

STATE OF NEW YORK
SUPREME COURT

COUNTY OF MADISON

**In the Matter of the Application for a Judgment
Pursuant to Article 78 of the Civil Practice Law
and Rules and for Declaratory Relief Pursuant to CPLR
Section 3001 of:**

**LAWRENCE J. FRIGAULT, CAROL A. FRIGAULT,
PAUL KIDDER, DEBORAH A. KIDDER, REX A.
SEAMON, DAWN M. SEAMON, JOHN C.
WOUDENBERG, PAULA M. WOUDENBERG, JOEL
G. SAWICKI, LORI E. SAWICKI, FREDERICK C.
VERTUCCI, JOY L. VERTUCCI, TED S. FOX,
MICHAEL J. REID, LOUIS M. SALAUN, LUCY G.
SALAUN, GEORG-ANN F. GIGLIOTTI, KELLY A.
AUGER, DAVID E. YODER, LESLIE P. WEAVER,
DANIEL E. MEZIK, SHERRY M. MEZIK, WILLIAM
J. ZALESKI, PATRICIA L. ZALESKI, FLORENCE V.
TREEN, HOWARD C. MOSS, PATRICIA A.
DUCIAUME, DOROTHY S. DUCIAUME, E. ALAN
SILVER, SUSAN J. HUXTABLE, KATHLEEN G.
CARNEGIE, DANIEL R. SULLIVAN, TERESA W.
SULLIVAN, and BARBARA H. MEZIK**

Petitioners

v.

**TOWN OF RICHFIELD PLANNING BOARD,
MONTICELLO WIND LLC, NORTHEAST WIND
PROJECTS, LLC, RIDGELINE EASTERN ENERGY
LLC, ALICE C. ARMSTRONG, KEITH C.
ARMSTRONG, MARNA M. ARMSTRONG, LOIS A.
AUGER, WENDY S. MULLIGAN, WAYNE K.
ARMSTRONG, KAREN A. RUDD, HAROLD T.
FERGUSON, FAY R. FERGUSON, HAROLD F.
FERGUSON, JR., HANWINSEL FARMS, INC.,
HUXTABLE FARM PROPERTIES, LLC, DEBRA J.
KOSEK, and WILLIAM R. KOSEK, JR.**

Respondents

**AFFIDAVIT OF HARRY
LEVINE**

Index No.: 2011-2012

RJI No.: 2011-0465-M

Hon. Donald F. Cerio, Jr.


STATE OF NEW YORK)
) ss.:
COUNTY OF OTSEGO)

HARRY LEVINE, being duly sworn, deposes and says as follows:

1. I own property at 1744 County Highway 31 in the Town of Springfield, Otsego County, New York, and am not a party to this proceeding.
2. I am the President of Advocates for Springfield, an active citizens' group of residents and land owners in the Town of Springfield concerned with protecting our town's rural character and community values as expressed in the Town of Springfield Comprehensive Plan.
3. I first became aware of the Monticello Hills Wind Power Project from a brief report in the *Freeman's Journal* which I read to keep current on matters which may affect the Town of Springfield and its residents.
4. By correspondence dated September 8, 2011 to Donald Urtz, Chairman, Town of Richfield Planning Board (the Planning Board"), Advocates for Springfield raised the issues of noise, traffic, water, wildlife, farming, flicker and land use conflicts, and provided comments concerning visual impacts from and segmentation concerns with the proposed Monticello Hills Wind Power Project. A copy of Advocates for Springfield's September 8, 2011 correspondence is attached herewith as Exhibit "A".
5. Advocates for Springfield's September 8, 2011 correspondence to the Planning Board also requested that the Planning Board "Please add our name to the list of interested parties that receive notices of meetings and information about the project."

6. By that request, Advocates for Springfield expected that it would be identified by the Planning Board as an "Interested Agency" as defined by 6 NYCRR Section 617.2(t) and Advocates for Springfield anticipated it would receive copies of SEQRA notices concerning the Monticello Hills Wind Power Project as provided for by 6 NYCRR Section 617.12.
7. However, Advocates for Springfield never received any response to its September 8, 2011 correspondence to the Planning Board, and never received any SEQRA notices from the Planning Board concerning the Monticello Hills Wind Power Project.

Springfield, New York
February 28, 2012



HARRY LEVINE

Sworn to before me
This 28th day of
Feb., 2012


NOTARY PUBLIC

CYNTHIA M. CARLSON
ID # 2373412
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 5/9/2013

EXHIBIT "A"

ADVOCATES FOR SPRINGFIELD

P. O. Box 25
Springfield Center, New York 13468

September 8, 2011

Donald Urtz
Chairman
Town of Richfield Planning Board
P.O. Box 404
Richfield Springs, NY 13439

RE: North Wind and Power Proposed Project

Dear Chairman Urtz:

We are a group of Springfield residents and land owners concerned with protecting our town's rural character and community values as expressed in the Springfield comprehensive plan. We would like to offer some comments concerning the proposed wind turbine development in your town.

Generally the issues of noise, traffic, water, wildlife, farming, flicker and adjoining land use conflicts do not concern us as the project is ten miles distant from our town and these issues, serious as they may be, are not likely to affect us.

Our concerns are limited to visual impact. Given the proposed height of the towers at full extension of the blades (almost 500 feet), all or most of the turbines will be visible from about 30% of the land area of Springfield. During the day, we expect that this visibility will not present much of a change in our view shed. However, we would like to see what the impact of night lighting might offer (frankly, the night time photos taken at Fenner that were included in the applicant's materials were disturbing). Would it be possible to request that the applicant amend its Visual Impact Analysis to include a computer simulation at night? Would it also be possible to get confirmation from the FAA that only 2-3 red flashing lights will be required?

Since the project is described as a six turbine array, we assume that this is the full extent of the development. We would appreciate your restricting any project approval you may grant by excluding future expansion possibilities; as such enlargements will have significant implications to the visual impacts.

Please add our name to the list of interested parties that receive notices of meetings and information about this project.

Thank you for accepting our comments.

Sincerely,

Harry Levine
President