Statement of Justification

Agricola Wind Project

Towns of Scipio and Venice
Cayuga County, New York

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INTRODUCTION

The Applicant is requesting waivers of certain sections of local laws identified below. The waivers requested are the minimum necessary and, where possible, the Applicant has limited its request for waivers to only certain portions of the Facility where those provisions are unreasonably burdensome. As applied to those portions of the Facility, these provisions impose additional costs which are unnecessary, and more restrictive than the state standards that have already been determined to protect public health and the environment. The burdens imposed on the community if a waiver is granted in these limited circumstances are minor to nonexistent, and the costs of applying these provisions outweigh any benefits which may be achieved. Waiving these provisions ensures renewable energy facilities such as the proposed Facility can continue to help the state achieve its climate energy goals, without the costs of these requirements. As a general matter, Exhibits 17 and 19 of the Application provide an extensive overview of the Facility's environmental benefits, consistency with the state's energy policy, and contribution toward the Climate Leadership and Community Protection Act (CLCPA) mandates; those discussions are incorporated by reference here to support waiver of the provisions identified below. In adopting the CLCPA, the legislature characterized climate change as an existential threat to the "economic well-being, public health, natural resources, and the environment of New York" (CLCPA §1(1)). The environmental and social harms posed by global climate change have long motivated the state's aggressive clean energy policies, as have the potential economic harms, which have gained recent attention in the New York Department of Environmental Conservation's (NYSDEC's) efforts to estimate the value of carbon as part of the agency's implementation of the CLCPA. Experts estimate that air pollution and climate change cost each American on average $2,500 per year in health care, the burden of which fall disproportionately on vulnerable communities. As demonstrated in this Application, renewable energy facilities such as the Agricola Wind Project offer significant environmental, public health, and community benefits, and will aid the state in transitioning from carbon-emitting electric generation which has negative impacts on wildlife, birds, and human health, toward a carbon-free energy future. Based on the U.S. Environmental Protection Agency's (EPA's) Avoided Emissions and Generation Tool (AVERT),[1] the Facility's load profile will displace approximately 216,000,000 kWh of fossil fuel generation in the New York Region over the course of a year, which is equivalent to the annual electricity consumed by 17,777 average homes in the United States. See Exhibit 17 for further information regarding the proposed Facility's consistency with energy planning objectives. Pursuant to 16 New York Codes, Rules, and Regulations (NYCRR) 1100-2.25(c), an Applicant seeking a waiver of local laws must justify, with facts and analysis, that the burden imposed on the Facility by the substantive provision of local law is unreasonably burdensome. This justification requires a discussion of the degree of burden caused, why the burden should not be borne by the Applicant, that the request cannot reasonably be obviated by design changes to the Facility, that the request is the minimum necessary, and that the adverse impacts of granting the request are mitigated to the maximum extent practicable. Requests may be based on existing technology, factors of costs or economics and/or the needs of consumers for the Facility.

[1] AVERT Web Edition is a publicly accessible model that is capable of evaluating how the operation of a new renewable energy project can change the emissions of common air pollutant at a county, state, or regional level. Available at: https://www.epa.gov/avert/avert-web-edition.

Overall, as shown below, the Applicant has designed the Facility to comply with local laws to the extent practicable. However, certain local provisions are unreasonably burdensome on the Facility. To achieve the Project's proposed up to 99-megawatt (MW) nameplate capacity, the Facility cannot be constructed or designed in a manner that would eliminate the need for the below waiver requests.

In designing the Facility, the Applicant conducted a comprehensive site assessment starting with a preliminary screening to identify areas within the Towns of Venice and Scipio with favorable wind conditions suitable for wind energy generation. Following the site assessment, the Applicant conducted a further feasibility assessment gathering data on wind speeds, wind direction, turbulence, and various other climactic factors over an extended period of time. Once the potential parcels within the Towns were identified, the Applicant initiated negotiations with landowners for the acquisition of necessary land rights through leases, easements, or purchase agreements. Upon securing participation from a sufficient number of landowners throughout the proposed Facility Site, the Applicant then proceeded to conduct a more detailed assessment of the identified parcels, including conducting the necessary pre-application surveys and studies required by the Article VIII regulations. Once the initial environmental site assessment was complete, the Applicant began designing the Facility, positioning individual wind turbines, developing access roads, and determining location of collection lines, and other essential infrastructure. The design process was highly comprehensive, taking into account factors such as turbine spacing, terrain characteristics, the need to avoid environmentally sensitive resources, adherence to local regulations, and compliance with the stringent requirements of Article VIII, etc. It was through this process that the Applicant was able to optimize a layout that maximizes energy production efficiency while balancing these other factors. See Exhibit 2 and 17 for further details on the iterative design process and the Applicant's efforts to avoid, minimize, and mitigate impacts through careful Facility design.

In addition, when siting a wind facility, minimizing waking effects and turbulent airflow between turbines is a substantial priority and a constraint that affects turbine placement and dictates recommended minimum distances between turbines, depending on topography, average wind speeds, prevailing wind direction(s), and other factors. Considering that a wind turbine influences the airflow both upwind and downwind of that turbine, maintaining sufficient distancing between turbines, relative to the prevailing wind direction(s), as determined through extensive micro-siting analyses, helps lower wake-induced energy losses and turbulence and promotes a longer operational lifespan for the Project. Throughout the Agricola Wind Project's iterative design process, the Applicant worked with ArcVera[2] in carefully considering and siting the locations of all 24 proposed turbine locations. Each wind turbine was placed in its respective location based upon the results of completed mesoscale wind flow modeling and net energy estimates.[3] The Applicant describes waking and turbulence constraints that were considered in the iterative design process and informed by ArcVera's comprehensive analyses in several of the specific local law waivers requested herein.

[2] ArcVera is a reputable leading energy technical consultant, with four decades of experience globally. They have evaluated 1,300+ projects throughout North America alone, where teams of experienced atmospheric scientists, data analysts, and engineers have worked together to ensure high quality results. ArcVera is an active member of the International Electrotechnical Commission (IEC) committee, participating in the development of the IEC61400-50-3 Nacelle Mounted LiDAR Wind Measurement test standard.
[3] ArcVera performed multiple iterations of Wind Energy Resource Analyses (WERAs) for this Project that helped inform the design and placement of turbines throughout the project.

