

Petition to Require Zoning Rules for Industrial Solar in Lansing

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Mike Sigler 19 Comments



Dear Town of Lansing Planning Board,

It's our understanding, the undersigned, that industrial scale solar is being planned for the Town of Lansing. We support solar power, but are concerned about



power, but are concerned about the size of these solar projects and believe more rules should be in place before these projects, some between 800 and 2000 acres of

contiguous land, go ahead. We understand that the state will control much of the regulation regarding these powerplants, however, we believe the town needs to enact regulations pertaining to these arrays that will cover millions of square feet, including prime farmland. While we may prefer these installations not be built, we at least want the town to mitigate the negative impacts on adjacent properties and to the overall look of the Town of Lansing.

We would like the planning board to consider:

- Residents within 1,500 feet of a property line of an agriculturally-zoned parcel that is being optioned for lease or leased for a purpose other than agriculture be notified of the lease or option to lease.
- That industrial solar array projects covering over 25 acres be required to set aside 20 percent or more of the land for pollinators.
- That these projects will be set back from existing residences by 1000 feet or more.
- That vegetation buffers be planted between these projects and residences, businesses, and streets and that berms be installed where appropriate.
- That wildlife corridors be installed through these contiguous acres.
- That the land these solar projects will cover have the opportunity to be co-leased for agricultural purposes similar to how the land under many wind mills and cell phone towers is treated.
- Farmland that's received an agriculture tax exemption in the past 10 years should be avoided when possible.

These regulations would address our immediate concerns and, in the future, we'd like the planning board to consider that land zoned for agricultural purposes and planned or proposed to be used primarily for purposes other than agriculture must apply for rezoning that conforms with the new purpose.

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10%

Erin Lovejoy signed recently

Andrea Hahne signed recently

Name*

Email*

Comments

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Thank you for your consideration in regards to industrial scale, more than 25 contiguous acres. We love Lansing as we know you do and while we understand there will be change, we also understand the scale of what's being proposed and how it will forever change the look of the town.

Thank you,

Share for Success



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COMMENTS

Marcia I Weaver

Nov 07, 2020

I agree with Mike's concerns when considering installing Solar unit farms on beautiful farm land.

Kristen Miller

Nov 06, 2020

We need more solar. It should be mandatory for all rooftops instead of precious nature. Especially commercial rooftops.

Michael Wills

Nov 06, 2020

I agree with all the issues listed with this petition.

Rick Hayes

Nov 06, 2020

Windmills take up less space.

Dennis Osika

Oct 20, 2020

While I strongly support the beneficial effects of solar energy on our local economy, air quality, and reducing the rate of global warming, large scale commercial projects as proposed must first be thoroughly reviewed locally and modified as needed to protect impacted town residents and preserve our town's landscape quality.

Anthony Prudence

Oct 20, 2020

Serious consideration should be given to potential storm water volume that will be created by a solar farm of this size (consider possible chemical run off from cells). Erosion Control; a Re-Vegetation Plan and a comprehensive Storm Water Conveyance Channel System must be stringently reviewed by the Town, The DEC and the Army Corp of Engineers. The Corp will have jurisdictional authority over all designated wet lands in/around the proposed site and for storm water/silt flow to lake. Like others noted, I'm not against development or progress - it needs to be responsible and well conceived in order to protect the lake and our community. Proper - current zoning should be enacted to properly manage this type of development.

Patrick McDonough

Oct 20, 2020

Solar energy is one of the alternative ways to fulfill our energy needs; the petition is a great way to get our community ideas into the discussion with the town; I want to add that the sludge from the old AES Cayuga coal burning plant needs to be remediated as part of the new owners obligations. I support the development of solar energy but as has been stated it needs to be done with community input and the petition should begin that process; hopefully more (virtual) meetings will follow as this project matures. Thanks for getting this going!

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Eric Eisenhut

Oct 20, 2020

I ask that our Lansing town leaders be proactive and implement zoning that will protect the long term interest of the community. Large scale solar projects should not be characterized as farms, they should be reviewed and allowed much the way large industrial projects are done since that is what they are. They should be allowed with specific restrictions so that they can provide the energy we need, protection of the environment, and limit the impact on our residences.

Mary Helen Cathles

Oct 17, 2020

Thank you for working to maintain the beauty of our town.

Shawn Murphy

Oct 16, 2020

Thanks Mike, keep the discussions happening!

Sean Scanlon

Oct 16, 2020

I support solar and want it installed in smart, community-friendly ways as described in the petition.

Thomas Steffie

Oct 15, 2020

I feel that solar is an expensive and inefficient use of that space. Let's find better places to put panels.

Jennifer Dedrick

Oct 15, 2020

Lansing needs to be responsible and thoughtful with solar energy.

Mary Boles

Oct 15, 2020

What will be the disposal method of the lead acid batteries that are used for back up on the solar arrays. I may be misinformed but believe they are lead/acid and last about 20 years. If true how will they be safely disposed of?

Glen Dowell

Oct 14, 2020

I support solar 100%, but local jurisdictions need to have a say in the airing of these projects.

Kathleen Dedrick

Oct 14, 2020

No solar farms in Lansing!!!

Randy Hoaglin

Oct 14, 2020

Make solar energy RESPONSIBLE energy

Tammy J Morse

Oct 14, 2020

Thank you!

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SIGN PETITION

SIGNATURES

Kathleen LaLonde United States Marcia I Weaver United States JAMES E GRAY United States Regina Genung United States Kristen Miller United States Michael Wills United States

Rick Hayes United States Kathryn McKay United States Jamie Jones United States Allison Matusz United States Stan Matusz United States David Hardie United States

Mike Gray United States Courtney Gray United States Daniel Geise United States Julie Eisenhut United States Shelby Bower United States Stephanie Michalec United States

Thomas Burke United States Alexander Pape United States Jodie Binns United States Heather Philip United States Chris Pettograsso United States Dennis Osika United States

Anthony Prudence United States Patrick McDonough United States John hamilton United States Eric Eisenhut United States Randy McDonald United States

Geraldine McDonough United States ERIN SOCHA United States Jay Sciarabba United States Tony Eisenhut United States Rebecca Lovenheim United States

Gordie Gallup United States Larry Cathles United States Mary Helen Cathles United States Tim Sheldon United States Deborah Brotherton United States Lynne Sheldon United States

Shawn Murphy United States Roy Hogben United States Kathryn B Trotter United States Lori Mason United States Sean Scanlon United States Fred Campbell United States

Melanie Towner United States Connie Wilcox United States Andrea Hahne United States Erin Lovejoy United States Alicia Kirk United States Judy Scott United States

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Bonnie Faucett United States	Lois Hulbert United States	Jeffery S Swartwood United States	Roger Dedrick United States	Dave Barnes United States	Thomas Steffie United States
Jennifer Dedrick United States	Mary Boles United States	Patrick Gillespie United States	Curt Corwin United States	Glen Dowell United States	Melissa Fields United States
david t bickal United States	Sharon Butler Bowman United States	Kathleen Dedrick United States	James Jackson United States	Vince United States	Sherri Hildreth United States
Amylee Barden United States	Dale Flinn United States	Jamey Jones United States	Mary Kelly United States	Linda Pasto United States	Randy Hoaglin United States
Tammy J Morse United States	Brian Jackson United States	Martin Flynn United States	Kelly Tracy United States	Denise Wyszowski United States	Dianne Currie United States
Lisa Campbell United States	Jamie Ferris United States				

Comments

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Thank you for your consideration in regards to industrial scale solar, more than 25 contiguous acres of panels. We love Lansing as we know you do and while we understand there will be change, we also understand the scale of what's being proposed and how it will forever change the look of the town.

Thank you,

Name

Address

- | | |
|-------------------------------|--|
| 1. <u>Alexandra Karmow</u> | <u>518 Scofield Rd Groton NY 13073</u> |
| 2. <u>Camilo Bolloaun</u> | <u>518 Scofield Rd Groton NY 13073</u> |
| 3. <u>William Austin</u> | <u>519 Scofield Rd GROTON, NY 13073</u> |
| 4. <u>Tracy Austin</u> | <u>519 Scofield Rd Groton NY 13073</u> |
| 5. <u>Chuck Bion</u> | <u>382 Van Ostrand Groton NY 13073</u> |
| 6. <u>Joanne I Jon</u> | <u>382 Van Ostrand Groton NY 13073</u> |
| 7. <u>Jonathan Guitlychny</u> | <u>390 Van Ostrand rd Groton NY 13073</u> |
| 8. <u>Kevin Nelson</u> | <u>418 Van Ostrand Rd. Groton NY 13073</u> |
| 9. <u>Calter Nemecok</u> | <u>419 Van Ostrand Groton NY 13073</u> |
| 10. <u>Harry Welsch</u> | <u>254 LOCK ROAD GROTON 13073</u> |

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Thank you,

	Name	Address
1.	[Signature]	648 Buck Rd
2.	[Signature]	580 Buck Rd
3.	[Signature]	584 Buck Rd
4.	[Signature]	622 Scofield Rd
5.	[Signature]	622 Scofield Rd
6.	[Signature] (Kaseh)	557 Scofield Rd
7.	[Signature]	557 Scofield Rd
8.	[Signature]	523 Scofield Rd.
9.	[Signature]	523 Scofield Rd.
10.	[Signature]	1028 E. SHORE DR ITHACA

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	Name	Address
1.	Dick Cortell	3 Atwater Rd Long NY
2.	Sarah Yung	218 Peruville Rd Freeville NY
3.	Richard J. S.	218 Peruville Rd Freeville NY
4.	Jeff Norman	600 Auburn Rd Croton
5.	Rob Law	7111 N Aurora St Ithaca NY
6.	M M	425 Corliss Rd Lansing NY 14882
7.	Thomas Burke	640 Buck Rd Lansing NY 14882
8.	James Martineau	1032 Salmon Creek Rd Lansing
9.	Eiad Hamwi	230 Willard Way Ithaca
10.	GEORGE WOOD	Ch Wheel Freeville

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Name

Address

- | | |
|---------------------|-----------------------------|
| 1. Bill Duester | 431 Auburn Rd Lansing |
| 2. Brian Smith | 431 Auburn Rd. Lansing |
| 3. Thomas Lopez | 395 Lansing Station Lansing |
| 4. Robert Smith | 16 Auburn Rd " |
| 5. Charles Goff | 441 ASPEN WAY LANSING |
| 6. Charlotte Wilson | 6 Canton Rd LANSING |
| 7. Roy W. Ransdorn | 1302 Tolkachev Hill Rd SE |
| 8. Claudia Reese | 8 Robins Way Apt 5 Lansing |
| 9. Donald Ashwood | 57 Walden Lane (Gorham Rd) |
| 10. D. H. H. | 1972 East Shore Dr Lansing |

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	Name	Address
1.	Marion Kline	1928 East Shore Dr. Lansing
2.	Atkinson	1928 East Shore Dr Lansing
3.	Jessie Best	482 Buck Rd Lansing
4.	John	663 Buck Rd Lansing
5.	Robin Burke	640 Buck Rd. Lansing
6.	Laurie Gilex	634 Buck Rd Lansing
7.	Anna A. Wilson	634 Buck Rd. Lansing
8.	Randy Wilson	634 Buck Rd. Lansing
9.	Doreen	540 Buck Road Lansing
10.	[Signature]	540 Buck Rd., LANSING MI

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	Name	Address
1.	Paul R. Geisler	8 Van Ostrand Rd Groton
2.	Susan C. Sullivan	21 Van Ostrand Rd Groton, NY 13073
3.	Haley Sullivan	21 Van Ostrand Rd, Groton, NY 13073
4.	Kailey Hull	55 Van Ostrand Rd Groton NY 13073
5.	Jessica Hall	198 Van Ostrand Rd Groton NY 13073
6.	Jeff Hall	118 Van Ostrand Rd Groton NY 13073
7.	Robert Hall	12 Sharpsteen Rd
8.	Brandon Morse	244 Van Ostrand Rd Groton
9.	Andrew Morse Sr	768 Holden Rd Bensing NY 14882
10.	Archie K Nelson	22 Van Ostrand Groton NY

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Name

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- | | |
|-----------------------|-------------------------------------|
| 1. Jay Engels | 522 Scofield Rd. Groton, NY |
| 2. Carol Engels | 522 Scofield Rd Groton, NY |
| 3. Ed Knapp | 129 Triphammer Terrace Ithaca 14850 |
| 4. Sandra Dwyer | 48 Hurvath Drive Ithaca 14850 |
| 5. Ed Dwyer | 5118 Buck Rd Lansing NY 14882 |
| 6. Maxine Walter | 572 Buck Rd Lansing NY 14882 |
| 7. Phyllis Anderson | 540 Buck Rd. Lansing, NY 14882 |
| 8. Joyce Ash | 400 Buck Rd Lansing NY 14882 |
| 9. Susan Stirkel | 667 Buck Rd Lansing NY 14882 |
| 10. Stephanie Zerilli | 49 Van Ostrand Rd Groton, NY 13073 |

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	Name	Address
1.	Philip Thayer	2633 ATWATER RD. GENOA
2.	John Smith	10 DECAIR RD LANSING
3.	Jeff Smith	151 DATES Rd Lansing
4.	Jeff 2 Butler	8 Captains Walk Lansing
5.	Mike Boy	77 ARMSTRONG RD. LANSING
6.	Nabe Nabe	248 Munson Rd Lansing
7.	Tori Hatfield	248 Munson Rd Lansing
8.	Daniel J. Pae	58 Buck Rd. Lansing
9.	Ron Urbany	4 Lansing Rd Lansing
10.	D. J. Bae	1304 Ridge Rd Lansing

Dear Town of Lansing Planning Board,

It's our understanding, the undersigned, that industrial scale solar is being planned for the Town of Lansing. We support solar power, but are concerned about the size of these solar projects and believe more rules should be in place before these projects, some between 800 and 2000 acres of contiguous land, go ahead. We understand that the state will control much of the regulation regarding these powerplants, however, we believe the town needs to enact regulations pertaining to these arrays that will cover millions of square feet, including prime farmland. While we may prefer these installations not be built, we at least want the town to mitigate the negative impacts on adjacent properties and to the overall look of the Town of Lansing.

We would like the planning board to consider:

1. Residents within 1,500 feet of a property line of an agriculturally-zoned parcel that is being optioned for lease or leased for a purpose other than agriculture be notified of the lease or option to lease.
2. That industrial solar array projects covering over 25 acres be required to set aside 20 percent or more of the land for pollinators.
3. That these projects will be set back from existing residences by 1000 feet or more.
4. That vegetation buffers be planted between these projects and residences, businesses, and streets and that berms be installed where appropriate.
5. That wildlife corridors be installed through these contiguous acres.
6. That the land these solar projects will cover have the opportunity to be co-leased for agricultural purposes similar to how the land under many wind mills and cell phone towers is treated.
7. Farmland that's received an agriculture tax exemption in the past 10 years should be avoided when possible.

These regulations would address our immediate concerns and in the future we'd like the planning board to consider that land zoned for agricultural purposes and planned or proposed to be used primarily for purposes other than agriculture must apply for rezoning that conforms with the new purpose.

Thank you for your consideration in regards to industrial scale solar, more than 25 contiguous acres of panels. We love Lansing as we know you do and while we understand there will be change, we also understand the scale of what's being proposed and how it will forever change the look of the town.

Thank you,

	Name	Address
1.	Gary Howells	97 Greenleaf
2.	David Hatfield	18 Wilson Rd
3.	Steve Kroll	38 Ludoga Park Rd
4.	Art Hooch	178 N. Lansing School Road
5.	Mike Pendergast	56 Triphammer Terrace Albion
6.	Consolata Mox	" " " "
7.	HUGH BAHAR	4 SUNSET DR LANSING NY 14882
8.	Arlene Bahar	4 Sunset Dr Lansing NY 14882
9.	Vander A. F. → Doug Fink	89 Searles Rd, ⁶²⁰⁷⁰ LANSING, NY 14882 13073
10.	Mr Hensley	77 Auburn Rd. 14882

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3. That these projects will be set back from existing residences by 1500 feet or more.
4. That vegetation buffers be planted between these projects and residences, businesses, and streets and that berms be installed where appropriate.
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Thank you,

Name	Address
1. Kim Kelly	42 Goodman Rd To Lansing
2. Mary L Kelly	42 Goodman Rd To Lansing
3. Phil R. Lund	6255 Drossville Rd To Marata
4. Robert Dusseau	326 e. falls St. Htica N-y 14850
5. JOHN M MIKULA	160 ASBURY RD LANSING 14882
6. CAROL A MIKULA	160 ASBURY RD LANSING 14882
7.	
8.	
9.	
10.	

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Thank you,

Name

Address

- | Name | Address |
|--------------------------|-------------------------------------|
| 1. <i>John Doe</i> | 178 E. Lansing Rd, Groton, NY 13073 |
| 2. <i>John Doe</i> | 162 E. Lansing Rd. Groton NY 13073 |
| 3. <i>John Doe</i> | 162 E. Lansing Groton NY 13073 |
| 4. <i>Michael M. Lee</i> | 18 E Lansing Rd Groton 13073 |
| 5. <i>Susan M. Cohen</i> | " " " " " " |
| 6. | |
| 7. | |
| 8. | |
| 9. | |
| 10. | |

Luke Martin

So our community said no to a wind farm, what is it that the state cannot or will not take no for an answer.

So, you are changing the rules, so that the community has no voice. Well we still feel the same and pray God will be a just judge.

Gordon Bukaty

As a property owner who had purchased land in a beautiful natural setting many years ago, I am appalled by the idea of letting in Invenenergy to erect these huge wind towers which will for the next 40 years or longer effect the beauty of our community and stop any real economic growth as property values will become worthless as no one including myself will want to live beneath them and in their shadows. The state has already ruined the Buffalo skyline and stopped any economic growth and benefit for the next 40yrs there near them by erecting them along the lakefront. The corrupt local town board is not addressing the needs of the community as a whole but rather only their own financial interests in this matter in attempting to let this move forward. New York State is already reeling from a population loss due to it's ridiculous taxing of residents and political landscape and this only further weakens any chance for the state to prosper. I was approached by Invenenergy with many deceptive claims and lies and even if the community was going to be stuck with a wind project it should not be this company. I am most disgusted by the actions of our local town board and their lack of representation to the community but instead their underhanded dealings in representing only their own financial interests.

There is only one chance to keep this community beautiful and stop this disaster that is about to unfold here for the benefit of a few town board members and their families many of whom will not continue to reside here but abandon the community. NY State is on the losing end over and over again as evident by the population loss and tax base increases and this will further diminish any chance for an economic future for our local community and state as this will keep any future residents from coming here and living in the shadows of these eye sores and environmental nightmares.

Stop these disgraceful state and local politicians along with Cuomo's appointees and this unethical wind company before its too late.

Our stupid greedy politicians and appointees just keep putting this state and local community further and further behind and keep chasing residents and business away. I don't expect the outcome of this will be any different form these corrupt idiots and the Cuomo govt.

Dolores Rice

1). While looking for clarification on how to make my formal comments and participate in hearing events established by the ORES office, I contacted the ORES office as an individual concerned citizen beginning on September 29th. I did not receive any response to questions posed using the ORES website's occasions, and I am not the only one (<https://ores.ny.gov/form/contact-form>). I did, however, get a response after emailing the Executive Deputy Director, but still have not received answers to my two follow-up questions. The ORES office seems to be relying on questions being asked individually, one perso

disseminate information to the public. ORES is not providing an open source for answers to questions by the public.

