

Town of Knox, Albany County
Established 1822

Planning Board Meeting Minutes

April 11, 2013

Members Present:

Dan Driscoll, Bob Gwin, Betty Ketcham, Bob Price, Brett Pulliam, Earl Barcomb and Pam Fenoff

Meeting called to order at 1935.

Review of minutes from March 14th PB Meeting

Bob Gwin found a few typos... Under Barcomb Proposal, last sentence remove the "B" between Planning and Board and on that same line "...their plan...", should be "...the plan...". On page 2 under Mr. Lefkaditis' section, 3rd paragraph under bold print, "doesn't" should not have two apostrophes and "theirs" shouldn't have an "s" on it. Earl made a motion to approve the March 14th Minutes approved with above minor corrections. Brett 2nd the motion. Minutes approved as corrected.

Mr. Vas Lefkaditis' came to talk to the Board about his request from the Town Zoning Board of Appeals regarding a setback for a Commercial Horse Training Facility which was denied. He then contacted the NYS Ag & Markets department who informed him that the Town Zoning Ordinance was not in conformance with a 2001 change to the regulations.

Bob Price suggested that the easiest way to fix this would be for the Planning Board to recommend to the Town Board that the Zoning Ordinance be updated to bring it into compliance with the new Ag & Markets requirements.

In addition, Bob Price suggested that since Mr. Lefkaditis was contemplating an Article 78 action against the Town, an expedited change process would obviate the need for a court case.

Earl Barcomb had provided the Board with the documents sent to the ZBA which included several maps. The maps showed that there would be a separate driveway to Mr. Lefkaditis' new structure. Based on a review of the Town map, sight lines are not an issue.

Bob Price requested a change to the "Stables for horses for non-commercial purposes", Art. IV, Sect. 44, be changed to an A in the Ag District column which would require that an applicant get Site Plan approval from the Planning Board. Earl pointed out that this doesn't coincide with other items in the table and made an effort to request that the "non-commercial" listing for Stables be left with the P designation.

Earl would like the tables to be consistent and not discriminate between one agricultural type farm and another, i.e. chickens or horses or cows, etc.

Dan pointed out that there seem to be other things that should be reviewed. Bob asked that the Board review each agricultural item that might need to be changed.

Earl stated that restrictions need to be based on health & safety issues, not esthetics.

Bob P pointed out that we can't change any "P"s, they must remain the same. Dan stated that we need to be consistent. Bob Gwin mentioned that swine is a "C" because we wanted to be able to review this. Art IV, Sect 43, Agricultural; keeping more than 15 fowl and 2 animals changed from P to an A in Agricultural Districts.

Do we want to change Stables, non-commercial stables for horses, Art. IV. Sect.44, from a P to an A, no was the consensus. Art. IV, Sect 45, Auctions includes livestock, should that be changed from C to an A; no was the consensus? Greenhouse, nursery from A to P: no was the consensus?

Riding Academy, Stables Art. IV, Sect. 45, change from C to A in the Residential District; yes was the consensus? This item also references Art V. Sec. 50L which shows measurements and distance requirements, but says nothing about distance from the road. Earl pointed out that the building permit, which everyone needs, covers that. Bob Price expressed some concern about the amount of traffic / parking that could occur, should there be a competition. At only 75' from center line, there would not be enough room.

Bob Price asked Mr. Lefkaditis - how far is the barn from pond? Mr. Lefkaditis reply - as staked now it's at 75 feet, but will probably be 100'. Bob Price also asked what the pond is used for... Mr. Lefkaditis reply - nothing.

Earl asked if a farmer is going to need to come back to the planning board every time he wants to make a change on the farm, add a building, etc? Some of the changes recommended would cause that.

The only exclusion for a building permit is if the barn is for hay / grain storage. Bob Price asked if building will be occupied by people or animals, must one get a building permit? Earl said any building will be placed according to our set backs with the building permit, otherwise you have to get a special use permit.

Dan made a motion to make changes to the following:

General Uses: Ag, not including... the fowl or farm animals
Ag, including, 15 fowl and 2+ animals
Ag, swine or hog farm
stables for horses, non commercial

Business Uses: Auctions including livestock
Riding academy, stables

Changes will be tabled until a special meeting set for Thursday, April 25th.

Bob P questioning Dan - Should Riding Academy, stables changes also apply to the non-commercial stables and other livestock farms?

Discussion ensued regarding NYS Agricultural Districts and how they don't coincide with Knox Agricultural Districts; which would rule? Does the state's overrule the town's? Bob P will ask.

Dan asked, since we have State agricultural districts within our Residential and Agricultural districts, do we have to treat them the same? Bob P will ask.

Earl asked if the "auctions including livestock" should be changed to read "auctions exclusive to livestock"? Otherwise, auctions for stuff and one chicken, might fall under that.

Dan, referencing (ZO 1999 bound), p36 Art 5 #9, suggested that we add these requirements to Riding Academies rather than the one it references in the current table. Bob Price asked how does that help? Dan pointed out that Art. V Sect. 50 a 9 is different, and it should be consistent.

