

# PLANNING BOARD - TOWN OF KNOX - ALBANY COUNTY

P.O. Box 56, Knox, N.Y. 12107

*Established 1822*

## PLANNING BOARD MEETING MINUTES

**Minutes:** 22 June 2017

**Present:** Bob Price, Bob Gwin, Tom Wolfe, Brett Pulliam, Betty Ketcham, Travis O'Donnell, Deb Nelson

Meeting was called to order at 1932.

Minutes from the May 2017 meeting were reviewed and approved as written.

***Brett Pulliam made a motion to approve the minutes as written. Tom Wolfe seconded the motion. There were 7 Yea: Bob Price, Tom Wolfe, Brett Pulliam, Betty Ketcham, Travis O'Donnell, Bob Gwin, Deb Nelson and 0 Nay.***

### ***Community 2.0 Solar Array Deliberation and Voting***

1. Bob Gwin gave a brief summary of the solar array amendment in the Zoning Ordinance and the history of the Community 2.0 application. He stated that the duty of the Planning Board is to determine if the applicant met the requirements outlined in the Zoning Ordinance, to assess visual impact and to consider all comments from the public and continuation hearings held in recent months.
2. Bob Price addressed the question of electromagnetic radiation, stating that he read multiple articles on the topic, spoke with electrical engineer, Steve Longway and noted similar exposure from commonly used items like microwaves and cell phones.
  - a. Resident, Ed Ackroyd, inquired if the Planning Board would take responsibility for making the decision on behalf of the Town that there are no health effects associated with large-scale solar arrays.
    - i. Based on the best available science that the Board has before them, they stated they are not aware of any health issues associated with large-scale solar arrays.
3. Tom Wolfe and Deb Nelson asked if additional visual impact assessments have been prepared or received by Labella, as requested at earlier meetings.
  - a. Additional visual impact assessments requested include:
    - i. Mitchell Lustig, 1228 Berne Altamont Road
    - ii. Bob and Carly Digeser, 1264 Berne Altamont Road
    - iii. Suzanne Hale, 1263 Berne Altamont Road
  - b. To date, these viewpoints have not been provided to the Planning Board or the residents of these properties.
    - i. Tom Wolfe stated that without the requested information, it would make it challenging to determine full visual impact and ultimately, make a decision.
    - ii. Bob Price noted the Board's previous experience with Borrego and stated that it would be possible to make a decision if the Board assumes perceived visual impact issues are correctable.
4. The Board discussed responsiveness of the applicant.

- a. If additional information has been requested and not provided, at what point does the Board consider the applicant non-responsive?
- b. Deb Nelson asked the Board to consider if it would be reasonable to say that information requested was not provided and thus, the Board is unable to make a decision and will ultimately need to deny the permit.
- c. Tom Wolfe stated that Labella Associates might maintain that visual impact assessments from the Hale's house have been completed but the Board will need to confirm.
- d. Travis O'Donnell asked if Labella indicated to Bob Price that the views were forthcoming.
  - i. Jared Pantella of Labella Associates indicated to Bob Price that the models had been simulated.

***Tom Wolfe made a motion that the Board gives the applicant until the next Planning Board meeting (7/13/17) as a "drop-dead" date to provide all requested visual modeling. Bob Price suggested amending the motion to say that Labella is required to provide the information before the 7/13 meeting so that he would have time to share it with residents and the other Board members. No Board members seconded the motion.***

