

TOWN OF SCHUYLER LOCAL LAW N^o. 3 OF THE YEAR 2010

A LOCAL LAW ENTITLED, "THE TOWN OF SCHUYLER WIND ENERGY FACILITIES ORDINANCE"

Be it enacted by the Town Board of the Town of Schuyler as follows:

Article 1. Title.

This Local Law shall be known as the Town of Schuyler Wind Energy Facilities Ordinance. The Town of Schuyler is hereafter referred to as the Town.

Article 2. Statement of Authority.

The Town Board of the Town of Schuyler, pursuant to the authority granted it under Section 10 of the Municipal Home Rule Law of the State of New York, and Article 16 of the New York Town Law, hereby enacts the Town of Schuyler Wind Energy Facilities Ordinance as follows:

Article 3. Statement of Purpose and Findings.

The Town Board of the Town of Schuyler hereby finds that in order to facilitate the development of small wind energy systems and wind energy facilities within the Town of Schuyler, a Local Ordinance must be enacted to regulate their development and set forth other requirements relative to small wind energy systems and facilities. This law is to be consistent with the general intent of all other Local Ordinances heretofore enacted by the Town to accommodate the necessary infrastructure for the provision of commercial wind-powered electricity generation facilities. Regulation of both small wind energy systems and wind energy facilities is necessary to protect the general health, welfare and safety of the residents of the Town; and furthermore, to address the visual, aesthetic and land use impacts of wind energy facilities.

Article 4. Definitions.

ACCESSORY FACILITIES OR EQUIPMENT: Any structure other than a wind turbine, related to the use and purpose of generating electricity from wind turbines located at a wind energy facility.

HEIGHT OF THE TOWER: Means the height of the Tower measured from ground level to the highest vertical point of the tower.

RESIDENCE: Means any dwelling for habitation by one or more persons. A residence may be part of a multi-dwelling or multipurpose building, but shall not include buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools or other buildings used for educational purposes, correctional institutions or unimproved cabins or trailers used seasonally for camping or hunting.

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SMALL WIND ENERGY SYSTEMS: A small wind energy system consists of an individual wind turbine or turbines erected and designed for on-site residential, agricultural or business use and primarily used to reduce on-site consumption of utility power.

WIND ENERGY FACILITIES: An electricity-generating facility consisting of one or more wind turbines which generate original power on site to be transferred to a transmission system for distribution to customers. Wind energy facilities shall not include small wind energy systems. Wind energy facilities shall include wind turbines, permanent wind measurement towers, transmission facilities, substation and control buildings and accessory facilities or equipment.

WIND MEASUREMENT TOWER: A temporary or permanent wind measurement or anemometer ("Met") tower utilized to conduct an on- site assessment of wind speeds and the feasibility of a particular site for wind energy conversion.

WIND TURBINE: Shall mean a component of the wind energy facility system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer.

Article 5. Authority and Procedure: Wind Energy Facilities

Section 1 – Authority

The Town Board is hereby authorized to approve, approve with conditions, or disapprove special wind energy permit applications in accordance with this Local Ordinance. No wind energy facility may be constructed, operated or maintained in the Town of Schuyler without a special wind energy permit issued by the Town Board in accordance with the provisions of this section.

Section 2 – Procedure

2-1. Wind energy facilities located in the Town of Schuyler, Herkimer County, New York require a special wind energy permit from the Town Board. The objective of the special wind energy permit application is to have all pertinent information collected and available for review by relevant parties.

2-2. An Environmental Assessment Form prepared in accordance with the State Environmental Quality Review Act (SEQRA), Article 8 of the Environmental Conservation Law, shall be submitted with any application.

2-3. The Town Board shall hold a public hearing on any such application prior to permitting or denying such application, but not before a final environmental impact statement (FEIS), if required, has been completed by the lead agency in accordance with SEQRA. Public notice of the hearing shall be published in the official newspaper of the Town. In addition, written notices shall be sent to:

- a. All abutting property owners.
- b. All other municipal entities within 3000 feet of the proposed project site.