1, and many other people have concerns that the comment period is not long enough, and the information and instructions on the website is very limited. For example, there is no FAQ page to help people prepare for commenting at hearing events, such as time limits. There is no mailing address on the website devices to comment. These individuals rely on those of us with a device to find and disseminate information to them. The ORES email address and phone number are on form submission pages, not the contact us page. This lack of information about the comment process is troubling and an irresponsible act b

2). NY's stated goal is to remove carbon emitting sources of electricity. Large regions of the state are powered by locally produced zero-emission hydro, and yet are targets for large scale wind, solar and battery storage like in my community. It is known that wind generating facilities are displacing the already power that already exists here. NYISO feasibility reports prove the need for hydro to power up and down in order for wind and solar to enter the grid, creating an expensive renewable energy swap at the tax payer and ratepayer's expense.

There is a need for transparency on this point. Any new regulations need the requirement of including the name and location of the specific generating facility (be it carbon emitting or zero-emitting) that is intended to be taken offline and be replaced by a wind, solar or large scale battery project in order for t free goal, allowing the public to scrutinize the state's promised results.

3). Convoluted Math

"Approximately 100 megawatts (MW) of renewable wind energy, which is enough clean, homegrown electricity to power nearly 25,000 average New York homes annually."

source of example: North Ridge Wind Project, Wind Farm Generation Capacity

https://www.avangirdirenrenewables.com/psa/portals/area/aboutus/tut/p/20/YZdBDowEAW_bvPW1BA8EmNCNB1JPMBemgUbrMJWSqy9_ZkPhmbN3kZQKgbmJ28x0xB3g6mSq-OuWG9fmcUyF9VbNdZWRXilMc8P8hFxtmjAH7Cx7_IZQk9OsqLXBhZkRX4bWv6gd9KwMq8UQpze7joGNXsL

But, what does that mean? This is an example of convoluted math, put out by developers for the public and the press to consume and NYSERDA allows it.

The public deserves to know how developers arrive at energy production claims when they promote their projects. For example, developers use statements such as "a 100 MW project powers nearly 25,000 homes annually" as an "association" to their 100 MW project, but what exactly are they claiming? The operate at full capacity, which is not honest and NYSERDA knows it. They certainly are not revealing the more accurate "expected energy production" a project will generate. The public deserves to be told this fact by the developer and any new siting regulation should require it.

Wind developers have been misleading the public for years by releasing only "nameplate capacity" calculations for projects without being required to reveal the truer, "expected production" or "expected capacity factor", which would provide an honest comparison for consideration by stakeholders and the pu proposed project.

The public demands wind and solar developers now be required to present side by side "nameplate capacity", and "expected production" or "expected capacity factor" numbers, along with a plain language explanation of the difference for any proposed project, therefore providing a truthful and realistic comp released to the press and the public.

In addition, the new siting regulations must require side by side "nameplate capacity" and "expected production" numbers be in the same unit of measure, and must also require any resulting calculations from "nameplate capacity" be accompanied with "expected production" calculations for a more accurate d from any proposed projects in the state.

4). in reference to page 8 draft regulations
The public demands all members of the public be equally informed at the earliest opportunity, when any project is proposed.

Any new regulations must require at least one in person public engagement event be a structured question and answer session after release of a project's details. The event must be held in a public venue located in the proposed project community with the developer and members of the public as the audience a One at a time the moderator will call on a questioner, the developer will then answer the questions until all questions from the public audience members have been exhausted, allowing for a fairer, more just way for the public to be equally informed at the same time.

5). in reference to page 56 draft regulations
How much less food will be produced in NY state? Any new regulations must require disclosure of specific food crop information that will be removed from state resources as a result of proposed solar and wind projects located in agriculture rich areas. The public demands, and has a right to know the crop n proposed sites and the direct effect it will have on local ancillary businesses. Developers have long promoted short term construction jobs as a benefit to local economies, yet have never revealed the fact that the demise of local farms will more negatively effect many ancillary businesses supporting farming o construction project will.

Quote from the Forefront Power website, a NY developer: "Solar leasing offers predictable returns without paying for agriculture supplies or labor", "In many cases, solar leases are more lucrative than farming".

Large scale solar developers are actively promoting the demise of family farming in NY State. They view shutting down a family farm as a positive selling point and acknowledge farm employees and suppliers will no longer be needed.

6). in reference to page 23 draft regulations
I reference your own literature to make my point:
NY State 2009 Wind Energy Toolkit, page 112 and page 113

"Many concerns associated with safety, noise and aesthetics can be addressed by placing distance between wind turbines and people, property lines, roads and certain environmental areas or scenic or historic landscapes. Although there is no consensus on appropriate distances or types of setbacks, there are s appear in a number of wind energy regulations that various communities have adopted.

Setbacks and Other Zoning Considerations
Most local government requirements include setbacks for the distance between the wind turbine and residences/other buildings, property lines and roads. Property lines should always be part of the setback formula in order to provide consistency and not endanger future uses on adjacent parcels."

My comments on wind:
The setbacks that are proposed are arbitrary. Industrial wind turbines are not stationary structures but have blades close to the size of a football field that move at 200 miles per hour. Many jurisdictions have larger setback minimums. Existing NY project proposals have greater setback minimums. Residents al setbacks and all setbacks should be to the property line. A resident should be just as safe in their yard, driveway, garage, as they are in their home. Only setbacks to the property line will enable all acreage of non-participating property to be considered as location for a residence to be constructed.

The setback requirements in the draft are unsafe and present a danger to the adjacent property owners when ice throw, tower collapse, and blade failures occur. A turbine setback measured from the center of the tower will place the tip of the turbine blades much closer to your property line.

My comments on solar:
The new setback requirements are too close to adjacent property lines. This is industrial equipment containing hazardous materials. Panels are known to break free from mounts in heavy storms, containment areas are known to flood, and battery storage is know to explode and catch fire.

The new regulation's setback allowed to public roads may doom our communities to permanent ineligibility for more appealing economic development possibilities due to the the loss of valuable developable road frontage for homes or other valuable small businesses.

7). in reference to page 24 draft regulations
The height allowances of ground mounted solar arrays is too tall. The regulations are allowing a two story industrial structure to exist very close to my home. This will effect my property value and reduce the enjoyment of my property due to loss of views.

8). in reference to page 24 draft regulations
There is no public input available for the developer's safety or security emergency plans.

9). in reference to page 30 and 31 draft regulations
A maximum noise limit of 45 dBA Leq (8-hour) is too high for rural areas that have current sound levels in the mid 20's. Increases of this amount will be intrusive to intolerable by project neighbors. We need a much lower sound maximum. The Department of Environmental Conservation's current guideline above the existing sound level and this is reasonable.

Residents should have an opportunity to comment on the make and model of turbine prior to project approval. Developers should not be permitted to swap out at the last minute without citizen review.

These noise limits are hazardous and are known to create health issues including loss of sleep. Studies have shown that noise levels over 33 dBA start to create widespread complaints from surrounding residents and strong appeals to stop noise at 43 dBA. Noise levels measured from outside of residence is ur my property. Appropriate noise levels must be measured at my property line for me to safely use and develop my property as I choose. The proposed noise levels will restrict my property rights.

Dreams of building a home for one of my children, on our family land, are crushed. Permissible noise levels at my property line will never allow me to site a new home or any other human occupied structure on my land, forever. The proposed noise levels will restrict my property rights in favor of an industri Solar project noise is real, emanating from inverters and HVAC systems. Noise levels measured from outside of my residence is unacceptable and is a trespass of my property. My ancillary buildings will not be comfortably usable if noise trespass is allowed on my property.

10). intervenor funds
There are no monetary resources available to the ordinary citizens who, now suddenly, are frantically required to educate themselves about a multi-billion dollar industry and expected to present evidence to protect themselves against an industrial scale facility.

Essentially, thousands of hours of combined research effort is now required to be performed by local town officials and their citizens quickly. Many miss or need to request extensions of the crucial deadline dates required by siting law just to catch up and understand a crushing amount of information. (exam and its application process ahead, as well as the intervenor funds process)

Selecting a town to target for development is easy when you know they have no resources to research or hire help, is this by design?

11). Community Agreement
Currently, there is no required, transparent, definitive information or the ability to weigh the perceived tax benefit vs. the irrefutable impact to our small towns and communities. There certainly is no attempt to calculate or add to an equation the potential for property value loss (effecting tax income) if a proje None of the PILOT fund recipients are REQUIRED to break down the proposed funds to make a cost analysis (to say the least vs. full taxation) or present "in detail" the results of how this money will actually effect us and be spent.

There is no requirement of what the specific implication will be to an individual's local property tax bill, as well as county and school tax bills? Local government, county and school are not required to provide a detailed accounting of how PILOT money will be spent and if PILOT funds will potentially displ before a project is approved.

Presently, you can ask this question over and over, but no one is REQUIRED to answer it because the State siting laws and regulations do not require it. The developers and the State use this detail against concerned citizens all of the time.

12). in reference to page 7 draft regulations
The silent lease signing process is executed while unknowing local government official or the town's citizens are going about their daily lives in a quiet, small community.

Towns being suddenly thrust into an all consuming process with which its outcome will fundamentally transform their community forever is overwhelming.

The town's education only begins after they a presented with a proposed project and they suddenly realize the process has begun.

Always, a town's initial "education" is only provided by those promoting a project, the developer, and NYSERDA, with much vital information excluded. This proposed time limit is too short for any community to realistically grapple with the all consuming siting process.

13). in reference to page 31 draft regulations
Allowing vibration to occur anywhere on my property is unacceptable and is a trespass of my property. It will limit use of any new or existing structures on my property.

14). in reference to page 34 draft regulations
Allowing infrasound to occur anywhere on my property is unacceptable and is a trespass of my property. A percentage of people all over the world who live near industrial wind turbines complain about migraines, dizziness, nausea, anxiety, ear pressure, heart palpitations, sleep disturbances and other issues.

15). in reference to page 38 draft regulations
Industrial wind turbines are getting taller and are visually impacting larger areas. As industrial wind turbines get taller the viewshed maps should be extended.

Shadow Flicker of 30 hours annually is permitted to impact a residence under the regulations and this is substantial as it will happen in the early morning or later afternoon when people are home. Shadow Flicker must be managed by moving turbines so they do not impact the entirety of adjacent properties, n Shadow Flicker should not be forced upon any property owner.

16). in reference to page 46 draft regulations
This exhibit is for species that are not NYS threatened or endangered. The regulations highlight problems with NYS threatened or endangered species. But it does not acknowledge the likelihood of quantitative impacts on birds, bats and raptors. Just because a number of bird species are not threatened does n allow placing industrial projects in areas where thousands will be killed. Projects located in migratory regions will kill many species and many birds. This is not addressed in the regulations.

17). in reference to page 70 draft regulations
Given the rapid pace of permitting anticipated by this new law, local law waivers will be a part of every project. This process renders town laws meaningless regarding noise, setbacks, construction operation hours and many other aspects of industrial renewable energy projects. A state agency should not be al were enacted to protect the health, safety, environment and character of a town.

18). PILOT payments represent only partial compensation for real property taxes to the local government. Properties that decline in value will pay lower taxes which will have to be made up by increasing taxes on other residents in the town.

It stands to reason that properties next to 600 foot high structures that are noisy, create health problems, produce shadow flicker, create safety issues, and obstruct the view would cause property values to decline. Numerous studies from around the world support this position.

19).
For each applicable NCBP, the permittee shall pay the required mitigation fee into the Endangered and Threatened Species Mitigation Bank Fund commensurate with the anticipated number of individuals taken with the sole purpose to achieve a net conservation benefit to the impacted species. Money for kil benefit local nature conservation, but to a far off fund, this is unacceptable.

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20). Money off-set to the community's electric bills to compensate for project. This is a deception of the highest order. My local electricity is already generated by clean, reliable hydro. I object to adding an inefficient industrial scale wind or solar project to my community that will create an expensive energy here in order for others to buy "credits" for renewables. A discount on my electric bill will never compensate for the destruction of my rural community's character.

21). 600 foot tall spinning towers topped with blinking lights would eliminate the dark skies and destroy the "non-industrial" rural nature of our towns, making the area less attractive to tourists. Tourism requires a depth of beauty essential for it's success, and industrial scale energy plants will destroy this beauty.

22). If no action is taken by the state in one year the application is considered approved. Making this irresponsible behavior law enables the hastened destruction of rural NY communities. This is an unacceptable proposal.

swap with the existing hydro

uty.

Karen engstrom

New York State energy policy defined by the CLCPA/ORES is a bad plan and should be scrapped. Governor Cuomo should start over and consider the latest nuclear power options if he wants emission free energy.

Wind and solar are not created from fairy dust.

Both wind and solar are manufactured using vast amounts of energy and rare resources causing immense pollution in the source countries.

The amount of energy and real materials expended in the creation of wind or solar do not justify the minimal output of energy both actually produce.

The European Energy Commission states, "Any attempt to adopt an Energy Transition strategy by substitution of intermittent [wind and solar] for base load power generation will result in unavoidable net energy loss."

----California Independent System Operator (CAISO) August 17, 2020 CEO Steve Berber: "For those of you who think we can just use our reserves, you are wrong. You are trading the loss of 3000 megawatts for the collapse of the entire system of California and perhaps the entire West. [...] " (-consequences of having intermittent solar and wind.)

Relying on substantial intermittent wind or solar will jeopardize the viability of the entire electricity grid and will result in increases in the cost of energy to residents. Those who will suffer the most are the poor – this is known as "energy poverty".

The poorest rural communities are already subjected to the environmental destruction and economic devastation caused by paving over vast areas with wind and solar. The state knows poor rural areas have no means to defend themselves -- that is why they are target areas.

Energy policies that cause damage to the environment and economy of the state are unacceptable and must be rejected.

The NY State Constitution requires "officials protect the health, safety and welfare of the community." The current plan is the opposite.

VANCE EAKINS

The Residents of Parishville and Hopkinton have overwhelmingly rejected the idea of siting these industrial behemoths in our towns. We are blessed to be able to live in this beautiful, quiet, rural countryside and we are intent on keeping it that way. We ask that you respect our right to home rule. I wonder if our stupid governor Cuomo would let us put a dairy farm in central park of NYC.

Denise Willard

Good Morning, I am a resident of New York and request that my concerns of Article 23 be heard. There are too many concerns to list them all, but only requiring the applicant 60 days and one public meeting before filing an application is disgusting. Applicants should be required to address the residents in a project area years before a project is supposed to take place or before an application is made. In our town alone, the project has been going on for years and there are still people that don't know about it, including one association that just found out about the project a couple of months ago and they, the association, is on the stakeholders list. I hate what lawmakers are allowing to happen to New York State residents and I acutally can't wait to leave. Even under Article 10, public involvement was supposed to be a big thing, but the Wind Company has gotten away with murder. New York taxes it's residents to death and then allows tham to be walked on.

I'd also like to know why, in every project, whether solar or wind, why there are not conservation plans. Why can the applicant tear down arces and acres of carbon absorbing trees, but there is no plan to replace them.

There solar and wind projects are nothing more than money scams and New York's law makers don't care about the residents who live here.

Thank you,
Concerned Freedom Resident

Joni Riggle

Please find my PDF.

Dear ORES Staff,

Please accept my comments [in red] on the draft regulations for Subparts 900-1 – 900-5; 900-7 – 900-14.

Thank you for your time and thoughtful consideration of these comments.

Sincerely,

Joni Riggle

Concerned Citizen

§900-1.3 Pre-application procedures:

b) (b) Meeting with community members. No less than sixty (60) days before the date on which an applicant files an application, and following the meeting(s) held pursuant to subdivision (a) of this section, the applicant shall conduct at least **one** meeting for community members who may be adversely impacted by the siting of the facility. **There must be more than one meeting , to accommodate work schedules and make times available to meet with interested residents.**

c) **In the event the applicant is unable to secure a meeting with a municipality**, the application shall contain a detailed explanation of all of applicant's best efforts and reasonable attempts to secure such meeting, including, but not limited to, all written communications between the applicant and the municipality. **This is a totally ridiculous clause and unacceptable. The applicant should not proceed with submitting an application until after a meeting has been held. No excuses!!**

(e) Wetland delineation:

(4) The applicant shall consult with the Office, **and as necessary with the NYSDEC**, to determine the status of the delineated wetlands and the NYSDEC **may conduct a site visit** at the request of the Office to provide assist in determining which wetlands are regulated pursuant to ECL Article 24 and Section 401 of the Clean Water Act, if applicable, and to advise with respect to potential impacts to jurisdictional wetlands. (5 **The DEC must be totally involved from the start. This should not be optional-which includes site visits.**

Who are the members of the office staff and what are their qualifications?? The public and impacted communities have a right to know who is deciding their fate. Please disclose this information on the ORES website for public transparency.

(g) NYS threatened or endangered species:

.....if applicable, the amount of **mitigation funding** that may be necessary if impacts cannot be avoided or mitigated. **Mitigation funding is a terrible and dangerous option, that will**

surely contribute to the extinction of threatened and endangered species as these projects proliferate at an unprecedented, unsustainable scale.

Table 1: Setback Requirements for Wind Turbine Towers:

The draft setbacks are grossly inadequate and will adversely affect the health, safety and welfare of residents and prevent the safe use and enjoyment of their properties. Turbines are rapidly getting taller and more powerful, resulting in more LFN, frequent fires, catastrophic blade failure and tower collapse. Most current turbine setbacks are GREATER than what is proposed in this draft. People are being violated, filing lawsuits regarding obtrusive noise, shadow flicker, vibrations, sleep deprivation and loss of amenity. Our local CCDOH, recommends 1.5 mile setbacks, as do many physicians and acousticians worldwide. Setbacks must be measured to property lines, not homes. The only tamper-proof and reliable way to mitigate noise is with appropriate and protective setbacks adopted in the preconstruction design plan NOT with post-construction “mitigation”. Setbacks also need to consider terrain, topography, meteorology and ground conditions, which all affect noise levels. There should not be a one size fits all set standard.

Table 2: Setback Requirements for Solar Facility Components

The solar panel setbacks should be at least 250 ft. from the property line. A 500 ft setback from property line may be needed to prevent obtrusive transformer/invertor noise.

(h) Any proposed energy storage system(s) and any applicable local setbacks;

Lithium BESS projects pose a serious risk of toxic fires and explosions and should not be placed in any residential community period. Please see the submission regarding BESS from Dr. Calvin Luther Martin.

§900-2.8 Exhibit 7: Noise and Vibration:

For wind facilities: (i) A maximum noise limit of forty-five (45) dBA Leq (8-hour), at the outside of any existing non-participating residence, and fifty-five (55) dBA Leq (8-hour) at the outside of any existing participating residence;

It is sadly apparent that the wind and solar industry and ACE NY, have had undue influence on the draft regulations. Why is ORES and Governor Cuomo putting the self-serving demands of special interest groups/industry above the health and well-being of our communities, ignoring the recommendations of the DPS noise engineer, NY DOH and the WHO 2018 and WHO 2009 noise guidelines?

WHO 2009 states: Environmental noise is a threat to public health, having negative impacts on human health and well-being. At 40 to 55 dB adverse health effects are observed among the exposed population. WHO 2009 recommends -Night noise guideline (NNG) L_{night,outside} = 40 dB

What happened to the NYS codified noise standard listed in the following NYSERDA study below? Why has it conveniently disappeared?

Wind Turbine-Related Noise and Community ... - NYSERDA

See Pg. 11 Table #3

New York State: 38 to 40 dBA nighttime –

The regulation specifies that noise levels cannot be higher than 5 dBA above the ambient sound level.

Source: Hessler and Hessler 2011 * Hessler and Hessler (2011) **list 14 states with codified regulations**, including the District of Columbia. The states are: MD, DE, IL, CT, MN, NJ, OR, CO, ME, MA, WA, CA, and NY.

