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Richfield Wind Project Nixed Again by Albany Appeals Court

In a decision released today, the Appellate Division, Third Department, sided with the opponents to the Monticello Hills Wind Power project and held that the Town of Richfield Planning Board had improperly granted the special permit for the project, dealing yet another blow to the developer Ridgeline Energy. The Appellate Division is the state's second highest court. The four member panel of the appeals court ruled that the Planning Board failed to refer the required project documents to the county planning agency prior to the one and only public hearing held for the project. The tribunal also ruled that the Planning Board failed to address the requirements of its own Town of Richfield Land Use and Building Management Ordinance. The appellate decision leaves the project without an approval.

"We are ecstatic" said Larry Frigault, lead petitioner and one of the organizers of the citizens group Protect Richfield, "because if the wind company wants to try to come at us again our Planning Board is going to have to hold another public hearing, and the Planning Board will need to explain to us in writing how these 492 foot tall turbines meet the eight standards that are required to issue any special use permit, including how these turbines are not more objectionable than allowed uses like farms and homes in terms of noise, vibration, and flashing lights, plus seven other standards. We believe this impossible." According to Joel Sawicki of Protect Richfield "We set out to annul the approval and we did that, and we wanted our Planning Board to have to apply the standards in our own Richfield law, and we did that too." The attorney for the successful opponents, Douglas H. Zamelis of Springfield and Manlius, echoed his clients' comments. "This is a big win for the people of Richfield and surrounding towns, and a major victory for the environment. The only thing that's green about these monstrous, obtrusive and inefficient industrial machines is our tax dollars going to these large overseas corporations. I'm proud of my neighbors in Richfield, Winfield, Litchfield and Columbia for standing up and fighting this absurdity." This is not the only major wind power project Zamelis has had a hand in defeating. He represented the successful opponents of the Jordanville Wind Power project in the Towns of Warren and Stark in Herkimer County in 2007. Zamelis also represented the Town of Litchfield in Herkimer County in the adoption of a local law prohibiting industrial turbines in 2012, and the successful defense of that law in a court challenge and attempted appeal by landowners who had entered into leases with Ridgeline Energy for the proposed Dry Hill Wind Power project.

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Any questions regarding the decision may be referred attorney, Douglas H. Zamelis, 8363 Vassar Drive, Manlius, NY 3104. (315) [682-0724](tel:682-0724) or by email dzamelis@windstream.net .