

**PUBLIC HEARING
LOCAL LAW GOVERNING WIND ENERGY FACILITIES IN HAMLIN
February 7, 2008**

A Public Hearing was held at the St. John Lutheran Church, 1107 Lake Road West Fork Hamlin, New York, for a Local Law Governing Wind Energy Facilities in the Town of Hamlin.

Present: Supervisor Dennis Roach, Councilperson Tom Breslawski, Councilperson Mike Marchetti, Councilperson Paul Rath Recused, Councilperson David Rose.

Also Present: Attorney Ken Licht, Planning Board Members Linda Morey, Tom Jensen, Conservation Board Members Aaron LaFaro, Mark Reeves, Zoning Board Chairman Norman Baase. Residents present: Lloyd Lochner, Helen and Joe Heberle, John and Linda DeRue, Flora Borkholder, Jerry Culhoun, Renee Cliff, Christine and Jack Shevlin, Joyce Lukas, Jeanne and Dean Brightly, Ed Doan, Bernice and Larry Brightly, Donald Rabjohn, Kathy Habgood, Allison and Bob Brunsden, Arthur and Carol McFarlane, Sue Ritzenthaler, Eugene Van Houten, Matt MacDonald, Daniel Bills, Tom Jensen, Pete Tonery, Mike Costanza, Mike Henner, Barbara and Phillip White, Michael German, Cindy Roach, Paula Reis, Joseph Heberle, Kim Spellan, Jerry Borkholder, John Cook, David Lukas, Paul Sirianni, Judith Doan, Tom and Ashley Rath, Linda Rabjohn, Troy Nesbitt, Diane and Alison Grimm, Ted Habgood, Randy Robb, Marion and Duane Rath, Patricia and Pamela Nesbitt, Gary Sweeney, Janice Bradley, Margie Kingston, Robert McFarlane, Lori D'Agostino, Chris Wegman, David and Gundula Harding, Tammy Henderson, Robert Huffer, Paul Rath, Daniel Updike, Andy Simpson, Steven and Heather Snyder, Barbara and Dennis Bauer, Kim Handley, Dan Brightly, Jack Gillman, Don Nichols, Bonnie Beardsley, Ken Stephens, Rob Johnson, Krissann Craney, Kara Gill, Tom DeRycke, Paul Gilbert, Diana Hanley, Ed Haight, Charles Maier, Tony Cotsworth, Aaron LaFaro, Karen Batz-St. John, James Doan, Jerry and Cherie Maier, Dave Robinson, John Schuster, Roy LeBeau, William Granby, Pete Castricone, Tara and Scott Kolinsky, Gwen Comstra, Jan Fabry, Tracy Ann Breslawski, several other residents whose names were illegible on the sign in sheet.

Supervisor Roach opened the meeting at 6 pm and explained the location of the fire exits and defibrillator for those present. Supervisor Roach then explained the following changes to the original draft of the Proposed Law:

A. The original draft of this 27-page Proposed Law was presented by Attorney Jill Yonkers in a public Town Board workshop on November 14, 2007. A public workshop was held between the WTC and Town Board on November 29, 2007 to review the regulations. A four-page list of corrections, questions and concerns, which was generated at the November 29 workshop, was provided to the attorney on December 4, 2007. On January 22, 2008, Attorney Dan Spitzer met in a public workshop session to discuss the final draft, which has been posted on the Town Web Site and available in the Town Clerk's office since then. That is the version we will be hearing comments on tonight. Subsequent to the January 22

workshop, the following corrections were presented to the Attorney and should be noted:

1. Page 9, H.g.9: Location of “residential structures within 1,000 feet...” should be changed to “residential structures within 1,500 feet...” to coincide with proposed setbacks.
2. Page 10, H.1.2: Remove the comma after vehicles.
3. Page 13, J.1(a): Add “. . . as determined by the Town.” to the end of the sentence (“All power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent practical.”)
4. Page 20, H.U.1.: Change the setback from the property line for MET towers from “1 times its height” to “1.5 times its height.”

Copies of the changes were made available at the meeting.

Supervisor Roach asked the Town Clerk to provide proof of publication. Supervisor Roach invited the public to make known to the Town Board their comments and opinions on the proposed Local Law on Wind Tower Regulations. However, the Town Board will not debate the issue of Wind Towers or enter into dialog with any individuals. Rules of Decorum will be enforced.