Section 3 – Applicability and Application Process

3-1. Application Process

The applicant shall submit all application materials in triplicate to the Town Clerk of the Town of Schuyler. The application for a permit requires documentation of relevant information pursuant to the regulations listed in Section 5 as well as the following information.

The application will include a project summary providing:

- a. A general description of the project including its approximate generating capacity, potential equipment manufacturers, types and numbers of wind energy facilities, maximum height of wind turbine towers, maximum diameter of rotor (s), and general location of the project.
- b. A description of the applicant, Owner and Operator, including their respective business structures.
- c. The name(s) address(es) and telephone numbers of the Applicant, Owner and Operators and all Tax Map numbers upon which the wind power facilities are planned.
- d. A preliminary site plan or plans, drawn to specified scales for the installation of the wind power facilities, including (to the extent that information is available) the location of each tower, guy lines and anchor bases, service drives, fencing and grating, soil protection/restoration locations and meteorological towers. The plan or plans must include any Residence within 3,000 feet of any tower, property lines including the identification of adjoining properties, setback lines, public access roads and turnout locations, substations, electrical cabling from the tower(s) to the substation(s), ancillary equipment third party transmission lines and layout of all structures within the geographic boundaries of any applicable setback.

3-2. The applicant must comply with all SEQRA requirements including preparation of a completed SEQRA Long Form Part 1. If during the SEQRA process it is determined that any part of the project is located in a wetland or crosses a stream, then the applicant will apply for a wetland and stream crossing permit as required by law. If a positive declaration of environmental significance is determined by the SEQRA lead agency, the following studies and information, if not included in the Draft Environmental Impact Statement (DEIS) prepared for the Wind Energy Facility, shall be submitted with the application: Potential for Shadow Flicker, Noise (ambient conditions and potential impacts), Visual Impacts, Electromagnetic Interference and Emergency Response Plan.

3-3. The Town shall seek designation as Lead Agency for the purposes of SEQRA review. The Town may require an escrow agreement with the Applicant for the costs of the engineering, planning and legal review by consultants to the Town of the special use permit and building permit applications and any environmental impact statements that may be prepared.

3-4. The application shall also include any other information normally required by the Town of Schuyler Planning Board, Herkimer County or the State of New York.

3-5. The applicant shall provide the Town proof of insurance, in form of a duplicate insurance certificate, at a level to be determined by the Town Board and in consultation with the Town's insurer, to cover damage or injury which might result from the failure of a tower or towers or

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any other part(s) of the generation and transmission facility. This documentation must be provided to the Town of Schuyler prior to issuance of a Building Permit.

3-6. The applicant will notify the Town of Schuyler any changes in the information provided in Sections 3-2 thru 3-5 above that occur while the special permit approval is pending. Additions of new wind energy facilities to an existing or permitted project require issuance of a new permit from the Planning Board.

Section 4 – Permit Timeframe

4-1 . Once a wind power project permit application is approved, construction must begin within 24 months of approval date, and the applicant has a total of 36 months from date of permit approval to make a wind energy facility operational, unless the applicant can demonstrate that the circumstances for the delay are the result of a Force Majeure or circumstances beyond the applicant's reasonable control.

Section 5 – Regulations and Requirements

5-1. All permits for construction of wind power projects must comply with all applicable federal and state commercial/industrial-building codes. Additionally, the Town of Schuyler requires compliance with the following in order to obtain a building permit:

5-2. Design and Construction

For each site building permit submitted, the applicant will submit the following:

- a. Applicants shall submit certificates of compliance that the manufacturer of all wind turbine equipment is included on NYSERDA's list of approved turbines, and that the manufacturers have obtained certificates of compliance from Underwriters Laboratories, to the extent these are required, or an equivalent third party.
- b. A professional engineer will certify, as part of the building permit application, that the foundation and tower design of the wind power facilities are within accepted professional standards, with the understanding that consultant fees are to be assumed by the applicant.
- c. During construction, the Applicant shall secure the services of a certified electrical engineer and project engineer to inspect and oversee the entire project delivery system for safety and quality assurance. All reports addressing these requirements and any findings regarding the project will be forwarded to the Town of Schuyler within 30 days of creation.
- d. All Wind Energy Systems shall be designed, installed, and operated in accordance with the manufacturer's specifications, and shall be installed by a certified installer.
- e. If any project service roads are intended to be taken over by the Town, such roads will meet the specification of the Town of Schuyler Highway Superintendent and Town Board.

