

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

PLANNING BOARD MEETING MINUTES

July 12, 2007

Present: D. Driscoll, R. Gwin, B. Ketcham, R. Price, B. Pulliam, M. Scott

The meeting was called to order at 1930.

Chairman Price started the meeting by stating that agendas for the Planning Board meetings are currently being posted on the Hilltowns webpage as well as on the Town webpage. The goal is to have it posted at least 10 days prior to the meeting, but the issue of when to cutoff requests to be included on the current agenda has yet to be resolved. Chairman Price then went on to give an update of the latest wind velocity figures from the Met tower that were presented to the Town Board at the last meeting.

A motion was made by Dan Driscoll to approve the minutes of the June 14th meeting as written. Seconded by Brett Pulliam. The motion passed unanimously.

The Board then proceeded to the **Public Hearing regarding the proposed windmill on James Devine's property**. The public hearing was opened by asking Mr. Devine to make a statement about the potential impact of the windmill. The tower will be 76 feet tall and more than 125 feet from all property boundaries. Tests were run on the visual impact with observations being made from Ketcham Road near the old schoolhouse, a historic site, and from the hiking trails at nearby Thacher Park, the Board concluded that the visual impact would be negligible if at all existent. Mr. Devine also provided the Board with receipts confirming notification of his nearest neighbors of this public meeting. Several of those neighbors were in attendance, including Rick Georgeson and Thomas Payne, who both stated that they support the project. Also in attendance was Pauline Williman who is a member of the Patroon Land Foundation who also stated as an individual and not a representative of the Foundation, that she supports any project that promotes clean, efficient energy.

Mr. Devine next presented the Board with a completed Environmental Assessment Form. Betty Ketcham asked Mr. Devine if he was aware that there are Indiana and small-footed bat hibernacula at Thacher Park, Mr. Devine stated he was not aware. Chairman Price interjected that Al Hicks, a DEC representative who studies bats, has advised the Town to have windmill owners monitor any bat mortality and report it to the DEC. It was also acknowledged that this is difficult to do since bats are active at night and any bats killed overnight are likely to be consumed by scavengers before morning.

Dan Driscoll then calculated a rough noise estimate at the nearest home based on more detailed information he had requested and determined that the sound at the nearest neighbor under optimal listening conditions would be about 35 dBA, meaning it would be heard on occasion, but should not prove to be annoying. At this point, Dan Driscoll moved to close the Public Hearing and allow the Board to complete their portion of the Environmental Assessment Form. Motion was seconded by Bob Gwin and passed unanimously. The Public Hearing was closed at 2004.

Once the Board had completed their portion of the Environmental Assessment Form, they moved on to review the Visual Addendum. The concern is that this windmill is close to both Thacher Park and the one-room schoolhouse on Ketcham Road that is a historic site listed on the National Register. Dan Driscoll stated that he had walked the trails nearest the proposed location and noted that the spot where the visual impact tests were done on the trails just north of Ketcham Road is probably the only area from which the windmill will be clearly visible, and that same area (not necessarily the same spot) also has a view of the antenna farm at Pinnacle. So, while the impact should probably be rated moderate, the view is already compromised to some extent. Mr. Driscoll also noted that, based on old photos of the view from the Ketcham Road Schoolhouse, the windmill might be visible in the winter when the trees are bare, or if the field across the street were returned to agriculture. But since that is unlikely it should be rated as a low potential impact. Finally, Mr. Driscoll stated that on the trail along the northern boundary of the park, closest to Helderberg Estates, there is a small area where the view begins to open in the direction of the proposed windmill. There is nothing of interest to draw attention in that direction, and if the windmill would be visible from that area, someone would have to look very carefully. Again, there is somewhat greater chance of visual impact in the winter, but even so, the impact should be rated as low.

Dan Driscoll then made a motion that the Board should not require a full Environmental Impact Statement. Motion was seconded by Betty Ketcham and passed unanimously. Mr. Driscoll then went on to move to approve the Site Plan Review. Motion seconded by Chairman Price, passed unanimously. Mr. Devine was advised that the next step was to see the Town Building Inspector for a building permit and then he was all set to proceed.

