

**PLANNING BOARD**

**TOWN OF KNOX**

**ALBANY COUNTY**

**Established 1822**

**PLANNING BOARD MINUTES**

**8 March 2012**

Present: Earl Barcomb, Dan Driscoll, Bob Gwin, Betty Ketcham, Bob Price, Brett Pulliam, Tom Wolfe

Meeting called to order at 1932

Minutes of the 9 February 2012 meeting were reviewed and approved as amended.

**New Business:** Public hearing regarding subdivision of Alberta Bouck's property. Information was submitted to Albany County Planning since property is on a county road and in Town of Berne as well. Albany County farming district forms needed.

John Demis, licensed surveyor and PE, appeared before the Board with copies of the map of the property depicting the proposed subdivision. The maps were presented to the Board and meeting attendees.

Notices regarding the subdivision meeting were sent out to contiguous neighboring properties as well as beyond. Proposal for subdivision is a 50-acre parcel to be subdivided to settle estate. Subdivision includes a house parcel with a little over 8 acres, 32.4 acres for brother's property, and one new building lot. No new roads are planned for the subdivision. No large development is being planned but rather more of a rearrangement and settlement of an estate. No response was received from the Town of Berne (about 12 acres are located in Berne).

Member Driscoll made a motion to accept the subdivision as presented, seconded by Member Wolfe. Motion carried unanimously. Albany County Planning will provide its comments on the 15<sup>th</sup> but since the Board approved with a super majority, those comments will be advisory. Albany County Local law regarding right-to-farm material was shared by Chairman Price. Neighboring property where farming takes place was noted. The Board discussed the issues regarding the Short Environmental Assessment Form and Chairman completed and signed the form.

Chairman Price went through the Subdivision checklist and all relevant items had been satisfied. Fees for the subdivision were received from John Demis.

Public hearing was closed at 2012.

**Old Business:** Property Valuation Assurance – WECS Ordinance

Member Wolfe reported on the qualifications required of licensed appraisers in New York State. He found information with the NYS Department of State. There are three categories: "State Certified Residential Real Estate Appraiser," "State Certified General Real Estate Appraiser" (which includes commercial) or "State Licensed Real Estate Appraiser." Member Wolfe added that we may want to look at basically adding valuation assurance appraisers be chosen from a pool of either Licensed or State Certified General Real Estate Appraisers.

The way the draft ordinance currently reads the developer will pay for both appraisals. Considerable discussion

revolved around what circumstance would prevail if someone wants to allege a loss; perhaps they would pay for the appraisal and if it is determined the loss is directly attributable to the wind turbines, then they would be reimbursed by the site developer. The Board was not sure what an appraisal would cost. Chairman Price estimated \$1,500-\$3,000.

Other factors to consider; does the property have to be for sale and for how long, before a loss can be declared? Seller can allege that the wind turbines are the reason, an appraisal can determine, based on comparable market values, if the negative impact was from the wind turbines. Member Driscoll suggested comparables need to be done beyond a five mile radius from the wind turbine site.

Ed Ackroyd questioned who determines a starting point from when a baseline is established. Is it before the bulldozer arrives or after the turbines are up? Mr. Ackroyd rhetorically asked if his property and a number of nearby properties are all valued at \$250,000 before wind turbines go up and five years later he tried to sell after a wind turbine is installed near his property and his value has dropped to \$225,000, would he need an initial appraisal?

Chairman Price feels an appraiser would need to find comparables at that time. If an appraisal wasn't done prior to turbines, you need comparables. This question is similar to the conversation that took place prior to the cell tower placement.

Member Pulliam noted that if comparables were done prior to the start of construction and the results of that review showed that all homes near the site were \$250,000 and later when someone attempted to sell all homes surveyed except those near the wind turbine site were the same, then no baseline survey would be needed.

Chairman Price asked if the wording in the draft ordinance should be changed and if so, changed for last time? The Board agree that no baseline survey would be required and that the only issue to resolve was the wording defining the distance from the site for the comparable survey, i.e., 2, 3, 5 miles and the issues regarding the terrain surrounding the site.

Members Wolfe and Driscoll discussed at length the differences between two different studies regarding property values at or on wind turbine sites. Member Wolfe said he wasn't sure. GIS was used to analyze visibility as well as digital elevation models and visibility of turbines. Member Driscoll noted that realtors did the analysis he was looking at and it was in Wisconsin. Member Wolfe said the study also didn't account for why there were so few sales. Terrain and vegetation can alter noise.

Chairman Price asked what the next step is for getting the proper wording into the draft WECS ordinance. Member Driscoll stated the section will need to be redrafted by someone. Chairman Price asked Members Driscoll and Wolfe to work on the redrafting and forward it on to the Recording Secretary to be incorporated into the draft.

Member Barcomb suggested paying for appraisal is an unfair burden to the developer with the appraisal cost, as well as unfair to the homeowner. Maybe the cost should be split.

Member Wolfe said it only comes into play if the house is on the market and doesn't sell. He stated that there needs to be a pool of appraisers. Chairman Price said if the developer, homeowner, and appraisers don't agree, then what? Member Wolfe said if you are dealing with a licensed professional, you aren't supposed to sway either way. Member Barcomb felt there may be some subjectivity. Member Wolfe again leaned toward a pool where appraisers should be selected randomly. Chairman Price feels the wording in the ordinance is that the appraisals should be done by someone selected from a pool of licensed appraisers. The pool would come from

the NYS Department of State.

Mr. Ackroyd noted that all of the discussion is regarding property for sale. What if there are a number of turbines put up and it brings my property value down? Chairman Price responded that would be an issue for the Town Tax Grievance Board.

Upon a motion duly made and seconded, the meeting was adjourned at 2046.

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Next meeting will take place Thursday, 12 April 2012 @ 1930