

Wind Turbines – Chapter #50

At the November 2001 SLA meeting it was first mentioned that at the County level, regulation of windmills and communication towers were on the agenda. It was said that there would be more of both in this county.

A wind test tower application for 4143 Middle Reservation Road and Route 39 came before the Castile Planning Board. Construction was due to begin in 4 years and the wind turbines would be taller and wider than those on Wethersfield Road. As far as local zoning, the town only had height regulations for buildings. There also could be a test tower on the Voorhees land off West Lake Road.

Under new business at the August 2005 meeting Rich Eliaz said the Planning Board needed direction from the SLA regarding wind turbines because the Town of Castile had no land use laws regarding views, placement, or noise. Vice President Steve Tarbell said the proposals were in the early stages so there was little to report to the SLA Board.

As the discussion of the wind turbines continued Rich Eliaz said that the Town Planning Board was waiting for guidelines regarding what needed to be put in zoning laws, setbacks, etc. A permit was issued for a test tower on the Logan Property for two years to get data to see if it was economically feasible. Rich would request a digital view and invite the companies to come and address the SLA. All towers would be approximately 192 feet and were two times the height of the cell tower on the west side of the lake. Bayne Johnson sent a note questioning whether this would affect the migratory waterfall of birds. Rich Eliaz said, regarding the benefit to the town and local municipalities he needed more information and also noted that the towers were not going to be assessed even though they were a permanent structure.

P.J. Saliterman, Steve Sullivan and Leon Cox of Horizon Energy reviewed their proposed turbines in Castile at the October 2005 meeting. They included a computer-simulated picture of turbines on the west side of the watershed. They were visible over the tree line. They responded to the SLA's questions regarding size, space, avian impact, frequencies, assessments, and benefits to the community. Horizon proposed 66-88 turbines in Perry, Castile, Covington, and Warsaw. The larger the turbine the fewer there would be. Horizon was looking at 1.65 to 2 mega-watt towers. A 2 mega-watts turbine generated power for 300 homes. There were no 2 mega-watt turbines in the state at that time. Six companies proposed turbines in this area. The company started meeting with municipalities in May of that year to make them aware of the State's commitment to green energy and to get them to develop guidelines for the turbines as a group. Depending on the size, there could have been 16 turbines on land west of the lake. Bayne Johnson was appointed to the ad hoc turbine committee.

Ruth Lavin closed the portion of the meeting that had the discussion on the wind turbines to the employees of Horizon and Supervisor Joe Gozelski. Joe left as did several of the SLA members, guests, and officers Rich Eliaz and Steve Tarbell. Ruth and Dick Swanson shared information on CREDNY.org. formed by Paul Emens of SLA and Pam Bliss of Castile. Citizens for Responsible Energy Development opposed the 400 foot turbines proposed (15) west of the lake. Dick believed the town acted irresponsibly by not enacting a moratorium and directing the Planning Board to draft a zoning law recognizing and regulating commercial turbines. SLA was advised to attend all Castile Town Board meetings with hopes of getting many people at every meeting from start to finish. Kevin Bohn reported that Perry was putting together a group to compile scientific data. He mentioned that no money had changed hands, and that Castile did not have a mechanism to impose a moratorium.

Lorraine Strum reported that the many anti-turbine letters to the editor had backfired as a public relations tool and the Herald newspaper had received complaints over the number, length, and repeat writers. The owners of the Herald would limit this in the future. The Perry Development Committee formed a task force and sought a member from CRED for it. Pam Bliss discussed the group "Citizens for Responsible Energy Development".

Dick Swanson asked for clarification on SLA's position on the turbines since there was no official proposal. Mary Kay Barton felt turbines in the watershed warranted SLA involvement. Dick thought SLA needed to broaden its position to clarify that. At the July 2006 meeting Ruth Lavin thanked all that supported the April 11 DEC SEQR session

that drew over 200 with coordination done by Dick Swanson and Bayne Johnson. The June 19th educational talk, "Life Under a Windplant," by Jon Boone was well received.

