

February 22, 2008

TO: Town Board

FROM: Supervisor

RE: Wind Tower Regulations Public Hearing, February 7, 2008 - Comments Made and Input Received

Purpose: This is to ensure that Town Board has had the opportunity to hear, review and consider all the comments made at the Public Hearing regarding Wind Tower Regulations conducted on February 7.

Sources of Input/Information: Input was given orally by those in attendance and in writing from those who couldn't attend, preferred not to speak in public, who wanted their comments recorded verbatim or who had questions. Finally, copies of various articles regarding wind turbines were received.

1. Oral Input: Attached are the minutes of the Public Hearing, which lists each person who spoke and the gist of their comments. Please review these minutes. If you have questions regarding any person's comments, the Town Clerk has the contact information on each of the people who spoke.

2. Written Input: Letters (including email) were received from the following (ensure you have received and reviewed them):

- a. Steven and Dena Mihm, 1755 Church Road
- b. Paul Lapinski, 417 Redman Road
- c. Lori D'Agostino, Redman Road
- d. Dorothy Lapinski, 417 Redman Road
- e. Dr. Paul Carr, 140 Gulf Side Drive, Islamorada, Florida
- f. Jeanne Brightly, Redman Road

(Written input was received subsequent to the close of the hearing from):

- g. Renee Cliff, 730 Redman Road
- h. Arthur J. Giacalone, 140 Knox Road, East Aurora, NY
- i. David Lucas, Moscow Road
- j. Matthew S. MacDonald, 43 Cook Road
- k. Peter Tonery, 937 Moscow Road

3. Articles Received (Pertinent information is contained in all and should be reviewed and considered):

- a. *Health Effects of Wind Turbine Noise*, Nina Pierpont, MD, PhD
- b. *Wind Turbine Syndrome: The Health Effects of Wind Turbine Noise and Shadow Flicker*, Nina Pierpont, MD, PhD
- c. *Noise Radiation from Wind Turbines Installed Near Homes: Effects on Health*, Barbara J. Frey, BA, MA and Peter J. Hadden, BSc, FRICS

- d. *Wind Turbines: The Academy Cautious*, France National Academy of Medicine
- e. *Industrial Wind Turbines, Infrasound and Vibro-Acoustic Disease (VAD)*, Professor Mariana Alves-Pereira and Nuno Castelo Branco, MD
- f. *Effects of the wind profile at night on wind turbine sound*, G.P. van den Berg
- g. *The Effect of Windmill Farms on Military Readiness, 2006*, Office of the Director of Defense Research and Engineering
- h. *Review of the Setbacks for Wind Energy Conversion Systems and the Noise and Setbacks Easement; Variances*, Matthew S. MacDonald, Au.D.
- i. *The Beat is Getting Stronger: The Effect of Atmospheric Stability on Low Frequency Modulated Sound of Wind Turbines*, G. P. van den Berg
- j. Town of Lowville, Local Law 2, *Amending the Lowville Zoning Law in Order to Provide for the Regulation of Wind Power Generating Facilities*

4. Written Questions: The following questions were posed in the correspondence received. It is necessary that these be considered. Questions have been stated exactly as appearing in the correspondence:

a. Paul Lapinski: “. . .if the unrestrictive regulations you accepted from Attorney Spitzer are made law, are you buying a PIG IN THE POKE?”

b. Renee Cliff (specific questions regarding proposed regulations):

(1). Page 11, Section q.5. – “Why was this completely changed from the workshop on 1.22/08? A, B, and C are not complete and do not make sense. What happened to the neutral, licensed appraiser, preparing a property value analysis for non-participating land owners in accordance with industry standards and potential impact on the values of properties for adjoining WECS sites?”

(2). “If someone outside the wind overlay zone were to be incorporated in a neighbor agreement, does that mean the wind overlay zone is expanded if they are outside the zone without need for a new permit?”

c. David Lukas:

(1). “Hiring a professional landscaper as was suggested at the last workshop to plant shade trees to protect residents from shadow flicker is equally ridiculous. The assumption must be that full-grown Sequoia’s will be planted?”

(2). “Mr. Roach and Mr. Rose at the last WTC workshop agreed to 1,750’ from the property line. We have it on tape. Why the change from what was then in the best interests of the residents? Could it be that there was some outside influence?”

(3). “How is the proposed 1500’ from the residences protecting the health, safety and welfare of the residents when all of the research indicates much more is needed?”

(4). “What steps has the Town Board taken to ensure that the Town gets the best deal as opposed to taking the first deal offered?”

(5). “What process has been set up by the Town to determine what is the most financially beneficial plan for industrial wind towers?”

(6). “Please tell me what the driving force is to have dangerous setbacks forced upon the neighbors so that the (Dennis Roach Memorial) Community Center can be constructed?”

Location of Information: Copies of any of the above can be obtained from the Town Clerk.