

READ AND LANIADO, LLP

ATTORNEYS AT LAW

25 EAGLE STREET
ALBANY, NEW YORK 12207-1901

(518) 465-9313 MAIN
(518) 465-9315 FAX
WWW.READLANIADO.COM

Via Hand Delivery

KEVIN R. BROCKS
JEFFREY B. DUROCHER
CRAIG M. INDYKE
DAVID B. JOHNSON
SAM M. LANIADO

STEVEN D. WILSON

07-T-0140
OGC
OET+E
ORIGINAL
DHADR
Corresp.

HOWARD J. READ
RICHARD C. KING
OF COUNSEL

March 26, 2007

Hon. Jaclyn A. Brilling
Secretary New York State Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1305

RECEIVED
PUBLIC SERVICE
COMMISSION
EXEC FILES-ALBANY
2007 MAR 26 PM 4:23

Re: Case 07-T-0140 -Application of Noble Wethersfield Windpark, LLC for a Certificate of Environmental Compatibility and Public Need for the Construction and Operation of the Wethersfield to Orangeville 230 kV Transmission Project Pursuant to Article VII of the Public Service Law

Dear Secretary Brilling:

The purpose of this submittal is to supplement the application in the above referenced proceeding. This supplement provides a demonstration that the switchyard located in Orangeville complies with the dimensional requirements of the Orangeville Zoning Ordinance. The switchyard is located in an agricultural district and will comply with all requirements. There are essentially four "bulk" limitations for residential structures, which are arguably made applicable to the agricultural district by virtue of Section Section XXXI.e. Nonetheless, none of the bulk requirements should apply because Section XXI states "[n]othing in this Ordinance shall restrict the occupation or use of public properties or the construction, use or maintenance of public utility structures and facilities required to service the Town." Nonetheless, with respect to the limits:

1. Height. Uses over 35 feet in height are permissible if the exterior walls have a fire resistant rating of 2 hours. Section XXXII.3. None of the switchyard structures will exceed 33 feet in height and thus will comply with the limitation. Furthermore, as discussed above, this height limitation does not apply to public utility structures.

2. Lot Width. The lot must have a width of at least 200 feet. Section XXXII.4.d. This minimum width is more than satisfied. Refer to the attached survey.

3. Lot Area. Principal buildings may not cover more than 25 percent of the lot area. Section XXXII.7. The switchyard has no structures with a roof, and is not a building; accordingly, the area limitation does not apply. However, even if deemed to apply, the standard would be satisfied. The square area of the property is 240'x375' which is 90,000 square feet. The footprint area of the equipment used is 22,328' which is 24.8% of the total area. Note that the actual equipment footprint is much smaller because this calculation includes the empty space between the busses. Please reference the attached drawing (Switchyard Layout Plan).

4. Minimum Yard Requirements. There shall be a front yard with a minimum depth of 50 feet and a rear yard of 30 feet. Section XXXII.8. As demonstrated on the attached survey, the front and rear yards are more than sufficient to meet these requirements. The shortest distance from the switchyard outline to the lot line is 93'.

Noble has served this submittal on all parties entitled to service of the initial filing. A revised service list, as well as an Affidavit of Service, is attached hereto.

Respectfully submitted,

READ AND LANIADO, LLP
Attorneys for Noble Wethersfield Windpark, LLC



By:


