TOWN OF VILLENOVA TOWN BOARD
NOTICE OF COMPLETION OF
SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT STATEMENT

Determination: The Town of Villenova Town Board (the "Town Board"), as Lead Agency, has accepted as complete the Supplemental Final Environmental Impact Statement ("SFEIS") for the Ball Hill Wind Project (the "Project") in the Towns of Villenova and Hanover, New York. The SFEIS was prepared in accordance with Article 8 of the Environmental Conservation Law. In accordance with provisions of Title 6 of the New York State Code of Rules and Regulations, Part 617, the Town Board has determined that the SFEIS is complete for decision making and Findings requirements as prescribed in 6 N.Y.C.R.R. § 617.11.

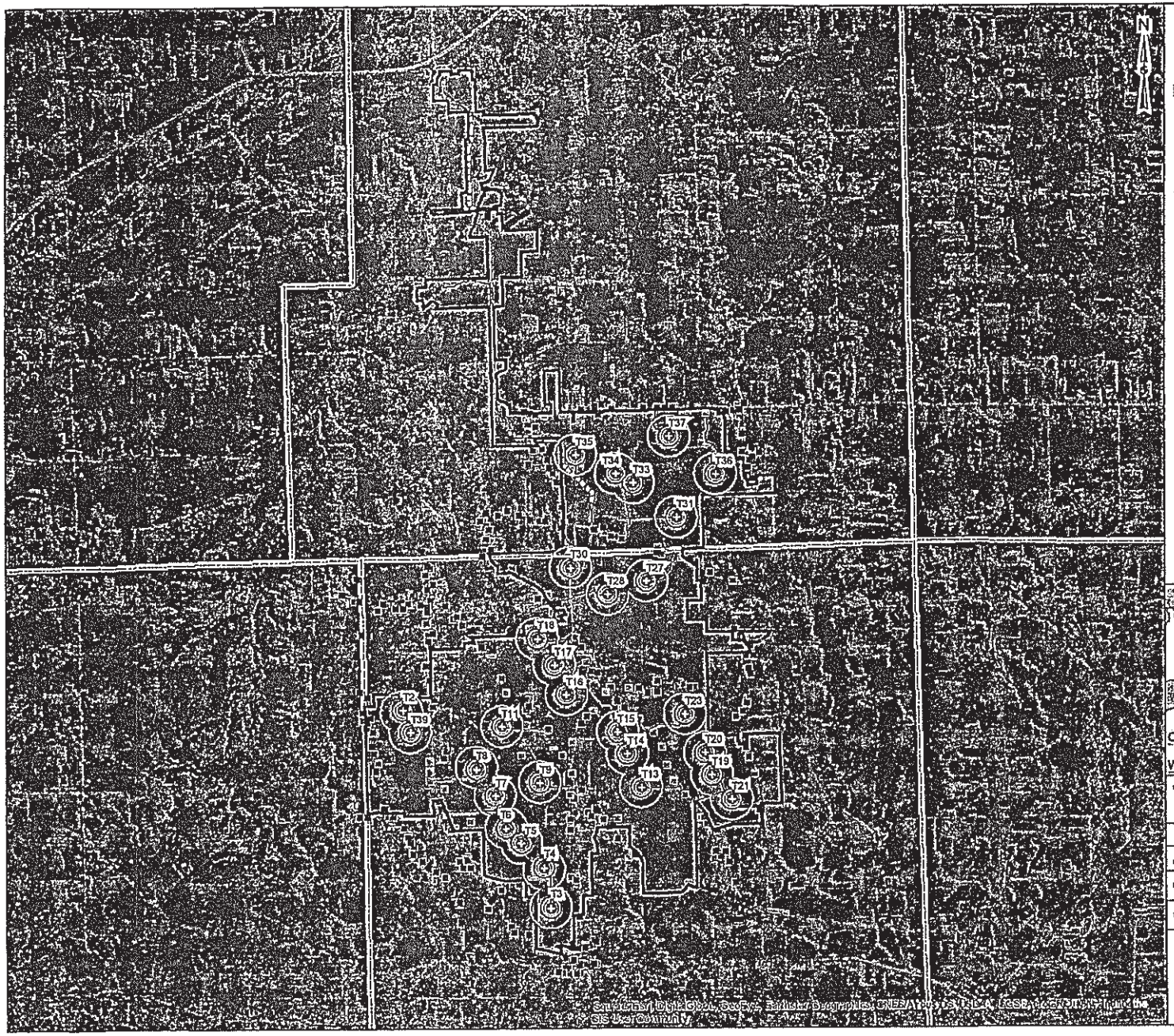
The SFEIS is available online at www.ballhillwind.com and full copies of the SFEIS will be made available at the Villenova Town Hall located in Town Hall (1094 South Butcher Road, South Dayton, NY 14131) as well as at the Hanover Town Hall (68 Hanover Street, Silver Creek, NY).

