

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 RODMAN

FILED
STATE RECORDS

SEP 05 2019

DEPARTMENT OF STATE

Local Law No. 1 of the year 2019

A local law Amending the Development Code of the Town of Rodman, New York to Regulate Wind
(Insert Title)
Energy Conversion Systems

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

County City Town Village
(Select one:)

of Rodman

as follows:

Article II of the Town of Rodman Development Code is hereby amended include the following definitions.

1. WIND ENERGY CONVERSION SYSTEM ("WECS") - A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill").
2. ON-SITE WIND ENERGY CONVERSION SYSTEM ("On-Site WECS") - A wind energy conversion system consisting of all associated structures and infrastructure including: a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 110% of the residential, farm or business use's anticipated on-site electrical needs.
3. INDUSTRIAL WIND ENERGY FACILITY (IWEF) - Any Wind Energy Conversion System including all related infrastructure, electrical lines and substations, access roads and accessory structures whose primary purpose is to sell power to the electrical grid.
4. WIND MEASUREMENT TOWER (MET Tower) - A tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.

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

5. **COMMUNITY DISTRIBUTED WIND ENERGY CONVERSION SYSTEM (CDWECS)**- a Wind Energy Conversion system consisting of all associated structures and infrastructure including: a wind turbine, a tower, and associated control or conversion electronics where the energy produced is used by a cooperative with an anchor member that utilizes no more than 40% of the energy generated through net-metering. It may consist of shared ownership, possibly with a developer, local farmers, businesses, schools, municipalities and/or residents to reduce their energy costs.

6. **OCCUPIED BUILDING** – a structure that is designed for or being occupied by people or animals.

7. **TOWER HEIGHT** – the height measured from the ground surface level to the maximum height of the blades.

Article III, Section 310 of the Town of Rodman Development Code is hereby amended to include the following uses by special permit:

(f) On-Site Wind Energy Conversion Systems, Industrial Wind Energy Facilities, Community Distributed Wind Energy Conversion Systems, and Wind Measurement Towers.

Article V, Section 515 of the Town of Rodman Development Code is hereby amended by adding the following paragraph before A. Sketch Plan:

An application for a special use permit shall not be considered complete until all of the information required in Articles V and VI of this Law, as applicable, is provided. The official submission date is set once the planning board at a meeting passes a motion that the application is complete.

Article V, Section 515, Paragraph C. of the Town of Rodman Development Code is hereby amended by replacing the first sentence with the following:

An application for a special use permit shall be filed with the Town Clerk together with the appropriate fee as determined by the fee schedule adopted by Town Board resolution. The application shall be filed at least ten (10) days prior to a planning board meeting to be placed on the agenda.

Be it further enacted that Section 625 in Article VI of the Development Code of the Town of Rodman shall be added as follows:

Section 625 Wind Energy Conversion Systems.

A. PURPOSE.

The purpose of these regulations is to regulate the placement of Wind Energy Conversion Systems in order to: protect the public safety, health, and welfare of the residents of the Town; provide a review process so the Town can consider potential negative impacts on the Town's character, environment, agriculture, and scenic resources.

B. FINDINGS.

The Town Board of the Town of Rodman makes the following findings:

1. The Town of Rodman has an obligation to protect the health, safety, and well-being of all Town residents.

2. Shortsighted planning has often resulted in the creation of problem industries that adversely affect public health and quality of life, compromise aesthetics, and degrade community character. Wind Energy Conversion Systems (WECS) are not exempt from these problems and careful siting and protections are of paramount importance. This Local Law will contribute to this effect. The existence of Article 10 of the Public Service Law does not negate this responsibility and in fact recognizes it.
3. While wind energy is a renewable energy resource for electrical generation the possible benefits must be balanced against potential negative impacts to local citizens, local economy, local ecosystems, and regional military facilities.
4. Fort Drum aircraft perform aviation maneuvers in the area. Wind Energy Facilities may have negative operational impacts on the operational effectiveness and efficiency of aviation maneuvers. This might negatively impact national defense and/or increase the possibility of Fort Drum closure during any future Department of Defense Agency Base Realignment and Closure proceedings. The Town continues to support Fort Drum.
5. The Town of Rodman is located on a major migration route for many species of birds and is habitat for many species of wildlife, both year round and seasonal.
6. A study commissioned by NYS Energy Research and Development Authority and conducted by the Environmental Bioindicators Foundation documented the effects of electricity generation on vertebrate wildlife in the New York/New England region. The study determined that Non-renewable electricity generation sources, such as coal and oil, pose higher risks to wildlife than renewable electricity generation sources, such as hydro and wind. While Wind Energy Facilities are known to pose a danger to birds and bats and have been demonstrated to kill numbers of both species annually all possible mitigation measures should be utilized when siting Wind Energy Facilities to reduce any negative impacts on the bird and bat population.
7. Utility scale turbine facilities may represent potential negative aesthetic and environmental impacts because of their size, lighting, and shadow flicker effects.
8. A utility scale wind energy facility could be a source of noise and vibration and may have negative health impacts on residents.
9. In certain circumstances, utility scale wind energy facilities may cause electromagnetic interference with various types of communication, cell phones, radios, televisions, etc.
10. The Town of Rodman has many scenic view sheds and some of these could be negatively impacted by utility scale wind energy facilities.
11. Wind turbines located within the line of sight of Doppler radar can cause wind turbine clutter. The existing turbines around the Montague weather radar has not had a major negative impact on forecast or warning operations, as of 2017. However, with more and larger wind turbines being proposed cumulative negative impacts should be anticipated – which, at some point, may become sufficient to compromise the ability of radar data users to perform their missions.

12. The proper siting of wind facilities is important to minimize radar interference. Early coordination with the Federal Aviation Administration, National Oceanic and Atmospheric Administration, and Department of Defense's Siting Clearinghouse in the siting process can help prevent the emergence of an interference issue long before a facility is actually built.

C. ON-SITE WIND ENERGY CONVERSION SYSTEMS.

1. Application Requirements for on-site wind energy conversion systems.
 - a. A site plan shall be submitted, drawn to scale, and include the following:
 - i. Location of the tower on the site and the tower height, including blades, rotor diameter and ground clearance.
 - ii. Utility lines, both above and below ground, within a radius equal to the proposed tower height, including blades.
 - iii. Property lot lines, location and dimensions of all existing structures and uses, and adjacent land uses within 500 feet of the tower.
 - b. Dimensional representation of the various structural components of the tower construction, including base and footing.
 - c. Design data indicating the basis of design, including manufacturer's dimensional drawings and installation and operation instructions.
 - d. Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind-load requirements for structures as established by New York State Uniform Fire Prevention and Building Code.
 - e. The Planning Board may require any further information it finds may be necessary to review the application.
 - f. Shadow Flicker Study. The applicant shall provide a study of potential shadow flicker impacts to occupied buildings within a distance of ten (10) times the blade diameter. The study shall identify locations where shadow flicker has the potential to interfere with the use of occupied buildings and describe measures that shall be taken to mitigate the effects of shadow flicker.
 - g. SEQRA. An Environmental Assessment Form shall be prepared as provided by the NYS Environmental Quality Review Act.
 - h. Fort Drum. The applicant shall notify Fort Drum personnel in the Plans, Analysis, and Integration Office as soon as possible to determine potential impacts on the Wheeler-Sack Army Airfield radar and Fort Drum training activities. The applicant should provide a letter from Fort Drum with comments on the proposed tower.
 - i. Watertown International Airport. The applicant shall notify the Airport Manager as soon as possible to determine potential impacts on the Airport, surrounding traffic patterns, local Helicopter Routes, and Instrument Approach Procedures. The applicant should provide a letter from the Manager with comments on the proposed tower.

