

**Town of Knox
Regular Meeting
June 11, 2013**

PRESENT: Supervisor Hammond
Councilwoman Pokorny
Councilman Decker
Councilman Viscio
Councilman Barber

ALSO: Town Clerk Swain
Highway Superintendent Salisbury
Town Attorney Dorfman

The meeting was called to order at 7:29 p.m. with the Pledge of Allegiance to the Flag.

Supervisor Hammond read the Notice of Public Hearing.

PLEASE TAKE NOTE, that the Town of Knox will hold a Public Hearing pursuant to Sections 264 and 265 of the Town Law of the State of New York to amend the Zoning Ordinance of the Town of Knox to conform to §305A of the New York State Ag & Markets Law.

Findings: The Town Board of the Town of Knox finds and declares that:

A. Ag & Markets Law §305-a prohibits the use of Special Use Permits. It stipulates "that in general, the construction of on -farm buildings and the use of land for agricultural purposes should not require a Site Plan review, Special Use Permits, or be subjected to non-conforming use requirements."

B. Ag & Markets Law §305-a requires that all agricultural activities use consistent setbacks, heights, etc.

C. Ag & Markets Law§305-a permits the use of Site Plan Approval by the Planning Board in the case of health and safety issues.

The following changes shall be made to Article II, Definitions: delete the definition "Riding Academy".

The following changes shall be made to the text in Article IV, Use Regulations and Use Tabulation: Section 43, Page 27 – General Uses. In each instance, the modified designations will be under the column heading as depicted. Note that "P" designates a use permitted by right, "N" is not permitted, and "A" designates a permitted use subject to site plan approval by the Planning Board.

R A B LC1 LC2 RR AM MRD

Agricultural not including the
keeping of fowl or farm
animals (Article V,
Section 50-A9) P P P N N P P P

Agricultural including the
keeping of more than
15 fowl and more than
2 farm animals (Article
V, Section 50-A9) A P P N N P P P

Article IV, Section 45 – Business Uses. The section referring to Riding Academy, Stables is deleted in entirety.

The following text shall replace the current Article V, Section 50-A9:

Agriculture and Riding Academy: Agriculture shall include buildings and activities, except farms expressly for the disposal of offal and farms expressly for garbage disposal. The processing and storage of agricultural products including packing, warehousing and storing is permitted, except slaughterhouses, rendering, fertilizer plants and canneries are PROHIBITED. The unenclosed storage of manure or areas for storage of dead fowl or other odor and dust producing substances or uses shall not be permitted within 100 feet of a property line or 100 feet of the centerline of a public street. Minimum distance to any dwelling 250 feet. Maximum building height 35 feet. Buildings for the housing of fowl or farm animals shall not be located in the required front yard or within 100 feet of a property line

Article V, Section 50-L shall be deleted, and the remaining paragraphs (M thru S) re-lettered (L thru R).

Said hearing will be held on Tuesday June 11, 2013, at 7:00 pm at the Knox Town Hall, at which time all persons interested shall be given an opportunity to be heard.

RESOLUTION #60 – ENTER INTO PUBLIC HEARING

On motion of Councilman Barber, seconded by Councilwoman Pokorny, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED to enter into Public Hearing at 7:35 p.m.

Sandy Gordan stated that anytime increases of setbacks, takes away usable land for farms. In Albany County there are 100 new farms in the area. Maintain and expand agriculture in Knox.

Vasilios Lefkaditis applaud the Planning Board and the Town Board for the changes to the Zoning Ordinance, assuming the board approves the changes.

Earl Barcomb stated that the setbacks are less restrictive than before. Researched on neighboring towns, before this was brought to the town board.

Town Attorney Dorfman confirmed that the setbacks do not pertain to the structures, just the health and safety. Storage of manure or storage of dead fowl.

Robert Price stated that the Planning Board came to reasonable changes that meet the requirements for the New York State Department of Agriculture and Markets.

Vasilios Lefkaditis recommended instead of changing all the letters in the Zoning Ordinance, (M thru S) and re-letter them (L thru R) state that it was “intentionally left blank”.

RESOLUTION #61 – CLOSE PUBLIC HEARING

On motion of Councilman Barber, seconded by Councilman Viscio, the following resolution was ADOPTED AYES 5 NAYS 0
RESOLVED to close public hearing at 7:44 p.m. and return to a regular meeting.

RESOLUTION #62 – ADOPTS THE PROPOSED CHANGES TO THE ZONING ORDINANCE, KEEP LETTERING AS IS

On motion of Councilman Decker, seconded by Councilman Barber, the following resolution was ADOPTED AYES 5 NAYS 0
RESOLVED to adopt the changes to the Zoning Ordinance.

Supervisor Hammond announced that Michael West is no longer interested in filling in at the Transfer Station. Mr. Hammond reported that Jason Anderson is interested in that position. Pam Fenoff questioned if that position was advertised. Mr. Hammond responded that it could be.

RESOLUTION #63 – APPOINT JASON ANDERSON TO THE POSITION OF “FILL IN” AT THE TRANSFER STATION

On motion of Councilwoman Pokorny, seconded by Councilman Decker, the following resolution was ADOPTED AYES 5 NAYS 0
RESOLVED to appoint Jason Anderson as a “fill in” when an employee at the Transfer Station is not there.