Also please see:

Wind Turbine-Related Noise: Current Knowledge and Research Needs ... NYSERDA

Conclusions :

- A lack of indoor measurements makes it difficult to get accurate sound levels to understand public health implications, as on average a majority of people's exposure time occurs indoors.
- Topography and meteorology varies greatly from location to location. Generic sound standards and setback limits (based on another location) may not always be appropriate due to sound propagation and attenuation by site specific circumstances.

Future research needs on wind turbine noise include the following:

- Conduct indoor sound measurements to better characterize noise impacts when siting a wind turbine project. These measurements must evaluate impacts at multiple points in a room as low frequency sound levels are not uniform across a room
- Collect and synthesize data to determine if the mapping and modeling scenarios that are used in determining setback distances are adequate for all nighttime, meteorological, topographical and ground level wind speeds.
- Determine if there are identifiable sensitive populations that should be considered when permitting the siting of wind turbines.

Dear NYSERDA and NYS -Why haven't these studies been done, before you force these monstrous and more powerful turbines even closer to our homes???

§900-2.24 Exhibit 23: Site Restoration and Decommissioning

Net decommissioning must not be allowed. These companies are Limited Liability Companies for a reason. We have witnessed how often they flip these projects and seen their nebulous upstream organization/ownership structure, involving numerous LLC's. We can NOT risk beautiful NYS becoming a graveyard for defunct, abandoned, rusting turbines. The letter of credit must be for the full gross decommissioning amount. The Siting Board, has steadfastly required a gross decommissioning plan; rejecting subtracting salvage and resale value from the total cost estimate. Please see the Siting Board's sound rational in the Cassadaga Wind Order regarding decommissioning funds.

From Page 98 of the Cassadaga Wind Order:

We further agree with DPS Staff that we can best address the primary risks posed by a potential abandonment of the Facility by not including in the security any offsets for the amount for salvage or resale value of the component parts or materials. The process of dismantling the Facility and restoring the site would be a significant and complicated undertaking, and it is crucial that sufficient funds be available at the outset for the work to proceed in a timely and efficacious manner. This can be assured by having the full decommissioning cost available, with no offset for salvage value. In addition, salvage value could fluctuate dramatically, and we do not regard that risk to be an appropriate one for the affected Towns to assume here.

GARNET & CAROLE BARRIGAR

Simply put, the draft regulations and the large windmill and solar structures themselves are invasion of rural communities health, safety and well-being, serenity of life style, personal property values, and destroyer of pristine views. These regulations proposed by Albany lawmakers are attempting to take advantage of the perceived less wealthy citizens of NY state. The rural citizens chosen lifestyle has wealth not perceived by our fellow urban dwellers. If urban dwellers are so gung-ho about green energy place the proposed windmill and solar farms in and near their communities. By placing windmill and solar farms nearby urban areas would afford savings and efficiencies from erecting or updating current large transmission systems and maintenance thereof. I presume they care not their depreciate property values, their views and health, safety and well-being. There are many incidences of various serious health problems connected with large windmills identified in the USA and Europe. In places like Massachusetts, New York, and Vermont where industrial wind turbine projects have recently been introduced, residents have reported symptoms such as nausea, sleep disorders, fatigue, and increased stress that they account to a low-frequency hum—a combination of audible bass sounds and inaudible vibrations—generated by the turbines. It takes little effort to find this information online. Here is one example from a CBC documentary in 2013, <http://www.epaw.org/documents.php?lang=en&article=ns51>.

Below is a list of concerns to please consider before enacting this invasive regulation.

- **Comment 1: Inadequate Review of Environmental Impacts**

The Draft Regulations do not allow for meaningful identification, assessment, or mitigation of the negative environmental impacts of individual renewable energy projects.

- **Comment 2: Improper Reliance on Secrecy to Avoid Public Scrutiny**

The Draft Regulations do not allow for meaningful public participation in the renewable energy siting process, and fail to provide open and transparent access to project details, applications, case documents, or docket lists.

- **Comment 3: Violation of Home Rule Principles**

The Draft Regulations violate Article IX of the New York State Constitution and effectively strip local governments of legislative, zoning, and police powers.

- **Comment 4: Elevation of Private Corporate Interest over Public Interest**

The Draft Regulations improperly elevate project economics and profitability over local siting concerns.

Preapplication Procedures, See pages 7-8:

CONCERN:

Regulations give the developer the ability to wait until just 60 days before filing an application to meet with municipalities and have one public meeting. Town officials and citizens need time to understand the project, communicate concerns and respond. The developer must contact towns and

the public within 4 weeks of initial consideration of a project location.

Page 8 of regulations reads:

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CONCERN:

All members of the public must be equally informed at the same time. Any new regulations must require at least one "in person" public engagement event be a structured question and answer session after release of a project's details. The event must be held in a public venue located in the proposed project community with the developer and members of the public as the audience along with a neutral moderator. One at a time the moderator will call on a questioner, the developer will then answer the questions until all questions from the public audience members have been exhausted, allowing for a fairer, more just way for the public to be equally informed at the same time.

Exhibit 5 Design Drawings (including Setbacks), See page 23:

CONCERN:

The setbacks that are listed are arbitrary. Industrial wind turbines are not stationary structures but have blades close to the size of a football field that move at 200 miles per hour. Many jurisdictions have larger setback minimums. Existing NY project proposals have greater setback minimums. Residents should have greater minimum setbacks and all setbacks should be to the property line. A resident should be just as safe in their yard, driveway, garage, as they are in their home. Only setbacks to the property line will enable all acreage of non-participating property to be considered as location for a residence to be constructed.

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CONCERN:

The setback requirements are unsafe and present a danger to the adjacent property owners when ice throw, tower collapse, and blade failures occur. A turbine setback measured from the center of tower will place the tip of the turbine blades much closer to your property line.

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"Solar facilities shall meet the setback requirements set forth in Table 2."

CONCERN:

The setback requirements are too close to adjacent property lines. This is industrial equipment containing hazardous materials. Panels are known to break free from mounts in heavy storms, containment areas are known to flood, and battery storage is known to explode and catch fire.

The setback allowed to public roads may doom our communities to permanent ineligibility for more appealing economic development possibilities due to the the loss of valuable developable road frontage for homes or other valuable small businesses.

page 24 of regulations reads:

"The maximum height of solar facilities, exclusive of electric collection, transmission or substation/switchyard components, shall not exceed twenty (20) feet from finished grade."

CONCERN:

The height allowances of ground mounted solar arrays is too tall. The regulations are allowing a two story industrial structure to exist very close to your home. This will effect your property value and reduce the enjoyment of your property due to loss of views.

Page 29 of regulations reads:

"A Safety Response Plan to ensure the safety and security of the local community..."

CONCERN:

There is no public input available for the developer's safety or security emergency plans.

Exhibit 7 Noise and Vibration, See page 30:

CONCERN:

A maximum noise limit of 45 dBA Leq (8-hour) is too high for rural areas that have current sound levels in the mid 20's. Increases of this amount will be intrusive to intolerable by project neighbors. We need a much lower sound maximum. The Department of Environmental Conservation's current guidelines require no more than 6 decibels above the existing sound level and this is reasonable.

Residents should have an opportunity to comment on the make and model of turbine prior to project approval. Developers should not be permitted to swap out at the last minute without citizen review.

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CONCERN:

These noise limits are hazardous and are known to create health issues including loss of sleep. Studies have shown that noise levels over 33 dBA start to create widespread complaints from surrounding residents and strong appeals to stop noise at 43 dBA. Noise levels measured from outside of residence is unacceptable and is a trespass of your property. Appropriate noise levels must be measured at your property line for you to safely use and develop your property as you choose. The proposed noise levels will restrict your property rights in favor of an industrial energy plant.

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"Not producing human perceptible vibrations inside any existing non-participating residence that exceed the limits for residential use..."

CONCERN:

Allowing vibration to occur anywhere on your property is unacceptable and is a trespass of your property. It will limit use of any new or existing structures.

page 34 of regulations reads:

"Evaluation of infrasound for wind facilities: Infrasound levels..."

CONCERN:

Allowing infrasound to occur anywhere on your property is unacceptable and is a trespass of your property. A percentage of people all over the world who live near industrial wind turbines complain about migraines, dizziness, nausea, anxiety, ear pressure, heart palpitations, sleep disturbances and other issues.

Exhibit 8 Visual Impacts, See page 38:

CONCERN:

industrial wind turbines are getting taller and are visually impacting larger areas. As industrial wind turbines get taller the viewshed maps should be extended. (We suggest a minimum of 2 miles for each 100 feet or portion of 100 feet.)

CONCERN:

Shadow Flicker of 30 hours annually is permitted to impact a residence under the regulations and this is substantial as it will happen in the early morning or later afternoon when people are home. Shadow Flicker must be managed by moving turbines so they do not impact the entirety of adjacent properties, not just adjacent residences. Shadow flicker should not be forced upon any property owner.

Exhibit 11 Terrestrial Ecology, See page 46:

CONCERN:

This exhibit is for species that are not NYS threatened or endangered. The regulations and uniform standards highlight problems with NYS threatened or endangered species. But it does not acknowledge the likelihood of quantitative impacts on birds, bats and raptors. Just because a number of bird species are not threatened does not mean that we should be placing industrial projects in areas where thousands will be killed. Projects located in migratory regions will kill many species and many birds. This is not addressed in the regulations.

Exhibit 12 NYS Threatened or Endangered Species,
See page 47

CONCERN:

Take permits will be issued to allow killing of endangered species.

Exhibit 24 Local Laws and Ordinances, See page 70:

CONCERN:

Given the rapid pace of permitting anticipated by this new law, local law waivers will be a part of every project. This process renders town laws meaningless regarding noise, setbacks, construction operation hours and many other aspects of industrial renewable energy projects. A state agency should not be able to waive town laws that were enacted to protect the health, safety, environment and character of a town.

CONCERN:

PILOT payments represent only partial compensation for real property taxes to the local government. Properties that decline in value will pay lower taxes which will have to be made up by increasing taxes on other residents in the town.

It stands to reason that properties next to 600 foot high structures that are noisy, create health problems, produce shadow flicker, create safety issues, and obstruct the view would cause property values to decline. Numerous studies from around the world support this position.

CONCERN:

600 foot tall spinning towers topped with blinking lights would eliminate the dark skies and destroy the "non-industrial" rural nature of our towns, making the area less attractive to tourists. Tourism requires a depth of beauty essential for it's success.

Brenda Butterfield

Dear ORES,

I would like to object to any forceable renewable energy sites that will impact my property rights and my family's health. I do not understand why it is necessary for you to install any wind turbines anywhere near my property that can affect my health, my family's health, my property value and the value of the town in which I live. I currently have tinnitus and vertigo. I have read such high decibel ratings and vibrations can affect some people. I don't know if I will be one of those people but if I am then I won't even be able to live in my own home. I have lived in this town since 2006 after my husband retired from the military and relish the serenity of living in a small town. I don't want to see the beauty of country living destroyed by these wind turbines. If Governor Cuomo wants industrial wind turbines, there is plenty of state land on which these can be put without being so close to my home and destroying my and my family's life.

Clifford Schneider

Dear Sir/Madame:

I am submitting the following comments with reference to Draft Chapter XVIII, Title 19 of NYCRR Part 900, Office of Renewable Energy Siting.

Comment 1

In Section 900-1.2(bg) it describes Potential Community Intervenor as "...any person residing within a municipality within which a major renewable electric generating facility is proposed or residing outside the municipality within which the facility is proposed..." The definition further describes the geographical limits, "...the term "residing" shall include individuals occupying a dwelling within the geographical limitations described above."

This definition confuses the geographic limitations using the general term 'municipality'. It suggests for instances that parties to process have to reside within the town of the proposed generating facility. Section 900-1.2(al), however, allows a broader definition of who might be a party to the hearing process, "Municipality means a county, city, town or village." I recommend that you repeat the definition of municipality, including county residence, describing who can be Potential Community Intervenor.

Comment 2

900-2.6 Exhibit 5(b, Table 1): Design Drawings requires wind turbines to be sited no closer than 2X their total height from non-participating residences. This standard is far too lax and is not adequate to protect public safety. First, what is the basis for embracing a 2X total turbine height setback? Where is the report? Where is the rationale for determining it will protect the public?

Wind turbine setbacks from infrastructure and roadways are put in place to protect the public from accidents and failures that usually involve thrown turbine blade debris. Turbine failures, unfortunately, are all too frequent, many here in New York. The Town of Cape Vincent in its Article 10 response to BP Alternative Energy's Cape Vincent Wind Facility had Bernier Carr and Associates (Watertown office) do an analysis of turbine failure and debris scatter with the intent of providing the town with a wind turbine setback standard that would protect the community. That effort determined that turbine setbacks should be 5.5X the total turbine height. Furthermore, that standard was referenced from non-participating residents' property lines, not their homes. The assumption was if a non-participating land owner wanted to sell part of their property for a new residence that it would still meet the Town's safety standard for turbine setbacks.

The standard provided in 900-2.6 would not provide that protection for future landowners and residents. I recommend a more complete review the proposed setback standard and consider amending the standard so it is more compatible with protection and not so obviously oriented toward energy development.

Comment 3

§900-2.7 Exhibit 6: Public Health, Safety and Security requires a "...statement and evaluation that identifies, describes, and discusses all efforts made to avoid and minimize potential adverse impacts

of the construction and operation of the facility, the interconnections, and related facilities on the environment, public health, and safety..." Yet, no mention of the most obvious threat to public safety, i.e., turbine fires, runaway turbines, blade failures and turbine collapse. I suggest these most obvious threats to public safety should be included in this exhibit's narrative.

Comment 4

§900-2.8 Exhibit 7: Noise and Vibration

Some communities have funded expert consultation to develop wind turbine noise limits that are more restrictive than standards noted in this draft regulation. More restrictive requirements should be utilized for those communities that have them as part of their local law, and particularly if those local laws are backed by knowledgeable expert guidance. Please note that wind turbine noise ordinances prepared for the Towns of Cape Vincent and Hammond were developed by a highly respected noise control engineer, and those ordinances were more protective of public health and safety than the draft regulations.

In discussing the preparation of noise studies by an applicant's consultants, the draft regulations stipulate, "If the study is prepared by certified member(s) of a relevant professional society or state, the details of such certification(s) shall be stated." If towns have met this same standard and requirement in developing their local ordinances, then these more restrictive noise ordinances should not be cast aside as simple, frivolous or un-scientific. In these cases I ask that a municipality's efforts to protect the health and safety of their residents based on sound scientific principles should not be considered overly burdensome and rejected out of hand, since they come from authorities whose principal charge is their public's health and safety, not from those whose principal concern is attaining renewable energy goals or developing generating facilities. Safety first!

Comment 5

§900-2.25(c) Exhibit 24: Local Laws and Ordinances requires the applicant to provide a list of local laws that present a problem in development of the proposed facility and "Pursuant to Executive Law Section 94-c, the Office may elect to not apply local substantive requirements if it finds that, as applied to the facility, such requirements are unreasonably burdensome in view of the CLCPA targets and environmental benefits of the facility."

The applicant has to justify its request to set aside local laws, "The statement of justification shall show with facts and analysis the degree of burden caused by the requirement, why the burden should not reasonably be borne by the applicant, that the request cannot reasonably be obviated by design changes to the facility, that the request is the minimum necessary, and that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable consistent with applicable requirements set forth in this Part." Missing from this requirement is a detailed description of the local law(s), their basis and support for which the applicant is requesting the Office to set aside. Merely listing the law(s) misses an important point, because it throws all local laws into a common category. Listing alone fails to describe the process a community used to establish the laws the applicant is requesting to set aside. For example, if community 'A' merely copied a law restricting setbacks of wind turbines from public sources, and community 'B' developed a law on setbacks using an analysis from a professional engineering consultant as well as having the law comport with the Town's comprehensive plan, then these two situations can not be treated in the same manner by any ruling authority.

What is critically important to any consideration by the Office to supplant a local law is whether that law complies with and is supported by the Town's comprehensive plan. A local law that conforms with a comprehensive plan should not be set aside because of the special process required when a community adopts their plan. Usually a committee of citizens, either alone or with help from professional or county consultants, develops drafts of a plan. The process includes gathering public opinions, through various means, e.g., meetings, questionnaires etc., and a public hearing where the entire community can comment on the draft comprehensive plan. Throughout the process the plan is modified and tailored to meet the needs and preferences of the community. Finally, the plan is filed with the New York State Department of State and becomes law. For this reason, any community that has a local law that has gone through a rigorous process of development and which comports with the town's comprehensive plan should never be set aside by the Office or any other regulating authority or agency.

On the other hand, all the communities whose laws were not part of a rigorous process and whose comprehensive plans provide no support for their restrictive laws cannot be considered in the same manner by a ruling authority. Without compliance with a town's comprehensive plan a community's local laws may just be the wish and whim of those officials running the town government at that moment. They may not reflect the interests of the community. There should be an obvious dichotomy in how the Office views local laws that the applicant considers overly burdensome. Having an applicant merely list local laws that restrict or deny development is insufficient and unfair to all those communities that have done their homework and prepared for their future growth.

I recommend that §900-2.25(c) be amended so the applicant provides more information to describe the local law(s) they are requesting to supplant. This should include copies of the law(s) in their entirety and a copy of a municipality's comprehensive plan. In addition to copies of these documents the applicant's analysis should include and quote any sections of the plan that have a direct link to the municipal law(s) in question. In circumstances where there is a rigorous framework underlying the restrictive law, the applicant should also describe why the applicant should set aside, not just the law, but the wants, needs and preferences of the community.

C. Schneider
Wellesley Island, NY

Steve Barnhoorn

- Comment 1: Inadequate Review of Environmental Impacts

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The Draft Regulations violate Article IX of the New York State Constitution and effectively strip local governments of legislative, zoning, and police powers.

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The Draft Regulations improperly elevate project economics and profitability over local siting concerns.

Wade Willard

As a resident, within a possible project area, I am concerned that replacing Article 10 with Article 23 will take away a lot of the rights of the residents who will have to live with these projects. That, in and of itself, is so wrong. Forcing these projects, in the name of greed, because they are in no way green, on residents is disgusting. Please keep article 10 the way it is, all you are doing is trying to speed these projects through. Please stop the madness, you're affecting people's lives!!

Eric Mucha

I am deeply troubled by the corruption in New York State, unfairly targeting disadvantaged rural areas to install highly subsidized wind turbines that benefit "Big Wind" and exploit rural communities. These new proposed ORES regulations negatively impact human health, wildlife, produce inefficient electricity, and will pit neighbor against neighbor. A disproportionate handful of "connected" individuals within the community will benefit financially while their neighbors' property values will decline significantly (they will be selling their houses at a loss after the 600ft tall wind turbine is installed 600ft from their property line). Those with wind turbines and their neighbors will suffer from increased average noise decibel levels which will give them hearing problems, and the shadow flicker of the blades spinning will cause depression and anxiety. Bats will die from colliding with the turbines, and insect populations will skyrocket. And why aren't more affluent areas of the state being targeted for wind turbines? Why is Long Island, NYC, the Hudson River Valley, the Finger Lakes, Buffalo metro, and Rochester metro not targeted? The aging industrial brownfield sites are ripe for development and the electric grid infrastructure is already there. This a violation of environmental justice! So it's ok to put a landfill in an economically challenged area? NO! So why not put the wind turbines in NYC and Long Island? Article 10 and Home Rule should be the law of the land and the driving force, not ORES. Find a better way to spend our tax dollars then with a pet project agency!

