

Town of Knox, Albany County, NY

Established 1822

Planning Board Meeting Minutes September 12, 2013

Members present:

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

Meeting called to order at 7:35 pm

1. Approval of the draft minutes of the 8 August 2013 meeting.
 - a. Dan has several changes / corrections
 - i. second page, Dan mentioned, passed out a full set of blank SEQRA forms
 - ii. second page, discussion on two categories, apartments and cluster developments – cluster developments are allowed by the Subdivision Regulations, not the Zoning Ordinance.
 - iii. page 4, end of italics of BD 1 public notice, very next paragraph... Dan asked if anyone had any changes... throughout that paragraph any mention of Site Plan Review should be changed to Special Use Permit from ZBA.
 - iv. page 5, third paragraph, Dan added that in the notice he only referred to... the word “is” is wrong, c/o to permanent fixtures such as road names, not tax map numbers since those may change over time. Delete the “Any other changes?”
 - v. second to last page, very last paragraph, Mrs. J Ferrar lives on Township Road, “west” of proposed, should be “east”.
 - b. Motion to accept as modified, Earl, seconded, Tom. Accepted: 6 AYES, 0 NOES
2. **The brothers Barber would like to talk to the Board** about making some boundary adjustments to the land bequeathed to them from the estate of their mother.
 - a. Mr. Cliff Barber and his brothers have a trust that is his mother’s estate. They want to divide it up between the three of them but maintain it as a farm. There is 33 acre parcel at Knox Cave and Pleasant valley which they would like to divide using the road as the boundary. On the 113 acre parcel, with house and barn, they would like to cut out 10 or 11 acres to go along with one part of the 33 acre parcel leaving a parcel of approx. 15 acres. With the 3rd parcel, that Pleasant Valley Road goes through which has a large wetland area, they would like to divide it into three parcels. Mr. Barber understands that he can divide each parcel once with the one cut rule. He asked if he could use the road as a natural border. But that would be a second cut on that lot but it seems to be a logical split location. If so, would that be allowed since Pleasant Valley Road would be the new border/dividing line, as now it runs thru one piece? Mr. Barber also noted that none of these changes have been finalized, but he wanted to get the Planning Board’s opinion on what they were working on, prior to make any final decisions.
 - b. Dan stated that, in his opinion, based on Mr. Barber’s explanation, each change would fall into the one cut rule, and since the road is already dividing the property it would be logical that it be used as the new border.

- c. Dan moved that the information presented by Mr. Cliff Barber, would in fact fall under the one-cut rule and asked that Mr. Barber come back to the Planning Board with a drawing of the final version. Seconded by Bob Gwin. 6 AYES, 0 NOES
3. **Bob Price presented the Planning Board** with two opportunities to attend local seminars so as to qualify for their annual training requirements.
 - a. Duaneburg, Sat 10/19 – Dan, Betty, and Bob G will attend. Brett and Earl have a prior commitment and are unable to attend.
 - b. Three day seminar in Albany, on biodiversity, \$55 each, Sept 23-25. Does anyone want to go? Most are unable to attend.
 4. **Discussions with Mr. Krzysztof Hatch regarding** property on Route 146 that was subdivided in June of 2001 into three parcels. Mr. Hatch is interested in the easterly two parcels that have a natural gas pipeline going across them. He would like to re-divide the two parcels so that the land on the south side of the pipeline is one parcel and the land, including the pipeline, on the north is a second lot. The north parcel would be landlocked and would be left as an unbuildable, forever wild, lot.
 - a. Mr. Hatch - was not in attendance
 - b. Mr. Frank Carl, in attendance, was asked to come. Bob P explained the situation and Dan reminded the Planning Board that if this is creating a landlocked parcel, which the Planning Board normally tries to avoid. Discussion postponed until Mr. Hatch is in attendance.
 5. **Bob P received an email this afternoon from** the NY State Parks and Recreation Department about some land at Thompsons Lake State Park, the owner wants to sell it to the state to be part of the park.

Tom is concerned that if the state is purchasing land the Town has approval option prior to the sale. Discussion followed and the Board concluded that the transaction fell under the One Cut Rule and was therefore OK. Bob said he would notify Parks and Recreation about the conclusion. Tom said he would report back on what he found out about the regulations pertaining to the land acquisition.

