

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

PLANNING BOARD MEETING MINUTES

March 12, 2009

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

Meeting called to order at 1935.

Minutes of the February meeting were approved as written.

The Board began by discussing two subdivisions that were recently filed with Albany County that did not have the stamp of the Planning Board on them. One is located on Route 156 near Pleasant Valley Road and the other is on Bozenkill Road. Chairman Price believes that the first one is part of a previous subdivision which would make it a major subdivision. Even if they turn out to be one-cuts, they still should have come before the Board. Chairman Price will ask the Town attorney to write a letter to the parties involved. All agreed that was a good course of action.

The Board then discussed a three day seminar offered by Hudsonia as a possible way of satisfying the training requirement for Board members. Chairman Price offered to contact Hudsonia and tell them the Board is interested. Dan Driscoll brought up online training available through the NY Planning Federation and explained that board members would have to get together for an hour to view and discuss each video.

Next the Board discussed the Commercial Wind Turbine (CWT) ordinance. The Board heard from Amy Pokorny who stated that Helderberg Community Energy (HCE) wants to keep an open dialog on what information has been found regarding questions brought up at the January meeting. Mrs. Pokorny stated that many of the members of HCE live near the proposed location so they have a stake in making sure the project is done right and in a safe manner. Chairman Price brought up the issue of bats and talked about the possibility that a low pressure area causes bats lungs to explode – but that this theory is not likely, since based on the physics of how a wing or turbine blade works, the bats would have to dwell in the low pressure area above the curved portion of the blade long enough for the effect to happen and the blade is turning at speeds up to 200 MPH.

Tom Wolfe pointed out that placing turbines near migratory routes is likely to run into problems. The Board agreed that it is always possible to turn the turbines off during peak migration times. Chairman Price then stated that he is not sure this is an issue that needs to be considered every time the topic is brought up and further that, in his opinion, he is not sure that Knox is suited for large-scale commercial wind turbine farms, but that the Town would be ill-served by its Planning Board to not have a commercial wind turbine ordinance.

Chairman Price then proposed a **motion to the Board that stated the following:**

1. Based on the premise that Knox is not suited for a large scale wind turbine system with the definition of large scale meaning more than six (6) turbines in any one location;
2. That the controlling financial interest in the company that “owns” the system is comprised of residents of the Town of Knox;
3. That the minimum set-back from any human inhabited structure or any Town, County or State highway is to be 1,500 ft;
4. That the maximum height of any commercial wind turbine is not to exceed 550 ft. AGL
5. That the applicant for Site Plan Approval must provide an escrow account not to exceed \$5,000 for use by the Town Planning Board to hire outside consultants during the Site Plan Review process plus any application fees and Building permit fees that might be set by the Town Board.

A member of the audience, Ron Jordan, questioned why the process was being done in this way and stated that other towns are considering all options while the Town of Knox is going into this process with a stated goal and without consulting the Town members. Chairman Price pointed out to Mr. Jordan that this issue has been discussed by the Board for 4 years, this is not the first time the issue has been discussed. If members of the community have an opinion on this issue they have had plenty of opportunity to mention it before now. The Helderberg Community Energy group being a good example of townspeople responding to the issue.

The Board then discussed the issue of 1500' setbacks from highways as proposed by Chairman Price. Mr. Bushe, who was present in the audience, suggested that if this provision is kept in place there may not be anywhere in Town that a CWT could be placed. Chairman Price responded that this is not necessarily true but that all of these issues can be addressed throughout the process. The Board has discussed this issue at length but the motion proposed is not a comprehensive ordinance yet – the whole process should take about 4 months. All the issues, including setbacks from property lines, will need to be discussed. Chairman Price simply intended this motion to be a starting point from which the Board could work. Chairman Price's motion failed for lack of a second.

Tom Wolfe mentioned that by approving this resolution as proposed, the Board would be setting the limit as 6 wind turbines maximum and resident owned only. Chairman Price responded yes, this is supposed to be community owned. Mr. Wolfe pointed out that the Board should not go into an ordinance with set boundaries in place. Chairman Price suggested that the boundaries could be changed then, but Mr. Wolfe said he would eliminate the boundaries altogether. Dan Driscoll suggested that the heart of the argument is that Chairman Price has already concluded that CWT's should be sited in the Town of Knox and the other Board members have not yet come to that conclusion. The motion, Mr. Driscoll suggested, should be to consider whether the Town of Knox is appropriate for CWT's.

Dan Driscoll then **made a motion to enumerate the potential benefits and impacts of a commercial wind turbine farm and come to a conclusion if there is anywhere in the Town of Knox that is suitable.** Betty Ketcham seconded this motion, 5 Board members voted aye (Chairman Price, Betty Ketcham, Dan Driscoll, Stew Kidder and Bob Gwin) and 2 voted nay (Tom Wolfe and Brett Pulliam). Bob Gwin agreed with what Mr. Driscoll had said. If the Board writes an ordinance, we are saying that we are going to allow CWT's, the question really is should we allow them? The Board is telling our neighbors that we think the benefits outweigh the impacts and Mr. Gwin does not think they do. Mr. Gwin does not see how the community will benefit, the community does not own it and by opening the door we allow someone to come in and request more turbines and get a variance – if we don't allow them, there is no opening.

Tom Wolfe suggested that the exercise the Mr. Driscoll is proposing is highly subjective. The regular planning process would cover these issues through the site plan review. Normally, an ordinance is constructed and if someone wants to erect a CWT, they apply and if the application passes muster then it is approved. Mr. Driscoll stated that he thinks it is possible to make a quantitative analysis of the costs/benefits of CWTs, however, Chairman Price pointed out how much do you assign to a benefit that a wind turbine is green energy for example. It is subjective.

Chairman Price asked that everyone come to the next meeting with a list of positives and negatives regarding this issue.

Finally, the Board discussed the issue of outdoor lighting. Dark Skies, a non-profit organization,

does not feel that Knox's ordinance is adequate in dealing with the issue of glare. Dan Driscoll did not feel that other ordinances would fly in the Town of Knox because other ordinances require that all lights that do not fit the definition would have to be changed within one year. Mr. Driscoll thinks that we should change the definition of glare in the Town Ordinance. Chairman Price thinks that all new lighting being installed in the Town should be full-cutoff lighting.

Upon a motion made and duly seconded, the meeting was adjourned at 2100.

The next meeting will be on April 9th, 2009 @ 1930.