

Town of Knox, Albany County, NY

Established 1822

Planning Board Meeting Minutes December 12, 2013

Members Present: Bob Price, Bob Gwin, Dan Driscoll, Tom Wolfe, Recording Secretary Pam Fenoff

The meeting was called to order at 1931.

1. Approval of the draft minutes of the 14 November 2013 meeting.

Motion to approve the minutes as modified by Dan's email by Dan Driscoll. Seconded by Bob Gwin. Motion passed.

2. Discussions with Mr. Sanjaya Kumar about a parcel on Rte 156 that was approved as a building lot in 2002. The parcel has a gas pipeline crossing the property.

Mr. Kumar explained his request and showed maps to the Planning Board. He's interested in purchasing the property and building a house towards the back of the property. What is on his map is only approved locations for septic, etc. Nothing exists at this point. Bob P suggested that he have the well tested again, if it's good, ask if he can run the water line across the easement and contact the engineer, also contact National Grid about burying the power lines. Bob G asked about the positioning of the septic system... make sure the well is at least 100 feet away from the well... discussion. Bob P would like to see the house built at least 100 feet away from pipelines. Issues are not with the Planning Board; his only issues are with the electric company, the water lines and the gas lines. Tom suggested he get a perk test since it's been 9 years since one was done. Bob P when you need a road cut, contact DOT, in Voorheesville, to do that and put in a culver pipe. Dan, he'll need a permit for a road cut.

3. Discussions with Mr. Bud Myers regarding his property that he wants to divide and parcel out to family members and which will probably become a minor subdivision action.

Mr. Myers is not present.

4. Possible further discussions with Mr. Ron Shelmerdine regarding his interest in subdividing the old Trotter Farm land on the western end of the Proposed Business District 1. There are some issues about too many road cuts on Rte 156.

Mr. Shelmerdine is not present.

5. Continuing discussions to finalize the map for Business District 1 with the intent to finalize the issue so we can present the changes to the Town Board for their consideration.

Bob P requested that moved that the Infrastructure – Town of Knox map will be posted on the web. Tom made a motion to do so, and have it be put up in color. Bob G. seconded. All approved.

Proposed Business District #1, along Rt 156, Knox... Bob P reviewed the boundaries, which coincide, somewhat, with the lighting district. Dan mentioned the four small parcels on the west side of the Trotter Farm parcel; he thought we had agreed not to include those in this Business District 1. Discussion... All agree to eliminate those from the map.

Dan questioned the need to have the north boundary to include all of the town's property / wetlands, that runs along street road. He would like to see those town owned parcels, along Street Road, be not included within the Business District 1 boundaries. Bob G pointed out that Mr. Shelmerdine suggested that if he were to purchase the property he would donate the northern portion to the town, which would likely be incorporated in the town park. Discussion...

Bob P made a motion to change the northern and western boundaries of Business District 1 run along the Trotter Farm, and the north side of the town park eliminating the town owned properties along Street Road. Dan seconded the motion. All approved. Motion passed.

Ed Ackroyd reminded the Planning Board, as they cut down the size of the proposed Business District, that the consensus at the September Public Hearing was that the Business District 1 be larger than what was originally presented to the Board.

Bob P asked about the south side, directly behind the church, near the corner of Knox Cave... do we want to include that jogging triangular piece. Pam reminded that the boundaries of parcels were followed due to the recommendation from the County after the first proposal for Business District 1 was submitted. Dan offered to come up with a description of the Business District 1. Bob P will email Betty with the changes so she can modify the map.

6. Questions from the audience.

Kristen Reynders, present, has asked the Zoning Board of Appeals for a Special Use Permit. Tom feels that the Zoning Ordinance does allow for Special Use Permits and they have been issued in the past. Dan and Bob G are strongly opposed to the issuance of a Special Use Permit, Bob P feels the same. The Zoning Board of Appeals may ask the Planning Board to do a Site Plan Review, if they do, then we (the Planning Board) would have the option to set some ground rules.

Bob P feels that there are services, including automobile inspections, and, therefore, their claims to be offering a service to the residents of Knox is well founded.

Bob G explained that the Planning Board is working for the entire town. The Zoning Board of Appeals has the right to offer a Special Use Permit if they see that the business offers a service to the town, etc. We want to see businesses be allowed in the town; obviously in the recent election residents want business districts. We are currently working on one (Business District 1) that is central to the town. We definitely have a problem and we want to put together a business district proposal we can back. We want a proposal that has rationale behind it. People in this central area (Business District 1) are used to the traffic pattern, the speed limit is already at 45, it encompasses lighting, therefore, it makes sense to have a business district in this area. This is the one place in Knox that we can say all this about.

Bob G doesn't see the rationale for developing a business district along 156. Feels that there will be too much unnecessary negative impact on the residents along Rt 156.

Tom - the issue before us is not a business district on 146, we've already debated that and it has been voted down. Here the Zoning Board of Appeals is willing to consider a Special Use Permit for this business, as they have done for Township Tavern and the Highlands. There are some mitigating factors... like no more tow trucks and limited hours. The Zoning Board of Appeals is wanting the Planning Board's opinion about any other mitigating factors.

Vas Lefkatidis - reminded the Planning Board that the Town, overall, does not have a history of being fair and equitable to businesses in the town.

Bob P interrupted Vas, upset that Vas would imply that the Planning Board is guilty of being unfair. Vas pointed out that he was not referring to the Town Board, not the Planning Board.

Tom - at this point in the process the Zoning Board of Appeals is asking for our advisory opinion. We are not to determine the legality of this business. If they don't hear from us, with additional mitigation measures, they will assume we have no issues or advise and they will move forward. They have a tentative Public Hearing scheduled for February 27th.

Dan - would like to look at the Zoning Ordinance. Is what they are doing in compliance with the Zoning Ordinance? Dan reviewed the Special Use Permits definition... Dan believes the classes of cases is in the Tabulation... this one is a public garage, in his opinion. If Zoning Board of Appeals includes this towing and inspection business falls under the Public Garage

definition. Bob P agrees that this business should fall under this. Then look at the tabulation – not permitted in any districts except B. Since there are no B's this business is not allowed.

Tom – but the Zoning Board of Appeals has done this in the past, specifically with the Highlands and Township Tavern. What is the difference with a variance? Bob P – explained that a variance is to change something, ie a setback. Dan believes that a variance, and a Special Use Permit, possibly both, could be issued.

There are two opportunities for people to point out that the Zoning Board of Appeals is doing something illegal, the public hearing and an Article 78. Dan feels that that is correct, however believes that it is the Planning Board's job to give the Zoning Board of Appeals their interpretation of the Zoning Ordinance, which should be proper.

Dan would like to offer the opinion, to the Zoning Board of Appeals, that this is not a case where they are allowed to issue a SUP. Tom insists that there be a minority opinion due to the disagreement among the Planning Board. Would like to have Bob Edwards' opinion on why they are considering a SUP in this situation.

Bob P would like to invite Bob Edwards, Zoning Board of Appeals chairman, to come to our next meeting to offer him our opinion.

Jeffery Reynders asked what is the definition of a Public Garage... Bob P read the definition.

Ray Hand explained that servicing a vehicle is different than performing a service. Servicing is replacing parts, changing the oil, etc. Inspections can be defined as performing a service, not servicing. The inspector may find problems, then have the customer take his vehicle else where to have the service performed.

Motion to Adjourn – Tom, Dan seconded, all agree. Meeting adjourned at 2130.