A statement of justification for each local substantive requirement requiring a waiver identified by the Applicant is provided below. The statements of justification demonstrate the degree of burden caused by the requirement, why the burden should not reasonably be borne by the Applicant, that the request cannot reasonably be obviated by design changes to the facility, that the request is the minimum necessary, and that the adverse impacts of granting the request are mitigated to the maximum extent practicable consistent with applicable requirements set forth in the Office of Renewable Energy Siting and Electric Transmission's (the Office's or ORES's) regulations.

This Statement of Justification is based upon the analyses presented in the Siting Permit Application, which have been prepared by qualified experts in their fields (i.e., sound, visual, and engineering), and upon the experience of Agricola Wind LLC, including but not limited to the below members of the Agricola Wind LLC team, who helped prepare this Statement of Justification.

Andy MacCallum, Managing Director, Liberty Renewables Inc.:

Mr. MacCallum has nearly 20 years of experience in the renewable energy industry. At Liberty Renewables, Mr. MacCallum oversees wind projects in all phases of development across New York State. Prior to Liberty Renewables, he was the Vice President of Development at Natural Forces; an independent power producer who develops renewable energy projects across Canada, Ireland, and France. At Natural Forces, Mr. MacCallum was responsible for running development teams and projects across Canada. Mr. MacCallum holds a Bachelor of Science degree from Dalhousie University.

Scott Biggar, Development Director, Liberty Renewables Inc.:

Mr. Biggar has seven years of experience in the renewable energy industry and oversees the design and development of all Liberty Renewables projects across New York State. Mr. Biggar has extensive experience in design, pre-construction, and development of wind energy projects, including early and late-stage development, post-construction and operations. Prior to working at Liberty Renewables, Mr. Biggar was employed by CanAcre and Carbon Cure Technologies. Mr. Biggar holds an undergraduate degree in Creative Writing, and a master's degree of Resource and Environmental Management; both obtained from Dalhousie University.

Meg Lee, Permitting Manager, Liberty Renewables Inc.:

Ms. Lee has nearly five years of experience in the renewable energy industry and oversees the permitting processes for all of Liberty Renewables' onshore wind projects, located across the State of New York. Ms. Lee specializes in the permitting of large-scale renewable energy projects under Section Article VIII of New York States Executive Law. Prior to Ms. Lee's employment at Liberty Renewables, she worked as a Project Manager at Environmental Design and Research (EDR) where she oversaw and managed the permitting efforts of large-scale renewables energy projects across the State of New York. Ms. Lee holds a bachelor's degree in Environmental Studies and obtained a master's degree in Natural Resources from Colorado State University.

Christopher Hoyt, Senior Scientist-Acoustics, Epsilon Associates, Inc.:

Mr. Hoyt has over 10 years of experience focused on community sound level impact assessments, meteorological and sound level data collection and analyses for energy, utility, and industrial clients. Mr. Hoyt currently works as an Acoustical Senior Scientist at Epsilon Associates, Inc. where he partners with developers to successfully permit projects, such as Agricola Wind. Mr. Hoyt earned a Bachelor of Science in Meteorology, obtained from Valparaiso University, and a Master of Science in Environmental Science: Atmospheric Science, obtained from the University of Massachusetts Lowell. Mr. Hoyt is a full member of the Institute of Noise Control Engineering (INCE).

Daniel Zvirzdin, Senior Project Manager, EDR:

Mr. Zvirzdin has 12 years of experience in project development, environmental resource management, and land use planning, and currently works at EDR, where he is a Senior Project Manager. Prior to working at EDR, Mr. Zivirzdin had previous experience as a Rangeland Management Specialist with the Bureau of Land Management, where he helped manage two million acres of public land. Mr. Zvirzdin was also a Research Associate with Bringham Young University, where he oversaw a fire ecology and soil science research program. Mr. Zvirzdin earned both an undergraduate degree in Wildlife and Wildlands Conservation, as well as a Master of Science in Environmental Science, from Brigham Young University.

Gordon Perkins, Visualization Practice Leader, EDR:

Mr. Perkins is one of the leading expert consultants in visualization and visual impact assessment in the Northeast and is well known in the renewable energy industry. Mr. Perkins has 22 years of experience and extensive expertise in the technical methodologies associated with visual impact assessment, visual resource assessment, and scenic landscape assessment. As EDR's Visualization Practice Leader, Mr. Perkins' responsibilities include the ongoing evaluation and development of the technical methodologies used in visual impact assessments. Including new techniques in data collection, processing and analysis, and 3D modeling. Mr. Perkins earned his Associates of Art in Art, Design, and Ecology, from Keystone College. Additionally, Mr. Perkins attended SUNY College of Environmental Science and Forestry (ESF), where he earned his Bachelor of Science in Landscape Architecture, and later was a visiting instructor.

Scott Reynolds, Engineer and Owner, Reynolds Engineering:

Mr. Reynolds has over 20 years of experience designing transmission level power substations ranging from 13.2 kV to 345 kV. Mr. Reynolds owns his own engineering firm, Reynolds Engineering, where his skills are used to complete high-voltage power-related projects for customers, such as Liberty Renewables. Previously, Mr. Reynolds worked as the Engineering Manager at CG Power Solutions, where he was responsible for the companies' substation engineering activities. Mr. Reynolds attended Rensselaer Polytechnic Institute, where he earned a Bachelor of Science in

Electrical Engineering, before attending the University of Idaho, where he earned his Master of Engineering in Electrical Engineering.

Alli Leach, Engineering Manager, Westwood Professional Services:

Ms. Leach has six years of experience in the engineering industry and currently holds the position of Engineering Manager at Westwood Professional Services, where she manages a team of more than 15 employees working in wind, solar, and battery energy storage systems (BESS). Ms. Leach is licensed in Texas as well as Oregon. Ms. Leach previously held the positions of both Site Design Lead Engineer, and Civil Project Engineer at Westwood, where she was responsible for project design, developing, and permitting. Ms. Leach earned her bachelor's degree in Civil Engineering from Texas A&M University, where she was also a teaching assistant in the Engineering Department.

The Applicant submits that the provisions identified below are unreasonably burdensome in view of the CLCPA targets and environmental benefits of the proposed Facility. Some provisions would threaten the feasibility of the Project, while others impose additional costs which are unnecessary and not in line -or in conflict- with state standards. By contrast, the burdens imposed on the community if a waiver were granted for these provisions are minor to nonexistent, as described in detail below. Overall, the main waivers requested include waivers of local law provisions pertaining to setbacks and decommissioning. For these reasons, ORES should grant the waivers requested herein.