Jane Ross

I am opposed to the draft regulations for the following reasons: 1. Opposed to the setbacks proposed to properties owned by non-participants. Setbacks need to be from the property lines as a property owner should be able to enjoy every part of their property and be safe in their own yards. 2. The proposed blades are too long as they are just as long as a football field. 3. No thought is given to ice throws from monstrously long blades, tower collapse, water well contaminations, and sound levels suggested for rural areas. 4. Health concerns regarding migraines, heart palpitations, and noise levels. 5. The government should not be pushing wind turbines on areas where people live to enjoy the peace and tranquility and enjoyment of wildlife.

Paula Youmell

Preapplication Procedures, See pages 7-8:

CONCERN:

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All stakeholders and the public have an opportunity to formally submit comments on the draft regulations using an ORES online form by the following dates:

Chapter XVIII Title 19 (Subparts 900-1 – 900-5; 900-7 – 900-14) until December 7, 2020:

<http://ores.ny.commentinput.com/?id=3NhHK>

health effects, regret show safe - turbine failure spinning blades - wildlife generating inefficient electricity paid for by you - subsidies property values & economic impacts PILOT or taxation how big wind works unraveling local laws large-scale solar protect your town power grab Article 23 concerns - page by page photos north ridge project map enlargements
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every project. This process renders town laws meaningless regarding noise, setbacks, construction operation hours and many other aspects of industrial renewable energy projects. A state agency should not be able to waive town laws that were enacted to protect the health, safety, environment and character of a town.

CONCERN:

PILOT payments represent only partial compensation for real property taxes to the local government. Properties that decline in value will pay lower taxes which will have to be made up by increasing taxes on other residents in the town.

It stands to reason that properties next to 600 foot high structures that are noisy, create health problems, produce shadow flicker, create safety issues, and obstruct the view would cause property values to decline. Numerous studies from around the world support this position.

CONCERN:

600 foot tall spinning towers topped with blinking lights would eliminate the dark skies and destroy the "non-industrial" rural nature of our towns, making the area less attractive to tourists. Tourism requires a depth of beauty essential for it's success.

Elaine Skretny

I am concerned that replacing Article 10 with Article 23 will take away the rights of residents who live around or within a project area. These residents matter.

ORES COMMENTS

In 2008, Andrew Cuomo was New York State's Attorney General. He assigned two assistant attorneys to investigate corruption in the state's wind farm industry. Local elected officials alleged that they uncovered kickback schemes in the award of a wind farm permit in Cohocton, NY. Cuomo's assistants worked the case for about a year. According to the local town official, the assistant attorney was finally ready to prosecute all involved. Unfortunately, Cuomo made a political decision to not honor his sworn duty to enforce the laws of New York State. It was at the time that then Governor Spitzer resigned. Cuomo decided to seek the office of governor. Renewable energy would become one of Cuomo's gubernatorial campaign issues. Cuomo ordered his assistants at the AG's office to never speak of Cohocton again. To ensure their silence, he reassigned both assistant attorneys to positions that would prevent them from continuing their work even after leaving the AG's office.

In the years since, Cuomo's energy policy has been increasingly corrupt. For example, sixteen officials in the Arkwright, NY area share a \$6 million annual payment after approving a renewable project there. If Cuomo were not corrupt, all government employees would be subject to ethics laws and would be prohibited from voting on projects that directly benefit officials. Instead New York State politicians are rewarded by Cuomo for their corruption.

Unfortunately, NYS is one party rule. Cuomo only hears his own voice and those of his staff of good soldiers. 89% of upstate counties voted against him in the 2018 election. Contempt for Cuomo grows each election cycle. As with Common Core, outrageous property taxes, and an unfriendly business climate, Cuomo has all the answers because he listens to no one.

It's a different story on Long Island and the downstate counties where the majority of Cuomo's campaign contributors reside. When Cuomo announced offshore wind projects there, he proactively protected his friends by requiring all industrial wind turbines be 21 miles offshore. 21 miles is the curvature of the earth where these eyesores would not be seen. That wasn't good enough for his contributors. They wanted a 23 mile setback and Cuomo gave it to them immediately.

In one Madison County Town, 600 foot turbines are planned to be placed only 753 feet from homes. Industrial wind [devalues homes by up to 80% according to 50 studies](#). Our homes are where we raised our kids. It's where we buried our pets. It's where we made memories. It's our largest investment. In June of 2020, Cuomo's Siting Board officially proclaimed:

RESIDENTIAL PROPERTY DEVALUATION FROM INDUSTRIAL WIND TURBINES SHALL NOT BE A CONSIDERATION WHEN PERMITS ARE AWARDED. [Source](#)

As the Democrat leaning Young Turks once said: "Cuomo lives and breathes corruption".

Cuomo's lawyers in Albany made this and all of the Siting Board's recommendations. In order to give the appearance of being unbiased, administrative law judges (ALJs) hired by Cuomo pass on the recommendations. One ALJ is Greg Sayers who wrote:

This is a once-in-a-lifetime opportunity to complement (*add to something in a way that enhances or improves it; make perfect*) the policies and priorities of Governor Cuomo.

Clearly the allegiance of everyone on Cuomo's payroll including judges is to Cuomo; not the people of Upstate New York.

All of Cuomo's soldiers on the Siting Board and ORES chief Houtan Moaveni live in the metro NYC area in penthouses valued in the millions. They will never see the flashing lights of a wind turbine so what do they care about upstate? They don't. Cuomo wanted to give the appearance of democracy by allowing two local individuals to participate on the Siting Board. Their two votes are meaningless when Cuomo's five soldiers outvote them every time nor do they even consider any objections raised because it was not invented here (Albany & NYC).

In 2018, Cuomo turned his back on tiny Lewis County (pop. 80,000) after their [wind farm filed a lawsuit](#) saying their assessment of \$.6 Billion should be reduced by 97%. The owner said that the federal tax code defines wind turbines as moveable machines and not real property. All Cuomo had to do was to email Pelosi asking for a clause in legislation clarifying that turbines are not moveable machinery. Instead Cuomo proved his allegiance is to industry at the expense of upstate residents. This is no less corrupt than Cuomo's refusal as AG (the state's principal law enforcement officer) to prosecute crimes in the Cochocton alleged kickback scheme.

In the Herkimer County Town of Fairfield, Cuomo in essence aided and abetted developers in tax avoidance. In consultations with the state, the county Industrial Development Agency produced a whopper corporate welfare deal for a Spanish developer on a \$200 million project. Full taxation would have meant annual payments of \$8.2 million. Instead the school district receives \$10,000 per year. Below is one of the town & county tax records—a payment of 54 cents for a single \$3 million wind turbine.

Tax Year	Tax Type	Original Bill
2018	County	\$0.54

Cuomo says wind turbines will create construction and permanent local jobs. That's a lie. In January of 2020, the Fenner wind farm replaced its aging towers. Approximately fifty white trucks dotted the landscape. All but about three trucks had out of state license plates. In Western New York [a videographer documented the same ratio of out of state workers](#). We reviewed the Fenner agreement on file with the Madison County IDA. No new jobs were created. Only one permanent fulltime job was extended. Two contractors are on call to assist.

\$47 MILLION FOR THREE JOBS

Fenner was one of the first projects in the state. When it's PILOT expired last year, the Italian company that owned the project filed a lawsuit against the town saying they were paying more than their fair share of taxes. So, what is a 'fair share'. Let's do the math. Fenner has 20 towers that cost roughly \$3 million each or \$60 million total. That's 5.76 times more than a local Walmart's assessment who pays \$429,992 per year in taxes. On this basis, Fenner's wind farm should pay \$2.5 million annual taxes. Instead they paid pennies on the dollar. The ungrateful Italians sued the tiny town of Fenner. Fenner has a budget of less than \$2 million. The Italian's assets are \$200 Billion. The Town of Fenner was not in a financial position to fight. Neither was Madison County with it's meager 70,000 population. Instead, \$47 million over 20 years in concessions were made. This was the time for Cuomo to show that he could be a leader and come to the aid of upstate towns. Again, he did what we've come to expect of him. He did nothing. He turned his back on the people.

THE FEDS SHOULD BE DOING THIS-NOT NYS

If Cuomo's ultimate goal is to bankrupt New York State, he is right on target.

Cuomo plans on replacing all electricity generators that use combustion by 2040. The problem is that the wind only blows 28% of the time in winter and as little as 10% in the summer. The Fenner wind farm went five weeks without any power production not long ago. This is known as capacity factor. Today's typical industrial wind turbines are capable of producing 2+ megawatt of power. But with capacity factor considered, a typical generator's average output is 560 kilowatts (kw) winter and 200 kw summer (**enough to power 80 homes**). That's about \$40,000 per home.

Currently 24.6 gigawatts are produced summers by generators running natural gas, oil, and other petrochemicals in New York State. How many wind turbines would be needed to replace the current fleet of generators? Divide 24,629,000 by 200 and you get 123,145. Nearly 125,000 wind turbines would be needed! Cost? The cost per industrial wind turbines is roughly \$3.3 million each. 125,000 times \$3.3 million is \$412,500 million or \$.4 trillion. That's \$21,208 construction cost per man woman and child in the state. That doesn't include eternal rate increases. NYSIO already stated that Cuomo's offshore project alone will increase wholesale electric prices by 400%.

This number will actually be far higher because solar farms are added to the mix. Arizona has 90% sunshine. Upstate gets 23 to 47% sunshine due to clouds from the Great Lakes-not to mention short days in the winter. This assumes landfills will continue to burn methane because not burning it contributes to CO2.

It gets worse. Cuomo wants to replace the state's baseload nuke plants as well. Early on in his first term, he made an ass of himself saying that he wanted nukes gone because of their contribution to CO2. He must have been red faced when someone told him that nukes do not emit CO2. Yes, they have a waste storage problem but they do not emit CO2. Apparently, Cuomo still doesn't believe it because his plans call for replacing nukes with wind and solar.

China is adding 6,000 new coal fired plants. What Cuomo plans will have virtually no impact on the planet. His legacy will be 'the guy who bankrupted New York State'.

Yet Cuomo likes to say renewables in New York State will offset x number of tons of CO2 from coal--- knowing full well that the last coal burning generator in New York was retired last year.

Bill Gates founded [Terrapower](#), a company that believes they can burn spent uranium safely with no hazards and zero hazardous waste. Gates says the spent fuel in one storage facility alone can power the United States for hundreds of years. Even as powerful as Gates is, his words fall on deaf ears. It's all politics.

It's all about NYC. Upstate has a surplus of electricity. NYC only produces 40% of its own power and gets the rest from upstate via our antiquated grid. The grid can not transport what is already produced. Cuomo plans to build new wind farms then when someone in NYC turns a nightlight on, older wind farms such as Fenner will be told to shut down production. It makes absolutely no sense to spend billions to build new if you're going to shut down older wind farms.

Forty miles of the grid near Marcy, NY was modernized. That alone saved power nearly equal to all existing wind farms. Spending money on the grid makes sense but it's not 'sexy'.

Battery storage is another insane idea that will drive costs sky high. The state already has a great alternative in Gilboa where there is a pumped storage facility. In the middle of the night when no one is using electricity, water is pumped up a hill. During the day the pumps become generators. 1.1 GW is produced. That's 60% of

current wind production. A new pumped storage facility could be built in the mountains near Beacon, NY and produce power equal to current wind production thanks to a 1,600-foot head above the Hudson. Best of all, there would be minimal grid loss due to its close proximity to NYC. No Cuomo donors live there so Cuomo should be able to shove it down the throats of locals there whether they like the idea or not.

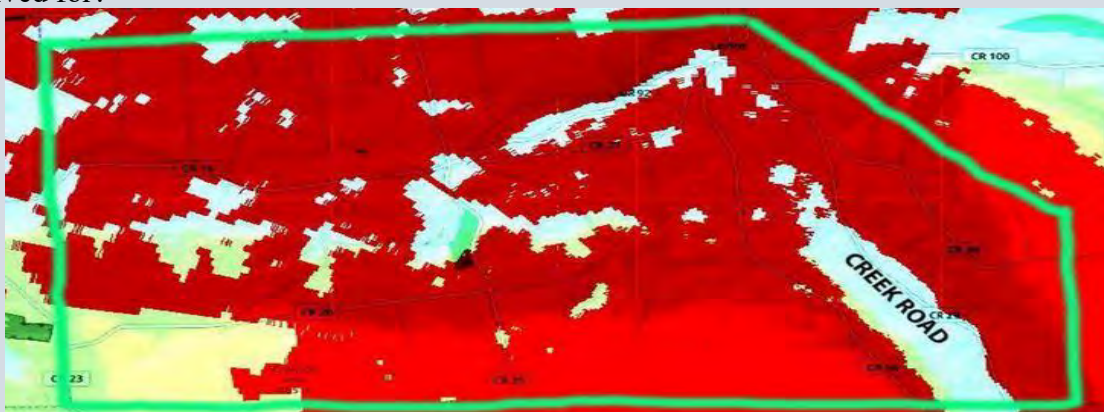
Cuomo's Article 10 and Article 23 are contrary to what New York's founding fathers wrote into the state constitution-Home Rule. Unfortunately, there are no wealthy New Yorkers willing to finance a protracted lawsuit against Cuomo's power grab. Even so-called leading environmentalists such as Cuomo's brother-in-law, Robert Kennedy find God when projects such as Cape Wind knock on their door. Hypocrite Kennedy joined up with the likes of the Koch brothers to stop a project six miles out at sea at the very same time Kennedy was proposing Fenner. Kennedy wrote in the Times: "*I do believe that some places should be off limits to any sort of industrial development.*" We agree. One such place is New York State where people say no to Cuomo's fanaticism.

On a recent DPS Zoom meeting, we asked the hosts if local zoning would be respected. The answer was yes but we'll be in touch if local ordinances conflict with projects. Cuomo's henchmen's response was reminiscent of the Godfather. Consigliere Cuomo will assign his capo to distribute horseheads upstate if there is resistance to our great leader's imperialism.

Cuomo's maniacal \$33 Billion phase one spending plan on wind turbines would not be supported by New Yorkers if they were aware of it. A survey by [Cato](#) shows 68% would not support renewables if it cost them a measly \$10 per month. Hopefully this will be an issue in the 2022 campaign where New Yorkers can learn of it. Even fellow Democrat Tom DiNapoli sounded warnings more than once. He called for referendums as a way to slow the growth of Cuomo spending since puppeteer Cuomo pulls the strings of downstate puppets.

Even in the worst of legislation, there is usually flavoring for poison pills. Not so with Cuomo. There are absolutely no protections for upstate victims. For example, the world's largest turbine manufacturer—Vestas—said in it's safety manual: **It is indefensible, from a safety perspective alone, to specify in a wind ordinance designed to protect the public health, safety, and welfare a setback that is less than 1,640 feet.** Cuomo henchmen routinely permit turbines to be less than 1,640 feet simply by declaring local ordinances 'unreasonable'. Rutgers Professor Matilsky says 1,680 and provides his calculations [here](#). This is for a 300 foot turbine. That setback needs to be greater for today's 600 foot towers. [3,800 turbines](#) fly off every year, If Cuomo doesn't give a flying fuck about safety, then why should he care about any other aspect of renewables.

For twenty years, Fenner had incandescent night lighting. Low intensity lights slowly came on and slowly turned off. Each tower cycled independent of its neighbor. Today lighting is high intensity and all towers are synchronized. People close in get screwed in dozens of ways but [synchronized high intensity lighting destroys entire towns](#). The FAA does not require such lighting saying: This AC (FAA Advisory Circular 70/7460-1) does not constitute a regulation and, in general, is not mandatory. So, what in the hell are Cuomo's lackeys getting involved for?



Locations in one town where synchronized high intensity lighting will be seen

Today's red LED lighting has been determined to be a hazard to navigation. Pilots using [night vision goggles](#) can not see them. Also, there is growing evidence that the rate of flashing may be a hazard. [Wikipedia: Flicker vertigo](#), sometimes called the Bucha effect, is "an imbalance in brain-cell activity caused by exposure to low-frequency flickering (or flashing) of a relatively bright light." It is a disorientation-, vertigo-, and nausea-inducing effect of a strobe light flashing at 1 Hz to 20 Hz, approximately the frequency of human brainwaves. The effects are similar to seizures caused by epilepsy (in particular photosensitive epilepsy), but are not restricted to people with histories of epilepsy. This phenomenon has been observed during helicopter flight; a Dr. Bucha identified the phenomenon in the 1950s when called upon to investigate a series of similar and unexplained helicopter crashes.

ADLS or automatic detection lighting systems turn lights on only as aircraft approach. In the Number Three case, a community required them. The Siting Board overturned the local law on the basis of cost. The developer apparently submitted fraudulent documents that said a \$100 million project would cost \$108 million with ADLS. We contacted [Detect](#) who said: "That's nonsense. Our units are \$750,000." That adds .007 to the costs—possibly less because prices are dropping. We notified the Siting Board of this apparent fraudulent information. A small town in Upstate New York got screwed because of apparent fraudulent information and the good old boys on the Siting Board from Manhattan very simply didn't give a shit. If nothing else, why didn't they care that developers lied to them?

Then there's decommissioning. Madison County, it's schools, and the Town of Madison gave developers a sweetheart deal in tax breaks hoping that some day the paltry sum of \$5,000 per month would grow when the PILOT expired. [Upstate got screwed again](#). The mega billionaire company that owned the wind farm threatened to walk away leaving the county to decommission the project. It's reminiscent of what one Jefferson County Town Supervisor said: "The first thing you'll learn about wind farm developers is that they're all fucking liars." Cuomo is in bed with lobbyists who wrote Article 23. Nothing—not one thing—in the law is good for Upstate New Yorkers.

In my town I see farmers in the fields from dusk to dawn. I see truckers leaving home at 3 in the morning. I see young people head off to McDonalds at 5 to make \$10 an hour for 30 hours per week. I see retirees cutting trees for firewood because they can't afford oil. I talk to the Amish about the turbines. They told me: "We've moved many times. We can move again." I see middle age people scraping since Oneida Silversmiths closed. I see people getting on the thruway because there are so few jobs locally. And when they come home, they just want to spend quiet time with their families. Andrew Cuomo or King Cuomo as he is known locally, has plans to end all that. He wants 600-foot wind turbines to litter our towns and not even allow us an opportunity to speak about the havoc he will wreak on our lives thanks to Article 23. The peace and tranquility of rural life will be replaced by an ungodly noise and a shadow flicker that Cuomo tells us will be restricted to thirty hours---rather than having the balls to tell developers to program a \$500 computer that will stall turbines to prevent flicker annoyances. We know our homes could lose 80% in value so some communities enacted property value guarantees but Cuomo's stooges on the Siting Board tell us: 1-We're being unreasonable, and 2-our property value decline is not an issue for Cuomo's flunkies to consider.

Then there's the do-nothing Health Commissioner. Dr. Nina Pierpont of Plattsburg determined that 5% of people living within 1.5 miles of a wind farm may suffer from Wind Turbine Syndrome. I know of two Fenner residents who suffer tinnitus. The World Health Organization, the Chautauqua Health Department, and many others consider this a potential risk. Canada is studying this. What if they're right? Zuck has no policy whatsoever. Why can't he enact a policy that says 'If the science is there, here's what wind farm developers will need to do'?

Leases and Good Neighbor Agreements silence residents from even contacting town officials or the health department. This is un-American but what aspect of renewable energy in New York State isn't?

