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October 1, 2009

Honorable Supervisor and Members of the Orangeville Town Board Town of Orangeville
Orangeville Town Hall
4082 Route 20A
Warsaw, NY 14569

RE: Application by Stony Creek Energy LLC for Special Use Permit to Construct and Operate a Wind Powered Electric Generation Facility in Orangeville, New York

Dear Supervisor May and Members of the Orangeville Town Board:

Stony Creek Energy LLC ("Stony Creek Energy") hereby submits this application for a special use permit for construction of a wind energy project including turbines, access roads, electric collection system, substation and related infrastructure in the Town of Orangeville pursuant to the Town of Orangeville Local Law No.1 of 2009. Under separate cover we will submit our application to the Zoning Board of Appeals for an area variance. To present a complete picture of our proposal, details of the request are included herein.

Background

Stony Creek Energy is a wholly owned subsidiary of Invenergy Wind North America LLC ("Invenergy"). Invenergy is a utility-scale power producer developing renewable energy projects in the New York State energy market. Invenergy operates under the supervision and regulatory authority of the New York State Public Service Commission and the Federal Energy Regulatory Commission ("FERC") under the Federal Power Act, 16 USC 24(c)(d).

Invenergy's mission is to provide electricity to the public using clean, renewable sources such as wind. This mission is in furtherance of the federal government's policy as articulated in 42 U.S.C. 9201 to "hasten the widespread utilization of [wind energy] systems," as well as the State of New York's renewable energy policy (Renewable Portfolio Standard - PSC Case 03-E0188), which requires 25% of the State's energy to come from renewable sources such as wind by the year 2013.

The Stony Creek Wind Farm will supply electricity to the wholesale power market known as "NYISO West Region A," which includes Wyoming County (and all or portions of ten other counties). The Project must sell into the NYISO markets, at the prices derived through the regulations promulgated by the NYISO.

The project as proposed will include:

- Installation of 59 General Electric 1.5 XLE, or equivalent, wind turbine generators (“WTG”);
- Construction of gravel access roads connecting each WTG to allow vehicular access during the Project’s construction and operation;
- Construction of an electrical collection system (“ECS”) consisting of buried cables that will deliver electricity generated from the 59 WTGs to a substation;
- Construction of a new electric substation on Centerline Road in the central area of the Project;
- Construction of an Operations & Maintenance Building for Project offices, garages, workspace and storage area for parts and tools; and
- Participation of approximately 75 landowners

Stony Creek Energy looks forward to working with the Town and proposing a host community agreement that will provide substantial yearly revenue to Town, enabling sustained tax reduction.

Application

Please accept this letter and the following enclosures as Stony Creek Energy's application for a Special Use Permit pursuant to Section 1116 of the Town Zoning Law.

- Enclosure 1: A sheet confirming completion of a wire transfer of \$29,500 into the account of the Town of Orangeville as payment of the required application fee of Five Hundred Dollars (\$500.00) per wind turbine.
- Enclosure 2: SEQRA Environmental Assessment Form, Part I.
- Enclosure 3: Proposed Escrow Agreement between Stony Creek Energy and the Town of Orangeville to cover costs associated with review of this application.
- Enclosure 4: A binder of application materials containing plot plans and information on the proposed project and Invenergy. Exhibits in this binder are:
 - Exhibit 1: Invenergy Corporate Summary
 - Exhibit 2: Section 809 Conflicts Disclosure Statement
 - Exhibit 3: Project Schedule
 - Exhibit 4: Permit List
 - Exhibit 5: Wind Turbine Information
 - Exhibit 6: Plot Plans
 - Exhibit 7: Road Study
 - Exhibit 8: Storm Water Pollution Protection Plan (“SWPPP”)

In addition to the above, we specifically request permission pursuant to Town Zoning Code § 1116(C)(4) to include the remaining studies in the Draft Environmental Impact Statement.

Variance Requested

Stony Creek will request a variance to allow for installation of one wind turbine, T-28, at a location approximately 200 feet from the centerline of the seasonal use road currently maintained by the Town of Orangeville and known as Bantam Road. This distance is less than the road setback of 1.2 times turbine height specified in Section 1116.B.1 of the Town Zoning Code and thus Stony Creek intends to apply for a variance for WTG T-28.

Accordingly, Applicant respectfully requests that the Town Board, in compliance with the Local Law:

(i) Place this application on the next available Town Board meeting for further review;

(ii) Issue a Notice of Intent to act as Lead Agency under SEQRA;

Please do not hesitate to contact me if the Town requires any additional information or materials prior to the next Town Board meeting on this matter.

Very truly yours,

Daniel A. Spitzer

DAS/mg
Enclosures

cc: