

SHANE NICKLE, SENIOR PLANNER
SCHOHARIE COUNTY PLANNING AND DEVELOPMENT
OCTOBER 2, 2008

Thank you for the opportunity to make comments in regard to the New York State Energy Plan. My comments pertain to industrial wind energy production. Wind energy is an important renewable resource for the United States and may help New York State achieve Renewable Portfolio Standard (RPS) goals. The proper siting of wind energy facilities in New York is an ongoing controversial issue in Schoharie County and other parts of the State.

In my position as senior planner at the Schoharie County Planning and Development Agency, I am involved with siting issues of a potential wind energy facility in the Towns of Fulton and Richmondville. I make the following comments as a resident of the State and not as an employee or representative of Schoharie County.

In my opinion, relying on local governments to help the State achieve the RPS goals by siting new industrial wind facilities properly and safely will not succeed without increased help and guidance from the State. Some recommendations on how the State could assist include mandating minimum setback distance requirements, providing a funding source for private companies to purchase property to help meet setbacks, increasing tax benefits for properties in the vicinity of a wind project, and opening some State land for wind energy development.

Setbacks: Most land use nuisances can be mitigated by proper setbacks. Real and perceived negative impacts in residential areas from large wind turbines include noise, aesthetics, ice throw, and shadow flicker. These impacts can be mitigated, but not eliminated, by appropriate set backs. Our Agency has reviewed wind energy laws in New York State and we have encountered varying setbacks from as little as 500 feet to as far as 2,500 feet and greater. Setbacks should not be a varying standard depending on the political climate of a local government especially if there is a desire to fit projects in more densely populated areas. In many cases population density in areas targeted for industrial wind development in New York State is much greater than areas being developed west of the Mississippi River. For example, a major wind development project in Nolan County, Texas has a population density of approximately 3 people per square mile (excluding Sweetwater and Roscoe) versus 37 people per square mile in rural Schoharie County (excluding Villages). In addition, the Public Land Survey System used predominately west of the Mississippi River is more inductive to industrial wind development because property lines are not as erratic as in this area. Minimal, safe setbacks for residential areas in New York State can be determined using technical standards and expert advice. New York State needs to work with the wind industry and others to research and establish setbacks as a minimal standard so local governments have a safe requirement to start with.

Property purchase funding source: Wind energy facilities need to be constructed where wind speeds are sufficient. In some areas where the desired wind speeds exist, a necessary safe setback cannot be met. In such cases, wind companies may need to purchase property to meet the required setbacks. The State could establish a fund for wind energy companies to use to purchase private property for setbacks from their projects and to voluntarily remove neighbors that may object. Otherwise, it may not be economically feasible for such companies to develop in excellent wind resource areas.

Tax benefits: Properties closest to large wind projects should receive greater property tax reductions than those located farther away. This would help financially offset some perceived negative impacts by neighboring property owners.

Use of certain State lands: New York State, under Article 23, Title 11 of the Environmental Conservation Law, leases State lands for oil and gas exploration and development and for underground gas storage. A similar practice should be allowed with wind. Wind power is a use with certain environmental impacts just like oil and gas wells. However, wind power is an unlimited resource with less polluting qualities. Allowing certain State lands to be used for gas and oil development while excluding wind development seems illogical. Use of these lands would ensure adequate setbacks are maintained and boost the development potential for wind projects.

Thank you for allowing me to make these comments. I hope they will be taken into consideration.