Supervisor Roach reminds residents present if they would like to speak, to fill out the sheet and when called to the podium state their comments or questions. Remarks are limited to three minutes. If anyone would like to have their comments made part of the official record, a copy must be provided to the Town Clerk upon conclusion of the hearing.

Written correspondence was officially recognized for those who could not attend or chose not to speak publicly. Copies will be retained in the record for the public hearing. Correspondence was received from: Steven and Dina Mihm, 1755 Church Road; Paul Lapinski, 417 Redman Road; Lori D’Agostino, Redman Road; Dorothy Lapinski, Redman Road; Dr. Paul Carr, 140 Gulf Side Drive Florida; and, Jeanne Brightly, Redman Road.

Linda DeRue 317 Redman Road. Stated concerns regarding setbacks from property lines, noise, safety of the residents, shadow flicker.

John DeRue 317 Redman Road. Stated concerns regarding water run off and chemical contamination of wells, setbacks from property lines.

Jerry Borkholder 391 Morton Road. Stated concerns regarding permits and re-zoning, damage to roads, road repair.

Kim Spellan 382 Morton Road. Stated concerns regarding maximum height of the wind towers, setbacks.

Flora Borkholder 391 Morton Road. Stated concerns regarding setbacks and safety and feels that the regulations are being written so it is easy for the developers to come in.

Renee Cliff 730 Redman Road. Stated concerns regarding setbacks and shadow flicker. She feels that a landscape specialist should be used. Ms. Cliff stated her concerns regarding various sections of the Local Law.

Jack Shevlin 768 Redman Road. Stated he is not opposed to the Wind Towers, but is opposed to the setback. He feels that anything less than 1700 feet would be hazardous.

Linda Morey 1868 Moscow Road. Stated she does not support the 1700-foot setback, however, she encouraged the board members favoring the 1,000-foot setback to reconsider to 1,500 feet. Feels that Fire Company as well as the Fire District should be added to the Local Law.

Craig Murphy 505 Cook Road. Stated he supports the farmers, the agriculture and the Wind Turbines.

John Cook 1610 County Line Road. Stated his concern regarding the noise and setbacks. He's against making the easements permanent. Supports the 1,700-foot setback. 32 people on County Line Road signed a petition for the 1,700-foot setback. Feels that the noise testing should be every 6 months due to aging process of the Wind Turbines.

Supervisor Roach stated that the Town Board has not agreed on the 1,700 feet setback. Reference was made to the 4 page corrections/comments sent to Attorney Spitzer after the November Workshop regarding the setbacks: "Despite a great deal of discussion, the Town Board has not yet reached a consensus on the setback, other than the 2,640 recommended in the Wind Tower Committee report is considered excessive. For meeting expediency (referring to the combined workshop) a figure of 1,700 feet from the nearest non-participating property line was established for consideration. It is noted that some Town Board Members feel that the 1,000 foot setback from the nearest off-site resident established in the draft is appropriate. To allow the Town Board to further discuss this issue, we request the attorney's recommendation and opinion on the maximum setback considered reasonable and establishing setbacks for nearest offsite property lines versus residence". Mr. Roach reiterated that the Board has not agreed on any setback.

David Lukas 1288 Moscow Road. Stated his concern regarding setbacks, shadow flicker, noise and ice throw and is against the Wind Towers.

Paul Sirianni 81 Coleman Avenue, Spencerport. Mr. Sirianni is a representative of the New York State Iron Workers District Council and the Rochester Area Building and Construction Trade. He has no stand on whether or not the Wind Towers are built in Hamlin. He does, however, feel that local labor should be used.

Judith Doan 1263 Redman Rd. Stated concerns regarding noise, removal of soil, obtaining variance for easements. Agrees to having Wind Towers.

Ed Doan 1263 Redman Road. Stated concerns regarding removal of Wind Towers after no longer in use. Is in favor of the Wind Towers.

Dean Brightly 1769 Redman Road. Stated he's in favor of the Wind Towers and in favor of the 1,000-foot setback.

Larry Brightly 1722 Redman Road. In favor of the Wind Towers.

Jeanne Brightly 1769 Redman Road. Stated she is in favor of the Wind Towers and 1,000 feet setback.

Kathy Habgood 142 Cook Road. Not in favor of Wind Turbines. Stated concerns regarding shadow flicker, noise.

Art Giacalone East Aurora. Attorney for the Hamlin Preservation Group. Stated concerns regarding health issue, setback and environmental issues.

Troy Nesbitt 51 Cook Road. Stated he has 279 names on a petition regarding the 1,700-foot setback. Wants the law written for the majority.

