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JUN 09 2010

Town of Farmington
Local Law No. 4 of the year 2010.

DEPARTMENT OF STATE

A local law amending Chapter 165: Article II, Terminology; Article IV, District Regulations; and Article VI, Special Permit Uses; Article VIII, Administration and Enforcement; and Attachment 1, Town of Farmington, Zoning Schedule, Lot Area, Bulk and Coverage Requirements of the Town of Farmington Town Code and adopting On-site-use Wind Energy Systems regulations.

Be it enacted by the Town Board of
The Town of Farmington
as follows:

Section 1. Title.

This Local Law shall be known as the On-site-use Wind Energy Systems Local Law. This Local Law is adopted pursuant to Municipal Home Rule Law Section 10.

Section 2. Intent.

The intent of this Local Law, when adopted by the Town Board and filed with the Secretary of State, is to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility provided electricity. The Town of Farmington recognizes that wind energy is an abundant, renewable, nonpolluting energy resource and that its conversion to electricity will reduce dependence upon nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy resources.

Section 3. Purpose.

The purpose of this local law is to establish criteria, standards and regulations to balance the encouragement of renewable resource with any impacts such use may have on health, safety and welfare to the community and preserving and protecting the aesthetic qualities within the Town of Farmington. The regulations set forth herein relate to small On-site-use Wind Energy Systems and do not address large-scale wind turbines or Wind Energy Farm Systems (see Chapter 165, Section 32, WEFD Wind Energy Farm District regulations of the Town Code) which are typically intended to sell energy directly to public utility power companies or retail users.

Section 4. A-80 Agriculture District Regulations. Chapter 165, Section 18, Agriculture District Regulations, sub-section D. Special permit uses: is hereby amended by adding a new sub-section (7) to read as follows:

(7) On-site-use Wind Energy Systems.

(1)

- Section 5. RS-25 Residential-Suburban District Regulations. Chapter 165, Section 20, Residential-Suburban District Regulations, sub-section D. Special permit uses: is hereby amended by adding a new sub-section (5) to read as follows:
- (5) On-site-use Wind Energy Systems.
- Section 6. R-1-15 Residential Single-Family District. Chapter 165, Section 22. D. (1) Special permit uses: is hereby amended in its entirety to read as follows:
- (1) Special permit uses allowed in the RS-25 District, except for On-site-use Wind Energy Systems which shall not be a specially permitted use in this District.
- Section 7. R-1-10 Residential Single-Family District. Chapter 165, Section 23. D. (1) Special permit uses: is hereby amended in its entirety to read as follows:
- (1) Special permit uses allowed in the RS-25 District, except for On-site-use Wind Energy Systems which shall not be a specially permitted use in this District.
- Section 8. R-2 Residential Two-Family District. Chapter 165, Section 24. D. Special permit uses: is hereby amended in its entirety to read as follows:
- (1) Special permit uses allowed in the RS-25 District, except for On-site-use Wind Energy Systems which shall not be a specially permitted use in this District.
- (2) Rooming and lodging houses.
- Section 9. GB General Business District Regulations. Chapter 165, Section 28, GB General Business District Regulations, sub-section D. Special permit uses: is hereby amended by adding a new sub-section (18) to read as follows:
- (18) On-site-use Wind Energy Systems.
- Section 10. LI Limited Industrial District Regulations. Chapter 165, Section 29, LI Limited Industrial District Regulations, sub-section D. Special permit uses: is hereby amended by adding a new sub-section (13) to read as follows:
- (13) On-site-use Wind Energy Systems.
- Section 11. GI General Industrial District Regulations. Chapter 165, Section 30, GI General Industrial District Regulations, sub-section D. Special permit uses: is hereby amended by adding a new sub-section (12) to read as follows:
- (12) On-site-use Wind Energy Systems.
(2)

Section 12. On-site-use Wind Energy Systems. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84. 2. to read as follows:

§ 165- 84.2. On-site-use Wind Energy Systems.

