



Town of Knox Planning Board

Established 1822

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Minutes: November 16, 2023

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

Also attending: Attorney Michelle Storm, Supervisor Russ Pokorny and Building Inspector Dan Sherman.

Absent: Betty Ketcham, Zachery Martineau

Chairwoman Deb Nelson called the meeting to order at 7:32 PM. By roll call she established the presence of a quorum.

Ed moved to approve the September 14 meeting minutes, Todd seconded and the motion passed unanimously.

Michelle said the firm she works for, Monaco, Cooper, Lamme and Carr, PLLC, has 10 attorneys, many of whom are litigators. She represents several municipalities, both in litigation and with a goal of preventing litigation. Most cases are settled, as jury trials involve risk for both parties. Michelle said she and her colleague, Laura Gulfo, are available to attend future planning board meetings as requested. Deb will coordinate with the town board when the planning board wants the attorney(s) to attend.

*Deb will send agendas to her before future meetings and Amy will copy her on meeting minutes.

Bill Coton from 243 Old Stage Road presented the board with a letter expressing his dismay that an article in the last town newsletter said the Whipple array "...produce(s) 2 megawatts of power for SUNY Polytechnic in Albany." He said it is an inaccurate and deceptive description of what really happens. Unless a dedicated direct power line between the array and the user is in place, which is not the case for this array, the power goes into the grid "for all to use" and it offsets the demand of SUNY Poly. He asked that a correction be included in the next semi-annual town newsletter.

Dan Sherman provided a letter from Elizabeth Guereca of Airosmith Development, Inc. assuming approval of an August 9 application by American Tower Corporation for expansion of the cell tower on 34 Pleasant Valley Road due to the "Shot Clock" expiring on November 9 without a decision. Deb explained that the planning board still considers the application to be under review, and they don't have enough information yet to make a decision. Per Local Law #1 of 2007 it must be treated as an entirely new application.

*Attorney Michelle Storm said she will advise the board on this after the end of this week.

The board is interested in:

- confirmation that the structure will safely support the additional height and equipment that is proposed
- a visual impact assessment

Mention was made of an inquiry about building a commercial public swimming pool on property at 1670 Berne Altamont Road. The board would need a map with property lines showing proposed setbacks and other information for consideration. Dan Sherman said although he does not have an application from this individual, she approached him 8 or 9 months ago asking about another parcel she was interested in at Thompsons Lake and Warner's Lake Roads. The board concluded that since this is not an allowable use and the lot is undersized, further inquiries should be referred to the ZBA.

Deb noted that the zoning ordinance does not address commercial (not municipal) public swimming pools and that this should be considered for inclusion in planned revisions to the use table.

Conflict of Interest: the Board discussed ethics issues and Deb encouraged planning board members to take advantage of the ethics training that is available to them. NYSDOS website has training opportunities and the town board will pay for registration fees.

Large Scale Solar Development moratorium: * Michelle offered to outline the process requirements for this, as it is an amendment (pause) to the law, and next steps/timeline for the planning board. She recommended the board reach out to Amsterdam (and other municipalities) about their experiences and lessons learned regarding large scale solar development. The board can use the Albany County Planning Board (ACPB) as a resource as well.

*Deb will ask the ACPB what their expectations are for the process steps and when the effective and end dates are for the one-year moratorium.

Supervisor Russ Pokorny spoke about how the payments in lieu of taxes (PILOTs) for large scale solar arrays have been negotiated in Knox.

1. The 2 MW Whipple Farm array on Old Stage Road has agreed to a PILOT that pays the Town of Knox \$16,000/year for 15 years plus a 2% escalator. The other taxing entities that were eligible to claim their prorated shares of that amount did not participate in negotiations, so Knox claims all of it.

Since that PILOT was established, a new, more restrictive law was passed to facilitate approvals of solar array applications and to ensure that all taxing entities receive proportional shared benefits from a standard total amount of \$5,000 per MW.

2. The 5 MW RIC array at Thompson's Lake Road and Route 156 can pay \$25,000 per year in PILOTs. Because the proportion of taxes for the Town of Knox is so low compared to the other eligible taxing entities, Knox would receive about \$1,200 of that total per year. So the town board negotiated an additional Host Community Agreement (HCA) that pays Knox an annual total of \$30,000 which includes the \$1,200 of the PILOT, plus a 2% annual escalator for 15 years.

Both of these PILOTs and the HCA can be renegotiated after the first 15 years.

3. The 5 MW Greenleaf array on Reservoir Road can also pay \$25,000 per year in PILOTs, and Knox was offered our share of \$1,200. The town board will have to negotiate any additional payments to the town.

Betty and Deirdre have worked on identifying issues that need to be resolved during the moratorium. The board must adhere to the current (1994) comprehensive plan. The goal of the moratorium is to propose new/revised language for the zoning ordinance.

A report by Mass Audubon was referenced that addresses solar development considerations that are sensitive to natural resources, finding a balance between protecting the interests of the town and its residents (being a good neighbor) and allowing for responsible solar development.

Decommissioning requirements, energy storage facilities and battery storage are some issues that need to be addressed in the zoning ordinance.

Deirdre moved to adjourn at 9:20 PM, Todd seconded and all approved.

The meeting adjourned at 9:20 PM.

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

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