

**PLANNING BOARD  
TOWN OF KNOX  
ALBANY COUNTY  
Established 1822**

**PLANNING BOARD MEETING MINUTES**

February 12, 2009

Present: Dan Driscoll, Bob Gwin, Betty Ketcham, Stewart Kidder, Bob Price, Brett Pulliam, Tom Wolfe

Meeting called to order at 1935.

**Minutes of the January meeting** were discussed. Minutes were approved with minor corrections.

**The Board began by discussing the issue of defining “farm animal” in the Zoning Ordinance.** The Zoning Ordinance states that no more than 2 farm animals can be kept in a residential district, but “farm animal” is not defined. It has recently been brought to the attention of the Town that a resident on Bozenkill Road, in a Residential district, has been keeping more than two alpacas, in violation of the Town Zoning Ordinance. Bob Delaney sent the resident a letter informing them of the violation. However, the resident appeared before the Zoning Board of Appeals stating that he does not consider alpacas to be “farm animals”. The Planning Board discussed the issue and determined that it is not necessary to define “farm animal” in the Zoning Ordinance because by any reasonable definition of farm animals, alpaca and for that matter, llamas, were clearly a farm animal. They, like other domesticated farm animals, are raised for their wool, clearly no different than raising dairy cows for their milk. Bob Delaney stated that he will issue an appearance ticket and have the homeowner appear before the court and let the court decide. Brett Pulliam commented that the language should be more clearly defined, but Chairman Price said that, in this case, the Board is in agreement that an alpaca is in fact a farm animal and stated that he will let the Chairman of the Zoning Board of Appeals know that.

The next topic of discussion was **the Helderberg Community Energy project presented at January’s meeting.** Dan Driscoll had circulated to the Board members an e-mail detailing a court case that Amy Pokorny had referred to in January’s presentation. In the case in question, the Zoning Board of Appeals in Beekmantown, NY determined that commercial wind turbines are an "essential service" as defined by the Beekmantown Zoning Ordinance and therefore are entitled to a Conditional Use Permit. It was implied at the January meeting that, based on this case, the Planning Board would not be

able to say no to the wind turbines they would only be able to say where they could be located similar to cell towers and mining operations. Upon further review of this case, Dan Driscoll does not feel that this case applies to the Town's situation because the case only pertained to the wording of the local law and not a State or Federal regulation.

Chairman Price stated that he had talked to the "bat lady" Emily Davis, who is an expert on bats and got some marginally useful information but did learn that the jury is still out on how dangerous commercial wind turbines are to bats. Mr. Freihofer, who was present in the audience, suggested one way to keep bats away from the turbines is to install a light lower on the tower, around 30 feet off the ground, to attract the bats to the bugs near the light. He then asked if the Town would be getting into the power business by installing and operating commercial wind turbines themselves. Chairman Price responded that the Town has looked into it and could, theoretically do something like that, but the Town does not seem to be interested in such a venture at this time.

Upon a motion made and duly seconded, the meeting was adjourned at 2035.

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The next meeting will be on March 12<sup>th</sup>, 2009 @ 1930.