Ann Heizmann reported on the wind turbine meetings at the August 2006 SLA meeting. The committee met and discussed strategies to eliminate them from the town of Perry. The Draft Environmental Impact Statement was boilerplate with names from other towns on it rather than Perry, a lot of verbiage to sort out in too little time; lines show digging under Suckerbrook. DEIS narrative was 242 pages and appendices were 2,000 pages long. Mary Kay Barton reported on a visit from an environmentalist who advised pointing out bird flyways. The impact of digging and blasting within 5 miles of brine mines in the area was also noted.

The wind turbine conversation was addressed by Ann Heizmann stating that the September 13th, 2006 meeting was very important because the Perry Planning Board had made 6 proposals to the Town Board. The Town Board needed to accept the Planning Boards recommendations in order to protect Castile and that Warsaw was totally against turbines. Larry Bauer said that he visited the Flat Rock Inn and could see 130-140 turbines and many of them were not running. He also said that people cleaned the site of bird carcasses daily. Ruth stated that a Horizon consultant told her that this area was not in the North Atlantic Flyway. Ann stated that Horizon had a BBQ to invite people that did not sign. Doug Klein questioned if NYSEG's grid was strong enough. Ann responded that the grid was not capable and needed to be updated and that could take up to three years to upgrade.

The Town of Castile Planning Board worked on zoning regulations for the wind turbines and an attorney would draft what the board sent into a proposed law for the Town Board to act on. Planners reviewed 15 laws of other towns and customized one for Castile. In Perry, Horizon asked to extend its met tower permit. The town approved the "Citizens for a Healthy Rural Neighborhood" involvement with this matter. The group needed money for legal and ad costs. Compliments went to Mary Kay Barton for all her work with this issue.

Rich Eliaz reported on the wind turbines. The information came from a meeting of the Castile Planning Board. The Board drafted a final revision of the proposed law regarding wind turbines that would be presented to the Town Board June 2007. Rich felt this new 23 page document addressed the interests of farmers as well as protects property owners and environmental resources. Ruth requested that a copy of the law be sent to SLA.

Ann Heizmann announced that she was going to continue to attend Perry meetings in regards to the wind turbines. The DEIS was back. It was 145 pages and would be available on disk. On September 1st the Horizon Met Tower permit was up. They would have to pay fines/per day if no new permit was requested or handed out. Another tower was scheduled to be put up in another location but it was not yet approved. Ann warned, just because we have a new law in Castile does not mean the issue was dead. The wind companies would be trying to get in again. Rich Eliaz said it would be interesting to see if wind companies challenged the law. Ann reminded everyone not to be complacent. Rich Eliaz reminded everyone that SLA was instrumental in fighting to get the law passed.

Roy Schneggenburger said that an abandoned quarry in Lancaster was storing turbine parts going to the town of Bliss. The parts were made in Brazil and being stored there by Noble energy; others were made in Quebec. There were reports of damage by turbine parts being trucked through towns.

Mary Kay Barton reported on the July's Perry Town meeting. Mr. Brick asked the people not to speak during the meeting. Ann Heizmann noted that you must sign up to speak at least 48 hours in advance. Numbers that attended this meeting showed their support. Mary Kay asked who Peter Mairs was that was on the Wind Turbine Committee. Ruth said he was from the Institute and often gave her information on the turbines; he was a good asset.

Dick Swanson had issues with an Association letter to the Perry Herald from Ruth Lavin saying that the SLA pledged to support CHURN and help defeat turbines in Perry. SLA had no written statement with its position on turbines or wind energy. The process for members to approve or disapprove did not give members a chance to discuss the issue. It was asked why SLA needed to make a public response. Dick Swanson suggested coming to an agreement, create a written statement and then publishing it. Also, the SLA should create a process for any future issues like that. Gabi Lischer noted she thought the SLA had an understanding as a group that it opposed the siting of turbines. Dick said he did not believe that the process that was used to approve Ruth Lavin's letter was appropriate. Dick had notes that he was

