

Town of Knox, Albany County, NY

Established 1822

Planning Board Meeting Minutes August 8, 2013

Present: Dan Driscoll, Bob Gwin, Betty Ketcham, Bob Price, Brett Pulliam, Earl Barcomb and Recording Secretary, Pam Fenoff.

Meeting called to order at 1935.

Bob Price recapped the agenda for the residents in attendance.

Review and Approval of July 11, 2013 Minutes – Dan emailed a few typo-s to Pam, those have been fixed. Earl moved to accept the minutes as revised. Brett seconded. 6 Ayes, 0 Nays

Changes to Zoning Ordinance

Dan reviewed the Draft Notice of Public Hearing for Senior Housing that he drafted...

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town of Knox will hold a Public Hearing pursuant to Sections 264 and 265 of the Town Law of the State of New York to amend the Zoning Ordinance of the Town of Knox to permit affordable multiple housing for senior citizens and to define certain new terms.

While the Town's Comprehensive Plan does not specifically recommend affordable and senior housing, it does recommend that "Knox can and should become a town that is friendly to appropriate development." In particular it recommends that the Town "foster an attitude of neighbors working together during illness, financial hardship, old age and death."

The following are the proposed amendments to the Zoning Ordinance of the Town of Knox.

Add the following definition to ARTICLE II – DEFINITIONS:

SENIOR HOUSING: Housing specifically for persons age 55 and older. This includes both Multiple Dwellings, with three units or more, and cluster developments under single ownership.

Add the following USE TABULATION under SECTION 42 – RESIDENTIAL USES:

	R	A	B	LC1	LC2	RR	AM	MRD
<i>SENIOR HOUSING</i>	A	A	N	N	A	A	A	

Said hearing shall be held on _____ at ___ p.m. at the Town Hall, at which time all persons interested shall be given an opportunity to be heard.

DATED: _____, Knox, New York

BY ORDER OF THE TOWN BOARD, TOWN OF KNOX

Kim Swain, TOWN CLERK, TOWN OF KNOX

From the audience, Ed Ackroyd questioned the age 65 and older. Bob P mentioned that 65 is what the Fed Gov considers as senior citizens. From the audience Mr. Lefkaditis and Mr. Ackroyd pointed out that the industry standard for seniors is 55. Bob P pointed out that the owner of the property can specify the age of the residents. Ed Ackroyd pointed out that one can retire at 55 according the Federal and State Governments. Bob P asked who decides what age rules if the town disagrees with the owner of the property. Mr. Lefkaditis pointed out that his company has built many units in RI and they are all 55 and older. Dan D suggests that we enter 55 and let the town / public hearing determine. All agreed to change the wording to age 55 and older.

Dan mentioned that we need to do an environmental assessment on this property. To the Planning Board, he handed out a full set of blank seeker forms.

There was some discussion regarding the two categories currently in the Subdivision Regulations - apartments and cluster developments. Cluster developments are already allowed by Subdivision Regulations, so no change would be required there. But the apartment building / multiple units, two stories or more... will that have to be accommodated.

Bob P pointed out that the individual septic systems proposed would have less of an environmental impact than cluster development Earl asked if the lot size would be determined by the Zoning Ordinance or by each project. Dan gave an example, which might include wetlands, where one might allow lot size to be smaller if some of the acreage is preserved.

Bob G pointed out that if it's residential cluster there is a 3 acre minimum; if it's in another district, it would have to be 10 acres. With the cluster, we can shrink the lot size, but must maintain the density. Bob P – if we're going to allow this type cluster development we need to check on the number of acres at this cluster, this one has just 19 acres with 20 houses. Earl – we shouldn't dictate Zoning Ordinance changes for one project, we should determine what is proper for the entire town.

From the audience Russ Pokorny noted that when providing individual septic and wells for multiple units, the requirements can be reduced. Bob P – there is two wells here and possibly centralized systems. Russ – you can have a different definition for that development. Bob P – should we deal with this now? Dan – No, this would be dealt with during the subdivision process.

Bob G – isn't this being run as a business? If so, the requirement would be 15 acres. Does it fit in as a residential use? Or a business use? Bob P – is the original intent of the word business to include housing? Maybe, maybe not, but this proposed development is clearly not a business in the intended sense of the original Zoning Ordinance.

