



## New York State Wind Energy News Bulletin

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This free monthly wind news bulletin is produced and distributed by Pace Energy and Climate Center, in association with Citizens Campaign for the Environment and Alliance for Clean Energy New York, Inc. To subscribe or unsubscribe, email Todd Olinsky-Paul at [tolinskypaul@law.pace.edu](mailto:tolinskypaul@law.pace.edu).

### Wind Events & Actions

#### **5/2, 5/16: Wind Law Review Meetings—Hammond**

The Hammond Town Board will meet at 7 p.m. on May 2 and May 16 in the town hall to continue its review of the town wind advisory committee's recommendations. The committee's recommendations include extending the town's wind development moratorium, and adopting a more restrictive wind development ordinance than the one currently in effect. See "Hammond Considers Longer Moratorium, Property Value Guarantee," below. Source: The Journal – Ogdensburg ([www.ogd.com](http://www.ogd.com)).

#### **5/12: DEIS Workshop – Clayton**

The Clayton joint town and village planning board will hold its next workshop to review the draft environmental impact statement for the proposed Horse Creek Wind Farm May 12 at 6:30 p.m., at the Paynter Senior Center, 914 Strawberry Lane. The topics to be covered will include potential impacts on topography, geology and soils; water resources; biological resources; and climate and air quality. Source: [WatertownDailyTimes.com](http://WatertownDailyTimes.com).

#### **5/18: Public Hearing—Chili**

The Chili Town Board will hold a public hearing on proposed wind turbine regulations at 7 p.m. on May 18 at Chili Town Hall, 3333 Chili Avenue. The proposed regulations limit wind-power generators to five zoning districts, and require a special-use permit for any turbine construction. They also define required setbacks, noise limits, environmental impact studies, and minimum lot sizes. A special-use permit is also required. No wind development proposals have yet been submitted in Chili. The proposed regulations are available on the town's website, [www.townofchili.org](http://www.townofchili.org). Source: [RochesterCityNewspaper.com](http://RochesterCityNewspaper.com).

## Local Developments

### Lake Ontario Region

#### **Hammond Considers Longer Moratorium, Property Value Guarantee**

The current moratorium on wind energy projects in the town of Hammond is set to expire in July, but the town's Wind Committee has recommended a new moratorium of three to five years' duration. The Committee has also proposed a new law that, according to developer Iberdrola Renewables, will kill the proposed Stone Church Wind Farm if adopted. The proposed law includes a real property value guarantee agreement that would require the developer to pay property owners for losses in real estate values resulting from the construction of wind turbines, and to purchase the properties of residents who refuse to live in proximity to the wind farm. Also included in the proposed law are increased setbacks, noise limitations that vary with the time of day, a decommissioning plan, and the creation of a Variance and Project Oversight Board. Iberdrola has asked the town to let the current, less restrictive wind law stand, stating that the proposed new law would kill their project before a site-specific plan and environmental impact statement have been produced. The town's attorney is reviewing the proposed law. Source: The Journal – Ogdensburg ([www.ogd.com](http://www.ogd.com)).

#### **No Property Taxes for Sheldon Residents**

In a recent presentation to residents of Cape Vincent, speakers from towns hosting wind farms in other areas of the state described the financial benefits realized in their towns. Sheldon Town Supervisor John Knab announced that his town will collect no property taxes for the third year in a row, due to an annual payment of more than \$750,000 from the High Sheldon Wind Farm. According to Knab, the town is now debt free and has been able to repair roads and historic buildings with funds from the wind farm. Another speaker, Sandy LaBarre of Ellenburg, stated that the benefits flowing from wind farms are "phenomenal," adding that in many towns, properties have become more valuable, because they are no longer saddled with high property taxes as they were before the wind farms were built. The meeting was hosted by the group Voters for Wind. Source: [www.WatertownDailyTimes.com](http://www.WatertownDailyTimes.com).

