

2435

2011-2012 Regular Sessions

I N S E N A T E

January 21, 2011

Introduced by Sen. ALESI -- read twice and ordered printed, and when
printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to
establishing a wind siting designation board

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The environmental conservation law is amended by adding a
2 new article 48 to read as follows:

3 ARTICLE 48
4 WIND SITING

5 SECTION 48-0101. WIND SITING.

6 S 48-0101. WIND SITING.

7 1. THE WIND SITING DESIGNATION BOARD IS HEREBY CREATED, AND SHALL
8 CONSIST OF NINE REGIONAL PLANNING BODIES EACH OF WHICH SHALL BE LOCATED
9 WITHIN ONE OF THE DEPARTMENT'S NINE REGIONS PURSUANT TO SUBDIVISION FOUR
10 OF THIS SECTION. EACH REGIONAL PLANNING BODY OF THE WIND SITING DESIG-
11 NATION BOARD SHALL CONSIST OF THE REGIONAL DIRECTOR OF EACH DEPARTMENT
12 OF ENVIRONMENTAL CONSERVATION REGION WITHIN SUCH REGIONAL PLANNING BODY;
13 ONE MEMBER WHO SHALL BE DESIGNATED BY THE CHAIRMAN OF THE NEW YORK POWER
14 AUTHORITY AND WHO SHALL RESIDE WITHIN THE REGIONAL PLANNING BODY TO
15 WHICH SUCH PERSON IS APPOINTED; ONE MEMBER WHO SHALL BE DESIGNATED BY
16 THE CHAIRMAN OF THE EMPIRE STATE DEVELOPMENT CORPORATION WHO SHALL
17 RESIDE WITHIN THE REGION THE REGIONAL PLANNING BODY REPRESENTS; AND
18 THREE MEMBERS FROM A LOCAL GOVERNMENT ENTITY WITHIN THE REGION THE
19 REGIONAL PLANNING BODY REPRESENTS, PROVIDED, HOWEVER, THAT THE THREE
20 MEMBERS SHALL NOT BE FROM THE SAME ORIGINATING ENTITY AND THAT SUCH
21 MEMBERS SHALL BE APPOINTED IN JOINT AGREEMENT BY THE REGIONAL DIRECTOR.
22 MEMBERS OF THE BOARD SHALL SERVE FOR A TERM OF SIX YEARS; PROVIDED,
23 HOWEVER, THAT IF ANY MEMBER SHALL DISAFFILIATE FROM THE ORIGINATING
24 ENTITY FROM WHICH HE OR SHE WAS APPOINTED TO THE BOARD, THEN SUCH MEMBER
25 SHALL BE TERMINATED FROM THE BOARD AND A NEW MEMBER SHALL BE APPOINTED

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 FROM THE ORIGINATING ENTITY. EACH MEMBER OF THE BOARD SHALL BE ENTITLED
2 TO DESIGNATE A REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD IN HIS OR
3 HER PLACE, AND TO VOTE OR OTHERWISE ACT ON HIS OR HER BEHALF IN HIS OR
4 HER ABSENCE. NOTICE OF SUCH DESIGNATION SHALL BE FURNISHED IN WRITING TO
5 THE BOARD BY THE DESIGNATING MEMBER. A REPRESENTATIVE SHALL SERVE AT THE
6 PLEASURE OF THE DESIGNATING MEMBER. A REPRESENTATIVE SHALL NOT BE
7 AUTHORIZED TO DELEGATE ANY OF HIS OR HER DUTIES OR FUNCTIONS TO ANY
8 OTHER PERSON.

9 2. THE WIND SITING DESIGNATION BOARD SHALL RECEIVE AND CONSIDER ALL
10 APPLICATIONS TO SITE ANY WINDMILL OR WINDMILLS, ON AN INDIVIDUAL BASIS
11 TO APPROVE OR DISAPPROVE AN INDIVIDUAL APPLICATION FOR WIND SITING.

12 3. THE WIND SITING DESIGNATION BOARD MAY CONSIDER DESIGNATING AREAS
13 WITHIN A REGION WHERE IT SHALL BE IMPERMISSIBLE TO SITE A WIND FARM.

14 4. THE NINE REGIONAL PLANNING BODIES SHALL BE AS FOLLOWS:

15 (A) REGION ONE SHALL CONSIST OF NASSAU AND SUFFOLK COUNTIES;

16 (B) REGION TWO SHALL CONSIST OF BROOKLYN, BRONX, MANHATTAN, QUEENS AND
17 STATEN ISLAND;

18 (C) REGION THREE SHALL CONSIST OF DUTCHESS, ORANGE, PUTNAM, ROCKLAND,
19 SULLIVAN, ULSTER AND WESTCHESTER COUNTIES;

20 (D) REGION FOUR SHALL CONSIST OF ALBANY, COLUMBIA, DELAWARE, GREENE,
21 MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE COUNTIES;

22 (E) REGION FIVE SHALL CONSIST OF CLINTON, ESSEX, FRANKLIN, FULTON,
23 HAMILTON, SARATOGA, WARREN AND WASHINGTON COUNTIES;

24 (F) REGION SIX SHALL CONSIST OF HERKIMER, JEFFERSON, LEWIS, ONEIDA AND
25 ST. LAWRENCE COUNTIES;

26 (G) REGION SEVEN SHALL CONSIST OF BROOME, CAYUGA, CHENANGO, CORTLAND,
27 MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS COUNTIES;

28 (H) REGION EIGHT SHALL CONSIST OF CHEMUNG, GENESEE, LIVINGSTON,
29 MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES
30 COUNTIES; AND

31 (I) REGION NINE SHALL CONSIST OF ALLEGANY, CHAUTAUQUA, CATTARAUGUS,
32 ERIE, NIAGARA AND WYOMING COUNTIES.

33 S 2. This act shall take effect immediately.