

**DRAFT**  
**TOWN OF KNOX**  
**ZONING BOARD OF APPEALS**  
**MEETING MINUTES**  
**April 27, 2006**

In Attendance: Robert Simpson; Ken Kirik; Earl Barcomb; Dave Holley; Amy Pokorney; Carol Barber, Recording Secretary.

Absent: Larry Wilson, Bob Edwards

The meeting was called to order by Chairman Earl Barcomb at 7:35 p.m.

**OLD BUSINESS**

1) A Public Hearing was held regarding a Special Use Permit for the Highlands Restaurant and Tavern at 1670 Berne Altamont Road. Earl Barcomb stated that, from discussions at the last Board meeting, the Board looks favorably on reopening the restaurant and tavern. One issue, however, is the amount of land that was conveyed. Attorney Jim Roemer of Roemer, Wallens and Mineaux, representing Michelle Catalano, was in attendance. Earl Barcomb stated that the conveyance of only a portion of the substandard sized lot was not in conformance with the zoning ordinance. Mr. Roemer presented the Board with a copy of a letter and a signed lease for the remaining portion of the preexisting substandard sized lot. He then presented the application to the Board. Several Town residents expressed their support for reopening the restaurant and tavern. The special use permit process and zoning ordinance requirements were discussed. Options in addition to leasing back the remaining portion of the preexisting substandard sized lot were discussed. These options included repurchase and amending the zoning ordinance to create a district with less restriction on businesses than a residential district. With no further comments, Earl Barcomb made a motion to grant a Special Use Permit. As part of this motion, he cited the requirements of the zoning ordinance, summarized findings and incorporated conditions. Seconded by Robert Simpson, the motion carried. Michelle Catalano may proceed effective May 1, 2006 in opening the Highlands Restaurant and Tavern. The Special Use Permit is attached.

2) Mr. Travis Gardineer, 1659 Thompson Lake Road, ([tgardine@nycap.rr.com](mailto:tgardine@nycap.rr.com)) came before the Board with a request for a letter stating that he appeared before this Board previously regarding a dirt bike track and related neighbor complaints. It was determined that a copy of the July 2005 Zoning Board meeting minutes could be provided to him in lieu of a letter. He concurred and requested a copy prior to the May 10, 2006 Town Board meeting.

**NEW BUSINESS**

1) Tim Fitzpatrick (12 Charles Blvd., Delmar, 439-4024, [tfitzp6@nycap.rr.com](mailto:tfitzp6@nycap.rr.com)) was in attendance on behalf of Edward and Martha Allen and Emory Henness regarding a Special Use Permit for the Fox Creek Auction facility at 2305 Helderberg Trail. This property consists of 8 +/- acres, for use as a flea market, auction house and storage. This property has nothing to do with the Foxenkill Tavern. This property is zoned MURD. A copy of a signed contract is needed. Any permit would be issued to the purchaser. The Board does not want to see open drinking and motorcycle rallies. Amy Pokorny will be the point of contact. Mr. Fitzpatrick stated that he does not anticipate any negative feedback. Notices will be sent out to surrounding neighbors. A waiver from topographical mappings was requested by Mr. Fitzpatrick. Because the topography is essentially flat, this request was granted. Clarifications of special events as well as photos of the property were requested by the Board. A public hearing will be held on May 28, 2006 at 7:45 pm.

2) Mr. Gerald Byrd, who resides at 1099 Township Road (861-5202, [byrdnestv@yahoo.com](mailto:byrdnestv@yahoo.com)), came before the Board with a request to add a 2 car garage with a loft on the left front of his house. He proposes a 26 foot setback from the road. A stream located on the west side of the property and the septic system restrict where the garage addition can be placed. Members of the Board will visit the property. Mr. Byrd will provide photos. An area variance will be needed. A public hearing was scheduled for June 22, 2006.

3) Mr. Bill Hess, who resides at 2143 Berne Altamont Road (872-9020, [bhess944@yahoo.com](mailto:bhess944@yahoo.com)), wants to tear down his old garage and rebuild. An area variance will be needed. A public hearing was scheduled for May 28, 2006.

A motion was made by Ken Kirik, seconded by Robert Simpson to adjourn the meeting at 9:45 p.m.

Respectfully submitted,

Carol Barber