

**** PRESS RELEASE ****

January 9, 2009

**NEW YORK STATE SUPREME COURT JUDGE NULLIFIES
TOWN OF HAMLIN'S WIND ENERGY LAW**

The Wind Energy Law adopted in April 2008 by the Monroe County Town of Hamlin has been “set aside and annulled” by the Hon. David Michael Barry, Justice of New York State’s Supreme Court, in an “Order and Judgment” granted on January 5, 2009. The court’s decision concludes that the Hamlin Town Board violated the requirements of the State Environmental Quality Review Act (SEQRA) when it neither took a “hard look” at the relevant areas of environmental concern, nor set forth a “reasoned elaboration” for its determination that the wind energy law would not have a significant impact on the environment.

The wind law nullified by the court would have allowed construction of 400-foot-tall wind turbines within 600 feet of property lines and public roads and 1,200 feet of residences. In adopting the local law, the Hamlin Town Board chose to ignore the recommendations of the town's Wind Tower Committee for **1,500-foot** setbacks from roads and property lines, and **2,640-foot** [half-mile] setbacks from residents. The Town Board also disregarded the WTC's recommended noise standards intended to protect the health and wellbeing of nearby residents.

The judicial proceeding was brought in State Supreme Court, Monroe County by the "Hamlin Preservation Group" [HPG], an association of town residents and landowners determined to protect Hamlin's rural character and natural environment, and thirty-nine (39) Town of Hamlin residents. Of special concern to the Hamlin residents was the town board’s failure to take the required “hard look” at potential adverse impacts on human health associated with industrial wind farms prior to establishing minimum setback requirements and noise standards in the challenged wind law.

Attorney Arthur J. Giacalone expressed HPG’s response to the decision:

The members of the Hamlin Preservation Group are thrilled with the court’s ruling, and grateful to Justice Barry for holding the Hamlin Town Board to the tough standards mandated by the State’s environmental review law. If a town chooses to allow, rather than prohibit, industrial-scale wind development, it must, at a minimum, protect its residents' health, maintain the town's rural character, and preserve property values by establishing meaningful setback requirements and noise standards. The court’s ruling will help to ensure those protections.