

G.M.L. §239 REFERRAL TO THE YATES COUNTY PLANNING BOARD

RECEIVED

YCPD Office Log # 2009-45

Date Received AUG 31 2009

REAL PROPERTY TAX SERVICE
PLANNING DEPARTMENT

From: Town Board, Town of Italy

To: Yates County Planning Board, 417 Liberty St., Penn Yan, NY 14527

Applicant: Ecogen

1. Location: Town of Italy - Wind Energy Zones

2. Tax Map #: see application 2a. Zoning District: Wind Energy

3. Type of Application or Proposal:

- | | | |
|--|--|--|
| <input type="checkbox"/> Use Variance | <input checked="" type="checkbox"/> Area Variance | <input checked="" type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Subdivision Review | <input checked="" type="checkbox"/> Site Plan Review | <input type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Zoning Map Amendment (Rezoning) | <input type="checkbox"/> Other _____ | |

3b. Date of meeting at which the local board expects to take final action: undetermined

4. Applicable Sections of Zoning Code: Wind Energy

5. Description: Applicant proposes to construct industrial wind turbine towers in two (2) wind energy incentive zones in the Town of Italy.

6. Reason Referred: 500' from Town and County boundarylines

7. Enclose the complete application including the following: Applications, SEQRA documents and other materials to be submitted by applicant.

- | | |
|---|--|
| <input type="checkbox"/> SEQR Documentation | |
| <input type="checkbox"/> Detailed Description | |
| <ul style="list-style-type: none"> • Type of Business • Hours of Operation | <ul style="list-style-type: none"> • Number of Employees • Anticipated Traffic |
| <input type="checkbox"/> Site Plan | |
| <ul style="list-style-type: none"> • Title, Scale, North Arrow, Dimensions • Portion of the Property to be Developed • Streets, Easements, Utilities • Driveways, Parking (Existing & Proposed) • Structures (Existing & Proposed) | <ul style="list-style-type: none"> • Landscape Features (i.e., streams, ponds, hedges) (Existing & Proposed) • Lighting & Signage (Location and content) • Grading Plan, Drainage & Erosion Control (During & After Construction) |

As declared in G.M.L. §239-l, m, and n, it is in the public interest to have the Yates County Planning Board review certain actions that may have inter-community and countywide impacts. Within thirty days of a complete submittal of the referred matter (or at least two days before the referring board's final action), the County Planning Board shall report its recommendations thereon to the referring agency. If the County Planning Board fails to report within 30 days, the body having jurisdiction to act may do so without such report.

EDWARD J. BROCKMAN
ATTORNEY AND COUNSELOR AT LAW
159 South Main Street, PO Box 457
Naples, New York 14512
Phone (585) 374-6343

August 28, 2009

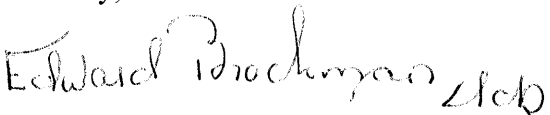
Yates County Planning Department
417 Liberty Street
Penn Yan, New York 14527

Re: Town of Italy – Wind Energy Zones

To Whom This May Concern:

Enclosed herewith please find a completed G.M.L. Referral Form prepared on behalf of the Town of Italy with respect to the wind energy zones.

Sincerely,

Handwritten signature of Edward J. Brockman in cursive script.

Edward J. Brockman

EJB/lcb

Enclosure

cc: Margaret Dunn, Supervisor

Debbie Trischler, Town Clerk

Daniel A. Spitzer
Partner
Direct Dial: 716.848.
dspitzer@hodgsonruss.com



September 3, 2009

Yates County Planning Department
Shawna Bonshak, Planner
417 Liberty Street
Penn Yan, New York 14527

Dear Ms. Bonshak:

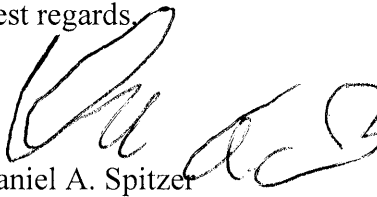
Pursuant to General Municipal Law Section 239-m please find enclosed 16 copies of Ecogen Wind LLC's application for a Special Use Permit and Variance to Construct and Operate a Wind Powered Electric Generation Facility in the Town of Italy, New York, which I am referring to you for review pursuant to directions given by the Town Board of the Town of Italy at their recent meeting on August 24, 2009.

The enclosed materials were submitted to the Town of Italy Town Board in support of Ecogen's application for a Special Use Permit and Variance under the Town of Italy Local Laws Governing Wind Energy Facilities in the Town of Italy, they consist of:

1. Original Submission on February 17, 2009
 - Application Binder
 - Site Plans
 - Engineering Drawings
 - Engineering Binder
2. Supplemental Submission on April 24, 2009
 - Application Binders (2 volumes)
 - Site Plans/Engineering Drawings
 - Visual Supplement
3. Condensed Submission on May 26, 2009
 - Application Binders (2 volumes)
 - Site Plans/Engineering Drawings
 - Engineering binder
4. Additional Materials submission on August 7, 2009
 - Additional Materials Binder
 - Site Plans/Engineering Drawings
5. Draft Generic Environmental Impact Statement prepared by the Steuben County Industrial Development Agency.

These submissions, along with the Final Generic Environmental Impact Statement and the Findings Statement prepared by the Steuben County Industrial Development Agency pursuant to their SEQRA review of the Ecogen LLC Prattsburgh/Italy Windfarm, which were pre-filed with your office on July 13, 2009, and the 239 referral form previously submitted by Edward Brockman, Esq., represent the full statement of the proposed action. We ask that these materials be reviewed at your September 24, 2009 meeting.

Best regards,



Daniel A. Spitzer

Cc: Town of Italy Town Clerk
Ed Brockman, Esq.