

Section 103. Authority

The Town Board of the Town of Meredith enacts this Local Law under the authority granted by:

- A. Article IX of the New York State Constitution, §2(c)(6) and (10).
- B. New York Statute of Local Governments, § 10 (1) and (7).
- C. New York Municipal Home Rule Law, § 10 (1)(i) and (ii) and §10 (1)(a)(6), (11), (12), and (14).
- D. New York Town Law §130(1)(Building Code), (3)(Electrical Code), (5)(Fire Prevention), (7)(Use of streets and highways), (7-a)(Location of Driveways), (11)(Peace, good order and safety), (15)(Promotion of public welfare), (15-a)(Excavated Lands), (16)(Unsafe buildings), (19)(Trespass), and (25)(Building lines).
- E. New York Town Law §64(17-a)(protection of aesthetic interests), (23)(General powers).

Section 104. Findings

A. The Town of Meredith finds and declares that:

- 1. Wind energy is an abundant, renewable and nonpolluting energy resource of the Town and its conversion to electricity may reduce dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources.
- 2. The generation of electricity from properly sited Wind Energy Facilities, including small systems, can be cost effective, and in many cases existing power distribution systems can be used to transmit electricity from wind-generating stations to utilities or other users, or energy consumption at that location can be reduced.
- 3. Regulation of the siting and installation of Wind Energy Facilities is necessary to protect the health, safety, and welfare of neighboring property owners and the general public.
- 4. Wind Energy Facilities represent significant potential aesthetic impacts because of their size, lighting, and shadow flicker effects, if not properly sited.
- 5. If not properly regulated, installation of Wind Energy Facilities can create drainage problems through erosion and lack of sediment control for facility and access road sites, and harm farmlands through improper construction methods.
- 6. Wind Energy Facilities may present a risk to bird and bat populations if not properly sited.
- 7. If not properly sited, Wind Energy Facilities may present risks to the property values of adjoining property owners.
- 8. Wind Energy Facilities may be significant sources of noise, which, if unregulated, can negatively impact adjoining properties.
- 9. Without proper planning, construction of Wind Energy Facilities can create traffic problems and damage local roads.
- 10. If improperly sited, Wind Energy Facilities can interfere with various types of communications.

Section 105. Applicability

The requirements of this Local Law shall apply to all Wind Energy Facilities proposed, operated, modified, or constructed in the Town of Meredith after the effective date of this Local Law.

Section 106. Wind Energy Review Board

- A. The Town Board hereby creates a Wind Energy Review Board (Review Board) consisting of seven members and shall, by resolution, not later than September 1, 2007 appoint the members of such Review Board and designate the chairperson thereof.
- B. The Wind Energy Review Board shall be responsible for the administration of the Town's Wind Energy Facilities Law, including issuance of permits for wind energy facilities.

- C. Membership of the Wind Energy Review Board. Two members of the Wind Energy Review Board shall be appointed from the Town Board. Two members of the Wind Energy Review Board shall be appointed from the Planning Board. The additional three members, including the chairperson of the Wind Energy Review Board, shall be appointed from the registered voters of the town.
- D. Terms of members first appointed. The terms of members of the Review Board shall be for terms so fixed that the initial terms of two members shall expire at the end of the second calendar year in which such members were initially appointed (2008). The terms of an additional two members shall expire at the end of the third calendar year (2009). The terms of three members shall expire at the end of the fourth calendar year thereafter (2010). At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term of three calendar years.
- E. Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the Town Board shall appoint the new member for the unexpired term.
- F. Removal of members. The Town Board shall have the power to remove, after public hearing, any member of the Review Board for cause. Any Review Board member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the Town Board by local law or ordinance.
- G. Chairperson duties. All meetings of the Review Board shall be held at the call of the chairperson and at such other times as the Review Board may determine. Such chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.
- H. Appointment of agricultural member. Since the town has an agricultural district created pursuant to section three hundred three of article twenty-five-AA of the agriculture and markets law which exists wholly or partly within the boundaries of the town, the town shall include on the Review Board one or more members each of whom derives ten thousand dollars or more annual gross income from agricultural pursuits in said town. As used in this subdivision, the term "agricultural pursuits" means the production of crops, livestock and livestock products, aquaculture products, and woodland products as defined in section three hundred one of the agriculture and markets law.
- I. Alternate members. The Town Board shall establish alternate board member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members of the Review Board shall be appointed by resolution of the Town Board, for terms established by the Town Board.
- J. Designation of alternate members. The chairperson of the Review Board may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Review Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Review Board. Such designation shall be entered into the minutes of the initial Review Board meeting at which the substitution is made.
- K. Voting requirements. Every motion or resolution of the Review Board shall require for its adoption the affirmative vote of a majority of all the members of the Review Board.
- L. Voting requirements to approve waivers. Any waiver of the provisions of this local law pursuant to sections 108 and 307 shall require the affirmative vote of a majority plus one of all the members of the Review Board.
- M. Referral to County Planning Board. Decisions of the Review Board shall be treated as actions subject to referral to the county planning agency under the provisions of section two hundred thirty-nine-m of the general municipal law. Actions of the Review Board subject to referral to the county planning board shall comply with the voting provisions of sections two hundred thirty-nine-m of the general municipal law.

Section 107. Permits

- A. No Wind Energy Facility shall be constructed, reconstructed, modified, or operated in the Town of Meredith except in compliance with this Local Law.
- B. No Wind Energy Facility shall be constructed, reconstructed, modified, or operated in the Town of Meredith

except with a Wind Energy Facility Permit approved pursuant to this Local Law.

- C. No Wind Measurement Tower shall be constructed, reconstructed, modified, or operated in the Town of Meredith except pursuant to a Wind Energy Facility Permit issued pursuant to this Local Law.
- D. No Small or Agricultural Wind Energy Conversion System shall be constructed, reconstructed, modified, or operated in the Town of Meredith except pursuant to a Wind Energy Facility Permit issued pursuant to this Local Law.
- E. Exemptions. No permit or other approval shall be required under this Local Law for mechanical, non-electrical WECS utilized solely for agricultural operations.
- F. Transfer. No transfer of any Wind Energy Facility or Wind Energy Facility Permit, nor sale of the entity owning such facility including the sale of more than 30% of the stock of such entity (not counting sales of shares on a public exchange), shall occur without prior approval of the Town Board, which approval shall be granted upon written acceptance by the transferee of the obligations of the transferor under this Local Law. No transfer shall eliminate the liability of an applicant, the holder of any Wind Energy Facility Permit, nor of any other party under this Local Law.
- G. Notwithstanding the requirements of this Section, replacement in-kind or modification of a Wind Energy Facility may occur without Review Board approval when (1) there shall be no increase in Total Height; (2) no change in the location of the WECS; (3) no additional lighting or change in facility color; and (4) no increase in noise produced by the WECS.