The time period provided to agencies and the public to consider the SFEIS will conclude on October 21, 2019. Any written comments on the SFEIS must be received at the contact address provided below no later than 5:00 p.m. on Monday, October 21, 2019.

Name of Action:	Ball Hill Wind Project
Location:	Towns of Villenova and Hanover, Chautauqua County. Project location map attached.
Date of Action:	October 9, 2019
SEQR Status:	Type I
Lead Agency:	Town of Villenova Town Board
Contact Person/Address:	Yvonne Park, Town Supervisor 1094 South Butcher Road South Dayton, NY 14138 716-988-3476 villenovatownhall@hughes.net

Project Description: The Town has previously approved the 29 tower Ball Hill Wind Energy Project, and the project developer has now proposed modifications, which would be implemented through amendment of the Project's Special Use Permit and two Local Laws. The proposed modifications are to increase the wind energy turbine maximum total height to 599 feet, increase minimum allowable setbacks from public roads and non-participating property lines to 599 feet, eliminate the southern substation and 5.8-mile overhead transmission line, and install lines underground.

TO: See attached service list.



WECS
500' Buffer
541' Buffer
599' Buffer
1200' Buffer
Project Boundary
Participating Structure
Nonparticipating Structure
Nonparticipating Nonresidence Structure
Point of Interconnect
Ball Hill MV Lead Line
Previous 115kV line
Access Road
Limits of Disturbance
Collection Lines
Town Boundary
Additional Parcels
Participating

SCALE 1:65,067

0 1,400 2,800 5,600

	FORMAT A3
DATE 07/09/2018	COORD NAD 1927 UTM Zone 17N
PROJECT	New York - Ball Hill
TITLE	Figure 1

Renewable Energy Systems

res powering change

11101 W. 120th Ave., Suite 400
Broomfield, CO, 80021
Phone: (303) 428-4356
Fax: (303) 428-4388

This drawing is the property of RES Americas Developments Inc. and no reproduction may be made in whole or in part without permission.

TOWN OF VILLENOVA TOWN BOARD

Resolution Issuing Supplemental Final Environmental Impact Statement for the Ball Hill Wind Energy Project

WHEREAS, following the July 10, 2019 resolution of the Town Board of the Town of Villenova (the "Town Board"), Ball Hill Wind Energy LLC ("Ball Hill") submitted a draft supplemental environmental impact statement ("SDEIS") for the Ball Hill Wind Energy Project (the "Project"); and

WHEREAS, the Town Board determined that the SDEIS was adequate for public review and was therefore accepted for such purpose; and

WHEREAS, the Town Board filed and circulated the notice of completion, established a public comment period, and determined to hold a public hearing with respect to the SDEIS, all of which has been completed; and

WHEREAS, the Town Board has considered public comments received, has reviewed and analyzed the supplemental final environmental impact statement ("SFEIS") for the Project, and has reviewed a memorandum from its consultant Haley & Aldrich (James B. Pippin) with respect to the contents and adequacy of the SFEIS;

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Villenova as follows:

1. This resolution is adopted by the Town Board without prejudice to its position in litigation and/or on appeal in *McGraw et al. v. Town Board of the Town of Villenova et al.*; Index No. EK12018001343 (the "*McGraw* matter"). The rationale set forth in the Town Board's July 10, 2019 resolution concerning the Project is hereby incorporated by reference. The Town Board has appealed the order and judgment in the *McGraw* matter. In the event that the order and/or judgment of Supreme Court, Chautauqua County is reversed, with the litigation being finally concluded, this resolution shall be deemed rescinded because the Negative Declaration previously issued by the Town Board will remain in full force and effect pursuant to the Town Board's July 10, 2019 resolution.