2. Review Standards for on-site wind energy conversion systems.
 - a. Dimensional Requirements.
 - i. Towers shall be setback from on-site occupied buildings, adjacent property lines, rights-of-way, easements, public ways or power lines (not to include individual residential feed lines) a minimum of one and one half (1.5) times the tower height.
 - ii. Towers shall be setback from off-site occupied buildings a minimum of three (3) times the tower height.
 - iii. Maximum Tower height shall be no greater than 195 feet.
 - iv. Kilowatt Limit: 110% of the anticipated on-site electrical needs.
 - b. Noise Level Limit. Except as otherwise provided herein, Wind Energy Conversion Systems shall be located so that predicted Wind Energy Conversion System only noise at non-project property lines shall not exceed 50 dB(A), and Wind Energy Conversion System only noise at existing residences located on non-project parcels shall not exceed 45 dB(A).
 - c. Guy Wires and/or Anchors. All guy wires or cables shall be marked with high-visibility orange or yellow sleeves from the ground to a point ten (10) feet above the ground. Setbacks for any tower from any property line shall be a distance of fifty (50) feet from any anchor point for guy wires or cables.
 - d. Lighting. No tower shall be lighted unless required by a state or federal agency.
 - e. Broadcast Interference.
 - i. No individual turbine/tower 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.
 - ii. No individual turbine/tower shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna (including residential reception antenna) for radio, television, or wireless phone or other personnel communication systems would produce electromagnetic interference with signal transmission or reception.
 - iii. The recipient of the special use permit must correct any unforeseen interference to the satisfaction of the Enforcement Officer within sixty (60) days of any complaint.
 - f. Color. All towers shall consist of non-reflective, non-glare paint. Tower color will be approved by the planning board unless an agency of the state or federal government mandates something different.

- g. Transmission Lines. All transmission lines from the towers to the collection station shall be underground.
 - h. Blade Clearance. The lowest portion of the blade may not be closer than thirty (30) feet to the ground.
 - i. Signage. No advertising signs are allowed on any part of the Wind Energy Conversion System.
 - j. Limit Tip Speed. No wind turbines shall be permitted that lack an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades, and turbine components.
 - k. Operating Considerations and Requirements.
Any Wind Energy Conversion System, which has been out of active and continuous service for a period of one (1) year, shall be removed at the owner's expense from the premises to a place of safe and legal disposal. Any and all structures, guy cables, guy anchors and/or enclosures accessory to such Wind Energy Conversion System shall also be removed. The site shall be restored to as natural a condition as possible. Such removal shall be completed within (18) eighteen months of the cessation of active and continuous use of such Wind Energy Conversion System.
 - l. On-site Wind Energy Conversion System Modifications.
Any and all modifications, additions, deletions or changes to Wind Energy Conversion Systems that operate under a special use permit whether structural or not, shall be made by special use permit, except that such special use permit shall not be required for repairs which become necessary in the normal course of use of such Wind Energy Conversion System or become necessary as a result of natural forces, such as wind or ice.
 - m. Certifications.
 - i. Inspection Report.
An inspection report prepared by the turbine supplier/manufacturer licensed in the State of New York will be required at the time of installation. The inspection report required at the time of installation and thereafter will be for the structure and the electronics and will be given to the Town Enforcement Officer.
 - ii. National and State Standards.
The applicant shall show that all applicable manufacturers, New York State and U.S. standards for the construction, operation and maintenance of the proposed Wind Energy Conversion System (WECS) have been met or are being complied with. WECS shall be built, operated and maintained to applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a WECS special use permit shall furnish evidence, over the signature of a professional engineer licensed to practice in the State of New York that such WECS is in compliance with such standards.
3. Application requirements for On-site WECS for agricultural uses on land that is within a NYS Certified Agricultural District.

- a. 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. Show the existing features of the site including land and water areas, water or sewer systems, utility lines, and the approximate location of all existing structures on or immediately adjacent to the site.
 - b. Show the proposed location and arrangement of small wind energy production facilities.
 - c. Include copies of plans or drawings prepared by the manufacturer.
 - d. Provide a description of the project and a narrative of the intended use of the proposed wind energy conversion system, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.
 - e. A legible electrical diagram using unique line characteristics and standard symbols to clearly describe the wind energy system as it will be installed. The diagram must show all major system components from the wind turbine to the utility meter.
 - f. List safety measures to prevent unauthorized climbing on the tower.
 - g. Prescribe requirements for automatic braking, governing, or feathering system to prevent uncontrolled rotation of the rotor blades and turbine components.
4. Review Standards for On-site WECS for agricultural uses on land that is within a NYS Certified Agricultural District.
- a. Setbacks from on-site occupied buildings adjacent property lines, rights-of-way, easements, public ways or power line (not to include individual residential feed lines) shall be one and one half (1.5) times the tower height.
 - b. The minimum setback distance between the tower base and any human-occupied building is five times the rotor diameter.