asked to write a letter last year but no one ever followed up with him. Mary Kay Barton offered to write up a statement and asks all present to send her their personal opinions. She would bring something to the next meeting for review. Mick Griffin explained that the process was not incorrect. Ruth followed up her approval e-mail with phone calls. The Board of Directors was polled and they have the authority to make the decision. Mick reiterated that the notes that Dick was asked to prepare for a statement a year ago was not done. Dick Swanson did not think the SLA should have conducted business that way; the Association issued a public statement that was inaccurate. Susan Griffin agreed that a statement needed to be written. Ruth noted that SLA never specified that the pledge to fight was for Castile alone. Most people attended both Castile and Perry meetings. She had used the polling system before and also followed up her e-mail request with phone calls and received 20 OK's and only one no. Bill Soules noted that a similar situation happened when he was president involving the Outlet Trail. He used the same polling system before submitting a letter. So Bill moved to have Mary Kay write a statement letter and By-Laws committee to write amendment to the by-law regarding the process for issuing statements in the future, which was approved by the board. Ruth suggested that the whole wind turbine committee help write the statement, which was also approve by the board.

Ann Heizmann pointed out that any important information that regarded wind turbines should be discussed with her present or at least she should be called or e-mailed so that she could have addressed these important questions. Ann had worked very hard over the past two years on behalf of SLA to help the towns of Perry and Castile to protect their environment as stated in SLA's Mission Statement. Ann Felt she was being asked to justify the work she had been doing. Bob Frosino recalled that this should be a non-issue as it could have been solved if someone had been present to say that the public stance on turbines had been discussed already. Ruth Lavin noted that any vote made on this issue would be for all townships, all locations, and all issues regarding wind turbines.

Ann Heizmann updated the SLA on the wind turbine meetings and CHRN. Mr. & Mrs. Jones from Naples, NY spoke on turbine opposition. Horizon was reapplying for met tower permits which were for up to 3 yrs. A further environmental study was needed for the permits. Mary Kay Barton said that Mr. Jones was an excellent speaker and was misquoted at least once in the Perry Herald article. There were 3 pro wind turbine speakers (1 landowner and 2 Horizon employees) at the Perry Town Board meeting. Mr. Davidson questioned the accuracy of Mr. Jones two days later at the board meeting instead of directing questions to Mr. Jones. Ruth Lavin noted that some farmers did not sign off for turbines sited on their property out of consideration for their neighbors. Mary Kay added that there were issues regarding high tension power lines run above ground instead of buried and buried lines were only 14" deep instead of 48" deep as planned. Some towers are being built without permits. She noted the people that ran for office in Perry who oppose wind turbines were Gerry Sahrle, Tracy Rozanski, and Dick Barth. Rich Eliazsz reminded all that the town of Gainesville was currently writing a law regarding wind turbines. There was a visual impact for the lake as the town border was only 1.5 miles away. Ann also noted there were no height restrictions in the Gainesville draft law. Gainesville had been offered a copy of the Castile law to use as an example. Rich Eliazsz expressed his appreciation for SLA's support against the wind turbines. Mary Kay Barton said there was a lawsuit in Cohocton regarding the absence of bidding and awarding of local jobs as promised by the wind companies.

Mary Kay Barton gave the Wind Turbine Report. Mary Kay was removing herself from the Wind Turbine Committee. She felt that since she was so active on a NYS level on this issue that it would be in the best interest of SLA if she had no future connection to the committee. She also reported that the Perry Herald will no longer accept "Letters to the Editor" that dealt with the wind turbine issue.

Ann Heizmann reported that the Town of Gainesville was rewriting the laws regarding turbines with help from the Town of Castile. They submitted a plan to Wyoming County. There was a public hearing on the new law. Perry Town Board was still stuck on issue. There would be multiple people speaking for and against the turbines at this meeting. Ann encouraged people to write to Town of Perry opposing them.