A. Setbacks

The Town of Scipio's Zoning Ordinance, as amended by Local Law No. 1 of 2024, includes the following Community System Facility Setbacks (see Article XIII, Section 113-6 within the Town of Scipio's Zoning Ordinance):

Table 1. Town of Scipio Wind Energy Facility Setbacks

Wind Energy Facility Type	Minimum Setback Requirements			
	Occupied Buildings on Participating Landowner Property	Occupied Building on Non-Participating Landowner Property	Property Lines on Non-Participating Landowner Property	Public Roads
Small System	0.0	2.0	1.1	1.5
Community System	1.1	2.5	1.5	1.5

Note: The Town of Scipio's Zoning Ordinance defines a Community Wind Energy Facility as, "A wind energy conversion system that benefits the Scipio Community, and/or interconnects to the utility grid, consisting of one (1) or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 20 kW." Due to the proposed generation capacity of the Agricola Wind Project, the Project is subject to the setbacks under this definition.

Request

The Applicant has designed the Facility to meet the setbacks required within the town of Scipio, to the maximum extent practicable. However, for the reasons set forth specifically below, the Applicant seeks a waiver of the 2.5 times setback from occupied buildings on non-participating landowner property, the 1.5 times setback from property lines on non-participating landowner property, and the 1.5 times setback from public roads at certain turbine locations (see Article XIII, Section 113-6 within the Town of Scipio's Zoning Ordinance). The Applicant is requesting that the setbacks established in the Article VIII regulations be applied in the Town of Scipio (i.e., 2.0 times from non-participating residences and 1.1 times from non-participating property lines and public roads). Although some of the wind turbine locations proposed in this Application exceed the minimum setback standards established in the Article VIII regulations (e.g., Wind Turbine #7 is set back approximately 1.2 times from the nearest non-participating property line), the Applicant is requesting the flexibility to construct the turbines in the Town of Scipio up to the Article VIII setback distances, to account for final turbine selection and micrositing during the final design of the Facility.

This flexibility will be needed to maximize efficiency and meet manufacturer requirements. As outlined further below, turbine manufacturers may require minor adjustments to turbine locations during the final design stage to accommodate final turbine specifications and optimize for factors such as wake effects, turbulence, etc. These various factors ultimately influence performance and longevity of each turbine. The ability to construct turbines in compliance with Article VIII setbacks provides the flexibility the Applicant needs to make these necessary adjustments in the final design process while still maintaining safety. Although the Applicant designed the Facility to meet local laws to the maximum extent practicable, and some turbine locations currently exceed the setbacks set forth in Article VIII regulations, final adjustments are often essential to ensure that each turbine can achieve maximum efficiency while also preventing unnecessary wear and tear on turbines.

This flexibility is especially needed here as the shape of the Facility parcels and other siting constraints in the Town of Scipio make is particularly difficult to comply with the Town's setbacks. As noted in the waiver justification for several turbines below, there are several parcels within the Facility that are shaped in such a way that there is no physical location within which a turbine can be sited to comply with the Town of Scipio's setback requirements. Additionally, the Applicant has worked closely with the landowners participating in the Project (many of whom are farmers) and has designed the wind turbine layout (along with associated infrastructure) in a way to prevent impacts to their farming practices to the maximum extent practicable. Examples of this effort include siting turbines along the edges of agricultural fields, siting access roads as straight as possible to prevent inefficiencies in planting and harvesting practices, and placing turbines strategically to optimize compatibility with existing land use practices. The Applicant's efforts in coordinating optimal turbine siting with participating landowners were considered in conjunction with the need to prevent impacts to other environmental resources, such as wetlands, streams, avian habitat, etc.

The setbacks outlined in Article VIII were established to ensure the safe siting of wind turbines. Article VIII sets a clear framework with specific distances that were intended to protect the surrounding community, nearby properties, and nearby residences. Specifically, the requirements of a 2.0 times turbine tip height setback from non-participating residences and a 1.1 times turbine tip height setback from both non-

participating residences and public roads are based on careful consideration of safety factors and precedent set throughout New York State.

Requiring greater setbacks than those already specified in Article VIII and required of other wind projects throughout New York State would unnecessarily restrict the siting flexibility of the Facility. As a result, the Applicant will be constrained when optimizing the Facility and will ultimately be prevented from designing the most efficient and reliable project for no demonstrated reason, as the Article VIII setback distances have long been established as safe.

Analysis

Article VIII requires that for each request that the Applicant show (1) the degree of burden caused by the requirement, (2) why the burden should not reasonably be borne by the applicant, (3) that the request cannot reasonably be obviated by design changes to the facility, (4) that the request is the minimum necessary, and (5) that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable consistent with applicable requirements set forth under Article VIII.

1) Degree of Burden

Overall, the Applicant is requesting waivers of these local setbacks as siting constraints make it such that the turbines cannot be placed in a location that complies with these local setback requirements. The turbines have been sited in the least impactful locations and achieve compliance to the maximum extent practicable. The turbine tip heights under consideration for the Project are between 600 and 656 feet. Using shorter turbines would not allow the Facility to take advantage of the available wind resource and the most efficient turbine technology on the market for the conditions at the Facility Site. Given recent onshore wind manufacturing trends, wind turbine models less than 600 feet in height that are also suitable for the Facility Site conditions are generally not available.

As stated above the Applicant is requesting that the Town of Scipio setback requirements be waived with respect to all turbines sited in the Town, to ensure that each turbine can achieve maximum efficiency and meet manufacturer requirements during final Facility design. Nevertheless, the Applicant has outlined the current siting constraints for each turbine below:

Wind Turbine #1

Wind Turbine #1 is currently sited in a high wind location and has been sited to comply with all Article VIII setback requirements (see Figure 24-1, Sheet 1). Due to the width of the parcel hosting Wind Turbine #1 and the non-participating status of adjacent parcels, there is no location on the parcel that Wind Turbine #1 is sited within that would achieve compliance with the Town's 1.5 times setback from non-participating property lines. This turbine has been sited in the least impactful location (see Figure 24-2, Sheet 1) and achieves compliance to the maximum extent practicable. In addition, other design changes, such as using a shorter turbine, are not feasible. To fully comply with the 1.5 times setback from non-participating properties at this location, the turbine would have to have maximum tip height of approximately 490 feet rendering it uneconomic (see discussion on turbine height above).