Section 108. Waivers

- A. The Review Board may, after a public hearing (which may be combined with other public hearings on Wind Energy Facilities so long as the waiver request is detailed in the public notice), grant a waiver from the strict application of the provisions of this Local Law if, in the opinion of the Review Board, the grant of said waiver is in the best interests of the Town. The Review Board may consider as reasonable factors in evaluating the request, when applicable, the impact of the waiver on the neighborhood, including the potential detriment to nearby properties, the benefit to the applicant, feasible alternatives, and the scope of the request.
- B. The Review Board may attach such conditions as the Review Board deems appropriate to waiver approvals to minimize the impact of the waiver.
- C. All waivers pursuant to this section of this Local Law shall require the positive approval of a supermajority of the Review Board, with not less than five (5) of the seven (7) members of the Review Board voting in favor of each waiver.

Section 109. Enforcement and Penalties

- A. The Town Board shall appoint such Town staff or outside consultants as it sees fit to enforce this Local Law. In the absence of special appointments, enforcement of this Local Law shall be made through the office of the Town Code Enforcement Officer.
- B. Any person owning, controlling or managing any building, structure or land who shall undertake a Wind Energy Facility in violation of this Local Law or in noncompliance with the terms and conditions of any permit issued pursuant to this Local Law or any order of the Town's Code Enforcement Officer, and any person who shall assist in such violation or noncompliance, shall be guilty of an offense and be subject to a fine of not more than \$1,500.00 or to imprisonment for a period of not more than six months, or subject to both such fine and imprisonment. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amount of \$1,500.00 for each violation. Each week said violation continues shall be deemed a separate violation.
- C. In case of any violation or threatened violation of any of the provisions of this local law, including the terms and conditions imposed by any permit issued pursuant to this local law, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, and to restrain, correct or abate such violation, to prevent the illegal act.

Section 110. Severability

Should any provision of this Local Law be declared by any court to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 111. Appeals

Any person or persons, jointly or severally aggrieved by the decision of the Town in regard to the administration of this Local Law, may apply to the Supreme Court for review under Article 78 of the New York State Civil Practice Laws and Rules.

Section 112. Effective Date

This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

Article 200. DEFINITIONS

ACRONYMS

DEIS – Draft Environmental Impact Statement
EAF – Environmental Assessment Form
EIS – Environmental Impact Statement
FAA – Federal Aviation Administration
NYSDEC – NYS Department of Environmental Conservation
NYISO – New York Independent System Operator
NYS – New York State
Planning Board – Town of Meredith Planning Board
Review Board – Town of Meredith Wind Energy Review Board
SEQRA – State Environmental Quality Review Act
Town Board – Town of Meredith Town Board
WECS – Wind Energy Conversion System(s)

As used in this Local Law, the following terms shall have the meanings indicated:

AMBIENT SOUND – The background sound level (pre-development) found to be exceeded 90% of the time over which sound is measured in a noise analysis.

COMMERCIAL WIND ENERGY CONVERSION SYSTEM (Commercial WECS) - A wind energy conversion system consisting of a wind turbine, a tower, and associated on site control or conversion electronics, which has a rated capacity of more than 100 kW and which is intended to produce power for distribution on the utility grid.

DECIBEL (dB) – A unit for measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to a standard pressure of 20 micronewtons per square meter.

EAF - Environmental Assessment Form used in the implementation of the State Environmental Quality Review Act as that term is defined in Part 617 of Title 6 of the New York Codes, Rules and Regulations.

ENVIRONMENTAL IMPACT STATEMENT (EIS) - An EIS is a written "draft" or "final" document prepared in accordance with §617.9 of the State Environmental Quality Review Act. An EIS provides a means for agencies, project sponsors, and the public to systematically consider significant adverse environmental impacts, alternatives, and mitigation strategies. An EIS facilitates the weighing of social, economic, and environmental factors in the planning and decision-making process. A draft EIS (DEIS) is the initial statement prepared by either the project sponsor or the lead agency and circulated for review and comment by all involved and interested agencies before a final EIS (FEIS) is prepared.

FACILITY OWNER - Means the entity or entities having an equity interest in the Wind Energy Conversion System, including their respective successors and assigns.

NEW YORK INDEPENDENT SYSTEM OPERATOR (NYISO) - NYISO is a not-for-profit organization formed in 1998 as part of the restructuring of New York State's electric power industry. Its mission is to ensure the reliable, safe and efficient operation of the State's major transmission system and to administer an open, competitive and nondiscriminatory wholesale market for electricity in New York State.

RESIDENCE - Any dwelling inhabited in the Town of Meredith on the date an application is received. A residence may be part of a multidwelling or multipurpose building, but shall not include buildings such as hotels or motels, hospitals, day care centers, dormitories, sanitariums, nursing homes, municipal buildings, schools or other buildings used for educational purposes, or correctional institutions.

SEQRA - The New York State Environmental Quality Review Act and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations, Part 617.

SHADOW FLICKER - Shadow Flicker is the visual effect of viewing the moving shadow of the rotating WECS rotor blades when they are in a position between the receptor (person viewing them) and the sun and/or the "strobe" lighting effect of this condition as perceived by the receptor either directly or indirectly (as in a reflection off a light colored wall).

SHADOW SPILL – Shadow Spill is the solid shadow created by the tower of a Wind Energy Conversion System.

SITE - The parcel(s) of land where a Wind Energy Facility is to be placed. The Site can be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements. Any property which has a Wind Energy Facility or has entered an agreement for said Facility or a setback agreement shall not be considered off-site.

SMALL WIND ENERGY CONVERSION SYSTEM (Small WECS) - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW which is intended primarily to reduce consumption of utility power at that location.

SOUND PRESSURE LEVEL - According to the NYSDEC Program Policy on Assessing and Mitigating Noise Impacts, sound pressure level is the sound pressure in the atmosphere, which pressure is expressed in decibels. The sound pressure is measured by a sound level meter satisfying the requirements of the American National Standards specification of sound level meter, S1.4-1971, according to a frequency-weighted decibel scale. The sound pressure can be determined according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11), or other accepted procedure. Also, the perceived loudness of a sound as expressed in decibels (db). For example, the A-weighted decibel scale dB(A) represents those frequencies most readily audible to the human ear. The C-weighted decibel scale dB(C), approximates response of the human ear to low-frequency sounds. The G-weighted decibel scale dB(G) is designed for infrasound.

TRANSMISSION OWNER – One of the companies which own the electric distribution networks. Examples include New York State Electric & Gas, Niagara-Mohawk, and Consolidated Edison.

UNDUE ADVERSE IMPACT - Means that the estimated overall negative effects on the factors listed for consideration in this Local Law outweigh the estimated overall positive effects on those factors. Among the factors to be assessed by the Review Board in determining if a Wind Energy Facility will have an undue adverse impact will be the impact of the Facility upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town or upon the ability of the public to provide supporting facilities and services made necessary by the Wind Energy Facility, taking into account the benefits that might be derived from the Wind Energy Facility, as such benefits are expressed in Sections 104(A)(1) and (2) of this local law.

