

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

PLANNING BOARD MEETING MINUTES

October 8, 2009

Present – Bob Gwin, Betty Ketcham, Stew Kidder, Bob Price, Tom Wolfe

Meeting called to order - 1933

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

The Board began with a discussion of the proposed **Commercial Wind Turbine Electric Generation ordinance**. The Board first heard from Stew Kidder who had contacted an attorney regarding property value assurances. Mr. Kidder was told that the Town can write a standard to cover devaluation and it can be written to cover all assigns and successors in perpetuity. Mr. Kidder added that he has been looking for sample language that we might be able to use as a start but he has not found anything as of yet. The Board also discussed how to quantify initial value and agreed that more than one appraisal would be needed – one hired by the developer, one hired by the property owner and then a separate entity to compare the two. The developer would then have to reimburse only the current landowner, since future owners would simply pay the lesser price at the time that the property is sold. The Board members then discussed what would happen if the property owner doesn't go to sell until 20 years later. Tom Wolfe offered to talk to an appraiser and see what he thinks. Mr. Wolfe also asked if the Board is setting a precedent that property owners will expect some reimbursement from the Town, if a CWTEG development was put in and the owners view was changed. Chairman Price stated that there is already a precedent for that very thing and the Town has never paid anyone for that type of situation.

Betty Ketcham then spoke about the work that she and Tom Wolfe had completed regarding wildlife issues. Ms. Ketcham and Mr. Wolfe took information from the Town of Jefferson and edited it to incorporate aspects that should be included for the Town of Knox. Chairman Price pointed out that the language does not address distance and asked how far out will the developer need to go? Tom Wolfe stated that the developer would have to determine first if they are in a flyway and then mitigating factors would need to be taken into account. Chairman Price also asked about the recommended distances from bat hibernacula and Mr. Wolfe responded that the developer would have to look into that information, consult with DEC and determine where the hibernacula are. Chairman Price commented that it should not be left up to the developer so Mr. Wolfe agreed to make the language more detailed. Bob Gwin also mentioned that the advantage of referring developers to DEC would be that DEC would be using the latest protocol instead of having to update the ordinance all the time based on the latest DEC changes. The developer would have to show that they had consulted with DEC. Betty Ketcham offered to send out the DEC protocol.

Chairman Price then mentioned the issue of noise and previous discussions that had suggested using the latest guidance from DEC regarding noise impacts that details the mitigating measures that need to be taken. The guidance takes into account terrain, vegetation, etc – it's a more analytical process than simply setting a distance. Tom Wolfe offered to send out the location of the noise guidance on the DEC website.

Chairman Price then discussed safety issues that he and Bob Gwin had looked into. Bob Gwin found a lot of information on fire suppression, oil spills, lightning, and even seismic issues. The information on lightning and stray voltage standards go back to IEEE standards which is a good practice. Some ordinances don't address failures, some require simple maintenance schedules. Every manufacturer has maintenance procedures so Mr. Gwin suggested that the Board should require that the contractor will maintain the equipment according to the manufacturer's recommendations. A number of ordinances require that the developer must deposit money to an escrow account to pay for the engineering studies. In addition, the Town of Schoharie coordinates with local fire departments to make sure that the necessary equipment is included. Mr. Gwin found that off site work doesn't seem to be mentioned in any of the ordinances. He also suggested the Town should consider road damage, transmission lines, and substations, anything that will be required in the way of construction to put the turbine up. Chairman Price said the Town would need wording that shows the developer has had plans to connect to the grid approved by the NYS Independent Systems Operator and also that they have consulted National Grid. Bob Gwin will work on writing this information up.

Bob Gwin mentioned that in the Town of Jefferson ordinance an applicant can get written consent from the landowner that states the landowner knows what the noise level will be and they are OK with it so the developer can proceed. So if the developer has deep enough pockets they could ignore the setbacks the Planning Board has put in place. Several Board members stated that they do not agree with that allowance but Tom Wolfe suggested that if someone agrees to that type of easement, that should be allowed. Chairman Price pointed out that it really depends on the size of the parcel. If the parcel is 100 acres, that's one thing, but if someone on a 5 acre parcel agrees to allow the tower regardless of noise, that is different – other neighbors will still be impacted and he would rather not see this language in there at all.

Finally, Betty Ketcham mentioned that the information she and Tom Wolfe had compiled also included information about agricultural issues and stormwater runoff. Ms. Ketcham offered to get a copy of the publication from Ag and Markets.

Public comments:

Ron Jordan – Chairman Price mentioned having a model ordinance that was written by an attorney associated with HCE for Albany County Wind Facility Ordinances. Mr. Jordan wanted Chairman Price to know that is the same attorney that wrote the Cohocton ordinance which the Board members have mentioned is not one of the better examples they have.

Travis Stevens – the original moratorium on commercial wind turbines expired a year after it was put in effect, can that be put in place again while the Board is writing an ordinance? Chairman Price stated that it could, but it is a lengthy process and it does not appear that anyone is lurking trying to initiate a CWTEG development, so it is probably not necessary at this point.

Upon a motion made and duly seconded, the meeting was adjourned at 2040.

The next meeting will be on 12 November, 2009 @ 1930.