Jeffrey B. Durocher

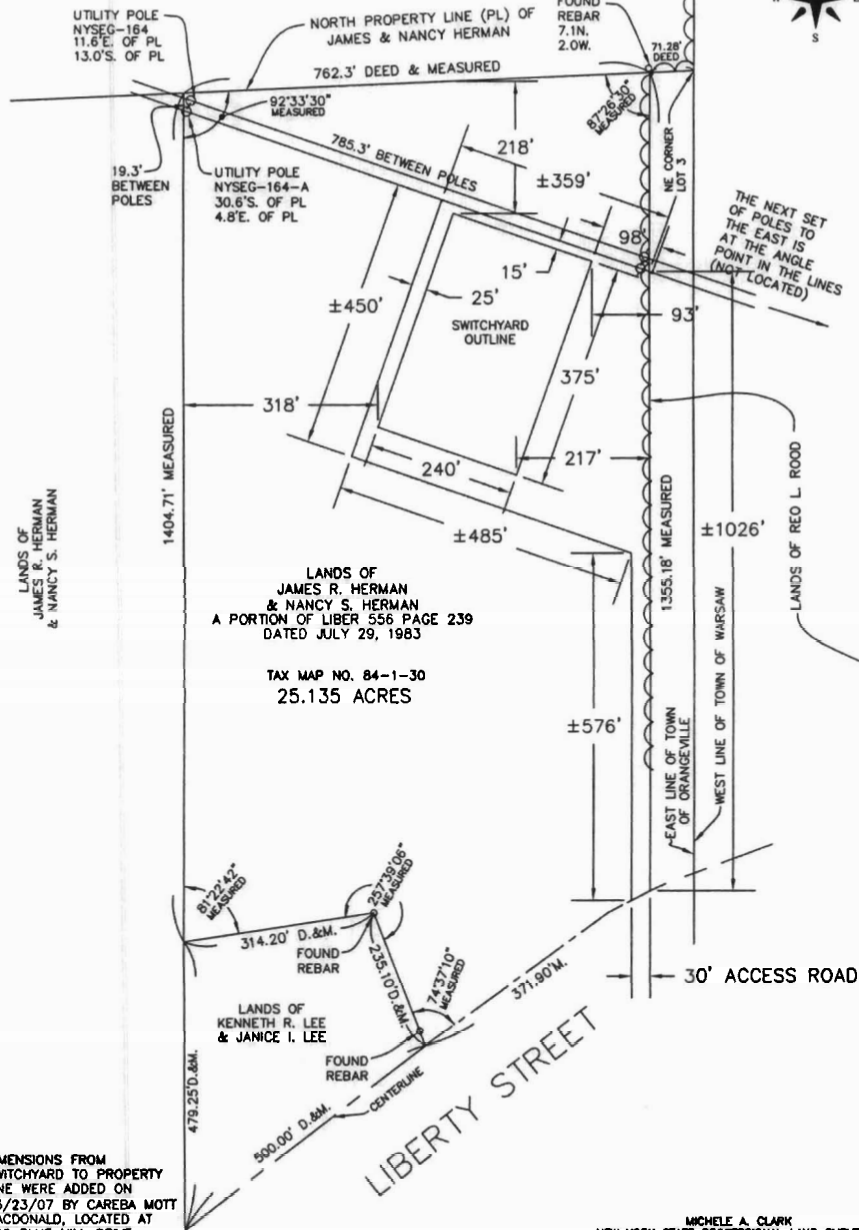
JBD/lac
Enclosures

cc: Service List (Via Regular Mail)



	CABLE POWER ENGINEERING, PC 4814 14th Street, Suite 100, Lakewood, CO 80226	303-441-1111	303-441-1111
	NOBLE WETHERSFIELD WINDPARK SWITZTHARDO LAYOUT PLAN	303-441-1111	303-441-1111
303-441-1111	303-441-1111	303-441-1111	303-441-1111
303-441-1111	303-441-1111	303-441-1111	303-441-1111

LANDS OF
ROGER E. CHANDLER & DOROTHY
CHANDLER



DIMENSIONS FROM
SWITCHYARD TO PROPERTY
LINE WERE ADDED ON
03/23/07 BY CAREBA MOTT
MACDONALD, LOCATED AT
400 BLUE HILL DRIVE,
WESTWOOD, MA 02090.

ONLY VISIBLE UTILITY SERVICES AND/OR
ENCUMBRANCES WERE LOCATED AND
ARE SHOWN.

THIS SURVEY WAS PREPARED WITHOUT
THE BENEFIT OF AN ABSTRACT OF TITLE
AND IS SUBJECT TO ANY STATEMENT OF
FACTS THAT MAY BE REVEALED BY AN
EXAMINATION OF SUCH.

M = MEASURED
D.&M. = DEED & MEASURED
PL = PROPERTY LINE
~ = HEDGE ROW

NOTE: AS OF THIS DATE, NO PROPERTY
CORNERS HAVE BEEN SET.

ONLY BOUNDARY SURVEY MAPS WITH
THE SURVEYOR'S EMBOSSED SEAL ARE
GENUINE, TRUE AND CORRECT COPIES
OF THE SURVEYOR'S ORIGINAL WORK
AND OPINION.