Dan stated that those are impacts that are considered under the subdivision regulations. The proposal for a senior citizen multi-unit subdivision or apartment building would have an impact. Bob P asked if the Planning Board should limit the number of stories. Bob G stated that that is also determined in the Zoning Ordinance tabulation table. Earl pointed out that the lower number of stories is in deference to the fire department and its available equipment. We don't need mention building height, since it's already defined in the Zoning Ordinance. Dan – we can drop the words “two stories or more” and the Zoning Ordinance will limit it to 2.5 stories.

Dan – There is another impact that could be significant... How many of these situations are we going to end up with in the next few years? Bob P feels they would be self-regulating. Dan – we could do the same as we did for the trailer park, in order to limit the number of senior apartment buildings we get. Do we want to make a change to limit the spacing of these types of units... many could have an environmental impact. Brett – these will also be regulated by the availability of septic and water. Bob P – do we have a consensus?

From the audience, Joycelyn Ferrar asked if we have adequate emergency services to support this number of residents. Bob P stated that we do have mutual aid available from other towns. One proposed development has a large pond available for use by fire trucks and that the road access is good.

Dan pointed out that no one has identified any major environmental impacts. The largest problem he can see is the possibility of having too many of these around town.

Bob P reminded the PB that these plans will all have to be approved by the county as well as the town.

Dan moved that we proceed with the notice of public hearing and present this, as read and amended tonight, to the Town Board. Earl seconded. 6 Ayes, 0 Nays

Business District proposal in the Hamlet of Knox

Dan read the Notice of PH to amend the ZO to create a business district in the Hamlet of Knox...

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town of Knox will hold a Public Hearing pursuant to Sections 264 and 265 of the Town Law of the State of New York to amend the Zoning Ordinance of the Town of Knox to create a business district in the Knox Hamlet.

The Town's Comprehensive Plan states that "Although the Zoning Ordinance provides for Business Districts, no such districts have been designated on the zoning map. A Business District could be considered in the Knox Hamlet area. Although no specific boundaries of such a zone are suggested at this time, certain characteristics of this area lend it to creation of a business zone. This area contains a Mobil gas station, general store, the Post Office, the Dutch Reformed Church, the Knox Historical Society Museum, the Town of Knox Park, Fire Department building and the Town Hall. It is generally flat and well-drained, has good access to State Route 156 and County Route 252, and is centrally located. However, other than recognizing the existing business activities, there is little room for any expansion, the lots are small, and there is no public water supply or sewer system." For those reasons, this proposal for a Hamlet business district begins with just the general area that had been devoted to commercial businesses.

The following are the proposed amendments to the Zoning Ordinance of the Town of Knox.

Revise ARTICLE III – DESIGNATION OF DISTRICTS, Section 30 – District Names and Objectives, 3. Business District (B) to read: It shall be the objective of Business

Districts to maintain and establish areas within the Town of Knox to provide for existing and future commercial growth. These areas shall be characterized as being centrally located in the Town and hence areas suitable to potential commercial development. Such areas will provide adequate highway transportation and incorporate those areas which presently have been commercially developed. Such districts shall hereinafter be referred to as B.

Revise ARTICLE III – DESIGNATION OF DISTRICTS, Section 31 – District Boundaries, 3. to read: 3. Business District #1 (B1) Beginning at the intersection of Route 156 and Knox Cave Road and proceeding northerly along the centerline of Knox Cave Road a distance of 350 feet, then westerly along a line perpendicular to Knox Cave Road a distance of 600 feet, then southerly along a line perpendicular to Route 156 a distance of 460 feet to the centerline of Route 156, then easterly along the centerline of Route 156 to the point of beginning, including parcels 57.-1-14, 15, 16, 17, 18, 19, and part of 21.

Revise ARTICLE V – SUPPLEMENTARY REGULATIONS AND NON-CONFORMING USES, Section 50 – Supplementary Regulations, E. 2. b. 6) Buffer Strip to read: 6) Buffer Strip: Except where separated by roads, every Business District must be separated along its outside boundary from any adjoining residential zones by a buffer strip, suitably maintained and/or landscaped, at least 100 feet wide.

Revise the Zoning Map to show the District Boundaries for Business District #1 (B1).

Said hearing shall be held on _____ at ___ p.m. at the Town Hall, at which time all persons interested shall be given an opportunity to be heard.