#### **Residential Wind Turbine Approved In Dunkirk**

After three years of effort and waiting, Dunkirk residents Michael and Mandy Janisch have finally received approval to construct a small wind turbine on their property. To reach this point, the couple had to navigate a complicated process, including attaining a special use permit from the town planning board, completing the required State Environmental Quality Review Application (SEQRA), and waiting for town wind development moratoriums to expire and the town to adopt new wind energy development laws. Final approval is still pending from the New York State Energy Research and Development Authority (NYSERDA), but is expected within weeks. North Coast Energy Systems, of Erie, PA, will install the 140-foot-tall turbine. Source: [www.ObserverToday.com](http://www.ObserverToday.com).

## **Clayton Begins DEIS Review, Considers Tougher Wind Law**

The joint town and village planning board of Clayton has begun its review of the draft environmental impact statement (DEIS) for the proposed Horse Creek Wind Farm. The proposed development would include up to 48 wind turbines 476 feet in height, for a combined capacity rating of 96 MW. The project is anticipated to cost \$230 million. The DEIS states that 419 acres would be disturbed during construction, and that once complete, the turbines and other project structures would occupy 48.5 acres. Twenty-nine bird species listed by the state as endangered, threatened or of special concern have reportedly been seen in the area of the wind farm, and seven species of threatened or endangered plants reportedly live near the project, but have not been found on the project site. The DEIS also states that turbines would be placed at least 500 feet from roads and 1,250 feet from residences, unless property owners consent to reduced setbacks. Developer Atlantic Wind, LLC would like to begin construction in the spring of 2013, and aims to complete the project in December 2013.

Simultaneously, Clayton Town Supervisor Justin A. Taylor has proposed stricter rules for commercial wind farms, including increased setbacks and a requirement that wind companies reimburse wind district residents if they are unable to sell their properties at assessed value. The new law would also prevent property owners from entering agreements with the developer that would circumvent the law—for example, a property owner could not sign an agreement waiving the town's minimum setback requirement. The law would also require that 75 percent of each turbine and its structural components be manufactured in the U.S., and 75 percent of the construction and installation crews come from Jefferson, St. Lawrence and Lewis counties; that the town create a renewable energy fund, to be used to mitigate negative impacts of wind farms on property owners in the overlay district, provide grants for small renewable energy projects, and support alternative energy projects for town facilities; that the town receive at least 40 percent of the revenues from PILOT and/or host community agreements for wind farms; and that developers pay a fine of \$1,000 per week for each violation.

## **Adirondaks Region**

### **Hardscrabble Property Owners Hit With Mechanic's Liens**

Some 30 property owners in Fairfield and Norway have been hit with \$1.9 million mechanic's liens by Saunders Concrete Company, in connection with a dispute over turbine construction at the Hardscrabble Wind Farm. Work on the development was halted in November because concrete used to construct foundations for the turbines didn't pass stress tests. Saunders now says it's owed almost \$2 million in fees. Liens have even been placed on properties that do not host any wind farm construction, apparently in error, as well as on the city of Little Falls and the Herkimer County Industrial Development Agency. Saunders and general contractor M.A. Mortenson Co. have entered binding arbitration to resolve the dispute. Developer Iberdrola Renewables has apologized to residents of the community, and is working to get the liens removed. Source: Utica Observer-Dispatch.

## **Southern Tier Region**

### **Appellate Division Upholds Dismissal Of Orangeville Suit**

The State Supreme Court, Appellate Division, has upheld a decision dismissing a lawsuit by Clear Skies Over Orangeville (CSOO), which had alleged that members of the Orangeville Town Board acted wrongly when deciding wind turbine zoning issues. In the original case, the judge ruled that the Town Board did not violate any laws, nor did it act unethically when it approved amendments to the zoning law. In addition, the judge found that the approved zoning amendments did not conflict with the town's comprehensive plan. Invenergy has proposed a 59-turbine wind farm, to be called the Stony Creek Wind Farm, in Orangeville. Source: [www.TheDailyNewsOnline.com](http://www.TheDailyNewsOnline.com).

