

Town of Knox, Albany County, NY

Established 1822

Planning Board Meeting Minutes

May 8, 2014

Members Present: Dan Driscoll, Bob Gwin, Bob Price, Earl Barcomb,
Betty Ketcham, Brett Pulliam, Recording Secretary Pam
Fenoff

The meeting was called to order at 1935.

1. Approval of April 10th, Planning Board Meeting Minutes. Reviewed minutes regarding February changes suggested in March. Motion by Earl to accept the minutes as written, Bob G seconded. All approved, motion passed.

Dan requested that, in the future, the draft minutes be sent to the entire planning board for review. Bob P agreed with Dan and stated that he could send them out and give the Planning Board three days to send comments/corrections and changes to Pam.

2. Discussion regarding Dan's requested changes to the February minutes... Pam stated that she can add a note to refer to the requested changes as an amendment made in March, but she cannot change the minutes, as what was written is, in fact, what was said. Motion by Dan, Earl seconded, to approve February minutes with note to refer to the amendment on March 13th.
3. Ms. Lisa Pitt called Bob P; she complained that she has been brought to Town Court and fined at least four times in regards the noise of her Yamaha 4 wheeler with a manufacturers rated 85 dba sound level. She's found nothing in the Zoning Ordinance that states she is in the wrong. The only section that refers to noise is Article VI Section 63 - Motorcycle Restrictions, which does not reference any machinery other than motorcycles.

Bob Price discussed with the Board the history of noise control in the Town. He pointed out that the BZA would have to have a calibrated decibel meter and be trained in the use of the device. Since there is no specific decibel sound level(s) stipulated in the Town Zoning Ordinance, how can anyone be held in violation of the Zoning Ordinance? Dan stated that since there are no specific standards, the Zoning Administrator doesn't need to have a decibel meter. How can the Town fine someone multiple times when there is no basis for noise levels and the Zoning Ordinance does not speak to ATVs such as 3 wheelers or 4 wheelers? Bob P recommended to Ms. Pitt that she hire an attorney. Bob P read Section 63B of the Zoning Ordinance and commented how broad and vague it is and how arbitrary the law is. He also commented that this law was written by the Town Attorney, not the Planning Board.

Dan offered to email the Planning Board members information he has on three types of noise ordinances from his work with the Helderberg Escarpment group and he'll look into state law and share that info as well.

From the audience, Mr. Ackroyd noted that the NY State police do look for modified mufflers on motorcycles, and such, at places like Lake George, as the summer season begins. Bob P and Dan agree that if the Town Board wants the Planning Board to look into this we will do so.

4. Betty had questions about the map of the newly formed Business District in the Hamlet. One lot is listed in the proposal, but it not indicated on the map. Bob P explained the changed needed on the map.

- Bob P asked the Planning Board Members to confirm their attendance at the
5. upcoming SEQRA seminar in Westerlo on June 4th from 6 to 9 pm.
Questions from the audience: None
 - 6.

Meeting Adjourned @ 2015 - motion by Dan, seconded by Brett. All approved, motion passed.

Next Meeting, Thursday, June 12, 2014