D. COMMUNITY DISTRIBUTED WIND ENERGY CONVERSION SYSTEMS AND INDUSTRIAL WIND ENERGY FACILITIES.

- 1. Application Requirements for Community Distributed Wind Energy Conversion Systems and Industrial Wind Energy Facilities.
 - a. Site Plan. A site plan drawn by a licensed professional engineer in sufficient detail to show the following:
 - i. Location of the tower(s) on the site and the tower height, including blades, rotor diameter and ground clearance.

- ii. Utility lines, both above and below ground, within a radius equal to the proposed tower height, including blades.
 - iii. Property lot lines and location and dimensions of all existing structures and uses on site within 500 feet of Wind Energy Conversion Systems.
 - iv. Surrounding land use and all structures within 1000 feet of the location of towers.
- b. Dimensional representation of the various structural components of the tower construction, including base and footing.
 - c. Design data indicating the basis of design, including manufacturer's dimensional drawings and installation and operation instructions.
 - d. Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind-load requirements for structures as established by New York State Uniform Fire Prevention and Building Code.
 - e. Applications shall include a separate plan for each tower location.
 - f. The Planning Board may require any further information it finds may be necessary to review the application.
 - g. A vertical drawing of the wind turbine showing total height, turbine dimensions, tower and turbine colors, ladders, distance between ground and lowest point of any blade, location of climbing pegs, and access doors. One drawing may be submitted for each wind turbine of the same type and total height. The make, model, picture, and manufacturer's specifications, including noise decibels data, and material safety data sheet documentation for all materials used in the operation of the equipment shall be provided for each proposed turbine.
 - h. A lighting plan showing any FAA-required lighting and other proposed lighting. Lighting shall be directed up and out, not down.
 - i. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation requirements, if applicable, and to such standards as may be established by the Town of Rodman Planning Board on the recommendation of its Town Engineer or consultants.
 - j. A construction schedule describing commencement and completion dates.
 - k. An operations and maintenance plan providing for regular periodic maintenance schedules, any special maintenance requirements and procedures and notification requirements for restarts during icing events.
 - l. A decommissioning plan that addresses the anticipated life of the wind turbine, the estimated decommissioning costs, the method of ensuring funds shall be available for decommissioning and restoration, the method by which decommissioning costs shall be kept current, and the manner in which the wind turbine shall be decommissioned and the site restored, less any fencing or residual minor improvements requested by the landowner.

- m. List of property owners, with their mailing address, within 2,000 feet of the outer boundaries of the proposed site.
- n. The applicant shall develop and provide a copy of a complaint resolution process to address complaints from nearby residents. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The applicant shall make every reasonable effort to resolve any complaint, not to exceed sixty (60) days.
- o. A transportation plan describing routes to be used in delivery of project components, equipment and building materials and those to be used to provide access to the site during and after construction and the gross weights and heights of loaded construction and delivery vehicles. Such plan shall also describe any anticipated improvements to existing roads, bridges, or other infrastructure, as well as measures which will be taken to restore damaged/disturbed access routes following construction.
- p. Visual Impact Analysis.
 - i. Mapping of scenic resources of statewide significance, as defined by the NYS Department of Environmental Conservation (DEC) Visual Policy (Policy DEP-00-2.), and of local significance, as officially listed by the relevant municipality within the study area.
 - ii. View shed mapping and/or cross section analysis to identify areas (including the significant resources identified above) with potential views of the project).
 - iii. Description of the character and quality of the affected landscape.
 - iv. Photographic simulations of what the proposed project will look like from a reasonable number of representative viewpoints within the five-mile radius study area to be selected in consultation with the Planning Board.
 - v. Evaluation of the project's visual impact based on the view shed mapping and photographic simulations described above.
 - vi. Recommended visual mitigation measures (in accordance with DEC Policy DEP -00-2), if warranted, based on the results of the impact evaluation described above.

q. Bird Migration Study.