- A. On-site-use Wind Energy Systems may be allowed as Special Permit Uses in the A-80, RR-80, RS-25, GB, LI and GI Districts with the approval of a Special Use Permit and Site Plan approval by the Planning Board.
- B. The number of On-site-use Wind Energy Systems shall be limited to the number required for on-site energy consumption that is identified as part of any Building Permit application on a single parcel of land.
- C. On-site-use Wind Energy Systems shall be designed to meet the peak energy demand needs for existing site facilities and any known improvements to be located on the same property as the tower. Where adjacent property is under the same ownership, then wind generated energy from the tower on one parcel of land may be transferred to those adjacent properties.
- D. On-site-use Wind Energy Systems exemption. Owners of an active farm operation located within an established Ontario County Agricultural Use District are exempt from the requirements to obtain a Special Use Permit and Site Plan Approval as required elsewhere in Chapter 165, Section 84.2, of the Town Code. Such owners may construct and operate an On-site-use Wind Energy System, as part of normal farm operations by obtaining a Building Permit from the Code Enforcement Officer. Prior to the issuance of a Building Permit, the applicant shall demonstrate compliance with Subsections E. and F. of these regulations and provide the Code Enforcement Officer with a copy of the manufacturer's specifications for the unit being constructed. In addition, the applicant shall provide copies of all other related information requested by the Code Enforcement Officer.
- E. On-site-use Wind Energy Systems. On-site-use Wind Energy Systems shall include the following components:
 - 1) Qualified wind generators: listed on the New York State Energy Development Agency (NYSERDA) list of qualified wind generators which gives consideration to:
 - (a) evidence of certification by a nationally recognized testing laboratory as meeting the safety and performance of a nationally or internationally recognized testing institution; or
 - (b) provides evidence acceptable to NYSERDA.

- 2) Wind generators must not be mounted upon any pre-existing structure without engineering analysis showing compliance with the current New York State Building Codes and certification by a licensed professional mechanical, structural, or civil engineer demonstrating that the tower and foundation meet or exceed requirements withstanding the most stringent wind/ice load conditions for structures as set forth in the Building Code of New York State or other locally adopted code appropriate for the installation within the Town of Farmington.
- 3) Conversion electronics, inverters: certified as meeting the requirements of IEEE Standard 929-2000 and UL 1741, with preference to those listed in the New York State Public Service Commission's list of eligible or type tested inverters. Inverters not listed may be used if the wind system receives an appropriate inter-connection agreement from the utility and the installation meets New York State's Standard Inter-connection Requirements.
- 4) Other electrical components: All other electrical components of systems such as charge controllers, batteries, wiring and metering equipment must be certified as meeting the requirements of any relevant national and state codes and standards.
- 5) Interconnection: All applicants proposing grid-connected systems must provide evidence that the utility company has been informed of the customer's intent to install an inter-connected customer-owned generator. When required, systems must meet New York State Standard Interconnection Requirements. Off-grid systems shall be exempt from this requirement.
- 6) Installers: NYSERDA maintains a list of program eligible installers, which depend on education, training and experience to maintain their listing. The use of installers from the NYSERDA List is required in the interest of safety.

F. Special Use Permit Criteria. The following criteria are hereby established for purposes of granting a Special Use Permit for an On-site-use Wind Energy System:

- (1) Noise limitations. The level of noise produced during the operation of an On-site-use Wind Energy System shall not exceed 50 dBa beyond the present ambient sound levels at pre-construction levels, as measured at the boundaries of the parcel on which the system is located. The applicant will be required to submit technical data to the satisfaction of the Planning Board as to this requirement. This obligation shall be a continuing obligation with exceptions only for short-term events such as utility outages and severe windstorms.

(4)

- (2) Height. On-site-use Wind Energy Systems to be located on a Lot in the:
- a) A-80 Agricultural District shall not exceed a total height of 80 feet.
 - b) RR-80 Rural/Residential District shall not exceed a total height of 80 feet.
 - c) RS-25 Residential/Suburban District shall not exceed a total height of 30 feet.
 - d) RB Restricted Business District shall not exceed a total height of 30 feet.
 - e) NB Neighborhood Business District shall not exceed a total height of 30 feet.
 - f) GB General Business District shall not exceed a total height of 80 feet.
 - g) LI Limited Industrial District shall not exceed a total height of 80 feet.
 - h) GI General Industrial District shall not exceed a total height of 80 feet.

Section 13. Federal Aviation Administration (FAA) requirements. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.1. to read as follows:

§ 165-84.2.1. Federal Aviation Administration (FAA) requirements.

On-site-use Wind Energy Systems shall meet all requirements of the Federal Aviation Administration.

Section 14. Ground Clearance requirements. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.2 to read as follows:

§ 165-84.2.2. Ground Clearance requirements.

