



# Town of Knox Planning Board

*Established 1822*

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## Planning Board Meeting Minutes

**Minutes: December 6 2018**

**Present: Bob Price, Todd LaGrange, Betty Ketcham, Deb Nelson, Tom Wolfe, Brett Pulliam**

**Absent: Bill Pasquini**

Meeting called to order at 7:30pm.

### **Review and Approval of November Minutes**

1. Minutes were reviewed.

*Tom made a motion to approve minutes without change. Brett seconded the motion. All in favor.*

### **One Cut Subdivision request made by Amy Baker**

1. Maps of the parcel handed to board members by Amy Baker's nephew, who will be owning one of the parcels.
2. Existing lot is a 10 acre parcel. Proposed subdivision would be to make it into two parcels, one being 6.6 acres and the other 3.4 acres.
3. Research done regarding DOT requirements such as appropriate feet from the road, proper turn around for emergency vehicles and width of driveway.
4. The plan is to build a home on the property.

*Motion made by Tom that this is a One-Cut subdivision. Brett seconded, all in favor.*

### **Escrow account for site plan review**

1. Discussion regarding proposal to set up an account to help with costs of any needed site plan review.
2. Tom talked to Javid Afzali, the Town Attorney about coming up with a proposal. Tom presented part of the Zoning Law regarding fees: "A fee in accordance with a schedule of

fees (what does that mean?) As promulgated from time to time by the town board, shall be paid by the applicant to cover the expenses of planning board review of the applicant's case. Such fee to be in addition to the regular fee for the issuance of a building permit." Tom asks the question does this give us the authority to set up a fee?

3. Discussion amongst board members regarding whether or not there is a need for an account to be set up for any additional fees.
4. In regards to an applicant coming to the Planning Board, it is the responsibility of the applicant to pay for any extra fees for site plan approval or legal services required.

***Deb made a motion to not change the current Zoning Law for site plan approval. Bob seconded. Betty, Todd and Brett in favor, Tom abstains.***

***Motion made by Todd to provide a schedule of fees for review. Deb Seconded. All in favor.***

### **Home Occupation**

1. Question was presented to the Zoning Board of Appeal who met on December 6 2018. Discussion regarding the use table for Home Occupation. Will come back with an interpretation of the current zoning law regarding Home Occupation at their next meeting in January 2019.
2. Review of what has been discussed in recent meetings for audience members. When Planning Board members were reviewing the Home Occupation definition, the disagreement was about the allowable uses with in Home Occupation.
3. Question asked by Deb as to who asked the ZBA for their interpretation since it was not voted upon or requested by other board members. Tom asked ZBA to interpret what the current existing law states regarding Home Occupation, Section 50 1a and allowable uses.
4. Question asked by Knox Town member, Bridget McAuliffe, "When you are saying someone disagrees, who disagrees with who?" Question answered by board members that not all board members agree upon the interpretation of the Zoning Law. Bridget also states "If something that is law, it should not be the ZBA that interprets it. It should be taken up with an attorney." Deb had made a motion for the attorney to do so at November 2018 meeting. Tom put in the request for interpretation to the Town attorney who declined. The town attorney presented a case law and state municipal law to bolster his opinion that it is up to the ZBA for interpretation. This is why Tom asked the ZBA to interpret the current law. There is an application that one can use to either ask for an interpretation of the zoning law or a person can appeal a decision of the building and zoning administrator.
5. The original discussion regarding the law was brought to planning board's attention in order to "clean up" the current definition regarding things such as number of allowable employees and addition of accessory buildings.
6. Todd wishes to have on record that he would like to go with the original plan of "cleaning up" the current home occupation definition to include the number of allowable employees and accessory buildings. Everyone does agree with this.
7. Deb suggests possible Home Occupation application, similar to a site plan review that

- would come before the planning board. It would include certain performance standards. This would be in addition to any special use permit or use variance application.
8. Deb to review the information she has sent to the planning board members in order to come up with an alternative proposal for a home occupation avenue, different from the special use permit, site plan review and use variance. This way the use table could be separated based on a performance standard.
  9. Deb formally requests copies of all the special use permits and use variances that have been awarded by the zoning board of appeals for the last 3 years. Tom to request copies. Discussion to continue at next month's meeting.

*Motion made by Brett to adjourn by Brett, seconded by Betty. All in favor.*

**Meeting adjourned at 9:00pm. Next meeting to be held on January 10 2019 at 7:30pm.**