*DATED: _____, Knox, New York
BY ORDER OF THE TOWN BOARD, TOWN OF KNOX
Kim Swain, TOWN CLERK, TOWN OF KNOX*

Dan asked if anyone had any changes. Brett asked about the language for the buffer strip, we stated in our discussions for the 2nd Business District that we wanted to include the statement... “The width of the buffer strip may be reduced by the Planning Board during Site Plan review process to account for existing conditions.” He would like to see this added to the above mentioned Public Hearing Notice for Business District #1. Bob P supported Brett’s suggestion, also asked why aren’t we talking about parking and 75’ set backs from the center line? Dan stated that these issues can be addressed by the Zoning Board of Appeals and should not be put in the Zoning Ordinance. Earl pointed out that there are quite a few regulations about business districts that don’t fit with this particular area. Discussion... Bob G stated that Article VII, Section 61F Site Plan Approval states that “...the Planning Board can approve, approve with modifications, or not approve...” so Dan is correct, we can deal with these questionable items through the Zoning Board of Appeals and a Special Use Permit.

From the audience, Kenneth Ferrar asked isn’t this area all previous businesses? Bob P - Yes, several are, but some are residences.

Dan – we had discussed having a more limited Business District than what is proposed here, can we expand the back end / north of this area, some of this includes part of Louck’s property. Is

everyone in agreement? Earl – Why did you expand to the north? Dan explained that he added property to the north in order to create more of a buffer. Bob P – What does everyone think?

Russ Pokorny – if you're thinking about combining lots to create a buffer, you are perhaps losing the historic structures and might not be appropriate for a business district. The property should sustain the intended use. Bob P explained that some of this land is obviously developable for business use. The likelihood of the other's becoming a business is small. Dan suggested that someone could also buy the store and later purchase the existing houses in order to expand.

Bob P - The main question is do we want to use the existing property lines or include the extra acres to the north? Earl feels that having a larger area will possibly prevent someone from expanding to the west and encompassing one of the old houses.

Dan added that in the notice he only referred to permanent fixtures, and not road names, tax maps numbers, etc., since those things may change over time.

Bob G – given that we refer to the Master Plan, why did we not include the Town Hall, Fire Department, Town park, etc. Bob P – a few of us decided to cut it back as it originally went all the way to Knox-Gallupville Road, but it seems to big. He doesn't feel that the Town Hall, FD and park are actually businesses. Bob G stated that he would be more in favor of a larger, more general Business District; this seems to be more spot zoning. The idea is that this is the center of town a natural gathering place, etc. Makes sense to include the entire area.

From the audience, Amy Pokorny mentioned some results of her survey regarding changes to the Town Comprehensive Plan. Almost everyone said they want a store and those services are missed. She wonders if we could just make changes to the store property and not affect the rest of the properties. Bob P – read some of the responses to the Town's survey.

Dan D – the next step is to consider the environmental impacts. He commented that he could not think of any that would lead to a Negative Declaration. Betty stated that the house on the corner might be eligible for the historical register. Bob P – asked if just the property that includes the old store and the steel building, could be designated the business district in the Hamlet and we don't include any of the other properties? There is enough land there to maintain or even expand a business. Dan – now you're spot zoning.

Earl – can we just change the rule so that a building that has been vacant for more than 6 months so that it can be opened again as a business?

Bob P – that has been a Business District for a long time, let's just make it official and create that one piece of property.

Dan D – You're spot zoning and you're ignoring the Comprehensive plan. Brett - and you're ignoring the comments from the residents / the survey. Bob P stated that there are no guarantees the purchaser will make it a store and what about all the past owners who have failed. Include the house on the corner as well, if you want. Now you've got a logical corner, which has already been a business district.

From the audience Mr. Ferrar stated that a Stewart's would be ideal there. Bob P – there is a Stewart's store in Altamont, 3.4 miles away and most people go there now.

Dan suggested that he thinks it is preferable to make the Business District much larger. Other environmental impacts would be increased traffic particularly if the store re-opens, but doesn't see this as an important impact. How important is the fact that the house on the corner is eligible for the historic register? The majority of the Planning Board feels there aren't any issues.

Joycelyn Ferrar – Why not provide business space in a historic house like in Troy, as professional offices?