Wind Turbine #2

Wind Turbine #2 is currently sited in a high wind location and has been sited to comply with Article VIII setback requirements (see Figure 24-1, Sheet 2)[4]. To achieve compliance with the Town's 1.5 times setback from non-participating property lines (i.e., parcel 174.00-1-77), this turbine would need to shift approximately 230 feet to the west. Due to the width of the parcel hosting Wind Turbine #2 and the non-participating status of adjacent parcels, there is no location on the parcel that Wind Turbine #2 is sited within that would achieve compliance with the Town's 1.5 times setback from non-participating property lines. This turbine has been sited in the least impactful location (see Figure 24-2, Sheet 2) and achieves compliance to the maximum extent practicable. In addition, other design changes, such as using a shorter turbine, are not feasible. To fully comply with the 1.5 times setback from non-participating properties at this location, the turbine would have to have maximum tip height of approximately 510 feet rendering it uneconomic (see discussion on turbine height above).

Wind Turbine #3

Wind Turbine #3 is currently sited in a high wind location and has been sited to comply with Article VIII setback requirements (see Figure 24-1, Sheet 3)[5]. Due to the shape of the parcel hosting Wind Turbine #3 and the non-participating status of adjacent parcels, there is no location on the parcel that Wind Turbine #3 is sited within that would achieve compliance with the Town's 1.5 times setback from non-participating property lines. This turbine has been sited in the least impactful location (see Figure 24-2, Sheet 1) and achieves compliance to the maximum extent practicable. In addition, other design changes, such as using a shorter turbine, are not feasible. To fully comply with the 1.5 times setback from non-participating properties at this location, the turbine would have to have maximum tip height of approximately 485 feet rendering it uneconomic (see discussion on turbine height above).

In addition to the request for a waiver from the 1.5 times non-participating property line setback within the Town of Scipio, Wind Turbine #3 will also require a waiver from the 2.5 times setback from occupied buildings within non-participating properties, as described within the town law (Article XIII, Section 113-6 within the Town of Scipio's Zoning Ordinance). To achieve compliance with the Town's 2.5 times setback from occupied buildings on non-participating properties, Wind Turbine #3 would need to shift approximately 110 feet to the northwest. A shift of this magnitude to the northwest is not feasible, as Wind Turbine #3 was carefully sited in a way to maintain sufficient separation to minimize waking effects experienced between it and Wind Turbine #2, which is also located to the northwest. See the Introduction language above for further elaboration on the impact of turbulence and wake loss in determining the optimal siting for each proposed turbine location. A shift of approximately 110 feet to the northwest would increase the waking effects experienced between Wind Turbine #3 and Wind Turbine #2, and decrease turbine productivity. Therefore, this turbine has been sited in the least impactful location and achieves compliance to the maximum extent practicable.

Wind Turbine #4

[4] Wind Turbine #2 will need two Good Neighbor Agreements (GNAs) for a 1.1 times setback from non-participating parcels. The Applicant is currently conducting landowner negotiations for these required GNAs.

[5] Wind Turbine #3 will need one GNA associated with a 1.1 times setback from a non-participating parcel. The Applicant is currently conducting landowner negotiations for this required GNA.

Wind Turbine #4 is currently sited in a high wind location and has been sited to comply with all Article VIII setback requirements (see Figure 24-1, Sheet 4). The limits of disturbance surrounding Wind Turbine #4 currently abut the delineated boundaries of Wetland 93-W003 (see Figure 14-1, Sheet 2), demonstrating complete avoidance of this federally regulated resource. To comply with the Town of Scipio's 1.5 times setback from non-participating properties (i.e., parcel 174.00-1-33), Wind Turbine #4 and its associated limits of disturbance would have to move approximately 230 feet to the east. A shift of this magnitude would require filling almost the entirely of Wetland 93-W003. Additionally, shifting Wind Turbine #4 approximately 230 feet to the east would move this turbine closer to three non-participating residences on parcels 174.00-1-31, 174.00-1-29.1, and 174.00-1-30.1, bringing the Facility out of compliance with the 2.0 residence setback requirements described in 16 NYCRR 1100-2.6(b). Further, a shift in this direction would increase sound levels and shadow flicker at non-participating residences located to the east along Wycoff Road. This turbine has been sited in the least impactful location (see Figure 24-2, Sheet 2) and achieves compliance to the maximum extent practicable. In addition, other design changes, such as using a shorter turbine, are not feasible. To fully comply with the 1.5 times setback from non-participating properties at this location, the turbine would have to have maximum tip height of approximately 500 feet rendering it uneconomic (see discussion on turbine height above).

In addition to the request for a waiver from the 1.5 times non-participating property line setback within the Town of Scipio, Wind Turbine #4 will also require a waiver from the 2.5 times setback from occupied buildings within non-participating properties, as described within the town law (Article XIII, Section 113-6 within the Town of Scipio's Zoning Ordinance). As mentioned previously, this turbine complies with all setbacks outlined in Article VIII, which includes a 2.0 times setback from non-participating residences (see Figure 24-1, Sheet 4). To achieve compliance with the Town's 2.5 times setback from occupied buildings on non-participating properties, Wind Turbine #4 would need to shift approximately 500 feet to the southwest. A shift of this magnitude is not feasible, as Wind Turbine #4 was carefully sited in a way to maintain sufficient separation to minimize waking effects experienced between it and Wind Turbine #5, located to the south. See the Introduction language above for further elaboration on the impact of turbulence and wake loss in determining the optimal siting for each proposed turbine location. Therefore, a shift of approximately 500 feet to the southwest to achieve compliance with this local provision would increase the waking effects experienced between Wind Turbine #4 and Wind Turbine #5. Additionally, shifting Wind Turbine #4 approximately 500 feet southwest to comply with the Town's 2.5 times setback from occupied buildings on non-participating properties would bring the Facility out of compliance with the 1.1 times property line setback from non-participating parcels (i.e., parcel 174.00-1-33) described in 16 NYCRR 1100-2.6(b). This turbine has been sited in the least impactful location (see Figure 24-2, Sheet 2) and achieves compliance to the maximum extent practicable. In addition, other design changes, such as using a shorter turbine, are not feasible. To fully comply with the 2.5 times setback from occupied buildings on non-participating properties at this location, the turbine would have to have a maximum tip height of approximately 540 feet rendering it uneconomic (see discussion on turbine height above).

