

**LOCAL LAW NO. 1 OF THE YEAR 2018
REGULATING POWER GENERATING WINDMILLS**

SECTION 1: TITLE

This local law shall be known as a “Local Law Regulating Power Generating Windmills as Wind Energy Systems in the Town of Minetto, New York.”

SECTION 2: PURPOSE AND INTENT

The Town of Minetto through this local law seeks to promote the safe, effective and efficient use of wind energy systems installed to reduce the consumption of utility supplied electricity on individuals sites. It is the intent and purpose of this local law to balance the encouragement this type of renewable resource may have on the health, welfare and safety of the community and to preserve and protect the aesthetic qualities of the Town of Minetto.

SECTION 3: DEFINITIONS

“HUB HEIGHT” - Height of the center of the wind turbine rotor above the terrain surface. For a vertical axis wind turbine, the Hub Height is the height of the equator plane.

“SMALL WIND ENERGY SYSTEM OR ‘ON SITE USE WIND ENERGY SYSTEM’”
-a WECS consisting of a wind turbine, a tower, and associated controller-conversion electronics which has a rated capacity of no greater that 25 kW for residential use and no greater that 125 kW for non-residential and farm use, and which is intended to reduce on-site consumption of utility supplied electricity.

“TOTAL HEIGHT” - Height of the wind turbine measured from the terrain surface to the highest vertical point of the rotor blade.

“WIND ENERGY CONVERSION SYSTEM (WECS)” - A wind energy conversion system consisting of a wind turbine, tower, and associated conversion electronics, which are intended to primarily reduce on-site consumption of utility generated power.

SECTION 4: REGULATIONS

Wind Energy Conservation System (WECS) shall require a special permit to be granted by the Planning Board. WECS shall be a permitted use in all zoning classifications except in an R-1 district where it is prohibited. the granting of a special permit shall be subject to the following conditions:

A. Site Plan Review Required with a minimum of the following items required to be shown on the site plan:

1. Tower height:
Location of the tower on site and the height of the tower, including blades, rotor diameter and ground clearance. The height of the towers must comply with all Federal, State, Town and FAA regulations.

2. Utility lines
Must show both above ground lines and below ground lines, within a radius equal to the proposed tower height, including the blades.

3. Clearance of Blade
No portion of the wind energy system shall extend to within thirty (30) feet of the ground. No blades shall extend over any parking areas, driveways or sidewalks.

4. Set back
No part of the wind system structure, including guy wire anchors,

may extend closer than ten (10) feet to the property lines of the site of installation. Set backs for the system tower shall be no closer to the property line than the height of the system

5. Automatic Speed Controls

All wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the residential wind energy system.

6. Sound

WECS shall not exceed 50 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short term events such as utility outages and/or severe wind storms.

7. Compliance with Uniform Building Code

Building permit applications for wind systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering plan of the tower showing compliance with the NYS Uniform Building and Fire Code and the National Electric Code and certified by a professional engineer shall also be submitted with the application for a special permit. Wet stamps shall be required.

8. Compliance with FAA Regulations

Wind energy systems must comply with all applicable FAA regulations, including any required approvals for installations near airports.

9. Compliance with NYSERDA

All wind energy systems shall comply with the requirements established by the New York State Energy Research and Development Authority.

10. Transmission lines

All power transmission lines from the WECS to onsite distribution point shall be underground.

B. Insurance

The applicant, owner, lessee or assignee shall maintain a current insurance policy which shall cover installation and operation of on-site use of WECS at all times. Said policy shall provide a minimum of \$500,000.00 property and personal liability coverage.

C. Inspections

Inspections shall comply with all applicable provisions of the New York State Uniform Building Code, the National Electric Code, and any other applicable state law in effect at the time of the inspection. Inspections shall take place at least every two (2) years. A copy of the inspection shall be given to the Code Enforcement Officer of the Town.

If said report recommends that repairs or maintenance is needed, the owner shall provide to the CEO a written schedule of the repairs and /or maintenance and a timetable for the completion of the items listed. Failure to complete the repairs and/or maintenance may result in the forfeiture of the special permit and may result in the imposed removal of the WECS.

D. Number of Units

There shall be no more than one (1) on site WECS per residential lot unless a variance is granted under the terms and conditions of the Town Zoning Ordinance.

E. Abandonment of Use

A WECS which is not used for a period of twelve (12) consecutive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Removal of the system shall include removal of the entire structure including foundations, transmission equipment and fencing, from the property. Failure to comply with this section or with any and all conditions attached to the permit shall be a violation of this

Local Law and the cost of removing the on-site WECS by the Town shall be placed as a lien on the property owner's tax bill.

Should the WECS be non-operational for a continuous period of six (6) months, the approvals granted herein shall be deemed void and the WECS shall be decommissioned, unless the property owner demonstrates to the satisfaction of the Planning Board the intention to continue the operation of the WECS.

SECTION 5: PENALTIES

Any person who violates any provision of this Local Law shall be guilty of an offense under the current NYS Uniform Building and Fire Code and shall be punished accordingly.

SECTION 6: SEVERABILITY

Should any portion of this Local Law be held to be invalid or unenforceable for any reasons, by any Court of competent jurisdiction, such portion shall be deemed severable, and such determination shall not affect the viability of the remaining sections of the Local Law.

SECTION 7: EFFECTIVE DATE

this Local Law shall take effect immediately upon its filing with the New York State Department of State.