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- f. Plans to prevent the pollution of surface or groundwater; erosion of soil (both during and after construction), excessive runoff, and flooding of other properties will be prepared consistent with New York State Department of Environmental Conservation (NYDEC) requirements and local (Town of Schuyler) Storm Water Management Law.
- g. The application must demonstrate compliance with all Federal Aviation Administration (FAA) requirements. A full description of the warning light plan must be provided with the Building Permit Application.
- h. Natural springs and wells.
 - (i) Prior to conducting any blasting activity, the Applicant will submit to the Town a blasting plan that shall include identification and mapping of the blast location, techniques and materials to be used, duration and frequency of blasting and a survey of all wells or springs providing potable water to residences or businesses within a minimum of 1,000 feet of the blast site. Such survey shall include the mapped location of the well or spring, the result of a flow test conducted by the Applicant and the names and addresses of the property owners within the potential impact area.
 - (ii) If the natural springs or private wells which are a primary source of household water in many areas of the Town are impacted in any way during or after any part of construction, the Applicant will restore natural springs to pre-construction flow and quality rates or provide each household that is impacted with another water source, such as a drilled well with all necessary equipment to restore water flow and quality to the effected households.

5-3. Liability Insurance and Safety

The applicant shall provide the Town proof of liability insurance, in form of a duplicate insurance certificate, at a level to be determined by the Town Board to cover any liability for bodily injury or property damage that might be encountered. The Town of Schuyler shall be held harmless for any and all claims resulting from this project. This documentation must be provided to the Town of Schuyler prior to issuance of a Building Permit.

5-4. Electrical Components

- a. All electrical components of wind power facilities shall conform to local, state and national codes, and American relevant national and international standards (e.g. National Standards Institute and International Electrical Commission).
- b. To the extent reasonably practicable all power collection lines to or from any wind power facility to on-site substations shall be underground. Proper grounding and codes inspections are required.

5-5. Color

- a. Towers and blades shall be painted white or gray or another unobtrusive color.
- b. No advertising or commercial logos or insignias except for the manufacturer's logo will be visible on the structures.

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5-6. Warnings

- a. A reasonably visible warning sign concerning voltage must be placed at the base of all pad mounted transformers and substations.
- b. Visible, reflective objects such as flags, reflectors or tape shall be placed on the anchor of guy wires and along the guy wires up to a height of 15 feet from the ground.

5-7. Climb Protection

All wind power facilities must be protected by anti-climbing devices such as sealed entrances for facilities having internal stairs with locking portals at least 6 feet tall.

5-8. Setbacks

- a. All towers shall be set back from any Residence 1.5 times the height of the tower, as measured from ground level to its highest point, including the rotor/blades. The distance for the above setback shall be measured from the point of the Residence foundation to the center of the closest wind turbine foundation. An owner of a Residence may waive this setback requirement by a written, recordable agreement with the applicant which shall further require a resolution of the Town Planning Board consenting to the waiver of the setback.
- b. The minimum height of the end of rotor blades above ground surface shall be established on recommendation of the installer or in accordance with the manufacturer's specifications. All Towers shall be set back at least 1.5 times the height of the tower, including the rotor/blades, from the right of way of all public roads.
- c. All towers shall be set back a distance of at least 1.5 times the height of the tower, including the rotor/blades, as measured from ground level to its highest point from any habitable structure, adjacent turbine, or property line. The affected non-participating adjacent property owner may waive this set back requirement by a written, recordable agreement with the applicant which shall further require a resolution by the Town Planning Board consenting to the waiver of the setback.
- d. All towers shall be set back a distance of at least 1.5 times the height of the tower, including the rotor/blades, from any other wind turbine.
- e. Any agreement between the applicant and a landowner to waive any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

