

**PLANNING BOARD  
TOWN OF KNOX  
ALBANY COUNTY  
Established 1822**

**PLANNING BOARD MEETING MINUTES**

February 14, 2008

Present: Dan Driscoll, Bob Gwin, Betty Ketcham, Bob Price, Brett Pulliam, Mike Scott, Tom Wolfe

Meeting called to order at 1940.

The January minutes were discussed and accepted as written.

**The first order of business was the proposed Black Creek Estates subdivision.** The owner has withdrawn his application and decided to proceed using the One-Cut Rule thereby eliminating any oversight on the part of the Planning Board. This leaves the Town without any means to protect the site and totally dependent on the County Dept. of Environmental Health to control the issue of water and the County Highway Dept. controlling road cuts. The issue of eliminating the One-Cut rule has not been brought up to the Town Board recently, but this incident may be an opportunity to re-visit the issue and if not eliminate the One-Cut Rule then at least develop an acceptable compromise. The idea was suggested that the One-Cut Rule be changed so it can only be used one time, similar to the way it is done in Westerlo. Chairman Price also suggested the idea of changing the one cut rule to require a 3 year time frame before the one-cut rule can be used again. The suggestion was also made that it should only apply to long-term residents; Dan Driscoll did not think that would be accepted by the courts. Tom Wolfe asked if the Board has an idea how often the One-Cut Rule is used in the Town, Chairman Price was not sure since divisions of this type do not have to come before the Planning Board. The Board concluded that the Association of Towns should be contacted to see how many other towns in the state have this rule and a list of properties that have utilized this rule in the Town of Knox should be compiled.

**The Board then discussed the error in the Zoning Ordinance in the area of West Wind Road that was discussed at the January meeting.** The only way to correct this error is to have the Town Board change one word in the zoning ordinance to correct the mistake. Chairman Price said he would bring it up to the Town Board. The only action that would be required is a resolution and subsequent Public Meeting.

**The next topic discussed was the proposed location of the Cellular Tower on the Street Road parcel.** At their meeting on February 12, the Town Board voted 5-0 to take the parcel in question out of the LC-2, a Public Hearing on this re-zoning will be held on March 11. The Town Board will have to complete an Environmental Assessment Form and send out notices to property owners. [The proposed rezoning, including the SEQRA analysis must also be referred to the County Planning Board.] The Town Board also authorized Supervisor Hammond, Town Attorney John Dorfman and Chairman Price to move forward with negotiations to find someone to build the tower. Verizon has contacted Chairman Price and will be at the Street Road location in the next week to run some tests on coverage and visibility of the tower. Dan Driscoll inquired why Verizon was only looking at the one site and Chairman Price stated that Verizon felt that the elevation at the Town Park location was too low to be a viable choice. Mr. Driscoll stated that there is more than height that goes into calculations of coverage and the Town really should have information available about both potential sites. Chairman Price offered to give Mr. Driscoll the contact information for Verizon if he wishes to discuss it further with them.

Mr. Driscoll then discussed the presentation made by several members of the Planning Board at the special meeting of the Town Board on the 22<sup>nd</sup> of January. Since a formal motion was not made at the Planning Board's January meeting, the presentation made to the Town Board was only the opinion of town citizens and not the opinion of the Planning Board.

At this point, Dan Driscoll made a **motion to present the analysis that was made at the Public Meeting to the Town Board as the official opinion of the Planning Board.** After subsequent discussion, the motion was seconded by Betty Ketcham and passed unanimously.

Chairman Price then asked Dan Driscoll for clarification of a statement made at the Public Hearing on the 22<sup>nd</sup>. Chairman Price stated that the Town Attorney and Town Supervisor believed Mr. Driscoll had stated that the Planning Board does not wish to assist with the SEQRA process if the Town chooses to go ahead with the Street Road rezoning. Mr. Driscoll stated, that is not what he meant at all. Several members of the Planning Board including Dan Driscoll and Brett Pulliam stated that the Planning Board had expressed opposition to rezoning of the parcel, not to construction of the cell tower itself.

Chairman Price felt the Town Board is concerned that the Planning Board will unduly delay this project going forward, but the Planning Board agreed that this project will be reviewed as any other Site Plan

Approval request would be if the re-zoning goes through. Dan Driscoll stated that as part of the rezoning, the Town will need to evaluate the impacts on the property for both the proposed use for the cell tower and the original intended use for expansion of the transfer station.

Chairman Price asked if the Planning Board would be willing to help the Town Board prepare the paperwork to extract this parcel from the LC2, the Planning Board members agreed that is part of the purpose of the Planning Board.

Dan Driscoll made a **motion that per normal procedure, the Planning Board will suggest to the Town Board that we will act as expert advisors to assist the Town Board with the Environmental Impact and SEQR statements for the re-zoning.** Bob Price seconded the motion, which passed unanimously.

Bob Gwin and Tom Wolfe asked what mitigation efforts would be made if the Street Road parcel were re-zoned out of the LC2. Chairman Price suggested that we could make requirements (such as plantings, propane fueled generators, barbed wire on top of the fence) as part of the lease and the Town Board would welcome any suggestions for possible mitigation. Bob Gwin suggested that the Town Board just be made aware that the Planning Board will be looking for mitigation measures; which Chairman Price assured him they are aware of. Tom Wolfe and Bob Gwin agreed to write up possible mitigation efforts.

**Finally, the Board discussed the Town fee schedule.** In the case of a subdivision, the Town can require that the developer set aside land for open space, or they can pay a fee. However, the Planning Board has become aware that the Town's fees are quite low and other municipalities charge significantly more. Chairman Price suggested that the Planning Board should recommend to the Town Board that the Town's fee schedule be reviewed and amended.

Upon a motion made and duly seconded, the meeting was adjourned at approximately 2058.

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The next meeting will be on Thursday, March 13<sup>th</sup>, 2008 @ 1930.