Wind Turbine #5

Wind Turbine #5 is currently sited in a high wind location and has been sited to comply with all Article VIII setback requirements (see Figure 24-1, Sheet 5). To achieve compliance with the Town's 1.5 times setback

from non-participating property lines (i.e., parcels 174.00-1-33 and 174.00-1-77), this turbine would need to shift approximately 170 feet to the east. A shift of this magnitude is not feasible, as any shift to the east will place Wind Turbine #5 in closer proximity to the residences located along Wycoff Road. Therefore, moving Wind Turbine #5 to the east to comply with the Town's 1.5 times setback from non-participating property lines would result in an increase in both sound levels and shadow flicker at non-participating residences. For this reason, this turbine has been sited in the least impactful location (see Figure 24-2, Sheet 2) and achieves compliance to the maximum extent practicable.

In addition to the request for a waiver from the 1.5 times non-participating property line setback within the Town of Scipio, Wind Turbine #5 will also require a waiver from the 2.5 times setback from occupied buildings within non-participating properties, as described within the town law (Article XIII, Section 113-6 within the Town of Scipio's Zoning Ordinance). As mentioned previously, this turbine complies with all setbacks outlined in Article VIII, including the 2.0 times setback from non-participating residences (see Figure 24-1, Sheet 5). To achieve compliance with the Town's 2.5 times setback from occupied buildings on non-participating properties, Wind Turbine #5 would need to shift approximately 250 feet to the south. A shift of this magnitude is not feasible, as Wind Turbine #5 was carefully sited in a way to maintain sufficient separation to minimize waking effects experienced between it, Wind Turbine #4 to the north, and Wind Turbine #7 to the south. See the Introduction language above for further elaboration on the impact of turbulence and wake loss in determining the optimal siting for each proposed turbine location. A shift of approximately 250 feet to the south to achieve compliance with this local provision would increase the waking effects experienced between Wind Turbine #5 and Wind Turbine #7. This turbine has been sited in the least impactful location (see Figure 24-2, Sheet 2) and achieves compliance to the maximum extent practicable.

Wind Turbine #6

Wind Turbine #6 is currently sited in a high wind location and has been sited to comply with all Article VIII setback requirements (see Figure 24-1, Sheet 6)[6]. To achieve compliance with the Town's 1.5 times setback from public roads (i.e., Wycoff Road), this turbine would need to shift approximately 40 feet to the east. Although a shift of this distance appears minor, the parcel that Wind Turbine #6 is sited within is shaped in such a way that shifting this turbine to comply with the Town's 1.5 times setback from public roads would result in non-compliance with the Town's 1.5 times setback from non-participating property lines (i.e., parcel 174.00-1-26). Therefore, shifting Wind Turbine #6 to comply with one local laws setback provision, would result in the need for a waiver from a different local law setback provision. This turbine has been sited in the least impactful location (see Figure 24-2, Sheet 2) and achieves compliance to the maximum extent practicable.

Wind Turbine #7

[6] Wind Turbine #6 will need one GNA associated with a 2.0 times setback from a non-participating residence. The Applicant is currently conducting landowner negotiations for this required GNA.

Wind Turbine #7 is currently sited in a high wind location and has been sited to comply with all Article VIII setback requirements (see Figure 24-1, Sheet 7)[7]. To achieve compliance with the Town's 1.5 times setback from non-participating properties (i.e., parcel 185.00-1-11.1), this turbine would need to shift approximately 185 feet to the east. However, shifting Wind Turbine #7 this distance would result in this turbine being located within the 1.5 times setback from public roads (i.e., Wycoff Road), and would place it closer to non-participating residences along Wycoff Road. Therefore, shifting Wind Turbine #7 to comply with Scipio's 1.5 times setback from non-participating properties would result in non-compliance with the Town's 1.5 times setback from public roads. Additionally, a shift of this magnitude would increase the sound level and shadow flicker experienced at the non-participating residences along Wycoff Road. This turbine has been sited in the least impactful location (see Figure 24-2, Sheet 2) and achieves compliance to the maximum extent practicable. In addition, other design changes, such as using a shorter turbine, are not feasible. To fully comply with the 1.5 times setback from non-participating property lines at this location, the turbine would have to have maximum tip height of approximately 535 feet, rendering it uneconomic (see discussion on turbine height above).

Wind Turbine #8

Wind Turbine #8 is currently sited in a high wind location and has been sited to comply with all Article VIII setback requirements (see Figure 24-1, Sheet 8). To achieve compliance with the Town's 1.5 times setback from non-participating properties (i.e., parcel 185.00-1-6), this turbine would need to shift approximately 55 feet to the east. A shift of this magnitude is not feasible, as any shift to the east will place Wind Turbine #5 in closer proximity to the non-participating residence located at the intersection of Sherwood Road and Wycoff Road. Therefore, moving Wind Turbine #8 to the east to comply with the Town's 1.5 times setback from non-participating property lines would result in an increase in sound levels and shadow flicker experienced at this non-participating residence. For this reason, this turbine has been sited in the least impactful location (see Figure 24-2, Sheet 2) and achieves compliance to the maximum extent practicable.

In addition to the request for a waiver from the 1.5 times non-participating property line setback within the Town of Scipio, Wind Turbine #8 will also require a waiver from the 1.5 times setback from public roads, as described within the town law (Article XIII, Section 113-6 within the Town of Scipio's Zoning Ordinance). As mentioned previously, this turbine complies with all setbacks outlined in Article VIII, which includes a 1.1 times setback from public roads (see Figure 24-1, Sheet 8). To achieve compliance with the Town's 1.5 times setback from public roads, Wind Turbine #8 would need to shift approximately 350 feet to the northwest. A shift of this magnitude is not feasible, as Wind Turbine #8 was carefully sited in a way to maintain sufficient separation to minimize waking effects experienced between it, Wind Turbine #7 to the north, and Wind Turbine #9 to the south. See the Introduction language above for further elaboration on the impact of turbulence and wake loss in determining the optimal siting for each proposed turbine location. Therefore, a shift of approximately 350 feet to the northwest to achieve compliance with this local provision would increase the waking effects experienced between Wind Turbine #8 and Wind

[7] Wind Turbine #7 will need two GNAs associated with a 2.0 times setback from non-participating residences. The Applicant is currently conducting landowner negotiations for these required GNAs.

