

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

PLANNING BOARD MEETING MINUTES

August 9, 2007

Present: R. Price, B. Pulliam, T. Wolfe

The meeting was called to order at 1937. There was no quorum present.

The Board members reviewed the July minutes and did not have any changes to make, but the minutes could not be approved as there was no quorum to vote.

The Board heard first from John Belyea of Buckman & Whitbeck, P.C. whose client, Castle Bay Properties, LLC owned by Mike and Kristi Raykov, would like to **subdivide their 53.02 acre parcel located at the corner of Knox Cave Road and Pleasant Valley Road**. Mr. Belyea presented the Board with several detailed maps of the property including one with wetland delineations, one with one foot linear contour lines, and one showing proposed property lines. The wetlands identified on the property do not appear on DEC maps as they are less than the 12.6 acre size requirement. Mr. Belyea also brought it to the Board members attention that the US Supreme Court has just ruled that the Army Corps of Engineers will need to redefine wetlands as they have been using the term, so the definition of a wetland may be changing in the near future.

Mr. Belyea pointed out that several rocky outcroppings had been found on the property but there were no visible fissures so they do not appear to be karst features. More investigation will need to be done to determine this. The map delineating property lines shows 5 lots with more than 5 acres and 3 lots with just over 3 acres. The Board suggested that the 3 smaller parcels should be at least 3.3 acres to be sure there won't be future problems with septic failures or other issues. Mr. Belyea mentioned that he would like to start the SEQR process if that was all right; Chairman Price agreed that was fine and noted that the Planning Board will be the lead agency. Chairman Price also noted that the long form should be used for this project. Utilizing the linear contour map, Chairman Price informed Mr. Belyea that a fire pond would be required for this project so the houses should be sited and graded in such a manner to allow runoff to collect on one area.

The Board then considered the issue of road cuts and locations of the proposed driveways. According to the proposed plans, there would be four road cuts on both Knox Cave and Pleasant Valley Road. The Board suggested that Mr. Belyea should check with Albany County DOT prior to finalizing these plans as they feel that the site lines and layout of the driveways may not be acceptable. The Board further suggested that a Town road should be considered to eliminate some of the road cuts. Mr. Belyea asked if the Board would require a town road even if the County DOT approved the plans. Chairman Price could not say but said that the town road should be seriously considered. The Board then thanked Mr. Belyea and the Raykov's for their very thorough and informative presentation.

The Board then heard from **Brian Hendricks** who would like to divide his 8 acre parcel on Knox Cave Road into 2 lots. A public hearing was scheduled to take place at this meeting, but since there was no quorum present, it had to be moved to September 13th. Mr. Hendricks submitted 2 copies of his application for subdivision, as well as copies of letters sent to neighboring property owners with receipts verifying delivery.

The next order of business was to discuss Article 5, Section C, Paragraph 1(a) of the Town Zoning Ordinance regarding **commercial signs in the Town**. At their last meeting, the Zoning Board of Appeals interpreted this section of the Zoning Ordinance in a manner that Chairman Price felt was not consistent with the original intent of the Ordinance. Chairman Price would like to request the Town Board to rewrite the ordinance at their next meeting since the Town Board cannot force the ZBA to change their interpretation. To this end, Chairman Price wanted to get some suggestions on how to reword this to make it absolutely clear. One issue is the phrase "pertaining to the use of the property" which would only allow advertisement of a business located on the same property as the sign. The Board members present did not have a problem with this restriction. The other issue is the size of the sign. The Ordinance currently allows writing on one side of a sign placed parallel to the road with a surface area of 12 square feet (i.e. 3 foot by 4 foot) or writing on both sides of a sign placed perpendicular to the road with a surface area of 6 square feet (i.e. 2 foot by 3 foot). Brett Pulliam suggested that writing on both sides of a 3' x 4' sign placed perpendicular to the road is no more objectionable than writing on one side of a 3' x 4' sign placed parallel to the road. Mr. Pulliam agreed that this is contrary to how the ordinance is currently written so the ZBA's interpretation was incorrect, but he feels

that the Ordinance should be re-written to allow a 12 square foot sign to be placed either parallel to the road with writing on one side or perpendicular to the road with writing on both sides, effectively changing the total face area of the sign to be a maximum of 24 square feet. Tom Wolfe agreed that this seems reasonable. Chairman Price did not agree that this was the best course of action and suggested that the topic should be discussed further when more Board members are present.

The Board then considered an article from a recent issue of Towns and Topics regarding aquifers and water supply pollution. Dan Driscoll had suggested to Chairman Price that, in light of this information, the Board may need to find a positive declaration on the Environmental Assessment Form for the Chase development and have the Town hire an engineer at the developer's expense to research this issue. This information could also be used as a planning tool in all future large developments.

The Board then heard from Matt Chase who wanted to bring it to their attention that he had received a petition from the other residents on Whipple Road that they are going to request that the Town take over care of Whipple Road. The road is substandard and would need to be repaired at the Town's expense.

Finally, Chairman Price mentioned that the Town Board had asked the Planning Board to agree on a fee amount to be charged for Site Plan Review. Both Tom Wolfe and Brett Pulliam agreed that \$25 seemed reasonable. Chairman Price thought either \$25 or \$30. A formal decision could not be made since there was no quorum, but the members present agreed that \$30 would be a reasonable amount. This fee will not be in addition to the \$50 currently charged for a subdivision.

The meeting was adjourned at 2120.

The next meeting will be on Thursday, September 13th, 2007 @ 1930.