



Town of Knox Planning Board

Established 1822

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Planning Board Meeting Minutes

Minutes: August 9 2018

Present: Bob Price, Todd LaGrange, Deb Nelson, Tom Wolfe, Brett Pulliam and Bill Pasquini.

Absent: Betty Ketcham.

Meeting called to order at 1930.

Discussion and Review of Local Law regarding Absences

1. Knox Town Board passed Local Law for minimum attendance requirements for Planning Board and Zoning Board of Appeals.
 - a. Review of section 5 and 6 of the law regarding number of allowed absences and excused absence. It is the Town Board's authority to remove or excuse an absence.
2. Discussion if an event occurs like July's meeting that was rescheduled, would it be considered excused absence?
 - a. Tom spoke with Javid Afzali, the Town Attorney, who offered to come to next month's meeting to discuss the legality of the law with board members.
 - b. Planning Board members felt it would be good to have Javid come to next month's meeting to discuss.

Review of July Minutes

Motion to approve July minutes without changes made by Bob, seconded by

Todd. All in favor.

Boundary Line Adjustment

1. Olivia Askew brought forward the question if the Planning Board considered moving a property line between her Uncle's property and hers, a boundary line adjustment.
 - a. Tax maps were shown and reviewed.
 - b. Olivia wishes to give a small "triangle" of land to her uncle by moving one of the boundary lines.
 - c. It would not change the acreage either party involved has.
 - d. In order to be approved, Olivia would need a completed survey and include a signed letter from the uncle stating that this was ok with him to do.
2. Determination made tonight on whether this would be considered a Boundary Line Adjustment.

Motion made by Brett that this is a Boundary Line Adjustment, seconded by Tom, all in favor.

Home Occupation definition Review

1. During July's meeting, the review of the "Home Occupation" definition was discussed. Planning Board members were to gather information and do their own research in order to discuss at August's meeting.
2. Consider two or more possible classes of Home Occupation.
3. Discussion of gathered information amongst board members and a framework for "Home Occupation" definition created.
4. Potential framework items discussed:
 - Classifications/Tiers based on level of impact. For instance, Class 1 might be low impact and class 2 higher impact.
 - Number of employees allowed based on which classification it is and the distinction on whether relatives would be considered as employees.
 - Storage of materials and accessory buildings.
 - Retail sales.
 - Activity- noise, pollution and lights.
 - Parking-impacted by business and number of employees.
 - Community character impact.
5. Doug Roether, Chair of the ZBA was in attendance. He feels this is a great discussion between members with a lot of ideas and concerns. His question would be number employees and at what number would make the definition

fall into a different class.

6. Reviewed the purpose of the framework, which would serve as guide to know when a Home Occupation would trigger an additional layer of review. Point was made that it's not about the uses allowed with Home Occupation but the impact it would have on the character of surrounding area and the framework would serve to guide that.
7. Vas Lefkaditis, Knox Town Supervisor, discussed the difference between special use permit and a special use variance. The use variance must go through the Zoning Board of appeals. Discussed amongst board members as well. Deb emphasized that to issue a use variance, all factors of the use variance test must be proven. Specifically, the applicant must prove "unnecessary hardship." To prove this, State law requires the applicant to show all of the following: (1) that the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual "dollars and cents" proof must be submitted); (2) that the property is being affected by unique, or at least highly uncommon circumstances; (3) that the variance, if granted, will not alter the essential character of the neighborhood; and (4) that the hardship is not self-created. If any one or more of the above factors is not proven, State law requires that the ZBA must deny the variance. (see Guidelines for Applicants to the Zoning Board of Appeals, James A. Coon Local Government Technical Series for more information).
8. The board agreed to include Doug Roether in all future comments/minutes regarding "Home Occupation."

Motion made by Bill to adjourn the meeting and seconded by Brett. All in favor.

Meeting adjourned at 2050. Next meeting to be held on September 13 2018 at 1730.