

PLANNING BOARD

TOWN OF KNOX

ALBANY COUNTY

Established 1822

PLANNING BOARD MINUTES

10 May 2012

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

Meeting called to order at 1935

Minutes of the 12 April 2012 meeting were adopted as written.

New Business:

Chairman Price received papers and digital maps of Albany County flood zones. The paperwork received will be stored for future use.

Mr. Charles Whitney, Rte 156, Berne-Altamont Road, came before the Board to discuss a possible boundary adjustment on land that he and his son own. Mr. Whitney's driveway is immediately adjacent to the boundary of his son's property. Because his son is planning to move, Mr. Whitney would like to make a boundary adjustment so that there is no possibility of a future dispute with a new landowner. Mr. Whitney brought his original survey and presented his suggested adjustment to the Board. He indicated that he has two requests. His wife is a master gardener and has numerous garden beds that are on his son's property and they would like the adjustment to include the gardens as well as the driveway. He would like to move the property line 12 ft. to accommodate the entire driveway and come down and include the garden plots. The acreage is divided as follows: son – 5.5 acres; Mr. Whitney – 3.21 acres. Approximately .20 acres would be added to Mr. Whitney's property and removed from his son's for the adjustment. The map of the property was reviewed by the Board. Member Driscoll pointed out that the adjustment will increase the property line setback to their shed. The Board moved it was not a subdivision and it is a boundary adjustment. Member Driscoll made the motion to allow the adjustment, Member Wolfe seconded and Board approved.

New state regulations regarding the Open Meetings Law was brought up by Chairman Price. The changes deal with the issue concerning the right for the public to have a copy of what is being discussed at Planning Board meetings. Copies of the Proposed Notice of Public Hearing – Draft on Knox Wind Law were made available to members of the audience and a PDF file will be posted on the Town website. Member Wolfe feels transparency is good and it should be posted on the website.

Chairman Price received from the Town of Duanesburg a subdivision map, which was reviewed. The property is off of Schoharie Tpke. with a long road that comes into a parcel of land. It does not appear to be in the town of Knox or County of Albany. Chairman Price will respond to the Town of Duanesburg, noting our concern about the Bozenkill.

Old Business: Property Valuation Assurance – WECS Ordinance

New draft – Chairman Price questioned page 7, 1a - Board of Realtors and who that actually would was. Member Driscoll had looked into it and did a web search. Discussion began on topic.

Member Pulliam suggested instead of saying “qualified” can it say “licensed.” Chairman Price suggested maybe using for sale with a NYS licensed realtor. Question arose does licensing come from state or county. Member Pulliam asked as long as they are licensed why can’t they be used. Member Wolfe said it should be found out if there is reciprocity. Member Driscoll indicated the language is taken from one of the models. If something better can be come up with, that’s fine. Member Pulliam said a licensed realtor is someone who does it for a living and that should be used.

In regard to 1b, Chairman Price doesn’t like the phrasing, which sounds present tense. He feels “hereby” should be “must.”

On page 7, number 11 Member Gwin said most places have a time limit and there isn’t any, it just indicates agreement but there is nothing stating how long it would go for. Was that the intent? Member Driscoll indicated yes. It is for as long as the WECS is being operated. If property is transferred all bets are off, only applies to the original owner.

Member Wolfe made a suggestion on an earlier draft that if there is no impact after a set amount of time based on appraisals and there is no change in value then this section of WECS sunsets. Member Pulliam asked how do you determine there hasn’t been an impact? If there is no change in value, the WECS company will say there is no change. If nobody takes advantage of this section in five years, then sunset it. But if people are using it that’s different. Member Wolfe said there is a section about averaging appraisals. Member Pulliam asked where is the line for the amount of devaluation? Member Wolfe said it would be no change, zero. If there is no impact, why continue having this process. Chairman Price felt it was a valid question, but is it likely there would be no change. Member Driscoll said it sounds like it is being made very complicated. Who wants to try to write up that language? Member Wolfe offered to take a stab at it. Chairman Price said we will discuss it next month.

Member Gwin wanted to discuss Section 11, second paragraph, asking what is involved in keeping the bond. Member Driscoll had looked up perpetuity and in a legal sense it refers to an indeterminate length of time (for example, of a pension payout) and for a layperson means forever. Member Gwin stated that it should be changed to “until it is decommissioned”. Member Gwin felt it should be changed to the term “this agreement should be equal to the length of project.” Member Pulliam suggested “until the project is decommissioned.”

Member Wolfe asked if it should state that this protection applies only to properties in the town of Knox. Chairman Price said that should be covered with the 5 mile radius. Member Driscoll asked what about people in counties that are close, do we not care about them? That may be why the agreements are with the landowners and WECS rather than the town and WECS.

Member Gwin had suggested that we could make it available to other towns to make the same agreement with their own town. We couldn’t run the agreements for another town but we could offer the REPVAP to the towns.

Chairman Price said the Town of Duanesburg has a wind ordinance and asked if they have REPVAP. Member Wolfe said we are limited to what we can do in Knox. Chairman Price said if there is no REPVAP, then the cross border issue goes away. It is hard to imagine no one else has REPVAP included in their ordinance.

Member Gwin asked what if the project decides to upgrade or change their turbines, can they replace them or do

they have to go through this process again? Not sure if there is anything in the draft. Member Driscoll said there may be something in there. I'll look for it.

Chairman Price offered to look into who can be a real estate appraiser.

Mr. Freihofer noted he didn't see anything pertaining to if a wind turbine owner files bankruptcy. Member Driscoll responded that some sort of bonding would have to be created as part of the commissioning of the project. It would be used for decommissioning of the project or until someone else purchased the property. Chairman Price also indicated there is something in draft relating to having enough money to be able to remove a defective or turbine. In addition, the property would also have to be restored to its state prior to the placement of turbines. There is a significant foundation and that has to be dealt with. It would be covered by the bonding.

Upon a motion duly made and seconded, the meeting was adjourned at 2108.

Next meeting will take place Thursday, 14 June 2012 @ 1930.