



January 6, 2006

Town of Clinton Town Board
Attn. Mr. Michael Filion, Supervisor
Town of Clinton
7026 Route 11
Churubusco, New York 12923

**RE: Marble River, LLC
Supplemental Application for Wind Energy Permits for Wind Energy Conversion Systems
(WECS)**

Dear Mr. Filion:

The following constitutes a supplement to the application for a Wind Energy Permit for the proposed Marble River Wind Farm that was submitted on November 11th, 2005. This supplement is provided in response to the Notice of Incomplete Application dated December 14, 2005. We have provided an executed original and eight (8) copies of this supplement. For ease of review, this supplement includes a complete revision of the previously submitted application. Thus all of the following narrative and attached exhibits should be considered a replacement for the previously submitted material. Revised exhibits are numbered as they were in the initial submittal, with the addition of the letter R. New exhibits have been assigned new numbers. With submittal of this supplemental information, we believe this application is in full accordance with the requirements of Article II, Section 10 of the Wind Energy Facilities Law (Local Law No. 1 of 2005) of the Town of Clinton, New York. The information required by the Local Law is presented below in the order (and according to the numbering) listed in Article II, Section 10 of the Local Law.

1. Applicant: Marble River, LLC
3 Columbia Place
Albany, NY 12207
(518) 426-1650
1-888-216-WIND
Contact: Patrick Doyle
2. Names and address of participating landowners are presented in Exhibit 1R, attached. Letters of permission from participating landowners indicating their understanding of the project and authorizing submission of the application are attached as Exhibit 2R.
3. Tower location data, including tax parcel information is included in Exhibit 1R.
4. Project description: Marble River, LLC is proposing a wind-powered electric generating project in the Towns of Clinton and Ellenburg in Clinton County New York. The project will occur on approximately 17,000 acres of leased land located off of State Routes 11, 189, and 190, Gagnier Road, Clinton Mills Road, Campbell Road, Patnode Road, Lagree Road, Looby Road, Whalen Road, Merchia Road,

Robare Pond Road, Liberty Pole Road, Soucia Road, Rogers Road, Bohon Road, Number 5 Road and Moore Road. The land is primarily in forest and agricultural use, but also includes significant wetland acreage. Farms and rural residences occur along the public roads within the project area.

The project will include up to 109 wind turbines, each with a generating capacity of 2.0 megawatts (MW). 89 of these turbines are proposed to be located in the Town of Clinton and 20 in Ellenburg. Each wind turbine will include a 90 meter (295 foot) diameter, three-bladed rotor mounted on a 78 meter (256 foot) tall steel pole tower (total maximum height not to exceed 125 meters [410 feet]). In accordance with Article IV, Section 29 of the Local Law, Applicant requests a waiver from Article II, Section 12 (13) that the maximum Total Height of any WECS shall be 400 feet. The G90 turbine is typically supplied with tower of three different heights (64m, 78m, and 100m). Applicant requests that the Town allow use of the 78m tower with the G90 turbine so that the maximum Total Height does not exceed 410m. As will be demonstrated in the more detailed studies to be included as part of the Draft/Final Environmental Impact Statement the minor increase in maximum Total Height will have no material impact on the neighborhood or on nearby properties relative to the 400m maximum Total Height. The Applicant will benefit by the grant of this waiver by (1) being able to use one of the manufacturer's "off-the-shelf" towers (i.e. with a 78m height) and (2) getting increased wind production, both of which will improve the competitiveness of the wind farm when competing for green energy supply contracts as well as maximize the efficiency, economy and environmental benefits (e.g. clean, renewable energy) of the Project. In the event that this waiver is not granted, the Applicant will need to special order towers with a height of 76m. which would increase Project costs, decrease turbine efficiency and could delay Project construction -- all of which would undercut the Project's competitive position and erode its ability to support the State policy goal of supplying clean, renewable energy to New York consumers at the lowest cost.

Other project components include approximately 41 miles of gravel access road, 55 miles of underground electric line, and a new substation off of Patnode Road in the Town of Clinton.

One Point of Interconnection (POI) Station, approximately 267 feet x 690 feet in size, is proposed to be located at the New York Power Authority (NYPA) 230 kV transmission line easement area. Neighboring this station to the north, the Applicant proposes to construct two 34.5 kV collector stations, each approximately 136 feet x 173 feet. Each collector station will have four collector bays, plus a spare, laid out so as to accommodate seven collector circuits, including one spare bay. Each collector station includes a 34.5kV/230kV step-up transformer and associated equipment. There will be a control house and parking area close to the substations, which will be accessed from the south via a new access road. The POI Station will be laid out to accommodate either four or six 230 kV breakers) pending final approval by NYPA and the New York Independent System Operator (NYISO) of the Facility Study required by the Federal Energy Regulatory Energy Commission (FERC) tariff.

The proposed project layout is illustrated in Exhibit 3R. Please note that all proposed project components will occur on properties listed in Exhibit 1R and, pursuant to permit, collector lines will be installed under Whalen Road in the Town of Clinton and along State Route 190 in the Town of Ellenburg.

5. Detailed project plans are included as Exhibits 3R-9R and described below:

- (1) Property lines and project area boundaries are presented in Exhibit 3R.