WIND ENERGY CONVERSION SYSTEM (WECS) - A machine or machines that convert the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill").

WIND ENERGY FACILITY - Any Wind Energy Conversion System, Small Wind Energy Conversion System, or Wind Measurement Tower, including all related infrastructure, electrical lines and substations, access roads and accessory structures. For purposes of measuring setbacks or impacts, the electrical lines and substations, access roads and accessory structures that are not on the Site shall not be included in the assessments of potential undue adverse impacts in Sections 303 and 307 of this Local Law.

WIND ENERGY FACILITY PERMIT- A permit pursuant to this Local Law granting the holder the right to construct, maintain and operate a Wind Energy Facility.

WIND MEASUREMENT TOWER - A tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.

WIND TURBINE HEIGHT - Means the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

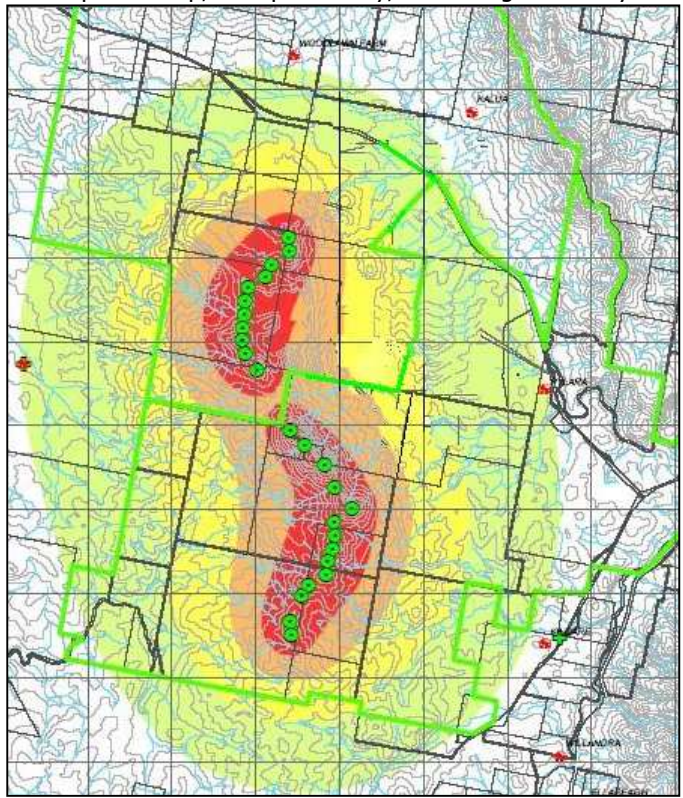
Article 300. COMMERCIAL WIND ENERGY FACILITIES

Section 301. Application Requirements

- A. A complete application for a Wind Energy Facility Permit for commercial WECS shall include the following:
1. A copy of an executed Interconnection Agreement with NYISO and the applicable Transmission Owner.
 2. A completed Application for Wind Energy Facility obtained from the Town Clerk.
 3. A site plan prepared by a licensed surveyor or engineer drawn to a scale to be established by the Review Board consistent with the size of the site and in sufficient detail to clearly describe the following:
 - a) Property lines and physical dimensions of the Site;
 - b) Location, approximate dimensions and types of existing structures and major uses on the Site and adjoining properties within five hundred (500') feet of the boundaries of the proposed WECS Site, and public roads within five hundred (500') feet of the boundaries of the proposed WECS Site;
 - c) Location and elevation of each proposed WECS;
 - d) Location of all above and below ground utility lines on the Site as well as transformers, the interconnection point with transmission lines, and other ancillary facilities or structures;
 - e) Location and size of structures above 35 feet within a one and one-half tower radius of the proposed WECS. For purposes of this requirement, electrical transmission and distribution lines, and slender or open lattice towers are not considered structures.
 - f) To further demonstrate compliance with the setback requirements of this Local Law, buffers shall be drawn around each proposed tower location in accordance with the requirements set forth in Section 306(A);
 - g) Location of the nearest residential structure(s) on the Site and off the Site, and the distance of each structure from the proposed WECS;
 - h) All proposed facilities, including access roads, electrical substations, storage or maintenance units, and fencing; and
 - i) All easements obtained shall be indicated on the site plan with tax maps numbers and the purpose for which the easement was granted (e.g. noise, shadow spill).
 4. For each proposed WECS, include make, model, picture and manufacturer's specifications, including noise decibels data. Include Manufacturers' Material Safety Data Sheet documentation for the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants. Vertical drawing of the WECS shall show Total Turbine Height, turbine dimensions, tower and turbine colors, ladders, distance between ground and lowest point of any blade, location of climbing pegs, access doors and the shut down capability of the turbine. One drawing may be submitted for each WECS of the same type and Total Turbine Height.
 5. Landscaping Plan depicting existing vegetation and describing any areas to be cleared and the specimens proposed to be added, identified by species and size of specimen at installation and their locations. The plan must be drawn to a scale established by the Review Board consistent with the size of the site and in sufficient detail to clearly describe the existing and proposed vegetation.
 6. Lighting Plan showing any FAA-required lighting and other proposed lighting. The application should include a copy of the determination by the Federal Aviation Administration to establish required markings and/or lights for the structure or an estimate of the time frame for FAA issuance of the determination.
 7. Erosion and sediment control plan prepared to NYSDEC Phase II or NYCDEP stormwater requirements, as appropriate.

