

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

**PLANNING BOARD MEETING MINUTES
October 12, 2006**

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

The meeting was called to order at 1940. The Board began by discussing the revised minutes of the August 2006 meeting. A motion to accept the revised August minutes was made by Brett Pulliam, seconded by Dan Driscoll. Mr. Driscoll inquired about the minutes from the second August meeting which was a continuation of the first meeting and was told that Bob Price has minutes that just need to be typed up. They will be typed and submitted to the Board for their approval and the Board can vote on them separately at the next meeting. Chairman Price also mentioned that the Town Board had approved the development of a new website for the Town of Knox and the minutes from the Planning Board will be posted on that site once it is up and running and maintained in binders in the Town Clerk's office as well.

In attendance was Mr. Ackroyd who inquired if it is possible to get a copy of the draft minutes before they are approved by the Board. Chairman Price told him that he is not certain if draft copies of minutes should be made available, he would need to check with his contact in the Secretary of State's office. Mr. Ackroyd stated that the school board has the minutes of their meetings available at the school the day after the meeting and stated that he does not feel it is fair to the people of the Town of Knox to have to wait a full month to have access to the minutes. Mr. Ackroyd also questioned if draft minutes are foible – Chairman Price informed him that he is not certain of the answer to that question but that Mr. Ackroyd is welcome to make a phone call to determine that on his own.

Regarding the September minutes, Bob Gwin brought a few changes to the Board's attention; particularly that the way the minutes were written would change the normal course of business for obtaining a site plan review. A couple of minor revisions were made and a motion was made by Dan Driscoll to accept the revised minutes, seconded by Bob Gwin. All voted in favor, the

motion passed. Dan Driscoll requested that in the future a header and footer be added to the minutes to label each page with the date of the meeting as well as page numbers.

The next topic of discussion was the Wireless Telecommunication Towers regulations. The Board agreed to consider the ordinance from the Town of Bethlehem as all agreed the ordinance from the Town of New Scotland was too verbose. Chairman Price asked for agreement that the ordinance from the Town of Bethlehem will be used as a template with any other information needed to be taken from other proposals. Bob Gwin suggested that the Board should use the ordinance that was written recently for the met tower and windmills as a template as it already takes the Town's zoning into account. Chairman Price pointed out that, while that is true, there are a lot of other considerations that will have to go into the wireless communication towers that the other ordinance does not consider – this ordinance will be more technologically challenging. The real question is how to take these various documents and merge them into a draft for the Town's use. Bob Gwin stated that he would like to look through the New Scotland ordinance and see how closely it follows the checklist. Bill Bellerjeau suggested that perhaps a subcommittee should be formed to review the other ordinances and then work something out that could be presented to the rest of the Board. Chairman Price agreed and nominated Bill Bellerjeau to head the subcommittee. Chairman Price also volunteered to serve on the subcommittee.

Dan Driscoll stated that, looking at the site plan review approval for met towers and windmills, the checklist is generic, there is only one paragraph specific to these topics, and suggested that the same checklist could be used for wireless communications. Chairman Price stated that he believes everyone is in agreement that we need something specific for wireless communications. Dan Driscoll also pointed out that the New Scotland proposal also includes radio, television, etc. and would suggest that we do not want to include anything but wireless; Chairman Price agreed. The Town zoning ordinance will have to be modified to allow wireless communication towers and also, the Board agreed, antennae for ham radios.

Chairman Price suggested that Bill Bellerjeau should create a list of definitions specific to cell towers and present them to the Board as a starting point for the wireless ordinance. Mike Scott mentioned that maybe it is not best to have a subcommittee but rather to just give several possible ordinance models to the Board as a whole to read in between meetings and tackle it

section by section. Chairman Price stated that the Board has to start somewhere before getting into the details of where to locate the towers, how high they should be, etc. He is just trying to figure out the best way to approach this. Mike Scott stated that the whole Board should contribute to the process; and Bill Bellerjeau interjected that the subcommittee can just develop a framework for the Board's approval. Bob Gwin suggested using the checklist as a framework, if everyone reviews it before the next meeting the Board can go from there. Chairman Price asked that everyone agree to become familiar with the checklist and ordinance, at the next meeting the Board can whittle the information down and then give that to the subcommittee. Furthermore, Bill Bellerjeau will come up with a list of definitions, Chairman Price inquired if there is agreement that we will only deal with cell towers at this point. Bob Gwin stated that it is not necessary to consider that at this point, we are concerned with the ultimate effect regardless of the use. Chairman Price stated that we want one tower only in town and if a second cell phone applicant wanted to come in, they would have to prove that the first tower would not work before being allowed to put up a second tower. Dan Driscoll stated that we need to have a definition for radio, electrical, etc. towers and why met towers and windmills are exempt from the current ordinance. Then Article 5 of the current ordinance will need to be amended to get into specific details. Chairman Price asked that we can't just bury this in the existing ordinance. Dan Driscoll stated no, but we do need to add to the definitions in the existing ordinance and add a paragraph to Article 5 to cover the things we want to see for these towers. Bill Bellerjeau agreed that we have to determine what we want to include first. Bob Gwin stated that the New Scotland checklist is a good document to start from, suggested that everyone should read it and the Board can go through it point by point at the next meeting to determine what should be included in town law. Bill Bellerjeau stated that he doesn't mind coming up with definitions, he will start with the definitions in the New Scotland document. Dan Driscoll suggested that the Board should rely on the expertise of the other towns that have come up with ordinances presuming that they have already done their homework on these issues. Chairman Price asked if Mr. Driscoll is suggesting that the Town hire a consultant, to which Dan Driscoll responded, perhaps, otherwise we are relying on other townships.

