

**Town Of Westerlo
Planning Board
Westerlo, NY 12193
Planning Board Meeting**

Minutes

Date: May 10, 2022

Location: Westerlo Town Hall

Board Members: Chairman Beau Loendorf, Gerry Boone, Richard Kurylo, William Hall

Board Members not present: Edwin Stevens

Town Attorney: George McHugh - not present

Code Enforcement/ Zoning Administrator: Jeff Pine

Town Supervisor: Matthew Kryzak: Not Present

Non-members present:Town Board Members Joshua Beers, Peter Mahan,
Board Clerk Britta Biggs, forty- six interested residents

A Roll Call vote was used to open the meeting with the Pledge of Allegiance at 7:05 PM.

Chairman Loendorf: Yes

Planning Board Member Kurylo: Yes

Planning Board Member Hall: Yes

Planning Board Member Boone: Yes

OLD BUSINESS

A motion was made to move old business before the Public Hearing.

DOLCE SUP 14-005E

Mr. John Dolce is looking to build two more identical storage buildings 40x200 (8,000 sq ft) on his property located at 6272 & 6284 SR 32 in Westerlo.

Chairman Loendorf made a motion to accept the extension at 7:07 PM. Planning Board Member Kurylo seconded; all were in favor.

PUBLIC HEARING FOR CARKNER SPECIAL USE PERMIT (21-3)

Chairman Loendorf made a motion to open the Public Hearing at 7:08 PM. Planning Board Member Kurylo seconded; all were in favor.

Chairman Loendorf went over the rules and expectations for the Public Hearing. He also addressed the past application process from past meetings. All people that wanted to voice their opinions were allowed five minutes each.

Mr. Matthew Seeber from Klein Law Group is representing Mrs Carkner discussed with the people attending the meeting that Mrs. Carkner will be hosting one- two events a weekend. That no new buildings will be being built on the property. It was also expressed that the luxury porta-potties, and generators would be trailered in each event.

He also discussed the benefits of bringing in people from out of town into Westerlo. He indicated that this will help bring tourism into Westerlo and will help with the stores and businesses within the town. It was also indicated that some of the people that will be attending the events will be being bussed in.

Chairman Loendorf asked that all nine of the letters that were sent into The Board be added to the record.

Mrs. Jennifer Kovac- owes a home at 407 CR 404 questioned why the Albany County DEC hasn't posted that they approved the venue to their website. Chairman Loendorf indicated it could be because the permit hasn't been approved through the Planning Board.

Ms. Cheryl Brush is a town resident. She came out to show her support for Mrs. Carkner.

Ms. Laura Alverson is a town resident. She came out to support Mrs. Carkner. She indicated that it would be wonderful for someone to have a business in Westerlo.

Ms. Heather Skinner is a town resident. She opposes the event venue. She feels it's too close to her home and others with all the noise it will produce. Planning Board Member Kurylo expressed that tents can help mask the noise.

Ms, Alaine Applebee is a resident. She expressed concern about the effects that this can have on the environment. Chairman Loendorf indicated that the DEC has been out there to the site and said the DEC had no concerns. He did make it a point that there would be no fireworks allowed at the venue.

Mr. Anthony Tombari is a town resident. He has strong opposition for the event venue. He claims he and eighteen other homes will be directly impacted. The site is located close to a developmental area with multiple homes in close range. He stressed that the different types of music and noise will impact everyone.

Mrs. Gail Tombari is a town resident. She indicated that the area is only zoned for residential and agricultural uses. She is worried that more people will follow and want to start some sort of business of their own.

Ms. Karen Cornell is a town resident. She is opposed to the event venue. She worries that it will ruin the character of the town. She indicated that there is no real tourism or stores. She brought up her concerns about the wildlife. She wondered why there was even a Public Hearing if the Board can't reject a Special Use Permit. She also is concerned about homes resale values with the loud venue being so close by.

Mr. Clay Curtin lives at 123 Bear Swamp Rd. His concerns are just with garbage and where it's going to go.

Mr. Charlie Lindt lives on Country Side Dr. He is opposed because he is worried about the sound taking away from the beauty of Mother Nature. He's worried that the music and partying will take away from the natural beauty and sounds of nature. He sees no positive outcome for neighbors and wonders how anyone will benefit.

Mrs. Lisa DeGroff indicated that the town has one commercially zoned business in Westerlo. That business being Hannay Reels. She expressed how important it is to have businesses in the town. They help bring in tax revenue and that lowers

property taxes for the residents of the town. She also explained how this isn't just to hold weddings but as well as other events. She went on to explain how Mrs. Carkner is going by obtaining a permit the correct way. She used examples of her past parties as examples and said the only difference was that she didn't charge for her parties. Mrs. DeGroff also said that it's very easy to control the noise coming from the events.

Mr. Stewart Eldred is a town resident. He supports Mrs. Carkner and any new business coming into Westerlo. He expressed how he has never had any issues with M&D Farms or Barn and Bistro with traffic or noises.