8. A construction schedule for the Wind Energy Facility including:
 - a) Commencement and completion dates, including a traffic analysis with a description of the routes to be used by construction and delivery vehicles with the gross weights and heights of loaded vehicles;
 - b) The information as required by Section 305(B) and (D); and
 - c) If blasting is required during construction, the construction plan shall include a proposed blasting plan, blasting schedule, advance notice criteria and the method for dissemination of blasting information.
9. The applicant shall submit an operations and maintenance plan for the proposed facility which shall include:
 - a) A regular periodic maintenance schedule;
 - b) Any special maintenance requirements;
 - c) A procedure and notification requirements for restarts during icing events; and
 - d) A plan to shut down the proposed facility in an emergency or if the permit is revoked.
10. Decommissioning Plan. The applicant shall submit a decommissioning plan which shall include:
 - a) The anticipated life of the WECS;
 - b) The estimated decommissioning costs in current dollars;
 - c) How said estimate was determined;
 - d) The method of ensuring that funds shall be available for decommissioning and restoration;
 - e) The method, such as annual re-estimate by a licensed engineer, that the decommissioning cost shall be kept current; and
 - f) The manner in which the WECS shall be decommissioned and the site restored, which shall include removal of all structures and debris to a depth of at least three (3) feet, restoration of the soil, and restoration of vegetation (consistent and compatible with surrounding vegetation), less any fencing or residual minor improvements requested by the landowner.
11. List of property owners, with their mailing address, within one (1) mile of the outer boundaries of the proposed Site.
12. Complaint Resolution: The application shall include a complaint resolution process to address complaints from affected residents. The complaint resolution process shall make every reasonable effort to resolve any complaint, and shall provide a system to keep a record of complaints and their resolution. The complaint resolution process shall use an independent mediator or arbitrator and must include a time limit for acting on a complaint.
13. Completed Part 1 of the Full EAF and the Visual EAF Addendum.
14. If a positive declaration is determined by the SEQRA lead agency, the following information shall be considered for inclusion in the Draft Environmental Impact Statement (DEIS) prepared for a Wind Energy Facility. Otherwise, the following studies shall be submitted with the application:
 - a) Shadow Flicker and Shadow Spill: The applicant shall conduct a study on potential shadow flicker and tower shadow spill. The study shall include graphic(s) to identify locations where shadow flicker and shadow spill may be caused by the WECS and the expected durations of the shadows at these locations. The study shall identify areas where shadow flicker or shadow spill may interfere with residences or roads and describe measures that shall be taken to eliminate or mitigate the problems;
 - b) Visual Impact: Applications shall include a visual impact study of the proposed WECS after installation, which may include a computerized photographic simulation, digital elevation models and the like, demonstrating any visual impacts from strategic vantage points. This study must cover the facility itself as well as any proposed above-ground transmission components. Color photographs of the proposed Site from at least two locations accurately depicting existing conditions shall be included. The visual analysis shall also indicate the color treatment of the turbines and other facility components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence. The NYSDEC Program Policy Assessing and Mitigating Visual Impacts must be referenced by the applicant when completing the visual impact study;
 - c) A fire protection and emergency response plan, created in consultation with the fire department(s) having jurisdiction over the proposed site, as well as the Delaware County Department of Emergency Services. The proposed program may include, but is not limited to, the following:
 - 1) Fireproof or fire resistant building materials;
 - 2) Buffers or fire retardant landscaping;

- 3) Water storage facilities;
 - 4) An automatic fire-extinguishing system for all buildings or equipment enclosures containing control panels, switching equipment, or transmission equipment;
 - 5) Fire breaks which will be cleared of vegetation and maintained as a fire/fuel break as long as the Commercial Wind Energy Facility is in operation; and
 - 6) Provision of training and fire fighting equipment for local fire protection and EMS personnel.
- d) Noise Analysis: a noise analysis by a competent acoustical consultant shall include:
- 1) A description and map of the project's noise-producing features which will include but not be limited to the range of noise levels expected (A-weighted, C-weighted and G-weighted), the tonal and frequency characteristics expected, the duration of sound, frequency of occurrence, and the effects of changes in wind speed and direction;
 - 2) The manufacturer's data and standards for all structures, including designed noise levels and the noise levels determined by testing in the field;
 - 3) A survey and report prepared by an independent, qualified, New York State engineer that analyzes the preexisting ambient noise including seasonal and twenty-four hour variations at residences within one (1) mile of the project site boundary;
 - 4) The analysis must be accompanied by a topographic map showing, in increments of 5 decibels out to a level of 20 decibels, the noise level contours of the site vicinity, in order to visualize the cumulative noise impacts from the Wind Energy Facility on surrounding properties. All residences within the greater of one (1) mile of the site boundary or the 20 decibel contour shall be clearly shown [see accompanying graphic for illustration];
 - 5) Since Meredith is hilly country where noise can carry far and in unexpected directions, the study must consider sounds carried from hilltop to hilltop, hilltop to valley, and along the valleys in a radius of 10 miles from each WECS. The study must also produce an analysis of cumulative noise impacts; and
 - 6) The applicant shall submit a design for post-development noise monitoring as well as a description of proposed noise control features, including specific measures to protect workers, and to mitigate noise impacts to a level of insignificance off-site. A summary of the applicant's proposed noise complaint resolution program must be included.
- e) Property value analysis prepared by a licensed appraiser in accordance with industry standards for potentially impacted properties;
- f) An assessment of potential electromagnetic interference with microwave, radio, television, personal communication systems, 911 and other wireless communication;
- g) An assessment of the impact of the proposed development on the local flora and fauna, including migratory and resident avian species. Studies must follow the recommendations of the NYSDEC and the U.S. Fish and Wildlife Service. Given Meredith's proximity to major raptor flyways, the assessment must be carried out by a licensed New York State wildlife biologist and must include a study of bird and bat migration in the area. The assessment must include plans for post-installation studies;
- h) An assessment of the impact of the proposed development on area federal and state-listed historic resources as well as local historic and cultural resources identified in the Town of Meredith Comprehensive Plan;
- i) Ice throw: A report from an independent New York State professional engineer that calculates the



- maximum distance that ice from the turbine blades could be thrown. (The basis of the calculation and all assumptions must be disclosed.) The incidence of reported ice throws and the conditions reported at the time of the ice throw must be included;
- j) Blade throw: A report from an independent New York State professional engineer that calculates the maximum distance that pieces of turbine blade could be thrown. (The basis of the calculation and all assumptions must be disclosed). The incidence of reported blade throws and the conditions at the time of the blade throw must be included;
 - k) Stray voltage: An assessment, pre- and post-installation, of possible stray voltage problems on the Site and neighboring properties, with particular emphasis on dairy farms, within one (1) mile of the project boundary to show what properties need upgraded wiring and grounding; and
 - l) Geotechnical Analysis: The applicant shall submit a geotechnical report that includes:
 - 1) Soils engineering and engineering geologic characteristics of the site based on on-site sampling and testing;
 - 2) A bedrock profile within a one mile radius of each proposed WECS;
 - 3) Information on depth of well, average flow rate, and if given permission, test of water quality for all wells within two (2) miles of the site;
 - 4) Grading criteria for ground preparation, cuts and fills and soil compaction; and
 - 5) Slope stability analyses.
15. A statement signed under penalties of perjury that the information contained in the application is true and accurate.

Section 302. Application Review Process

- A. Applicants may request a pre-application meeting with the Review Board or with any consultants retained by the Review Board for application review. Meetings with the Review Board shall be conducted in accordance with the Open Meetings Law.
- B. Twenty (20) copies of the complete application shall be submitted to the Town Clerk. Payment of all application fees shall be made at the time of application submission.
- C. Town staff or Town designated consultants shall, within 60 days of receipt, or such longer time if agreed to by the applicant, determine if all information required under this Article is included in the application. Unless the Review Board waives any application requirement, no application shall be considered until deemed complete. The minutes of the Review Board shall specify any waivers of application requirements, which waivers must comply with the requirements of Section 106(L) of this Local Law.
- D. If the application is deemed incomplete, the Review Board or its designated reviewer shall provide the applicant with a written statement listing the missing information.
- E. The Review Board shall hold at least one public hearing on the application. Notice shall be given by first class mail to property owners within one (1) mile of the boundaries of the proposed WECS, and published in the Town's official newspaper, no less than ten nor more than twenty days before any hearing, but where any hearing is adjourned by the Review Board to hear additional comments, no further publication or mailing shall be required. The applicant shall prepare and mail the Notice of Public Hearing prepared by the Town, and shall submit an affidavit of service of the Notice. The assessment roll of the Town shall be used to determine mailing addresses.
- F. The public hearing may be combined with public hearings on any Environmental Impact Statement or requested waivers.
- G. Notice of the project shall also be given to the Delaware County Planning Board pursuant to General Municipal Law §239-l and 239-m and to adjoining municipalities pursuant to GML §239-nn.
- H. The Review Board may refer the application to the Town Board and/or Planning Board for recommendations on the application.
- I. SEQRA review. Applications for WECS are deemed Type I projects under SEQRA. As a result, the Town must conduct a coordinated review. A Town board should seek lead agency status for the coordinated review.