Turbine #7. This turbine has been sited in the least impactful location (see Figure 24-2, Sheet 2) and achieves compliance to the maximum extent practicable. In addition, other design changes, such as using a shorter turbine, are not feasible. To fully comply with the 1.5 times setback from public roads at this location, the turbine would have to have maximum tip height of approximately 540 feet rendering it uneconomic (see discussion on turbine height above).

In addition to the request for a waiver from the 1.5 times setback with respect to non-participating properties and public roads, Wind Turbine #8 will also require a waiver from the 2.5 times setback from occupied buildings within non-participating properties, as described within the town law (Article XIII, Section 113-6 within the Town of Scipio's Zoning Ordinance). As previously mentioned, this turbine complies will all setbacks outlined in Article VIII, which includes a 2.0 times setback from non-participating residences (see Figure 24-1, Sheet 8). To achieve compliance with the Town's 2.5 times setback from occupied buildings on non-participating properties, Wind Turbine #8 would need to shift approximately 230 feet northwest. Similar to what was previously stated, a shift of this magnitude would result in an increase in wake loss and turbulence experienced by Wind Turbine #8 and Wind Turbine #7 to the north. Additionally, shifting Wind Turbine #8 approximately 230 feet northwest to comply with a 2.5 times setback from occupied buildings on non-participating properties would still result in non-compliance with the Town's 1.5 times setback from non-participating properties and public roads. This turbine has been sited in the least impactful location (see Figure 24-2, Sheet 2) and achieves compliance to the maximum extent practicable.

Wind Turbine #10

Wind Turbine #10 is currently sited in a high wind location and has been sited to comply with all Article VIII setback requirements (see Figure 24-1, Sheet 10). Due to the width and depth of the parcel hosting Wind Turbine #10 and the non-participating status of adjacent parcels, there is no location on the parcel that Wind Turbine #10 is sited within that would achieve compliance with the Town's 1.5 times setback from non-participating property lines while also complying with a 1.1 times setback from Sherwood Road to the south, as required by 16 NYCRR 1100-2.6(b). This turbine has been sited in the least impactful location (see Figure 24-2, Sheet 2) and achieves compliance to the maximum extent practicable. In addition, other design changes, such as using a shorter turbine, are not feasible. To fully comply with the 1.5 times setback from non-participating properties at this location, the turbine would have to have maximum tip height of approximately 525 feet rendering it uneconomic (see discussion on turbine height above).

In addition to the request for a waiver from the 1.5 times non-participating property line setback within the Town of Scipio, Wind Turbine #10 will also require a waiver from the 1.5 times setback from public roads (see Figure 24-1, Sheet 10), as described in Article XIII, Section 113-6 within the Town of Scipio's Zoning Ordinance. Similar to the discussion above, there is no location that this turbine can be moved to within the parcel that it is sited in that would achieve compliance with a 1.5 times public road setback, while also complying with a 1.1 times setback from non-participating properties required by 16 NYCRR 1100-2.6(b). This turbine has been sited in the least impactful location (see Figure 24-2, Sheet 2) and achieves compliance to the maximum extent practicable.

Wind Turbine #12

Wind Turbine #12 is currently sited in a high wind location and has been sited to comply with all Article VIII setback requirements (see Figure 24-1, Sheet 12). To achieve compliance with the Town's 1.5 times setback from non-participating properties (i.e., parcel 186.00-1-21), while also complying with Article VIII setback requirements, this turbine would need to shift approximately 225 feet to the west. A shift of this magnitude is not feasible, as it would then result in non-compliance with the Town of Scipio's 2.5 times setback from occupied buildings on non-participating properties (i.e., occupied buildings on parcel 186.00-1-28). Additionally, Wind Turbine #12 is currently sited in a location that was identified as favorable by the landowner. The current location of this turbine has historically had a low crop yield due to the shade created by vegetation to the south, southwest, and west. This turbine has been sited in the least impactful location (see Figure 24-2, Sheet 3) and achieves compliance to the maximum extent practicable. In addition, other design changes, such as using a shorter turbine, are not feasible. To fully comply with the 1.5 times setback from non-participating properties at this location, the turbine would have to have maximum tip height of approximately 510 feet rendering it uneconomic (see discussion on turbine height above).

Wind Turbine #12 is located within a 1.5 times setback from Welch Road to the south. However, because Welch Road is entirely located within the Town of Venice, it is not subject to the Town of Scipio's setback requirements. Wind Turbine #12 is sited outside of a 1.1 times setback from Welch Road, as required by Venice's Local Law #2 of 2024, Section 8(J)(i). Therefore, because Wind Turbine #12 complies with the 1.5 times setback from all public roads located within the Town of Scipio, the Applicant is not seeking a waiver from this setback provision.

Wind Turbines #9 and #11

Wind Turbines #9 and #11 are currently proposed in a location which meets all local setback requirements (Sheet 24-1, Sheets 9 and 11). However, the Applicant is requesting the ability to construct these turbines up to the setback distances outlined in the Article VIII regulations (2.0 times setback from non-participating residences and a 1.1 times setback from both non-participating property lines and public roads). This flexibility is necessary to accommodate potential adjustments required during the final design phase, particularly in response to the selection of the final turbine model and micrositing needs, as determined by the Applicant and the turbine manufacturer. Although these turbines currently meet the setbacks as described in the Town of Scipio's law, they are both very constrained, therefore even slight adjustments to the locations of each turbine could result in non-compliance with the Town of Scipio's wind turbine setbacks. For example, shifting Wind Turbine #9 to the east, west, or south would result in non-compliance with the Town's 1.5 times setback from public roads. If the turbine were to shift north, then the turbine would be located in closer proximity to a private water well (see Exhibit 13), would result in an increase in turbulence and waking effects experienced between it and Wind Turbine #8 to the north, and may result in non-compliance with the 2.5 times setback from occupied buildings on non-participating property.

Request for all Turbines Proposed within the Town of Scipio

As the final turbine model is determined, original equipment manufacturers (OEMs) often conduct extensive reviews to ensure the proposed turbine locations are not only suitable for the wind conditions present onsite, but also that they meet certification and safety standards for each facility's specific layout and environmental conditions. This process can involve considerations beyond the initial siting assessment, such as evaluating wake effects created by nearby turbines that can affect efficiency and durability. The final turbine model and configuration may necessitate minor shifts in turbine placement to optimize performance, minimize wear, and ensure compliance with OEM requirements, which ultimately reduces maintenance and supports the operational longevity and safety of the Facility.

