

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

**PLANNING BOARD MEETING MINUTES
September 14, 2006**

In attendance: Dan Driscoll; Bob Price; Brett Pulliam; Bob Gwin; Mike Scott; Tom Wolfe; Catherine Traina, Recording Secretary

The meeting was called to order at 1930. Bob Price introduced our new member, Tom Wolfe, and our new recording secretary, Catherine Traina, as well as the rest of the Board members to the audience.

The Board then discussed the circumstances relating to a subdivision of a parcel of land on Rte 156 which at one time was part of the Walk Farm.

At the time of the sale, the IRS was about to seize the entire Walk Farm to cover the estate taxes. Mrs. Walk made an arrangement with GBM Land, Inc. of Williamstown, MA to pay the monies due to the IRS in exchange for the parcel and several other parcels.

Subsequent to that transaction, the parcel in question, totaling some 8.3 acres, was sold to a Robert C. Ackerman and he now wants to subdivide the property into two parcels: one will be 4.0 and the other 4.3 acres. The map from the original sale shows that the remaining lands were to be subdivided, this lot was not included. Infinigy Engineering, represented at the meeting by Dan Schweigard, has been hired by Mr. Ackerman to handle the subdivision as Mr. Ackerman has already moved to Atlanta, Georgia. In the course of the discussion, Dan Driscoll pointed out that this parcel should have been considered in the original subdivision, but it was not.

Dan Driscoll commented that while it is not necessary to declare this a major subdivision, it should be done anyway to avoid any future question of what was done. It won't affect the approval process if it were declared a major subdivision. Bob Gwin agreed; he thought the land owner should fill out the environmental assessment forms, have a hearing and, if no one objects to the subdivision, it would go through.

Mike Scott expressed his belief that this looks like a one-cut rule situation. If we required a minor subdivision, he stated he can't imagine who would come back and question this. Tom Wolfe agreed that he thinks this is independent of the original subdivision and is therefore a one-cut situation. Brett Pulliam agreed.

Mike Scott made the motion that the Planning Board, having reviewed the information, should declare that this parcel was not part of the original subdivision and is therefore a one cut rule situation. Brett Pulliam seconded the motion. A vote was taken and Mike Scott, Tom Wolfe, Bob Price and Brett Pulliam voted yea; Dan Driscoll and Bob Quinn voted nay. The motion passed.

Dan Driscoll commented that the parcel should not have been subdivided then, and it was subdivided illegally by the land purchaser within 18 months.

Mr. Schweigard inquired as to the process at this point and was told that the landowner can do whatever he wants. A formal plat should be created and filed with the County and the Town tax assessor, Mr. Pokorny, should also be notified. No covenant will be placed on the new deeds as the parcels will be too small to subdivide again.

In regards to the acceptance of the August minutes, Dan Driscoll brought up that after the public hearing was closed, the Board continued discussing other issues and then reconvened the following week to continue the discussion and that was not included in the August minutes.

Bob Price asked Mr. Driscoll to write up that discussion and incorporate that into the August minutes. Mr. Driscoll stated that the August meeting ended discussing site plan approvals and wondered if it was announced that the Board was going to reconvene to continue the discussion. He further stated that he is concerned about the open meetings law and wants to make sure the Board made it clear that they would reconvene. Mr. Raven, a local news reporter, stated that it was clearly announced and nothing was done that would violate the open meetings law, in fact he included in his article that the Board announced it would reconvene.

Mr. Driscoll stated that in a conversation he had with a member of the Town of Bethlehem Planning Board, the topic of e-mail discussions was raised. The attorney for the Town of Bethlehem has advised the members of the planning

board that e-mail discussions of town issues can constitute a meeting and therefore this Planning Board should be careful not to have such “conversations”. Bob Price stated that he was aware of this but does not believe this has been done in the past. Chairman Price stated that we have been forewarned to be discreet about internet discussions and suggested that perhaps we should consult Bob Friedman from the NYS Secretary of State’s Office to see what guidelines we can get and if we should speak to the town attorney.

Chairman Price brought up the topic of an e-mail he received from John Davis of Sipperly Associates regarding a subdivision on Middle Road stating that the map in Mr. Davis’ possession did not have a stamp showing that it was approved by the Town Planning Board.

The owners of the property, the Flaherty’s, are trying to create a 4 lot subdivision ranging from 1.782 to 7.231 acres; the parcels are not contiguous but are considered one parcel for tax purposes. Chairman Price inquired if anyone knows anything more about this issue. Dan Driscoll suggested that maybe it was a subdivision of the Beebe land, but Chairman Price clarified that the parcel does not extend all the way to Beebe Road. No one else has any knowledge of this, so Chairman Price will attempt to follow up and get more information.