- J. The Town will require an escrow agreement to provide financial resources for the engineering and legal review of the applications and any environmental impact statements before commencing its review, as detailed in Article 700. At the completion of the SEQRA review process, if a positive declaration of environmental significance has been issued and an environmental impact statement prepared, the Town agency serving as lead agency shall issue a Statement of Findings. If the lead agency is the Review Board, the SEQRA Statement of Findings may also serve as the Review Board's decision on the application(s).
- K. Upon receipt of the recommendation of the County Planning Board (if applicable), the holding of the public hearing, and the completion of the SEQRA process, the Review Board may approve, approve with conditions, or deny the WECS application, in accordance with the standards in this Local Law.

Section 303. Physical Standards for Wind Energy Facilities

- A. The following standards shall apply to Commercial WECS, unless specifically waived by the Review Board pursuant to Section 108 as part of a Wind Energy Facility Permit.
 - 1. All power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent practicable.
 - 2. No television, radio or other communication antennas may be affixed or otherwise made part of any WECS, except pursuant to Town law. Applications may be jointly submitted for WECS and telecommunications facilities.
 - 3. No advertising signs are allowed on any part of the Wind Energy Facility, including fencing and support structures.
 - 4. Lighting of tower. No tower shall be lit except to comply with Federal Aviation Administration (FAA) requirements. Minimum security lighting for ground level facilities shall be allowed as approved on the Wind Energy Facility development plan, and shall minimize light throw.
 - 5. All applicants shall use measures to reduce the visual impact of all WECS to the extent possible. WECS shall use tubular towers. All structures in a project shall be finished in a single, non-reflective matte finished color or a camouflage scheme. All WECS within a multiple WECS project shall be constructed using wind turbines whose appearance, with respect to one another, is similar within and throughout the Project, to provide reasonable uniformity in overall size, geometry, and rotational speeds. No lettering, company insignia, advertising, or graphics shall be placed on any part of the tower, hub, or blades.
 - 6. The use of guy wires is disfavored. A WECS using guy wires for tower support shall incorporate appropriate measures to protect the guy wires from damage which could cause tower failure.
 - 7. No WECS shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No WECS shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. If it is determined that a WECS is causing electromagnetic interference, the Facility Owner shall take the necessary corrective action to eliminate this interference, including relocation or removal of the facilities, or resolution of the issue with the impacted parties. Failure to remedy electromagnetic interference is grounds for revocation of the Wind Energy Facility Permit for the WECS causing the interference.
 - 8. All solid waste and hazardous waste and construction debris shall be removed from the Site and managed in a manner consistent with all existing rules and regulations.
 - 9. All WECS shall be designed to minimize the impacts of land clearing and the loss of open space areas. The use of previously developed areas shall be given priority for WECS development wherever possible. To the extent practicable, development on agricultural lands shall follow the Guidelines for Agricultural Mitigation for Windpower Projects published by the New York State Department of Agriculture and Markets.
 - 10. All WECS shall be located in a manner that minimizes significant negative impacts on rare animal species in the vicinity, particularly bird and bat species.

11. Wind Energy Facilities shall be located in a manner consistent with all applicable state and Federal wetlands laws and regulations.
12. Stormwater run-off and erosion control shall be managed in a manner consistent with all applicable state and Federal laws and regulations.
13. Construction of the WECS shall be limited to the hours of 7 a.m. to 7 p.m. except for certain activities that require cooler temperatures than possible during the day, subject to approval from the Review Board.
14. No shadow flicker shall be permitted on any off-site residence.
15. The maximum total height of an individual WECS can be no more than 400 feet.
16. All substation facilities must be adequately protected against trespass and visual intrusion. Mitigation options include but are not limited to fencing, signs, motion lights, appropriate placement of the substation on the site, and screening.
17. The statistical sound pressure level generated by a WECS shall not exceed the ambient decibel level, both A-weighted and C-weighted, plus 5 decibels measured anywhere along the site boundary. Sites can include more than one piece of property and this requirement shall apply to the combined properties. Ambient sound level measurements shall employ all practical means to reduce or compensate for the effect of wind generated noise artifacts at the microphone so as to measure the actual sound level most accurately. Ambient sound level measurements should be performed when wind velocities aloft are sufficient to allow wind turbine operation and should report ambient sound levels for wind speeds aloft corresponding to turbine cut-in as well as the wind speed aloft corresponding to production of the greatest noise. The sound pressure level at off-site residences shall not exceed ambient sound plus 5 decibels, both A-weighted and C-weighted, as determined in accordance with the stipulations of Section 301 (A)(14)(d) of this local law. Independent verification by an acoustical engineer certified with the Institute of Noise Control Engineering shall be provided before and after construction to demonstrate compliance with this requirement.
18. All designs and specifications shall comply with all appropriate standards including but not limited to those of the National Electric Code (NEC) and other applicable standards from the Institute for Electrical and Electronic Engineers (IEEE) and the National Fire Protection Agency (NFPA).
19. Any work associated with the construction of a Commercial Wind Energy Facility shall not negatively affect groundwater quality or quantity of residential wells within two (2) miles of the facility boundary.
20. The Facility applicant/permit holder shall employ a person to be the central point of contact between the Town and the applicant/permit holder. If the Town finds this contact person to be insufficiently responsive or otherwise unsatisfactory, the applicant/permit holder will appoint a new contact person, who must be satisfactory to the Town.
21. No shadow spill shall be permitted on any off-site property.
22. No ice throw shall be permitted off the site of any WECS.
23. There shall be no undue adverse visual impact at any off-site residence.
24. If blasting is required during construction, the Review Board shall approve a proposed blasting plan and schedule as well as advance notice criteria and the method for dissemination of blasting information.
25. Any property identified in the stray voltage assessment required in Section 301(A)14(k) that requires upgraded wiring and grounding shall be upgraded at the cost of the applicant.
26. No building permit for any lighted Facility may be issued until the FAA determination required in Section 301(A)6 is submitted and approved by the Review Board.