5-9. Viewscape Impacts

- a. The Applicant shall provide such information as may be deemed necessary by the Town to assess the viewscape impact with regard to the number of Residences impacted and the potential for the future development. The Town Board shall assess visual impacts and mitigation measures as part of its review of the application in conformance with the State Environmental Quality Review Act (SEQRA).

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- b. **Landscape and Screening:** Appropriate landscape and screening is required to keep the site in a neat and orderly fashion. Appropriate screening is required to screen accessory structures from adjacent residences and public roads. A Landscaping Plan for any accessory structures shall be developed by the Applicant and submitted to the Town prior to the issuance of any building permits.

5-10. Use of Public Roads

In order to obtain a building permit, an applicant, owner or operator proposing to use any Town, County or State road for the purpose of transporting any and all materials related to wind power facility development (construction, operation, maintenance) will:

- a. Identify such public roads and contact the superintendent of highways for the Town of Schuyler and Herkimer County to obtain permission regarding weight and size limits for use of Town or County roads prior to construction. The applicant must include documentary evidence of this contact and permission.
- b. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage. The Town of Schuyler and the Herkimer County Highway Superintendent must approve this survey for Town or County roads, respectively.
- c. Secure financial assurance such as a bond or line of credit in sufficient amount agreed upon by the Town of Schuyler for the purpose of modifying or repairing any damage to the Town, County, and State roads caused by constructing, operating or maintaining wind power facilities.

5-11. Emergency Agencies and Hazardous Material

- a. The Operator of a wind power facility will provide local fire departments and emergency service agencies with training, practice drills and documentation of appropriate actions in case of emergency circumstances at the projects. Such documentation shall include the locations of all emergency shutdown controls, location of any potentially hazardous materials, and site maps showing access routes.
- b. The Operator will provide emergency plan updates to the Town of Schuyler within 4 weeks after any changes in operation or facility occur.
- c. All solid and liquid wastes related to the construction, operation and maintenance of a wind power facility will be removed from the site and disposed of in accordance with applicable laws. Handling, transport and storage of wastes shall likewise be done in accordance with applicable laws.

5-12. Noise Level

- a. The Applicant shall provide documentation that the maximum noise level generated by wind power facilities shall not exceed 50dba, at any time, as measured at the closest Residence owned by a non-participating landowner. The Applicant shall also submit documentation of the ambient noise levels at the site of the proposed wind energy facility. A Non-participating landowner can waive the 50dba requirement by a written

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recordable agreement with the applicant, which shall further require a resolution of the Town Planning Board consenting to such waiver.

- b. A Special Use Permit shall include a requirement that the Applicant fund periodic noise testing by a qualified independent measurement consultant, to demonstrate compliance with the terms and conditions of the Special Use Permit. Testing will be required within 3 months of the commencement of operation of any wind turbine, and shall be conducted again one year thereafter. The report of the independent consultant shall be made available to the Town within 30 days of its completion.
- c. The Applicant shall within 30 days of receipt of written notice from the Town of any complaints received by the Town to conduct additional testing. The completed evaluation by the independent consultant will be shared with the Town within 14 days.
- d. The Applicant shall have 90 days after written notice from the Town to cure any deficiency demonstrated by noise testing. An extension of an additional 90 days may be considered by the Town, but the total period may not exceed 180 days.

5-13. Environmental Impacts/ Impact on Wildlife

These issues will be addressed in SEQRA and State and Federal permitting. To the extent practicable, wind turbines shall be located to avoid a substantial adverse impact on migrating birds or bats. The lighting system for the wind turbines shall be designed in accordance with the most recent FAA guidelines.

