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## Somerset passes tougher anti-wind turbine laws

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By **Thomas J. Prohaska** ([https://buffalonews.com/author/thomas\\_prohaska/](https://buffalonews.com/author/thomas_prohaska/)) | Published January 30, 2018 | Updated January 31, 2018

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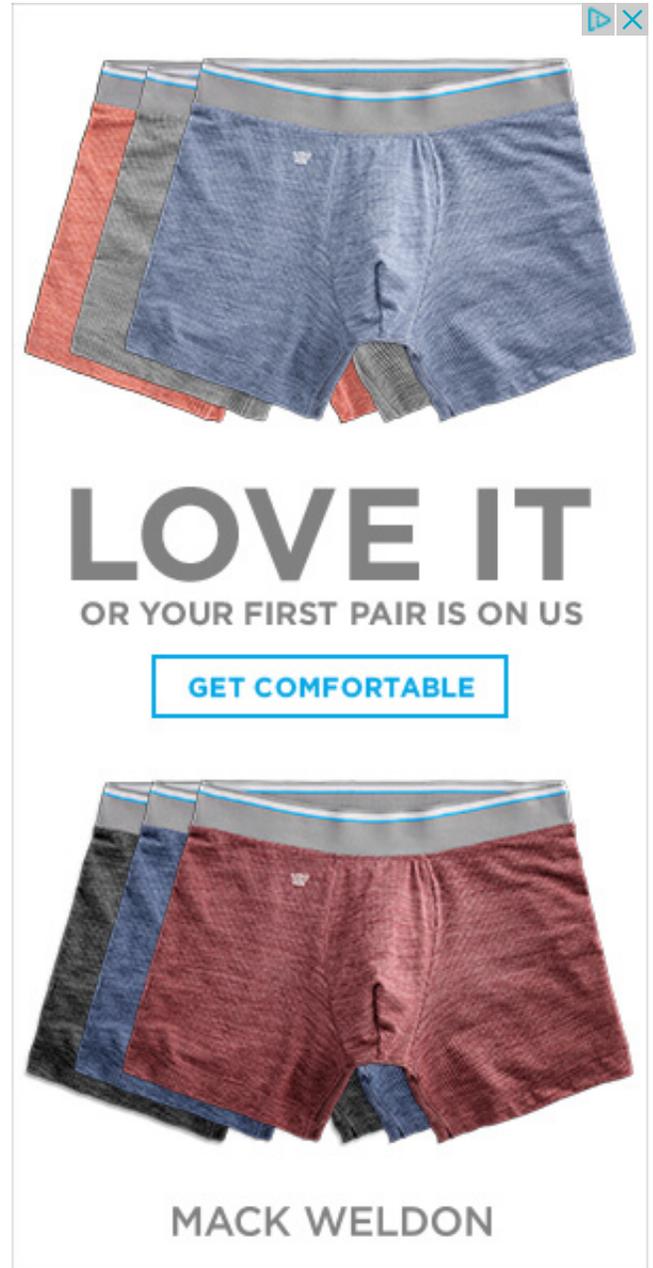
The Somerset Town Board unanimously passed laws Monday that would make it almost impossible for Apex Clean Energy to construct its proposed wind-power project in the town.

The Virginia company, however, said it will continue to seek review of its plans through the state siting process in hopes of winning approval for its Lighthouse Wind project. The proposed 201-megawatt project would involve up to 70 turbines, each 620 feet tall, counting the length of the propeller blades.

The new measures are more restrictive than Somerset's 2016 wind power law, which limited the available locations for wind power.

The new zoning amendments:

- Ban the construction of any structure taller than 150 feet;
- Allow wind turbines only in the town's few industrial zones;
- Prohibit any wind turbine that would generate electricity to be sold off-site;
- Keep turbines as much as a mile away from other buildings.



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"We are disappointed in the Town Board's decision," Lighthouse development manager Taylor Quarles said Tuesday. "This second revision to the town's wind law in two years is very clearly aimed at banning residents from ever having the opportunity to benefit from a wind project."

"The zoning amendments intend to protect health and safety and preserve the rural character of the town concerning any large-scale industrial project," Supervisor Daniel M. Engert said. "It's not for me to comment on the pending project from Apex's perspective."

Apex has signed leases with more than 100 landowners for more than 10,000 acres in Somerset and neighboring Yates as possible turbine locations, Quarles said.

Apex, however, has not yet filed its final, detailed application specifying the exact locations of the proposed turbines.

"We look forward to releasing further project detail, including a study layout, as soon as it is available," Quarles said.

The towns have been fighting the project for three years after both surveyed property owners by mail in 2015 and found solid majorities opposing the plan, with 67 percent opposed in Somerset and 65 percent opposed in Yates.

State law, revised in 2011, calls for wind power applications to be reviewed by a seven-member siting board comprising five state officials and two local residents.

The law says the siting board "may elect not to apply, in whole or in part, any local ordinance, law, resolution action or any regulation issued thereunder ... if it finds that, as applied to the proposed facility, such is unreasonably burdensome in view of the existing technology or the needs of or costs to ratepayers whether located inside or outside of such municipality."

The first use of the siting board procedure came earlier this month, when a board approved the 48-turbine, 126-megawatt Cassadaga Wind project in the Chautauqua County towns of Charlotte, Cherry Creek, Arkwright and Stockton. The board held seven days of public hearings in Sinclairville last summer.



(/author/thomas\_j.\_prohaska)**Thomas J.**

**Prohaska** – *Thomas Prohaska has been a reporter for The Buffalo News since 1995. A graduate of Starpoint Central High School and St. Bonaventure University, he previously worked at WLVL Radio in Lockport.*

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3. Channel 2 has replaced Jonah Javad, reporter Stephanie Barnes has left the station.  
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4. Rasmus Dahlin on Day 1 of training camp: "It's for real now, it's serious."  
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