The minimum distance between the ground and any part of the rotor blade must be twenty (20) feet.

Section 15. Emergency shutdown/safety requirements. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.3 to read as follows:

§ 165-84.2.3. Emergency shutdown/safety requirements.

The applicant shall post an emergency telephone number on each On-site-use Wind Energy System device so that the appropriate entities may be contacted should any On-site-use Wind Energy System turbine need immediate repair or attention. This telephone number should be clearly visible on a permanent structure or post located outside of the fall zone of the tower. Location should be convenient and readily noticeable to someone likely to detect a problem. Further, no wind turbine shall be permitted which lacks automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower instruments, rotor blades and turbine components or enclosed shelter.

Section 16. Lightning protection. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.4 to read as follows:

§ 165-84.2.4. Lightning protection.

All On-site-use Wind Energy Systems shall have lightning protection as part of each unit.

Section 17. Ownership. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.5 to read as follows;

§ 165-84.2.5. Ownership.

Ownership of the On-site-use Wind Energy System must be either the owner of the fee interest in the real property upon which it is situated or an applicant having written permission from the owner of the fee interest in the real property. In the event of transfer of ownership of the premises, the ownership of the wind energy conversion system must also be transferred to same or the tower must be decommissioned and removed.

Section 18. Utility service. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.6. to read as follows:

§ 165-84.2.6. Utility service.

All power lines from the On-site-use Wind Energy System to on-site interconnection equipment shall be located underground and installed by certified professionals and must meet all applicable national, state and local electrical codes.

Section 19. Net metering. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.7. to read as follows:

§ 165-84.2.7. Net metering requirements.

The applicant shall certify that he/she will comply with the requirements contained in the New York State net metering law and accompanying regulations unless the applicant intends, and so states on the application, that the On-site-use Wind Energy System will not be connected to the public utility grid.

Section 20. Lighting. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.8. to read as follows:

§ 165-84.2.8. Lighting.

No On-site-use Wind Energy System under this provision shall be artificially lighted, unless so required by the FAA. Use of nighttime, and overcast daytime conditions, stroboscopic lighting to satisfy tower facility lighting requirements for the FAA may be subject to on-site field testing before the Planning Board as a pre-requisite to the Board's approval with specific request to existing residential uses located within 2,000 feet of each tower for which such strobe lighting is proposed.

Section 21. Access road. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.9. to read as follows:

§ 165-84.9. Access road.

To the greatest extent possible, existing roadways shall be used for access to the location of the On-site-use Wind Energy System. In the case of constructing any roadways necessary to access the On-site-use Wind Energy System, they shall be constructed in a way that allows for the passage of emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress and egress to the tower unit.

Section 22. Security/anti-climb device. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.10. to read as follows:

§ 165-84.2.10. Security/anti-climb device.

The design of each On-site-use Wind Energy System shall not allow for climbing by the public for a minimum height of fifteen (15) feet above existing ground level.

Section 23. Proximity to other systems. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.11 to read as follows:

§ 165-84.2.11 Proximity to radio, television, telephone and wireless Internet systems. On-site-use Wind Energy Systems shall not be located in any area where their proximity interferes with existing fixed broadcast, retransmission systems such a cell phone towers or wireless Internet transmission systems.

Section 24. Decommissioning. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.12. to read as follows:

§ 165-84.2.12. Decommissioning.

- A. The applicant shall submit to the Planning Board a letter of intent committing the owner, and his or her successors-in-interest, to notify the Code Enforcement Officer (CEO) within 30 days of the discontinuance of the use of the On-site-use Wind Energy System. This letter of intent shall be filed with the CEO prior to the issuance of a Building Permit. The owner or his/her successors-in-interest shall have 30 days from the date of the notice to the CEO to prepare a decommissioning plan and to submit it to the CEO for the project files. The CEO shall issue a

decommissioning permit based upon the submitted decommissioning plan within five (5) business days of his/her receipt of the notice. The owner shall then have 60 days from the date of issuance of the decommissioning permit to complete the decommissioning process.

