

Town of Knox, Albany County, NY

Established 1822

Planning Board Meeting Minutes March 13, 2014

Members present: Dan Driscoll, Tom Wolfe, Bob Gwin, Betty Ketcham, Bob Price, Earl Barcomb, Recording Secretary, Pam Fenoff

Meeting called to order at 19:31 pm

1. Approval of the draft minutes of the 27 February 2014 meeting.

Dan requested two corrections be made... First page, fourth paragraph, from “Dan responded that...” should say “Dan responded that any businesses have to go to either the PB or ZBA depending on the allowed use / letter designation in the use table. ZBA is required to ask the PB for an advisory opinion.

Second page, paragraph that starts “Bob P reviewed page 30...”, Dan requested the removal of the sentence “Dan stated that he doesn’t want any “Ps” i.e., Permitted Uses in the business district.”, since it is inaccurate.

2. Review of the plot drawings submitted by Dan Marelli, General Contractor for the proposed dwelling on Rte 156 for Mr. Kumar who came before the Board several months ago to explain to the Board what he wanted to do.

The drawings showed that all construction will be on the south side of the pipe line to avoid any road crossing. Dan stated that there is a well, with no pump, and it was tested a few years ago, but should be retested.

Mr Marelli stated that he spoke with DTI about the pipeline, they are pretty certain it will not be used in the future, it has been abandoned. Mr Marelli reviewed the plot plan with the Planning Board. Bob P offered to pull out the old Crisafulli file from 2002 that the PB approved, for his reference.

Bob P asked the PB if we sent these plans to the county in 2002? Yes, Bob G, believes we must have. Does anyone have any problems? Dan D asked why we need to review this since we had approved in 2002. Bob P responded that we only approved the land subdivision, but not any building plans. Currently there are at least three lots that have been built on. Bob P asked, doesn’t that make reapproving necessary. All Planning Board members are ok with the plan.

3. Review of the latest drawing submitted by Ms. Chasity McGivern showing the configuration of the proposed Senior Housing facility on Knox Cave Road.

Ms McGivern reviewed studies that have been done since the public hearing in September, 2013. Dan D asked how are we handling this? Bob P stated that this is a site plan approval. These are all individual homes, which will be rentals. Ms. McGivern is working with the County Health Department on the septic and the Knox Fire Department regarding issues of fire control and access to buildings.

Dan D asked if this conversation constituted the Site Plan Approval process. Bob P stated that he is correct. Ms McGivern stated that since this plan is still a concept, it could still be turned down by Department of Health. Tom Wolfe asked Ms McGivern, have you gotten approval from DEC or Albany County? Ms McGivern stated that both have to approve it. Phase I is only the first 4 units and her Board of Directors is confident that the first 10 units are spoken for and that there will be a waiting list.

Bob P requested copies of all approvals from Ms McGivern as she gets them. She stated that would not be a problem.

Dan asked if this is the first step in the Site Plan Approval process - is this the sketch plan conference? Bob P responded that he sees no reason why it can't be. Dan asked Ms. McGivern if she's got a sketch plan conference requirements. She stated no because the Zoning Board of Appeals told her not to bother, as they can't doing anything until the Planning Board approves her concept.

Dan D - we have no authority to approve anything until we get into the Site Plan Approval process. Ms. McGivern stated that she was at the Zoning Board meeting last Thursday and was told by Bob Edwards that until her concept was approved by the Planning Board they couldn't even talk to her and that they, the Zoning Board of Appeals, had not even received anything in writing / a formal notification from the Town Board or Planning Board about the changes to the Zoning Ordinance, regarding Senior Housing, that was approved last September at the Public Hearing. Bob P stated that the information is on the Town's website. Ms McGivern replied that she understands that and she informed Mr Edwards that he might have seen it in the Altamont Enterprise as well. She mentioned to the Town Board, at Tuesday's (3/11/14) meeting, that it would be nice if they had shared that information. Bob P reiterated that they (the Zoning Board members) can go on the website to find the information and it's in the new edition of the Zoning Ordinance.

