable)

I have read the Rules for Reservation of Park Facilities, as well as Local Law No. 3 of 1989 (the Town Park Law) and agree to abide by the same. I understand that if I do not comply with the requirements set forth therein, I may not be permitted to reserve the park facilities in the future.

Applicant's Signature: _____ **Date:** _____

OFFICE USE ONLY

Date Received: _____	Alcohol beverages permitted? _____ Yes _____ No _____
Method of Payment: _____ Cash _____ Check/M.O (No. _____) _____ Credit/Debit Card	
Approved by: _____	

*Revised 10/05/2021 – Res # 102-2021

TOWN OF WESTERLO
RULES FOR RESERVATION OF PARK FACILITIES
South Westerlo and Westerlo Town Parks
(as set forth in Local Law No. 3 of 1989)

The Town of Westerlo proudly maintains its park facilities for use by all Town residents. The Town further understands and realizes that there is need for residents to use certain facilities within the parks for large gatherings. The Town permits that certain facilities within the parks be reserved for personal use. The following Rules, in conjunction with the restrictions set forth in Local Law No. 3 of 1989, apply to all park reservations.

1. Reservations may not be made more than one (1) year in advance.
2. The park reservation fee is \$50 for residents and \$100 for non-residents. The South Westerlo park reservation fee is \$25 for residents and \$50 for non-residents. In order to benefit from the reduced residency fee, proof of residency must be submitted with your application for reservation of park facilities. The Town Supervisor may at their discretion waive park reservation fees and/or deposits for not for profit organizations or worthy community groups. Fee may be paid by cash, check, money order or credit/debit card (fee applies) as soon as possible but at least two (2) weeks prior to the event.
3. In addition to the park reservation fee, the Town requires a \$200 park deposit fee for Westerlo and \$100 park deposit fee for South Westerlo, which shall be paid with the reservation fee. A voucher will need to be completed by the applicant in order for the deposit to be refunded after the event. The Town Board meets the 3rd Tuesday of every month at 7pm where your voucher for return of deposit will be reviewed. As long as there is no damage to the park facilities, the refund check will be issued by mail thereafter. If there is damage, the deposit fee shall be used to pay the personnel and repair costs resulting from the use of the park facilities. Any balance remaining thereafter will be returned to the applicant. Deposit may be paid by cash, check, money order or credit/debit card (fee applies) as soon as possible but at least two (2) weeks prior to the event.
4. If reserving the park within two (2) weeks of the event, the applicant must pay in person by cash, money order or credit/debit cards (fee applies). Checks will NOT be accepted within two (2) weeks of the event.
5. The applicant/responsible party must be over the age of 21 and must supply a copy of their driver's license with their application.

6. Only the pavilion and/or softball field (Westerlo) can be reserved for private use. The remainder of the park facilities remain open for public use, including but not limited to the tennis courts, basketball courts, Little League fields, and hiking paths.
7. A Certificate of Insurance naming the Town of Westerlo as a loss payee for any rental service that will be present at your function must be submitted to the Town Hall, and approved by the Town Attorney, at least one (1) week prior to the date of use.
8. There is a designated area for large BBQ pits (i.e. Brooks BBQ, Giffy's BBQ, etc.)
9. If picnic tables are moved outside of the pavilion they must be placed back in the pavilion.
10. All paraphernalia used during the rental period must be removed and/or cleaned up, such as balloons, confetti, streamers, etc.
11. All garbage must be placed in the garbage bags which are located inside the garbage cans in the park. DO NOT REMOVE THE BAGS FROM THE CANS.
12. Park bathroom facilities must be checked, and excess paper towels, etc. must be placed in garbage cans.
13. If you cancel your reservation, in order to have your park reservation fee returned, your cancellation must be received in writing by the Town of Westerlo, by fax or U.S. mail, two weeks prior to your scheduled date of use.
14. All activities cannot start until the Park is officially opened and must cease when the Park is closed unless other arrangements have been made in advance. All patrons must vacate the park upon its closing.
15. Failure to abide by these rules may result in the Town's refusal to permit the applicant/responsible party to reserve the park facilities on future occasions

Revised 9/3/19 Resolution # 57-2019

Revised 3/17/20 Resolution # 19-2020 regarding fees

Revised 10/05/21 Resolution # 102-2021