- (2) Existing residential structures within 500 feet of the proposed are shown in Exhibit 4R. Coordinates of individual residences are listed in Exhibit 5R. These and other structures in the vicinity of proposed access roads and turbines are also shown in Exhibit 6R, and their coordinates listed in Exhibit 9R.
- (3) The location of each proposed WECS is shown on the individual site plans included as Exhibit 6R.
- (4) The locations of above-ground utility lines within 500 ft. (i.e., in excess of one radius of the total height of the WECS) are listed by coordinates in Exhibit 9R.
- (5) Structures over 35 feet in height within 500 feet of the WECS are shown in Exhibit 6R. Their coordinates are included in Exhibit 9R.
- (6) Set-backs of 1200 feet, 500 feet and 1.5x tower height (i.e., 615 feet) around each tower site are shown in Exhibit 4R. This exhibit also includes landowner names and the location of houses and property lines.
- (7) The nearest on-site and off-site residence are shown in Exhibits 4R and 6R. The coordinates of these structures are listed in Exhibit 5R. Please note that all of these structures are at least 1200 feet from the nearest turbine. For the purposes of making a complete application at the present time, pursuant to Article IV, Section 29 of the Local Law, Applicant requests a waiver from Article II, Section 15 (E)(1) that requires that each WECS shall be 500ft. setback from the nearest Site boundary property line, measured from the center of the WECs in the following instances:
 - i. WECS 12 on Allen A. Gartner (waiver of 124 feet from the site boundary/property line with the State of New York to the south)
 - ii. WECS 35 on Chester Sears (waiver of 400 feet from site boundary with Larry Lagree)
 - iii. WECS 63 on Jane E. Campbell Nichols (waiver of 344 feet from the site boundary/property line with Lisa Wyant Dorval)
 - iv. WECS 44 on Gerald & Bernadette Nichols (waiver 461 of feet from the site boundary/property line with William Besaw)
 - v. WECS 136 on Richard A. Cole (waiver of 241 feet from the site boundary/property line with Chylinski-Polubinski Trust, Ksiازه)
 - vi. WECS 172 on Stephen Hammond (waiver of 309 feet from the site boundary/property line with Raymond Turner and Johnny Pizar et al.)

As will be demonstrated in the studies included in the Draft/Final Environmental Impact Statement, these waivers will have little to no effect on nearby properties or the neighborhood. 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 cannot be constructed as proposed thereby



decreasing the competitiveness, and 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.

We also note that the Applicant either has contacted or will contact each of the above named affected property owners to seek their written consent to the waiver of the 500 foot property line setback requirement as above specified. In the event that an affected property owner or owners provides a written consent, the Applicant will forward such written consent to the Town Board and request that the applicable waiver request be approved in accordance with Local Law Article II Section 16(A) rather than Local Law Article IV, Section 29. In the event that an affected property owner or owners does not provide their consent, the applicant will remove WECS 35, 63, 44, 136 and 172 from the project plan and will consider deleting the WECS 12.

- (8) The general location of all proposed facilities is illustrated in Exhibit 3R. Detailed site plans showing the more precise location of these facilities are included as Exhibit 6R.
6. To-scale drawings and specifications for the Gamesa G90 wind turbine proposed for use on this project are presented in Exhibit 11R.
7. A landscaping plan for the substation is not being proposed. The substation site is in a wooded area approximately 2,500 feet east of Patnode Road. The nearest home is approximately 3,000 feet from this site. The distance of the substation from potential viewers, and the screening provided by surrounding trees, will minimize substation visibility and visual impacts.
8. A proposed Federal Aviation Administration (FAA) lighting plan is attached as Exhibit 14. This plan has not yet been approved by the FAA, but it fully complies with current FAA lighting guidelines. A copy of the FAA determination will be provided to the Town once it is available.
9. A list of property owners within 500-feet of the proposed project area is included as Exhibit 12R.
10. A decommissioning plan is attached as Exhibit 15. This plan addresses all of the issues listed in Article II, Section 10(10) of the Local Law.
11. A proposed complaint resolution process is described in Exhibit 15.
12. Information relating to project construction, as it is known at this time is presented below:
 - (1) Project construction is scheduled to start in the spring of 2007 and be completed by the fall of 2007.
 - (2) A construction routing study is still in preparation. At this time, State Routes 11, 189 and 190 are anticipated to be the primary construction routes. The county and local highways listed in the project description will also be used. Tractor-trailers up to 160 feet long and 16 feet high, and loads up to 100 tons in weight, are anticipated. The Applicant requests that the Town Board waive the requirement for a completed study until such time that this information is available.



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13. Completed part one of a long Environmental Assessment Form (EAF) is included as Exhibit 13R.
14. No application for additional wind measurement towers is included with this submittal.
15. Specific information/specifications regarding the noise characteristics of proposed G90 wind turbine are provided in Exhibit 11R.
16. The Applicant acknowledges that the issuance of a positive declaration under the State Environmental Quality Review Act (SEQRA) is appropriate for this project. Accordingly, the studies listed in Article II (§11)(17) of the Local Law will be included in the Draft Environmental Impact Statement
17. Proof of an Executed Interconnection Agreement with the New York Independent System Operator will be provided prior to submitting a building permit application.
18. I certify under penalties of perjury that the information included in this application is true and accurate.

Sincerely,

Authorized Representative for Marble River, LLC
By Patrick Doyle

