

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

PLANNING BOARD MEETING MINUTES

September 10, 2009

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

Meeting called to order - 1935

The Board began by reviewing the **August minutes**. Motion was made to approve as written, motion passed unanimously.

The Board next discussed the **Commercial Wind Turbine (CWT) ordinance** – Chairman Price verified that all the Board members had received the information he sent them regarding CWT ordinances including recommendations to the Planning Board in the Town of Bethany that cover most of the issues that will probably need to be addressed by this Board. Bob Gwin noted that the Town of Schoharie’s ordinance is written as a model ordinance so it might be best to start with that as a template to build from, the other Board members agreed. The Board began by discussing terminology since the Schoharie ordinance refers to wind energy facilities but the ordinance is written to address wind turbines. Chairman Price suggested coming up with an acronym that involves the word “electricity”. Dan Driscoll pointed out that in the windmill ordinance the Board referred to Wind Energy Conversion Systems (WECS) and suggested the same terminology be used here. Several Board members proposed that the term WECS should be used for consistency, but the word commercial should be included in whatever term we agree on. Mr. Driscoll further noted that in the windmill ordinance, “windmill” is defined as up to 12 kW and a “wind turbine” is defined as anything over 1mw.

At first, the Board discussed the CWT turbine ordinance having one category for anything between 12 kW and 100 kW and one category for 100 kW and higher. But after further discussion, the suggestion was made that the existing ordinance could be modified to change the 12kw cutoff to 25 kW and then anything above 25 kW would be considered commercial. Chairman Price felt that could probably be done all at one time. That way if the intent is not to provide power back to the grid, then it is not commercial – even if the owner on occasion provides power back to the grid when they produce more than they need.

Dan Driscoll asked to begin discussing parameters for noise so that he can start drafting language. Mr. Driscoll noted that the definition of noise in the Zoning Ordinance is not adequate for wind turbines. Other methods would be to define distance, such as 1.5 km from the nearest non-participating property line – but this does not take into account the variable noise produced by different wind turbines. Mr. Driscoll suggested that as long as the ordinance does not allow turbines greater than 1 mw, a simple setback is acceptable since most turbines don’t vary all that much in the amount of noise produced at that size. Using this method, the setback distance would be based on a careful analysis of noise data already

available, no noise data would be required at the Site Plan review. Mr. Driscoll stated that noise levels of 33 dBA would result in sporadic complaints and the setback distance to get limit noise to 33 dBA would be approximately 1.5 km. Brett Pulliam didn't like that idea, and asked if we can measure noise, why wouldn't the setback just be based on that measurement. Mr. Driscoll responded that he has spoken to noise experts from around the country and there are a lot of things that can be done to manipulate noise measurements. For example, when a noise expert goes to measure noise at a site, the speed of the turbine can be adjusted. The Board members discussed several other issues related to this topic including the fact that a set distance would not take into account developments in technology that could make noise levels lower, the fact that some municipalities require noise measurements after the turbine is constructed complicating matters further, and the fact that two noise consultants can come up with different results based on the same data.

The Board also discussed using the DEC guidelines that state noise levels cannot exceed the background noise by more than 6 dB. With this method the Town would have to have a consultant and the developer would send out a consultant to measure "background noise". This method can produce different results based on where the measurement is made, but the Town could require the measurements be taken at the same location. Dan Driscoll reiterated that he would prefer that we don't get into measuring background noise, but rather set a noise limit at 33 dB for wind turbines but at 40 dB for other industrial sources. At this point the Board then discussed whether or not a noise limit for other industrial uses would be included as part of this ordinance. Several Board members recalled a discussion from a previous meeting in which Amy Pokorny had commented that the Town is opening itself up to a lawsuit if we regulate noise for wind turbines but don't regulate noise for any other industrial use. After some discussion Mr. Driscoll agreed to write his draft noise limit language to address only wind turbines at this time stating that it can always be changed later.

The next issue discussed was **protecting property values**. Chairman Price stated that the Town needs to get an attorney's opinion in writing regarding what issues should be included to protect property values. Stew Kidder agreed to try to get an opinion from an attorney he knows regarding this issue.

Several other issues were discussed including adding a provision that the manufacturer must guarantee that the brakes are fail-safe and the need to include a fire-suppression system. Chairman Price and Bob Gwin will focus on those issues.

Betty Ketcham agreed to work with Tom Wolfe on wildlife and agriculture issues. Brett Pulliam will look at infrastructure issues.

The Board then opened the floor to Public Comments:

Ron Jordan provided Chairman Price with the results of the setback committee from Richmondville. Mr. Jordan also suggested that the ordinance written by the Town of Cohocton might be a better model to work from than the Schoharie county ordinance.

Upon a motion made and duly seconded, the meeting was adjourned at 2010.

The next meeting will be on 8 October, 2009 @ 1930.