

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

PLANNING BOARD MEETING MINUTES

June 14, 2007

Present: D. Driscoll, R. Gwin, B. Pulliam, R. Price, T. Wolfe

The meeting was called to order at 1934.

A motion was made by Dan Driscoll to approve the minutes of the May 10th meeting after correcting the spelling of Brett Pulliam's name. Seconded by Brett Pulliam. The motion passed unanimously.

The Board then proceeded to the **Public Meeting regarding the Leggiro subdivision** located on Bozen Kill Road. Mr. Leggiro brought a completed application, Environmental Assessment Form (EAF), and Mylar map of the property that shows the northern boundary is a privately owned airport. The Board reviewed and completed the EAF, determining that an Environmental Impact Statement would not be needed (Negative Declaration). The Board instructed Mr. Leggiro that he is to inform anyone interested in purchasing the subdivided properties of the existence of the airport and provide them with a copy of the Special Use Permit. After review, Dan Driscoll made a motion to approve the subdivision; the motion was seconded by Brett Pulliam and was approved unanimously.

Next the Board began a Site Plan Review of a **proposed windmill on the property of James Devine on Helderberg Road**. Mr. Devine returned with topographic maps of the property and pictures from the visibility tests performed recently. Dan Driscoll requested an additional map showing nearby residences with a scale so the distance can be measured and use to calculate noise levels at the nearby residences. Mr. Devine had pictures from various locations while the balloon was aloft, including a picture from the historic schoolhouse on Ketcham Road (from which the balloon was not visible). One of the pictures showed that the windmill will be visible from a point just north of Ketcham Road on a trail in Thacher Park; no pictures had been taken along the same trail at points closer to the windmill.

Dan Driscoll pointed out that if you look at the Environmental Assessment Form (Visual Addendum), it asks if there is a state park nearby and if the windmill will be visible from the trails in that park. Mr. Devine submitted that the elevation and vegetation is such that it won't be visible, but Mr. Driscoll suggested that it should be investigated further. Chairman Price felt that the Board had sufficient information to proceed and made a motion to that effect. The motion was seconded by Brett Pulliam. Tom Wolfe, Brett Pulliam, Bob Gwin and Chairman Price voted yea, Dan Driscoll voted nay.

Dan Driscoll asked that Mr. Devine review the visual impact addendum to the Environmental Assessment Form to be sure that the Board will have all the necessary information to confidently answer all of the questions. Mr. Devine was also asked to prepare the

application, including a narrative of the visibility from the state park trails, and send letters informing neighboring property owners of the upcoming Public Hearing. The Public Hearing was set for the next Board meeting to be held July 12th.

The Board then proceeded to the **Public Meeting regarding the Doherty subdivision on Knox Cave Road**. Mr. Doherty provided a Mylar map, application, and receipts of letters sent to neighbors of the property regarding the Public Hearing. The Board noted that the driveways will probably need to be relocated, but that is up to Albany County to decide. If the County asks that the driveways be moved, a revised map can be submitted when the map is updated with the house location.

The Board then reviewed the Environmental Assessment Form and Dan Driscoll made a motion to make a negative declaration on the Form. Motion was seconded by Tom Wolfe and approved unanimously.

The Board next heard from Bill Biscone and Scott Carroll of Enterprise Consulting Solutions (ECS). ECS is interested in leasing a part of Town property on Street Road adjacent to the transfer facility. To that end, ECS has provided the Town with a draft lease which the Town attorney is in the process of reviewing. In the meantime, Messrs Biscone and Carroll came before the Board to provide some information on their proposal.

ECS will own the tower but will contract out to another contractor to build it. Space on the tower will then be re-leased to carriers who will provide cellular service. The Town would be paid by ECS to lease the land on which the tower is located. The parcel of land at the base of the tower will be 100 ft. by 100 ft. and the tower itself might be as tall as 185'. This will require a variance from the 125' maximum stated in the Town ordinance. The Board members asked questions about the antennae including size and color of the panels, how the panels are attached, and how far apart they are.

Next, discussion turned to the location of the tower. Mr. Price explained that the tower would be located approximately 200 – 300 feet from the Winn Preserve. There is a road that gives access that would not require much improvement other than to clear some vegetation.

Dan Driscoll then suggested that the applicants consider several Town documents as they prepare their application and environmental assessment. The Town's Comprehensive Plan has six General Goals including preserving the rural character of the Town, encouraging agriculture, and protecting aesthetic, cultural and historic character of the Town. The road through the center of the parcel is an historic farm-to-market road called Truax Road, which is identified in the Town's Zoning Ordinance as the southern boundary of Land Conservation District #2. Mr. Driscoll pointed out that about half of this parcel is located in Land Conservation District #2 and Mr. Driscoll read from the Ordinance describing the "special and unusual conditions of topography, fauna and flora --- scenic beauty, geologic formations and natural waterways" LC2 was created to protect. Mr. Driscoll also pointed out that the tower will be visible from nearby Street Road and he suggested this is not the best location for the tower; a better location would be 1000 feet or more from a road with intervening trees (similar to the location of Pokorny's windmill). Mr. Driscoll also advised the ECS representatives that if a suitable location cannot be found on Town land (the Town's Cellular

Ordinance says that a Town site for a tower must be “technically and esthetically possible”), that a location in the Agricultural District can also be considered.

Mr. Driscoll further pointed out that he is not certain it is legal to build anything in the Land Conservation District that is not for municipally owned public recreational purposes. It is possible that the Town, after making the showing required by *Monroe v Rochester*, could build in that location, but it is not clear if the Town’s zoning immunity could be transferred to the lessee. Mr. Driscoll also believes that if ECS continues with the application for this parcel, the Board would have to find a positive declaration on the Environmental Assessment Form making it necessary to have a full Environmental Impact Statement completed.

Messrs Biscone and Carroll stated that they were not aware that the parcel was located in the Land Conservation District and agreed that their attorneys would have to consider the ramifications of pursuing development on this site. They then thanked Mr. Driscoll and the other Board members for their comments.

Finally, Chairman Price addressed the proposed subdivision of the former Paris property between Zimmer Road, Knox Cave Road and McMillan Road. Mr. Robert Chase was expected to attend the meeting to further discuss his plans to develop the property but he was not in attendance. Chairman Price told the members of the audience that he knows there has been a lot of discussion about this topic among people in Town but he assured them that the only facts the Board has at this point are the ones presented by Mr. Chase at the March meeting. Chairman Price further stated that all that can be done at this point is to wait for Mr. Chase to appear before the Board again and present additional information that has been requested.

Upon a motion duly made and seconded, the meeting was adjourned at 2120.

The next meeting will be on Thursday, July 12th, 2007 @ 1930.