- B. The owner, at his/her expense, shall remove the unused On-site-use Wind Energy System, including turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other accessory structures within one year of the discontinuance. The date of discontinuance shall be confirmed with records from the local public utility service to the property.
- C. Disturbed earth on the site shall be graded and reseeded, unless the landowner requests, in writing, that the access roads and other land surface areas not be restored. Said request shall be made to the Planning Board and said Board shall make a decision whether or not to grant such request.
- D. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning (decommissioning costs), without regard to salvage value of the equipment, and the cost of decommissioning with the net salvage value of the equipment (net decommissioning costs). Said estimates shall be submitted to the Farmington Town Board after the first year of operation and every fifth year thereafter.
- E. The On-site-use Wind Energy System operator or owner shall post and maintain decommissioning funds in an amount equal to net decommissioning costs, provided that at no point shall decommissioning funds be less than 25% of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or federal- or state-chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within New York State and is approved by the Farmington Town Board. The Town shall be named as the insured party for these decommissioning funds.
- F. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance which identify the Town as the insured party in a form as may be acceptable by the Farmington Town Board.

- G. If the facility owner or operator fails to complete decommissioning within the period prescribed in Subsection A above, the landowner shall have an additional thirty (30) days to complete decommissioning process.
- H. If neither the facility owner or operator nor the landowner completes decommissioning within the periods prescribed in Subsections A and G, then the Town of Farmington may take such measures as necessary to complete decommissioning. In the event that the facility owner or operator is also the landowner said responsible party is not entitled to any additional time to complete the decommissioning process. The entry into and submission of evidence of a participating landowner agreement to the Town of Farmington shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Town of Farmington may take such action as necessary to implement the decommissioning plan. All expenses incurred by the Town in connection with the proceedings of the decommissioning process shall be assessed against the land on which it is located and shall be levied and collected in the same manner as provided in Article 15 of Town Law for levy and collection of special ad valorem levy.
- I. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the Town concurs that decommissioning has been satisfactorily completed or upon written approval of the Town Board in order to implement the decommissioning plan.
- J. Should the On-site-use Wind Energy System be non-operational for any continuous six- month period, the approvals granted shall be deemed void and the On-site-use Wind Energy System shall be decommissioned subject to the above provisions in this Subsection unless the property owner notifies the Code Enforcement Officer in writing within ten (10) days of the ceasing of the generation of on-site wind energy. Said notification shall identify the reason for stopping the wind energy generation and further provide any details as may be requested by the CEO. Upon review, the CEO may authorize an extension to the six month period specified above herein, to allow the property owner time to either make necessary repairs or to commence the decommissioning process. A copy of said determination shall be placed in the property file and shall automatically terminate on the date specified in the CEO's determination. The maximum period for such time extension shall be six months beyond the continuous six-month period specified above herein.

Section 25. Setbacks. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.13. to read as follows:

§ 165-84.2.13. Setbacks.

On-site-use Wind Energy System shall be set back a distance equal to twice the height of the tower plus blade length from all property lines, public roads, power lines, easements, and existing structures on adjacent site(s). Setback distances shall be measured from the base of the tower. Additional setbacks may be required by the Planning Board in order to provide for the public's safety, including the possibility of ice thrown from the unit's blades.

Section 26. Emergency communications towers. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.14. to read as follows:

§ 165-84.2.14. Emergency communications towers.

Every On-site-use Wind Energy System shall not be allowed to compromise the effectiveness of public safety emergency communications towers. As part of each Special Use Permit or Building Permit, the Ontario County Office of Emergency Preparedness shall be required to provide written confirmation of any On-site-use Wind Energy System's effect upon the effectiveness of the emergency communications system's being compromised by an On-site-use Wind Energy System.

Section 27. Site Plan Review/Approval Requirements. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.15. to read as follows:

§ 165-84.2.15. Site Plan Review/Approval.

- A. The Planning Board shall review the Site Plan for any application for an On-site-use Wind Energy System. The following submission requirements are in addition to the Site Plan requirements set forth in elsewhere in the Chapter, in Section 100 and must be observed regarding a Site Plan application for an On-site-use Wind Energy System:
- 1) Completed application form as supplied by the Town of Farmington for Site Plan approval for an On-site-use Wind Energy System.
 - 2) Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application.

