

DRAFT

**TOWN OF WESTERLO  
SPECIAL TOWN BOARD MEETING  
OF  
FRIDAY, JUNE 28, 2024  
PURPOSE PROPOSED LOCAL LAW # 3 OF 2024**

- 1. ABOLISH THE TOWN OF WESTERLO PLANNING BOARD.**
- 2. TRANSFER ALL PLANNING BOARD FUNCTIONS AND DUTIES TO THE EXISTING ZONING BOARD OF APPEALS.**
- 3. RENAME THE ZONING BOARD OF APPEALS TO “PLANNING BOARD/ZONING BOARD OF APPEALS.**
- 4. AMEND THE TOWN OF WESTERLO CODE WHERE NECESSARY TO EFFECTUATE THESE CHANGES.**

The Town of Westerlo Town Board held a Special Town Board Meeting on Friday, June 28, 2024, at the Westerlo Town Hall at 933 County Route 401, Westerlo, NY at 6 PM for a vote on proposed Local Law # 3 of 2024.

Attending were: Town Supervisor Matthew Kryzak  
Councilwoman Amie Burnside  
Councilwoman Lorraine Pecylak  
Councilman Peter Mahan  
Councilman Joshua Beers

Also attending were: Town Attorney George McHugh, Town Justices Joshua Ostrander and Kenny Mackey, Clerk to the Justices & Deputy Town Clerk II Jaimee Motschmann, Planning Board Chairperson Beau Loendorf and Members Angela Carkner, Rich Kurylo, Gerry Boone, and Bill Hall, Board of Appeals Chairperson George Spahmer and Members Rich VanInderstine, Guy Weidman, Library President Maureen Sikule, Library Trustees Mary Ann Witt, Gaye McCafferty and Laura Tenney, Museum Director MaryJane Araldi, Highway Superintendent Jody Ostrander, and Employees Peter Voisey, David Pecylak, Salvatore Spinnato IV, and Dan Rohrmiller, Confidential Administrator Lisa DeGroff, Clerk to the Planning Board, Zoning Board of Appeals, Code Enforcement Officer and Assessor; Claire Marshall, Fire Co. President Adam Alvarez and Members Kelley Keefe, Alan Clickman, and Betty Filkins, Previous Highway Employee Chuckie Benninger, Previous Town Board Members Joe Boone, Al Fields and Tony Sherman, Deputy Town Clerk’s Michelle Rose and Kathleen Spinnato, Town Clerk Karla Weaver, and approximately another 42 plus residents and/or interested persons who attended not named above.

Supervisor Kryzak lead off with the Pledge of Allegiance to the Flag. Supervisor Kryzak welcomed everyone to the Special Town Board Meeting which he advised was for the purpose of voting on proposed Local Law No. 3 of 2024. He announced before the Board voted he was going to take everyone through the Short Environmental Assessment form Part 1 and Part 2. He mentioned, this is a belt and suspenders approach to make sure they dot their I’s and cross their T’s. The Supervisor did not open the Town Board meeting.

**PROPOSED LL#3-2024 SEQRA-SHORT FORM Part 1, 2, & 3**

Supervisor Kryzak mentioned the first page for the Board to look at is the Short Environmental Assessment form Part 1. Supervisor Kryzak then read question 1: Does the proposed action only involve the legislative adoption of a plan, local law, ordinance administrative rule, or regulation. Supervisor Kryzak advised the answer is yes. Part 2 -Short Environmental form - Impact Assessment was next. Supervisor Kryzak mentioned for questions 1 through 11 the answers were no, for all eleven. He indicated there was no environmental harm or anything like that being done. With that being said, he mentioned what he was essentially doing was moving to make a motion. He motioned to the Town

Board that at the top of the printed resolution, they should make sure the date has been corrected it is not supposed to be July 2, 2024, it is supposed to be June 28, 2024, at 6:00 PM. He advised he had inked that change. Supervisor Kryzak then read aloud and made the following resolution:

**WHEREAS:** the Town Board duly considered proposed Local Law #3 of 2024, the SEQRA Environmental Assessment Form, the criteria for determining whether the subject Local Law will have a significant adverse impact on the environment as set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, coordinated review with other agencies including the New York State Department of Environmental Conservation and all municipalities located adjacent to the Town of Westerlo, and such other information deemed appropriate; now therefore be it

**RESOLVED:** by the Town Board of the Town of Westerlo:

1. The Town Board is the lead agency under SEQRA, and the adoption of proposed Local Law #3 of 2024 will not result in a significant adverse impact on the environment.
2. The attached Negative Declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached Negative Declaration, and Parts 1, 2, and 3 of the Environmental Assessment Form are also incorporated herein by reference.
3. The Supervisor of the Town of Westerlo is authorized to sign and file or have filed on behalf of the Town all documents necessary to comply with SEQRA.

Councilwoman Burnside seconded the motion, a roll call vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Pecylak

NAYS: Councilman Beers, Councilman Mahan

**RESOLUTION # 80 – 2024 was thereby duly adopted.**

Supervisor Kryzak indicates motion carried.

Supervisor Kryzak advised the Town Board would be moving on.