A few years ago, New York State gave millions of dollars to a developer to build a demonstration project in Philadelphia, NY on the Indian River. Officials in the town hall said a worker for the project reported the project's power production vastly exceed all expectations. It was at that point that the developer ordered the worker to shut the plant off from 6 at night until the morning. Soon the developer told NYSERDA that power production on small rivers in New York State was not feasible. The developer sold off the equipment that was worth millions. It's just one more story of corruption in New York—a state with a rich history of corruption.



Times Square has a law on the books that mandates the area be bathed in light. People there have done such a good job obeying the law that the square can be seen by astronauts on the space shuttle who use it as a marker to spot North America. But Cuomo is not interested in energy conservation.

Now science has learned that even if we had Bill Gates Terrapower powering the United States for 200 years on one storage facility's spent fuel, it would not touch legacy CO2. Why isn't the Agriculture Commissioner promoting trees and planting across the state? The answer is that Cuomo's energy policy has nothing to do with saving the planet.

Within weeks the census will be released showing exactly how many rural people decided that Cuomo's New York isn't the place to be. The good news is that as heavy industry leaves New York for China, that's all the fewer wind turbines that will be required. The last person to leave New York please turn out the lights.

It's a shame that Cuomo puts campaign contributors and wind developers before the people of Upstate New York. The folks in Fairfield, NY trusted everyone involved that wind turbines would not change their lives. It did. These people had no recourse except to hire a lawyer to sue the wind farm. It did no good. They couldn't fight the billionaire developers. Where was Cuomo?

NAME	LOCATION	DISTANCE FT	EFFECTS
Millington	Cole Rd, Fairfield	1,399	Sleep, sounds like a jet, ear ringing, migraines, nausea, noise, flicker, TV reception, cows less productive
Tomei	641 NY 170, Fairfield	1,433	Flicker, noise, property value
Hysack	444 Hardscrabble Rd, Fairfield	1,561	annoying noise
Salamone	820 Davis Rd, Fairfield	1,606	Hospitalized for tension headaches, panic, anxiety, dizziness, sleep, shadow flicker, imbalance, diarrhea
Consolazio	1621 State Route 170, Fairfield	1,622	View loss, TV reception, dog nervous & barking
Butcher	2062 Davis Rd, Fairfield	1,637	Sleep, constant turbine noise
Fuller	193 Teall Rd, Fairfield	1,708	Flickering, noise, TV reception, internet, cell phone, headaches, stress, obstructed view
Riesel	797 Davis Rd, Fairfield	1,856	BP, flicker, noise,
Williams	845 Davis Rd, Fairfield	1,940	Shadow flicker, sleep, dogs bark, TV reception, child's school grades
Timmerman	1178 Davis Rd, Fairfield	2,043	Sleep, adds to military PTSD
Bunnelle	335 Teall Rd	2,066	Loss of enjoyment
Tobin	883 Cole Road, Fairfield	2,186	Significant loss of use & enjoyment
Dillenbeck	706 Hardscrabble Rd, Fairfield	2,402	Stress, nervousness, sleep, noise, farm milk production down
Synakowski	296 Teall Rd, Fairfield	2,413	Noise, view,
Baylor	216 Mayton Rd, Stark	2,589	Unable to sell home-moved-now bankrupt
Ashley	622 Davis Rd, Fairfield	2,613	Sleep, radio reception, well contamination
Hicks	414 Castle Rd, Fairfield	2,996	Noise, flickering
Depew	1398 Hardscrabble Rd, Fairfield	3,286	Ringling ears, anxiety, noise, loss of view, vibration
Ross	1100 RT 29, Fairfield	3,676	Bought vacant land but will not now invest in Fairfield
Misura	Dairy Hill Rd, Fairfield	4,246	Camp: Loss of wildlife (common complaint)
Gorinshek	166 Sandy Lane Rd, Fairfield	4,539	severe vertigo, red lights,
Salamone	209 NY 170	4,562	Sounds like an airplane
Lamphere	857 Dairy Hill, Fairfield	4,902	Headaches & other health issues, reduced to part time work
Volpe	931 NY 170, Fairfield	4,991	Incessant noise, shadow flicker, stress, health problems, constant thumping
Wagner	475 Dise Road, Little Falls	5,106	Can not sell a \$600,000 garden center due to the turbines
Bramer	924 State Route 170, Fairfield	5,378	Unable to sell, red lights at night, noise, dizziness, water contamination, daughter can not live there
Scuderi	144 Rath Rd, Fairfield	5,520	Noise, flickering lights, TV reception,
Marshall	1828 Hardscrabble Rd, Fairfield	7,418	BP, sounds like a jet, TV, cell phone
Abele	Moved		Headaches, sleep, stress, cows less productive,
Brauer	Moved		Sleep, TV reception,
Dager	Moved		Medical issues
Dillenbeck	Moved		Noise, dog nervous & barks
Gross	Moved		noise, reflections
Harod	Moved		intense migraines, sleep, noise, flicker
McAvoy	Moved		Suspended alpaca farm due to noise effect on animals
Mosher	Moved		Heart palpitations, anxiety, flicker, sediment in water
Sementilli	Moved		Daughter had Central Auditory Processing Disorder so they sold
Douglas	Moved		Property decline

A similar lawsuit is being waged now in Western New York.

Randy and Amber Lindsey

We are residents of Hopkinton, New York. We are retired and will not be able to afford to move if noisy/inefficient wind turbines or industrial solar projects are developed in our immediate area. We have worked long and hard for many years and are saddened to think the peace/quiet and safety of our home/neighborhood may be threatened by massive wind or solar projects that we do not want or need (all of our electricity is generated by hydro in our area).

Our health and safety should be paramount regarding the siting of these monstrous and noisy turbines and huge solar installations. Please consider a safer location for such projects and protect the small town rural residents who will suffer greatly from the adverse effects of improperly sited industrial wind, solar, and extremely unstable battery energy storage systems. These facilities should not be placed in residential neighborhoods. Our towns have spent thousands of hours researching and adopting local laws to help protect our health, safety, and well-being. The state should not have the ability to totally disregard local laws.

Marsha North

I am opposed to the draft regulations:

- The public must be informed of the whole scope of the project and have time to ask questions at a public meeting in their community with a neutral moderator and be informed and able to ask questions of any proposed changes as they arise. 60 days is too short.
- Should have local public input for the developers safety or security emergency plans.
- Thousands of acres of interior forests will be destroyed for wind projects. There should be some sort of tree conservation plan in place to offset the impacts. This will cause a reduction carbon absorption
- DEC estimates 26,000-39,500 bats to be killed by turbines. Some plants depend partly or wholly on bats to pollinate their flowers or spread seed while other bats also help control pests by eating insects. There should be a plan to offset this.
- Wind turbine projects can kill 480-515 birds in 1 year. Eagle and osprey have made a comeback in the area. There should be protections in place for them. Turbines should be 250ft meters away from Sandpiper habitat.
- Well water/ water issues need to be protected to the maximum especially the Cattaraugus County Creek Basin Sole Source Aquifer as identified by the EPA which provides water to many communities.
- Blinking red lights destroy rural night sky and residents should not have to endure blinking red lights into their homes. Turbines should have FAA lighting with ADLS which would be technology that would turn the red lights off until a plane or helicopter were in the area.
- There should not be any shadow flicker having the effects of lights being turned on and off inside and distracting outside. Window treatments are inadequate remediation, there should be turbine curtailment. Also, third party monitoring and/or intervention for shadow flicker.
- Noise is the most frequent complaint of wind projects. The WHO guidelines for wind projects is 42 dBA, however rural background noise can be mid 20's. At 45 dBA, detrimental health effects have been observed. Sleep deprivation can also cause difficulty with concentration and alertness throughout the day. This can be a hazard, especially if the safety of others are dependent upon your job such as a schoolbus driver. Infrasound on property can cause migraines, nausea, anxiety, ear pressure, heart palpitations. A third party should monitor noise complaints.
- Vibration should not be allowed anywhere on property. It is trespass and limits use of any new or existing structure.

-Too short setbacks from solar and wind projects cause the most adverse impacts to non-participating neighboring property owners. It can affect health, property values, property enjoyment and loss of views. On August 13, 2019 Winterset, Iowa, the Madison County Board of Public Health made a statement saying that they believe there are negative health effects caused by wind turbines and have recommended the new turbine projects be 1.5 miles away from any home. Michael McCann Appraisal LLC property values adversely impacted up to 2 miles away a 25-40% of value loss. Ford County Zoning Board, Illinois - before a special use permit is issued for a wind farm the owner/operator must guarantee to pay the difference of any non-participating property within 2 miles away of the wind farm that ends up being sold for less than its fair cash value. A 1.1 setback of a turbine height from a non-participating neighbor's property line is way too short. Many towns around the United States have 3,000ft setbacks or more and that is with shorter turbine heights. A

3,000ft setback from a neighboring property line is not unreasonable and should be more, the taller the turbine.

-In Orangeville, NY there is constant noise pollution, vibration and flicker which significantly decreases the value of their property. Noise level limits are violated on a regular basis by the Invenenergy wing facility.

-Chautauqua County, NY Township of Arkwright have 500ft turbines. The County Legislature by unanimous vote now prohibit the IDA from negotiating any further PILOT agreements with the wind industry developers for facilities over 5 megawatts. For Town and County taxpayers, PILOTS offer almost no revenue to mitigate the lost property devaluation due to loss of environmental amenities, including subjugation to harmful turbine noise, shadow flicker and blinking lights. The low number of full time jobs created by the wind industry are poor vehicles for community support.

There is a rush to erect turbines and solar facilities and the more turbines and solar panels a company can put up in an area, the more money they will make without regard to the safety and health of the residents. Just exactly who are you helping? The rural areas do not need the electricity. This area is already green. My electricity is 74% hydroelectric and 26% nuclear. There is zero sulfur dioxide, zero nitrogen oxide and zero carbon dioxide emissions. Why are you going to pollute this and other rural areas? My electricity is reliable and cost efficient. The electricity is needed in the New York City and surrounding areas where they do not want to place the turbines on their land and be subjugated to adverse health effects and decreasing property values. Renewables are not reliable nor cost efficient. The United Kingdom, Germany and California have blackouts due to the unreliable renewables and expensive electricity. Turbines have 24.4% average efficiency not much bang for the buck. Businesses and residents need reliable electricity. What is the plan to correct intermittent generation and with keeping electricity affordable for the consumer? Remember that turbines require iron ore, copper and other rare earth metals that are non-renewable.

We are all created equal, rural residents' rights, freedoms, health and property are to be protected also.

**Caiazza Comments on
Draft Chapter XVIII, Title 19 of NYCRR Part 900
Office of Renewable Energy Siting
Subparts 900-1 – 900-5; 900-7 – 900-14
November 16, 2020**

Introduction

These comments address shortcomings and inadequacies in the proposed regulation. The public welfare and environment are threatened by the lack of a cumulative environmental impact analysis. I don't understand why applicants don't have to provide capability information in the applications. At a minimum, electrical energy capabilities should be required and that information should not be treated as a trade secret. It is unclear why New York should offer accelerated renewable energy development to facilities that are built for out-of-state renewable energy credit. I believe the wind turbine set-backs are inadequate. The aggressive review deadlines for applications and the provision that if agency review is not completed the applications shall be deemed complete require a provision for a safety valve if agency staff are overwhelmed by a large number of applications. Finally, I note that the most recent version of the World Health Organization Guidelines for Community Noise is not incorporated by reference to the detriment of affected residents.

I am following the implementation of the Climate Leadership and Community Protection Act (CLCPA) and the Accelerated Renewable Energy Growth and Community Benefit Act (AREGCBA) because I believe they will not only affect the affordability and reliability of New York's energy but also have much worse short-term and long-term environmental impacts than can ever be attributed to climate change due to New York's emissions. I am a retired utility meteorologist with nearly 45 years environmental assessment experience. The opinions expressed in these comments do not reflect the position of any of my previous employers or any other company I have been associated with, these comments are mine alone.

Deficiencies

There are three significant deficiencies in the implementation of the CLCPA and the proposed AREGCBA regulations. Firstly, I think it is necessary for the State to consider the cumulative environmental impact of the wind and solar resources necessary to replace the fossil-fired electric generating capacity of New York. Secondly, as far as I can tell, renewable facility applications don't have to provide any of the capability information included in Article 10 §1001.8 Exhibit 8: Electric System Production Modeling. Finally, because AREGCBA has been implemented to expedite New York's CLCPA targets but reduces protections for New Yorkers the regulation should only be applicable to permit applications for projects that will produce renewable energy credits for New York.

Cumulative Environmental Impacts

The greatest deficiency of the Climate Leadership and Community Protection Act (CLCPA) and the Accelerated Renewable Energy Growth and Community Benefit Act (AREGCBA) is the failure to consider the cumulative environmental impact of the wind and solar resources necessary to replace the fossil-fired electric generating capacity of New York. It can be argued that on an individual or even facility basis that most environmental impacts are acceptable. It is clear that applicants should not be required to address cumulative impacts. Nonetheless, cumulative environmental impacts are a concern and should be considered with respect to these regulations so ORES should provide that analysis.

In order to assess the potential impacts on power system reliability in 2040 when meeting the CLCPA target for 100% zero-emissions electric generation, the New York Independent System Operator (NYISO) contracted with [ITRON](#) and the [Analysis Group](#) to develop estimates of the necessary resources. On October 8, 2020 Kevin DePugh, Senior Manager for NYISO Reliability Planning, made a [presentation](#) to the Executive Committee of the New York State Reliability Council that summarized their work and provides an estimate of the Generation Capacity resource mix (Table A). The resource mix for the climate change phase II, CLCPA case is extraordinary. At the end of 2019 the total New York State wind nameplate capacity was 1,985 MW but this case projects that 35,200 MW will be needed which is the National Renewable Energy Lab (NREL) projected total technical potential land-based capacity. Governor Cuomo has announced offshore wind targets totaling 9,000 MW by 2035 but this case projects a need for 21,063 MW by 2040 which is another technical potential estimate limit. There are 6,000 MW of solar by 2025 in the CLCPA targets but this projection estimates that 10,878 MW of behind-the-meter solar and 29,262 MW of grid connected solar will be needed.

Table A: Generation Capacity – Climate Change Phase II Analysis, CLCPA Case

Nameplate Capacity by Zone, MW	A	B	C	D	E	F	G	H	I	J	K	Total
Land-based Wind	10,815.9	1,566.9	7,726.2	7,774.5	7,316.4	-	-	-	-	-	-	35,200.0
Offshore Wind	-	-	-	-	-	-	-	-	-	14,957.8	6,105.2	21,063.0
Solar (Behind-the-meter)	1,408.5	436.4	1,192.8	138.2	1,345.5	1,653.4	1,367.3	121.2	179.4	1,343.1	1,692.2	10,877.8
Solar (Grid Connected)	11,496.0	1,312.0	7,170.0	-	4,536.0	9,322.0	5,272.0	-	-	-	154.0	39,262.0
Hydro Pondage	2,675.0	-	-	856.0	-	-	41.6	-	-	-	-	3,572.6
Hydro Pumped Storage	-	-	-	-	-	1,170.0	-	-	-	-	-	1,170.0
Hydro Run-of-River	4.7	63.7	70.4	58.8	376.2	282.5	57.1	-	-	-	-	913.4
Nuclear	-	581.7	2,782.5	-	-	-	-	-	-	-	-	3,364.2
Imports	-	-	-	1,500.0	-	-	-	-	-	1,310.0	-	2,810.0
Storage	4,232.0	20.0	3,160.0	4,168.0	2,296.0	292.0	84.0	-	-	1,096.0	252.0	15,600.0
Price Responsive Demand (Summer)	949.9	205.2	510.1	357.7	211.1	433.9	246.3	58.6	134.9	1,940.8	187.6	5,236.0
Price Responsive Demand (Winter)	619.0	133.7	332.4	233.1	137.5	282.7	160.5	38.2	87.9	1,264.7	122.3	3,412.0
DE Resources	465.4	674.2	1,513.4	370.0	312.7	3,390.4	6,887.2	79.8	-	11,848.1	6,595.4	32,136.6

Most concerning to me is that an analysis done for [NYSERDA on wind power and biodiversity](#) found that: “5,430 square kilometers (1.3 million acres) of land in New York that are both suitable for wind power development and avoid areas that are likely to have high biodiversity value. Using an estimate of 3.0 MW/square kilometers, this translates to a megawatt capacity estimate of 16,300 MW (± 9,000 MW) for New York’s terrestrial landscape.” The difference between these numbers suggests that wind turbines will have to be sited within the areas of high biodiversity value.

The potential cumulative environmental impacts for facilities sited inside the areas flagged for their biodiversity status could have devastating consequences for all avian species and particularly for bald eagles. The requirements in §900-6.4(o)(6) are inadequate:

- (1) To avoid and minimize impacts to bald eagles), the permittee shall implement the following:
 - (i) If, at any time during construction and operation of the facility, an active bald eagle nest or roost is identified within the facility site, the NYSDPS and the Office shall be notified within forty-eight (48) hours of discovery and prior to any disturbance of the nest or immediate area. An area one quarter (0.25) mile for nests without a visual buffer and six hundred sixty (660) feet in radius for nests with a visual buffer from the nest tree shall

be posted and avoided to the maximum extent practicable until notice to continue construction at that site is granted by the NYSDPS and the Office.

(ii) Tree removal is not allowed:

(a) Within six hundred sixty (660) feet from an active nest during breeding season (January 1 – September 30);

(b) Within one quarter (0.25) mile from an important winter roost during the wintering period (December 1 – March 31); or

(c) Of overstory trees within three hundred thirty (330) feet of an active nest at any time.

(iii) Operational Impacts from Wind Facilities. If at any time during the operation of the facility a bald eagle is injured or killed due to collision with project components, the permittee shall pay the required mitigation fee into the Endangered and Threatened Species Mitigation Bank Fund commensurate with number of eagles taken with the sole purpose to achieve a net conservation benefit to the impacted species.

It beggars the imagination that wind turbines just over a quarter of a mile, much less six hundred sixty-one feet won't have serious impacts on bald eagles whose ranges surely exceed those limits. The final insult is the Endangered and Threatened Species Mitigation Bank Fund that gives a license for turbines to kill eagles "commensurate with number of eagles taken with the sole purpose to achieve a net conservation benefit to the impacted species". Clearly, a cumulative environmental impact study that includes an evaluation of industrial wind facilities in areas with high biodiversity value" and addresses the specific needs of bald eagles is needed. It could very well be that no amount of spending to achieve conservation benefits will out-weigh the carnage of wind turbine "[Cuisinarts of the Air](#)".

Electric System Production Modeling

The Article 10 §1001.8 Exhibit 8: Electric System Production Modeling regulation states that: "the Applicant shall consult with DPS and DEC to develop an acceptable input data set, including modeling for the Applicant's proposed facility and inputs for the emissions analysis, to be used in the simulation analyses". Clearly any references necessary for emissions analysis are inappropriate but this section also requires information modeling the effect of the project on the electric system. It is not clear to me why this kind of modeling won't also be necessary for these applicants. However, state law needs these resources so I think a state agency should provide that modeling because it is not the applicant's problem.

I believe that there are some requirements in the Article 10 §1001.8 Exhibit 8 (a) that are still appropriate for the applicant to provide. That section states:

The following analyses that shall be developed using GEMAPS, PROMOD or a similar computer-based modeling tool:

(1) estimated statewide levels of SO₂, NO_x and CO₂ emissions, both with, and without the proposed facility;

- (2) estimated minimum, maximum, and average annual spot prices representative of all NYISO Zones within the New York Control Area, both with and without the proposed facility;
- (3) an estimated capacity factor for the facility;
- (4) estimated annual and monthly, on peak, shoulder and off-peak MW output capability factors for the facility;
- (5) estimated average annual and monthly production output for the facility in MWhs;
- (6) an estimated production curve for the facility over an average year;
- (7) an estimated production duration curve for the facility over an average year; and
- (8) estimated effects of the proposed facility on the energy dispatch of existing must-run resources, defined for this purpose as existing wind, hydroelectric and nuclear facilities, as well as co-generation facilities to the extent they are obligated to output their available energy because of their steam hosts.

