

RESOLUTION #2007-128

LOCAL LAW FOR COMMERCIAL WIND POWER FACILITIES AND
RESIDENTIAL WIND POWER FACILITIES

On motion made by Councilperson Taft, seconded by Councilperson Palmieri, the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVED, that this board pass the following Local Law:

RESIDENTIAL WIND POWER FACILITIES

Regular Meeting/Public Hearing Town of Sterling July 16, 2007

1. Unless otherwise required by the Town, all development applications for a wind powered facility (WPF) shall be accompanied by:
 - a. An accurate site plan showing and labeling the information outlined in this section, and the location of overhead utilities abutting the site;
 - b. Scale elevations and/or photographs of the proposed WPF showing total height, tower height, rotor diameter, and color;
 - c. Specifications for the foundation and/or anchor design, including location and anchoring of any guy wires;
 - d. Whether or not the application intends to interconnect the WPF with any existing electrical distribution or transmission system;
 - e. An analysis of the visual impact on the project, especially with respect of the scenic qualities of the area landscape.
 - f. An analysis of the potential for noise, both at the site of the installation and the boundary of the property containing the tower;
 - g. Environmental considerations dealing with land disturbance, impacts on wildlife and vegetation, and other issues identified by the town;
 - h. Any information regarding public safety;
 - i. Any impact to the local road system including required access from municipal roads.
2. A WPF shall meet the following minimum setbacks:
 - a. A WPF shall comply with all setbacks related to roadways as specified in the Town zoning regulations.
 - b. A WPF shall be set back the height of the tower from all property lines. If the topography of a site warrants a lesser setback, the Town may reduce the required setback provided mitigative measures are employed, to the satisfaction of the Town.
 - c. A WPF shall be located not less than twice the height of the tower from a dwelling not belonging to the owner of the land containing the facility or less than the height of the tower from the owners dwelling.
3. Where in the opinion of the Town, the minimum setbacks refer to in section (2) are not sufficient to reduce the impact of a WPF, the Town may increase the required setback.
4. WPF employing a horizontal axis rotor shall have a minimum blade clearance of 25 ft (7.6 m) as measured from the lowest point of the rotor arc to grade level, unless otherwise required by the Town.
5. WPF shall be fenced to the satisfaction of the Town, which may include;
 - a. A security fence with a lockable gate surrounding the tower(s) not less than 6 ft.

(1.8 m) in height.

b. No ladder or permanent tower access device shall be located less than 12 ft. (3.7m) from grade level, and/or

c. A locked device installed on the tower to preclude access to the top of the tower,

d. A separate locked and vented power storage building (shed).

Regular Meeting/Public Hearing Town of Sterling July 16, 2007

6. Unless otherwise required by the Town, a WPF shall be finished in a nonreflective matte finish and in a color which minimizes the obtrusive impact of a WPF to the satisfaction of the Town.

7. No lettering or advertising shall appear on the towers or blades. In other parts of the WPF, the only lettering will be the manufactures identification.

8. The Town may require a reclamation/decommission plan to form part of an agreement. Unless otherwise required by the Town, this plan shall include:

a. Treatment of footings;

b. Reclamation of roads and other disturbances;

c. Notice to adjacent land owners;

d. Containment of hazardous materials;

e. Site security; and

f. Timeline indicating when reclamation/decommissioning would commence after the WPF ceases power conversion.

9. All towers must comply with FAA regulations.

COMMERCIAL WIND POWER FACILITIES

10. Unless otherwise required by the Town, all development applications for a wind powered facility (WPF) shall be accompanied by:

j. An accurate site plan showing and labeling the information outlined in this section, and the location of overhead utilities abutting the site;

k. Scale elevations and/or photographs of the proposed WPF showing total height, tower height, rotor diameter, and color;

l. Potential electromagnetic interference;

m. Specifications for the foundation and/or anchor design, including location and anchoring of any guy wires;

n. Whether or not the application intends to interconnect the WPF with any existing electrical distribution or transmission system;

o. An analysis of the visual impact on the project, especially with respect of the scenic qualities of the area landscape.

p. An analysis of the potential for noise, both at the site of the installation and the boundary of the property containing the tower;

q. Environmental considerations dealing with land disturbance, impacts on wildlife and vegetation, and other issues identified by the town;

r. Any information regarding public safety;

s. Any impact to the local road system including required access from municipal roads.

11. A WPF shall meet the following minimum setbacks:

d. A WPF shall comply with all setbacks related to roadways as specified in the Town zoning regulations.

e. A WPF shall be set back the height of the tower from all property lines. If the

topography of a site warrants a lesser setback, the Town may reduce the required setback provided mitigative measures are employed, to the satisfaction of the Town.

f. A WPF shall be located not less than twice the height of the tower from a dwelling not belonging to the owner of the land containing the facility or less than the height of the tower from the owners dwelling.

12. Where in the opinion of the Town, the minimum setbacks refer to in section (2) are not sufficient to reduce the impact of a WPF, the Town may increase the required setback.

13. WPF employing a horizontal axis rotor shall have a minimum blade clearance of 25 ft (7.6 m) as measured from the lowest point of the rotor arc to grade level, unless otherwise required by the Town.

14. WPF shall be fenced to the satisfaction of the Town, which may include;

e. A security fence with a lockable gate surrounding the tower(s) not less than 6 ft. (1.8 m) in height.

f. No ladder or permanent tower access device shall be located less than 12 ft. (3.7m) from grade level, and/or

g. A locked device installed on the tower to preclude access to the top of the tower,

h. A separate locked and vented power storage building (shed).

15. Unless otherwise required by the Town, a WPF shall be finished in a nonreflective matte finish and in a color which minimizes the obtrusive impact of a WPF to the satisfaction of the Town.

16. No lettering or advertising shall appear on the towers or blades. In other parts of the WPF, the only lettering will be the manufactures identification.

17. The Town may establish a maximum density for WPF on a parcel of land.

18. The Town may require a reclamation/decommission plan to form part of an agreement. Unless otherwise required by the Town, this plan shall include:

g. Treatment of footings;

h. Reclamation of roads and other disturbances;

i. Notice to adjacent land owners;

j. Containment of hazardous materials;

k. Site security; and

l. Timeline indicating when reclamation/decommissioning would commence after the WPF ceases power conversion.

19. Physical Environment

a. The Town may consider the environmental impact of any proposed development. The Town may refer the proposal to a relevant department for a comment on the nature of the environmental concern. Where a development is considered to have a significant environmental impact, the Town may request the developer to have an environmental evaluation prepared and submitted by an appropriate professional, or undertake its own environmental evaluation regarding the proposed development at the developer's expense.

b. All towers must comply with FAA regulations.