

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

**PLANNING BOARD MEETING MINUTES**

June 11, 2009

Present: Dan Driscoll, Bob Gwin, Stew Kidder, Bob Price

Meeting called to order at 1934.

**Minutes of the May meeting were passed as written.**

Chairman Price began the meeting by mentioning **Planning and Zoning training** on July 23<sup>rd</sup>. The Town has agreed to pay for everyone to attend so he urged everyone to consider it.

The next order of business was to discuss **Commercial Wind Turbines**. Helderberg Community Energy made a presentation to the Town Board at their most recent meeting. HCE has teamed up with a not-for-profit group to apply for grant money to pay to have additional data from the Met. tower reduced and make that data available to the public. The Town Board had questioned Chairman Price as to why the Planning Board has not taken any action regarding this issue. Chairman Price explained that the Planning Board is researching the issue diligently as well as reviewing ordinances from other towns. The Town Board also discussed the subject of Sustainable Energy Development (SED) study of community owned wind turbines in the Hilltowns. The Town has still not gotten the final report from NYSERDA, but it is not certain that NYSERDA has received that report from SED. The Town Attorney is planning to contact SED.

Chairman Price was asked if he got the feeling that the Town Board had taken a stance regarding the issue of commercial wind turbines (CWTs); he responded that he thinks their stance is neutral on the issue but that they do want the Planning Board to write an ordinance simply to have the protection of having an ordinance in place. Bob Gwin questioned if, since the current Town Zoning Ordinance prohibits towers over 200 ft, aren't we already protected enough? Chairman Price responded that the Town Board did discuss that issue as it was raised at their meeting.

Stew Kidder asked if there are any other examples of a community owned wind turbine facility in this area of the country. Chairman Price stated that there are not really because of the obstacles that stand in the way of such a facility. It is much more likely to find a large company coming in to develop something like this. Members of the audience questioned what the Chairman seems to be pushing for an ordinance. Chairman Price responded that he thinks the Planning Board should write an ordinance to protect the Town and address issues that are a concern such as noise. After considering all the issues, the Chairman added that the Town could end up with an ordinance that does not allow for CWTs in the Town of Knox whether they are outright prohibited or the requirements are such that there is nowhere in the Town where one could be located.

Another member of the audience, Jim Cook from Berne, asked what protections the Planning Board is considering to protect the people of Knox. For example, is the issue of restitution to adjacent landowners being considered? Dan Driscoll responded that this issue was discussed in prior meetings and the Board members discussed the possibility of the developer saving harmless properties that are located possibly as far as a half mile from this type of facility. In other cases, this has not always worked because companies that owned the facility have changed hands and the agreement did not follow to the new owners, but the Planning Board had discussed having the provision in the ordinance that keeps the agreement in place such as a covenant on a deed.

Ron Jordan asked if the Planning Board would begin the process by looking at setbacks since the issue has come up before that, depending on the setback requirement, there may not be anywhere to site a facility within the Town. Chairman Price answered that is probably where the Board would start but there are many other issues to consider as well. Ed Ackroyd asked where the members of the Board stand on this issue, if they are in favor or against CWTs? The Board as a whole responded that they are keeping the health, safety and well being of the people of the Town of Knox foremost in their minds and that is what will be considered most when working on an ordinance.

Next, Dan Driscoll responded to a memo from HCE suggesting that it is unfair to limit CWTs based in noise when the Town does not control noise of other things such as farming. However, as Mr. Driscoll pointed out, the ordinance bans industrial uses that are known to produce excessive noise as well as limits commercial uses that produce objectionable noise and also that the Right to Farm law exempts farming operations from these requirements. Mr. Driscoll further suggested that he would propose banning CWTs but would also include provisions that would limit or control them in the event that a court found the ban to be unlawful (a severability clause). Mr. Driscoll reiterated the list of impacts he had detailed in a

previous meeting and concluded that he does not see the benefit to imposing those impacts on the Town except to the few people seeking to develop this. Stew Kidder and Bob Gwin agreed with Mr. Driscoll that, based on the information we already have, Knox does not seem to be a viable location. Mr. Gwin went on to add that if someone supports the wind energy movement, they would be better served to invest the limited money available elsewhere where the most benefit would be reaped.

Chairman Price added as a final note that the ordinance should not just address large turbines since a CWT can also be comprised of a larger number of small units.

A **Motion** was made to continue this discussion at the next meeting since three of the Planning Board members were not present. The motion passed.

Upon a motion made and duly seconded, the meeting was adjourned at 2114.

---

The next meeting will be on July 9<sup>th</sup>, 2009 @ 1930.