2. The SFEIS for the Project, dated October 4, 2019, is incorporated herein by reference, and is hereby issued by the Town Board. The Town Board determines that the SFEIS is adequate, complete, and complies with the SEQRA regulations.

3. Town staff and/or its special counsel are directed to publish a notice of completion of the SFEIS and file and circulate the same as required by SEQRA. Ball Hill is directed to, in addition to the hard copy filing requirements, to post a full copy of the SFEIS with appendices on its website www.ballhillwind.com.

4. The Town Board will allow for additional written comments on the SFEIS to be received no later than 5:00 p.m. on Monday, October 21, 2019.

5. This resolution shall be effective immediately upon adoption and shall remain in effect except as set forth in paragraph 1 of this resolution.

PASSED AND ADOPTED BY THE TOWN BOARD OF THE TOWN OF VILLENOVA on the 9th day of October, 2019.

SERVICE LIST

Commissioner Basil Seggos
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1010

Abby Snyder
Regional Director
NYS Department of Environmental Conservation, Region 9
270 Michigan Avenue
Buffalo, NY 14203

Mr. Peter Keane, Asst. General Counsel
NYSERDA
17 Columbia Circle
Albany, NY 12203-6399

Richard Dixon
County of Chautauqua Industrial Development Agency
201 West Third Street, Suite 115
Jamestown, NY 14701

Francis P. Cirillo, Regional Director
State of New York Department of Transportation - Region Five
100 Seneca Street
Buffalo, NY 14203

Charles Luce Sr.
Town of Villenova Highway Superintendent
1094 Butcher Rd.
South Dayton, New York 14138

Chautauqua County Division of Transportation
Richard Heath
District Supervisor
Sherman Shop
7934 Sherman-Stedman RD
Sherman, NY 14781

Kevin Sanvidge, Director
Chautauqua County Department Planning & Economic Development
201 West Third Street, Suite 115
Jamestown NY 14701

Richard A. Ball, Commissioner
New York State Department of Agriculture and Markets
10B Airline Drive
Albany, NY 12235

Todd Johnson, Supervisor
Town of Hanover
68 Hanover Street
Silver Creek, NY 14136

Hon. Kathleen H. Burgess
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350

State of New York Office of Parks, Recreation, and Historic Preservation
2373 ASP Route #1-Suite 3
Salamanca, NY 14779

U.S. Army Corps. of Engineers – Pittsburgh District
1000 Liberty Ave, Pittsburgh, PA 15222

AFFIDAVIT OF MAILING

State of New York)
) ss:
County of Erie)

I, Marie A. Kazmierczak, being duly sworn, deposes and says that I am over 18 years of age and not a party to this action, states that on October 10, 2019, I caused to be served, by Federal Express, Standard Overnight delivery, the *Town of Villenova Town Board Notice of Completion of Supplemental Final Environmental Impact Statement, Passed and Adopted by the Town Board on the 9th Day of October, 2019,* in this proceeding, upon the following:

Commissioner Basil Seggos
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1010

Mr. Peter Keane, Asst. General Counsel
NYSERDA
17 Columbia Circle
Albany, NY 12203-6399

Francis P. Cirillo, Regional Director
State of New York Department of Transportation - Region Five
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Buffalo, NY 14203

Richard A. Ball, Commissioner
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Buffalo, NY 14203

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Secretary to the Commission
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350

U.S. Army Corps. of Engineers – Pittsburgh District
1000 Liberty Ave
Pittsburgh, PA 15222

And via Federal Express, Two Day/Saturday delivery upon the following:

Charles Luce Sr.
Town of Villenova Highway Superintendent
1094 Butcher Rd.
South Dayton, New York 14138

Chautauqua County Division of Transportation
Richard Heath
District Supervisor
Sherman Shop
7934 Sherman-Stedman RD
Sherman, NY 14781

Todd Johnson, Supervisor
Town of Hanover
68 Hanover Street
Silver Creek, NY 14136

Marie A. Kazmierczak

Marie A. Kazmierczak

Sworn to before me this
10th day of October, 2019

Taunia S. Bratton

Notary Public

TAUNIA S. BRATTON
NOTARY PUBLIC - STATE OF NEW YORK
NIAGARA COUNTY
My Commission Expires Oct. 23, 2022