The Board then heard from Deborah Mae Roberts of **Mae Flowers**. Ms. Roberts stated that the business was taken over from Ruth's Greenhouses and relocated to her property at the corner of Route 156 and Witter Road. Ms. Roberts presented the Board with a map of the property showing the location of the greenhouse and also a completed Environmental Assessment form. The Board reviewed the information submitted and agreed that a public hearing would be held. At Ms. Roberts' request the meeting will take place on September 13th instead of at the next meeting on August 9th. The Board advised Ms. Roberts that she would need to send certified letters out to her nearest neighbors informing them of the Public Hearing. It was also noted that Ms. Roberts had appeared before the Zoning Board of Appeals (ZBA) at their last meeting because the business had been sited for non-compliance. The ZBA agreed that Site Plan Review by the Planning Board was required.

The next order of business discussed was the review of a small **land parcel exchange between the Mohawk-Hudson Land Conservancy** and Ms. Terry Brown. Ms. Brown was given the property by her father, Steve Brown, at the same time that Mr. Brown donated land to the Mohawk Hudson Land Conservancy. The property is surrounded on three sides by the Conservancy. When the surveyor divided the property, a portion of Ms. Brown's back yard approximately 50 feet wide was given to the Land Conservancy. The Conservancy would like to give that portion of land back to Ms. Brown in exchange for a portion of her property on the west boundary of nominally equal area. In addition, there would be a 20' easement to allow the Conservancy access to their property from Ms. Brown's driveway. Mike Scott suggested that this is essentially a one-cut from two different property owners. Chairman Price moved that it is not necessary to have a public hearing and asked that the Board empower him to write a letter to the Mohawk Hudson Land Conservancy to that effect. Motion was seconded by Mike Scott and passed unanimously.

Chairman Price then brought up the issue of **transfer of development rights (TDR)**. Through TDR, a developer can purchase rights to develop houses closer together than they would normally be

allowed to. In exchange, the developer purchases development credits from a landowner who then agrees to place a permanent conservation easement on his or her land. The subject was brought up to Chairman Price in regards to the development of the former Paris property on Zimmer Road. Chairman Price feels that the problem with this specific property and in the Town of Knox in general, is that of water and waste-water treatment. Chairman Price just wanted the Board to be aware that this could become an issue that will need to be addressed in the future.

The Board then heard from **Brian Hendricks** who would like to divide his 8 acre parcel on Knox Cave Road into 2 lots. Mr. Hendricks presented the Board with a map of the parcel and Dan Driscoll stated that he believed this parcel had been subdivided once before. The Board agreed that the sight lines look good, setbacks are fine and the parcels are large enough. Upon examining a map retrieved from the files it was determined that the property was indeed part of a subdivision done in 1984 and, therefore, a major subdivision would be needed. Motion was made by Dan Driscoll to accept the map as a sketch plan of a major subdivision. Motion was seconded by Mike Scott and passed unanimously. Mr. Driscoll asked that Mr. Hendricks complete a short environmental assessment form and bring it to the next meeting at which time a Public Hearing will be held. Mr. Driscoll also asked that Mr. Hendricks notify his nearest neighbors of the public hearing.

Finally, the Town Building Inspector, Bob Delaney, brought it to the Board's attention that the Zoning Board of Appeals (ZBA) had recently reviewed the Zoning Ordinance in regards to **size of allowed signs** in the Town and had interpreted the Ordinance to mean that signs that are 12 square feet on each side are allowable. Mr. Delaney feels that 12 square feet per side is clearly a total face area of 24 square feet and since the Ordinance specifically states that the maximum total face area of a sign can be no more than 12 square feet, that this interpretation is incorrect. The Board agrees with Mr. Delaney's opinion. Chairman Price suggested that an Article 78 would be necessary to get a court determination as to whether the interpretation made by the ZBA is valid.

Upon a motion duly made and seconded, the meeting was adjourned at 2145.

The next meeting will be on Thursday, August 9th, 2007 @ 1930.