**ADOPTION OF LOCAL LAW NO. 3-2024**

Town Attorney McHugh advised Councilwoman Burnside that she had to read the proposed resolution to adopt Local Law No. 3 of 2024. Councilwoman Burnside read aloud and offered the following resolution (see attached):

**WHEREAS:** The Town Board of the Town of Westerlo has introduced a proposed Local Law to: 1. Abolish the Town Planning Board, 2. Transfer all Planning Board functions and duties to the existing Zoning Board of Appeals, 3. Rename the Zoning Board of Appeals to the “Planning Board/Zoning Board of Appeals”, and 4. Amend the Town of Westerlo Code where necessary to effectuate these changes, and

**WHEREAS:** The Town Board of the Town of Westerlo declares itself Lead Agency pursuant to 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:** a copy of the proposed Local Law was sent to all local municipalities located adjacent to the Town of Westerlo borders; and

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

DRAFT

- WHEREAS:** a public hearing upon proper notice was held on June 18, 2024, and  
**WHEREAS:** The Town Board acting as Lead Agency pursuant to the NYS Environmental Quality Review Act (SEQRA) has determined that enactment of the proposed Local Law will not create the potential for any adverse environmental impacts and has adopted a Negative Declaration pursuant to SEQRA and its accompanying regulations, 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 2024; and further  
**RESOLVED:** that the Town Board of the Town of Westerlo hereby authorizes and directs the Town Attorney to file Local Law #3 of 2024 with the NYS Department of State no later than July 1, 2024.

Councilwoman Pecylak seconded the motion, a roll call vote resulted as follows:

AYES: Councilwoman Burnside, Councilwoman Pecylak, and Supervisor Kryzak

NAYS: Councilman Mahan, Councilman Joshua Beers

**RESOLUTION # 81 – 2024 was thereby duly adopted.**

Supervisor Kryzak indicated motion carried.

#### **ADJOURN MEETING**

Councilwoman Pecylak made a motion to adjourn the meeting. Supervisor Kryzak seconded the motion. Councilman Beers asked, so we're not going to have public comment. Supervisor Kryzak responds not tonight we're not going to. Councilman Beers indicated he had questions for the Board. Supervisor Kryzak asked if the Board was all in favor; a vote resulted as follows:

AYES: Councilwoman Burnside, Supervisor Kryzak

No vote was given by Councilmen Beers or Mahan and no vote was heard by Councilwoman Pecylak by the Town Clerk or by the audio recording. The meeting was adjourned at 6:06 pm due to no quorum.

Respectfully Submitted,

Karla J. Weaver, Town Clerk

## Short Environmental Assessment Form Part 1 - Project Information

**Instructions for Completing**

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Town of Westerlo			
Name of Action or Project: Local Law #3 of 2024			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action: Local Law to abolish the Planning Board and transfer its functions to the Zoning Board of Appeals, which is to be known as the "Planning Board/Zoning Board of Appeals".			
Name of Applicant or Sponsor: Town of Coeymans		Telephone: 518-797-3111 ext. 1014	
		E-Mail: supervisor@townofwesterlo.ny.com	
Address: 933 County Route 401			
City/PO: Westerlo		State: NY	Zip Code: 12193
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____	acres
b. Total acreage to be physically disturbed?		_____	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____	acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
_____ _____	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
_____ _____	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
_____ _____	<input type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor/name: <u>Matthew Kryzak</u> Date: <u>05/21/2024</u> Signature: _____ Title: <u>Town Supervisor</u>		

**PRINT FORM**

Agency Use Only [If applicable]

Project:	Local Law #3 of 2024
Date:	June 28, 2024

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PRINT FORM**

Agency Use Only [If applicable]	
Project:	Local Law #3 of 2024
Date:	June 28, 2024

**Short Environmental Assessment Form**  
**Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Westerlo	June 28, 2024
_____	_____
Name of Lead Agency	Date
Matthew Kryzak	Town Supervisor
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



At a Special Meeting of the Town Board of the Town of Westerlo, at Town Hall, 933 County Route 401, Westerlo, New York, on July 2, 2024, at 6:00p.m., there were:

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
Matthew Kryzak	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amie Burnside	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peter Mahan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joshua Beers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorraine Pecylak	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Total</i>					

I, Council member \_\_\_\_\_ offer the following resolution and move its adoption:

**WHEREAS**, the Town Board of the Town of Westerlo has introduced a proposed Local Law to: 1) Abolish the Town Planning Board, 2) Transfer all Planning Board functions and duties to the existing Zoning Board of Appeals, 3) Rename the Zoning Board of Appeals to the “Planning Board/Zoning Board of Appeals”, and 4) Amend the Town of Westerlo Code where necessary to effectuate these changes, and

**WHEREAS**, the Town Board of the Town of Westerlo declared itself Lead Agency pursuant to 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**, a copy of the proposed Local Law was sent to all local municipalities located adjacent to the Town of Westerlo borders; and

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

**WHEREAS**, a public hearing upon proper notice was held on June 18, 2024, and

**WHEREAS**, The Town Board acting as Lead Agency pursuant to the NYS Environmental Quality Review ACT (SEQRA) has determined that enactment of the proposed Local Law will not create the potential for any adverse environmental impacts and has adopted a Negative Declaration pursuant to SEQRA and its accompanying regulations,

**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 2024, and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Westerlo hereby authorizes and directs the Town Attorney to file Local Law #3 of 2024 with the NYS Department of State no later than July 1, 2024.

Resolution #