

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

PLANNING BOARD MEETING MINUTES

October 11, 2007

Present: Dan Driscoll, Bob Gwin, Betty Ketcham, Bob Price, Brett Pulliam, Tom Wolfe

Meeting called to order at 1935.

The Board reviewed the September minutes and Dan Driscoll moved to adopt them with one minor correction. Motion was seconded by Brett Pulliam and passed unanimously.

The first order of business was a discussion with Ms. Alberta Bouck regarding property on Rock Road. Ms. Bouck and her brother John inherited property from their mother's estate and are looking to rearrange the boundaries of the property. The proposed boundary would be close to an existing barn so the Boucks went to the Zoning Board of Appeals who informed them that the distance to the barn was not an issue as long as the Planning Board approved the new boundaries. The property in question is currently part of the estate and totals about ½ an acre. Chairman Price stated he believes this is a boundary adjustment, the other Board members agreed. Dan Driscoll made a motion that this is not a subdivision, it is a boundary adjustment; motion was seconded by Betty Ketcham. Motion passed unanimously.

The Board then heard from Warren Willsey regarding the Fox Creek Auction site on Route 443. Mr. Willsey was looking for some guidance on what types of businesses would be approved in that location. He is thinking of a multiple use/light industrial usage – possibly a wood shop or metal cutting machine shop. The building are currently equipped with water, plumbing, insulation, etc, although Mr. Willsey is not sure of the current wastewater system in place. The Board pointed out that the Town Zoning Ordinance does not allow for fabrication in the area where the property is located but the Zoning Board of Appeals could give a variance. Mr. Willsey was advised that he should try to obtain a map of the property, information on the

wastewater system and as much other information as possible and then discuss this matter with the Zoning Board of Appeals who should be able to give the Willsey's an idea of what uses will be allowed prior to them purchasing the property. Since the previous owner was given a variance by the ZBA, some of the needed information should already be in their files and minutes. The Board further advised Mr. Willsey that a use with a recreational slant to it would probably be best received.

Jay Baumstein then appeared to ask for a preliminary approval of a subdivision of a parcel that was subdivided once before. The property, located at the corner of Becker and Knox Gallupville Roads, is 9.9 acres, Mr. Baumstein proposes to divide it into 2 lots, one 5+ acres and one 4+ acres. Mr. Baumstein submitted an application and a short EAF form. Dan Driscoll noted that normally a long EAF form would be required but made a motion that the short form be allowed because the Board is familiar with the property from the previous subdivision. Chairman Price seconded the motion and it passed unanimously. Mr. Driscoll further noted that if this division had been included in the original subdivision, it would have required approval from Albany County DOH because there would have been more than 3 lots less than 5 acres. Mr. Baumstein was asked to obtain a letter from the County DOH indicating that they do not have a problem with this additional subdivision. A Public Hearing was scheduled regarding this matter at the next meeting on November 8th.

The Board then heard from Mr. John Belyea, P.E. of Buckman and Whitbeck regarding the proposed subdivision known as Black Creek Estates located at the SW corner of the intersection of Knox Cave and Pleasant Valley Roads. Mr. Belyea presented the Board with several updated maps including a map showing one foot contours, a map showing the new property lines of the current 7 lots ranging from 3.4 to 12 acres, and a map showing biologist identified wetlands as the Board had previously requested. The wetlands identified on the map are defined by the current regulations because Mr. Belyea does not believe pending regulations regarding the definition of wetlands will affect the size of these wetlands. Mr. Belyea was hoping that this would be a formal sketch plan review but since the subdivision application and Environmental Assessment Form had not been completed, the Board informed Mr. Belyea that it could not accept this information as a Sketch Plan because of the missing data. Mr. Belyea

stated that his clients were hoping to get a determination if this project is going to be feasible before continuing, but he was advised that the Board could not give any sort of approval without going through the Sketch Plan review.

Mr. Belyea then went on to state that he had walked the property and documented the rocky outcroppings and that he had Mr. Murkel from the county Department of Public Works review the sight lines to determine where the road cuts should be made. Based on planning for 55 mph traffic, the worst case scenario would involve moving one driveway about 75 feet. The Board recommended getting formal approval in writing from Mr. Murkel. Mr. Belyea then discussed stormwater issues. Soil types were reviewed and most of the site slopes are 2-5%. Most of the development area flows to a low point on the property, but not into the wetlands. William Ryan from the Albany County Department of Health advised the developers that any house with more than 5 bedrooms on one septic system requires a pump station, so any properties that have a guest house will have to have either a pump station or a separate, smaller septic system. The maps showing where stormwater will gather on each lot will be reviewed by a DEC stormwater representative before construction would begin.

