

Town of Knox, Albany County, NY

Established 1822

Planning Board Meeting Minutes July 11, 2013

Members Present:

Earl Barcomb, Brett Pulliam, Bob Price, Betty Ketcham, Tom Wolfe, Bob Gwin, Dan Driscoll, and Pam Fenoff (Recording Secretary)

The meeting was called to order at 1935.

1. Approval of the draft minutes of the 13 June 2013 meeting.
 - a. Dan asked for a few corrections
 - i. Add an “e” to the end of Mary Brown’s last name – Browne.
 - ii. Also there is a contradiction... Bob P stated that Mr. Delaney visited them several times and Ms Reynders had only spoken to him one time.
 - iii. On page 3, 7th paragraph, move the word “to” after “Tom would like the Planning Board...”
 - iv. On page 5, first paragraph, where Earl pointed out that at the top of second to last page, the word “in” is missing; “...these issues should be “in” the Comprehensive Plan.”
 - v. In Section 7 “Questions from the Audience”, first paragraph, last line there is an extra “e”.
 - vi. In Section 8 – further discussion, paragraph 6, about the type of dwelling, the letter “d” is missing after the word “to”.
 - b. Bob G stated that on page 1 item 3, “recommenced” should be “recommended”

Dan also wanted to make sure that Bob Delaney understands that Altamont Spray welding purchased the land across the street from its building and that if they are expanding, they are in violation. A non-conforming use cannot expand.

Motion to approve the June Minutes as amended – Dan, Tom seconded. 7 Ayes, 0 Nays

2. **Further discussions with Ms. Kristen Reynders** regarding her request to create some sort of Business District along Rte 146 that would include her property which is currently operating a motor vehicle towing business which is in violation of the Town Zoning Ordinance. The issue is whether or not to create a “spot zone” or to include additional businesses along Rte 146.

Bob P asked if any of the Planning Board members have any additional comments. Bob P suggested that the Board needed to determine the size of the Business District – from Lewis to Street Road and if so that would be a major change. Or we could create a spot zone, which Bob P is against. We’re trying to help out where a business has already been started in a Residential District which is a violation of the Zoning Ordinance. Bob P is inclined to say that we should not to allow this – grant a small Business District or a spot zoned area. Bob P moved that the Planning Board **not** recommend to the Town Board to create any kind of a

Business District along Route 146 to accommodate the Reynders business. Dan seconded the motion.

Discussion regarding the motion followed – Tom asked what makes this a major undertaking. Bob P responded that this includes making a recommendation, creating a map, Town Board meetings, one or two Public Hearings, etc. Tom pointed out that we've done this type of work before. The Zoning Ordinance was set up to anticipate Business Districts. He opined that the Town is somewhat culpable in that we haven't created businesses since the Ordinance had been adopted. He believes that we should amend the Zoning Ordinance to start to establish Business Districts in the Town. This is long overdue. Dan pointed out that this area being considered is not situated in an area that is defined as acceptable in the Comprehensive Plan. Tom pointed out that the Comprehensive Plan is a guide. We have before us several requests right now for Business Districts to be developed. He thinks this is perfectly appropriate for the Planning Board to recommend such amendments to the Town Board at this time.

Bob G – Our Zoning Ordinance does state things about existing and future growth. The Zoning Ordinance says they should be centrally located. He doesn't think Rte146 is the proper area as it is not centrally located in Town. We shouldn't be reacting to one request there.

Tom feels that one can make a point that Rte 146, as a main thoroughfare thru Town, can be seen as central to the Town.

Bob G pointed out that our current Zoning Ordinance isn't fond of car repair facilities. We might need to make some changes in that regard, in Article V Section F.

Betty asked Bob and Dan if they were saying we should wait for the Comprehensive Plan before we act on this request? Bob G – yes, feels that would be appropriate.

Mr. Reynders stated as an FYI... that there are only 4 tow trucks not 6, that his daughter has had this business for 6 years and that she started it as an 18 year old. He pointed out that they didn't buy the property with the intention of setting up a business there but that the garage was already in place when they bought the property.

Earl stated that he would be more inclined to look at creating Business Districts rather than spot zoning and reacting every time someone comes in who wants to start a business. We need to look at that entire stretch of 146, as a main thoroughfare; however, we need to finish with the one in the center of town which we started first. But he feels that this strip along Route 146 is a logical place to have a Business District and we need some defined.

Since there are two businesses in approx 2000 feet along Rte 146, Bob P suggested that we recommend to Amy Pokorny that this stretch of road be looked at as a Business District in the new Comprehensive Plan, but that will most likely be a long time coming. He also recommended that the Reynders send a note and respond to the Town Comprehensive Plan Survey recommending that Business Districts are needed. He also pointed out that this would leave Ms. Reynders in violation for a long time

From the audience, Mr. Lefkaditis pointed out that if the Planning Board was to pass the motion as it is, they would be ignoring the current businesses that are in violation. It's an

inequitable enforcement of the Zoning Ordinance. Why can't they qualify as a Home Use Occupation under Article V, Section B? If they qualify they can get a Special Use Permit.

After some additional discussion the Board concluded that the existing situation did not qualify as a Home Use Occupation and therefore could not get a Special Use Permit.

Bob Price offered to withdraw his motion and suggested another motion be made. Ms. Reynders stated that she has interviewed all her nearby neighbors and that they are supportive of her business and Altamont Spray Welding. There was some discussion as to the exact date of the incorporation of Altamont Spray Welding and whether it preceded the Zoning Ordinance.

Bob P suggested that we recommend to the Town that a small Business District be created from Lewis Road to include this property with some strict Site Plan reviews. Tom stated that there also needs to be some penalty for non-conformance.