Supervisor Hammond read the (RFP) Request for Proposals for the roof on the Knox Museum. One proposal came in from Mid State Industries. Supervisor Hammond stated that he thought there would be at least two.

Opened RFP from Mid State Industries. \$8,900.00 for the roof of the Museum. If deck is replaced, \$5.50 a square foot. Price in effect for 30 days. RFP includes a Certificate of Insurance.

Since one Request for Proposal was submitted, the board would like to table this discussion for a month.

RESOLUTION #64 – TABLE DISCUSSION AND DECISION ON THE REQUEST FOR PROPOSAL FOR ANOTHER MONTH

On motion of Councilman Barber, seconded by Councilman Viscio, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED to table the Request for Proposals for another month, for the lack of submission of RFP's.

Supervisor Hammond announced a seminar for workers' compensation risk management to be held at the Town Hall on Tuesday, July 16th for all paid and unpaid employees. All department heads should be present. This will become an annual meeting. The first seminar no cost to the town.

Supervisor Hammond and Louis Saddlemire spoke regarding the possible purchase of a front end loader for the John Deere tractor. Tractor has the hydraulic fittings. Highway Superintendent Salisbury suggested that he stay with the John Deere attachment. Louis Saddlemire to get pricing and present to the board for the next board meeting.

Supervisor Hammond reported that on July 11th from 11:00a.m. – 2:00p.m. County Executive Dan McCoy will hold a Town Hall Meeting at the Knox Town Hall for resident concerns.

Highway Report June 2013

- Repaired hopper at Transfer Station with Jeff Grippen
- Started mowing roads
- Replaced culverts on Bozey Hollow, 2 driveways, Line rd.
- In the process of ditching Bozey Hollow
- Waiting for state contract for estimates on chip seals
- working on a way to recycle light bulbs
- Attended Highway School
- I would like the board to put together a letter to Cornell University expressing the need for future training for highway Superintendents. (See Memorandum)

Highway Superintendent Salisbury reported he attended Highway School last week at Cornell University, for the Cornell Local Roads Program. Cornell has decided to terminate the Local Roads Program, set to take place next year. This training program is the only training available to Highway Superintendents. The program is really educational and helpful in many areas of the job. Highway Superintendent Salisbury gave all board members a letter from Cornell explaining why the program is to be terminated. He would like the board to write a letter on behalf of the Town of Knox, in support of the program.

Highway Superintendent Salisbury reported that residents have contacted New York State Department of Transportation for drainage issues, replacement of culvert pipes. NYS DOT referring residents to the town highway department for state road issues. DOT contacted Salisbury and inquired about debris on the side of a state road, and asked if the town could take care of the issue. Is there someone at the County, an engineer with the correct policy for replacing culvert pipes on state roads? Councilman Barber to contact DOT. Highway Superintendent Salisbury stated that our town mandates we fix culverts, why isn't the state held accountable for the state road ways.

Councilwoman Pokorny received a complaint regarding a camper being used on property and the concern of sewage of going into the creek. She contacted Robert Delaney regarding this issue. The board advised turning the information over to the town attorney.

Councilwoman Pokorny reported on the survey, received 17 responses thus far.

Highway Superintendent Salisbury asked if he could hire Louis Saddlemire for the summer to help run the mower. Supervisor Hammond commented that if Louis would like to that would be fine. The position once occupied by William Vinson, is still an open position.

RESOLUTION # 65 - APPROVAL OF MINUTES

On motion of Councilman Viscio, seconded by Councilwoman Pokorny, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that the minutes of the May meeting be approved.

RESOLUTION # 66 - APPROVAL OF MONTHLY REPORTS

On motion of Councilman Decker, seconded by Councilman Viscio, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that the Reports of the Town Clerk and the Town Supervisor for the Month of May be approved.

RESOLUTION # 67 - PAYMENT OF BILLS

On motion of Councilman Viscio, seconded by Councilman Decker, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that the Bills be paid on General Abstract #06 of the General Fund, covering claims #132-151 & 153-155 and of the Highway Fund, covering claims #122-131 & 152 for the year 2013.

With no further business, on a motion of Councilwoman Pokorny, seconded by Councilman Decker, the meeting was adjourned at 8:31p.m. Carried unanimously.

Meeting was re opened at 8:35p.m., Mr. Vincent Virano addressed the board with concerns regarding his property and neighboring property on Singer Road. Addressed the board last September, was told to speak with Robert Delaney and the Zoning Board of Appeals. Town Attorney Dorfman reported that if a variance was granted, no tickets or violations. If a variance was not granted, then town attorney will tell Robert Delaney to issue tickets.

Mr. Virano reported that the Zoning Board of Appeals would issue a variance if Robert Delaney would issue a building permit, and Robert Delaney would only issue a building permit, the ZBA would issue a variance.

Town Attorney Dorfman told Mr. Virano that the town board takes no responsibility in the decision of the ZBA or the Building Department.

Town Attorney Dorfman advised Mr. Virano to consult with his attorney to determine what he needs to do. If a variance has been issued, the pool is legal. Town Attorney Dorfman to contact the ZBA and find out if a variance has been issued.

With no further business, on a motion of Councilman Viscio, seconded by Councilman Decker, the meeting was adjourned at 8:55p.m. Carried unanimously.

Respectfully Submitted,
June 24, 2013

Kimberly D. Swain