Next, the Board began discussing the height limit for the towers. The New Scotland ordinance states no higher than 45 feet, but Bethlehem allows towers to be as high as 190 feet. Chairman Price stated that basically the tower should be no higher than is necessary, but the limit should be no more than

195 feet since anything 200 feet or higher falls under the jurisdiction of FAA regulations. If someone only needs a 100 foot tower, they are not going to put up a 190 foot tower, it would cost more money. Dan Driscoll pointed out that the wireless checklist that Chairman Price gave the Board includes more recommendations on height. Bill Bellerjeau stated that it is a little early to get bogged down in details like height. Mike Scott agreed that height is a technical matter but we can check with other municipalities to see what they based their decision on. We can also require the applicant to give us information justifying the height they need. The final decision was that Bill Bellerjeau will put together definitions over the next two weeks and send them out and then everyone else will review the information Chairman Price gave out to be discussed next time.

Finally, at 8:55 the Board began discussing the Highlands Restaurant.

Mike Scott asked if there was not going to be further discussion of the Special Use Permit (SUP) that Ms. Catalano had sent to Chairman Price. Chairman Price stated that he had gotten a call from the Altamont Enterprise about this and he referred them to the Zoning Board of Appeals (ZBA). Mike Hammond is concerned by this issue as the SUP expires on Halloween, but this is not an issue that the Planning Board can really deal with. Mike Scott mentioned that, since reviewing the SUP, he is concerned about the way this was handled. The SUP requires the restaurant operator to lease the additional four acres, but they don't need it for the operation of the restaurant; furthermore the SUP prohibits any outdoor activities, which seems unfair considering that the Knox Store has outdoor activities during the warm months. Mr. Scott further stated that requiring the lease of the additional land is out of line. The owners of the Highlands have incurred expenses trying to fight this and, while the ZBA is probably technically right, perhaps the Planning Board should send a letter to the ZBA addressing these two concerns. Mr. Scott then made a motion that the Board send a letter strongly urging the ZBA to reconsider the requirements of the SUP since the Highlands restaurant could technically be shut down as of October 31st if the land is no longer available to lease. The motion was seconded by Tom Wolfe. Bill Bellerjeau asked to modify the motion to include the fact that Ms. Catalano has come to the Planning Board for assistance and that we are unable to help her because it would be considered spot zoning. Chairman Price does not agree that it would be spot zoning and does not feel that should be included in the letter. Mike Scott stated that re-zoning does not seem like the solution to the issue, the solution would be to issue a SUP that does not require the inclusion of the leased parcel. Chairman Price said that the

solution that makes the most sense is to turn the area into a business district, but the Planning Board should not spin its wheels on something that won't be approved. If the Town Board sent a letter to the ZBA it might be better received than if the Planning Board sends one. Bob Gwin suggested that perhaps the letter should go to the Town Board, but Mike Scott pointed out that the Town Board told Ms. Catalano that she should go back to the ZBA. Bill Bellerjeau suggested sending the letter to the Town Board and copying the ZBA. Chairman Price said the Board would ask them to extend the SUP, but Mike Scott said that he thinks the SUP should be modified, not extended. Chairman Price added that we should include wording in the letter that the Master Plan suggests that the area in question should be made a business district. The motion made by Mike Scott to send a letter strongly urging the ZBA to reconsider the requirements of the SUP that was previously seconded by Tom Wolfe was put to a vote, all voted aye. The motion passed. Chairman Price asked Mr. Scott to draft a letter and forward it to the Board members for their comments as soon as possible.

A motion was made by Dan Driscoll, seconded by Bill Bellerjeau to adjourn the meeting at 2109.

Respectfully submitted,

Catherine Traina
Recording Secretary

The next meeting will be held on Thursday, November 9th at 1930.

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