

Town of Knox, Albany County  
Established 1822

Planning Board Meeting Minutes  
June 13, 2013

**Members Present:**

Earl Barcomb, Brett Pulliam, Bob Price, Tom Wolfe, Bob Gwin, Dan Driscoll, Betty Ketcham, and Pam Fenoff (Recording Secretary)

The meeting was called to order at 1935.

1. Approval of the draft minutes of the 13 May 2013 meeting. No comments from the board. Motion to approve as written – Brett, seconded by Earl. 7 Ayes, 0 Nays
2. Bob Price notified the Planning Board that the Town of Knox is holding a seminar on workplace safety. All employees are required to attend. Third Tuesday in July 16<sup>th</sup>, 7 pm – 10 pm. To cover workplace violence, sexual harassment awareness, global harmonization, blood born pathogens, etc. This seminar will also include a section on training the trainer.
3. Regarding a recommended change in the Zoning Ordinance to comply with the state Ag & Markets, the Town Board has approved our proposal with an addition change to leave Para. L, Art. IV, Section 45 with a note as “intentionally deleted”.
4. **Tom Wolfe would like to address swine farming...** He has been reviewing Section 305 of the Ag & Markets with the Robert Summers, Director, Ag. Protection Unit. Dr. Summers indicated that hogs, chicken and cattle are included in the definition of crops, livestock and livestock products under Ag & Markets Law 305 A1. So Tom recommends that we make changes similar to those for horses & riding academies and delete the wording that refers to swine & hog farms so that they are treated the same as horses, chickens, cows and all other livestock. Tom also pointed out that if we’re serious about keeping with the rural character of the town, we can’t arbitrarily discriminate against one farm animal or another. Currently our Zoning Ordinance allows for any number of hogs, but only up to 15 chickens.

Discussion ensued regarding what will be allowed in Knox where a Residential District is overlaid by the County Agricultural Districts. Betty was asked to make a map showing the overlay of the County Ag. Districts on the Town Zoning District.

**Dan Driscoll made a motion that the** Knox Planning Board send a letter to the Open Space Institute in support of them getting a grant in order to purchase an easement on Mary Browne's farm on Pleasant Valley Road so that it will remain protected as farm land. Tom seconded the motion. 7 Ayes, 0 Nays

5. **Discussion regarding the request of Jason Peterson**, Surveyor, on behalf of Ms. Burlingham, to divide two parcels of land along Rte 146, to create one new parcel from the two existing parcels and create a right-of-way to a land-locked parcel. These parcels are just east of Lewis Road and are adjacent to the Town of Guilderland.

Mr. Peterson explained to the Planning Board what is being requested and presented a map showing the land parcels in question. It could be considered two one-cut rules, but Bob P feels that it is more complex than initially presented to him and is too complex for the one-cut rule. Dan opined that this change is two one-cut rules, Tom, Brett and Bob G agree. Bob P pointed out that it is two parcels with a common owner. Earl explained that the one cut rule is based on parcels, not ownership. Bob asked the Board's opinion, is it two one-cut rules? Yes, all agree that it is two one-cut rules and therefore, the Planning Board has no jurisdiction.

6. **Further discussions with Mr. Jeremiah Beck, Kristen Reynders** and her father regarding their request that the Board consider some sort of Business/Commercial designation for their towing and automotive repair activity on the south side of Rte 146 between Bell and Lewis Roads. Bob P stated that he has talked to Bob Delaney (who has spoken several times to Mr. Beck and Mrs. Reynders) about this and he informed Bob P that there are several Zoning Ordinance issues. Ms. Reynders stated that the first time they spoke to Bob Delaney was this morning.

Bob P asked if they had created a map of the area and the businesses in the area. He also asked if there are two businesses being operated? They both seem to be up and running already. Mr. Beck stated that the towing business is in operation but the auto repair shop is not. Bob P also stated that there are issues with separation between adjacent buildings.

Dan – this business is defined as a Public Garage in the Zoning Ordinance. He read the definition and pointed out that a Public Garage is permitted with a Special Use Permit in a Business District but not in a Residential District. A Board member asked if there are other businesses grandfathered. Mickles Automotive is; but Altamont Spray Welding may not be. Dan also read Article 3, Section 30 – 3 Business District and its objective – which states that a Business District should be centrally located in the town. Dan feels that there is nothing we could do to permit this, other than creating a Business District, however to do so would not be appropriate in this location.

Tom – another option is to create a Business District because of the existing businesses. Bob P & Dan feel that is spot zoning. Tom agrees; however, spot zoning is not always prohibited when there are some special circumstances. He

sited one case in the Town of Bethlehem... where the town was sued by someone who didn't agree with rezoning of a Residential area to a Business area to allow for the building of an adult apartment building. That case was won by the town because it was determined to be necessary and a benefit to the town and residents.

Bob P agreed that spot zoning can be done but it should include some special conditions such as the requirement for a 50 foot buffer zone around the property. Also, to require that no vehicles would be visible from the road. The fact that this would be an automotive inspection facility would be beneficial to this area.

Bob G – the requirements for lot size are 15 acres in a Residential District but only 3 acres Business District. Brett mentioned if we rezoned it, it would be in a Business District and it would be ok, as it's on 3.5 acres.

Mr. Ackroyd pointed out that the Helderberg Ambulance garage is on a smaller lot, 5.7 acres according to Bob P, and it's in a Residential District.

Brett would like the Planning Board to review the idea of creating a Business District and to consider making this area a larger Business District. Bob P stated that could take several months given the status of the Zoning Ordinance.

Earl agreed that the center of town should not be the only area for a Business District. Rt 146 seems a logical area given what is there already and that it is a main thoroughfare through Knox. Brett stated this could be allowed with a Special Use Permit.

