

Town of Westerlo
Planning Board
Westerlo, NY 12193
Planning Board Meeting

Minutes

Date: July 13, 2021

Location: Westerlo Town Hall, Westerlo, NY

Board Members: Gerry Boone, Richard Kurylo, Edwin Stevens, Beau Leondorf (not present), vacant Chairperson

Town Attorney: Javid Afzali

Code Enforcement/ Zoning Administrator: Jeff Pine

Non Planning Board Members Present: Deputy Supervisor/ Town Councilman Matt Kryzak, Town Board Member Joe Boone, Previous Planning Board Chairperson Dorothy Verch, Town Clerk Karla Weaver and Clerk to the Boards Britta Biggs and twenty-four interested residents

Meeting opened at 7:01 PM with Pledge of Allegiance

Minutes for May and June were tabled as not all members had time to review them.

OLD BUSINESS

PRINCE (SUP 21-1) PUBLIC HEARING

Planning Board Member Gerry Boone made a motion to open the Public Hearing at 7:03 PM, Planning Board Member Edwin Stevens seconded the motion; all were in favor.

Abutter lists went out, receipts were received and no letters were received back. CEO Jeff Pine explained why the building needs to be labeled as commercial. The building is on a lot with no principle use, with no house type buildings on the property. The proposed building will not be used as commercial but instead as storage for the property owner's art work and personal belongings. The other buildings including the proposed building are very large warehouse type buildings. Mr. Pine labeled the property as commercial because of the size of the buildings and thinking ahead that if the property was ever to sell, the lot would be used as commercial. Mr. Stevens asked Mr. Pine for the documentation for the Commercial label of the property. Mr. Pine advised there's no list for a storage building but there is a list for commercial building. He advised that the zoning law would have to be updated to allow this to be labeled as residential as there is no house on the lot. There is no commercial tax rate in the town and it would be assessed the same as residential.

Planning Board Member Boone made a motion to close the Public Hearing at 7:09 PM. Mr. Stevens seconded the motion; all were in favor.

EXECUTIVE SESSION

Planning Board Member Stevens motioned to have an Executive Session with the Town Attorney at 7:09 PM to discuss the Prince application. Mr. Boone seconded; all were in favor.

Planning Board Member Boone made a motion to close the Executive Session at 7:17 PM. Mr. Stevens seconded; all were in favor.

APPROVAL OF PRINCE SPECIAL USE PERMIT (SUP 21-1)

Planning Board Member Boone motioned to accept the Special Use Permit for Prince at 7:18 PM. Mr. Stevens seconded the motion; all were in favor.

Mr. Boone did ask that the Town Board make some changes to the Zoning Law to make it easier for people to build buildings on their vacant land.

Ayes: 3 Nays: 0

HESEL SUBDIVISION (SD 21-2) PUBLIC HEARING

Planning Board Member Boone made a motion to open the Public Hearing at 7:19 PM. Mr. Stevens seconded the motion; all were in favor.

Planning Board Member Kurylo asked if there were any returned receipts from abutter lists. One town resident at 113 Gifford Road advised she did not receive a letter. Town resident Mr. Wick expressed his concerns.

Mr. Boone explained to the public that this is just a simple subdivision. The Board explained that there is no control over what happens after the property is subdivided.

Albany County Planning Board (ACPB) recommended that if Lot 3 intended to be accessed from County Route 403, a County Highway Department Permit would be required.

Planning Board Member Boone made a motion to close the Public Hearing at 7:32 PM. Mr. Stevens seconded; all were in favor.

APPROVAL OF HESEL SUBDIVISION (SD 21-2)

Planning Board Member Stevens motioned to approve the permit. Mr. Boone seconded; all were in favor.

Ayes: 3 Nays: 0

GRANT (SUP 21-2) PUBLIC HEARING

Planning Board Member Kurylo motioned to open the Public Hearing at 7:34 PM. Mr. Stevens seconded; all were in favor.

Receipts for abutter lists were received. Mr. Grant explained that he and his wife want to build a space for their Hilltop Golden Retriever business. The building would have dog runs, a bathroom for customers to use and would look like your typical two car garage. The dogs would be facing the back of the building to try to cut down on the barking brought on by incoming traffic, designed specifically with neighbors in mind. Members Loendorf, Stevens and previous Chairperson Verch conducted site visits. The members that did the site visits indicated the property was neat and presentable and the dogs only barked for about five minutes after their arrival. The location was marked where the building would be constructed and there will be a separate water and septic system. Mrs. Verch read her report of her and Mr. Stevens site visit.

Discussion continued from concerned neighbors regarding noise, cleanliness, where the dogs would be going to the bathroom, amount of puppies and proper licensing for a breeder.

