

**TOWN OF WESTERLO**  
**PLANNING BOARD**  
**WESTERLO, NY 12193**  
**PLANNING BOARD MINUTES**

**DATE:** December 12, 2023

**LOCATION:** Richard Rapp Municipal Building

**BOARD MEMBERS:** Chairman Beau Loendorf, William Hall, Gerry Boone, Angela Carkner all present, and Rich Kurylo absent.

**Town Attorney:** George McHugh not present

**Code Enforcer :** Jeff Pine – present

**Non-Members Present:** Kathy Bishop, Thomas (brother), Lorraine Pecylak, Andrea (daughter), Rich Scott, Louis Berchielli, and Claire Marshall Clerk to Planning Board.

**Open Meeting:** The Meeting was called to order at 7:01pm with the Pledge of Allegiance.

**Minutes:** Planning Board Member Hall made a motion to approve the November 14, 2023 minutes. Planning Board Member Boone seconded; motioned carried by all present.

**OLD BUSINESS:** The Public Hearing for Pecylak Subdivision (SD-23-2) was open by Chairman Loendorf at 7:02pm. Planning Board Member Hall seconded; motion carried by all present. There were no comments from the Public. Chairman Loendorf stated the Board did not hear back from Albany County Planning Board since their meeting was not until December 15, 2023. CEO Pine mentioned the Board can close the Public Hearing with the condition that if the Albany Planning Board recommends any issues it would be placed on the decision. The Chairman wanted the Board to decide. After consideration Board Member Carkner made a motion to keep the Public Hearing open pending the Albany County Planning Board hearing. Member Boone seconded; motion carried by all present. The Board felt this is what has been done in the past. Next Planning Board Meeting is January 9, 2023 at 7pm.

The Public Hearing for Bishop Special Use Permit (SUP-23-2) was open by Member Hall at 7:11pm. Planning Board Member Carkner seconded; motion carried by all present. Louis Berchielli was present to speak on the Bishop Permit. He is a joining land owner. Mr. Berchielli is opposed for the following reasons. Travel Trailers are prohibited to be year-round residences. (Local Law #1 and 3) There are no City Health recorded of a septic system approval. The septic system needs to be pumped out. It is on a non- conforming lot and has negative effects of trails and uses around the trailer. (dogs) According to CEO Pine Since there was a lawsuit in the 80's there has been a well and an approved septic on the land.

Thomas the resident of the trailer says it is not a chemical septic it is fully operable. The ZBA approved a variance conforming the lot and use of the trailer. The resident has improved the electric, well and heat. CEO Pine informed the Board of the history this lot was pre-existing non-conforming lot before the zoning laws. Lines have been straightened. The Variance was for the non-conforming lot and 200 ft acceptance. The applicant asked for a trailer permit, because they intended to put a house on the lot. Trailer is year-round. No other residency. There is a mailbox. CEO Pine mentioned the Zoning Law #3

which does not allow residency in a year-round trailer. Make and model states it was a travel trailer. With no more comments and questions Member Hall made a motion to close the Public Hearing at 7:51pm. Member Carkner seconded; motion carried by all present.

The Planning Board all read the ZBA approval for the Variance and the Albany County Planning Board recommendations. The Albany County Planning Board found the proposed action will have no significant impact countywide and defer to local consideration. The Local Law #3 of 2022 requires a special permit for a RV/Travel Trailer and it can't be used year-round.

Member Carkner mentioned the year-round usage and Chairman Loendorf reached out to the Town Attorney and was informed the Code Enforcer would have to uphold and maintain the local law. Member Hall mentioned how waste was taken care of and what is considered year-round (50 weeks and 2 weeks somewhere else). Code enforcer would have to police. There have been other applicants. Planning Board does not enforce. Chairman Loendorf read the Short Environmental Assessment Form. All questions were negative. A negative declaration was declared. With no other comments or discussion, the Chairman Loendorf made a motion to approve the Bishop Special Use Permit (SUP 23-2) with a condition maintain proper waste removal, and reminder of the Local Law #3 with no year-round use. Member Hall seconded; motioned carried by all present.

#### **NEW BUSINESS:**

Proposed new fence law was given to the Board Member to review and discuss. The law states: Fences, barriers or other upright structures that would block fire and emergency accesses, and /or the ability to do basic building repairs to occupied buildings on abutting properties shall maintain a five-foot set back from the face of said buildings. The fences regulated by this section shall be no higher than 7-foot above grade and be maintained in a safe and sound condition.

All preexisting fences within the 5-foot minimum set back shall have one year after the adoption of this law to come into compliance or seek relief through the variance process.

Member Hall mentioned getting the Firehouse recommendation incase the measurements should be different. CEO Pine mentioned the history of fences and it was needed to regulate the egress window or just to work on a house. Town does not want to regulate fences but need to make sure all fences meet the basic. All fences must be safe and sound.

**PUBLIC COMMENT:** Applicant Lorraine Peckylak mentioned maybe if the Town Attorney was here would it have changed the Board decision on the subdivision SD23-2. Member Carkner mentioned there is no need to change the procedure. Member Hall said he would like the Albany County decision first.

**CLOSURE OF MEETING:** Chairman Loendorf made a motion to close the meeting at 8:16pm. Member Boone seconded; motion carried by all present.

Respectably Submitted,

Claire Marshall Clerk to Planning Board