### **Possible Wind Study In Troupsburg**

Seattle-based Ridgeline Energy has expressed an interest in measuring the wind energy potential in Troupsburg. A company representative made a presentation before the Troupsburg Town Board recently; the next step is for the company to erect wind measurement towers in the town, which means finding interested landowners in areas where a good wind resource may exist. The feasibility study will take at least a year to complete. Source: [www.EveningTribune.com](http://www.EveningTribune.com).

## **Northern Tier Region**

### **Louisville Passes Wind Law**

After nearly two and a half years, the Louisville Town Council has completed work on its new wind energy development law, and the law has been adopted. The law governs development of both residential and commercial scale turbines. According to town officials, to date no commercial-scale wind developer has expressed an interest in siting turbines in Louisville. Source: The Journal – Ogdensburg ([www.ogd.com](http://www.ogd.com)).

### **Plattsburgh Considers Law Banning Large Turbines**

A local law banning large commercial wind projects and governing smaller projects is under consideration in Plattsburgh. The proposed law would only allow turbines less than 100 feet tall, with a capacity of less than 100 kilowatts, for residential, commercial, or industrial uses. Noise levels would be limited to five decibels above ambient levels, or 55 decibels, whichever is less. Siting restrictions and safety requirements would be enforced with stiff fines. The complete proposed legislation may be found at the Plattsburgh Town Clerk's Office. The town council is expected to vote on the law at an upcoming meeting. Source: [PressRepublican.com](http://PressRepublican.com).

### **Morristown Looks To Earlier Standards For Wind Law**

Officials in Morristown, working towards adopting a wind law, are considering returning to standards first proposed in 2009. This would include setbacks of 1 ½ times the total turbine height for property lines, public roads, and other structures, and 1,200 feet from the nearest off-site residence. Noise standards of 45 decibels at the property line, or six decibels above ambient noise levels, are also under consideration. Town officials have suggested that smaller, residential turbines (less than 110 feet tall) should have less restrictive regulations than commercial turbines. Source: The Journal – Ogdensburg (www.ogd.com).

### **Parishville, Hopkinton Landowners To Receive \$8K - \$10K Per Year, Per Turbine**

According to representatives of Iberdrola Renewables, landowners in Parishville and Hopkinton would receive \$8,000 to \$10,000 per year for each 2 MW wind turbine constructed on their property. This information was presented to landowners during a public meeting held at the Parishville Fire Hall late last month. The proposed North Ridge Wind Farm, to be sited in the Towns of Parishville and Hopkinton, is in early stages of development; Iberdrola still needs to review a year's worth of wind data before deciding whether to proceed. Source: NorthCountryNow.com.

## **New York City Metropolitan Region**

### **Riverhead Receives Grant For Sewer Plant Turbine**

Riverhead has received a \$470,000 grant from The New York State Environmental Facilities Corporation for a proposed 750 kW turbine that would help power the town's sewer plant. Two Riverhead councilmen have said they are in favor of the proposed turbine after visiting a wind farm in Madison County. The councilmen reported that the 1.5 MW turbine they observed there made very little noise, and concluded that the smaller turbine planned for the sewer plant would be unlikely to disturb neighbors of the property. The proposed turbine would cost the town up to \$1.8 million, but is anticipated to pay itself off within 11 years, after which it would generate a projected \$5 million in energy cost savings over its 25-year lifespan. It is anticipated to provide 41 percent of the sewer facility's electricity, and will reduce carbon dioxide emissions by approximately 18,000 tons over 25 years. The town is anticipating that New York Power Authority would help with construction and operation of the turbine. The grant is part of the state's Green Innovation Grant Program. Source: Riverhead News-Review.