6. **Bob P acknowledged that the Planning Board** was remiss in not including the Loucks property in the proposed Business District 1 notification to the Town Board.
 - a. Bob reminded us about the Public Hearing on this next Tuesday, 9/17 and that Town Supervisor, Mike Hammond, would like us to hold off on adding that parcel to the BD 1 discussion until after the Public Hearing.
 - b. Dan asked if anyone would have objection to do expanding BD 1 to include the Loucks property, if the town wants to and, if it had the authority make the change during the Public Hearing. There were no objections to making the change.
 - c. Bob P spoke to Leslie Lombardo at Albany County planning and they will meet to discuss the proposed changes on the 19th and have a ruling / comments on these proposed changes to the Zoning Ordinance by 26 September.

7. **Mr. David Gillenwalters came before the Board** to discuss a boundary line adjustment to his property near the former Beresford Farm and which is contiguous to Schoharie County.
 - a. He wants to adjust his property line to give his daughter some property which would also be contiguous to Schoharie County which would allow his daughter's children to go to the Duaneburg schools. He presented sketch maps showing the proposed changes.
 - b. Dan commented that while the changes are extremely unusual, they look as though they fall under the one-cut rule. Bob P agrees.
 - c. Bob P requested that Mr. Gillenwalters let the Planning Board know how it works out.

8. **Review of the proposed Business District 2** on Route 146 including the Environmental Impact statements, map of seven parcels, and the adjustment of the southern boundary that was discussed at the last meeting. Bob P has prepared all the necessary SEQRA forms.
 - a. Bob P pointed out that the Comprehensive Plan states (p32) that Route 146 would be a potential location for a Business District, since there are businesses there, specifically the County and Town garages, the Township Tavern and the old Grange Hall.
 - b. Bob G thinks the note on traffic impact on the Negative Declaration is totally wrong, businesses will / should generate more traffic, otherwise, they won't survive. Bob P reviewed the language in Dan's original environment impact statement pertaining to the creation of a Business District 1 which states that it will not immediately cause traffic to increase in that area. Yes, the potential is there. Dan disagrees. Tom reminded everyone that the town has authority with Site Plan Review over what business(es) might go in to that area, thereby managing what type of traffic may follow.
 - c. Dan reminded the Planning Board that Mrs. Ferrar, at the last meeting, complained of heavy truck traffic on Lewis road. Bob G agreed and stated that we have the potential for heavy traffic with the creation of this Business District. We need to look at the life of this Business District, and since these 7 parcels could someday be converted into businesses, this is relevant.
 - d. Tom stated that since Hitman's Towing has been operating for 2-3 years and there is no indication that the amount of traffic has been an issue, though we can check with DOT to see how many accidents have occurred. We can say, thanks to Zoning and Site Plan Review, that any future building / business(es), can be managed for any potential traffic issues for future commercial development. The Special Use permit is where we consider traffic issues in the future.
 - e. Earl reviewed the form and the definition of the impact and agrees that traffic could become a problem, but it can be dealt with as necessary.
 - f. Bob P pointed out that this is correct, but why wasn't this wording put in the Notice of Public Hearing proposal, regarding Business District #1, to the Town Board. Tom suggested that when the Town has the hearing, and responds, they can issue a final decision that includes that language.
 - g. Bob P stated that the language in Business District 2 paper work, Negative Declaration Form, can be changed to state that it will not have an immediate impact on traffic, and it does address the potential for future growth. The county also has to approve this as well, so the speed limit will be addressed.
 - h. Tom agreed that we can make this change, Bob P said to add it to paragraph one.