Appropriate bird migration studies shall be submitted. The Applicant shall solicit input from the NYS Department of Environmental Conservation Region 6 staff on such studies.

r. Predicted Wind Energy Conversion System Only Noise Analysis.

- i. A noise level analysis shall be prepared to determine predicted Wind Energy Conversion System-only noise and pure tone components at property lines of the wind development project that abut non-project parcels and existing residences.

- ii. Wind Energy Conversion System only noise shall be predicted based upon appropriate reference noise levels obtained from field measurements of the Wind Energy Conversion System proposed to be installed.
 - iii. Except as otherwise provided herein, Wind Energy Conversion Systems shall be located so that predicted Wind Energy Conversion System only noise at non-project property lines shall not exceed 50 dB(A), and Wind Energy Conversion System only noise at existing residences or occupied buildings located on non-project parcels shall not exceed 45 dB(A).
- s. **Shadow Flicker Study.**
The applicant shall provide a study of potential shadow flicker impacts to occupied buildings within a distance of ten (10) times the blade diameter. The study shall identify locations where shadow flicker has the potential to interfere with the use of occupied buildings and describe measures that shall be taken to mitigate the effects of shadow flicker.
 - t. **Stormwater Pollution Prevention Plan.**
A SWPPP is required for all projects that disturb one (1) acre or more of land.
 - u. A report by a qualified engineer showing impact on the Montague Doppler radar station and the Wheeler-Sack Army Airfield radar station and mitigation measures to be taken will be provided.
 - v. **Fort Drum.** The applicant shall notify Fort Drum personnel in the Plans, Analysis, and Integration Office as soon as possible to determine potential impacts on the Wheeler-Sack Army Airfield radar station and Fort Drum training activities. The applicant should provide a letter from Fort Drum with comments on the proposed tower.
 - w. **Watertown International Airport.** The applicant shall notify the Airport Manager as soon as possible to determine potential impacts on the Airport, surrounding traffic patterns, local Helicopter Routes, and Instrument Approach Procedures. The applicant should provide a letter from the Manager with comments on the proposed tower.
 - x. **Federal Aviation Administration.** The applicant shall complete FAA Form 7460 regarding safe, efficient use, and preservation of the navigable airspace.
 - y. A Full Environmental Assessment Form under NYSEQR regulations.
- 2. **Review Standards for Community Distributed Wind Energy Conversion Systems and Industrial Wind Energy Facilities.**
 - a. **Dimensional Requirements.**
 - i. Towers shall be setback from on-site occupied buildings, adjacent property lines, rights-of-way, easements, public ways or power lines (not to include individual residential feed lines) a minimum of one and one half (1.5) times the tower height.
 - ii. Towers shall be setback from off-site occupied buildings a minimum of three (3) times the tower height.
 - iii. Maximum tower height limit shall be no greater than 500 feet.

- b. Noise Level Limit. Except as otherwise provided herein, Community Distributed Wind Energy Conversion Systems and Industrial Wind Energy Facilities shall be located so that predicted Wind Energy Conversion System only noise at non-project property lines shall not exceed 50 dB(A), and Wind Energy Conversion System only noise at existing residences located on non-project parcels shall not exceed 45 dB(A).
- c. Guy Wires and/or Anchors. All guy wires or cables shall be marked with high-visibility orange or yellow sleeves from the ground to a point ten (10) feet above the ground. Setbacks for any Wind Energy Conversion System tower from any property line shall be a distance of fifty (50) feet from any anchor point for guy wires or cables.
- d. Lighting. No Wind Energy Conversion System tower shall be lighted artificially unless such lighting is required by a state or federal agency. Use of nighttime and overcast daytime condition stroboscopic lighting to satisfy tower facility lighting requirements for the Federal Aviation Administration shall be subject to on-site field-testing before the Planning Board, as a prerequisite to that board's approval, with consideration of existing residential or commercial uses within 2,000 feet of each tower for which such strobe lighting is proposed.
- e. Broadcast Interference.
 - i. No individual tower facility 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.
 - ii. No individual tower facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna (including residential reception antenna) for radio, television, or wireless phone or other personnel communication systems would produce electromagnetic interference with signal transmission or reception.
 - iii. The recipient of the special use permit must correct any unforeseen interference to the satisfaction of the Enforcement Officer within sixty (60) days of any complaint.
- f. Doppler Radar and Wheeler-Sack Army Airfield radar impacts from wind turbine clutter will be reviewed and potential mitigation measures considered.
- g. Watertown International Airport and Wheeler-Sack Army Airfield. Potential impacts to the functionality of both airfields are taken into consideration while reviewing the application.
- h. Color. All towers shall consist of non-reflective, non-glare paint. Tower color will be approved determined by the planning board unless an agency of the state or federal government mandates something different.
- i. All transmission lines from the tower to the collection station shall be underground.
- j. Blade Clearance. The lowest portion of the blade may not be closer than thirty (30) feet to the ground.

