

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

**PLANNING BOARD MEETING MINUTES
November 9, 2006**

In attendance: Bill Bellerjeau, Dan Driscoll, Bob Gwin, Bob Price, Tom Wolfe

The meeting was called to order at 1935.

The minutes from the October meeting were reviewed. Several minor revisions were requested such as lightening the watermark “Draft”, making the font used for “Planning Board” larger, changing “in regards to” to “regarding” and “site plan” to “site plan review”. Bob Gwin made a motion to accept the minutes with these minor changes, Dan Driscoll seconded. The motion passed unanimously.

The Board also reviewed the minutes from the August special meeting. Several minor changes were proposed. Dan Driscoll moved to approve the minutes with those changes, Bob Price seconded the motion. The motion passed unanimously.

The Board then watched a short video that Dan Driscoll took on a recent trip to the Fenner Wind Farm to show how quiet the wind turbines are. Bob Price requested a copy of the video to keep on hand and possibly upload to the new Town website at some point in the future.

The Board reviewed the definitions written by Bill Bellerjeau to be included in the wireless communication ordinance. The first definition discussed was “Accessory facility”. Chairman Price pointed out that of the 6 possible definitions, the last one listed is the longest and questioned if that definition includes anything that makes it a better definition. Bill Bellerjeau pointed out that the last sentence of that definition is not needed.

The question was raised if changes will be made to the Town ordinance since similar changes have already been made to accommodate MET towers. Dan Driscoll suggested that we should limit our guidance to cell towers and leave everything else alone, pointing out that, in the past the Town has asked the Board to change the Zoning Ordinance. Chairman Price stated that he does not think that will be the case here because this ordinance is so much more complicated and technically involved. Bob Gwin asked what the direction from the Town Board was; Chairman Price responded just cell towers. Bob Gwin questioned if we are adding these definitions to the Zoning Ordinance. Chairman Price answered that decision has not been made yet. At this point, Bob Gwin pointed out that this definition does not mention “cellular”. Bill Bellerjeau suggested adding cellular before “communications” in lines 2 and 3 and deleting the last line.

Chairman Price asked if “utility” should be included in the definitions. Chairman Price suggested we should take out “utility and transmission” and reference to the “cabinet”, and replace them with “equipment storage sheds and buildings”. However, this list of examples seems rather terse so perhaps we should include standby generators to add to the list. Tom Wolfe pointed out that since the wording states “not limited to” that we can add as needed.

The next definition the Board discussed was “applicant” and whether this definition needs to be included or not. Chairman Price stated that if this ordinance is done as a stand alone ordinance, the definition of applicant should be included. If this ordinance is added to the Zoning Ordinance, we will leave it out.

Chairman Price pointed out that everywhere the word “wireless” appears it should be changed to “cellular”. Next, Chairman Price addressed the definition of “Application” which he felt should definitely be included. Bill Bellerjeau agreed that application should be included whether this ordinance is a stand alone or not. However, Bob Gwin, Tom Wolfe and Dan Driscoll all feel that neither applicant nor application are needed, so Chairman Price agreed to leave them out.

Bob Gwin pointed out that the Board is in control of Site Plan reviews, and the Zoning Board of Appeals issues building permits; so if the Board does not address the wireless communications issue in the Zoning Ordinance, then we have no control over it. Bill Bellerjeau responded that if someone wanted to put up a television tower, they are currently prohibited. However, Bob Gwin stated that if someone wants to put up a television antenna and the Zoning Ordinance definitions stated that an antenna is simply a cellular antenna; that creates a problem. Chairman Price agreed and stated that we should adopt the stance that this will be a stand alone ordinance and if that changes and it becomes part of the general ordinance, we would have to modify the definitions.

At this point, Dan Driscoll stated that the Board may be out of line to use the word “cellular” – this may be a broader issue. It appears that the Telecommunications Act of 1996 prohibits limiting the definition of Personal Wireless Services. Bob Gwin stated that perhaps we should consult the town attorney while the Board still has the option of doing these as a stand alone or as part of including them in the Zoning Ordinance. A discussion followed debating the benefits of doing this as a stand alone or incorporating it in the current ordinance at which point Tom Wolfe pointed out that a separate law gives us definitions and requirements, such as co-location, that aren’t included in an EAF. Chairman Price stated again that the sense he has is that the Town Board intended for this to be a stand alone, but agreed that he will call both the Town Attorney and Supervisor Hammond.

The final issue discussed was the subject of height determination.

Tom Wolfe made a motion to adjourn, which unanimously passed. The meeting was adjourned at 2125.

Respectfully submitted,

Catherine Traina
Recording Secretary

The next meeting will be held on Thursday, December 14, 2006 at 1930