Section 304. Required Site Safety Measures

- A. All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.
- B. Unless the property owner submits a written request that no fencing be required, a six-foot-high fence with a locking portal shall be required to enclose each tower or group of towers. The color and type of fencing for each WECS installation shall be determined on the basis of individual applications as safety needs dictate.
- C. All turbines shall employ up-to-date lightning protection, including blade tip protectors, appropriate grounding systems, and lightning arrestors, to mitigate the risk of fire and internal electric faults. Further, fire detection/suppression systems shall be incorporated into all turbine nacelles to minimize the risk of fire.
- D. Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage and ice throw. A sign shall be posted on the entry area of any fence around each tower or group of towers and any building (or on the tower or building if there is no fence), containing emergency contact information. The Review Board may require additional signs based on safety needs.
- E. No climbing pegs or tower ladders shall be located closer than fifteen (15) feet to the ground level at the base of the structure for freestanding single pole or guyed towers.
- F. The minimum distance between the ground and any part of the rotor or blade system shall be thirty (30) feet.
- G. All WECS shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked at all times.

Section 305. Traffic Routes and Road Maintenance

- A. Construction and delivery vehicles for WECS and/or associated facilities shall use traffic routes established as part of the application review process. Factors in establishing such corridors shall include minimizing:
 - 1. Traffic impacts from construction and delivery vehicles.
 - 2. WECS-related traffic during times of school bus activity.
 - 3. Wear and tear on local roads.
 - 4. Impacts on local business operations.
- B. Wind Energy Facility Permit conditions shall limit WECS-related traffic to specified routes, and include a plan for disseminating traffic route information to the public. The plan shall include advance notice criteria set by the Review Board and the method for information dissemination, which may include but is not limited to road signs, radio announcements, newspaper notices, and a phone number for the public with all traffic information kept up to date and a website including the same information.
- C. The Applicant is responsible for remediation of damaged roads during and upon completion of the installation or maintenance of any WECS. A public improvement bond or other undertaking shall be posted prior to the issuance of any building permit in an amount determined by the Review Board sufficient to compensate the Town for any damage to local roads. The Applicant must consult with the Town Highway Superintendent, the Town Attorney, and the Delaware County Department of Public Works to obtain a written recommendation for the bonding form and amount, which form and amount shall be approved by the Review Board.
- D. The Applicant shall provide photographic evidence to the Review Board of the condition of roads and other public infrastructure along the proposed route prior to and after installation of the WECS.

Section 306. Setbacks

Each WECS shall be set back:

- A. A minimum of two and one-half times the Total Height of the largest proposed WECS from the nearest Site boundary line or public road.

- B. Two times the Total Height of the largest proposed WECS from any non-residential facility-related non-WECS structure or any above-ground utilities on the site, unless this condition is waived in writing by the affected facility or utility company.

Section 307. Noise and Setback Easements

- A. In the event a Wind Energy Facility does not meet a setback requirement or exceeds noise or other criteria established in this Local Law as it existed at the time the Wind Energy Facility Permit is granted, a waiver shall be granted from such requirement by the Review Board in the following circumstances:
 - 1. Written consent from the affected property owners has been obtained stating that they are aware of the Wind Energy Facility and the noise and/or setback limitations imposed by this Local Law, and that consent is granted to (1) allow noise levels to exceed the maximum limits otherwise allowed or (2) allow setbacks less than required under this Local Law.
 - 2. In order to advise all subsequent owners of the burdened property, the consent, in the form required for an easement, has been recorded in the County Clerk's Office describing the benefited and burdened properties. Such easements shall be permanent and shall state that they may not be revoked without the consent of the Review Board, which consent shall be granted upon either the completion of the decommissioning of the benefited WECS in accordance with this Local Law, or the acquisition of the burdened parcel by the owner of the benefited parcel or the WECS.
 - 3. Waivers granted under this Section differ from waiver requests under Section 108 of this Local Law in that no Section 108 waiver is required if a waiver is given under this Section, and a Section 108 waiver must be sought rather than a waiver under this Section if the adjoining property owner shall not grant an easement pursuant to this Section.

Section 308. Issuance of Wind Energy Facility Permits

- A. Upon completion of the review process, the Review Board shall, upon consideration of the standards in this Local Law and the record of the SEQRA review, issue a written decision with the reasons for approval, conditions of approval or disapproval fully stated.
- B. If approved, the Review Board shall direct the Town Clerk to issue a Wind Energy Facility Permit upon satisfaction of all conditions for said Permit, and direct the building inspector/code enforcement officer to issue a building permit, upon compliance with the Uniform Fire Prevention and Building Code and the other pre-construction conditions of this Local Law.
- C. The decision of the Review Board shall be filed within five days in the office of the Town Clerk and a copy mailed to the applicant by first class mail.
- D. If any approved Wind Energy Facility is not substantially commenced within one year of issuance of the Wind Energy Facility Permit, the Wind Energy Facility Permit shall expire.
- E. A change order must be submitted to the Review Board for approval in each instance when the permit holder or its contractor intends to vary from the conditions specified in the original Wind Energy Permit prior to the commencement of work on said change.

Section 309. Abatement

- A. If any WECS remains non-functional or inoperative for a continuous period of six (6) months, the applicant agrees that, without any further action by the Town, the applicant shall remove said system at its own expense following the requirements of the Decommissioning Plan. Removal of the system shall include removal of at least the entire above ground structure, including transmission equipment and fencing, from the property. This provision shall not apply if the Facility Owner demonstrates to the Town that it has been making good faith efforts to restore the WECS to an operable condition, but nothing in this provision shall limit the Town's ability to order a remedial action plan after public hearing.
- B. Non-function or lack of operation may be proven by reports to the Public Service Commission, NYSERDA, New York Independent System Operator, or by lack of income generation. The Facility Owner shall make available

(subject to a non-disclosure agreement) to the Review Board all reports to and from the purchaser of energy from individual WECS, if requested and necessary to prove the WECS is functioning, which reports may be redacted as necessary to protect proprietary information.

- C. Decommissioning Bond or Fund. The applicant, or successors, shall continuously maintain a fund or bond payable to the Town, in a form approved by the Town Attorney, for the removal of non-functional towers and appurtenant facilities, in an amount to be determined by the Town Board on advice of the Town Attorney, for the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant. All decommissioning bond requirements shall be fully described in the Decommissioning Plan [Section 301(A)(10)].
- D. If an adverse unforeseen material impact develops due to the operation of one or more WECS and upon recommendation of the Review Board, the Town Board after a public hearing at which the facility owner shall be heard, may order the cessation of the operation of the WECS in question until the impact has been rectified.

Section 310. Limitations on Approvals; Easements on Town Property

- A. Nothing in this Local Law shall be deemed to give any applicant the right to cut down surrounding trees and vegetation on any property to reduce turbulence and increase wind flow to the Wind Energy Facility. Nothing in this Local Law shall be deemed a guarantee against any future construction or Town approvals of future construction that may in any way impact the wind flow to any Wind Energy Facility. It shall be the sole responsibility of the Facility operator or owner to acquire any necessary wind flow or turbulence easements or rights to remove vegetation.
- B. Pursuant to the powers granted to the Town to manage its own property, the Town may enter into noise, setback, or wind flow easements on such terms as the Review Board deems appropriate, as long as said agreements are not otherwise prohibited by state or local law.

