

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

of The Incorporated Village of Patchogue

Town

Village

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STATE RECORDS

MAR 02 2010

DEPARTMENT OF STATE

Local Law No. 8 of the year 2010.

A LOCAL LAW OF THE VILLAGE OF PATCHOGUE

The Added Sections 435-110 through 435-115 of the Village Code shall read as follows:

435-106 through 435-109 RESEVED

ARTICLE XVII.

WIND ENERGY SYSTEMS

§ 435-110. PURPOSE AND INTENT.

This article is designed to promote the safe, efficient and effective use of small wind energy systems and to promote the reduction of on-site consumption of utility-supplied electricity, while protecting against any adverse effects of such systems.

§ 435-111. DEFINITIONS.

As used in this Article, the following terms shall have the meanings indicated:

FALL ZONE - The area, defined as the farthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. The radius of the area is the same as the total height of the structure

SMALL WIND ENERGY SYSTEM – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity intended primarily to reduce on-site consumption of utility power.

TOWER HEIGHT – The height above grade of the fixed portion of a tower that is part of a small wind energy system, inclusive of the wind turbine.

§ 435-112. WHERE PERMITTED.

Small wind energy systems shall only be permitted on parcels greater than four acres in size.

§ 435-113. APPLICATION FOR PERMIT.

Applications for small wind energy systems shall be submitted to the Village of Patchogue Building Department and shall include:

A. Name, address and telephone number of the applicant. If the applicant will be represented by an agent, the name, address and telephone number of the agent, as well as an original signature of the applicant authorizing the agent to represent the applicant.

B. Name, address and telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner:

(1) Confirming that the property owner is familiar with the proposed applications; and

(2) Authorizing the submission of the application.

C. Address of each proposed tower site, including tax map section, block and lot number.

D. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer of distributor of the system.

E. A plot plan on an approved property survey, at a scale of one inch equals 100 feet, depicting the limits of the fall zone distance from structures, property lines, public roads, and projected noise, level decibels (DBA) from the small wind energy system to the nearest occupied dwellings.

F. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Village Code and the New York State Building Code.

§ 435-114. Development Standards.

A. Tower Height. Tower height shall not exceed 70 feet and shall be exempt from the height restrictions otherwise set forth in Chapter 435 of the Village Code. To prevent harmful wind turbulence to the small wind energy system, the minimum height of the lowest part of any horizontal or vertical axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a radius of 250 feet. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

B. Yard Setbacks. Yard setbacks shall be derived from the maximum effective height of any turbine as stated above.

(1) Front Yard – Small wind energy turbines mounted to a free-standing tower shall be prohibited in any front yard. Roof-mounted turbines may be allowed on that portion of a pitched roof which faces the rear yard or, in the case of a flat roof, said turbine may be located on the rear half of such roof.

(2) Side Yard – Small wind energy turbines shall be set back from any side property line by a distance greater than the height of the turbine or the highest component thereof.

(3) Rear Yard – Small wind energy turbines shall be set back from any rear property line by a distance greater than the height of the turbine or the highest component thereof.

C. Noise. Small wind energy systems shall not exceed 55 DBA, as measured at the closest neighboring inhabited dwelling at the time of installation. The level, however, may be exceeded

during short-term event such as utility outages and/or severe wind storms.

D. Compliance with New York State Uniform Building Code. Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the New York State Uniform Building Code and certified by a licensed professional engineer shall also be submitted. This requirement may be satisfied by documentation presented by the manufacturer.

E. Compliance with National Electric Code. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components on the plot plan in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This requirement may be satisfied by documentation supplied by the manufacturer.

F. Compliance with FAA regulations. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. The allowed height shall be reduced to comply with all applicable federal aviation requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.

G. Utility notification. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

H. Decommissioning. The property owner and operator shall, as its expense, complete decommissioning of the wind energy system within 12 months after the end of the useful life of said system. The wind energy system will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. Decommissioning shall include removal of towers, turbines, buildings, cabling, electrical components, and any other associated facilities.

§ 435-115. Construction Standards.

A. Exterior lighting on any structure associated with the system shall not be allowed, except that which is specifically required by the Federal Aviation Administration.

B. The system's tower and blades shall be a nonreflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate nonreflective surfaces to minimize any visual disruption.

C. All on-site electrical wires associated with the system shall be installed underground, except for tie-ins to a public utility company and public utility company transmission poles, towers and lines.

D. At least one sign shall be posted on the tower at a height of five feet warning of potential electrical shock or high voltage and potential harm from revolving machinery.

E. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.

F. Towers shall be constructed to provide one of the following means of access control or other appropriate method of access:

- (1) Tower-climbing apparatus located no closer than 12 feet from the ground.
- (2) A locked anti-climb device installed on the tower (if tower is a climbable type).
- (3) A locked, protective fence at least six feet in height that encloses the tower.

G. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any aboveground, electric transmission or distribution lines. The point of attachment for the guy wires shall be sheathed in bright orange or yellow covering from three to eight feet above the ground.

H. All small wind energy systems shall be equipped with manual and automatic overspeed controls. The conformance of rotor and overspeed control design and fabrication with good engineering practices shall be certified by the manufacturer.

I. Capacity. Small wind energy systems shall generate no more than 110% of the property's anticipated demand at the time of application.

435-16 Village Government and it's properties exempt

In order to promote experimental efforts in the development of alternative energy, the Village government and it's properties are declared exempt from this legislation

<u>Aye</u>	<u>Nay</u>		<u>Aye</u>	<u>Nay</u>	
___	___	Mayor Pontieri	___	___	Trustee Hilton
___	___	Trustee Crean	___	___	Trustee Krieger
___	___	Trustee Dean	___	___	Trustee McGiff
___	___	Trustee Devlin			

Effective Date:

This Local Law shall take effect immediately.

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

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 2010 of the Incorporated Village of Patchogue was duly passed by the Village Board on 2.8 2010 in accordance with applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the matter indicated in paragraph 1 above.