5. Travis O'Donnell expressed concerns with compatibility with the surrounding neighborhood.
  - a. Deb Nelson stated that it is an allowable use in this zone, but the Board should consider whether it is the best site for the project.
6. Bob Gwin stated that the Board should consider how to improve the process for future large-scale solar array applications.
  - a. He suggested requiring balloon placement, similar to what is done for cell towers, so residents can assess visual impact.
  - b. He noted problems with communication of the project, even though residents were informed via certified mailing and two public hearings.
7. Brett Pulliam asked how many more solar arrays the existing infrastructure can support.
  - a. While the limit is unknown, Bob Price stated that he is aware of two other potential applicants.
  - b. National Grid does an interconnectivity study for each applicant and may require the applicant to incur the cost of the upgrade. However, it is becoming less desirable to build solar arrays in NY as incentives are starting to close out.
8. Public Comment
  - a. Mr. Hale, 1263 Berne Altamont Road, stated that planting more trees would not decrease their visual impact due to the elevation of their home.
    - i. They invited members of the Planning Board to drive down their driveway to see their viewpoint.
  - b. Supervisor, Vas Lefkaditis, asked if the Planning Board could visit the homes of those residents that would like additional visual assessments conducted.
    - i. Travis O'Donnell stated that he trusts the feedback of the residents.
    - ii. Deb Nelson stated that this responsibility is on the applicant.
  - c. Fran Porter, 1119 Berne Altamont Road, said she has lived across this property for 35 years and holds her breath every time it goes up for sale. She stated that such a big piece of land would probably be developed eventually and if you had to have a neighbor, a solar array may be more desirable than a development.

- d. A member of the audience asked if anyone on the Board had financial interest in the solar array.
  - i. The Board assured the audience that there was no conflict of interest.
- e. A member of the audience asked if balloons outlining future project sites would be put in place before or after trees were cut down. She stated her opinion that in 10 years, solar panels will be small as technology is moving at a rapid pace.
- f. A member of the audience asked if it was possible to find another parcel of town-owned land for the project site.
  - i. The array's proposed location is on private property, not Town-owned land. The Town does not own any significant parcels of open land for this use and further, the project would need a willing landowner and willing developer which the Town cannot control.
- g. Audience member, Ed Ackroyd, asked how long the Board has to deliberate and vote on an application after the application has been submitted.
  - i. The Board consulted the Zoning Ordinance and determined that a decision needs to be made within 62 days of the public hearing unless all parties agree to an extension.
- h. Bob Digeser, 1264 Berne Altamont Road, inquired as to who is listed on the permit application.
  - i. Community 2.0.

***Travis O'Donnell made a motion that given extensive delays in responding to the Board's repeated requests for revised views, the Board find the applicant non-responsive at this time and reject the application. Deb seconded motion.***

9. Discussion following the motion:

- a. Bob Gwin stated that his concern was regarding fairness to property owner, Father Young, and he would prefer to give the applicant a chance to complete the process and make good on what they promised to deliver.
- b. Brett Pulliam stated his concern was that the applicant promised appointments to residents and did not keep them.
- c. Bob Price stated that Community 2.0 has a large financial stake in the project and Father Young does not. He expressed that declaring the applicant non-responsive at this point is strong and that he would prefer to give the applicant another chance to deliver.
- d. Tom Wolfe stated he was also in favor of waiting for the applicant to provide the additional information.
- e. Travis O'Donnell stated that based on collective input that the Board has gathered through process, this project would not be in harmony with the overall character of the neighborhood because of objection by adjoiners.

***Travis O'Donnell made a motion that the Planning Board find the applicant non-responsive to repeated requests for revised views, the site not ideal for this project based on our finding of the facts and therefore, the Board reject the application.***

The Board discussed this being two separate issues: non-responsiveness and a non-ideal site. Travis O'Donnell withdrew his previous motions.

***Tom Wolfe made a motion that the Board declare the applicant non-responsive to repeated requests for additional visual assessment information and therefore, reject the application. Travis O'Donnell seconded the motion. There were 5 Yea: Travis O'Donnell, Betty Ketcham, Brett Pulliam, Deb Nelson, Bob Price and 2 Nay: Tom Wolfe and Bob Gwin.***

***Deb Nelson made a motion that the meeting be adjourned. Brett Pulliam seconded the motion. There were 7 Yea: Bob Price, Tom Wolfe, Brett Pulliam, Betty Ketcham, Travis O'Donnell, Bob Gwin, Deb Nelson and 0 Nay.***

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Meeting adjourned at 2100. Next meeting - Thursday, 13 July 2017 @ 1930.

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