- k. Signage. No advertising signs are allowed on any part of the WECS.
- l. Tip Speed. No Wind Energy Conversion System shall be permitted that lack an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades, and turbine components.
- m. Operating Considerations and Requirements - Removal if Not Operational.

Any Wind Energy Conversion System, which has been out of active and continuous service for a period of one (1) year, shall be removed by the applicant from the premises to a place of safe and legal disposal. Any and all structures, guy cables, guy anchors and/or enclosures accessory to such WECS shall also be removed. The site shall be restored by the applicant to as natural a condition as possible. Such removal shall be completed within (18) eighteen months of the cessation of active and continuous use of such WECS.

- n. Wind Energy Conversion System Modifications.

Any and all modifications, additions, deletions or changes to Wind Energy Conversion Systems that operate under a special use permit whether structural or not, shall be made by special use permit, except that such special use permit shall not be required for repairs which become necessary in the normal course of use of such Wind Energy Conversion System or become necessary as a result of natural forces, such as wind or ice.

- o. Certifications.

- i. Inspection Report.

An inspection report prepared by the turbine supplier/manufacturer licensed in the State of New York will be required at the time of installation. The inspection report required at the time of installation and thereafter will be for the structure and the electronics and will be given to the Code Enforcement Officer.

- ii. National and State Standards.

The applicant shall show that all applicable manufacturers, New York State and U.S. standards for the construction, operation and maintenance of the proposed WECS have been met or are being complied with. WECS shall be built, operated and maintained to applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a WECS special use permit shall furnish evidence, over the signature of a professional engineer licensed to practice in the State of New York that such WECS is in compliance with such standards.

- p. Sureties.

- i. Performance Bond (Removal).

The owner of a WECS, after such application has been approved and before a Land Use and Development permit is issued, shall submit a letter of credit or other acceptable surety sufficient to ensure the removal if the use of the WECS is discontinued. An Engineer selected by the Town and the Town Attorney shall judge this letter of credit or

other surety adequate and satisfactory before a building permit is issued. Said letter of credit shall be forfeited if removal is not completed by the deadline specified herein.

If transmission/distribution service from the WECS is discontinued for a period exceeding six (6) months, the owner of such WECS shall notify the Code Enforcement Officer within (15) fifteen days following the expiration of the (6) six month discontinuance period.

Any WECS which has been out of active and continuous service for a period of one (1) year shall be removed from the premises to a place of safe and legal disposal. Any and all structures, guy cables, guy anchors and/ or enclosures accessory to such WECSs shall also be removed. The site shall be restored to as natural a condition as possible. Such removal shall be completed within (18) eighteen months of the cessation of active and continuous use of such WECS. Any foundation left must be at least three feet (3') below surface land or shall be left at the discretion of the land owner.

ii. Insurance — Liability.

Prior to issuance of a development permit, the applicant shall provide the Town proof, in the form of a duplicate insurance policy or a certificate issued by an insurance company, of liability insurance, of a level to be determined by the Town Board in consultation with the Town's insurer, to cover damage or injury which might result from the failure of a tower or any other part(s) of the generation and transmission facility.

iii. Environmental Contamination by Oil.

A performance bond will be required to deal with this situation. The owner of the WECSs after such application has been approved and before a development permit is issued, shall submit the maximum amount letter of credit or acceptable surety necessary to ensure the cleanup of any contamination according to DEC requirements. An Engineer selected by the Town and Town Attorney shall judge the letter of credit or other surety adequate and satisfactory before a building permit is issued.

iv. Road Repairs.