Furthermore, logistical factors such as construction access and safe maneuverability on site may also necessitate minor adjustments to turbine locations. Without the flexibility to adjust within the setback distances established in the Article VIII regulations, these necessary modifications could become constrained, potentially impacting the Facility's efficiency and compliance with turbine OEM requirements.

For the reasons outlined above, allowing turbines within the Town of Scipio to be sited up to the setback limit specified in Article VIII regulations will provide the necessary flexibility to ensure that each turbine is optimally positioned for both performance and safety. This approach supports a more robust, adaptable design process and will result in a Facility that meets operational and safety standards throughout its operational life. Therefore, the Applicant respectfully requests a wavier from all provisions outlined in Article XIII, Section 113-6 within the Town of Scipio's Zoning Ordinance to allow for the micrositing of all turbines within the town, due to the likelihood that minor turbine shifts will be required as the Project matures toward construction. These micrositing shifts would be proposed in an Application Supplement or Permit Modification, as outlined the Article VIII regulations, and would be conducted solely for the optimization of the Facility and would not be completed unless necessary.

2) <u>Burden Should Not Reasonably be Borne by the Applicant</u>

This requirement cannot reasonably be borne by the Applicant because it is technically infeasible to shift Facility turbines in a manner that would result in compliance with local setbacks. In the decision-making process for turbine placement, the Applicant initially conducted a comprehensive site assessment, starting with a preliminary screening to pinpoint areas within the Towns of Scipio and Venice that included favorable wind conditions, making them conducive to wind energy generation.

Following this initial screening, the Applicant conducted a feasibility assessment, gathering data on wind speeds, wind directions, turbulence, and various climatic factors over an extended timeframe. Once the potential parcels within each Town were identified and rigorously evaluated, the Applicant initiated negotiations with landowners for the acquisition of necessary land rights through leasing or purchase agreements.

Upon securing participation from a sufficient number of landowners throughout the Facility Site, the Applicant then proceeded to conduct a more intricate assessment of the identified parcels. This phase encompassed the positioning of individual wind turbines, development of access roads, locations of collection lines, and other essential infrastructure considerations.

The design process was highly comprehensive, taking into account factors such as turbine spacing, terrain characteristics, the need to avoid environmentally and culturally sensitive resources, adherence to local

regulations, avoidance of landowner exclusion areas, avoidance of identified broadcast communication sources, and the stringent requirements of Article VIII compliance. The goal was to design an optimal layout that would maximize energy production efficiency while balancing these aforementioned factors.

In cases where agreements with non-participating landowners to meet local setbacks were not reached, the Applicant underwent a thorough review of the design. In some instances, turbine locations were successfully adjusted to ensure compliance with local laws (e.g., Wind Turbines #9 and #11). However, most turbines could not be relocated due to the diverse range of environmental and technical constraints that dictated their initial placements.

In light of these complex technical and environmental considerations, the Applicant asserts that the following local law setbacks are beyond reasonable feasibility, given the limitations inherent in the relocation of turbines within the specified parcels:

- 1.5 times the turbine height to public roads
- 1.5 times the turbine height to property lines on non-participating landowner property
- 2.5 times the turbine height to occupied buildings on non-participating landowner property

As described above, a total of 10 of the proposed 12 turbines within the Town of Scipio currently do not comply with the Town's local setback laws, and siting constraints on the other two turbines makes it difficult to ensure compliance in final design. If these waiver requests are not granted, this would result in a loss of 42 to 68 MW (depending on the final turbine model chosen for the proposed Facility) across the Project. Therefore, if the setback waivers requested above are not granted, and the associated turbines need to be eliminated from the Project, the associated loss of the Project's annual energy production would jeopardize the economic feasibility of the Project and in-turn jeopardize clean renewable energy for the energy consumers of New York.

3) <u>Request Cannot Reasonably be Obviated by Design Changes</u>

As outlined above, this request cannot be obviated by design changes to the Facility, as many constraints must be considered in arriving at a viable turbine layout. In total these constraints constrict the available footprint within which a turbine may be placed. In addition to physical constraints such as the shape and size of the parcels hosting turbines, terrain, wetlands and streams, participating landowner land use restrictions, the location of existing utilities and other similar limitations, sound and shadow flicker minimization at nearby receptors and parcel boundaries must also be accounted for. The turbine layout must also be optimized with respect to the available wind resource, maximizing the expected production while minimizing the effects of wind turbulence intensity and the waking effects that may occur between turbines, both of which increase the cost of turbine maintenance over the life of the Facility. Additionally, high turbulence intensity and waking adversely impact the ability for turbine suppliers to grant a turbine site suitable for consideration without onerous and uneconomic operational requirements (see Introduction language above for further elaboration on the impact of turbulence and wake loss in determining the optimal siting for each proposed turbine location). The overall combination of these constraints requires that the setback to non-participating parcel boundaries, public roads, and occupied buildings on non-

participating properties be waived as the Applicant cannot reasonably design the Facility to meet these local setback requirements.

4) Request is the Minimum Necessary

As explained above the Applicant endeavored to place Wind Turbines #1, #2, #3, #4, #5, #6, #7, #8, #10, and #12 in locations that would meet the setbacks to the maximum extent practicable given the siting constraints discussed above.

Although Wind Turbines #9 and #11 are currently sited to comply with the Town of Scipio's setback requirements, the Applicant is requesting a waiver from these provisions for all wind turbines in the Town of Scipio. The request for setback waivers for all 12 turbines in the Town of Scipio is still the minimum necessary, as the Applicant is only seeking a waiver from these provisions which would allow for micrositing purposes in the event that it is necessary for Facility Site optimization. In no event will the Applicant shift the location of Wind Turbines #9 and #11 for unnecessary or unsupported reasons.

5) Adverse Impacts of Waiver Have Been Mitigated

The adverse impacts of granting this request will be mitigated to the maximum extent practicable. All turbines will ultimately be sited and constructed in compliance with the setbacks required under Article VIII (see Figure 24-1). These setbacks were based on careful consideration of the best practices for siting renewable energy projects, engineering guidelines, past precedents in Article 10 cases, and other local law requirements throughout the state. The Application does not identify any unique or different circumstances in the Town which would dictate greater setbacks (See Exhibits 5 and 6 for an analysis of setbacks and public health and safety). The Article VIII setbacks are sufficient to minimize and mitigate potential adverse impacts.