Tom requested that the Planning Board to consider rezoning the site, subject to a penalty; that only the towing and auto repair would be allowed and there would be a requirement for some sort of bond; state licensing and it would be helpful to know that the neighbors are ok with it.

Bob P – also we need to maintain the appearance, have it improved. Mr. Beck stated that they are currently in the process of cleaning up brush, etc. He stated that six of the cars are ones we own and they are all registered and insured.

Earl stated that he would like to see where the buildings are placed on the property and noted that the signs should be removed since they are not in compliance. Mrs. Reynders agreed to remove the signs.

Mr. Beck – should we have the neighbors sign a letter stating that they are ok with the business in that location?

Bob P asked the board - Are we asking that the Business District run from Lewis Road to Street Road? Tom – yes in the long term. Brett agreed but thinks we might be able to put something together in regards to a smaller business district.

Earl – we should look at the tax maps, etc. like what we did with the “downtown” area. Tom stated that rezoning a larger area will take a longer time. Earl feels that if we’re going to do it, let’s not just do it for this one business. There was a consensus among the Board members that spot zoning was not the way to proceed. There was some discussion that the zone should include the area from Lewis Road to the Beck/Reynder’s property. After that the Board could look at a larger area in relation to the re-writing of the Comprehensive Plan. Bob P suggested that it would also make sense to include the north side of the road so that it includes the Mickles automotive operation.

Tom asked the Beck/Reynders to get the immediate neighbors approval and remove unapproved signage as well as to clean up the cars. Mrs. Reynders gave the Planning Board a copy of a map showing the businesses along Rte 146 from Lewis Road to the Town Highway Department.

Mrs. Linda Carmen asked about the center of town, along Rte 156 through the Hamlet. Would it be possible for there to be a Business District there? Bob P pointed out that the Planning Board is currently working on a proposal to the Town Board to do just that.

Mr. Beck asked about the guidelines for fencing. Bob P stated that it might need to be 6 feet tall. Earl pointed out that he might want to wait on installing any more fencing, pending approval.

Mr. Lefkaditis asked since spot zoning is legal in some cases, what does it take to create such a location. He was informed that if the Planning Board approves, we recommend to Town Board, then they go to public hearing. He then asked in reference to the Knox Store and the adjacent building, can’t that lot be spot zoned? Rather than waiting for the entire, larger area that is being considered for the downtown hamlet area as a Business District.

Bob P requested a copy of the lot showing exact boundaries from Mr. Lefkaditis.

Mr. Ackroyd pointed out that there should be a tax map on the website and asked wouldn’t one be able to get the Zoning Board of Appeals to give a variance to get the store opened.

## **7. Questions from the audience.**

Mrs. Linda Carmen asked about zoning restrictions for senior housing. Bob P explained cluster housing on multiple acres (ie 50 acres). Mrs. Carmen is considering the construction of a two-story building with 24 apartments.

Earl explained that that would be allowed in a Business District. Ms. Carmen asked what if it’s owned by a church? That could make a difference and it might be allowed in a Residential District. She was asked if this would be a Not-for-profit corporation and said yes. Tom asked if she would have any health care professionals on the staff? Bob G – we have an item under hospital / nursing

home which is allowed as conditional use in Residential, Business and Agricultural Districts. Ms. Carmen replied that having health care professionals on the staff was not part of the plan at this time.

Earl pointed out that the Town has a survey online at this time and feels that these would be issues that should be in the Comprehensive Plan.

Dan moved that we amend the Zoning Ordinance to permit multiple housing for seniors to be allowed in the residential and agricultural districts under the following categories... Tom seconded, 7 Ayes, 0 Nays

R - A - B - LC1 - LC2 - RR - AM - MRD  
A - A - A - N - N - A - A - A

8. **Further discussions with Ms. Chastity McGivern** regarding her Senior Citizen Cluster Development on Knox Cave Road. Once again we will focus on where exactly this proposal might fit within the existing Zoning Ordinance and any other questions the board might have.

Mrs. McGivern asked if the previous discussion provides approval for her senior housing concept to get a site plan done?

Bob P pointed out that he was unable to get information from Mrs. McGivern's architect. Mrs. McGivern stated that they wouldn't give Bob P any information since the Planning Board hasn't approved her concept and that the development would be allowed in Knox. Bob P said that the Planning Board needs a drawing, which Mrs. McGivern and Tom agreed that the Planning Board already has.

Earl pointed out that the motion just made does allow for the type of housing you have in mind. Once that is approved, by the Town at a Public Hearing, we'll be able to look at your specific project and get site plan review / approval process underway. Tom confirmed Earl's statement and asked if the drawing that she submitted was just informational. Mrs. McGivern confirmed that it was. The next steps won't be taken until her team knows for sure that this type of development is allowed in Knox.

Tom asked if the above the motion is approved, would that be sufficient for her team to move ahead with their plans. Mrs. McGivern agreed that it would be.

Dan asked to clarify the type of dwelling that Mrs. McGivern is referring to in relation to the type of dwelling that Mrs. Carmen was referring to, does the motion made cover both types? Earl agreed that we need to make sure that is the case. Discussion ensues...

Bob P referred back to Article 4 Section 42... I think we have an agreement that planning board needs to allow for both types of senior citizen housing. All the Board members agree that Dan's motion covers both types of housing.

Mr. Lefkaditis asked again about the Knox store property: Where do we stand with that? Is it possible to simply change the abandonment clause to state from 180 days to, say, 36 months? That would solve the problem with the store immediately. He was told that making that change to the Zoning Ordinance would require going through the standard procedures required to change the Zoning Ordinance and that would take at least two months.

Meeting adjourned at 2130.

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The next meeting will be on Thursday, 11 July @ 1930