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**Town of Knox Planning Board**

***Established 1822***

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Minutes: March 11 2021

Present: Ed Ackroyd, Todd LaGrange, Betty Ketcham, Deb Nelson, Tom Wolfe, Bill Pasquini

and Kurt Johnson via google meet.

Meeting called to order at 7:00pm

Minutes from previous meeting reviewed. No changes to them as there was a meeting only to approve the January ones.

**Andy Freihofer Presenting a Need for Repair to His Wind Turbine**

The generator for his wind turbine stopped working last year. If the generator needs to be replaced what steps does he have to take in order to get it repaired? If it needs to be replaced it would be with the same generator. The structure itself would not be replaced, only the generator. Andy was commended by the Planning Board members for being proactive and coming in to discuss.

***Tom made a motion that this was not a role for the Planning Board, all in favor.***

**RIC Energy-John Reagan Presenting in Regards to ACPB Denial**

John Reagan reviewed and discussed in detail all of the ACPB denial points.

1. ACPB believes that the proposed action may result in county wide or intercommunity impacts. **Response**: Knox Planning Board performed a thorough review of the project, SEQRA completed and current Knox Zoning Laws met. Comments made in the Public Hearing and other meetings were responded to by RIC Energy thoroughly. It also does not present any impact in the county nor in the Town of Knox.
2. The state of the proposed site is located within 500 feet of Thatcher Park; is located in the right of way of a main highway, route 157 and the land where the project is proposed is located within the agricultural district. **Response:** A map has been attached to the response posted on the Knox Town Website. NY State has not designated Thompsons Lake Rd as a state highway and has minimal visual impact. Traffic will be minimal as well during construction phase. Shown on the map as well that the project is not located in the agricultural district. Traffic would be construction workers, no more than 20 max, some delivery trucks in the beginning. Clearance from DOT will be required prior to the start of construction and proper signs for traffic will be in place.
3. Agricultural Data Statement is required pursuant to 305-a of the New York State Agricultural and Markets Law since the proposed project is located within 500 feet of tax parcels within a certified Agricultural District, some of which may contain actively farmed land. **Response**: The site is not located in an agricultural district. Even though 2 of the parcels may be located within the agricultural district it does not require RIC to obtain and Agricultural Data Statement. No active farms at this time in this location.
4. Via visual impact document submission, the visual impact analysis included has a noted visual impact to adjoining properties with the potential solar glare. The visual impact assessment also indicated the project will be visible from the John Boyd Thatcher State Park property. ACPB requires additional consideration to the Helderberg Escarpment and by virtue, John Boyd Thatcher Park and its surrounds. **Response:** A submitted a visual analysis as required for the application and was revised several times. First piece was performed for SHIPO and that was an estimated visual impact without vegetation. There is a little confusion on the part of RIC because the analysis only goes up to a half mile away and Thatcher Park is 2 miles away. A map was made to show the distance and elevation change that would not make the project visible from Thatcher Park. Graphic simulations were mad for a total of 5 surrounding locations. A solution for possible visual impact was to plant more vegetation. A line of sit visual study was done for 2 of the properties which was requested after the Public Hearing. It has been determined by RIC that it is very unlikely the project site will be noticeable, with the assumption that the trees would be at least 50 feet tall there would be no line of site from these properties as the solar panels are only 12 feet tall. Also wanted to have it note that the NY State park system is looking into solar, more energy efficient power sources.
5. The area of the Town proposed for the utility scale solar is rural, residential and agricultural use has a low population density. The relation between the residential use is incompatible due to potential noise, glare, fencing and increased use of aerial utilities to support a grid scale generating facility. **Response:** In the SEQRA review a negative declaration was made which would mean no visual impact from the project. In respect to noise there will be no noise detectable at the fence of the project. The transformers do make noise from their fans but this will not be heard from over 100 feet from the project. The panels also are made to absorb solar rays and not cause any glare. 2017 Knox Zoning Laws deemed it acceptable and put it in the Law that Solar Arrays are allowed.
6. There is noted objections to the project from community received by the board, all in opposition to this project and the proposed change in land use. It is noted that a similar utility scale solar facility is already permitted and operating within one and a half miles of proposed project on Old Stage Road, immediately adjacent to the project site. Such use is not compatible in this density or land use. **Response:** There is no connection between the sites.
7. Potentially increased runoff is possible from the removal of over twenty acres of mature forest and ground cover causing problems with a drainage and this will potentially exacerbate a known issue and cause a hardship on the adjourning properties. **Response:** The calculations in the Storm Water Prevention Plan will change and the runoff from the site will slightly decrease due to the plantings of meadow grass. Also want it noted that the SWIPP was created by a licensed Engineer.
8. As overall limits of disturbance are well over 5 acres, written justification must be made to NYSDEC as to why a phasing plan is not feasible. **Response:** Before construction starts they are required to obtain a storm water permit from DEC. In the permit it states that the construction will not disturb over 5 acres of soil at a time without a written permission waiver from NYSDEC. This is the reason they have not obtained a phasing plan but can attach one to the letter to ACPB.

Tom opened the meeting to the public for questions or comments.

Valerie Gaige whose property borders the project asked where did the 300 feet barrier come from? Is there a picture of the barrier?

Response from John Reagan: It is 300 feet south of the Gaige property bordering the project. No construction to begin until after 10am as per request of Al Gaige. The barrier hasn’t been designed yet but if an image is being requested it can be googled as a “construction noise barrier” for something similar.

Al Gaige is also concerned that there is a visual view of the Solar Array from Thatcher Park.

Tom asked John Reagan to look further into a possible visual impact from Thatcher Park.

Eli Fanning of 61 Old Stage Rd: Asking everyone to look at the bigger picture that there are residents who are opposed to the project and the ACPB have disapproved the project. Will there be a vote tonight?

Tom answered, yes there will be one.

Tom made a motion that the Planning Board members take a vote one more time to approve the project. Must be supermajority vote. All in favor to vote.

Kurt: Yes

Bill: Yes

Tom: Yes

Ed: Yes

Betty: No

Todd: No

Deb:

Connection with Deb Nelson on the google meet and was unable to contact her to see if she could vote.

The motion was tabled until further notice since all Planning Board members need to vote.

Tom made a motion to adjourn, all in favor.

Meeting adjourned at 8:10pm.

Next meeting to be held April 8 2021 at 7pm.

Respectfully submitted,

Tiffiny Snyder Knox Planning Board Secretary