Conclusion

The turbines at the Facility have been sited in the least impactful locations that achieve compliance to the maximum extent practicable with local and ORES setback requirements. The proposed locations and spacing of wind turbines are directly related to several factors, including landowner participation, wind resources, topography, existing infrastructure, accessibility, environmental resource impacts, and the consideration of zoning constraints, to the extent feasible.

This request cannot be obviated by design changes to the Facility, as many constraints must be considered in arriving at a viable turbine layout. In aggregate, these constraints dictate the available footprint within which Facility turbines may be placed. Moreover, this requirement cannot reasonably be borne by the Applicant because if the turbines identified above are not granted setback waivers and need to be eliminated from the Project, the associated loss of the Project's annual energy production would jeopardize the economic feasibility of the Project and jeopardize clean renewable energy for the energy consumers of New York.

For the reasons discussed above, and in light of the CLCPA goals, the Applicant requests that ORES waive the above identified setbacks in the Town of Scipio.

B. Decommissioning Timeline

Request

The Town of Scipio's Zoning Ordinance, as amended by Local Law No. 1 of 2024, includes the following decommissioning timeline: "The Wind Energy Facility Owner shall have six (6) months to complete decommissioning of the Facility if no electricity is generated for a continuous period of twelve (12) months" (Section 11.08). The Applicant respectfully requests that this local law requirement be waived, to the extent that it does not allow for good cause and to the extent it would require the full Facility to be decommissioned within 6 months, as decommissioning can take up to 18 months to complete.

Analysis

Article VIII requires that for each request that the Applicant show (1) the degree of burden caused by the requirement, (2) why the burden should not reasonably be borne by the applicant, (3) that the request cannot reasonably be obviated by design changes to the facility, (4) that the request is the minimum necessary, and (5) that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable consistent with applicable requirements set forth under Article VIII.

1) Degree of Burden

The Town of Scipio's removal requirements are unnecessarily restrictive as they do not account for the various circumstances under which a wind turbine may become inoperative, and they do not allow for continued operations with good cause.

12-Month Timeline

There may be various valid reasons a turbine remains inoperable after 12 months, and the Applicant should be provided an opportunity to explain any delays and not be forced to remove a turbine that the Applicant intends to keep operational. For example, the New York State Independent System Operator or interconnecting utility could require the Applicant to suspend Facility operation for any given period to address any technical problems or for upgrades elsewhere in the electric system. Another similar example could include government-imposed curtailment regimes which could result in non-operation to address impacts to threatened and endangered species. A technical system wide failure, individual component failure, or severe weather event such as a lightning strike, could also render a turbine or turbine(s) within the Facility inoperable, and the necessary repairs and/or replacements could be delayed for a variety of reasons. These include, but are not limited to, delays in replacement component deliveries as a result of supply chain imbalances, cost inflation in components and logistics, shortages of materials, shipping delays, manufacturing delays, and other related procurement issues. These types of delays have been exacerbated by recent shifts in freight and raw material costs. Repairing a wind turbine involves a complex logistical chain, from sourcing parts to coordinating skilled technicians. Efficiently managing the scheduling of personnel, equipment (e.g., cranes), and transportation can lead to delays, especially when dealing with unforeseen issues that can cascade down the repair timeline. The Applicant could also have a turbine, or turbines, shut down for a given period of time to attempt to address a complaint or resolve impacts or disputes with a neighboring landowner regarding noise or other problems, which may take time to resolve

before operation of the turbine or turbines can be resumed. Given the various factors that could impact turbine operation, the Applicant requests that the 12-month timeline include the ability for the Applicant to extend that timeframe for good cause.

6-month Removal

The Town of Scipio's law requires removal and restoration to be completed within 6 months. This period is unreasonably brief and may be infeasible or impossible to achieve, particularly depending upon the seasonal timing of decommissioning and site restoration activities. It can take up to 18 months to decommission and restore a wind facility of this size. As noted in Exhibit 23 and Appendix 23-A to this Application, the major portions of the decommissioning process are anticipated to take approximately up to 18 months, but this does not include the pre-decommissioning planning and logistical time frame and assumes there are no logistical challenges impacting the 18-month timeline. As outlined in Exhibit 23 and Appendix 23-A, the Applicant will carefully coordinate decommissioning activities to ensure proper environmental protections are in place (i.e. SWPPP/SPDES coverage), ensure appropriate weather conditions for removal and restoration (i.e., appropriate growing season for restoration), coordinate with transportation companies and salvage yards to ensure components can be safely transported and disposed of, coordinate with specialized contractors for decommissioning activities (i.e., crane operators), and coordinate with landowners to ensure work can proceed safely on their property. All this work must occur prior to full decommissioning activities commencing and can take several months in and of themselves to coordinate and complete.

2) Burden Should Not Reasonably be Borne by the Applicant

This request should not be borne by the Applicant or consumers who demand renewable energy. As demonstrated above, this request could unreasonably require the site to be decommissioned through no fault of the Applicant, and when the Facility could remain in operation. In addition, a 6-month timeframe for decommissioning to be completed is unreasonably short, and as demonstrated in Exhibit 23 and Appendix 23-A, decommissioning of the Facility will take up to approximately 18 months due to logistical, seasonal, and sequencing challenges.

3) Request Cannot Reasonably be Obviated by Design Changes

The request cannot be obviated by design changes as the Project design is not dependent on decommissioning costs or timeline.

4) Request is the Minimum Necessary

The request is the minimum necessary as the Applicant is requesting to follow the decommissioning requirements set forth in Article VIII and there is no basis to require more than what these regulations set forth. Allowing the Facility to continue operating when the operator can demonstrate good cause for the delay of maintenance or repairs, prevents unnecessary environmental impacts associated with decommissioning an operable turbine and ensures the State is not losing renewable energy generation needlessly.

5) Adverse Impacts of Waiver Have Been Mitigated

The adverse impacts of granting the request are mitigated to the maximum extent practicable as the request would only extend the abandonment timeline for good cause, and the Applicant will follow the decommissioning requirements set forth in Article VIII.

Conclusion

As demonstrated above, the timeline requirements are unreasonably burdensome considering the various circumstances that turbines could become inoperative and the time it takes to coordinate and ensure proper and safe removal of an inoperative turbine. Additionally, a 6-month timeframe to complete decommissioning of the Facility is too short, as the Applicant anticipates needing approximately up to 18 months to complete decommissioning due to logistical, seasonal, and sequencing challenges (see Appendix 23-A for additional details). For these reasons and as further explained above, the Town's requirement should be waived.