

Town of Knox, Albany County
Established 1822

Planning Board Meeting Minutes

May 9, 2013

Members Present:

Earl Barcomb, Brett Pulliam, Bob Price, Bob Gwin, Tom Wolf, Betty Ketcham, and Recording Secretary Pam Fenoff

Meeting called to order at 1938.

1. The draft minutes of the 11 April 2013 meeting were discussed. Bob Gwin was quite confused by the minutes and wonders if, in the future, we can limit the minutes to just those items where there was a consensus as to what was agreed on rather than all the conversation leading up to the decision. A motion to approve as written was made by Tom with Brett seconding.
2. The Board then discussed the information pertaining to the Notice of Public Hearing created to deal with the proposed changes to the Zoning Ordinance.

Bob Gwin suggested that we incorporate some of the wording from the Ag & Markets guidelines; specifically the wording that addresses the restrictions on Special Use Permits applying to agricultural uses. After some further discussion the Board agreed to the wording being added to Finding A of the Notice and that it should reference the specific Ag. & Markets paragraph that deals with Special Use Permits.

Tom expressed concern that we had focused exclusively on issues dealing with horses and no other types of farm animals. Tom stated that he would look into that and report back to the Board at the next meeting.

The Board then discussed Finding B dealing with consistency of required set-backs for all agricultural activities and agreed that consistence across all agricultural activities was reasonable and therefore the wording was OK as presented.

The Board then discussed the wording of Finding C which dealt with when Special Use Permits were applicable to agricultural activities. Bob Price pointed out that the Ag & Markets regulations allowed the requirement for Special Use permits when there were, in the Planning Board's judgment, issues regarding health and safety. The Board agreed that the wording was OK as presented.

The Board then discussed Finding D which stated that the Zoning Board of Appeals could issue a Variance for certain agricultural uses. There was a consensus that this was not true and agreed to delete Finding D.

The Board then moved on to discuss the changes needed to the Use Tabulation Table, Article IV, Section 44: General uses of the Zoning Ordinance. The final proposed changes are shown in the table below...

	R	A	B	LC1	LC2	RR	AM	MRD
Agricultural not including the keeping of fowl or farm animals (Article 5, Section 50, #A10)	P	P	P	N	N	P	P	P
Agricultural including the keeping of more than 15 fowl and more than 2 farm animals (Article V, Section 50 A9)	A	P	P	N	N	P	P	P

and under Article IV, Section 45 Business Uses: delete Riding Academy from the table and add the words "This Section intentionally deleted in entirety."

Discussion regarding the various changes to Article II, Definitions followed and the definition "Riding Academy" was deleted.

Further discussions regarding Article V, Section 50-A9 concluded that all set-backs regarding agricultural activities should have a consistent value and that any reference to streets or roads should include wording referencing the centerline of the road. The final wording agreed to was -

Agriculture and Riding Academy: Agriculture shall include buildings and activities, except farms expressly for the disposal of offal and farms expressly for garbage disposal. The processing and storage of agricultural products including packing, warehousing and storing is permitted, except slaughterhouses, rendering, fertilizer plants and canneries are PROHIBITED. The unenclosed storage of dead fowl or other odor and dust producing substances or uses shall not be permitted within 100 feet of a property line or 100 feet of the centerline of a public street. Minimum distance to any dwelling 250 feet. Maximum building height 35 feet. Buildings for the housing of fowl or farm animals shall not be located in the required front yard nor within 100 feet of a property line.

Additionally, the following wording in the Zoning Ordinance should be changed as follows - Article V, Section 50-L shall be deleted and the remaining paragraphs (M thru S) be re-lettered (L thru K)

3. **Jeremiah Beck**, 518-708-7148, 1039 Township Road, spoke to the Board. He has a towing company called Hit Man's Towing. He would like to get his property designated business / commercial so that he could open up an automotive repair facility and NYS Inspection facility. He stated that he had gone to the Zoning Board of Appeals and had been told he should come to the Planning Board because he was not in a Business District.