The turbine supplier and associated contractors will be responsible for any road repairs attributed to the project that may be necessary upon construction completion. The project developer shall document local, county, and NYS road conditions prior to construction for all roads to be utilized in connection with the project, and shall submit a quarterly report to the Town and County Highway Superintendent and NYSDOT which identifies all material changes in the condition of roads so utilized. Project approval should stipulate that the developer shall restore any road damage to the documented pre-construction conditions.

E. WIND MEASUREMENT TOWERS.

1. The Town Board acknowledges that prior to construction of a WECS, a wind site assessment is conducted to determine the wind speeds and the feasibility of using particular sites. Installation of a wind measurement tower shall be allowed by a special use permit.
2. An application for a special use permit shall include the requirements of Article V, VII, and the following:

A site plan shall be submitted, drawn to scale, and include the following:

- a. Location of the tower(s) on the site, property lines, and the tower height.
 - b. Utility lines, both above and below ground.
 - c. Location and dimensions of all existing structures and uses within 500 feet of the tower.
3. Fort Drum. The applicant shall notify Fort Drum personnel in the Plans, Analysis, and Integration Office as soon as possible to determine potential impacts on the Wheeler-Sack Army Airfield radar station and Fort Drum training activities. The applicant should provide a letter from Fort Drum with comments on the proposed tower.
 4. Watertown International Airport. The applicant shall notify the Airport Manager as soon as possible to determine potential impacts on the Airport, surrounding traffic patterns, local Helicopter Routes, and Instrument Approach Procedures. The applicant should provide a letter from the Manager with comments on the proposed tower.
 5. Wind measurement towers shall be setback from property lines, rights-of-way, easements, public ways or power lines (not to include individual residential feed lines) a minimum of one and one half (1.5) times the tower height.
 6. A special use permit for a wind measurement tower shall be valid for up to 5 years and may be renewed.
 7. Wind measurement towers shall be removed no later than the date the applicable special use permit expires.
 8. Subsequent to removal of wind measurement towers, installation sites shall be restored to a condition substantially similar to the site's original condition.

F. MODIFICATIONS AND WAIVERS.

1. The Planning Board, in addition to the foregoing section, may require such additional provisions and conditions that appear to promote further understanding of the applicant's proposal and are necessary for the purposes of ultimately protecting the health, safety and general welfare of the town's residents.
2. The Planning Board may, at its discretion, judge that certain submission requirements of this Section are not applicable in its approval of a site plan or special use permit, and may therefore, modify the applicable submission requirements and allow the applicant to submit only those elements which it deems necessary to the review and approval of the particular application.

G. DURATION OF SPECIAL USE PERMIT AND CONTINUING OBLIGATIONS.

Any special use permit approved pursuant to this Article shall remain in force and effect unless or until the Wind Energy Conversion System facilities are removed in accordance with the foregoing sections.

H. ENFORCEMENT.

I. PENALTIES.

In addition to Penalties and Remedial Actions allowed pursuant to Section 830 of these Regulations, the Code Enforcement Officer of the Town or such enforcement officer duly empowered by the Town of Rodman may assess a civil penalty in an amount not to exceed \$1,000 for any and all violations of this Article. Each day the violation continues once notice of the same is provided to the responsible party shall constitute a separate violation.

BE IT FURTHER RESOLVED THAT, this local law shall supersede all prior inconsistent local laws, ordinances or regulations.

BE IT FURTHER RESOLVED THAT, this local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2019 of the ~~(County)(City)(Town)(Village)~~ of Rodman was duly passed by the Town Board on January 9, 2019, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the ~~(Name of Legislative Body)~~ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted ~~(Elective Chief Executive Officer*)~~ on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the ~~(Name of Legislative Body)~~ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. ~~(Elective Chief Executive Officer*)~~

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the ~~(Name of Legislative Body)~~ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

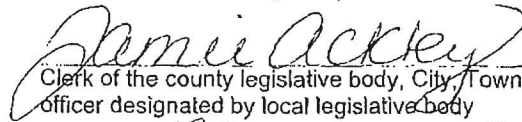
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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 therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: March 14, 2019

(Seal)