(11)

- 3) A plot plan and development plan drawn in sufficient detail, as prepared by a licensed engineer or surveyor, clearly describing:
 - (a) Property lines and physical dimensions of the proposed site, including contours at five-foot intervals;
 - (b) Location, approximate dimensions, and types of existing structures and uses on the site;
 - (c) Location and elevation of the proposed On-site-use Wind Energy System;
 - (d) Location of all existing above ground utility lines on the site;
 - (e) Location of all roads and other service structures proposed as part of the installation; and
 - (f) Soils at the construction site.
- 4) Placement. All towers shall be located in such a manner as to minimize visual impacts to residential sites located within 500 feet of the subject property lines, taking into account the locations of existing structures as well as the size and configuration of the parcel on which the On-site-use Wind Energy System will be located.
- 5) Color. Neutral paint colors (i.e. grays) to achieve visual harmony with the surrounding area.
- 6) Guy wires. Anchor points for guy wires for the On-site-use Wind Energy System tower shall be located within the required setback lines for accessory structures and not on or across any above ground electric transmission or distribution lines.
- 7) All applications shall be accompanied by a Short Form Environmental Assessment, with Part I completed and signed by the applicant. The following additional material may be required by the Planning Board:
 - (a) Project visibility map showing the impact of topography upon visibility of the project from other locations, to a distance of 500 feet from the subject property boundaries.
 - (b) No fewer than four (4) color photos taken from locations within the 500 foot distance specified above herein.

B. Site Plan Review Criteria.

In addition to the above, no Site Plan shall be approved unless the Planning Board determines that the proposed On-site-use Wind Energy System is oriented in its location upon the site as to layout, coverage, screening, means of access and aesthetics so that:

- 1) There be reasonable compatibility on all respects with any structure or use in the neighborhood, actual or permitted, which may be directly substantially affected; and
- 2) That there should not be any unreasonable detriment to any structure or use, actual or permitted, in the neighborhood.

Section 28. Compliance with Uniform Building Code. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.16. to read as follows:

§ 165-84.2.16. Compliance with Uniform Building Code.

- A. All Building Permit Applications shall be accompanied by standard drawings of structural components of the On-site-use Wind Energy System, including support structures, tower, base and footings. Drawings and any necessary calculations shall be certified, in writing, by a New York State registered professional engineer that the system complies with the New York State Fire Prevention and Building Code. This certification may be supplied by the manufacturer.
- B. Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York State Registered Professional Engineer for compliance with the seismic and structural design provisions of the New York State Fire Prevention and Building Code.

Section 29. Compliance with state, local and national electric codes. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.17. to read as follows:

§ 165-84.2.17. Compliance with state, local and national electric codes.

- A. All Building Permit applications shall be accompanied by a line drawing identifying the electrical components of the On-site-use Wind Energy System to be installed in sufficient detail to allow for a determination that the manner of installation conforms with the current New York State adopted National Electric Code. The applicant shall include a statement from a New York State Registered Professional Engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electric Code, as well as applicable state and local electrical codes. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

- B. Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State Registered Professional Engineer for compliance with the requirements of the National Electric Code and good engineering practices.

Section 30. Insurance. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.18. to read as follows:

§ 165-84.2.18. Insurance.

The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the On-site-use Wind Energy System at all times. Said policy shall provide a minimum of \$300,000 property and personal liability coverage.

Section 31. Power to impose conditions. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.19. to read as follows:

§ 165-84.2.19. Power to impose conditions.

In granting any Site Plan approval, Special Use Permit, or Variance for an On-site-use Wind Energy System, the Planning Board or Zoning Board of Appeals, as the case may be, may impose reasonable conditions to the extent that such Board finds that such conditions are necessary to minimize any adverse effect or impacts resulting from the proposed use on neighboring properties.

Section 32. Fees. Chapter 165, Article VI, Special Permit Uses, is hereby amended by adding the following new Section 84.2.20. to read as follows:

§ 165-84.2.20. Fees.

Fees for applications and permits under this Article shall be established by resolution of the Farmington Town Board.

Section 33. Amend Chapter 165, Article II, Section 10. Definitions. by adding the following definitions of terms in alphabetical order:

NON-RESIDENTIAL WECS -- Private WECS whose power output serves an agricultural, commercial, industrial, institutional use or building. For the purpose of this Chapter, any Private WECS not meeting the requirements of a Residential WECS shall be considered a Non-Residential WECS even if located within a residential zoning district.

ON-SITE-USE WIND ENERGY SYSTEM -- A wind energy conversion system consisting of a wind turbine, tower, or other mounting structure and associated control or conversion electronics which has a rated capacity of no more than 15kW for single-family residential use only and no more than 125 kW for farming, commercial and industrial land use applications, and the power generated from which is not for resale to any other individual and/or commercial entity.

