

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

PLANNING BOARD MEETING MINUTES

April 12, 2007

Present: D. Driscoll, R. Gwin, B. Ketcham, B. Pullium, R. Price, M. Scott, T. Wolfe

The meeting was called to order at 1935.

The minutes of the March 8th meeting were discussed. Dan Driscoll pointed out that during the course of the discussion regarding increasing the size of Mr. Donald Hackle's property, the Board pointed out a possible problem with the width of the lot at the building line. It was agreed that once this sentence was added and several minor typographical errors corrected, the minutes should be accepted. Motion to approve was made by Dan Driscoll, seconded by Bob Gwin. The motion passed unanimously.

Ms. Mary White returned to the Board with a new map of the minor subdivision of their property near the intersection of Gibbs and Knox Cave Roads. The new map shows contour lines, stone walls and drainage out of the wetland on the property. The Board agreed that the new map was acceptable as a Sketch Plan. Dan Driscoll made a motion to accept the map as a Sketch Plan for a minor subdivision, seconded by Brett Pulliam. The motion passed unanimously. The Board verified that the Whites have a copy of the Town of Knox Subdivision Regulations and advised them that the next steps are outlined in the regulations. The Board further advised the Whites that it is the White's responsibility to notify homeowners of the properties contiguous to theirs about the public meeting to be held on May 11th.

The Board then began a review of a request by James and Michelle Devine of 121 Helderberg Road to erect a windmill on their property. The proposed tower would only be 70 feet tall but it is in a Residential District. Mr. Devine has already spoken to their neighbors and so far they have all been in favor of the windmill. The property is heavily treed so the proposed tower will be somewhat obscured. The Board stated that the Devines would need to consider the visibility from the state land located just below their property. The Board then advised Mr. Devine that he would need to complete several forms and studies such as a visibility test with balloons, and present that information to the Board at the next meeting. The Board verified that the Devines have a copy of the personal windmill ordinance that outlines all the required information. The Board also requested more detailed noise information than that listed in the handout Mr. Devine had from the manufacturer.

The next order of business was a subdivision of 9 acres of property on Bozen Kill Road into three 3 acre parcels. Martin Legerio, owner of the property, stated that the first of the three parcels is already under contract, they are just waiting for the septic system percolation test to be completed by Albany County Health Department and approved. The Board first considered if it would be possible to apply the one-cut rule to divide the first 3 acre parcel out

and then come back next month to apply for a minor subdivision to divide the remaining 6 acres. Dan Driscoll pointed out that, because Mr. Legerio owns the property on either side of the 3 acre parcel being subdivided, it is essentially considered as one property and, therefore, the parcel to be sold first would break the parcel into two non-contiguous parcels. This interpretation of the Subdivision Regulations would mean that the one cut rule is not applicable and it must be considered a minor subdivision from the outset.

The Board then advised Mr. Legerio that they could approve a Sketch Plan for a minor subdivision tonight and hold a public meeting next month (May 10th), but then Mr. Legerio could not, without violating the Town of Knox subdivision rules, sell the first parcel before May 11th – after the public hearing. The Board further suggested that the best next step would be for Mr. Legerio's attorney to discuss this with the buyer's attorney.

The Board then discussed the fact that the parcels appear to be divided into exactly 3 acre parcels even though they are divided by the hedgerows on the property, but it was agreed that the surveyor is stamping the map so there is no need for the Board to second guess the dimensions. Dan Driscoll made a motion to approve the Sketch Plan of a minor subdivision, Tom Wolfe seconded. The motion passed unanimously. Chairman Price stated that we will need copies of the map from the surveyor as soon as possible and that Mr. Legerio will need to notify the neighbors of the public hearing that will take place on May 10th.

The Board then began review of a subdivision of property on Singer Road. Michael Jones appeared before the Board on behalf of the property owners, Adam and Tara Kobach. The Kobach's are in the process of renovating a house located on the property and they would like to divide the parcel in half and sell the vacant land and the house once the renovations are completed. The Board noted that the back corner of the property is a wetland so the surveyor needs to mark approximate boundaries of this wetland on the map. It was noted that the one cut rule applies here, so the rules of a minor subdivision do not apply. Finally the Board asked if the owners might be agreeable to placing a covenant on the deed when it is sold disallowing any further subdivision of the parcels. Mr. Jones thought the Kobach's might be agreeable to this, he will ask them. Other than that advice, the Board agreed that the project appears acceptable.

Next, Mr. David Doherty appeared before the Board. Mr. Doherty owns property on Knox Cave Road and would like to subdivide two, 3 acre parcels out of the approximately 100 acres he owns. Mr. Doherty brought an aerial photograph of the property showing the delineation of the parcels both as 3 acre and 5 acre lots. Chairman Price suggested that the parcels should really be 5 acres instead of 3 simply because 3 acres can be tight if they run into any problems with the location of the septic system. Mr. Doherty stated that he had already given a potential buyer a price based on 3 acres and wondered if it was necessary to go up to 5 acres. Chairman Price suggested that the parcel size should be increased, but it may not be necessary to go all the way to 5 acres and suggested 3.5 acres.

Mr. Doherty also stated that there is an approximately 15 foot wide piece of land that he and his neighbor would like to do an even exchange of. The Board asked Mr. Doherty to obtain a survey map, including topographical lines, large enough to include the wetlands on the property and also detailing the small piece of land that will be exchanged with the neighbor

as well. This should be brought to the next meeting at which time it can be submitted as a Sketch Plan for a minor subdivision if the Board approves.

Bob Price mentioned to the Board that he had met with a company interested in putting up a cell tower in the Town. While the initial meeting took place at the site of the Town Hall property, a five acre parcel that the Town owns on Street Road directly across from the Transfer Station would also be considered.

Finally, the Board discussed the requirement for Planning Board members to complete four hours of training annually. There will be a seminar at Hudson Valley Community College on May 7th. The fee is \$30 which would be reimbursed by the Town. Chairman Price expressed a desire to have at least a couple of people attend and asked that everyone check their availability. Several people said they would attend and Dan Driscoll suggested they could all go in his van to save the Town the mileage cost.

Upon a motion duly made and seconded, the meeting was adjourned at 2110.

The next meeting will be on Thursday, 11 May 2007 @ 1930.