



# Town of Knox Planning Board

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Minutes: January 23, 2024

Present: Todd LaGrange, Ed Ackroyd, Zachery Martineau, Deb Nelson, Garry Bunzey and alternate member Deirdre Keating.

Absent: Betty Ketcham

Chairman Ed Ackroyd called the meeting to order at 7:35 PM. By roll call he established the presence of a quorum.

***Deb moved to approve the December 14 meeting minutes with a modification to correct the name of New Leaf Energy, Todd seconded and the motion passed unanimously.***

Ed introduced himself as a resident of Knox for 55-60 years, with business management/ownership experience for 40 years and service as a combat veteran, Sr. Vice Commander of the local VFW and supporter of Boys State American Legion program.

***Ed made a motion to appoint Garry Bunzey to be vice chair of the planning board, Deb seconded and the motion passed unanimously.***

Ed noted his personal concerns about liability. A policy declaration page of public officials' liability limits from New York Municipal Insurance Reciprocal (NYMIR) was provided to each member.

The members discussed moving the schedule for meetings to 7 PM and agreed to keep it at 7:30 PM.

Several planning board members will be attending the training on 1/31 in Saratoga. Deb and Deirdre will explore online training options for the 4 hours of required training and will share a link for members who wish to take it online.

Travis Rosencranz, representing New Leaf Energy's Reservoir Road solar project, provided an update following a site visit by ACOE and wetland consultants. He said their final report may be available in another month. About 5 acres were determined to be non jurisdictional and another 5 acres were not classified as wetlands, although the planning board noted that they are the non-jurisdictional wet lands, forested wetlands, emergent marshes or areas that otherwise function as wetlands. Travis said the final report will clarify the quality of the wetlands.

- Most of the project area is very wet. The decommissioned reservoir still has some water in it. The arrays would be on the area with highest elevation.

- New Leaf Energy (NLE) is prepared to take mitigation measures where needed.
- Two culverts are proposed to direct water under the gravel road to avoid altering the hydrology of the area, which could cause impacts to the wetland.
- A small stream connects two wetland areas. No panels will be located over the stream or in jurisdictional areas. The class of the stream will also be clarified by the final report.

Travis referenced earlier wetland reports that were provided to the planning board in November and December of 2022.

- There is concern about the logging that preceded this application, and that erosion could be a problem on the non-porous karst.
- NLE will press Army Corps Of Engineers (ACOE) to send their report to the planning board soon.
- The planning board will react to their document, and NLE will come to the next planning board meeting after the planning board has reviewed the document, as they are anxious to avoid any funding impact caused by significant delays.

Travis asked that the planning board be established as the lead agency to begin preparing the SEQR.

The planning board declined to provide conditional approval for the application before they receive the final report documentation from ACOE. They said impacts to the wetland areas remain a concern, so they need the official document from ACOE.

***Deb made a motion to wait for the final Army Corps of Engineers report before beginning work on the SEQR requirements. Todd seconded and the motion passed unanimously.***

Large Scale Solar Development moratorium: Deirdre prepared a draft based on a Department of State model law and laws in other municipalities, primarily New Scotland and Lewis County. She distributed copies of the draft local law and reviewed options for the board to discuss and choose.

These points are among those that were made:

- The Town recognizes the value of farmland to the community. Prime farmland is not abundant in Knox, so it should be protected, as should farmland of statewide importance. They will use USDA's definition and mapping for prime farmland, and NYS Agriculture & Markets criteria for farmland of statewide importance.
- Preservation of mature forests, high quality wetlands and areas of visual importance are other priorities of the Town.
- The planning board will follow federal and state guidelines (subject to planning board review) to avoid impacts as they consider projects in areas with these resources, not the amount of land the resources occupy, to protect smaller habitats.
- The planning board will develop a definition for High Quality Wetland to include areas that may not be jurisdictional wetlands.
- Solar projects will not be allowed in zoning districts LC1 and LC2.
- Large scale solar projects would be over 200 kW and will require site plan review. Site plan review will also be required for medium scale solar projects.

- The Town of Knox Solar Check List will be referenced as an appendix to the local law.
- Building permit procedures will apply for small scale solar projects as accessory structures.
  - The setbacks on roof edges and other standards will be considered as part of building permit review.
- A 15 month time limit will be imposed for a project to start construction, except in extenuating circumstances.
- An 18 month time limit will be imposed for construction to be completed, except in extenuating circumstances, or decommissioning will be required and the Town will retain the bond.
  - PILOTs and leases would be impacted.
- The decommissioning bond amount will be revisited and adjusted according to market conditions for materials recycling every 5 to 8 years.
  - Ask attorneys to add language requiring two year review of site conditions as part of the project lifespan after decommissioning.
  - The planning board would like a legal opinion on setting a fixed dollar amount for the bond, and leaving some money in the bond for the final two years after decommissioning in case additional remediation is needed.
- Extension of a project beyond its original lifespan will require site plan review.
- Substantive changes to permit conditions resulting from equipment upgrades during the lifetime of the project will require review by the planning board if the conditions for the original site plan approval are impacted.
- The same table of screening standards for landscaping and trees will be used for medium and large scale projects.
- Because of our hilly terrain, a visual assessment will consider impacts to occupied residences within three miles of a project within the view shed if it is in an area of visual importance that is identified in the town's comprehensive plan. Most of these areas are focused, not 360 degrees.
- Also, a visual impact assessment will be required within a 1.5 mile radius of a project.
- Slope and storm water management will be considered as part of site plan review.
- Buffers from property boundaries and from occupied dwellings will be considered as part of site plan analysis, allowing for adjustments.
- Large scale energy storage needs to be defined. The planning board will ask the attorneys to help.

Under Article IV, Use Regulations and Use Tabulation, Section 40 – Permitted Uses, Large and Medium Scale solar project will be shown as A, which designates a permitted use subject to site plan approval by the Planning Board in accordance with Article VI, Section 61F for all districts except LC1 and LC2.

Members of the audience provided some comments on the working draft local law.

- George Kotzias, a representative of large scale solar developer US Light Energy, noted that with increasing energy density of newer solar panels, project footprints could decrease, or project energy output could increase.
- The planning board clarified that they regulate land use, not business decisions. If changes to energy output affect external conditions such as noise levels, planning board review will be needed.
- Al Gaige, a Knox resident, suggested requiring a buffer of 500 feet from an occupied dwelling.

The one-year moratorium is scheduled to end April 18, 2024. The planning board would like to request an extension of six months, or until the new law is adopted, whichever comes first.

***Deb made a motion that the moratorium be extended for six months past April 18, 2024 or until adoption of the new solar law, whichever comes first. Todd seconded. Todd, Deb, Zach and Garry voted Yea, Ed voted Nay, and the motion passed.***

Amy will send draft meeting minutes with the motion to extend the moratorium to the attorneys for legal review of the extension request.

- The planning board will ask Betty to prepare the SEQR.
- The planning board will forward the attorney-reviewed extension request to the Albany County Planning Board (ACPB) and the Knox Town Board (KTB) by 2/5.
  - ACPB meets 2/15.
- KTB meets 2/13, and will need to schedule a public hearing before taking action. They may need to hold a special meeting.
  - Or the planning board could ask the town board to pass the moratorium on condition of ACPB approval.

***Todd moved to adjourn at 9:49 PM, Deb seconded and all approved.***

The meeting adjourned at 9:49 PM.

The next meeting will be held on **Thursday, February 8, 2024** at 7:30 pm

Respectfully submitted by Amy Lauterbach, filling in for Planning Board Minutes Recorder vacancy