- i. Mr. Ackroyd stated that, in August, Mrs. Ferrar was referring to Jake brakes on Carver trucks. Bob P agreed and pointed out that this Business District discussion can't help her issue at all. Those trucks are over the weight limit, which is 5 tons on Lewis Road, and the proper authorities have been notified.
- j. Dan stated that he felt we've made a few mistakes, starting with Negative Declaration form. He would like the Planning Board to look at part 2 of the Full Environmental Assessment form as there are some potential impacts that should be indicated.
 - i. On Page 15, #10 – land resources... This Business District is within one lot of a state / county ag district where there is a farm with sheep – the future development of this Business District could impact the sheep, though the impact wouldn't be significant, just small to moderate.
 - ii. On page 15, #11, the proposed Business District #2 is directly across from a land subdivision that was once proposed to the Planning Board and the potential businesses in this proposed Business District could affect the value of that property for residential development, but if businesses are adequately policed by ZBA for negative visual issues the impact would be minor. We should do a visual impact as well, though again, it would just a small to moderate impact. Bob P stated that is dependent on what may or may not happen within the next 10 years. He also stated that business development isn't always negative. Some businesses are welcome and look nice and are not detrimental to an area. Bob P reminded everyone that there are other ways to manage the negative aspects of a Business District as the years progress, through Site Plan Review, etc. Tom feels that Dan's concerned aren't warranted. Bob P stated that we can change the box to yes and check small to moderate, is that acceptable? Dan thought that would be the correct thing to do.
 - iii. Dan commented that in item- #12, the old Schoharie Plank Road goes along the back of these properties and Palantine Road is nearby. Damage could be done to these historical resources. Tom asked if either road is within the Business District boundaries. Bob P said that they were no stated that any impact could be mitigated by our current laws, the Zoning Ordinance, and site plan review, etc. Bob agreed that we could check the box yes and that small to moderate impact could also be checked. Bob P feels this is an enormous stretch, but that it can be done.
 - iv. Dan - #17 – noise and odor complaints, there are trucks accelerating and decelerating and the neighbors, the Ferrars were complaining. Bob P stated that the Ferrars live about 1500 to 1800 feet away from Hitman Towing and wonders how they know which truck is making the noise. Bob P feels that the Ferrars were complaining about Lewis Road issues, and doesn't feel that is an issue caused by the towing business or Business District proposal. Dan did not agree.
 - v. Dan, referring to item - #19 stated that refers to impact on growth and character of the town / hamlet. This area is not centrally located and is not the Township area that was referred to and will not be a positive impact on the growth of the town. Bob P argued the point that those documents the Comprehensive Plan were developed 29 years ago and the Town has changed since then. In addition, Bob P pointed out that the phrase "centrally located" was not well defined. The Board then looked at the Town map and the geographic center is actually closer to Township than the Hamlet area. Tom pointed out that the argument could be made that the current status of Township Road is and could be a Business District due to what is there and has been there for decades.

- k. Dan noted that the comments presented in a recent editorial the *Altamont Enterprise* regarding the issue of businesses operating in violation of the Town Zoning Ordinance and then to have the Planning Board create a Business District to make it legal is unacceptable in the author's opinion. Bob P stated there may be other "illegal" businesses in the town. Bob Delaney, in the audience, stated that he believes that Altamont Spray Welding came before the Zoning Board of Appeals several years ago and they were found to be a grandfathered business. Mr. Delaney believes that there are no other illegal businesses operating in the town.
- l. Bob P asked if we needed a motion/vote to proceed. Tom offered to generate some suggestions to revise the EAF and Business District proposal. Bob P moved that we delay any decision until Tom comes up with the suggested revisions. Earl seconded. 6 AYES, 0 NOES

9. **Questions from the Audience:**

- a. Bob Delaney asked that since we are making changes and updates to the Zoning Ordinance, he would like to see himself and the Zoning Board of Appeals possibly look at the Zoning Ordinance for other input. Bob P explained that we are currently adding items that were already voted on by the board and have been missing in error. Bob P stated that Mr. Delaney and the Zoning Board of Appeals should look at the updated Zoning Ordinance after the pre-approved changes are incorporated.
- b. An audience member asked, regarding the One-Cut Rule, is there a limit on lot size? He was told that there is a 3 acre is the minimum. He explained that there is a less than 3 acre lot that is adjacent to his mother's land that he wants to purchase and add to his mother's property to increase it to 3 acres in size. However, his mother is concerned about the added tax burden. The Board suggested that he purchase the property and only give his mother a very small strip large enough to make her lot compliant to the Town regulations thereby minimizing the tax burden.
- c. Bob Delaney explained to the Planning Board that a large barn, located in an Agricultural District, that was under construction, had collapsed due to faulty design. Mr. Delaney brought this before the Planning Board since, while there is nothing illegal going on because of the protections afforded to agricultural activities, it seems wrong that a resident can build something of this magnitude completely unsupervised by the Town. Mr. Delaney feels that a resident shouldn't be allowed to build something without a permit of some kind, no matter what district he/she resides in. Bob P agreed that this situation is open for further review, especially since the Planning Board can look at things and regulate issues that relate to health and safety.

Motion to adjourn made by Bob P, seconded by Brett. Meeting adjourned at 2155.