## Industry News

### **Atlantic Wind Connection Begins Federal Permitting Process**

The Atlantic Wind Connection (AWC), a proposed 300-mile underwater electricity transmission system along the Atlantic coastline, has filed a right-of-way application with the Department of Interior's Bureau of Ocean Energy Management. This application marks the beginning of what is expected to be a long federal permitting process. The transmission system would run from Virginia to New Jersey, with an option to connect to New York City. It is designed to transmit up to 7,000 MW of energy from future offshore wind farms to key areas of the existing onshore electricity grid. If built, the project would offer an existing transmission line that offshore wind developers could connect to without the need to seek state permits for each project. AWC representatives describe it as a magnet for offshore wind farms. The first phase of the project is expected to be built along the coasts of Delaware and New Jersey. Source: [www.RenewablesBiz.com](http://www.RenewablesBiz.com); [www.NYTimes.com](http://www.NYTimes.com).

### **Atlantic City Wind Farm Obtains Environmental Permits**

A six turbine, 25 MW pilot offshore wind project, proposed for a location 2.5 miles off the coast of the Steel Pier in Atlantic City, New Jersey, has obtained several environmental permits from the New Jersey Department of Environmental Protection. However, the developer, Fishermen's Energy, still needs to obtain a wildlife permit from the Army Corps of Engineers, and a state permit to bring transmission cables to shore. The project is intended to demonstrate the viability of offshore wind energy, and if successful, is expected to be followed by a larger project farther offshore. Atlantic City officials and Governor Christie support the project for its environmental and economic benefits. If the remaining permits are issued, construction could begin next year. Source: [www.AtlanticCityWeekly.com](http://www.AtlanticCityWeekly.com).

### **Cape Wind Construction Plan Approved**

The Cape Wind project's construction and operations plan has been approved by the Office of the Interior's Bureau of Ocean Energy Management, Regulation and Enforcement. The plan calls for 130 3.6 MW wind turbines to be constructed in waters of Nantucket Sound. The project is now on schedule to begin construction in this fall; if that timeline holds, it could qualify for a federal subsidy of up to 30% of its construction costs, under a Treasury Department program that offers cash grants in lieu of tax credits. Total project costs are estimated at \$2.6 billion. National Grid has contracted to purchase one half of Cape Wind's power output, while the other half remains unsold. Source: [www.RenewablesBiz.com](http://www.RenewablesBiz.com).

### **Tax Credit Sought For Turbine Manufacturing Plants**

The D'Arcinoff Group, a U.S.-based company, wants to manufacture wind turbines in Syracuse, Rochester, Buffalo and Ogdensburg. The company has applied for a federal investment tax credit and a related grant from the U.S. Department of Treasury to support the redevelopment of vacant auto manufacturing plants so that turbine components could

be manufactured there. If fully financed, the first phase of the project could create 800 jobs in Syracuse, 6,000 in Rochester, 2,000 in Buffalo and 1,200 in Ogdensburg. Ultimately, the company plans to employ up to 15,000 people in the four New York facilities. Source: [www.wkbw.com](http://www.wkbw.com).

## Resources

### **Public To Weigh In On Proposed Bird Study Guidelines**

The public has until May 19 to comment on a set of proposed voluntary bird study guidelines developed by the U.S. Fish and Wildlife Service. The guidelines, which are intended to reduce bird deaths from wind turbines, include three years of bird population studies prior to construction; two to five years of post-construction bird studies; a site development decision-making process involving coordination between the developer, the Wildlife Service, and state and tribal agencies; the use of operational modifications to reduce turbine operation during times of heavy bird presence; and further testing of other potential mitigation efforts and turbine noise impacts. Additional information regarding the proposed voluntary guidelines may be found on the U.S. Fish and Wildlife Service website ([www.fws.gov](http://www.fws.gov)). Source: The Journal – Ogdensburg ([www.ogd.com](http://www.ogd.com)).