Most of this information is unnecessary for this regulation. However, I suggest that some of this information is still needed. In the case of a fossil-fired power plant application the estimated capacity factor of the power plant is a function of the electric system, thus the requirement for electric production modeling. However, for a solar or wind facility the capacity factor is a function of the resources available at the facility and that is clearly something that any application should include. I recommend that the regulation include a requirement for the applicant to provide an estimated capacity factor for the facility; estimated annual and monthly, on peak, shoulder and off-peak MW output capability factors for the facility; and the estimated average annual and monthly production output for the facility in MWhs;

AREGCBA Applicability

The website for the Office of Renewable Energy Siting overview states that the Office will “Streamline and expedite the siting of major renewable energy projects and associated transmission facilities to help achieve the State’s clean energy and climate goals, while maintaining the State’s strong environmental and public participation standards” and that it will “Ensure that renewable energy projects deliver economic benefits to the local communities where they are built”. New York’s Article Ten permitting process for electric generating facilities ensured that there were strong environmental and public participation standards but [according to Governor Cuomo](#) AREGCBA “will dramatically speed up the siting and construction of major renewable energy projects to combat climate change”. I believe that will be accomplished essentially by over-ruling local participation and concerns. However, at least the accelerated schedule will speed-up renewable resource development that can be used to meet the State’s CLCPA targets. Local residents can then at least have some solace that the renewable benefits to New York are a trade-off for the loss of their control with these developments.

Unfortunately, that may not always be the case. Robert Bryce, writing on the [Real Clear Energy](#) blog recently wrote about an aspect of [New York wind development](#) that is applicable to the AREGCBA regulations. He explains that New York is becoming “a wind-energy plantation for New England” with massive projects proposed in the state’s poorest counties. In particular, he describes one project:

“The 126-megawatt [Cassadaga Wind Project](#) is now being built in Chautauqua County, New York’s westernmost county. The project includes 37 turbines, each standing about 500 feet high,

spread over [40,000 acres \(62 square miles\)](#). The project is owned by Innogy, [a subsidiary of the Essen, German-based utility E.On.](#)”

On January 18, 2018 the New York Department of Public Service published the [Order Granting Certificate of Environmental Compatibility and Public Need, With Conditions](#) for the Cassadaga Wind Project which approves the application to build the facility. Buried in this document is the following: “the output of the Facility is contracted for out-of-state purchase”. Mr. Bryce explains that generation will be credited toward renewable goals in Massachusetts, Connecticut and Rhode Island. He notes that in an email:

“a spokesperson for Innogy confirmed that the buyer of the power to be produced by Cassadaga ‘is a group of seven New England utilities procured through the New England Clean Energy request for proposals’ in 2016. How will the juice from New York get to New England? It won’t. Instead, the Innogy spokesperson told me that the energy produced by the turbines at Cassadaga ‘will be used to serve local energy requirements in areas surrounding the project. Export to areas outside New York would require dedicated point-to-point transmission lines’.”

As a result, the Cassadaga Wind Farm cannot be considered as part of the renewable energy that counts towards the CLCPA zero-emission by 2040 goal because that would be double counting.

Mr. Bryce also reviewed data published by the Department of Energy and the New England Power Pool to look at the overall picture. He found that “of the [nearly 4 million megawatt-hours](#) of wind energy produced in New York in 2018, the [state exported 1.2 million megawatt-hours](#), or 30 percent, to New England. When the Cassadaga wind project begins operating, it will likely add another 364,000 megawatt-hours per year in renewable-energy credits to that export total”. That means even a portion of existing renewables are unavailable to meet New York’s goals.

I recommend that the accelerated permitting afforded under the AREGCBA only be available to projects earmarked for New York. In the first place it is an equity issue for New Yorkers. There clearly are issues with sprawling wind and solar energy facilities but those impacts are a trade-off for New York to meet its goals. Furthermore, the amount of renewable energy resource development needed to meet New York’s goal is massive and will likely push the economically available siting limit. Therefore, New York’s interests should come first by offering the incentive of enhanced siting and construction schedules only to facilities that will provide renewable energy credits to New York.

§900-1.3 Pre-application procedures

I believe that one of the major differences between this regulation and Article 10 is that Article 10 had a process that ensured that the public was aware of the project. Article 10 applications include a Public Involvement Plan report requirement that documents the project and public outreach efforts. One of the arguments for the AREGCBA is that some requirements can be standardized and it is unnecessary for each applicant to “re-invent the wheel” to meet them all. However, that means that ORES has to specify what is need to meet any standard requirements in sufficient detail that the intent of the requirement is met.

The only specifications for public involvement are contained in two paragraphs in §900-1.3 (b) and (c). That is clearly insufficient. While there is a specific requirement to provide written notice to all persons residing within one (1) mile of the proposed solar facility or within five (5) miles of the proposed wind facility that the application has been filed, there is nothing explicit requiring notification of those persons about the public meeting describing the project in §900-1.6. I think that it is clearly insufficient that the requirement is for a single public meeting especially without specific notification requirements. If those people cannot attend that meeting or get to the library to read the hard copy in the short time frame, they are not getting adequate notification. ORES should provide more detailed requirements for applicants to insure that affected persons are aware of the project.

In Article Ten applicants were required to set up a web site and provide all the necessary documentation there. Here is an instance where ORES can provide that service for the applicants. Moreover, it would be appropriate for ORES to maintain a single repository of all application documentation. As an aside, I implore ORES to develop a more user-friendly interface for such a repository than the Department of Public Service DMM web page. All the application descriptive information should be in one location, filings in another location, and comments in a third location for starters. Please don't make users scroll through many filings to find the key documents.

§900-1.4 General requirements for applications

Subsection (5) states: "Identify any information that the applicant asserts is critical infrastructure information or trade secrets pursuant to Article 7 of the New York State Public Officers Law, or other applicable state or federal laws, which the applicant requests the Office not to disclose and reasons why such information should be excepted from disclosure." In many of the solar and wind Article Ten applications the applicants have claimed that the capacity factor data in sections 3, 4, and 5 of Exhibit 8 is critical infrastructure information or a trade secret. Their applications have redacted that information. I believe that the capacity factor and capability information transcend any confidentiality arguments for a number of reasons.

Most importantly, I believe that residents in the vicinity of any renewable project have a right to know just how much power the applicant's project will provide to New York's electric system. The CLCPA emphasizes public engagement and this information is necessary for independent assessment of the adequacy of resources. Finally, I don't think redacting this information meets the critical energy infrastructure information, trade secret or confidential commercial information arguments. All the applicants in the Article 10 process use the same methodology, if not the same models, to estimate future capacity factors. Therefore, I suspect that if a competitor wanted to determine the capability at any location, they could independently calculate a value very close to the applicant's number.

§900-2.6 Exhibit 5: Design Drawings, (b) Table 1: Setback Requirements for Wind Turbine Towers

I only will address one setback consideration in detail. Wind turbines put [people at risk](#):

As with any developing technology, progress and understanding usually happen simultaneously. Blade throw, although it's rare these days thanks to design improvements, is a malfunction that occurs when a blade breaks free of the turbine and becomes a very large, very dangerous

projectile. Similarly, wind farms that operate in cold climates are also susceptible to ice formation. Accumulating ice can fall or be thrown from turbines, potentially endangering surrounding people and property.

The setback requirement in Table 1 may be appropriate for an individual turbine or facility in a location without ice formation susceptibility and a small number of potentially affected structures, but in New York the large number of turbines needed makes this problem much more likely to occur so the requirements are deficient. In order to get the projected 35,200 MW capacity over 10,000 3.5 MW turbines will be needed. While the [American Wind Energy Association](#) claims that no member of the public has ever been injured by a turbine, I believe that is in no small part due to the relatively small number of turbines currently in use. If New York in fact has to install 10,000 turbines the likelihood that a turbine will be close enough to cause damage or injure the public is so high that the Table 1 setback distances are unacceptable.

Table 1: §900-2.6 Setback Requirements for Wind Turbine Towers

Structure type	Wind Turbine Towers setback*
Substation	1.5 times
Any Above-ground Bulk Electric System**	1.5 times
Gas Wells (unless waived by landowner and gas well operator)	1.1 times
Public Roads	1.1 times
Property Lines	1.1 times
Non-participating, non-residential Structures	1.5 times
Non-participating Residences	2 times
*1.0 times Wind Turbine Towers setback is equal to the Total Height of the Wind Facility (at the maximum blade tip height). **Operated at 100 kV or higher, and as defined by North American Electric Reliability Corporation Bulk Electric System Definition Reference Document Version 3, August 2018 (see section 900- 15.1(e)(1)(i) of this Part)	

In a paper titled “[A method for defining wind turbine setback standards](#)”, the authors calculated throw distances for three turbines. The authors selected three different sized turbines for their study, a 660 KW, a 1.5 MW and a 3.0 MW. Blade radius for each respectively was: 77 feet, 115 feet and 148 feet with hub heights of 164 feet, 262 feet and 262 feet. The wind turbines with lower power output have smaller rotors that rotate at higher speeds and that’s an important point because they found higher velocity leads to longer blade fragment throws in the event of blade failure. In their example, the throw distances calculated for these three turbines were: 1440 feet for the 660 KW turbine, 1935 feet for the

1.5 MW turbine and 1726 feet for the 3.0 MW turbine. The shorter 1.5 MW turbine threw fragments even further than the larger 3.0 MW model, over 200 feet further.

If we consider the §900-2.6 setback requirement for non-participating residences this study indicates potential problems. The wind turbine tower setback (two times the maximum blade tip height) for the examples are much less than the predicted throwbacks: setback 482 feet and throw distance of 1440 feet for the 660 KW turbine, setback distance of 754 feet and throw distance of 1935 feet for the 1.5 MW turbine, and setback distance of 820 feet and throw distance of 1726 feet for the 3.0 MW turbine.

I will mention other reasons to revise the setback distances besides the threat of physical harm from ice shards. A [World Health Organization Guideline](#) recognizes that the wind turbine “noise” is more than an ‘annoyance’ (and “annoyance” is of lesser concern than sleep deprivation)—and that chronic noise contributes to cardiovascular disease; lack of sleep, hearing loss, tinnitus and stress; and increased changes in blood pressure and heart health. The wind turbine blades also produce shadow flicker by interrupting sunlight passing through them. One [study](#) evaluated the known parameters of the seizure provoking effect of flicker, i.e., contrast, frequency, markspace ratio, retinal area stimulated and percentage of visual cortex involved relative to wind turbine features and made recommendations about the flash frequency.

I recommend that the State develop a more nuanced setback policy. Ideally, the approach used in “[A method for defining wind turbine setback standards](#)” or something similar could be a requirement for each application and the setback distance determined not only based on height but also the speed of the blades. A speed constraint could also address the flash frequency concern. Another aspect that should be considered is elevation because if the wind turbine is elevated with respect to neighboring structures anything thrown off the blades will travel further. That, incidentally, is a fundamental flaw with Table 1 as proposed. There should be an elevation component included in the table for throw distance.

I recommend that the number of structures affected be considered as a general siting constraint. If there are a limited number and directions of affected structures between the setback distance proposed in §900-2.6 Table 1 and the calculated throw distance setback or setbacks recommended to reduce noise and flicker potential impacts it may be acceptable to use Table 1. However, if there are multiple structures in multiple directions within the zone between minimal protections and full protections, then I believe that it is inappropriate to site a turbine in that location without larger set-backs because the likelihood of negative impacts is much greater.

§900-2.21 Exhibit 20: Effect on Communications

This section requires that wind facilities, identify all existing broadcast communication sources within a two (2)- mile radius of the facility and the electric interconnection between the facility and the point of interconnection, unless otherwise noted, including Doppler/weather radar (all affected sources, not limited to a two (2)-mile radius). I note this because there is another unintended cumulative impact associated with the massive buildout of wind turbines necessary for the CLCPA.

From mid-November to mid-April New York residents downwind of Lake Ontario and Lake Erie have to deal with lake effect snowstorms. The difference between the relatively warm lake water temperature and colder air temperatures creates convection and under certain conditions lake effect snowstorms occur. My primary concern with 10,000 wind turbines is that false echoes from turbines across the landscape will make accurate tracking of the relatively small, low-level, and possibly intense lake-effect snow bands in downwind areas more difficult and affect the safety of local residents. Residents quickly learn that a check of the weather radar maps when lake-effect snow is forecast is a good way to avoid or prepare for the storms. However, if the landscape is covered by false echoes then it is likely there will be many more surprises which will affect travel. There should be some criteria for this in the regulation.

§900-4.1 Office of Renewable Energy Siting Action on Applications

There are aggressive deadlines for the Office to respond to applications in this section and a condition that “if the Office fails to provide notice of its determination of completeness or incompleteness within the time period set forth in subdivision (c) of this section, the application shall be deemed complete.” It is very likely that there will be a large number of applications. I have learned in 40-years of experience in environmental permitting that reviewing these applications takes time and 60 days to review all the material in an application is ambitious. If there are insufficient staff available it could lead to inadequate time for review but the applications will be approved anyway. In addition, ORES is a new organization and has no staff, procedures, or operating history so there will be a learning curve. There is provision for an extension of 30 days but if staff are overwhelmed that will be insufficient. While I understand the desire for timely responses there has to be a safety valve to this requirement, otherwise the public welfare will not be protected.

Subpart 900-15 §900-15.1 Material Incorporated by Reference

In section (d) World Health Organization, of this subpart it notes that “the following publication published by the World Health Organization is incorporated herein by reference: Guidelines for Community Noise, publication date 1999”. Why wasn’t the more recent [World Health Organization Guideline](#) used instead? The fact that more recent guidance is not being used is disappointing.

Conclusions

My comments addressed three shortcomings in the proposed regulation. Unless a cumulative impact analysis is done by the Office of Renewable Energy Siting the public welfare and environment will be threatened. I believe that is particularly necessary to address concerns related to avian species especially bald eagles. It may be a misunderstanding on my part but I did not see any provision to require applicants to provide capability information in the applications. I don’t think it is appropriate to short-change local participation and environmental issues for renewable facilities that will not provide renewable energy credit to New York so I recommend that if a facility cannot prove that the renewable energy credits generated by the facility will be used to meet New York’s goals that they be required to go through the existing Article Ten process.

My review also described several inadequacies in the proposed regulation. More detailed requirements to insure adequate public notification are needed. Unless there is a provision for a safety value, the aggressive review deadlines for applications may mean applications are deemed complete without adequate review if agency staff are overwhelmed by a large number of applications. Finally, the most recent version of the World Health Organization Guidelines for Community Noise is not incorporated by reference.

Overall, I do not think this regulation as proposed is in the best interests of anyone near a proposed renewable energy facility. Without the thorough public participation requirements of Article Ten and with the threat of over-ruling any home rule limits on renewable energy development, the AREGCBA result may be New York's first climate refugees. The first [Dutch climate refugees are a fact](#) because local residents cannot cope with the noise of wind farms.

Roger Caiazza

Liverpool, NY

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Comments on Siting Industrial Renewables

Paul Reid

Lockport, NY

Pre-application Procedures

Town officials and residents are being given short shrift in these rules. Industrial projects are appropriate for industrial areas- -not agricultural or residential areas. Town officials and citizens need time to understand projects, communicate concerns and respond. The timelines are much too compressed- -these projects, even when appropriate for an area, require many months of consideration to ensure all factors are properly assessed.

Exhibit 5 Design Drawings (including Setbacks)

Industrial wind turbines are not stationary structures but have blades close to the size of a football field that move at 200 miles per hour. While they should be nowhere near a residence, if they are, residents should enjoy greater minimum setbacks and all setbacks should be to the **property line**. I strongly believe these turbines are not appropriate for siting in close proximity to any residence. Moreover, the setbacks that are listed are arbitrary.

Exhibit 7 Noise and Vibration

There should be a much lower sound maximum. The Department of Environmental Conservation's current guidelines require no more than 6 decibels above the background sound level and this is reasonable. **Rural sound levels are in the low 20's at the top end.**

Residents should have an opportunity to comment on the make and model of turbines prior to project approval. Developers should not be permitted to modify their structures at any time without citizen review.

Exhibit 8 Visual Impacts

Industrial turbines are getting much taller and are visually impacting larger areas. As industrial wind turbines get taller the view shed maps should be extended. (We suggest a minimum of 2 miles for each 100 feet or portion of 100 feet.) Again, these enormous structures are totally inappropriate except in industrial areas. Noise, shadow flicker, visual pollution of the view shed- -all these considerations make industrial turbines completely inappropriate for anything other than industrial areas.

Exhibit 11 Terrestrial Ecology

Projects located in migratory bird regions, will likely kill many species and particularly many birds. I do not see where this is addressed in the regulations. Locally, we were unable to build a new Peace Bridge because of concerns about certain swallow flight paths being interrupted. Yet we are considering these huge wind turbines that are known to kill thousands of birds and bats per year. It is impossible to reconcile the logical disconnect in these situations. The regulations must address the potential harm to all flight bound fauna and particularly endangered species.

Exhibit 24 Local Laws and Ordinances

The proposed approach renders town laws meaningless regarding noise, setbacks, construction, hours of operation and many other aspects for industrial renewable energy projects. A state agency should not be able to waive town laws that were enacted to protect the health, safety, environment and most importantly the character of a town. No state level agency can comprehend local character in any respect as well as local citizens and officials. This is as close as we have ever come to centralized economic planning and it is viewed as an affront to the liberty of local citizens. It is difficult to see any overriding state interest present to justify the timing or nature of this aspect of the proposed rules. Whether these projects are permitted in a year or several years or never, there is not any state level interest sufficient to justify the disregard of local town laws.

Stephanie Milks

Please see the attached file that consists of a letter of concerns and suggestions for the Draft Regulations that promote the health, welfare and safety of New York State residents in addition to an Exhibit.

Stephanie Milks
1715 Green Road
Freedom, New York 14065
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November 15, 2020

Office of Renewable Energy Siting
17 Columbia Drive
Albany, New York 12203

Re: Public Comments
Chapter XVIII, Title 19 of NYCRR Part 900
Office of Renewable Energy Siting
Subparts 900-1-900-5; 900-7-900-14

To Whom it May Concern:

The ORES Regulations are designed to expedite permitting compared to PSL Article 10. However, that goal could and should be achieved without weakening the Article 10 standards to preserve the health, welfare and safety of New York State residents. The following are some examples of concerns that demonstrate how the ORES Draft Regulations needlessly depart from the minimum standards under the more protective Article 10. The following concerns are by no means a complete or exhaustive list as there are countless adverse impacts of wind and solar projects, some that are unknown at this time.

CONCERN 1 – LACK OF PROTECTION FOR SURFACE WATER AND DRINKING WATER

Page 10, (f) Water Resources and Aquatic Ecology (1) states, *“At the earliest point possible in the applicant’s preliminary project planning, the applicant shall conduct a stream delineation to identify all federal, state waters regulated pursuant to ECL Article 15, and locally regulated surface waters present on the facility site and within one hundred (100) feet of areas to be disturbed by construction, including the interconnections, as well as federal, state and locally regulated surface waters within one hundred (100) feet beyond the limit of disturbance that may be hydrologically or ecologically influenced by development of the facility site and the surface waters identified above...”*

This section in the new Draft Regulations only addresses stream delineations and surface waters and was shortened to half of a page. Public Service Law Section 1001.23 Exhibit 23 is two and one third pages long and addresses Groundwater, Surface water, Stormwater, Chemical and Petroleum Bulk

Storage, Aquatic Species and Invasive Species, and Cooling Water. The removal of these important and protective sections is incredibly negligent and detrimental to the public's health, welfare and safety!