Ms McGivern to Dan - what is it that I need to have done? Dan read the requirements for a sketch plan conference from the Zoning Ordinance. He feels that what we've been given / are reviewing tonight meets those requirements, so we can give conceptual approval.

Dan to Ms McGivern - have you talked to the Albany County Department of Health that controls septic systems? And about the sort of septic system you're going to have? Each of these homes will be routed to a common septic system, correct? Ms McGivern - Yes. Bob P replied that he believes the county won't talk to her until we, the Planning Board, give our approval of the concept. Dan stated that the last time an applicant went before the county with an idea like this, the county replied that they were going to require that the town own the septic system. Ms McGivern stated that that will not be the case with her project as long as her corporation owns all the buildings. Bob P spoke to Tom Brady, at Albany County in August 2013, they are ok with the corporation owning the septic system, not the town. Ms McGivern confirmed that as long as her not for profit takes full ownership of the property, the county will allow that corporation to own the septic system as well. Other than the water pond, located in the center, that will be accessible to the fire department, there will be nothing else that the town will have responsibility for.

Dan moved that the Planning Board give conceptual approval to Ms McGivern for this as a sketch plan for the project. Earl seconded. Motion passed: 6 ayes, 0 nays

Ms McGivern pointed out that they have made a few changes, and the back area with beautiful scenery, stone walls, etc., near units 7-10, to leave that area undisturbed. Those units will be

scattered more a bit than on the original plan. Earl and Dan agreed that they would have requested that area be left undisturbed. Ms. McGivern stated that we would be removing several dead trees for scenic reasons.

4. Questions from the audience.

- a. John Elberfeld stated that he has been trying to get answers to zoning questions in general for weeks and that no one on the Town Board sees able to answer his questions. He wants to know - How can anyone be required to follow the Zoning Ordinance when no one in the town, Town Board, can answer the questions? Bob P has answered what he could, but some questions are out of the Planning Board's realm of responsibility and anything on enforcement would be out of the Planning Board's realm also. Dan feels that the Building and Zoning Administrator should be the one to interpret Zoning Ordinance laws. Bob P - Bob Delaney, the Building and Zoning Administrator, would be the one to forward your questions to, though he will be hesitant. Mr Elberfeld also stated that he gets different answers depending on who he asks.
 - b. Travis Stevens - re: Business District 1 the new mixed use district, he has received some questions from residents - could there be an opt in [to the business district] for properties adjacent, similar to the state ag law. Bob P - the properties in the Business District 1 can remain homes indefinitely. Since the new district boundaries are bigger, though shallower, for example it doesn't include the 5 acres behind but abutting Business District 1. Bob P doesn't see any reason why the owner of the property couldn't ask for that land to be part of Business District 1. Dan D - they'd have to come before the Planning Board for approval.
 - c. Travis - another question, why do the boundaries of Business District 1 not follow the road boundaries, i.e. along Street Road. Bob P - these could be brought up at the Public Hearing. Dan D commented that if you look at all other districts, they all go along roads, this is the first one that goes along property lines. Bob P could see a business in Business District 1 wanting to buy property outside Business District 1 but adjacent in order to expand their property.
 - d. Mr Lefkaditis - how does the town treat lot line changes, if lot lines are in different districts? Bob P stated that one would have to come to the Planning Board for approval and we'd have to notify the county about it, if it is along a county or state road.
5. Bob P brought up the subject of the County Planning Board pestering the Planning Board about a missing statement regarding the need to notify the County whenever a zoning issue was contiguous to a state or county road. He has checked with several other towns' ordinances and did not find any such statement. In our Zoning Ordinance, p 73, Article VII, Section 70C2 seems to satisfy what they are requesting or should we add the wording the County is specifying? Dan and Earl agree to put it in, if the County wants it in. Dan said to ask them where they want it.
6. Dan D stated that Bob Delaney has reported that he's unable to enforce the lightening law because it doesn't include a specified wattage rating for light fixtures.

Motion to adjourn - Earl, Betty 2nd. Motion passed, meeting adjourned at 2031.

Next meeting, Thursday, April 10, 2014 at 1930.