ON-SITE-USE WIND ENERGY SYSTEM HEIGHT -- The combination of tower height plus blade length. All heights are to be measured from the existing grade to the top of the highest point of blade height (tip) as extended at its highest vertical point, provided that the application includes specific evidence that the proposed total height does not exceed the height recommended by the manufacturer or distributor of the On-site-use Wind Energy System.

RESIDENTIAL WECS -- Private Wind Energy Conversion Systems (WECS) whose power output serves a residence as defined herein.

TURBINE -- The parts of an On-site-use Wind Energy System including the blades, generator and tail.

WIND MEASUREMENT TOWER -- A tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.

Section 34. Amend Chapter 165, Article VIII, Section 100. Site development plans. Chapter 165, Section 100. A. (1) (b) Town Planning Board site plan review authority. is hereby amended in its entirety to read as follows:

§ 165-100 A. (a) (b) Accessory uses:

- [1] All necessary uses, with the exception of those accessory uses permitted for single-family and two-family dwellings; and
- [2] On-site-use Wind Energy Systems.

Section 35. Amend Town of Farmington Town Code Index. The Index for the Farmington Town Code is hereby amended by adding indexing to the On-site-use Wind Energy System regulations.

Section 36. Amend Zoning Law Table of Content. The Table of Content, page 165:3 of the Town of Farmington Town Code is hereby amended by adding reference to Chapter 165, Section 84.2. On-site-use Wind Energy Systems.

Section 37. Amend Chapter 165, Attachment 1, Town of Farmington Zoning Schedule. Chapter 165, Attachment 1, Town of Farmington Zoning Schedule, Lot Area, Bulk and Coverage Requirements, is hereby amended by a new footnote 9 to the Lot Area, Yard, Lot Coverage and Height Limitations, from Schedule I. Footnote 9 to read as follows:

- 9 See § 165-84.2, On-site-use Wind Energy Systems, Special Permit Uses, sub-section F. (2) Special Use Permit Criteria Height for On-site-use Wind Energy Systems.

Section 37. Severability. The invalidity of any clause, sentence, paragraph or provision of this Section shall not invalidate any other clause, sentence, paragraph or part thereof.

Section 38. Effective Date. This local law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.

(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 number 4 of 2010 of the Town of Farmington was duly passed by the Farmington Town Board on May 25, 2010, in accordance with the applicable 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 number of 2010 of the Town of Farmington was duly passed by the
On 2010, and was (approved) (not approved) (repassed after disapproval) by the and was deemed duly adopted on
(Elective Chief Executive Officer*)
..... 2010, 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 number of 2010 of the Town of Farmington was duly passed by the Farmington Town Board on 2010, and was (approved)(not approved)(repassed after disapproval) by on 2010. Such local law was
(Elective Chief Executive Officer*)
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 2010, 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 number of 2010 of the Town of Farmington was duly passed by the Farmington Town Board on 2010, and was (approved)(not approved)(repassed after disapproval) by the on 2010. Such local law
(Elective Chief Executive Officer*)
was subject to permissive referendum and no valid petition requesting such referendum was filed as of 2010, 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.)

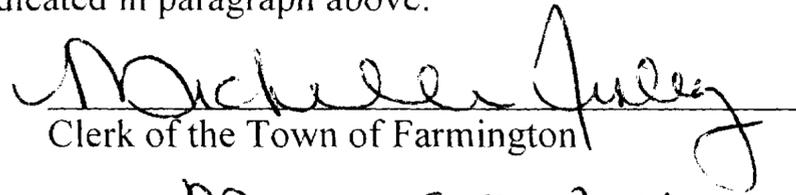
I hereby certify that the local law annexed hereto, designated as local law number _____ of 2010 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 2010, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law number _____ of 2010 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 2010, 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 above.

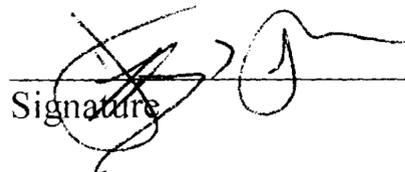

Clerk of the Town of Farmington
Date: May 25, 2010

(Seal)

(Certification to be executed by Town Attorney.)

STATE OF NEW YORK
COUNTY OF ONTARIO

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



Signature
Town Attorney
Title
Town of Farmington
Date: 6/2/10