

**TOWN OF WESTERLO  
TOWN BOARD  
PUBLIC HEARING  
RE: SPECIAL PERMIT REQUEST OF JACQUELINE MILHAM  
PARK MODEL TRAVEL TRAILER  
TUESDAY NOVEMBER 18, 2014**

The Town of Westerlo Town Board held a Public Hearing on Tue. Nov. 18, 2014 in Westerlo Town Hall located at 933 County Route 401, Westerlo, NY. A request for a Special Permit request was received on November 5, 2014 by the Town Board from property owner Jacqueline Milham, Tax Map # 115.3-2-25 for a Park Model Travel Trailer located on Lake Rd. in the Town of Westerlo. The Public Hearing was advertised and posted on the sign board. Supervisor Rapp opened the Public Hearing with the Pledge of Allegiance at 7:00 PM.

ATTENDING WERE: Supervisor Richard H. Rapp  
Councilman Alfred L. Field  
Councilman William F. Bichteman Jr.  
Councilman Theodore S. Lounsbury III  
Councilman Anthony W. Sherman

Also attending were: Jacqueline Milham, Mr. Milham, Attorney Jeffrey Baker representing the Milham's, Zoning Administrator Edwin H. Lawson, Zoning Board of Appeals member John Sefcik, Highway Superintendent Keith Wright Sr., Town Clerk Kathleen Spinnato, approximately nine interested persons.

Attorney Jeffrey Baker submitted to the Town Board copies of Notices sent to property abutters, and details of a proposed alarm system for the holding tank as previously requested by the Town Board.

Supervisor Rapp reported the Town Board received a letter from an abutter Margaret McDevitt, Attorney Baker requested and was given a copy of her letter. Supervisor Rapp asked the Public for any comments. Jay Halayko President of the Lake Onderdonk Lake Association reported the Lake Association received notification yesterday and he asked if there were any trailer ordinance or set backs in the Town of Westerlo. Councilman Bichteman responded the Town does have setbacks. Mr. Halayko asked what is it was considered; trailer or mobile home. Councilman Bichteman advised it is the Milham's position it is a Travel Trailer.

Attorney Baker then answered Mr. Halayko's questions pertaining to the Park Model Trailer ie; Water, the proposed holding tank and proposed alarm system, whether it is taxable, zoning, will it remain on the property, and is a license required to move it. A resident asked about any Ordinance which denies trailers around the Lake. Her question was answered by Supervisor Rapp who had no knowledge of any such ordinance. Zoning Administrator Edwin Lawson reported briefly on the ordinance he indicated this was before he started working for the Town and it had become obsolete. Councilman Field asked questions regarding other camping travel trailers in the Lake Onderdonk area. Mr. Lawson advised now that he is aware of it, he will check into the matter.

Supervisor Rapp then read a letter from Thomas Brady PhD, Assistant Director Division of Environmental Health Services of Albany County regarding a Resolution made by the Albany County Board of Health amending Article VIII, Section 6 of the County Sanitary Code by providing for the review and approval of water supply systems in newly constructed dwellings prior to the issuance of a building permit. Adopted by the Board of Health by a vote of five members on the 16<sup>th</sup> day of February, 1989.

Attorney Baker advised this does not apply to a travel trailer.

Supervisor Rapp asked the Town Clerk to read another letter addressed to Supervisor Rapp from Thomas Brady PhD, Assistant Director Division of Environmental Health Services of Albany County Department of Health dated Nov. 17, 2014 pertaining to Albany County's Sanitary Code, Article VII, Section 4 " No person shall occupy any building, dwelling or vehicle as a place of habitation unless

adequate and sanitary facilities for the disposal of sewage have been provided therefor.” and New York State Department of Health Residential Onsite Wastewater design handbook states: “ The use of holding tanks shall not be used for new residential construction regardless of full time or part-time occupancy.”

Attorney Baker advised this was contrary to his previous discussions with them. A copy of the letter was provided to Attorney Baker.

Councilman Bichteman indicated that once they have made arrangements with the Health Department if Ms. Milham wants to come back and renew the application the Town Board will consider it.

Attorney Baker made a request to keep the application open. Councilman Bichteman responded, he wanted to make sure there was a clear understanding this was not an open ended situation, before spring time comes the Milham’s either receive permission from the Department of Health or they move the Park Model Trailer unit out. Attorney Baker indicated he understood and he will contact the Health Dept. and report back to the Town Board.

Councilman Bichteman made a motion to close the Public Hearing, Councilman Field seconded the motion, motion unanimously carried. Public Hearing adjourned at 7:25 PM.

Respectfully submitted,

Kathleen Spinnato