Mr. Lefkaditis stated that it's the right of the home owner, if a house gets torn down. The Planning Board has no say in that. Regardless of the historic value of the house.

Betty pointed out that historic significance is mentioned in the assessment form. Mr. Ackroyd mentioned that the former gas station house/store used to be a blacksmith's shop.

Bob G stated that bigger is better for creating opportunity for businesses. If we are trying to achieve that, I support what Dan has written, to get us started. Let's let the public and Town Board to determine if the Business District should be larger or smaller.

Bob G made a motion that we proceed with the Notice of Public Hearing, as written, with Betty's changes, to the Town Board. Brett second 4 Ayes, 2 Nays (Bob P and Betty)

Dan asked Betty why vote no? Betty stated that she doesn't like the northern expansion.

Bob responded with comments regarding issues with waste water disposal. Years ago we tested with dye and it came up at Beaver Dam Springs. Increasing the number of people in the Business District could increase the difficulty dealing with waste water and obtaining potable water. Earl reminded the Planning Board that we have site plan review, and the county determines whether or not one would get approval on the amount of water.

Dan – do we need to do a positive declaration for this? Betty and Brett – no.

Bob P – this is not going to increase traffic or noise. Bob also thinks that the lights should be full cut off lights. Dan – good point. Bob P – the town needs to press National Grid to get that done with the street lights in the Hamlet.

Bob P – Dan will fill out the forms and finalize the Draft Notices of Public Hearing by Monday and he will get it to the Town Supervisor.

Business District #2 (Rte 146 / Lewis Road)

Bob P began the discussion by showing copies of the proposed boundaries to the board members and explained that the southern boundary is not the one that was original referred to. Dan had suggested the use of an old plank road along the southern border,

Bob P explained that he did not want the Business District to extend that far south on Lewis Road and that the boundary should be left at the southern boundary of the existing properties.. He also pointed out that these lots are much larger than those in the Hamlet and that would allow a for a buffer zone. The area extends to the west to Tax Map Parcel 47-2-5.

Mrs. Joycelyn Ferrar – lives on Township Road just east of the proposed district. She opposes this Business District #2 because we hear trucks traveling on Lewis Road and Rte 146. She

questioned whether Lewis Road is suitable for those heavy loads. Trucks are going along all day and night. She's hoping to curb the problem and doesn't want to see more businesses in that area.

Bob P – there is nothing we can do about the trucks on Rt 146, that is a State road. There may be an issue if there is a weight limit on Lewis Road. Bob said he would have to check with Gary Salisbury on whether or not there is a weight limit.

Bob P commented that one issue unresolved is whether or not Altamont Spray Welding started business. He checked with the NYS Dept of State and learned that it had been incorporated in the early 1980s.

Mr. Kenneth Farrar stated that he thought that Altamont Spray Welding started in 1971.

Bob P commented that if that assertion is correct, Altamont Spray Welding is grandfathered in as a business in a Residential district and would therefore not be illegal.

Mrs. Ferrar wondered if they are operating legally. Bob P suggested that she speak with the town attorney.

Dan commented to Bob P – you were correct in that we have no control over the trucks on Rte146, but should this become a Business District, trucks will be accelerating and decelerating and make more noise. Earl – asked do you mean the trucks entering and leaving the businesses? Bob P said that doesn't follow since the traffic into and out of Altamont Spray welding won't change and the tow trucks coming and going won't change just because the area has been designated a business district.

Bob P pointed out that it would probably take at least another two months before there would be a Public Hearing before the Town board.

Bob G – Thinks this area should not be a business district, adding businesses will increase traffic along this stretch of 55 mph highway.

Bob P stated that he doesn't feel that this will become an issue just because of the creation of a business district. There are no facts that suggest that creating a Business District along Rt 146 will increase traffic or disrupt traffic. The Public Hearing is the venue where and when the public can speak to the Town Board if they are opposed or in agreement with this proposal.

Bob P moved to have the boundaries of Business District #2 be along the original property lines, rather than the old plank road. Seconded by Brett & Earl.

3 Ayes, 1 Nay (Betty), 2 abstentions (Bob G. and Dan) Motion passed.

Dan moved to adjourn, all seconded.

Meeting adjourned at 2135.

Next meeting September 12, 2013 at 1930.