Furthermore, PSL Section 1001.23 Exhibit 23 Water Resources and Aquatic Ecology (b) Surface Water:

(3) "An identification of any downstream surface water drinking-water supply intakes within one mile, or if none within one mile, an identification of the nearest one (giving location of the intakes by longitude and latitude) that could potentially be affected by the facility or interconnections, including characterization of the type, nature, and extent of service provided from the identified source..."

(4) An analysis of the impact of the construction and operation of the facility and interconnections on such surface waters, including impacts to drinking water supplies, and an identification and evaluation of reasonable avoidance measures and, where impacts are unavoidable, mitigation measure regarding impacts on such surface waters, including the precautions that will be taken to avoid or minimize dredging.

The Draft Regulations need to maintain a 1 mile radius for identification of Surface waters within a wind or solar project along with the remaining stipulations and protections under Article 10. Negative impact to drinking water is detrimental to the public. Please bear in mind that mothers and fathers use their well water to mix formula for their babies. Any contamination near our drinking water can cause a disastrous health hazard to anyone with developing, declining or compromised immune systems.

CONCERN 2 – MITIGATION IS BARELY MENTIONED

Little to no mitigation plans are mentioned in the Draft Regulations. This is alarming. There were many opportunities for mitigation to be addressed under the Article 10 process.

- Zero mitigations are mentioned for addressing adverse impacts that could be sustained to our Water Resources and Aquatic Ecology.
- Under NYS threatened and endangered species, the only thing mentioned about mitigations is in paragraph (7) "...if applicable, the amount of mitigation funding that may be necessary if impacts cannot be avoided or mitigated."

- Little to no mitigation mentioned for shadow flicker.
- Little to no mitigation mentioned for excessive noise.
- No mitigation for the removal of thousands of acres of carbon absorbing trees across the state.

CONCERN 3 – HARMFUL SETBACK DISTANCES THAT SEVERELY NEGLECT HEALTH, WELFARE AND SAFETY

- Setbacks from excessively large wind turbines in densely populated areas are only 1.1 times the height of a turbine from non-participant property lines. Wind turbines are referred to as “electrical generation facilities” by wind developer, Invenenergy in their PSS materials. Invenenergy has proposed the possibility of 4.8 megawatt turbines in one of New York State’s wind projects. Stray voltage is a known and documented hazard to the health, welfare and safety of humans as well as animals and livestock. In the town of Freedom, New York, Chairman of the Planning Board, DeVere Bliss entered into a lawsuit with the Village of Arcade claiming \$1.7 million dollars in damages to his farm and livestock as a result of stray voltage. Please refer to (Exhibit 1) which also includes a statement from a stray voltage expert from Cornell University in regards to the stray voltage involved in the lawsuit. Please bear in mind that the impacts of stray voltage on farming communities will impact all of New York State’s food supply.

The Draft Regulations NEED to include further setbacks for both wind turbines and solar projects. Wind turbines should not be less than 3,000 feet away from non-participant property lines to ensure the preservation of the health, welfare and safety of all New York State residents. Solar panels should not be less than 1,000 feet away from non-participant property lines.

- Negligent 1.1 setbacks of monstrous wind turbines from non-participant property lines also cause excessive shadow flicker on non-participant properties and homes. This is This is an infringement on our property rights and the enjoyment of our properties as are supposed to be protected. This is the “taking” of our land.

The ORES should consider not more than 15 hours of flicker per year on non-participating residences to preserve the enjoyment of our land. Planting trees is not a viable mitigation for 2 reasons. First, the trees will take approximately 40 years to grow and mature and second, 60-80ft trees will not block the view of 600ft turbines. Second, curtains do not help block Shadow Flicker on our rural properties. We live in Western New York. We have very limited warm, sunny evenings in our region. This is when

families come out of their homes to enjoy dinner on the patio, sunsets on the porch, berry picking, tossing a football, mowing the lawn or gardening in the morning or evening to beat the heat. Offering curtains to barricade ourselves in our homes when we purposefully bought large properties with additional acreage to enjoy in their entirety is insulting.

Has the ORES considered the impact of Shadow Flicker from unprecedented 600ft tall turbines

on our bus routes? Pioneer Central Schools begins their bus runs at approximately 6:00am and does not end until about 8:40am in the morning and begins again at about 2:30pm – 5:00pm with an additional evening bus run for after school activities that does not end until about 6:30pm. Prime time for Shadow Flicker. You can not provide curtains for school bus drivers. Our region is also heavily populated with deer. It will be immensely distracting for our bus drivers to have flickering shadows and try to watch for deer and the movement of children. There should be Draft Regulations for curtailment of shadow flicker during school bus routes to protect the health, welfare and safety of our school children, bus drivers and residents driving through the area at these dangerously distracting times. The Alle-Catt project area will have instances of up to 3 hours of shadow flicker. School buses pass through these areas regardless of whether there is a Category 1 residence in the area or not.

Has the ORES considered the impact of Shadow Flicker on homework? My youngest son gets home from school at approximately 4:00pm. In January, my home would begin getting Shadow Flicker at approximately 4:08pm from 600ft turbines. Now consider that the longest duration of Shadow Flicker are going to be around the summer solstice, which is when New York State's Regents Exams take place. There are countless families and school children that may be exposed to up to 1 hour and 40 minutes of shadow flicker at a time they need to buckle down and focus on preparing for Regents Exams. The Draft Regulations should recommend curtailment of Shadow Flicker during the evenings when school children are trying to focus on their studies. Especially for the months leading up to NYS testing in March, April and June.

- Negligent 1.1 setbacks of wind turbines from non-participant property lines also causes excessive noise from gigantic turbines with enormous friction causing blades that can harm the health of New York State resident. 600Ft tall turbines have approximately 700ft of blade on 1 turbine. That is 700ft of noise inducing friction. The bigger the turbine, the bigger the noise and amount of infrasound.

The Siting Board and ORES have determined that 45 dBA Leq 8 hour at non-participant residences is protective of human health and the environment. However, the World Health Organization (WHO) 2018 guidelines state that 42 dBA is more protective and appropriate. The Department of Public Service, Department of Health and Noise Experts hired by the Coalition of Concerned Citizens have all conducted research and advocated for upholding the WHO guidelines of 42 dBA and determined that the New York State residents should not be exposed to higher level of noise. Following the precedent of another project that had been wrongfully determined at 45 dBA is not logical reasoning for continuing to expose New York State residents to harmful noise. The scientific research and evidence from WHO exists at this time and place and it needs to be upheld. If it does not fit within the community because the community is too densely populated, that is no excuse to commence with a higher level of decibels. This is a disservice and a detriment to the public. The ORES first and foremost responsibility is to protect the health, welfare and safety of New York State residents. There are continued improvements to cars and car seats within New York State to further progress safety standards. Car manufacturers and car seat manufacturers did not stop conducting research or gathering data and stop safety measures because they were following the previous precedent of the car and car seat industry. Safety measures for industrial wind turbines in more and more densely populated areas should not remain stagnant simply to meet the unrealistic expectation of 70% renewable energy by 2030. This is dangerous and illogical. The Draft Regulations should include a condition to uphold the World Health Organization's 2018 42 dBA noise limit.

- Negligent 1.1 setbacks from excessively large wind turbines causes property value decline which is a detriment to the welfare of New York State residents.

Page 166 of the Recommendation for the Alle-Catt project states, "Examiners therefore recommend that the Siting Board find that some property value decline is possible, but that neither the amount nor the duration of such impact is quantifiable in the record. Such potential impact should be viewed as a public interest detriment but not one that necessarily outweighs the public interest benefits of the Project." Please require conditions in the Draft Regulations that include a Property Value Guarantee Agreement for all New York State residents living within 1 mile of industrial wind turbines. Please protect the New York State residents from tens of thousands of dollars in property value loss which many can not sustain.

- Negligent 1.1 setbacks from excessively large wind turbines to property lines increase the risk of damage from ice throw, blade break and fires. With continued climate change, icing conditions in the Western New York region are also increasing in frequency and severity. In November of 2019, there was up to ¼ of an inch of ice reported which caused many broken branches. Not only can this cause damage to the wind turbine blades, it can also cause hazardous ice throw conditions if the turbines are not properly turned off. Homes and properties are dangerously close to falling burning debris in the event a turbine starts on fire. Additionally, due to the heavily forested nature of WNY, fast spreading fire will also be an issue. Especially with lack of nearby fire departments that need to navigate rural roads in poor condition. Any debris kicked up should a turbine blade fall off could cause projectiles onto non-participants property where people may be out hunting, children exploring their own property ,cross country skiing, etc.

- Negligent 1.1 setbacks of larger and larger wind turbines with higher and higher Megawatt output from non-participant property lines increases the risk of Electromagnetic fields, also known as radiation, and stray voltage causing harm to the health, welfare and safety of New York State residents.

CONCERN 4 – OVERVIEW AND PUBLIC INVOLVEMENT IS BARE MINIMUM

The Overview and Public Involvement Section is a paltry 4 sentences that refers back to 900 1.3 (a) and (b) which discusses having 1 meeting in the municipality in which the applicant is attempting to build a project. It does not discuss mailing requirements, who needs to be notified, the extent of publication, etc. There is no mention of what would be done to address the community's concerns. The Draft Regulations simply request that the applicant report their findings to the Siting Board. It has already been heavily documented in the Alle-Catt Wind Energy project that the wind developer did not make an honest report of the community's heavily documented concerns about the adverse impacts and widespread opposition of the wind project. Most notably, the concern for property value decrease was documented approximately 40 times before Invenergy submitted their final Application on July 31, 2019 and Invenergy never mentioned the community's repeated concern.

There are still members within the Alle-Catt wind project community that are just now finding out about wind turbines that would be located only about 3,000 feet away due to the current pathetic public outreach attempts by the wind developer.

CONCERN 5 – WETLAND DELINEATION

Wetlands delineation only needs to be determined within 100ft of areas to be disturbed by construction. This was decreased from the previous 500ft requirement. 100 feet is far too negligent to preserve wetland habitats for the construction of mammoth wind and solar facilities. This will result in an environmental detriment for wildlife. This is a perfect example of the solution becoming far worse than the problem.

CONCERN 6 – SAFETY RESPONSE PLAN INADEQUACY

There is no possible, adequate safety response plan for fires on 600 feet + towers in small, rural New York towns. These mammoth wind turbines are being erected in the middle of thousands of acres of forest which will pose increased threats for forest fires that local departments are NOT equipped for. Not all towns even have fire departments and need to rely on neighboring towns which increases response time and the risk for critical damages to forest and homes. Rural fire departments do not have the equipment to address any needed personnel rescue at the hub of these tall towers. Rural fire departments to not have the funds to obtain necessary rescue, forest fire fighting and other additional safety equipment.

The ORES needs to establish a fire department with appropriate equipment for all rural towns that currently lack fire departments but will have a wind or solar facility to protect the health, welfare and safety of all New York State residents withing a wind or solar project area.

CONCERN 7 – VISUAL IMPACT DETRIMENTS TO THE LOCAL ECONOMY

The ORES needs to take into account that many rural towns across New York State rely on nature's beauty to generate the local economy and bring tourists, money and jobs to the area. Many local economies rely on funds generated from hunting, fishing, skiing, biking, camping, fall leaf and scenic viewing, and natural settings of parks without the intrusion of industry, noise and light pollution. Restaurants and shops rely on the tourists to these other economic generating tourist attractions to sustain their businesses. As large industrial wind turbines and solar fields destroy New York's forests and viewsheds, tourists will simply go elsewhere to attempt to enjoy wide open, unimpeded, preserved

natural beauty. Not only will the spread of industrial wind turbines and solar panels destroy the environment, they will also destroy the New York economy and drive tourists out. Simply acknowledging viewshed without mitigation or preservation measures within the Draft Regulations is damaging to the welfare of the public.

Rural real estate agents also rely on the sale of the viewshed to sell recreational property, permanent homes, cottages, hunting land, etc. The loss of property values and viewshed will also decrease the number of real estate related jobs in the area. Location, location, location.

CONCERN 8 – LOSS OF JOBS WILL EXCEED PALTRY JOB CREATION

The loss of jobs and small businesses that rely on the natural beauty of New York State will far outweigh the small amount of job creation that result from wind or solar projects. Invenenergy has documentation demonstrating that out of 6 wind and solar projects built in New York State, it resulted in 19 jobs being created. What studies have been done to account for the jobs and revenue LOST due to wind and solar projects? Documentation of this needs to be required of wind and solar companies within the Regulations.

CONCERN 9 – CONSISTENCY WITH ENERGY PLANNING OBJECTIVES

A more detailed description of the impact the facility would have on reliability in New York State is needed. A projection of how many rolling blackouts and the duration of those blackouts needs to be taken into account as this unrealistic CLCPA target is attempted to be reached. The 24% reliability of wind and 15% reliability of solar needs to be taken into account. Even NYSERDA will admit to only a 32% reliability for wind. There needs to be a detailed plan included in the Regulations of how the other 68% of lack of electricity will be filled to provide service to New York State residents. Farms and grocery stores need constant power 24/7 to produce food items, packaging and refrigerate perishable items to be able to feed New York State residents.

CONCERN 10 – ENVIRONMENTAL INJUSTICE

The cost to New York State ratepayers will be astronomical and cause further impoverished conditions to lower income households across the state. Already, National Grid has raised rates by 11% over the

past 3 years to attempt to keep up with the massive infrastructure needed to the intermittent power loads when wind and solar ramp up and down. As New York State households are taxed to supplement the production of wind and solar facilities, their economic situations further deteriorate. When income needs to be dedicated to sustaining their homes' electricity supply, less income will be available to support the economy or other basic needs.

CONCERN 11 – EFFECT ON COMMUNICATIONS

Many rural residents in New York State either can not access cable TV or are low income and can not afford satellite TV and therefore rely on digital signal which can be blocked by excessively tall wind turbines. This can cause either economic hardship or prevent a household from being able to access digital TV and the required communications to know what is going on locally. This can be a safety hazard. This also applies to radio. The Draft Regulations do not address any mitigations for blocked radio and TV for New York State residents.

CONCERN 12 – LOCAL LAWS AND ORDINANCES AND EMINENT DOMAIN

Section (a) states that *“A list of all local ordinances, laws, resolutions, regulations, standards and other requirements applicable to the construction or operation of the facility, which includes interconnection electric transmission lines, that of of a substantive nature, together with a statement that the location of the facility as proposed conforms to all such local substantive requirements, except any that the applicant requests that the Office elect not to apply.”*

Under what jurisdiction is a private company allowed to ignore local laws and ordinances, etc.? Under what jurisdiction is the ORES allowed to ignore local laws and ordinances, etc.? These are actions that China and other Communist nations force upon their citizens! This section needs to be removed from the Draft Regulations immediately! Preservation of Home Rule and American standards must be prioritized!!!

What is considered “unreasonably burdensome and by what legal guidelines is a local law deemed “unreasonably burdensome?” By what legal process is the applicant or the ORES given that authority and by who?

EMINENT DOMAIN AS MENTIONED UNDER THE REAL PROPERTY SECTION HAS NO PLACE IN AMERICA AND NEEDS TO BE REMOVED FROM THE DRAFT RECOMMENDATIONS IMMEDIATELY!!!

CONCERN 13 – 60 DAY DEADLINES

60 days is not an adequate time frame for thoughtfully and thoroughly reviewing the sensitive information that needs to be collected and reviewed to ensure the health, welfare, and safety of New York State residents is protected. In the Alle-Catt Wind Energy project, the Applicant had been in the area for nearly 5 years before the Certificate with Conditions was granted and both the Applicant and the Siting Board had failed to acknowledge/discover that the project sits on top of a federally identified Sole Source Aquifer. This is critical information that should have been submitted and could potentially harm the health, welfare and safety of the area residents.

CONCERN 14 – PUBLIC HEARING COMMENTS NOT PART OF THE RECORD

The New York State residents are entitled to have their voices heard and entered into the record as it is their quality of life, health, welfare and safety that are being impacted and destroyed. Restore the public comments as part of the record in the Draft Recommendations.

CONCERN 15 – APPEALS OF ALJ RULINGS

5 days is not enough time to file an appeal. The Draft Regulations should allow for at least 30 days.

Concern 16 – RECOMMENDED DECISION

ALJ will make a recommended decision within 45 days of the close of the record. Parties have 14 days to file comments. This is not enough time to carefully research the enormous amount of information required to preserve the environment and the health, welfare and safety of New York State residents. The Draft Regulations need to extend the Recommended Decision by ALJs to at least 90 days and party response to at least 30 days. The public needs to be included in this process and be allowed to weigh in an comment on the Recommended Decision.

Concern 17 – VEGETATION MANAGEMENT PLAN

The Draft Regulations should require a report that demonstrates the positive benefits of trees and carbon absorption as this may outweigh the negative impacts of extensive tree removal from the project area. Please take into consideration the cumulative impact of forest removal for wind and solar projects across the state that will add up to tens of thousands, if not hundreds of thousands of forest destruction through the accelerated construction with necessary environmental studies. Is the ORES confident that the thousands upon thousands of acres of tree removal from wind and solar projects is not creating increased greenhouse emissions that will be a larger public detriment in the long run and accelerate climate change? This Draft should require a condition for the restoration of forests or it will be to the public detriment that forests are removed and no longer able to provide the carbon absorption necessary to cut down on green house emissions along with oxygen production being diminished.

CONCERN 18 – WORLD HEALTH ORGANIZATION USE OF 1999 GUIDELINES

The Draft Regulations use the World Health Organization Guidelines for Community Noise, publication date 1999. Why aren't the 2018 Guidelines being used? Why is the ORES using 20 year old data when there is updated data that is only 2 years old? The World Health Organization, NYS Department of Health and NYS Department of Public Service all recommend the use of the latest WHO guidelines of 42 decibel limits.

While the intention of the Draft Regulations may appear to be helpful on paper, the reality of the implementation in the field can have hazardous and harmful impacts to human lives and the environment if not carefully considered and thought out. The ORES needs to consider the ACTUAL impacts to the New York State residents before commencing weak Draft Recommendations.

"The greatest tyrannies are always perpetuated in the noblest causes." – Thomas Paine

Thank you for your time and serious consideration to this life and environmentally altering matter. If you have any further questions or concern, please feel free to contact me at your convenience.

Sincerely,
Stephanie Milks

“The Constitution is not a document for the government to restrain the people; it is an instrument for the people to restrain the government.” - Patrick Henry

Exhibit 1



... Copy Cite


 Read **Analyses** 0 **Briefs** 4 **Citing**

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New York



June

Bliss v. Village of Arcade



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Appellate Division of the Supreme Court of New York, Fourth Department Jun 13, 2003

306 A.D.2d 902 (N.Y. App. Div. 2003)

306 A.D.2d 902 · 761 N.Y.S.2d 573



Attorney info

MEMORANDUM AND ORDER

It is hereby ORDERED that the order so appealed from be and the same hereby is unanimously affirmed without costs.

Memorandum:

Plaintiff, a dairy farmer who purchases electricity from defendant, commenced this action alleging that his dairy herd has been damaged by stray electricity negligently disseminated by defendant. He appeals from an order granting defendant's motion to dismiss claims for punitive damages and for compensatory damages arising more than 90 days before service of the notice of claim (*see* General Municipal Law 50-e, 50-i) and denying plaintiff's cross motion for leave to serve a late amended notice of claim and a second amended complaint.

