

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of ALFRED

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STATE RECORDS**

FEB 08 2011

DEPARTMENT OF STATE

Local Law No. ONE (1) of the year 20¹¹

A local law Entitled Wind Energy Facilites for the Town of Alfred
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Alfred as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Local Law No. 1 for the year 2010
A Local Law Entitled Wind Energy Facilities for the Town of Alfred

Be it enacted by the Town Board of the Town of Alfred, Allegany County, New York as follows:

ARTICLE I

§1. Title

This Local Law may be cited as the “Wind Energy Facilities Local Law” of the Town of Alfred, New York.

§2. Purpose

The Town of Alfred recognizes that wind energy is a renewable, non polluting energy resource and that its conversion to electricity will facilitate the reduction of our dependence on non renewable energy resources and decreases the air and water pollution resulting from the use of conventional energy sources. It is the intent and purpose of these regulations to balance the need for clean renewable energy resources, and the necessity to promote the safe, effective and efficient use of small wind energy facilities to supply electricity for on-site consumption or reduce the on-site consumption of utility supplied electricity through net metering, while protecting against any impacts such use may have on the health welfare and safety of the community as well as preserving and protecting the natural and aesthetic qualities of the Town of Alfred.

The requirements of this Local Law are intended to provide standards for small private wind energy facilities that are designed and used for residential, agricultural, small commercial and community owned wind turbine generators, where the primary use is to supply electrical power or reduce consumption of utility-supplied power.

The requirements of this Local Law does not provide standards for large commercially owned wind energy facilities, typically known as Wind Farms or Wind Energy Systems which are constructed with the sole intent to sell electrical power directly to power companies or retail users. These types of wind energy facilities are prohibited in the Town of Alfred.

§ 3. Definitions

- (1) Total Height is the total measurement from the base of the tower to the tip of the blade at its highest point.
- (2) Tower Height is the total measurement from the base of the tower to the center of the wind turbine generator.
- (3) WTG is the Wind Turbine Generator used to convert wind to electrical power.

§ 4. Regulations

A small wind energy facility shall be a permitted use in all zoning districts subject to the following requirements:

- (1) **Access.** Towers shall be constructed to provide one of the following means of access control, or other appropriate methods 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.

- (2) **Appearance, Color and Finish.** The WTG shall be a non-reflective color or finish that was originally applied by the manufacturer;
 - (a) If the WTG is to be painted the tower and blades shall be a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible to minimize any visual disruption.

- (3) **Electrical Wires.** All electrical wires associated with a small wind energy facility, other than wires necessary to connect the WTG to the tower wiring, the tower wiring to a disconnect junction box, grounding wires and tie-ins to a public utility company shall be located under ground:
 - (a) All electrical wiring will conform with the National Electric Code;
 - (b) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
 - (c) All public utility company tie-ins shall conform to New York State's Net Metering Regulations.

- (4) **Lighting and Advertising.** No artificial lighting or signage of advertising shall be utilized or attached to the wind energy facility.
 - (a) Only lighting required by the Federal Aviation Administration will be used.
 - (b) Only small name plates of the type of tower, WTG and installer maybe attached.

- (5) **Setbacks.** A wind turbine generator for a small wind system shall be set back a distance equal to 1 times its total height plus 10 feet from:
 - (a) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;
 - (b) Any overhead utility lines, unless written permission is granted by the affected utility;
 - (c) All property lines, unless written permission is granted from the affected neighboring land owner.
 - (d) All anchor points for guy wires shall be located within the property and be 10 feet from property lines and road right-of-ways and the guy wires shall be sheathed in bright orange or yellow covering from three to eight feet above ground.

- (6) **Sound.** Except during short-term events including utility outages and severe windstorms, a small wind energy facility shall not exceed 60 DBA as measured at the closest neighboring inhabited dwelling at the time of installation.

- (7) **Tower Height.** A tower is a monopole, freestanding, or guyed structure that supports a wind turbine generator.
- (a) For property sizes of 1 to 5 acres, the tower height shall be limited to 70 feet and for property sizes over 5 acres the maximum height shall be limited to 150 feet.
 - (b) If deemed necessary by the installer or manufacture of a WTG to prevent harmful wind turbulence and/or maintain the efficiency of a small wind energy facility the minimum height of the lowest part of any horizontal axis wind turbine generator blade must be 20 feet above the highest structure or trees within a 250 foot radius, special consideration will be reviewed for the 70 foot tower height
 - (c) Clearance from the blade of a WTG to the ground will be a minimum of 30 feet.
- (8) **Met Towers.** All wind metering towers shall be permitted under the same regulations, permit requirements, and abandonment requirements of this law.

§ 5. Applicability

- (1) The requirements of this Local Law shall apply to all wind energy facility proposed but which have not yet been issued a permit by the Town of Alfred before the effective date of this Local Law.
- (2) All wind energy facility for which a required permit has been properly issued and upon which construction has commenced prior to the effective date of this Local Law, shall not be required to meet the requirements of this Local Law; provided, that it is generating energy within 12 months from when the permit was issued.
- (3) Any pre-existing wind energy facility, which does not provide energy for a continuous period of twelve (12) months shall be required to submit a new application and be subject to inspection before recommencing operations of the production of energy from such facility and comply with all requirements of this local law, and not limited to the abandonment section of this law.

§ 6. Abandonment

- (1) Any wind energy facility that has been abandoned and not used to generate energy for a continuous period of (12) months, and a new application has not been applied for after twelve months, shall have its tower and WTG removed by the owner of the property in which it is contained.

§ 7. Permits and Applications

- (1) A wind energy facility may be constructed in any Zoning District within the Town of Alfred
- (2) For the construction of a small wind energy system, a Zoning/Building Permit Application is required and associated fees for implementation of construction code will apply.

§8. Effective Date: This Local Law shall take effect upon filing with the New York State Secretary of State.

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 1 Of 2010 of the Town of Alfred was duly passed by the Town Board on the 9th day of December 2010, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding Local Law with the original on file in this office and that the same is a correct transcript there from and of the whole of such original Local Law, and was finally adopted in the manner indicated in the paragraph above.

(SEAL)

Janice L. Burdick
Janice L. Burdick Town Clerk
Town of Alfred
Dated: 12/9/10

STATE OF NEW YORK}

ss.:

COUNTY OF ALLEGANY}

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceeding have been had or taken for the enactment of the Local Law annexed hereto.

Keith A. Slep
Keith A. Slep, Esq.
Town Attorney
Town of Alfred
Dated: 12-30-10