5-14. Solid and Hazardous Waste

Any solid or hazardous waste from construction or operation of the wind energy project will be addressed through compliance with State and Federal permit and disposal requirements.

5-15. Impacts on Agriculture

The applicant will demonstrate compliance with the Guidelines for Agricultural Mitigation for Wind power Projects constructed in County adopted, State certified agricultural districts as proposed by the New York State Department of Agriculture & Markets.

Section 6 – Operational Considerations

If a wind energy facility becomes inoperative or nonfunctional for a continuous period of one (1) year, the Applicant shall remove the wind energy facilities, including all wind turbines and any accessory uses, at their own expense.

Section 7 – Decommissioning

7-1.

Prior to the granting of a special permit for project development, the Owner or Operator shall formulate a decommissioning plan to the satisfaction of the Town of Schuyler, and will demonstrate that the Owner's land leases provide adequate provisions for same.

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7-2.

Unless otherwise agreed between the Town and the Applicant, the Decommissioning Plans shall include:

- a. Provision describing the triggering events for decommissioning of wind power facilities.
- b. Provisions for the removal of structures, and debris but not below ground cable.
- c. Provisions for the restoration of the soil and vegetation.
- d. A timetable approved by the Town of Schuyler for site restoration.
- e. An estimate of decommissioning costs certified by a Professional Engineer.
- f. Identification of procedures for the Town of Schuyler to access Financial Assurances.
- g. A provision that the terms of the Decommissioning Plan shall be binding upon the Owner or any of their successors, assigns, or heirs.
- h. A provision that the Town of Schuyler shall have access to the site, pursuant to reasonable notice, to inspect the results of complete decommissioning.
- i. Removal of machinery, equipment, tower, and all other materials related to the project is to be completed within one year of decommissioning.
- j. All town, county or state roads, impacted by project activity, if any, will be restored to original condition upon completion of decommissioning.

Section 8 – Resale or Transfer of the Wind Energy Facility.

8-1.

Upon the transfer or sale of all or a portion of the wind energy facility to another party or entity, all previously approved agreements; regulations and requirements remain in effect, including but not limited to Payment in Lieu of Tax Agreements (PILOTS) and Host Community Agreements except as amended with the consent of the Town Board. No transfer or sale shall eliminate the burden of compliance with all Town of Schuyler regulations and requirements enabling the issuance of this permit.

8-2.

The Owner or Operator of wind energy facilities shall at all times maintain a current general liability policy covering bodily injury and property damage with limits typical for power generating facilities and at a level acceptable to the Town of Schuyler.

Section 9 – Annual Operating Report

9-1.

The Owner or Operator shall submit an annual operation report to the Town of Schuyler each year that summarizes yearly operations including total electrical power generation in the previous 12 months, changes in technical aspects of operations on the site, status of all

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individual wind power facilities, and changes in business arrangements of the Owner or Operator.

9.2.

In addition the report shall include:

- a. Proof of an Annual Insurance Liability Policy.
- b. Proof of Road Bonds where required.

Article 6. Permit Revocation.

If any component of a wind energy facility is not repaired or made operational or brought into permit compliance after written notice from the Town Board, the Town Board may commence a public meeting at which the operator or owner shall be given the opportunity to be heard and present evidence, including a plan to come into compliance. After said notice and public meeting, the Town Board may order wither compliance within a particular timeframe or order revocation of the permit and require removal of that component or components of the wind energy facility within 90 days.

Article 7. Authority and Procedure: Small Wind Energy Systems

Section 1 – Authority

The Town Board is hereby authorized to approve, approve with conditions, or disapprove Special Wind Energy Permit applications in accordance with this Local Ordinance. No Small Wind Energy System may be constructed, operated or maintained in the Town of Schuyler without a Special Wind Energy Permit issued by the Town Board in accordance with the provisions of this Article.

Section 2 – Purpose and Intent

The purpose of this Article is to provide standards for small wind energy systems designed for on-site home, farm or business use, that are primarily used to reduce on-site consumption of utility power.

