

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

PLANNING BOARD MEETING MINUTES

June 12, 2008

Present: Dan Driscoll, Bob Gwin, Betty Ketcham, Bob Price, Tom Wolfe

Meeting called to order at 1935.

Minutes of the May meeting were approved without change.

The first order of business was a public meeting regarding the resubdivision of Jay Baumstein's property on Becker and Knox-Gallupville Roads. Mr. Baumstein presented 4 copies of the survey map, including one mylar, a short form Environmental Assessment, which the Board reviewed and made a negative declaration on, and certified receipts of letters sent out to all neighbors regarding the public meeting. Technically, this is a major subdivision since it is a resubdivision of what was formally a minor subdivision, and therefore a long-form Environmental Assessment is typically required; however, since the Board is so familiar with this project, Mr. Baumstein was advised at a previous meeting that a short form would be acceptable. A perc test has been done on the property in question and has been approved by the Albany County Department of Health. Dan Driscoll made a **motion to approve this as a preliminary plat of a major subdivision, motion seconded by Bob Gwin and passed unanimously.** Having heard no other comments, Dan Driscoll then **moved to approve this as a final plat of a major subdivision, seconded by Bob Price and passed unanimously.** The public hearing was closed at 1942.

The Board then heard from **Ms. Alberta Bouck regarding a boundary adjustment** previously brought before the Board in October 2007. Based on the information presented in October, the boundary adjustment was approved by the Board. Subsequent to that meeting, Ms. Bouck's brother, John Litts, informed the Board that the boundary line adjustment as approved would have the spring that feeds the well for Mr. Litts' house located on the adjacent property, not the same property as the house. As resolution to this problem, Ms. Bouck and Mr. Litts came to an agreement to move the property line slightly so that the spring is now on the same property as the house. Chairman Price reiterated that this is still a boundary adjustment and therefore not an issue that requires approval of the

Planning Board, but, as Dan Driscoll pointed out, the Board is always happy to advise. On a separate note, Ms. Bouck inquired about dividing property that belonged to her father into two pieces and she was advised that dividing a parcel into two pieces also does not require Planning Board approval because of the one-cut rule. However, the Board did suggest that they would be happy to review and advise her on any plans she draws up. Ms. Bouck was also advised that since some of the parcel is located in the Town of Berne that she would need to contact their Planning Board to see what they require.

Next, **Ms. Margaret Hupe-Cole appeared before the Board with her mother and sister regarding the subdivision of her mother's property on Street Road.** Ms. Hupe-Cole had appeared before the Board in May to discuss options for sub-dividing and she was advised that if they want to subdivide all the parcels at one time, they would have to build a road to Town Highway Standards since the Planning Board does not approve of subdivisions utilizing shared driveways. Since last month's meeting, Ms. Hupe-Cole and her brother and sister have decided to use the one-cut rule to carve out 13 acres for the brother and then additional parcels will be divided later for the sisters. However, Ms. Hupe-Cole's brother signed an agreement with their mother, Mrs. Maryalyce Struck that grants Ms. Hupe-Cole's brother ownership of the driveway and allows only a 20' Right of Way to Mrs. Struck and her heirs. The Board advised that the Right of Way should be, at the very least, 50 feet and that Mrs. Struck should find an attorney to challenge that agreement and try to have it revised. Ms. Hupe-Cole also asked what would happen if anything were to happen to her mother before the other two parcels were subdivided; the Board advised her that if Mrs. Struck's will divides the land between the two daughters, that could possibly be considered a subdivision and the road would have to be built to Town Highway standards. However, if the land was left to one daughter, then the other piece could probably be subdivided out still using the one-cut rule as long as the 18 month time frame had elapsed.

Finally the Board discussed the **met tower project that has been conducted over the past 18 months on the Pokorny's property.** Sustainable Energy Developments, the company that has been collecting and analyzing the data for this project, has held one public meeting recently and will be holding another on June 18th at the B-K-W High School. At the previous meeting held, it seemed that SED was proposing that a developer could put up three wind turbines, but the Town's understanding was that the study was intended to allow this type of development only if it were to benefit the municipalities more directly. Chairman Price also pointed out that the ordinance was written to allow the met tower to be up

for 18 months but the agreement SED has with NYSERDA only requires SED to provide data for 12 months, so there are six additional months worth of data that the Town has not been given because the Town misunderstood the agreement. The Town, at the request of SED sought additional funding from Albany county to keep the tower up longer to obtain more data, but was unsuccessful so the tower is scheduled to be dismantled by the end of June.

Upon a motion made and duly seconded, the meeting was adjourned at 2048.

The next meeting will be on Thursday, July 10th, 2008 @ 1930.