

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

PLANNING BOARD MEETING MINUTES

9 July 2009

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

Meeting called to order - 1936

Minutes of the June meeting were approved as written.

The first topic discussed was an issue that came before the Planning Board in June 2008 regarding a **property on Street Road owned in part by Maryalyce Struck**. Mrs. Struck was requesting to use the existing driveway on the property to allow access to a subdivided parcel and house in the back. Chairman Price received a call from Mrs. Struck's attorney so he explained the Town requirements to the attorney, but the issue may come before the Board again.

The Board then discussed a **FOIL request from Timothy F. Lippert**, a resident of Berne, requesting all available information about the Met tower. Chairman Price responded that the Town will provide the information requested no later than July 31. One of the things that will be sent is the summary of 12 months of reduced data for the Met tower. Mean wind speed at 80 meters is **6.11 m/s** which is marginal. Dan Driscoll asked if this information is proprietary and needs to be redacted before it is sent out? Chairman Price was not certain, but did confirm that when the report from SED is completed it will be public information.

The Board then turned their attention to a discussion of the **Commercial Wind Turbine (CWT) ordinance**. Dan Driscoll proposed that the Planning Board begin developing an ordinance to address industrial scale wind turbines but suggested that the ordinance would ban CWTs but would establish regulations for where they could be sited in the event that the courts overturned this decision. Mr. Driscoll further stated that he believes the noise data supports a setback of 1 km and believes there is nowhere in town where CWTs could be located. Mr. Driscoll also brought to the Board's attention the latest DEC information requiring special consideration be given to placing CWTs within 40 miles of bat hibernacula. Also, the visual impact and the Town Comprehensive Plan would all need to be considered. Betty Ketcham asked if there is a reason why Mr. Driscoll proposes banning CWTs first? Mr. Driscoll reiterated that because of the noise impact, there is nowhere in the Town where they could be sited where they could be setback far enough that it would not impact residences.

Chairman Price does not think writing an ordinance that takes a stance one way or the other either supporting or banning CWTs is the right thing to do. So saying that CWTs could be sited somewhere in town as long as they meet certain requirements would be sufficient. Chairman Price pointed out an analogous ordinance – the Town mining ordinance – which says you can have a mine, but you can only do it in limited locations, none of which have any rock.

The Comprehensive Master Plan does not address wind turbines because they did not exist when the CMP was written, but rewriting that is a larger undertaking than simply writing a CWT ordinance. Mr. Driscoll countered that by writing an ordinance the Board is overturning our current ban that would not allow them at this time. Betty Ketcham asked if the standards themselves wouldn't prevent them from being sited in town? Why leave it open to interpretation by the courts? Mr. Driscoll responded that he feels that it is the Planning Board's role to make the decision for the Town to say that we do not feel the benefits outweigh the costs, then if the town people disagree with us, that can be made known at the public hearings.

Both Stew Kidder and Bob Gwin stated that they agree with Mr. Driscoll's views on this issue. Mr. Gwin also added that the whole deal seems a bit paranoid since large towers are already banned by our current ordinance. He also stated that the only change he would add to what Mr. Driscoll proposed would be to go the route of more of a large site plan. Then Mr. Gwin reiterated that more benefit would be reaped by using the money available in a more suitable site than here in the Town of Knox. Brett Pulliam pointed out that there are a whole range of sizes of CWTs and that should be taken into consideration as well. Dan Driscoll agreed that should be considered but does not think anyone is going to propose anything small considering the amount of wind available in Town.

Chairman Price brought up the proposal by the school district to install a “behind the meter” turbine at the school. Ed Ackroyd commented that 12 people went to inspect a similar turbine at a school in Massachusetts and that 4 of the 12 people who went became ill. Russ Pokorny brought up the point that it is not necessarily as a result of the turbine that these four people became ill – could be for a number of other reasons. Could also be that the people who felt ill were predisposed to not wanting a wind turbine to begin with.

Chairman Price pointed out that the Board specifically went out of their way to make sure they had control over site plan review for windmills, Met towers and cell towers; does the PB want to have the same control over CWTs in the Town of Knox? He added that he thinks it would be better to have that control than ban them altogether unless someone takes us to court.

Dan Driscoll made a **motion** to ban commercial wind turbines, but put regulations in place in regards to siting in the event that the ban is overturned and expand site plan review to include requirements for industrial applications. The motion was seconded by Bob Gwin. Dan Driscoll, Stew Kidder and Bob Gwin voted aye; Brett Pulliam, Chairman Price, and Betty Ketcham voted nay.

Betty Ketcham stated that she feels that by banning CWTs, the Planning Board is taking a stand on the issue and it seems that it would be fairer if we simply put regulations in place regarding where and how

they will be sited. Dan Driscoll responded that the zoning ordinance already takes a stand regarding whether certain things are allowed in town or not – that is part of our job. Ms. Ketcham asked what Mr. Driscoll thinks the chances are that the courts would overturn our ban; Mr. Driscoll said 0%. Chairman Price suggested tabling the issue since there was still one member of the Board not present.

Upon a motion made and duly seconded, the meeting was adjourned at 2051.

The next meeting will be on 13 August, 2009 @ 1930.