

**TOWN OF KNOX
ZONING BOARD OF APPEALS
MEETING MINUTES
June 28, 2007**

In attendance: Ken Kirik; Chairman Earl Barcomb; Dave Holley; Amy Pokorny; Bob Edwards; Carol Barber, Recording Secretary.

The meeting was called to order at 7:38 by Chairman Earl Barcomb. The minutes of the May meeting were read. A motion was made by Amy Pokorny, seconded by Ken Kirik to accept the minutes as read with a couple of minor revisions. Motion carried.

OLD BUSINESS

1. Paul Centi of the Township Tavern (1412 Township Road) was in attendance to request changing the date of completion of a screening fence from July 4 to July 30, 2007. The Board approved this request.

NEW BUSINESS

1. Mae Dale of Rt. 156 was in attendance because she had received two tickets from the Building Inspector regarding her new greenhouse business. The first ticket charged that she had a non-conforming sign and the second ticket charged that she had a non-conforming business. Town Justice Court postponed Court proceedings to provide Ms. Dale an opportunity to appeal the Building Inspector's interpretation of the Zoning Ordinance to the Zoning Board of Appeals. Ms. Dale stated that she purchased her greenhouse from Ruth's greenhouse business and that there are no differences between her business and the former Ruth's Greenhouse business. Ms. Dale stated that the Ordinance business land requirement is 15 acres and she has 20 acres. Earl Barcomb asked if she had received approval from the NYS Dept. of Transportation for a driveway. She stated she did not and that the driveway was existing and she merely improved it by adding some more stone. Her sign, which is 3'x4' (12 sq.ft.) is 25' from the edge of the road. An e-mail from Robert Simpson was received and read as he was out of Town and unable to attend the meeting. It read as follows:

"I have seen Mae Dale's operation and I have always been under the impression that this town's ZBA Ordinance permitted agricultural pursuits (not only permitted, but encouraged). The Ruth's Greenhouse operation across from her place has been in operation for many years. They always put up a sign during the spring and took it down after the season. I have purchased plenty of plants from them over the years. I do not believe that Ruth's ever applied for a SUP from the ZBA or a site area review by the Planning Board.

Several years ago there was a similar operation over on Middle Road. Duncans had a sign and grew and sold plants at this site. To the best of my memory, they never came to the ZBA or were ticketed.

I believe that Ms. Dale did get some kind of site plan approval from the Planning Board. I would hope that the ZBA permits the operation to continue. If there is a need for any Special Use Permit, I would urge that the Board allow this business to continue. From my observation, there is a small sign which is very professional and set back from the SR 156. If the Planning Board was involved with the site area review process, I do not understand why the ZBA was not notified????

My only concern about this operation is one of safety. It is not located on the safest site in town. It is at the foot of Pleasant Valley Road and on a bend. I would encourage the Board to look at the traffic flow in and out of this operation. The ROW should be clear to permit exiting which is safe. The parking area should be situated to ensure that no traffic backs on to the road."

Ms. Dale stated that the Planning Board has not yet reviewed her site plan and that there is ample room so that cars from her greenhouse would not be backing out onto SR 156.

Bob Edwards believes that Ms. Dale made a good faith effort to do everything she needed to do and that there was a communication issue. Bob Edwards made a motion that the ZBA interpretation is that this is a permissible business within the Town of Knox according to Article 4, Section 45. Seconded by Amy Pokorny, the motion carried.

A motion was made by Dave Holley and seconded by Ken Kirik that Ms. Dale's sign meets the criteria in the Ordinance. The sign is greater than 10' from the property line and the size of the sign conforms to the Ordinance (Article 5, Section 50c). Motion carried.

Ms. Dale was advised to have her site plan reviewed and approved by the Planning Board. She stated that she would be attending the Planning Board meeting on July 12, 2007 for this purpose. Inasmuch as it meets all of the siting criteria in the Ordinance, the Zoning Board recommends approval of Ms. Dale's site plan.

2. John Stannard of JP Delaney Excavation was in attendance. He has a 4'x6' sign on Rt. 156. He was contacted by the Building Inspector who stated that the sign is non-conforming. Mr. Stannard stated that he then covered the sign. The Board agreed with the Building Inspector. The size restriction for his sign is 3'x4' and needs to be at least 10' from the property line. He will need to reconfigure the sign. It can be 2 sided with no lights.

3. A motion was made by Amy Pokorny to interpret Article 5, Section 50C.1.a., Sign Regulations, to read " a total face area of 12 square feet on each face side, but no more than 2 sides". Seconded by Ken Kirik, the motion carried.

4. A neighbor stated that it appears that parole officers have gathered at the gun club on Quay Road and used it as a target range. Bob Delaney said that he would check this out since only members should be using the facility.

5. In a discussion with Bob Delaney, it was noted that there appears to be nothing in the Ordinance regarding 4 wheelers which have been the source of many complaints.

6. Earl Barcomb noted that there are Planning/Zoning Summer School sessions being held this summer. Amy Pokorny will attend the session at Clinton College on August 9, 2007.

A motion was made by Ken Kirik, seconded by Dave Holley to adjourn the meeting. The motion carried and the meeting was adjourned at 9:34 p.m.

Respectfully submitted,

Carol Barber
Recording Secretary

cc: Town Board
Planning Board
Building Inspector