

Section 2 Waiver Request

For the purposes of making a complete application at the present time, pursuant to Article V, § 28 of the Local Law, Applicant requests a waiver from the 600 foot site boundary line setback requirement of Article II, § 15, E (1), measured from the center of the WECS, in the following instances:

- i. WECS 7 on Donald Covey (waiver of 535 feet from the site boundary/property line with Thomas M. Smith)
- ii. WECS 10 on Karen Plante (waiver of 515 feet from the site boundary/property line of Carrie A. & Jay D. Cook)
- iii. WECS 13 on Northern Energy Group, Inc. (waiver of 535 feet from site boundary/property line of Lynn Godding)
- iv. WECS 13 on Northern Energy Group, Inc. (waiver of 280 feet from site boundary/property line of Robert T. Rose)
- v. WECS 14 on Northern Energy Group, Inc. (waiver of 180 feet from site boundary/property line of Irene Hanover)
- vi. WECS 17 on Robert Bracy (waiver of 500 feet from site boundary/property line of Judith Dale Dilberto)
- vii. WECS 17 on Robert Bracy (waiver of 500 feet from site boundary/property line of Randy Rondo)
- viii. WECS 25 on Gilbert R. Merrill (waiver of 230 feet from site boundary/property line of Erasmo Nardone)
- ix. WECS 30 on Jerry R. Legacy (waiver of 490 feet from site boundary/property line of Felix Tam)
- x. WECS 32 on Jerry R. Legacy (waiver of 330 feet from site boundary/property line of Linnell McCoy)
- xi. WECS 32 on Jerry R. Legacy (waiver of 445 feet from site boundary/property line of Theodore R. Sweet)

As described in further detail below, the Applicant will benefit from the grant of the waivers in that it will be able to construct the WECS as proposed in the plan thereby maximizing the competitiveness, efficiency and environmental benefits (e.g., clean renewable energy) of the Project. Without the waivers, the above specified WECS may need to be relocated, thereby decreasing the efficiency of the Project, potentially increasing wetland impacts from the project, and eroding the Project's ability to support the State policy goals of providing clean, renewal energy to New York consumers at the lowest cost.

No undesirable change will be produced in the character of the neighborhood by granting the requested waivers. All safety procedures and other compliance criteria in the Town local law, including the noise criteria, will be adhered to.

There are no other feasible methods available to the Applicant to achieve the benefit sought to be achieved through the waiver request. Turbines have been sited based on available wind resource, environmental constraints, setbacks set forth in Article II § 15 of the Local Law, and landowner preference. The plethora of siting constraints greatly limits the potentially feasible layouts for the project. All potentially available alternatives either are infeasible or would cause undesirable environmental impacts and/or erode the Project's ability to remain competitive and efficient. The Applicant will continue to offer setback agreements to off-Site neighbors including those listed above.

The proposed waiver will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. As described herein, the waiver requests improve the ability of the Applicant to avoid impacts while maximizing the efficiency of the Project. However, the issuance of the requested waivers may result in indiscernible differences in noise and visual impacts to the neighborhood at large. The Applicant will work with neighboring off-site property owners throughout the siting and development process.