



Town of Knox Planning Board

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Minutes: August 10, 2023

Present: Todd LaGrange, Ed Ackroyd, Betty Ketcham, Deb Nelson, Zachery Martineau, alternate member Deirdre Keating.

Absent:

Chairwoman Deb Nelson called the meeting to order at 7:30 PM.

Deb introduced the new member, Zachery Martineau, and established the presence of a quorum by roll call. Zach grew up in Duaneburg and he has a degree in architecture.

Todd requested paper copies of future meeting minutes.

Ed moved to approve the July 13 meeting minutes. Betty seconded and all approved.

Deb announced that the town board resolved to vacate the planning board seats occupied by Bill Pasquini and Kurt Johnson at their last meeting. The town clerk will post vacancy notices to solicit interest in these two seats.

Deborah Kryzak and Carolyn Kryzak-Johnson appeared in order to request a **lot line modification** to three parcels in the vicinity of 314 Old Stage Road. Deborah and Kenneth Kryzak own the west and center parcels, and Carolyn Kryzak-Johnson and Jerry Johnson own the parcel on the east. Their goal is to divide the center parcel by establishing a single boundary that would eliminate the center parcel, and increase the areas of the adjoining parcels on the east and west sides, resulting in two lots instead of three. Both new lots would exceed minimum lot sizes.

Ed described the one cut rule.

Deirdre made a motion to approve the requested lot line modifications, Zach seconded and the motion passed unanimously.

Deb stamped the two survey maps to record the planning board's review and approval. The applicants will take the new deeds and maps to the Albany County Clerk's office (16 Eagle Street) to be filed and for updates to the real property tax maps.

Kevin Bliss appeared in order to finalize conditions for site plan approval for the **RIC Knox II Solar Project** at 1953 Thompson's Lake Road.

Neighbor Scott Raffensperger has agreed to RIC's screening proposal. RIC needs to come to an agreement with the new owner of Chris Kryzak's property regarding encroachment.

Todd noted that the affected landowners need to understand their rights and the rights of the owners of the utility scale gas line that traverses that area, running along the driveway where the project area is located. Deb said the planning board has concerns about the gas line and that she will bring the matter to the attention of the landowners.

Travis Rosencranse from Creighton Manning, representing New Leaf Energy's **Reservoir Road Solar Project** appeared for continuation of site plan review and SEQRA review. The project capacity would be 5MWAC (6.5MWDC internal production). Travis referenced the May 2023 SCOTUS ruling on the EPA's Waters of the US legislation that could change the Army Corps of Engineers (ACOE) classification of affected wetlands in the project area so that they would become non-jurisdictional. A final determination is expected September 1.

Deb stressed that whether or not the wetlands are determined to be non-jurisdictional, they are still functioning ecologically as wetlands and emergent marsh, and all their characteristic soils, vegetation and habitat serve important roles in managing storm water runoff and filtration.

Deb pointed out a concern that significant acreage in the project area is wet, next to two drained reservoirs. Todd suggested the board wait for the ruling on the wetlands before they decide this permit. The site is 36 – 38 acres. Todd noted that some of the land still needs to be cleared, but that area avoids the sloped terrain. The property has two flow paths for ground water retention areas.

Betty asked what the impact would be to the approximately 16 acres of wetlands on the site. She asked about the foundations of the racks; if posts would be driven, and whether the foundations would be temporary or permanent. Travis said the racking vendor will design racks to suit the conditions of the site after the permitting process. He said they have not yet determined whether the racks would be fixed or tracking. Todd pointed out a catch-22 in that some conditions need to be considered during permitting.

Consideration must be made for Northern Long-eared bat habitat. Some of the trees on this land were cleared by the Village of Altamont before the application for this project was made. A 175 foot wide wooded buffer area would not be cleared. Line of sight profiles are available. Only two houses would have potential visual impacts.