Michelle Catalano of the Highlands Restaurant and Tavern was in attendance. In April of this year, Ms. Catalano came before the Board to discuss re-zoning the area around the restaurant for business. In order for that to happen, the Planning Board would have to create a Business district. Recommend that to the Town Board and a public hearing would have to be scheduled by the Town Board.

Ms Catalano stated that it was proposed in April to re-zone the area, but Chairman Price corrected her to say that it was discussed, but never actually proposed, that the problem with Ms. Catalano’s Special Use Permit might be fixed by re-zoning the area and considering it a small business district. Ms. Catalano stated that her Special Use Permit does not reference re-zoning to the best of her knowledge. Chairman Price was under the impression that was one of the requirements of the SUP. Chairman Price asked that a copy of the permit be sent to him via e-mail so that it can be reviewed and possibly put on the agenda of the Planning Board for next month. He further stated that given the information the Planning Board has gathered, they do not believe

the Town Board will approve the re-zoning.

Dan Driscoll suggested that Ms. Catalano may want to start a petition of neighbors who want the area re-zoned commercial and bring that to the Planning Board or the Town Board to try to push this forward. Chairman Price agreed – changing the zoning of one parcel and not the other parcels around it is spot zoning, so re-zoning as a Business District is the only option. Dan Driscoll added that the Business District could be tailored to allow only certain types of businesses. Mike Scott inquired if there is was time duration of the SUP and Ms. Catalano responded it expires on Halloween 2006, The Certificate of Occupancy is contingent upon renewal of the SUP. She asked if it is possible to get a variance to operate a restaurant on 4 acres and was told by Chairman Price that the Planning Board really can't answer that, that it would be an issue for the Zoning Board of Appeals.

Chairman Price announced that Steve Brown has completed the subdivision of his property on Bozen Kill Road and a covenant will be included in the deeds. His attorney is drawing up the deed transferring the major portion of the land to Mohawk-Hudson Land Conservancy.

The next topic of discussion was the Wireless Telecommunication Towers regulations. Chairman Price is in receipt of several regulations that other municipalities have put into effect. The Board is hoping to use these as a template to create the regulations for the Town of Knox. Both Chairman Price and Town Board Chair Mike Hammond agree that this is a safety issue and they would like to move this forward as soon as possible. The proposal from the Town of New Scotland states that towers need to be “stealth”, there is a \$10,000 deposit and an additional \$8,500 fee; all of these elements would need to be modified. But Chairman Price asked if the Board would like to start with this proposal or look at the others to find one more suitable.

Dan Driscoll said the New Scotland proposal seems awfully long and that Knox's guidelines should be written in such a way that it would be incorporated in the Town Zoning Ordinance. Bob Gwin agreed that it is a bit much and suggested that we will need a site plan review before proceeding. Chairman Price stated we need something that specifies that in order to put up a cell tower, the land owner would need to come to the Zoning Board and get a site plan review and then go to the Zoning Board of Appeals to get a building permit. Chairman Price asked if there was a consensus that if the landowner gets a site plan review they won't need a special use permit. Dan

Driscoll agreed to look into State Law to verify this but all agreed that they think it is possible. The question was raised if it is possible to revoke a site plan approval if a landowner does not comply with requirements and all agreed that it is possible. So the Board agreed to continue looking for an ordinance that more closely follows what the Planning Board is looking for.

Chairman Price stated that he thinks this should be done as a monopole. Dan Driscoll asked if it is possible to put more than one antenna on a monopole. Chairman Price stated yes, it is. Dan Driscoll suggested that antennae should go on existing structures if at all possible, if not they should be remote from roads. Also, Mr. Driscoll stated that if you limit the height of the towers, you will need more towers but it won't change the "character of the community". Chairman Price responded that the tower is a benefit to the community even if we went with one, taller tower. Dan Driscoll stated that we would like to have the towers substantially invisible, however Brett Pulliam interjected that "stealth" is not what we are looking for. Mike Scott added that we don't want to rule out stealth altogether. Dan Driscoll asked about the possibility of the Pokorny windmill as a co-location? Bob Quinn stated that paragraph #3 of the Wireless Ordinance Checklist should be included in our regulations to cover co-location.

The Board agreed to utilize the Wireless Ordinance Checklist and look at the other proposals to come up with something less verbose. Chairman Price stated he would like to see this done in 4 months.

A motion was made by Dan Driscoll, seconded by Bob Quinn to adjourn the meeting at 2135.

Respectfully submitted,

Catherine Traina
Recording Secretary

The next meeting will be held on Thursday, 12 October at 1930.

The Board will continue the review of the proposed Communications Tower Ordinance.