Mrs. Patty Dietrich showed her support and thinks it's wonderful to have a female owned business in town.

Mr. David Dietrich also wanted to show support for Mrs. Carkner. He thinks her business will be a benefit to the town.

Mr. Peter LeQuiri spoke to show support for Mrs. Carkner. He is her uncle. He stresses that the type of people who will be at the venue will be respectful. He also indicated that if you don't want to live the country lifestyle, you shouldn't move to the country.

Mr. Donald Savino supports Mrs. Carkner, and is a resident living in South Westerlo. He is worried that the Board is being hypocritical for everything they are requesting of her to go through to obtain a Special Use Permit. He explained how the Carkners are a wonderful young couple.

Samantha is a friend of Mrs. Carkner. She came out to show support for her and the venue. Samantha indicated that this business can have a lot of positive support and feedback through social media.

Mr. Doug Hadad is concerned about the value of his home. He expressed how he has no issues with the Carkners. He said he knows that Mrs. Carkner is going to try to keep the noise down as much as possible. He is more worried about people drinking then driving home as well as the traffic that this will produce. He is wondering what affects it will have on the wildlife as well.

Ms. Kelly Gasher is a town resident and supports Mrs. Carkner. She said that it's going to be on her property and she should be allowed to do whatever she wants on it.

Ms. Wendy Teller supports Mrs. Carkner. She expressed how Mrs. Carkner is a good person and just wants to do good for her community.

Mr. Matthew Seeber discussed the Westerlo Comp Plan. He explained how Mrs. Carkner plans on using the money made on these events to fix up the barns on her property. He also indicated that the Town of Westerlo has no noise ordinance.

Mr. Jeff Pine is the Building Inspector and Code Enforcement Officer for the Town of Westerlo. He clarified the differences between commercial and industrial uses for permits.

Planning Board Member Kurylo expressed how Mrs. Carkner is doing absolutely everything by the book.

Chairman Loendorf made a motion to adjourn the Public Hearing at 8:13 P.M awaiting review by the Town Engineer David Ingalls. Planning Board Member Kurylo seconded; all were in favor.

Mr. Brandon Carkner questioned why the site plan was not reviewed in time for the meeting when they were told at the last meeting that they needed to have it five days before the May 10th meeting.

NEW BUSINESS

ACOSTA SPECIAL USE PERMIT 22-1

Mrs. Anne Marie Acosta is looking to purchase a plot of land on Beaver Shores Road in Westerlo. Her purchase depends upon approval from the Planning Board on whether she gets approved for a Special Use Permit. If approved she plans on putting in a camper for weekend getaways. Her plans include fixing up the driveway and potentially adding a well. She will be leaving all trees as is and has no plans on cutting anything down. Mrs. Acosta indicated that she would

have a septic tank cleaner come and pump out her tank when it would need to be emptied. The Planning Board will be doing a site visit.

Planning Board Member Kurylo made a motion to accept the application. Planning Board Member Hall seconded; all were in favor.

Planning Board Member Kurylo made a motion to schedule a Public Hearing for June 14, 2022. Planning Board Member Hall seconded; all were in favor.

OPEN TO THE PUBLIC

Mrs. Lisa DeGroff asked the Board about possibly scheduling a special meeting pending word from David Ingalls. The Board gave no answer due to not knowing when David Ingalls would be getting back to him on his review.

Mrs. Angela Carkner pleaded with the Board on a decision. Mr. Matthew Seeber at that point had said that the Board needed to make a decision that evening or The Town of Westerlo would be getting hit with an Article 78 Lawsuit.

The Board took a recess at 8:45 P.M. and returned at 8:52 P.M.

EXECUTIVE SESSION

Chairman Loendorf made a motion to enter an Executive Session at 8:53 P.M. Planning Board Member Kurylo seconded; all were in favor.

Planning Board Member Hall made a motion to end the Executive Session at 9:22 P.M. Planning Board Member Kurylo seconded; all were in favor.

REOPENING OF MEETING

Chairman Loendorf made a motion to reopen the meeting. At 9:26 P.M. Planning Board Member Hall seconded; all were in favor.

REOPENING OF PUBLIC HEARING

Chairman Loendorf made a motion to reopen the Public Hearing for the Carkner Special Use Permit 21-3 at 9:26 P.M. Planning Board Member Hall seconded; all were in favor.

Chairman Loendorf motioned to close the Public Hearing at 9:27 P.M. Planning Board Member Kurylo seconded; all were in favor.

More comments were made about the Board not having a decision on the application. Mr. Seeber “promised that the town would be hit with an Article 78 lawsuit” a few more times. The Board made it clear that they were just waiting for word from David Ingalls and his approval of the stamped site plan.

CLOSURE OF MEETING

Planning Board Member Kurylo made a motion to close the meeting at 9:39 P.M. Planning Board Member Hall seconded; all were in favor.

Respectfully Submitted,

Britta Biggs
Planning Board Clerk