Section 311. Annual Reports

- A. The following reports must be submitted in person annually on the anniversary of the issuance of the Wind Energy Facility Permit at a Review Board meeting by a representative of the Facility owner/permit holder. Failure to provide these reports in a timely manner would be grounds for revocation of the Wind Energy Permit. Required annual reports include:
 - 1. Power generation.
 - 2. Maintenance performed.
 - 3. Complaints/resolutions.
 - 4. Ongoing periodic noise monitoring.
 - 5. Electromagnetic interference and resolution.

Section 312: Testing Fund

- A. Testing fund. A Wind Energy Facility Permit shall contain a requirement that the Facility Owner fund periodic noise testing by a qualified independent third-party acoustical measurement consultant, which noise testing may be required as often as biannually, or more frequently upon request of the Review Board in response to complaints by neighbors. The scope of the noise testing shall demonstrate compliance with the terms and conditions of the Wind Energy Facility Permit and this Local Law and shall also include an evaluation of any complaints received by the Town. The Facility Owner shall have 90 days after written notice from the Review Board to cure any deficiency. An extension of the 90 day period may be considered by the Review Board, but the total period to cure any deficiency may not exceed 180 days.

Section 313: Permit Revocation

- A. Operation. A WECS shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements and other permit conditions.

Should a WECS become inoperable, or should any part of the WECS be damaged, or should a WECS violate a permit condition, the owner or operator shall remedy the situation within 90 days after written notice from the Review Board or the Code Enforcement Officer. The Facility Owner shall have 90 days after written notice from the Review Board to cure any deficiency. An extension of the 90 day period may be considered by the Review Board, but the total extension period may not exceed 180 days.

- B. Notwithstanding any other abatement provision under this Local Law and consistent with §310 and §311(B), if the WECS is not repaired or made operational or brought into permit compliance after said notice, the Review Board may, after a public meeting at which the operator or owner shall be given opportunity to be heard and present evidence, including a plan to come into compliance, (1) order either remedial action within a particular timeframe, or (2) order revocation of the Wind Energy Facility Permit for the WECS and require the removal of the WECS within 90 days. If the WECS is not removed, the Review Board shall have the right to use the security posted as part of the Decommission Plan to remove the WECS.

Article 400. WIND MEASUREMENT TOWERS

Section 401. Site Assessment

The Review Board acknowledges that prior to construction of a WECS, a wind site assessment must be conducted to determine the wind speeds and the feasibility of using particular sites. Installation of Wind Measurement Towers, also known as anemometer towers, shall be permitted on the issuance of a Wind Energy Facility Permit in accordance with this Article.

Section 402. Application Requirements

- A. An application for a Wind Measurement Tower shall include:
 - 1. Name, address, telephone number of the applicant. If the applicant is represented by an agent, the application shall include the name, address and telephone number of the agent as well as a notarized original signature of the applicant authorizing the representation.
 - 2. Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed application and (ii) authorizing the submission of the application.
 - 3. Address of each proposed tower location, including Tax Map section, block and lot number.
 - 4. Proposed Development Plan and Map.
 - 5. Decommissioning Plan, including a security bond for removal as required in Section 309(C).

Section 403. Standards

- A. The distance between a Wind Measurement Tower and the property line shall be at least one and one-half (1.5) times the Total Height of the tower. Sites can include more than one piece of property and the requirement shall apply to the combined properties. Exceptions for neighboring properties are also allowed with the written and notarized consent of those property owners.
- B. Wind Energy Facility Permits for Wind Measurement Towers shall be issued for a period of two years and shall be renewable upon application to the Review Board.

Article 500. SMALL WIND ENERGY FACILITIES

Section 501. Purpose and Intent

The purpose of this Article is to provide standards for small wind energy conversion systems (small WECS) designed for residential, institutional and business use on the same parcel, that are primarily used to reduce consumption of utility power at a single location. The intent of this Article is to encourage the development of small WECS and to

protect the public health, safety, and community welfare.

Section 502. Authority

The Review Board is hereby authorized to approve, approve with conditions, or disapprove small WECS applications in accordance with this Local Law. The Review Board may hire a professional engineer or consultant to assist in the review of an application at the applicant's expense.

Section 503. Procedure

- A. Completed applications for siting small WECS shall be submitted to the Town Clerk at least ten (10) days prior to a regular meeting of the Review Board or at any other time as directed by the chairperson of the Review Board. Applications may be made by the owner of the property or the owner's duly authorized representative, who shall attend the meeting of the Review Board to discuss the application.
- B. Within sixty-two (62) days after the Review Board meeting where the complete application is submitted, a public hearing shall be held. Notice of such public hearing shall be published in the official newspaper of the Town at least ten (10) days prior to the date thereof. The applicant shall give notice in writing by certified mail to all property owners of the land immediately adjacent to the proposed parcel where site is proposed. The applicant shall mail these notices at least ten (10) days in advance of the hearing and furnish the Review Board with Post Office receipts as proof of notification.
- C. Within sixty-two (62) days of the public hearing, the Review Board may approve, conditionally approve, or disapprove the application. The time in which the Review Board must render its decision may be extended by mutual consent of the applicant and the Review Board. The decision of the Review Board on the application shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered and a copy thereof mailed to the applicant.

Section 504. Application Requirements

- A. Applications for small WECS permits shall include:
 1. Property owner's contact information. If the applicant shall be represented by an agent, the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the agent to represent the applicant.
 2. Site plan map of the proposed tower, at a scale to be established by the Review Board consistent with the size of the site, including Tax Map section, block and lot number.
 3. Manufacturer's drawings and specifications of the proposed system as indicated in Section 301(A)(4).
 4. Engineering drawings of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the New York State Uniform Fire Prevention and Building Code.
 5. The applicant must provide a written statement demonstrating that the system shall be used to reduce consumption of electricity at that location.
 6. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan such interconnection and so states so in the application.
 7. A visual analysis of the small WECS as installed, which may include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

Section 505. Standards

- A. All small WECS shall comply with the following standards. Additionally, such systems shall also comply with all

the requirements established by other sections of this Local Law that are not in conflict with the requirements contained in this Article.