ALTERING THIS DOCUMENT IS IN
VIOLATION OF THE LAW EXCEPTING AS
PROVIDED IN SECTION 7209, PART 2 OF
THE NEW YORK STATE EDUCATION LAW.

THE ALTERATION OF BOUNDARY SURVEY
MAPS BY ANYONE OTHER THAN THE
ORIGINAL PREPARER IS MISLEADING,
CONFUSING, AND NOT IN THE GENERAL
WELFARE AND BENEFIT OF THE PUBLIC.

MICHELE A. CLARK
NEW YORK STATE PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER 50459

SURVEY
PART OF LOT 3, TOWNSHIP 9, RANGE 2
OF THE HOLLAND LAND COMPANY'S SURVEY
TOWN OF ORANGEVILLE
COUNTY OF WYOMING ~ STATE OF NEW YORK
CREEKSIDE BOUNDARY
1746 HIGGINS ROAD
WARSAW, NEW YORK 14589
PH: 585-786-5640 FAX: 585-786-5649

SCALE: 1" = 200'	DATE: 2/8/06	C:\SURV\WORK06
DWN BY: MAC	CKD BY: MAC	JOB NO.: 84-1-30

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

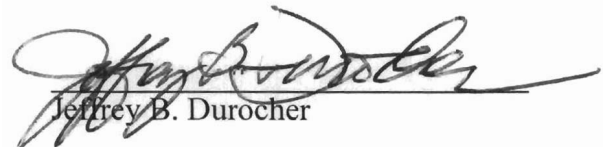
----- X

Case 07-T- 0140- Supplemental Submittal of Noble
Wethersfield Windpark, LLC for a Certificate of
Environmental Compatibility and Public Need for the
Construction and Operation of the Wethersfield to
Orangeville 230 kV Transmission Project Pursuant to
Article VII of the Public Service Law.

----- :
----- X

CERTIFICATE OF SERVICE

On March 26, 2007, a copy of a supplement by Noble Wethersfield, LLC to its
*Application for a Certificate of Environmental Compatibility and Public Need for the
Construction and Operation of the Wethersfield to Orangeville 230 kV Transmission Project
Pursuant to Article VII of the Public Service Law*, in the above captioned case, was served by
hand to: New York State Public Service Commission, and to all other parties on the revised
service list by regular or overnight mail.


Jeffrey B. Durocher

Dated: March 26, 2007

**WETHERSFIELD TO ORANGEVILLE
230 KV TRANSMISSION PROJECT
SERVICE LIST
REVISED 3-7-07**

Hon. John Copeland
Supervisor
Town of Wethersfield
4362 Route 78
Gainesville, NY 14066

Hon. Susan May
Supervisor
Town of Orangeville
2916 Orangeville Center Road
Warsaw, NY 14569

Chairman
Empire State Development
30 South Pearl Street
Albany, NY 12245

Commissioner
NYS Dept. of Agriculture & Markets
10 "B" Airline Drive
Albany, NY 12235

Secretary of State
NYS Department of State
41 State Street
Albany, NY 12231

Commissioner
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Commissioner
NYS Office of Parks, Recreation/Historic Preservation
One Empire State Plaza
Albany, NY 12238

Commissioner
NYS Department of Transportation
Building 5 – State Campus
1220 Washington Avenue
Albany, NY 12232

**WETHERSFIELD TO ORANGEVILLE
230 KV TRANSMISSION PROJECT
SERVICE LIST
REVISED 3-7-07**

Hon. Dale M. Volker
59th Senatorial District
427 CAP
Albany, NY 12247

Hon. Daniel Burling
NYS Assemblyman
147th District
L.O.B. Room 635
Albany, NY 12248

Hon. William Boutellier
Administrative Law Judge
NYS Dept. of Public Service
Three Empire State Plaza
Albany, NY 12223-1350

A.D. Berwanger
Chairman
Wyoming County Board of Supervisors
c/o Cheryl J. Ketchum, Clerk
143 N. Main Street
Warsaw, NY 14569

Ronald Smith
Supervisor
Town of Warsaw
27 North Main Street
Warsaw, NY 14569