Have we identified all the places in the tables that deal with agriculture; Yes, but should we do away with the Riding Academy or should we combine them? Article V Section 50 L talks about distance from a street line, and building heights.

Bob Price asked for a motion suggesting we re-write those two above to ref paragraphs so they are consistent.

It was decided that we need to modify the ZO so it complies with NYS Ag & Markets and we need to change the ZO to be more consistent. Everyone agrees that we have to get some guidance form NYS Ag & Markets and then review things in a couple of weeks. Earl moved to meet again this month, Dan 2nd, motion carries. 4 yes, 2 no's 2 weeks from today, 4/25?

Bob Price complemented Dan & Bob Gwin on the really good job they did on the draft Notice of Public Hearing regarding the WECS changes to the Ordinance. That document is almost ready to send to the Town Board but will be delayed until the issues regarding the agricultural districts are resolved.

Ms. Chasity McGivern came to the Board to discuss a project for a cluster development proposal. She has been working with a not for profit group for 5 years on a Senior Housing plan for Knox. The facility will be located near the intersection of Knox Cave & Street Road on the southwest side of Rte 252 on a 19.5 acre parcel. There will be two entrances, one on Street Road and one on Knox Cave. Ms. McGivern said that she hasn't seen anything in the ZO that would present any problems with the project. There would be a total of 20 single story buildings. The Engineer is Lou Beckman in East Berne and the Architect is the Sacco & McKinney firm. There would be two wells, two septic systems, a pond and dry hydrant for the Fire Department. The facility will have one owner. Homes will be rental properties; a SPDES permit will be filed.

Ms. McGivern will come back for the May meeting to discuss this further after the Board has had a chance to review the information.

Bob Price asked if the west side of Street Road is an Agricultural District? No, it's a residential district. Earl indicated ZO Article V, Sect. 50 J covers Multiple Dwellings. The PB reviewed this Article..... Bob Price feels that this plan would be something the PB would strongly consider and he doesn't foresee any problems. Tom referenced cluster development sections in the ZO.

Dan recalls Albany County / NYS might want the town to own the septic / grinder pumps unit... Earl pointed out that this is a single owner property, so that might not be the case.

Brett, Earl and Bob P drafted a Hamlet of Knox Business district proposal -

The proposed district starts at the intersection of Knox Cave Road, County Rte 252 and the Berne -Altamont Road, County Rte 156. They looked at various properties in the Hamlet using the Town Tax maps and the natural boundaries... Betty created some excellent maps showing aerial views with property lines superimposed and with the proposed boundaries shown. There was some discussion regarding the triangular parcel on the corner. The proposed business district would include the ball park (which is privately owned) and the cemetery, the town hall, museum, the old post office building, the Knox Fire House and the existing metal building where the store used to be.

Bob Price mentioned that the building was erected prior to the adoption of the Knox Zoning Ordinance and that it has had four owners.

Bob Gwin mentioned the need for a buffer strip, 100' wide in the ZO. Brett asked what is that? the buffer is a piece of land between businesses and residential neighbors. It must be maintained / kept trimmed by the adjacent business entity.

Brett asked - are we saying that if we create buffer zone that the local residents/businesses have to maintain? Bob P pointed out that the buffer can be part of the street. There was some discussion regarding the house on the SW corner of Berne-Altamont Road and Knox Cave which is for sale. According to Brett and Earl, the current owner doesn't for see a problem with the property becoming part of the proposed business district.

Bob P asked the PB - Is this proposed area too big? Too small? Brett - thought we weren't going to include the hook / triangular piece? Bob agreed that that can be changed. Dan said it looks good.

What about this 100' buffer? Dan - might only cause problems where it meets Knox Cave Road... Bob P - is it implied that the buffer would include the road?

Earl proposed that we change the buffer requirement in the ZO, we're already making several changes to the ZO anyway. It makes sense to make these changes given that we are using the hamlet / business district.

Bob P - pick a number, say 35', and the business owner has to maintain the business district. Earl and Brett suggested that there doesn't have to be a buffer between the buildings that are within the BD - either houses or businesses. The buffer should be only along the outside edge of the Business District. Bob P stated that he had a hard time with this, but Brett and Earl pointed out that is why we have Site Plan approval and other restrictions and requirements.

Bob P asked if we should / could eliminate the south side of B-A Road? Brett stated that we included that side because of the church. The church could someday be suited to a business as opposed to a residence, should it ever shut down / relocate. Bob, Dan, Brett, Earl - agree that we keep the south side. Betty disagrees as there are historical houses there.

Bob P - the town is still in communication with the USPS about reviving the PO. The bank which owns the building won't be spending any money to fix it up, which is why the USPS is not willing to return to that building.

Discussion concerning actual boundaries: will they extend SW to first property line and be 450 ft. deep? Dan suggests looking at the NW edge, not including the Town Park.

Bob P - will review business districts in other area towns.

Motion to adjourn - Brett, 2nd by Earl

Meeting Adjourned at 2200

Next Meeting Thursday, April 25 = Special Meeting re: ZO / Ag district review.

Next Regular Meeting, May 9, 2013 @ 1930.