

TOWN OF WESTERLO
PLANNING/ZONING BOARD MINUTES
WESTERLO, NY 12193

DATE: October 28, 2024

LOCATION: Richard Rapp Municipal Building

BOARD MEMBERS: Chairman Bill Hall, Sean Leary, Guy Weidman, Karl Schwebke, and Absent: Barbara Maughan.

TOWN CODE ENFORCER : Jeff Pine-présent

NON-MEMBERS PRESENT: Nathaniel Dawdy-Narvaez Alternate, Arvidson, Solar Representative, Giannaco Family, Pelow and Son, Claire Marshall Clerk to PB/ZBA.

OPEN MEETING: The meeting was called to order at 7pm with the Pledge of allegiance. Member Leary made a motion to open, Member Weidman seconded; motion carried all in favor.

APPROVAL OF THE MINUTES: Member Leary made a motion to approve the September 23,2024 minutes. Member Weidman seconded; motion carried all in favor. Member Schwebke abstained.

PUBLIC HEARING

Chairman Hall suggested that the Board do V-24-6 Giannico Variance and SUP 24-3 Giannico at the same time. Chairman opened the Public Hearing for V-24-6 and SUP 24-3 at 7:04pm for Giannico. Member Leary seconded; motion carried all in favor. Since there was no public comments or questions Chairman Hall made a motion to close the Public Hearing at 7:05pm. Member Schwebke seconded; motion carried all in favor.

Chairman Hall read the SEQR for V-24-6 short form. Correction 12B Archeological – no, 13A wetlands marked as no but on map has little wet spots so should be a yes but with no impact. 15 endangered animals should be marked yes for Bald Eagles. Chairman Hall read Short Environmental Form for both V-24-6 and SUP 24-3. Chairman Hall made a motion to be the lead agency. Member Weidman seconded; motion carried all in favor. Chairman Hall made a motion for Short Form to be negative declaration. Member Weidman seconded; motion carried all in favor. Chairman Hall read the Balancing test. Board members agreed. Chairman Hall made a motion to vote. Member Schwebke seconded; motion carried all in favor. Approval of V-24-6 Giannico. Sean, Bill, Guy and Karl all ayes. No nyes. All in favor. V-24-6 was approved by the Board.

Albany County Planning Board recommendations. No impact, not significant. Chairman Hall made a motion to agree with Albany County Planning Board. Member Leary seconded; motion carried all in favor.

Chairman Hall made a motion to approve the SUP 24-3 Giannico. Member Schwebke seconded; roll call Sean, Guy, Bill and Karl all in favor. SUP 24-3 approved by the Board. Member Leary made a motion to close this part of the meeting. Member Schwebke seconded; motion carried all in favor.

NEW BUSINESS:

Application for Arvidson Variance V-24-7. Applicant is seeking relief of 35 feet from the required 50-foot side yard setback in the RD/A zone as per Zoning Section 8.40a. This request is needed to construct 30x60 accessory storage building. Applicant explained he wants to build a Morton steel building next to another barn. Member Schwebke asked about drainage applicant would have gutters. The road is over 50 feet the side yard is not. There is a substation near his property but also a camper and container. There is a stone wall. After the questions and comments from the board. Chairman Hall made a motion to accept the application V-24-7 Arvidson. Member Schwebke seconded; motion carried all in favor. Not on County Road. Chairman Hall made a motion to hold a Public Hearing on November 25, 2024 at 7pm. Member Leary seconded; motion carried all in favor.

Chairman Hall made a motion to open SD 24-2 Pelow. Applicant is seeking to create 2 lots. Parcel is on 25.95 acres. Applicant would like to give 5.60 acres to son and keep 20.35 acres for his house. Son's house would be on opposite side of parcel. Already has a stone driveway. CEO Pine has already filed maps with Albany County Planning Board. Chairman Hall made a motion to accept SD 24-2 Pelow application. Member Schwebke seconded; motion carried all in favor. Chairman Hall made a motion to hold a Public Hearing on November 25, 2024 at 7pm. Member Leary seconded; motion carried all in favor.

COMMENTS: There were no Public Comments

Board discussed Alternate Members: Chairman Hall informed the Board that the Town Board hired 2 alternates. LOCAL LAW NO. 3 ONLY APPROVES ONE.

LOCAL LAW NO. 3 STATES:

Planning/Zoning Board shall remain five members. One alternate member may be appointed on an annual basis by the Town Board and shall serve in the absence of a regular member. Each member shall be compensated as provided for in the annual budget of the Town of Westerlo.

The Members of this Board discussed. All members should be paid by the Town Board. All should get training. Supervisor considers alternates "application in waiting. The Board can't use them as voting members because there is no training, no payment, not sworn in (Town Clerk Sworn in Nathaniel Narvaez tonight), Member Weidman felt the Town Board sounds like they are just waiting for someone to resign before they are used and that's not what alternate means. Town Clerk Weaver stated Bill Hall was an alternate who was paid. These people are required to come to all meetings, up to date on training but not given any, up to date on applications but do not have an email address through the town, they should be paid as an alternate. The Town board advertised a paid position of \$2400 for one alternate that the Albany County Planning Board recommendations were 7 members and Town Board was involved in Sub-divisions. Town Clerk Weaver falsely advertised a position only for an alternate and then hired a full-time position and 2 alternates that is not what the advertisement stated. No one on the PB/ZBA board felt these were alternates because they are not paid, no training, no emails, no vote ability, attend meetings and can be used if one of the members are out. This is very important if a majority vote is needed. Especially a super majority vote like we have had. Chairman Hall was writing a letter with all the requirements this board feels is needed and the Town Board should give clarity to the Local LAW No. 3

Chairman Hall made a motion to close the Meeting at 8:10pm. Member Leary seconded; all in favor.

Respectfully Submitted by,

Claire Marshall Clerk to PB/ZBA