



Town of Knox Planning Board

Established 1822

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Minutes: December 14, 2023

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

Chairwoman Deb Nelson called the meeting to order at 7:34 PM. By roll call she established the presence of a quorum.

Garry moved to approve the November 16 meeting minutes with modifications to the section on conflict of interest, Todd seconded and the motion passed unanimously.

A resident came with questions about changing the zoning of his 4.2 acre residence off Whipple Road from residential to commercial so he could sell and service heavy machinery there. He was advised that equipment sales and servicing are not allowable uses in a residential district and that zoning changes involve changes to the law by the town board. A zoning change for one property would be considered spot zoning, which is not allowed. A use variance from the ZBA would require proof of hardship, and a special use permit for a non-residential use in a residential district would require a larger parcel. New York State has additional restrictions requiring commercial zoning.

Deb referenced emails from attorney Michelle Storm since the last planning board meeting regarding American Tower Corporation's application for expansion of the cell tower on 34 Pleasant Valley Road. The board agreed that upon further review, the applicant is within their right to proceed with this project.

Deb reported that the New Leaf Energy's Reservoir Road project is still awaiting updates from Army Corps of Engineers and consideration of the wetland on the site, so there has been no progress since last month.

The board agreed to a change in the schedule for their next meeting from Thursday, January 11 to **Tuesday, January 23**.

Large Scale Solar Development moratorium: Deirdre is preparing a draft based on a Department of State model law and laws in other municipalities, including New Scotland and Lewis County. Planning board members will be asked for comments to help customize the draft language to meet the needs of Knox. The one year moratorium will expire in April 2024, and the board would like to plan a timely schedule for the procedural steps of review, public hearing, etc.

- A. Deirdre will send the draft to the planning board members for review and comments.
- B. Comments will need to be returned and distributed among the members **by January 12**.

- C. The modified draft will be sent to Michelle for legal review, and then to the town board **in advance of their meeting on February 13.**
- D. The reviewed draft will be sent to the Albany County Planning Board (ACPB) **by February 5.** They are scheduled to meet on Feb. 15.
- E. The town board will be asked to approve the draft, on the condition that the ACPB approves it. The town board will meet **on February 13.** They will set a schedule and post notifications for a public hearing (in March?). Their regularly scheduled meetings will be **on March 12 and April 9.**

*Amy will request that Attorney Michelle Storm join the next planning board meeting, on January 23.

*Members will provide Michelle with a list of questions and specific topics in advance so she can prepare responses, including:

1. Can the law for large scale solar development be just one superseding comprehensive law, with the solar check list and definitions as appendices that would be referenced in the zoning ordinance?
2. Is it advisable to limit project size by number of MW (e.g.5 MW)? Current project limit is defined by acreage occupied by the solar panels.
3. Is the proposed timeline for the procedural steps appropriate and complete?

Members were reminded of the training opportunity coming up in Saratoga **on January 31.**

*Members should notify Traci if they plan to go and they should register **before January 12.**

Todd moved to adjourn at 8:55 PM, Deb seconded and all approved.

The meeting adjourned at 8:55 PM.

The next meeting will be held on **Tuesday, January 23, 2024** at 7:30pm

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