

Town of Knox, Albany County, NY

Established 1822

Planning Board Meeting Minutes October 10, 2013

Meeting called to order at 1935.

1. Approval of the draft minutes of the 12 September 2013 meeting.

Dan sent a note about a typo on page 3, last word in 8A, old GrangeHall, not halo.
Approved as corrected, 6 Ayes 0 Noes

2. Discussion of the report from Albany County Planning Board regarding the proposed Business District 1.

ACPB recommended that we make the following changes –

1. The Town Zoning Code should be updated to include the requirement of the NY State General Municipal Law 239-m regarding referral to the County Planning Board for certain proposed municipal zoning actions (NYS GML 239-m 3 lists those actions as well as the jurisdictional determinant under 239-m 3(b)).

Advisory:

1. It is generally advisable for zoning district boundary lines to follow tax parcel boundary lines.
2. The Town may want to include site plan review by the Planning Board for the commercial uses in the business district, rather than having site plan review for only certain commercial uses or as referred by the Zoning Board under special permit review.

Discussion followed about where to make the changes to the Z.O.

Dan suggested adding it to Section 70.A., as 70.A.1 “The Town Board shall take these actions in accordance with NYS GML 239-m 3 regarding referral to the County Planning board for certain proposed municipal zoning actions (NYS GML 239-m 3 lists those actions as well as the jurisdictional determinant under 239-m 3(b))”.

The Board agreed that the Planning Board will table the Advisory issues mentioned by the Albany County Planning Board for future meeting / discussion.

3. Discussion regarding how the Board should proceed in making changes to the proposed Business District 1. Preparation of a new map, additional changes to the wording in the Zoning Ordinance etc.

The consensus from the Public Hearing in September was that Business District 1 should be larger. Discussion - should it extend all the way to Knox-Gallupville Road? On both sides of the road? Should it be a Multi-use district, since businesses, residences and a church are all in this area?

Bob P suggested there are other locations where this applies and that maybe we could simply change these Residential Districts to multi-use districts, rather than creating new business districts. Dan suggested an option - we could change the allowed uses in Business Districts for Residential uses on the Tabulation Table. This opens up the Business Districts to allow for residences.

Dan made a motion that Article IV, Section 43, Use Tabulation – Detached one-family dwellings, under B (business district) change to P, Two-family dwelling under B change to P, and Multiple Dwelling - 2 story or less change to C. Brett seconded. 6 Ayes, 0 Noes

Discussion ensued regarding the boundaries of Business District 1... It was pointed out that some of the proposed area for BD1 is an AG district. Dan made a motion to include most of the parcels, following property lines, in the lighting district, east to the Knox Cemetery with the western boundary being the western boundary of the town's parcel #67 on the south side of Berne-Altamont Road. The North side from the east point of the lighting district, including all of the Loucks property and the Town's property / park, to the western boundary of 53.9 acre parcel #34 (the old trailer park). Tom seconded. 6 AYES, 0 Noes.

Dan moved that in Article V, Section 51G3 "*Undersized lots in the business district may not be used for purposes which would normally conform to that district.*" be deleted – replace with words – intentionally deleted with today's date. Earl seconded. 6 AYES 0 NOES

Pam pointed out that deleting sections and even subsections will throw off the numbering system within the Zoning Ordinance. This could create a problem, especially since it's possible there are past minutes that refer to portions of the Zoning Ordinance. It's better to indicate that a section, or subsection, was deleted intentionally and reference the date so a future reader can review the minutes of a particular meeting to learn why a section was deleted. The Board agreed that the changes would conform to that protocol.

Mr. Lefkaditis asked about Article V, Section 51G1b Non-Conforming Buildings, Uses and Lots: Existing Undersized Lots. He feels that should be changed since many of the lot sizes are less than 100' wide. Earl feels that can be addressed during Site Plan Review and/or a possible variance from the Zoning Board of Appeals. Following some discussion, the Board's consensus was to leave this paragraph as it is.

4. Review of the proposed Business District 2 on Rte 146 including the adoption of the changes recommended at the September meeting.

Bob P reviewed changes made to the short form SEQR Negative Declaration form based on a recommendation from by Tom "Reasons Supporting This Determination" *The impact of any additional traffic that may result from any additional businesses proposed for Business District #2, will be examined during the Site Plan Review and Special Use Permit process's as required by Town law. Any potential impacts on traffic can be mitigated during these processes.*" remove the yellow Pam

Additional changes were made to the long EAF SEQR form: on Page 16, Item 11 changed to Yes / small to moderate impact. Item 12 changed to yes / small to moderate impact since the so-called Old Plank Road which runs along the back of the proposed district is not within or adjacent to the boundary of BD2.

Bob G disagreed with the conclusion of Item #15, Impact on traffic. He believes it would be a large impact. He feels that since the proposed Business District 2 encompasses seven parcels that could become businesses with potential driveways and could eventually cause the speed limit to be lowered. Tom doesn't agree that that is a large impact and sited the change from 40 to 35 mph through Guilderland Center which is a considerably longer stretch of highway. The proposed section is only about one half mile long.

Bob P expressed the opinion that while there may eventually may be a more significant impact it could be 10 years from now and feels that “small to moderate impact” is sufficient.

Bob G wonders why we’re looking at only these seven lots and asked why are we not going down to Mickles Garage or Township Tavern?

From the audience, Mr. Ed Ackroyd asked if at the Public Hearing, does Bob P feels that people will want this Business District 2 to be larger than what is being proposed? Bob P replied that if that happens, the Board would deal with it at that time.

Bob P asked for a motion to proceed... Tom moved to forward this proposal to the Town Board, Bob P seconded. 3 AYES (Tom, Bob P, Brett) 4 Noes (Dan, Bob G, Betty, Earl). Motion failed.

5. Review of which members are going to attend training seminars and the potential costs so the Town Board can be notified.

Betty, Dan and Bob G will be attending a training workshop in Duanesburg on October 19th. On Saturday, November 2nd Bob Price will be attending a seminar in Kingston. That leaves, Brett, Earl and Tom to attend some training for their perky points.

Bob P notified the Planning Board of a one day seminar in Rensselaerville and will email the info to the Planning Board.

6. Questions from the audience.

Mr. Lefkaditis asked if the Board would consider any relief from all the restrictions in the Z.O. regarding the requirement for a 100 ft. buffer zone in the Business Districts. Bob P stated that yes, during site plan review that issue would be addressed and the Planning Board could provide a variance to override the Zoning Ordinance. Mr. Lefkaditis would like the wording removed because he feels that they pose a serious concern to prospective businesses that might consider coming to Knox. He pointed out that since we have the Site Plan review for each individual business situation and the size of a buffer zone could be established on a case by case basis those large buffer zones should be eliminated.

Earl B and Brett agreed. Some discussion ensued and the Board agreed that a change made sense. The specific item of concern was Article V Section 50E2b6 Buffer Strip (p 48) “*The entire Business District(s) must be separated along its outside boundary from any adjoining residential zones by a buffer strip, suitably maintained and/or landscaped, at least 100 feet wide.*” Earl moved to change the wording of this section by removing the words “, at least 100 feet wide” and replace them with “, as determined by variance approval.” Brett seconded. 6 AYES 0 Noes

Motion to adjourn – Brett; Earl seconded. Meeting adjourned at 2025.

Next meeting is November 14, 2013 at 1930.