We reject plaintiff's contention that, because the sale of electricity is a proprietary function, defendant is subject to punitive damages and may be sued without serving a notice of claim. Even when the alleged negligence arises from the performance of a proprietary function, "the goals of punishment and deterrence are not served when punitive damages are imposed against [a municipality], for in such circumstances, it ultimately is [still] the innocent taxpayer who is punished" (*Clark-Fitzpatrick, Inc. v. Long Is. R.R. Co.*, 70 N.Y.2d 382, 386; *see Sharapata v. Town of Islip*, 56 N.Y.2d 332, 338). Furthermore, a timely notice of claim is a condition precedent to any "action or special proceeding * * * against a * * * village * * * for personal injury, wrongful death or damage to real or personal property alleged to have been sustained by reason of the negligence or wrongful act

of such * * * village" *903 (General Municipal Law 50-i), regardless of whether the village is alleged to have acted in a proprietary capacity.

We also reject plaintiff's contention that defendant is estopped from asserting a statute of limitations defense. "[T]here is nothing in the record to indicate that [defendant] in any way prevented plaintiff from commencing a timely action against [it]" (*Filigree Films, Inc., Pension Plan v. CBC Realty Corp.*, 229 A.D.2d 862, 863).

Finally, while not dispositive of the issues raised herein, we note our disagreement with Supreme Court's conclusion that, because defendant was not making a profit, it was not performing a proprietary function when it sold electricity. The determination whether a municipality was acting in a proprietary capacity does not turn on whether the municipality profited from its actions. Purely governmental functions are "undertaken for the protection and safety of the public pursuant to the general police powers" (*Balsam v. Delma Eng'g Corp.*, 90 N.Y.2d 966, 968). "On the opposite periphery lie proprietary functions in which governmental activities essentially substitute for or supplement 'traditionally private enterprises'" (*Sebastian v. State of New York*, 93 N.Y.2d 790, 793, quoting *Riss v. City of New York*, 22 N.Y.2d 579, 581). "To pinpoint a spot along the continuum where a complained-of act should be categorized to decide a case and to maintain principled consistency, courts must examine "the specific act or omission out of which the injury is claimed to have arisen and the capacity in which that act or failure to act occurred"" (*Sebastian*, 93 N.Y.2d at 794, quoting *Miller v. State of New York*, 62 N.Y.2d 506, 513). Plaintiff claims that he suffered damages arising from the negligent maintenance or repair of defendant's power lines. That activity was not undertaken for the protection or safety of the public and therefore must be considered proprietary (see *Johnson City Cent. School Dist. v. Fidelity Deposit Co. of Maryland*, 272 A.D.2d 818, 821).

JOHN P. COMERFORD*
NAN L. HAYNES
JOHN NED LIPSITZ
NEIL J. MCKINNON**
MICHAEL A. PONTERIO

NICHOLAS CHURCHILL
LEGAL ASSISTANT

* also admitted in Massachusetts
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(PLEASE ADDRESS ALL
CORRESPONDENCE TO BUFFALO OFFICE)

October 1, 1999

Hon. Nelson H. Cosgrove
Cattaraugus County
Little Valley Courthouse
Little Valley, New York
14755

Re: DeVere Bliss vs. Village of Arcade
Index Number: 28186

Dear Judge Cosgrove:

I am writing the Court to respectfully request a preliminary conference to set down a firm discovery schedule and trial date in this matter.

Our firm was recently substituted as plaintiff's counsel in this matter.

Mr. Bliss claims that stray voltage has caused his farm to suffer severe economic damages. Specifically, plaintiff's dairy cattle became ill and suffered diminished milk production as a result of high levels of stray voltage from defendant's utility system. This case was originally sued on September 8, 1995. To date, there have been no depositions or meaningful discovery in this matter.

Mr. Bliss began to observe the severe effects of stray voltage in 1992. In an effort to eliminate the stray voltage, Mr. Bliss contacted the utility company, Arcade Electric, and made a number of requests for assistance to eliminate the stray voltage. Mr. Bliss attempted to mitigate the stray voltage by spending approximately \$13,000 on equipment that was designed to reduce and eliminate stray voltage. This device is known as an electrical grounding system. This "EGS" system provided minimal relief for a few years. However, the stray voltage became so severe in 1995, Mr. Bliss contacted Cornell University and retained the services of a stray voltage expert, Lee. H. Southwick.

Mr. Southwick confirmed the extensive stray voltage on the Bliss farm in 1995. Stray voltage as high as 8 volts was detected by Mr. Southwick. Attached hereto as Exhibit "A" are copies of Mr. Southwick's reports dated May 26, 1995 and December 22, 1995. Mr. Southwick's May 26, 1995 report states in relevant part:

"Voltages recorded at farm 2 are clearly in the problematic range. Voltages of this level could cause refusal to drink, eat, enter or leave the barn, as well as, a general "bad attitude" of most of the animals. Since the only equipment you use at barn 2 is a water heater and some lights,

Hon. Nelson H. Cosgrove

Re: Bliss

October 1, 1999

Page 2

most if not all of the voltage is coming from the primary neutral wire. The solution to the voltage at farm 2 is the same as farm 1, that is isolate or use the EGS system."

See Exhibit "A."

Mr. Bliss' farm continued to experience stray voltage until Arcade Electric placed a "blocker" on the primary neutral wire in 1997 at a cost of approximately \$1,000.00.

Mr. Bliss has incurred substantial economic loss as a result of the stray voltage. Attached hereto as Exhibit "B" is a copy of Dr. Donald Hillman's expert report wherein he states that Mr. Bliss' damages are \$1,787,265.

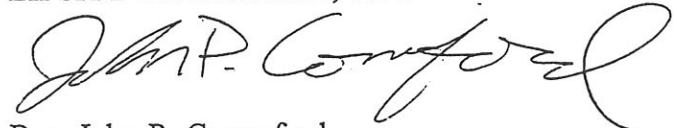
The scientific community, through the Department of Agriculture, put forth guidelines for stray voltage and deleterious effect when stray voltage exceeded certain levels. The Department of Agriculture attempted to simplify this matter by creating a table on stray voltage known as "USDA 626." According to this guideline, any voltage over 8 is considered "severe" and may lead to production loss. The voltage on the Bliss farm exceeded 8 volts. Attached hereto as Exhibit "C" is a copy of the USDA's 626 report from 1991.

Plaintiff respectfully requests a trial date in this matter for July, 2000. Plaintiff realizes that a number of depositions must be conducted in this matter. I spoke with defense counsel and we agreed to draft a discovery schedule which incorporates firm deposition dates for the witnesses and parties in this matter.

On behalf of Mr. Bliss and his family, I thank the Court for their interest and I look forward to meeting with the Court and counsel to discuss this case.

Respectfully submitted,

LIPSITZ & PONTERIO, LLC



By: John P. Comerford

JPC:

cc: Norton Lowe, Esq. (w/enc.)



July 13, 2004

Via Fax: (603) 448-9559
3 Pages

Mr. Arend Tenson Esq.
Attorney at Law

RE: Bliss, #718 LP 72543

Dear Arend & Devere:

After reviewing your fax letter of yesterday and consulting with Arend, please find the attached Annuity proposal with changes including \$50K paid @ settlement time with Guaranteed & Tax-Free immediate income of \$2,602/Monthly to you for 5 years commencing 09/01/2004. The annuity cost is \$150,000 for your portion only. Arend's annuity is separate.

Call us @ (312) 346-2738 to further discuss any other ideas you might have on this matter.

Thank you.

Yours truly,

M. Daniel Finn, CSSC
Vice President

cc: Matt Hartz, via fax: (877) 536-8956

To: (716) 492-1149

Devere: Please sign on the line below as acceptance & fax back to us @ 312 346-2746

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Rockford
St. Paul
San Antonio
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Washington D.C.

Diane Cary-Dingle

Comment 1: Inadequate Review of Environmental Impacts

The Draft Regulations do not allow for meaningful identification, assessment, or mitigation of the negative environmental impacts of individual renewable energy projects.

- Comment 2: Improper Reliance on Secrecy to Avoid Public Scrutiny

The Draft Regulations do not allow for meaningful public participation in the renewable energy siting process, and fail to provide open and transparent access to project details, applications, case documents, or docket lists.

- Comment 3: Violation of Home Rule Principles

The Draft Regulations violate Article IX of the New York State Constitution and effectively strip local governments of legislative, zoning, and police powers.

- Comment 4: Elevation of Private Corporate Interest over Public Interest

The Draft Regulations improperly elevate project economics and profitability over local siting concerns.

Carol Hinkelman

One thing that is missing from these draft regulations for the new siting process is a website that has all the documents and information concerning the project in one place so that people can easily access it. The public should not have to track down each piece of information separately and the process should be transparent.

Jeff Tutuska

To the O.R.E.S.,

As a resident in one of the communities fighting for reasonable protections from the poorly sited Alle-Catt Wind project, I'd like to explain my thorough disgust in your replacement of the Article 10 process. I'd like for you to explain why your new regulations will not allow assessment of the negative impacts of these projects. I'd like you to explain why the public that will be forced to live within these projects will no longer be allowed to participate let alone access information about these projects. I'd like you to explain why you plan to remove local authority's powers in zoning these projects. I'd also like to know why you are putting the energy company's interests before the public's concerns.

We've spent years fighting corrupt local politicians that voted for wind laws they stand to profit from. That is the definition of corruption. Invenenergy has already done everything possible to deny our ability to participate. Over 900 public statements either against the project (or form letters from those who stand to profit) have been ignored anyways. Those town who adopted protective laws are already being denied. You've already put Invenenergy's interests above ours. Who would believe otherwise with their lobbyist as legal counsel to the siting board and their attorney "assisting" towns & counties. The Article 10 process has been nothing but a sham and even that is not good enough for you?

NYS residents have been fleeing this state because of policies like these that keep our taxes and utility rates amongst the highest in the country. You are complacent in destroying what's left of this state, claiming it is for the "common Good" knowing damn well these projects do not and will not offset our carbon emissions. Poorly sited projects are nothing more than taxpayer and ratepayer funded corporate welfare fraud. You've turned your backs on New Yorkers in exchange for a ride on the coat tails of a narcissistic power hungry tyrant. You should be ashamed of yourselves but doubt you ever will.

With thorough disgust,

Jeff Tutuska

Allen Chase

I am the elected town supervisor for one of two towns involved with the only article 10 wind farm project in NY State.

It is appalling that Ny is considering the article 23 permitting process and it is clearly a violation of the home rule.

Furthermore from my experience the town government must be involved with the control of All town infrastructure and to retain the ability to assess, and authorize or restrict all town roads used for construction and assess the value of all road bonding thru letters of credit.

If the State uses this new measure of law to permit wind farm construction to Occur , it will demonstrate and prove one thing: That the wind development project would Not have occurred otherwise.

Kathleen Spencer

ORES should establish a transparent system for notices and document filing on a website accessible to the public similar to the Document Matter Master website in place for Article 10 projects.

Lisa Mertz

Disinformation campaigns against renewable energy projects have resulted in obstruction of many projects throughout the state, and have led to town boards and public health departments passing unreasonable laws and resolutions and "concerned citizens" submitting frivolous lawsuits. The new siting laws will allow compliance with the the goals of the CLCPA, bypassing the effects of anti-renewables propaganda.

Chris Bushnell

The Office Of Renewable Energy Siting, has repeatedly forced renewable energy projects,(solar & wind)on small communities in NYS that did not want them, with the Article 10 process. Apparently this process was not fast enough. SO our Governor now has changed the rules to get faster results, with a new process. The new process violates home rule principles of the New York State Constitution. It also puts Corporate interest over Public interest, the very people who have to live in these communities & pay taxes. And keep in mind all this is going on with tax payers money, in the form of IDA Pilots and other tax abatements, where all these projects are not assed at full value. In most cases there is diminished property values for the host community. This is all outrageous, unthinkable. The developers have more capital and know the rules, where small communities do not have the capital or the expertise to resist the developers. Even the host county IDA is in on the deal. They get paid a percentage for every project that they write a Pilot for. In regards the Draft regulations the state, states on there web page, and I quote, As a part of the states ongoing commitment to community engagement the office of Renewable Energy Siting will seek public comment. These comments are mostly negative from stake holders, property owners that live in the sited area. It does not matter how many comments against are submitted, the sitting commission sites the project anyway. The process is unjust and in violation of the New York State Constitution. One can only wonder what is coming NEXT. The Governor of our state has taken home Rule away from local government to meet his Personal Political Agenda. I do not remember voting on any of this. I wish my Grandfather where here to witness how we the tax payers are being runover buy our own state government, with our own money. Its no wonder so many families are leaving New York State every year. According to the Empire Center for Public Policy 1.4million left New York since 2010. People fled New York State faster than any other state in America, Per 2019 Census Report. Hi taxes, no more Home Rule Rights, the Governor changes the rules as he pleases. Why would any one stay here?

Jonathan Pascale

The Adirondacks is an essential part of New York State and provides a lifetime of enjoyment not only to the people who live here but also to the many people who travel to our state just to appreciate the beauty of the Adirondacks. Although the push to renewable energy is an important and necessary aspect of our future, we have to take the time to diligently explore all options when deciding how to update our infrastructure. It pains me to hear that communities have been bullied, bribed, corrupted, strong-armed and torn asunder by corporations hoping to capitalize on state and federal energy supports and my heart goes out to those communities. This is not the way to a better future for the next generations and it is crucial to protect our land and preserve nature as much as possible before the damage is irreparable. Much like our dying oceans, our forests are just as important. It is imperative that we earnestly take the time to exhaust all options before creating an environment that may never recover to the free and prosperous land to the animal species and humans that occupy it. We must preserve the beauty of the Adirondacks as much as possible while maximizing our renewable energy infrastructure in as little a footprint as possible. Please allow an extension of the formal comment period beyond the present November 16th date so that we may take the correct action before it is too late and we find ourselves on the wrong side of history. We only have one Earth and we must protect our nature as much as possible.

Mark Bidwell

first, I am adamantly opposed to the proposed ORES regulations and standards. kindly note my opposition.

second, I am adamantly opposed to the unduly short period allowed for public comment on those regulations and standards, and hereby request a meaningful extension of that period.

and, finally, I think that those regulations and standards, when ultimately adopted, should be far more rigorous and far more accommodating of local concerns.

Andrew Bowes

The dead line absolutely should be extended. My town of baldwinsville NY just ended it's moratorium on energy project after a long and considerate review of it's rules. I would hate to see the essentially shove a project into our town much less any other town without a thorough review and support of the local residents. Please feel free to contact me at any time.

Joni Riggle

It would be risky, reckless and irresponsible to allow net decommissioning. The difference between the gross decommissioning amount and net decommissioning amount is tremendous as demonstrated below. Allowing net decommissioning, would leave our financially strapped towns and NYS facing a catastrophic financial burden, and a logistical nightmare if the project is abandoned or the company goes bankrupt. Resale and scrap value are unreliable, fluctuate greatly and may prove worthless. The Letter of Credit must be received before the start of the project NOT after!

For Cassadaga Wind, the Siting Board rightfully required a minimum 8 million dollar Letter of Credit [GROSS amount]. Contrast that with the paltry \$194,000 NET amount!!

Please see excerpts from the Cassadaga Wind Decommissioning Plan- 2017 performed by GHD, highlighted below:

Gross Total Decommissioning Costs – All Wind Turbines \$7,967,200
Total Salvage Value – All Wind Turbines (\$7,802,000)
Total Decommissioning Costs – Substation \$29,300. [When challenged on this absurdly low figure, GHD afterwards re-calculated this to cost \$250,000 but this was NOT included.
Net Decommissioning Amount \$194,500

The Overhead 115 KV transmission line was NOT included in 2017. National Grid concurs with the 2018 PG&E decommissioning estimate for single circuit 115 KV @ \$259,000 mile, which for this project's 5.5 miles equals \$1,424,500. Thus, almost one million dollars MORE funds are needed for this aspect alone which were not included.

Please note current cost estimates for decommissioning as cited below.

It Costs \$532,000 to Decommission A Single Wind Turbine ...

www.americanexperiment.org/2019/10/it-costs...

According to utility documents filed by Xcel Energy for it's Nobles Wind facility, it will cost approximately \$445,000 (in 2009 dollars) per turbine to decommission the wind facility. This means it would cost \$532,000 per turbine (in 2019 dollars) for each of the 134 turbines in operation at this facility, bringing the total cost of decommissioning the Nobles project to \$71 million

Stephen Shafer

Members of the Office of Renewable Energy Siting,

First, let me express my appreciation to the Governor and the Legislature for enacting the Accelerated Energy Growth and Community Benefit Act. 70 by 30 will only be possible through a concerted effort to build out sufficient renewable energy projects, energy storage facilities and adequate distribution resources. Respectfully I offer two specific areas for review. Solar projects are increasingly being codeveloped with agriculture (agrivoltaics). The requirements for solar projects should be reviewed and revised as necessary to maximize opportunities for agrivoltaics. Specifically the height requirement may need to be adjusted (increased) to support certain agrivoltaic activities. For more information review the research on agrivoltaics at the University of Arizona. Separately I implore you to make the regulations more specific with regard to the NYSERDA utility bill discounts and environmental compensation. The current regulations seem vague at best. Specifics, if favorable to individuals and municipalities could potentially reduce challenges to siting decisions. Thank you for the opportunity to provide input into this critical work for our state, nation and world.

maryann reichard

I support renewable energy projects in New York.
Thank you

Kathleen Stein

To Whom it May Concern:

I am a strong supporter of efforts on the part of the state of New York to promote renewable energy, but large scale green energy projects should be undertaken with proper regard for input from local residents. I am no expert on these matters, but a friend who is more knowledgeable, and whose opinion I respect, has called my attention to some troubling aspects of the draft regulations of the New York State Office of Renewable Energy Siting (ORES).

First, the powers described by the draft regulations may violate Article IX of the NYS Constitution and the principles of Home Rule by overriding local control of zoning and the enacted ordinances of municipalities or towns. I remember how important Home Rule was in reigning in (and ultimately banning) hydraulic fracturing for natural gas in the state, and while I in no way would expect renewable energy facilities to wreck the kind of environmental havoc associated with fracking, Home Rule principles must be carefully guarded lest precedents set by the ORES regulations be used in the future to subvert local control of some more noxious enterprise.

The Draft ORES regulations also do not seem to include sufficient environmental impact assessments, or to guarantee public access to the details of projects. Just because we are talking about "renewable energy" projects doesn't mean that they can't produce negative environmental impacts, or that these impacts couldn't be mitigated by careful planning. Such planning is impossible if problems are not identified in advance, or if proprietary or other corporate secrecy considerations shroud too many aspects of a project from public scrutiny.

The last point touches on the way the Draft ORES Regulations seem to privilege economic efficiency and profitability (private corporate interests) over the interests of the local community (the public interest). While concerns about NIMBY-ism are perfectly reasonable, it should be possible to foster private enterprise without running roughshod over local property owners.

In light of these questionable aspects of the Draft ORES Regulations, not to mention their length and complexity, I urge that the public comment period be extended another 90 days beyond the current December 6th deadline. I also hope that the Regulations can be amended to address some of these problems, but sufficient public input is the first step in that process.

Sincerely,
Kathleen Stein

Michael Boismenu PE

During the November 24, 2020 on-line teleconference I provided a verbal position opposing the proposed industrialization of Lake Erie with off-shore wind turbine generation as an example of miss-directed energy. Please see a summary of my position, attached.