Mr. Frank Faluotico who was hired by the applicant, did a week of noise levels from a web-based recorder. The recorder was triggered at 60 decibels (dB). Mr. Faluotico reviewed sixty-five (65) forty (40) second sound bites. The recordings showed no dog barking.

Deputy Supervisor/ Town Councilman Kryzak mentioned that there are no breeding laws in the Town of Westerlo.

Mr. Grant did tell the public as well as the Board that the state is coming in to properly certify his business because of the number of puppies. The Grants noted that they are also certified through AKC. Mr. Boone asked if Mr. Grant intends to do boarding or training in the facility; Mr. Grant indicated no and expressed he would only be doing basic handling and potty training.

Planning Board Member Boone suggested the neighbors attend a Town Board meeting to express their concerns.

Planning Board Member Boone motioned to close the Public Hearing at 8:37 PM. Mr. Stevens seconded; all were in favor.

DISCUSSION & APPROVAL OF GRANT SPECIAL USE PERMIT (SUP21-2)

Part 2 of the SEQRA was previously completed.

The Planning Board completed Part 3 of the SEQRA noting a moderate amount of noise, traffic and dog waste. It was explained that noise would be cut down with the construction of the garage with dogs housed in the rear of the building. Planning Board Member Kurylo indicated Part 3 will not result in any significant adverse environmental impact. To appease neighbors traffic concerns, Mr. Stevens suggested the following business operating hours Monday- Friday 8 AM- 6 PM and Saturday- Sunday 10 AM- 7PM. Mr. Grant was agreeable.

Mr. Stevens was concerned about the smell from the dog waste and had some suggestions. Mr. Grant indicated he is willing to increase garbage pick-up from bi-weekly to weekly during the warm months. Mr. Boone indicated bi-weekly waste removal was acceptable; the Planning Board members present agreed. The Board will review the concern for smell of dog waste in six months and all concerns annually thereafter.

Planning Board Member Stevens motioned to approve the Grant Special Use application with the conditions listed above and pending the permit from New York State. Mr. Boone seconded; all were in favor.

Ayes: 3 Nays: 0

MASLOWSKI SUBDIVISION (SD-21-3) PUBLIC HEARING

Planning Board Member Stevens motioned to open a Public Hearing at 9:06 PM. Mr. Boone seconded; all were in favor.

Receipts for abutter lists were received. The proposed subdivision (SD-21-3) is for one lot to be divided into three parcels, a 10.6 acre vacant land, a 15.8 acre which includes a farm and barn and 62.3 acre which contains the maple sugar house to be retained by Mrs. Maslowski.

Neighbor William Biggs expressed concern about what the subdivision would be used for. Mr. John Dumas indicated the other parcels not being retained will be sold. Land is being divided at the road.

Planning Board Member Stevens motioned to close the Public Hearing at 9:11 PM. Mr. Boone seconded; all were in favor.

DISCUSSION, COMPLETION OF SEQRA & APPROVAL OF MASLOWSKI SUBDIVISION (SD 21-3)

SEQRA Part 2 & 3 were completed. It was determined to be a Type 1.

No environmental and agricultural impacts noted.

Mrs. Verch indicated this needs to be recorded in the Environmental Notification Bulletin Board.

Mr. Stevens motioned to accept this project as a Negative Declaration. Mr. Boone seconded; all were in favor.

CEO Pine is waiting on the report from ACPB. Planning Board Member Stevens asked Attorney Afzali if this application could be approved pending a response from ACPB; Attorney Afzali advised the Board of the risks for the Town and the applicant.

The Town Attorney advised the receipt of the Albany County advisory opinion could be a condition of the approval if it does not require rigorous majority vote. If it does require majority vote, this vote wouldn't count.

Planning Board Member Stevens made a motion to approve the application pending ACPB response. Mr. Boone seconded; all were in favor.

Ayes: 3

Nays: 0

NEW BUSINESS

CARKNER SPECIAL USE PERMIT (SUP 21-3)

Ms. Carkner is applying for a Special Use Permit so she can host outdoor summer weddings at her residence. She intends to hold 10-20 weddings. With the money earned she plans to restore her barns.

Planning Board Member Boone motioned to accept the application. Mr. Stevens seconded; all were in favor.

Albany County DOT needs to be contacted for acceptance of driveway and parking egress and ingress.

Planning Board members will be doing separate site visits and will be requesting abutter within 1,000ft to be notified since the application is requesting 150 guests and at least 100 cars. The Planning Board requested a better site plan and more information from Mrs. Carkner to provide to ACPB.

The applicant will need to contact Albany County Water Board as an abutter.

No Public Hearing scheduled at this time.

PUBLIC COMMENT

No public comment.

ADJOURNMENT OF MEETING

Planning Board Member Boone motioned to adjourn the meeting at 9:39 PM. Mr. Stevens seconded; all were in favor.

Respectfully Submitted,

Britta Biggs

Planning Board Clerk