Ted Habgood 142 Cook Road. Read part of Dr. Paul Carr's letter that was submitted for correspondence.

Diane Grimm 430 Redman Road. Stated her concerns regarding setbacks road wear, traffic, wells, cell phones, bird life, shadow flicker. She is against the Wind Turbines.

Art McFarland 1873 Redman Road. Stated there is no record of personal injury at the 1,000-foot setback and he is in favor of the 1,000-foot setback.

Sue Ritzenthaler 6360 Shore Acres Drive. Stated concerns regarding noise, shadow flicker and health issues.

Matt MacDonald 43 Cook Road. Clinical Audiologist. Stated his concerns regarding the noise level information being incorrect. Provided informational report for correspondence.

Dan Bills 555 Redman Road. Stated he is in favor of Wind Towers and feels the 1,000-foot setback is OK.

Nick Breslawski 1484 N. Hamlin Road. Stated he agrees with Mr. MacDonald regarding the noise level, however feels that the setback should be 1,000 feet.

Pete Tonery 937 Moscow Road. Stated he is opposed to the Commercial Wind Turbines, however understands the farmer's position.

Mark Reeves 3640 Brick Schoolhouse Road. Stated his concerns for \$200 fee for small WECS, feels it should be dropped to \$100, feels allowance should be made for shorter towers so they can be free-standing.

James Nesbitt 3952 Brick Schoolhouse Road. Stated concerns about keeping Hamlin rural per the Master Plan and how the 400-foot height of the Wind Towers conflict with that.

Tricia Nesbitt 52 Cook Road. Stated concerns regarding setbacks, noise, taxes and health issues. She is against Wind Turbines.

David Martin 775 Lake Road East Fork. Stated he is in favor of Wind Towers.

Andy Simpson 1246 Moscow Road. Stated his concerns regarding noise, shadow flicker, ice throw and blade throw, setbacks.

Tammy Henderson 1483 Redman Road. Stated her concerns regarding answers to questions asked during the session, electronic interference, increase in cost of electric, benefits to the town and school system.

Karen Batz-St. John 1203 Redman Road. Stated her concerns regarding provisions for the resident who has a turbine on each side of their home (i.e. noise).

Pam Nesbitt 3952 Brick Schoolhouse Road. Continued letter read by Mr. Habgood that was submitted for correspondence.

John Schuster 613 Lake Road East Fork. Stated he is in favor of Wind Turbines, but wants to be more informed. Feels that a compromise can be made.

Aaron LaFaro 8 Fox Hollow Drive. In favor of Wind Turbines. Stated his concern that 1,700 or greater is too much, feels 1,000 to 1,500 is adequate. Compromise should be made for the future.

Tracy Ann Breslawski 2646 Roosevelt Highway. Stated she is in favor of Wind Turbines and wind energy.

Tina ReQua 39 Cook Road. Stated concerns regarding turbine life span, job availability, setbacks, health issues and noise.

Ashley Rath 97 Morton Road. Stated she is in favor of Wind Turbines and the farmers. Feels that a compromise should be made.

Kathleen Kennard 1291 Moscow Road. Stated her concerns regarding setbacks, property values.

James Doan 343 Morton Road. Stated concerns regarding bonds, removal of soil. In favor of Wind Turbines.

Norm Baase Lake Road West Fork. Stated his concern is making sure the Town Board is creating a fair code. Is neither for nor against Wind Turbines.

Supervisor Roach asked if anyone else wanted to speak that hadn't had the opportunity, and asked Town Board for comments or questions. None were given.

Town Board meeting scheduled for Monday night February 11, 2008. Scheduled for discussion will be the regulations but nothing will be voted on that night. The Town Board is waiting for comments back from the county. It is possible that a Special Town Board Meeting will be scheduled in which a vote on the regulations will be held. Many residents asked when their questions would be answered. Supervisor Roach stated that any resident that had questions could leave those questions along with their name and address with the Town Clerk and the Town Board will do their best to answer them. This is the required Town Board Public Hearing. Unless there are changes that are significant, no further public hearing is required.

Motion was made by Councilperson Marchetti, seconded by Councilperson Breslawski to adjourn the Public Hearing regarding the Local Law governing Wind Towers in Hamlin at 7:55 pm.

Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rose aye, and Supervisor Roach aye. Motion carried.

Respectfully submitted,

Kathi A. Rickman, RMC/CMC
Hamlin Town Clerk