Chairman Price then informed Mr. Belyea that he had contacted Albany County DOEH and the Department of Economic Development Planning Department who both had various concerns similar to the ones the Board has brought up in the past, including the number of road cuts that DEDPD also objected to.

Dana Sherman, Chairman of the Board of the Knox Fire District, addressed some of the issues that the Fire District was concerned with including a 1900 foot driveway with a sharp turn at the end, roadway access, ingress/egress, maintenance of private roadways and the lack of a fire pond. Mr. Sherman stated that the Fire District members were not civil engineers and are not recommending what exactly is needed, but just that they do have concerns with accessing the homes in the case of an emergency. Mr. Belyea had concerns with the viability of a fire pond; it is not at all certain that it would recharge and unless it was lined but lined ponds breed insects, algae, etc.; but it could be considered. Fred Ottinger, a Knox resident whose property is contiguous to the proposed development, stated that a previous owner had built a pond on the

property but that it had failed so it had been abandoned. But it is possible that could be fixed. Mr. Sherman also mentioned that if a turnaround 800-1000 feet down the long driveway was put in that would allow a way for the fire department to use a system of pumps, but 5 inch hose would be needed and the department only has 4 inch hose. In regards to the sharp turn at the end of that driveway, Mr. Belyea stated that they would look into increasing the radius of the curve. He reiterated that his clients do not want to put in a Town road as they feel it would not fit in with the overall feel of the development.

Also present at the meeting was Mr. Buckman, principal of Buckman and Whitbeck, who stated that the objection the Dept. of Health made about the septic systems is not a problem since a pump can easily be added to the systems, but concerning the issues that the DEDPD had with the proposal's road cuts, he was curious how they became involved with the proposal at this point since the application has not even been formally submitted. Chairman Price stated that he had sent a set of the drawings to them for an informal review and reiterated that their concerns are the same as the Board's. Mr. Buckman suggested that if "flag lots" are not allowed that should be included in the Zoning Ordinance. The Board clarified that there is no prohibition on flag lots; these are just concerns with this particular proposal. Chairman Price then went on to state that the Board still thinks the developer should consider a town road since it would address both the problems of road cuts and fire access.

Mr. Buckman stated that they expect to have the county DOEH come out and approve the septic proposals but before the long Environmental Assessment Form is completed and DOEH is contacted to come out, their clients wanted some assurance that this project is feasible. He also stated that the Town's requirements for a sketch plan review are more rigorous than any other town they work with. Chairman Price responded that the Board needs more information before they can give any sort of tentative approval. For example, the maps submitted previously show a well that was abandoned and it is believed that the reason this well was abandoned because it was full of coliform – DOEH has suggested that more wells should be drilled to determine if they can be approved. Dan Driscoll stated that based on dye tests that have been done; it would not be surprising that a well here would have coliform. Also, since this area is prone to sinkholes, dye tests suggest that at some point in the future it could be an issue that septic

wastewater is affecting well water quality. Mr. Buckman responded that any septic system designed and installed according to Albany County DOH will not make any current problems worse.

Chairman Price then suggested that Mr. Belyea should contact Albany County DOEH regarding the issue of test wells, then submit the application and the long EAF form and a sketch plan review can be done at the next meeting. Chairman Price also asked the developers to consider expanding the turn at the end of the long driveway to be at least a 75 ft. radius. Mr. Belyea reiterated they would need to also get a letter of approval from the County DPW on road cuts, documentation from the County DOEH regarding well water and sanitary designs. He then asked if the Board could give any indication if the project would be denied if a town road were not added. The Board was not ready to make that decision but Chairman Price stated that if a Town road were added it would be looked upon favorably. Mr. Belyea felt that a town road could be a safety issue because people could use it as a cut through – but Bob Gwin added that 7 road cuts could also be a safety concern. The developer, Mr. Raykov, stated that a Town road is financially not an option. The Board members finally asked if it would be all right for them to make a site visit, which Mr. Raykov agreed was fine.

Brett Pulliam made a motion to adjourn which was seconded by Tom Wolfe. The meeting was adjourned at 2155.

The next meeting will be on Thursday, November 8th, 2007 @ 1930.