The Board then discussed the issue of Business Districts in the Town, spot zoning and the existence of several "business like" entities along that stretch of County Rte. 146.

Specifically, those entities are Altamont Spray Welding, Mickles Automotive Repair yard, the County Highway Garage, the Town of Knox Highway Garage and the Township Tavern. Tom suggested spot zoning but the discussion moved on to the fact that all the entities mentioned might be a de facto Business District and that some of those entities pre-dated the Town Zoning Ordinance.

Bob Price pointed out that while the Planning Board could make a recommendation to the Town Board, the final decision rested with them. He also mentioned that the Town was currently in the process of re-writing the Town Comprehensive Plan and that could take as long as 18 months or more to complete.

Tom suggested that a variance might be justified given the uses in that area. Bob Price pointed out that there is a requirement for a 100 ft. buffer zone around businesses that that must be maintained by the business. In addition there would be issues with cars being parked within sight of the road. Tom and Bob Price recommended that Mr. Beck create a map of the area, identifying the other businesses in that area from Township Tavern to the Altamont Town Line and come back next month for further discussions with the Planning Board.

4. **Ms. Chastity McGivern** came back to the Board regarding her proposed Senior Citizen Cluster Development on Knox Cave Road. She stated that they will focus on strict compliance with all the relevant sections of the Zoning Ordinance for cluster development, sanitary waste water issues. Bob Price asked some questions regarding fire safety and the financial stability of her organization. He also pointed out that since this development is on a County Road we will have to get approval from Albany County Planning.

On the advice of her attorney, Ms McGivern was told not to proceed further without Planning Board approval. Bob Price pointed out that the Planning Board could not proceed with a formal approval without more information and a better set of drawings and that the Town had a separate specification for roadway construction within a proposed development that was administered by the Town Board.

There were some further questions regarding who paid for the taxes, insurance and maintenance. Ms. McGivern responded that all those financial issues were paid for by the developer since the houses were rental properties.

Bob Gwin pointed out that since this development would have a single owner, the not-for-profit corporation, it doesn't fit into our Zoning Ordinance cluster development definition. He suggested that it might fit under the definition of a Convalescent Home. He also pointed out that our Cluster Development required the developer set aside some contiguous undeveloped land and that 20 homes would require 60 acres minimum. That fact would require a Variance.

Bob Price asked if the two septic could be open fields. Ms. McGivern stated that they will be open fields, partly to accommodate the current snow machine trails. Brett pointed out that this falls under Section 42 - Residential Uses - multiple dwellings (4+) and is designated an N, Not Permitted Use. We would have to change the Z.O. or get a Special Use Permit or a Variance.

Bob Price asked what the distance between buildings was. Ms. McGivern responded that it was 25 ft. and that the type of siding on the buildings and the drainage pond has been reviewed by the Fire Dept. Bob Price stated that according to scale of the drawings presented, the space between the buildings was the same width as the driveways shown on the drawings which were most likely not 25 ft. Ms. McGivern said that some of the details were still being working out.

Ms. McGivern pointed out that there are some issues with investors due to the fact that Knox has no store or post office and that they have not yet done a perk test. She stated that they had gotten approval from Berne, but would like build in Knox to recognize that we need to do this sort of thing for our senior citizens.

Bob Price asked for some additional copies of the drawings to send to Albany County Planning but was told that Ms. McGivern would have to get approval to get copies. Ms. McGivern said she would attend the next meeting and try to answer some questions via email.

- 5. Comments and questions from the audience.** Mr. Vas Lefkaditis asked if the Board had submitted a new business district proposal to Town Board. Bob Price responded that the Board had not done any further work on the Business District.

Earl made a motion to adjourn. Seconded by Tom

Meeting Adjourned at 2145.

Next Meeting, June 13, 2013 @ 1930.