The Village of Altamont owns about 300 acres (303.2) in that location and they want to establish a permanent deed restriction on the remaining acres outside the project area as a community benefit. New Leaf Energy would pay the associated expenses and fees for that change.

The planning board has several outstanding questions/items for consideration. A representative of New Leaf Energy will be asked to come to a planning board meeting to address them:

1. What is the motivation for the Village of Altamont pursuing the deed restriction? Todd asked if it could be a strategy for to reduce their property tax liability over the long term, which could increase the tax burden of the other landowners in the Town of Knox.
2. What was the sequence of events leading to the clearing of trees on the property? The applicant searched and found that no DEC permit had been required for land owned by the village.
3. What will the 9/1 ACOE jurisdictional determination be?
 - a. The reason given for a gap in the timing of the application is that they wanted to wait for direction from ACOE to avoid unnecessary work, to save time and money.
4. Betty asked for documentation on projected impacts to the wetland and Travis said he would provide the EAF file with that information.
5. Where would the power produced by this array be delivered?

Planning board members would like to organize unofficial field trip(s) to the proposed site.

Travis will provide Deb with a zip file of documentation that Tom Wolfe had for this project. Travis said Tom gave them the solar checklist.

Deb suggested a committee be established to address the **moratorium** on new applications for utility scale solar projects and the need to revisit the zoning ordinance. The committee would include residents who would commit to doing research and meeting as a work group to look at options to present to the planning board, who would then make recommendations to the town board.

Todd referenced recent fires at large scale solar arrays that have been reported in the news, and noted that expertise beyond that of the planning board members is needed. Deb said overlay districts, more restrictive land uses, and other mechanisms might be considered. Site plan approval is presently the only mechanism available to the planning board. There are different types of zoning to explore for different conditions – forest, wetlands, parks, slopes, etc. The goal of the committee and the planning board during the moratorium would be to draft a proposed change to the zoning ordinance to present to the town board. They would have some open meetings, and they would also work in small groups to do research.

Ed asked if they should identify where the power line capacity is before a committee is formed. Deb explained that the planning board looks at land use, and line capacity is an interconnection issue, which is not a concern of the planning board. Improvements are being made to increase line and grid capacity. Members may have an interest in who the off takers would be for project proposals. Deb referenced the Solar Check List that Tom provided.

Gary Bunzey was in attendance and he expressed interest in serving on the committee. He said he is concerned that applicants have the right to submit new applications for the same site, and he wants to protect residents. RIC could bring the same basic proposal a third time for the site in his neighborhood on Thompsons Lake and Old Stage Roads.

June Springer asked how long the moratorium could last, and she said she has a problem with solar arrays sending electricity to places outside Knox. Todd asked about locals tapping into power from these arrays.

Deb said they should plan on the moratorium ending in May 2024, to allow for scheduling a public hearing so the town board can vote 30 days later, possibly in June 2024.

The committee can research best practices used by other communities in the northeast.

- Deirdre and Betty offered to research the work of other towns to find reasonable and objective land use development regulations.
- The committee might want to consider establishment of a floating district based on specific criteria. Zach agreed to look at different zoning mechanisms used in other municipalities.
- Todd agreed to ask his NYSERDA contacts where the power lines are that are equipped to accommodate utility scale solar projects.

Todd would like to see an extension of the term of the decommissioning bond requirement to two years after the end of the life of the project.

June said she is afraid the state will bully us and noted that we are not a farming community anymore.

Deb said the **agenda for the next meeting** will be to discuss next steps for the moratorium on large scale solar projects.

The solar working group will attempt to meet 45' to 1 hour before future 7:30 PM planning board meetings.

Ed said he might miss the next meeting.

Betty made a motion to adjourn, Zach seconded and all approved.

The meeting adjourned at 9:05 PM.

The next meeting will be held on Thursday, September 14, 2023 at 7:30pm

The solar working group will meet 45' to 1 hour earlier, (at about 6:30).

Members will be notified about arrangements for the field trip

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