

TOWN OF WESTERLO

PLANNING/ZONING BOARD MEETING MINUTES

Date: October 28, 2025

Location: Westerlo, New York

PRESENT

- **Bill Hall**, Chairman
- **Karl Schwebke**, Board Member
- **Sean Leary**, Board Member
- **Vincent Dawdy-Narvaez**, Board Member
- **Jeff Pine**, Town Code Enforcement Officer
- **Laura Dillon**, pending Board Member

Absent: None

OPENING OF MEETING

The meeting was called to order at **7:00 PM** with the **Pledge of Allegiance**.

Chairman Hall made a motion to open the October 27, 2025, meeting of the Town of Westerlo Planning/Zoning Board.

Motion seconded by **Member Dawdy-Narvaez**.

All in favor – motion carried.

APPROVAL OF MINUTES

Chairman Hall advised that before approving the previous meeting minutes, the following updates were required:

- **Public Hearing: 3. Bensen Variance – V-25-9**
Add that after the public hearing was opened and the motion carried, the neighbors (the McFaddens) spoke on behalf of the application.
- **New Business: 4. McDermott SUP-25-4**
Update description from “repair shop for small engines and off-road vehicles” to “automotive and engine repair shop.”

Correct second paragraph to state that Chairman Hall made a motion to open the application for the McDermott Special Use Permit.

- **Name Correction:**

Board Member **Vincent Dawdy-Narvaez** requested that his name be corrected throughout the minutes.

Motion: Chairman Hall made a motion to accept the Planning/Zoning Board Minutes from **September 22, 2025**, with the noted changes.

Second: Board Member Schwebke.

All in favor – motion carried.

OLD BUSINESS

1. McDermott – Special Use Permit (SUP-25-4)

Request: Applicant seeks a Special Use Permit under Zoning Law §8.40(3)(c) (Commercial Use) to operate a repair shop in an existing structure located on the same property as their single-family home.

Public Hearing:

Chairman Hall made a motion to open the public hearing.

Seconded by **Member Schwebke**. **All in favor – motion carried.**

Chairman Hall then made a motion to close the public hearing.

Seconded by **Member Leary**. **All in favor – motion carried.**

Environmental Review (SEAF):

- **#12a:** NYS Preservation Site – *Yes* (based on existing placard; no new changes to the site).
- **#13a:** Wetlands – *Yes*, per prior discussion. Wetlands located west/south of property; site is elevated and not within wetlands.
- **#15:** Endangered species – *Yes*, Bald Eagles in the area.

Motions & Determinations:

- Chairman Hall made a motion to declare the **Planning/Zoning Board as Lead Agency**. Seconded by **Member Dawdy-Narvaez**. **All in favor.**
- Determined **Unlisted Action (Short EAF)**. Motion by Hall, seconded by **Leary**. **All in favor.**
- Environmental Impact Assessment: All board members agreed there was **no or only a small impact** on all factors.
- Motion by **Hall** for a **Negative Declaration** under SEQRA. Seconded by **Dawdy-Narvaez**. **All in favor – motion carried.**

Albany County Planning Board Recommendation (10/23/2025):

- Modify approval to ensure adequate parking for commercial use.
- Highway work permit/review required from Albany County DPW due to change of use from residential to commercial.

Response: CEO Pine noted this can be addressed during the building permit process. A paved and striped handicapped parking space is required.

Discussion:

- Existing building, no new septic or drainage work needed.
- DMV permit will ensure compliance with all related regulations (DMV and DEC).
- Limited hours of operation expected to minimize traffic impact.
- Conditions include compliance with **Albany County recommendations** and **DMV standards**.

Motion to Approve:

Chairman Hall made a motion to approve **Special Use Permit SUP-25-4**.

Seconded by **Member Leary**.

All in favor – motion carried.

Voting Record:

- Bill Hall – Aye
- Vincent Dawdy-Narvaez – Aye
- Sean Leary – Aye
- Karl Schwebke – Aye

2. Clickman – Variance (V-25-10)

Request: Applicant seeks relief of **24 feet** from the required **30-foot side setback** under Zoning §8.50(a) in the Residential Hamlet District to construct a larger replacement garage.

Public Hearing:

Chairman Hall made a motion to open the public hearing.

Seconded by **Member Dawdy-Narvaez**. **All in favor.**

Applicant's son spoke in favor; no public opposition.

Motion by **Hall** to close public hearing.

Seconded by **Schwebke**. **All in favor – motion carried.**

Environmental Review:

- Declared **Lead Agency** – motion by Hall, seconded by Dawdy-Narvaez. **All in favor.**

- Determined **Type II – No SEQRA Review Required.**
All members agreed; **no significant impact.**

Discussion & Balancing Test:

- Site constraints and existing structures limit placement options.
- Septic location prevents alternative siting.
- Balancing Test Findings:
 1. Undesirable change – No
 2. Feasible alternatives – No
 3. Substantial variance – Yes
 4. Adverse neighborhood impact – No
 5. Self-created hardship – No

Motion: Chairman Hall moved that the **benefit to the applicant outweighs any potential detriment.**

Seconded by **Dawdy-Narvaez. All in favor.**

Motion to Approve:

Chairman Hall made a motion to approve **Variance V-25-10.**

Seconded by **Dawdy-Narvaez. All in favor – variance approved.**

Voting Record:

- Bill Hall – Aye
- Vincent Dawdy-Narvaez – Aye
- Sean Leary – Aye
- Karl Schwebke – Aye

NEW BUSINESS

No new business.

CONTINUATION OF OLD BUSINESS

Discussion – Sign Law

Chairman Hall reviewed the current **Town of Westerlo Sign Law**, which states:

“No sign (whether private, commercial, industrial, or otherwise) may exceed 32 square feet in area. Signs may be illuminated only by indirect, downward lighting. Internal lighting is prohibited. Illumination is allowed from dawn until 11:00 PM.”

Discussion Summary:

- Previous Use Variance for an internally lit sign was denied under the current law.
- Applicant would need to show a financial loss to qualify for a Use Variance.
- Several businesses in town currently have internally lit signs that were previously allowed.
- Chairman Hall proposed **modifying Zoning Law Section 12.110** (sign/lighting commercial properties) to allow:
 - Internal lighting by **Special Permit** from the Planning Board.
 - Lighting allowed **from dawn until 11:00 PM** by right; hours beyond that would require a **Special Use Variance**.
 - All other sign provisions remain, including size limit (32 sq. ft.) and full compliance for any pre-2001 signs upon alteration.

Next Step: Chairman Hall will send the proposed amendment to the **Town Board** for review. The **Law Review Committee** raised “dark skies” concerns, which are already addressed by current wording and requirements.

ADJOURNMENT

Chairman Hall made a motion to close the Planning/Zoning Board meeting at **8:16 PM**.
Seconded by **Member Leary**.
All in favor – motion carried.

Respectfully submitted,

Crickett Elder

Clerk to Code Enforcement / Assessor / Planning & Zoning Boards