The intent of this Article is to encourage the development of small wind energy systems and to protect health, safety, and community welfare.

Section 3 – Permitted Areas

Small Wind energy systems may be permitted in any R-A (Residential-Agricultural) Zoning District with adequate property acreage to allow for setbacks of 1.5 times the height of the tower, including the rotor blades, as measured from ground level to its highest point, where upon a Special Wind Energy Permit may be issued.

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Section 4 — Applications

Applications for Small Wind Energy System Special Wind Energy Permits shall include:

- a. Name, address, telephone number of the applicant. If the applicant will 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.
- b. 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 applications; and,
 - (ii) Authorizing the submission of the application.
- c. Address of each proposed Tower Site, including a survey map prepared and stamped by a Licensed Professional Land Surveyor.
- d. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.
- e. A line drawing of the electrical and all other components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code.
- f. Sufficient information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.
- g. Written evidence that the electric utility service provider that serves the proposed Site had been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

Section 5 — Development Standards

All Small Wind Energy Systems shall comply with the following standards. Such systems shall also comply with all the requirements established by other sections of this Ordinance that are not in conflict with the requirements of this section.

- a. Small Wind Energy Systems may be used primarily to reduce the on-site consumption of electricity.
- b. The allowed height shall comply with all applicable Federal Aviation Administration requirements.
- c. The maximum turbine power output shall be established on recommendation of the installer or in accordance with the manufacturer's specifications.
- d. The system's tower and blades shall not be modified from the original manufacturer's colors.

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- e. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails).
- f. Exterior lighting on any structure associated with system shall not be allowed, except that which is specifically required by the Federal Aviation Administration and an exterior light on the maintenance building.
- g. 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.

Section 6 – Abandonment of Use

- a. A Small Wind Energy System which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from 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 Wind Energy Systems shall be maintained in good condition and in accordance with all requirements of this section.

Article 8. Authority and Procedure: Temporary Wind Measurement Towers

Section 1 – Authority

The Town Board is hereby authorized to approve, approve with conditions, or disapprove Special Wind Energy Permit applications in accordance with this Ordinance. No Temporary Wind Measurement Tower may be constructed, operated or maintained in the Town of Schuyler without a Special Wind Energy Permit issued by the Town Board in accordance with the provisions of this Article.

The Town Board acknowledges that prior to construction of a Wind Energy Facility or Small Wind Energy System, a wind site assessment is conducted to determine the wind speeds and the feasibility of using particular sites. Installation of Temporary Wind Measurement Towers, also known as anemometer ("Met") towers, shall be permitted on the issuance of a Special Wind Energy Permit in accordance with this Article.

Section 2 – Procedure: Applications for Temporary Wind Measurement Towers

- a. An application for a Temporary Wind Measurement Tower shall include:
 - (i) 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 an original signature of the applicant authorizing the representation.

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- (ii) 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 applications and (ii) authorizing the submission of the application.
- (iii) Address of each proposed tower location, including Tax Map section, block and lot number.
- (iv) Proposed Development Plan and Map.
- (v) Decommissioning Plan, including a security bond for removal.

Section 3 – Standards for Wind Measurement Towers

- a. The distance between a Wind Measurement Tower and the property line shall be at least 1.5 times the Total Height of the tower, including the rotor blades. Sites can include more than one piece of property and the requirements shall apply right to the combined properties with the consent of property owners.
- b. Special Wind Energy Permits for Temporary Wind Measurement Towers may be issued for a period of up to two years. Permits shall be renewable for one additional year upon application to the Town Board.

Article 9. Waivers.

- a. The Town Board may, after a public hearing, grant a waiver from the strict application of the provisions of this Local Law if, in the opinion of the Town Board, the grant of said waiver is in the best interests of the Town. The Town Board may consider reasonable factors in evaluating the request, which may include, 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 Town Board may attach such conditions as it deems appropriate to waiver approvals to minimize the impact of the waiver.

Article 10. Severability.

If any part of this Chapter shall be found to be void, voidable or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 11. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.