From the audience Mr. Ed Ackroyd asked if the Planning Board has a list for the inspection / what are you looking for in a Site Plan inspection so they can get approval. Dan stated that the criteria are in the Zoning Ordinance. Bob P indicated that the focus would be on the appearance, keeping vehicles out of site, no oil spills, properly disposed of items, landscaping, etc. An oil disposal service would be beneficial to the residents of the Town.

Tom made a motion that the Planning Board recommend to the Town Board that the Zoning Ordinance be changed to create a Business District on the south side of Route 146 from Lewis Road through and including the Reynders property / business, Hitman's Roadside Service, subjected to Site Plan Approval by the Planning Board. Bob P seconded. 5 Ayes, 2 Nays.

Tom would like Betty to provide a map of this area to include with this motion for the Town Board.

Bob Price told the Reynders that they would have to be patient as the process went forward that the Town just had their board meeting two days ago and that it would be at least another month before the Town Board could be presented with this recommendation. Also, the Planning Board will have to inform the Albany County Planning folks, since the project is on a State road and then wait for their response before moving forward.

- 3. Further discussions with Ms. Chastity McGivern** regarding her Senior Citizen Cluster Development on Knox Cave Road. He told her that the Board would need will focus on where exactly this proposal might fit within the existing Zoning Ordinance. This would include defining new definitions and land use characterizations to accommodate several different types of Senior Citizen housing projects in the Town. We should be able to provide Ms. McGivern with a provisional approval for her project with the stipulation that a full scale Site Plan Approval process will take place when she presents her final plan to the Board.

Bob P told Ms. McGivern that he would like to propose that the Planning Board give her preliminary approval for her proposed senior housing cluster development, subject to a full Site Plan Approval and asked her if that is that acceptable? Ms McGivern said yes it was. Bob P then made a motion that the Planning Board gives Ms. McGivern preliminary

approval subject to Site Plan Approval and contingent on the Town Board adopting the definitions of senior housing. Earl and Dan seconded the motion.

7 Ayes, 0 Nays.

4. **Mrs. Linda Carmen asked if** the recommendation for changes to the Zoning Ordinance regarding Senior Housing had been made. Bob P pointed out that it was not done because there are several steps in the process and they had not yet been accomplished. Ms Carmen then asked whether or not the Board would consider approving her project.

Bob P informed Mrs. Carmen that in order to get the same type of preliminary approval for her project she would need to provide a Site Plan, showing, among other things, the proposed location in the town, building size and location on the property, septic system info, etc. for the Planning Board to review.

5. **Discussions with Mr. Lefkaditis regarding the creation** of a small Business District in the Knox Hamlet that would encompass the closed store, the house with the former U.S. Post Office and beauty parlor, the house next door and the former gasoline station now owned by the County.

Bob P what were proposing is creating a Business District in the hamlet that starts at Knox Cave Road and along Rte 156 (tax map parcels 15, 16, 17, 18, and 19). Mr. Lefkaditis requested that we include the parcel #14, on the corner. All agreed. He then asked how we deal with the fact that the Zoning Ordinance requires a 100' buffer around Business Districts. Earl said we could have different regulations for different Business Districts.

Dan suggested that we can leave the 100' buffer requirement in place and have the applicant apply for a variance or we can deal with it by having the Planning Board waive it during the Site Plan Approval based on the existing boundary lines in what was a residential area.

Dan moved that the Planning Board recommend to the Town Board that a Business District be created in the Hamlet of Knox, made up of Albany County tax map lots #14, 15, 16, 17, 18, and 19 at Section 57 Block 1. Brett seconded. 7 ayes, 0 nays.

Bob P told Mr. Lefkaditis that this process would take some time to complete due to the amount of work involved to get all the information properly prepared.

6. **Discussion regarding changes to the Zoning Ordinance** having to do with the existing regulations dealing with swine farming in the Town and how the Town might need to change the Zoning Ordinance. Additional information regarding this issue has been obtained from the Albany County Planning office.

Bob P has talked with Ms. Lori DeGaetano, at Albany County Planning and the Assistant Planner in the Town of Bethlehem, Robert Leslie, about what happens when the county creates an Ag District that overlay a Residential District created by the Zoning Authority in the Towns. He also spoke with an attorney at the NYS Association of Towns to see if anyone had ever challenged this situation. He learned that the districts are designated by the respective county legislatures upon recommendations from Ag & Markets. It just so happens that every 8 years they revisit these maps and that this will be done this year. Bob will be invited to attend this meeting so he can try to get some further guidance.

Bob P feels that we can leave this alone at this point in time since as no one is pressuring the Board to make any changes.

7. **Discussions regarding working with the Town Board** to identify all the Resolutions and Regulations that the Town Board has implemented over the last 10 years that have not be incorporated in the current version of the Town's Zoning Ordinance. The intent is to correct the existing "official" version of the Zoning Ordinance prior to implementing any new changes.

Bob P said that there are many things that are missing from the version of the Zoning Ordinance on the web. He would like to see these additions added and the updated version be posted to the Town website. We should include a recommendation that Pam Fenoff do the updates for the Town and provide that service. Bob G would also like to see the Zoning Board of Appeals and Bob Delaney's changes and requests be included. Dan disagreed since their changes have not been approved. Bob G is talking about typographical errors.

Dan moved that the Planning Board propose to the Town Board that the Planning Board Secretary, with the assistance of the Planning Board, working on behalf of the Town Board, update and correct the Zoning Ordinance to bring it up to date. Estimated hours would be 35 to 50 hours. Earl seconded the motion. No vote was taken.

8. Motion to adjourn Brett, Earl seconded.

Meeting Adjourned at 2140.

Next Meeting, Thursday, August 8, 2013 at 1930.