Mary Kay Barton read part of an article that tried to show that Perry Town & Village & Castile supported turbines; the article was by the Perry Business Development Committee. Joe Gozelski stated that he attended these meetings in the past and had never given Castile's support of wind turbines. Ruth Lavin suggested for someone to attend these meetings. Ann mentioned that Horizon had changed the Perry turbine plan. A new DEIS was suggested due to the changes. Ruth continued saying that the Perry law was flawed and allowed for too many changes. Perry did not require a

new study. Mary Kay noted that her realtor had mentioned that it was a possibility that turbines were affecting real estate sales.

Ruth noted that Ann Humphrey was appointed to Perry Village planning board and suggested that this could be a conflict of interest with her job at Horizon. Bill Soules suggested individual citizens write letters of concern over the issue of this conflict of interest. Mick Griffin said that Ann Humphrey admitted there would be very little reduction in school taxes if wind turbines pass. Some of the money would go to property taxes.

Ann Heizmann reported on the September 10, 2008 Town of Perry meeting. Horizon lawyer, Doug Ward, formally introduced the new Dairy Hills wind project. The new number of turbines was 38. Diane Sullivan, Horizon Project Manager gave a power point presentation reviewing the history of the project. Mr. Eric Dadd, town lawyer, and Jim Brick retorted to Mr. Ward on the accusations that he presented to the board. Wendy Marsh, Environmental Lawyer and SEQR specialist outlined to the board the time frame laws and the entire process was to be followed. Ideally, Horizon would like to see the DEIS hearings and project vote completed by December, but Ms. Marsh reported that a March 2009 deadline was more realistic.

Ann Heizmann had nothing to report on Perry, because Supervisor Brick had denied all input at the meetings on Wind Turbines for several months. District Attorneys from Wyoming and Monroe Counties as well as one county near Albany met with the State Attorney General concerning the Ethics Code. The public was not invited to this meeting. The Code of Ethics for wind energy was written by First Wind and Noble wind companies. Recently Albany County pulled out of their 50-Wind Turbine project.

It was reported by Ann Heizmann (3/2009) that Warsaw was approached by a turbine company. She thought that surrounding areas would also be approached. Hal Graham in Cohocton had violated the turbine company's gag rule by doing interviews complaining of turbine noise. In Naples a real estate professional had stated that locations near turbines were tough to sell. It was usually the first question asked when buyers are presented with a property. Senator Allesi was pressed to continue the 18 month moratorium. Ann noted that this issue was not dead. Mary Kay Barton reported that Governor Patterson wanted a 30% RPS instead of the required 25%. Eminent domain could be imposed if turbine companies are kept out. In Orangeville turbine setbacks are only 400 feet from residences. Sally Genco mentioned the low frequency ultrasound turbines emit was a medical concern. Ann noted the negative effect shown on animals and people with certain medical conditions.

Larry Bauer showed a note that was taped on his in-laws mailbox from Horizon to citizens of the Town of Perry asking for support of wind turbines and asking them to stop in for a free T-shirt to wear at the public hearing meeting in support of wind turbines.

Ann Heizmann was absent. Ruth Lavin read the report about the success of the public hearing in Perry. The extension asked for by Horizon for the Harrower Met Tower was denied. The tower must be down by December or Horizon will be fined \$1000 and the landowner \$1500 per month. She also stated that Anne Humphrey no longer was with Horizon. Speculation was that she might run for office again against Jim Brick.

Ann reported there was a Lawsuit pending in Orangeville. The Town of Wilson, Webster and Greece voted against turbines in Lake Ontario & Lake Erie. Two weeks ago the tower was taken down, there was a part replaced and put back up in Perry; it still did not have a permit.

Dick Swanson read a Wind Turbine report from Ann Heizmann stating Perry's proposed Wind Law was in the hands of Perry lawyer, Mr. Dadd. Weathersfield & Eagle have asked for tax abatement from Wyoming County IDA for a new building to house turbine company employees. Ann wrote a letter opposing this matter.

May 5, 2011, Ann Heizmann reported that the Perry local wind law was approved unanimously; NO industrial turbines. Ruth Lavin noted the defeat of wind turbines in multiple local municipalities with Ann Heizmann's help since 2005.