

Jim Simon
Yates Town Supervisor
8 S. Main St.
Lyndonville, NY 14098

January 15, 2016

Honorable Kathleen H. Burgess
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza Building 3
Albany, NY 12223-1350

Honorable Sean Mullany
Administrative Law Judge
State of New York
Department of Public Service
Three Empire State Plaza
Albany, NY 12223-1350

Honorable Richard A. Sherman
Office of Hearings and Mediation Services
NYS DEC
625 Broadway, First Floor
Albany, NY 12233-1550

Honorable David R. Van Ort
Administrative Law Judge
State of New York
Department of Public Service
Three Empire State Plaza
Albany, NY 12223-1350

Your Honors:

Re: Case 14-F-0485, Lighthouse Wind LLC: TOWN OF YATES RESOLUTION No.
29-1/16 (January 14, 2016)

Please find below (Exhibit 1) Town of Yates Resolution No. 29-1/16 regarding Case 14-F-0485.

Please contact me with any questions or concerns.

Most Respectfully Submitted,

//signed//
Jim Simon

cc: DMM Party List

EXHIBIT 1

**RESOLUTION NO. 29-1/16
(January 14, 2016)**

RESOLUTION OF YATES TOWN BOARD TO FORMALLY OPPOSE THE APEX CLEAN ENERGY LIGHTHOUSE WIND LLC PROJECT WITHIN THE TOWN OF YATES

WHEREAS, Apex Clean Energy has submitted a Preliminary Scoping Statement with the New York State Public Service Commission, stakeholder elected officials and applicable agencies for a potential Article X Commercial Wind Project titled, Lighthouse Wind LLC, in the Towns of Yates and Somerset, and

WHEREAS, the Lighthouse Wind LLC Project proposes as many as seventy-one (71) commercial wind turbines with heights of up to 620 feet tall to be placed within the two towns, and

WHEREAS, New York State adopted revisions to the Article X process in 2011 which primarily removed local control for siting such energy projects and debilitated constitutional home rule by placing the ultimate decision to site large energy generation projects by unelected, appointed officials of the State, and

WHEREAS, this Town Board acknowledges that while local control and home rule are limited by the Article X law, it will endeavor to make certain to abide by the Article X process, and

WHEREAS, the Town Board calls upon the Siting Board to recognize the continuing authority of the Town within the framework of Article X and with due regard to all provisions, regulations and zoning laws found in the Western Orleans Comprehensive Plan, the Local Waterfront Revitalization Program, the Town of Yates Local Law No. 1 of 2008 (Wind Energy Facilities), and the management of all town roads in accordance with Article IX of the New York State Constitution, and

WHEREAS, this Town Board strongly believes that its primary duty is to represent the constituents of the Town of Yates, to be responsive to address their concerns, and to protect their health, safety and welfare, be it

RESOLVED, that the Yates Town Board does hereby formally oppose the Apex Clean Energy Lighthouse Wind LLC Project within the Town of Yates because, among other reasons; that the proposed use does not comply with the comprehensive plan of the community; that the project will create significant negative visual impacts from aesthetic points in the community and region including but not limited to the Lake Ontario Shoreline, 30 Mile Lighthouse, and state and local parks; that the location of residences and land designated for residential development throughout the community is inconsistent with the development of utility-scale wind turbines in the Town; that there are significant resources in adjoining towns that would be harmed by the construction of utility-scale wind turbines in the Town; that available information indicates the noise impacts in the current rural area would, based on World Health Organization standards, negatively impact the health and the quality of life of residents; that the local economy has shown great recent strength in agricultural-based manufacturing that would be impaired by loss of productive

farm lands; that the placement of the WNY Science and Technology Advanced Manufacturing Park in a nearby area demonstrates the attractiveness of the area to employers who could create far greater job growth and require less public support; that there are areas of significant residential and recreational activity that would be impaired by the noise, visual impact and other hazards - including shadow flicker, ice shedding and blade throw - of utility-scale wind turbines; that large-scale multiple-tower wind energy facilities may present risks to the property values of adjoining property owners not part of the project; that significant avian flyways and habitats may be negatively impacted; that bat populations, as documented by the U.S. Fish and Wildlife Service, may be unable to sustain losses typical of such projects; and that there are significant wetland and other surface resources that would be negatively impacted by the large scale terrain modification required for the project, and be it further

RESOLVED, that the Yates Town Board will endeavor, through all reasonable means, to make certain that the residents of the Town of Yates will be heard throughout the Article X process; and be it finally

RESOLVED, that certified copies of this resolution be mailed by the Town Clerk to U.S. Senator Charles Schumer, U.S. Senator Kirsten Gillibrand, U.S. Congressman Chris Collins, NYS Governor Andrew M. Cuomo, NYS Lieutenant Governor Kathy C. Hochul, NYS Senator Robert G. Ort, NYS Assemblyman Stephen Hawley, NYS Assemblywoman Jane Corwin, the Chair of the NYS Department of Public Service (DPS), the Commissioner of the NYS Department of Environmental Conservation, the Commissioner of the NYS Department of Health, the Chair of the New York State Energy Research and Development Authority, the Commissioner of NYS Economic Development (Empire State Development), all party stakeholders of DPS Case No. 14-F-0485, the Chairman of the Niagara and Orleans County Legislatures, the Orleans and Niagara County Economic Development Agencies, the Somerset Town Board, the Barker Village Board and the Lyndonville Village Board.

Offered by Councilman Riggi who moved its adoption

Seconded by Councilman Whipple

4 Ayes 0 Nays (1 Absent: Bentley)

Motion Passed