

# Town of Knox, Albany County, NY

Established 1822

## Planning Board Meeting Minutes

June 12, 2014

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

The meeting was called to order at 1930.

1. Bob P reviewed the conference that some members attended. It was not great. Poorly presented, but food was ok. He, Tom and Betty left after ½ hour.
2. Review of May meeting minutes. Motion to approve May minutes as written by Earl, seconded by Tom. All in favor, motion passed.
3. Bob Price brought up the subject of recent enforcement of the Zoning Ordinance regarding noise. A resident has been fined eight times under Article V, Section 50. He asked if the Planning Board should recommend to the Town Board regarding corrections to the noise section of the Zoning Ordinance? Bob P would like us to come up with regulations that make reference to State or Federal standards, so that there are easily understood terms to make sure the noise making machine is or is not in compliance with the applicable laws. If the noise does not exceed those standards, how does one deal with the annoyance? A kid does have the right to run his four-wheeler, just as someone has a right to run his chainsaw all day.

Specifically, the wording in Section 50 A3a (page 35)... Bob P stated that this is too vague, without a glass shield on the property line, there is no way for a noise not to carry over a property line. Does the town need to own a high quality sound meter and have it calibrated once a year? Dan stated that this could cost as much as \$2000 per year. He does not believe other area towns have these devices nor does he believe there are any federal regulations on these devices. It was agreed that most manufacturers have mufflers that are set at certain standards. Tom feels that we should wait until the Albany County court gets involved since the Town Board will most likely thank us for our comments and ignore it. Dan feels that our Zoning Ordinance is sufficient as stated. Dan explained three types of noise regulations and provided copies of Appendix K of the Helderberg Escarpment guidelines dealing with noise regulation.

Bob P feels that the statement as written is stupid. There is no way to keep a noise from crossing a property line. Bob P agrees with the idea that hours of use can be placed on a construction site, etc., aka quiet hours.

Bob P pointed out Section 63 Motorcycle Restrictions... also doesn't agree with how this law is written. Has looked at other towns and hasn't found anything on noise.

Dan pointed out Section 50A5, third paragraph, (page 36) regarding accessory uses, mentions swimming pools in reference to noise as does Section 50P (page 51).

Tom, comments that we realize there is a flaw in the law... Brett doesn't think there is a flaw; it's being left up to reasonable people to make reasonable decisions. Tom thinks we should deal with this only if the defendant appeals and succeeds / wins her lawsuit.

Bob P - seems we have a consensus that the current language is satisfactory as it allows reasonable people to determine what is offensive and objectionable

Bob P and members offered a big thank you to Pam Fenoff for her many months of services as the PB Recording Secretary.

4. Questions from the audience: none

Meeting Adjourned @ 2020, motion made by Brett, seconded by Earl. All approved, motion passed.

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Next Meeting, Thursday, July 10, 2014