1. Only one small WECS per legal lot shall be allowed, unless there are multiple applicants, in which case their joint lots shall be treated as one Site for purposes of this Article.
2. Small WECS shall be used primarily to reduce the on-site consumption of electricity.
3. Total heights may be allowed as follows:
 - a) Less than 65 feet on parcels less than one acre;
 - b) 65-100+/- feet or less on parcels between one and five acres;
 - c) 100-160+/- feet or less on parcels of five or more acres; and
 - d) The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Administration requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.
4. The system's tower and blades shall be painted a non-reflective, unobtrusive color to blend the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.
5. The system shall be designed and located to minimize adverse visual impacts from public viewing areas.
6. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
7. All on-site electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the Review Board if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.
8. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.
9. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where such advertising would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.
10. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
 - a) Tower-climbing apparatus located no closer than 12 feet from the ground;
 - b) A locked anti-climb device installed on the tower; and
 - c) A locked, protective fence at least six feet in height that encloses the tower.
11. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.
12. Construction of on-site access roadways shall be minimized. Temporary access roads utilized for initial installation shall be re-graded and re-vegetated to the pre-existing natural condition after completion of installation.
13. All small WECS structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Fire Prevention and Building Code.
14. All small WECS shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.

Section 506. Setbacks and Noise

- A. Small WECS shall comply with the following standards:
 - 1. Setback requirements. A small WECS shall not be located closer to a property line than one and a half times the Wind Turbine Height.
 - 2. Noise. Except during short-term events including utility outages and severe wind storms, a small WECS shall be designed, installed, and operated so that noise generated by the system shall not exceed 30 decibels (dBA), as measured at the closest residence.

Section 507. Abandonment

- A. A small WECS which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the Town.
- B. All small WECS shall be maintained in good condition and in accordance with all requirements of this section.

Article 600. AGRICULTURAL WIND ENERGY FACILITIES

Section 601. Purpose and Intent

The purpose of this Article is to provide standards for wind energy conversion systems (WECS) designed for farm service customer-generators that are primarily used to reduce consumption of utility power at a single location. The intent of this Article is to encourage the development of WECS for farming and to protect the public health, safety, and community welfare.

Section 602. Authority

The Review Board is hereby authorized to approve, approve with conditions, or disapprove wind energy conversion system applications for farm service customer-generators in accordance with this Local Law. The Review Board may hire a professional engineer or consultant to assist in the review of an application at the applicant's expense.

Section 603. Definitions

FARM SERVICE CUSTOMER-GENERATOR: An owner and operator of wind electric generating equipment located and used on land used in agricultural production as defined in Section 301 of the Agriculture and Markets Law, which is also the location of the customer-generator's primary residence.

WIND ENERGY CONVERSION SYSTEM FOR FARM OPERATION (Farm Wind): A wind energy conversion system consisting of a turbine, a tower and associated control or conversion electronics that is operated by a farm service customer-generator.

Section 604. Procedure

- A. Completed applications for siting WECS for Farm Wind shall be submitted to the Town Clerk at least ten (10) days prior to the regular meeting of the Review Board or at such other time as the Review Board chairperson shall direct. Applications may be made by the owner of the property or the owner's duly authorized representative, who shall attend the meeting of the Review Board to discuss the application.
- B. Within sixty-two (62) days after the Review Board meeting where the complete application is submitted, a public hearing shall be held. Notice of such public hearing shall be published in the official newspaper of the Town at least ten (10) days prior to the date thereof. The applicant shall give notice in writing by certified mail to all property owners of the land immediately adjacent to the proposed parcel where the WECS is proposed. The applicant shall mail these notices at least ten (10) days in advance of the hearing and furnish the Review Board with Post Office receipts as proof of notification.

- C. Within sixty-two (62) days of the public hearing, the Review Board may approve, conditionally approve, or disapprove the application. The time in which the Review Board must render its decision may be extended by mutual consent of the applicant and the Review Board. The decision of the Review Board on the application shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered and a copy thereof mailed to the applicant.

Section 605. Application Requirements

- A. Applications for Wind Energy Conversion Systems for Farm Wind shall include:
1. Sketch of the parcel on a location map (e.g. tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways. Such sketch should show the existing features of the site including land and water areas, wetlands, water or sewer systems, utility lines and the approximate location of all existing structures on or immediately adjacent to the site.
 2. Proposed location and arrangement of wind energy systems on the site.
 3. Copies of plans or drawings prepared by the manufacturer of the system(s).
 4. Description of the project and a narrative of the intended use of the proposed wind energy system, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Names and address of the applicant and any professional advisors shall be supplied.
 5. Description of safety measures to prevent unauthorized climbing on the tower.
 6. Description of mechanisms for automatic braking, governing or feathering system to prevent uncontrolled rotation of the rotor blades and turbine components.
 7. Property owner's contact information. If the applicant shall be represented by an agent, the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the agent to represent the applicant.
 8. Engineering drawings of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the New York State Uniform Fire Prevention and Building Code.
 9. The applicant must provide a written statement demonstrating that the system shall be used primarily to reduce consumption of electricity at that location.
 10. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan such interconnection and so states so in the application, to connect the system to the electricity grid.

Section 606. Standards

- A. All WECS for Farm Wind shall comply with the following standards.
1. The maximum turbine power output is limited to not more than 110% of the customary electric energy usage of the Farm Service Customer-Generator.
 2. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.
 3. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.

4. All WECS structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Fire Prevention and Building Code.
5. All WECS shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.

Section 607. Setbacks

- A. A WECS shall not be located closer to a property line than one and a half times the Total Height of the facility.

Article 700. MISCELLANEOUS

Section 701. Fees

A. Permit Fees

1. Commercial WECS Permit: \$1000 per megawatt of rated maximum capacity.
2. Wind Measurement Towers Permit: \$300 per tower (\$50 for a renewal).
3. Small and Agricultural WECS Permit: \$150 per WECS.

B. Retention of Expert Assistance and Reimbursement by Applicant

1. The Review Board may hire any consultant and/or expert, including the town's attorney and planning consultant, necessary to assist the Review Board in reviewing and evaluating the application, including but not limited to site inspections, the construction and modification of the site once permitted, and any requests for recertification.
2. An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Review Board in connection with the review of the application.
 - a) The initial deposit shall be \$8,500.00 and shall be placed with the Town preceding the pre-application meeting.
 - b) The Town shall maintain a separate escrow account for all such funds. The Town's consultants/experts shall invoice the Town for their services in reviewing the application, including the modification of the site once permitted.
 - c) If at any time during the process this escrow account has a balance less than \$2,500.00, the applicant shall immediately, upon notification by the Town, replenish the escrow account so that it has a balance of at least \$5,000.00. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application.
 - d) In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be refunded to the applicant within 30 days following the conclusion of the permit review process.
3. The total amount of the funds needed as set forth in this section may vary with the scope and complexity of the project, the completeness of the application, and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

C. Host Agreements

Nothing in this Local Law shall limit the ability of the Town to enter into Host Community agreements with any applicant to compensate the town for expenses or impacts on the community.

D. Financial Requirements

The Town of Meredith shall be named as an additional insured for liability purposes on all insurance policies for any WECS. The Town shall be held harmless in any litigation resulting from any project. Such insurance shall be reviewed annually by the Town Attorney and adjusted to reflect changes in the Consumer Price Index.

Section 702. Tax Exemption

The Town hereby exercises its right to opt out of the tax exemption provisions of Real Property Tax Law §487, pursuant to the authority granted by paragraph 8 of that law.