

Windmill Regulations

DEFINITIONS

“WINDMILLS - RESIDENTIAL AND/OR COMMERCIAL”: A windmill that provides electrical or mechanical power to an individual residence, operating farm or single commercial enterprise and can be either the primary or a secondary source of energy. Sale or credit of excess electricity to the utility grid is permitted as a tertiary use.

“WINDMILL –INDUSTRIAL”: A windmill, or series of windmills in a facility, whose purpose is to generate electricity that is fed into a power grid for sale.

“WINDMILL HEIGHT”: The total height of a windmill structure, including blades.

“SEVERABILITY”: If any section, paragraph, subdivision or provision of this Local Law shall be held invalid, such invalidity shall apply only to the section, paragraph, subdivision or provision adjudicated invalid, and all other provisions of this Local Law shall remain valid and effective.

APPLICATION PROCESS

1. **SPECIAL USE PERMIT REQUIRED:** A special use permit shall be required for all Residential and/or Commercial Windmills in the Town of DeRuyter. As such, pertinent provisions of the Town of DeRuyter Land Use Regulations will apply. The standards and restrictions applicable to Residential and/or Commercial Windmills as set forth in this Local Law shall supersede any inconsistent provisions that may be otherwise set forth in the existing Land Use Regulations of the Town of DeRuyter.
2. **SITE PLAN REVIEW:** A site plan review is required before a building permit may be issued for a residential or commercial windmill.
3. **SEQRA:** SEQRA review is required. Developers shall submit the SEQRA long form for evaluation of environmental concerns.

STANDARDS AND REQUIREMENTS

1. PLACEMENT:

- a. Height. Maximum structure height shall be determined by the Planning Board in the course of its special permit review.
- b. Setbacks. The minimum setback distance between each production line wind power electricity generation unit (wind turbine tower) and: all surrounding street and property lines, public street right of way, overhead utility lines, any dwellings, and any other generations units, above- ground transmission facilities, electrical substations and separate meteorological tower facilities, shall be equal to no less than 1.5 times the sum of the proposed structure height plus the rotor radius.

The property line setback requirement may be reduced by the Planning Board as an incident of special permit review when the Planning Board finds that the following circumstances apply:

The property line in question

- i) separates two properties that are both part of a wind powered electricity generation facility, and
- ii) either,
 - 1) both properties on each side of the boundary line in question will have electricity generation or transmission facilities constructed on them as part of the project under review, or
 - 2) the owner of the property for which the reduced setback is sought executes and presents for recording a development easement satisfactory to the Town in which the reduced setback is consented to, and construction within, and use of the easement area a appropriately restricted.
- c. No experimental, homebuilt, or prototype wind turbines shall be allowed without documentation by the applicant of their maximum probable blade throw distance in the event of failure, and a determination by the Planning Board of appropriate setback distance on the basis of that documentation.

2. ADDITIONAL STANDARDS:

No special use permit shall be granted for wind power electricity generation and/or transmission facilities unless it is determined by the Planning Board that the proposed use meets all of the following criteria, in addition to those general criteria listed in

previous section:

- a. 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.
- b. No individual tower facility shall be installed in any location where its proximity with existing broadcast, retransmission, or reception antenna (including residential reception antenna) for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. The applicant shall submit documentation to this effect from a recognized consultant practicing in this field.
- c. No individual tower facility shall be installed in any location that would substantially detract from or block the view of a portion of a recognized scenic view shed, as viewed from any public road right-of-way or publicly owned land.
- d. Individual wind turbine towers shall be located with relation to property lines so that the level of noise produced during wind turbine operation shall not exceed 50 decibels, measured at the boundaries of all of the closest parcels that are owned by non-site owners and that abut either the site parcel(s) or any other parcels adjacent to the site parcel held in common by the owner of site parcel as those boundaries exist at the time of special permit application.
- e. 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.
- f. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
- g. All power transmission lines from the wind generation electricity generation facilities to on site substations shall be underground.
- h. Procedures acceptable to the Planning Board for emergency shut-down of power generation units shall be established as part of any special permit issued.
- i. Turbine towers and rotors shall be painted matte white or matte grey or some other nonreflective, unobtrusive color acceptable to the Planning Board. Advertising on the tower or nacelle is prohibited.
- j. The Codes Enforcement Officer may cause the owner to remove wind generators including all appurtenances thereto, if the facility fails to generate power for two (2) years or more.