

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 247-68.13 **Standards.**

- A. Minimum lot size: five acres.
- B. Setbacks:
 - (1) From property lines: minimum distance 1 1/2 times the total height of the RWECS from any property line.
 - (2) From on-site residential dwelling buildings: minimum distance 1 1/2 times the total height of the RWECS.
 - (3) From off-site residential dwelling: minimum distance shall be 500 feet from the tower.
 - (4) All RWECS shall be set back from rights-of-way, easements, public ways, power lines, and any preexisting structures by a distance of at least equal to its fall zone.
- C. The minimum distance between the ground and any part of the rotor blade shall be 30 feet at its lowest point of rotation.
- D. Only one RWECS per legal lot shall be allowed.
- E. Exterior lighting, other than the conventional lighting for maintenance purposes, on any structure associated with the RWECS, shall not be allowed except that which is specifically required by the Federal Aviation Administration.
- F. No brand names, logos 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's or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.
- G. All wind turbines shall be equipped with 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, or nacelles. This should meet or exceed the industrial standards for the size of the system and be certified by the manufacturer. The applicant shall have a manual filed with the Town Clerk also showing any revisions.
- H. No RWECS shall be installed in any location where its proximity with existing fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No RWECS shall be installed in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation. If it is determined that a RWECS is causing electromagnetic interference, the property owner shall take the necessary corrective action to eliminate this interference, including relocation or removal of the facilities, or resolution of the issue with the impacted parties. Failure to remedy electromagnetic interference is grounds for revocation of the RWECS building permit and approval for the RWECS causing the interference.

I. RWECs shall conform to the following specifications:

- (1) Kilowatt limit: 10 kilowatts maximum.
- (2) Color. The color of all RWECs shall be reviewed as environmentally appropriate subject to Planning Board approval. The RWECs tower and blades shall be painted a nonreflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and shall incorporate nonreflective surfaces to minimize negative visual impact.
- (3) Structure. All RWECs structures shall be a monopole tower.
- (4) The design of RWECs buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the facility to the natural setting and the existing environment.
- (5) All monopole towers must be unclimbable by design and protected by anticlimbing devices, as per industrial standards or climbing apparatus to prohibit access no lower than 12 feet from the ground.
- (6) All related electrical lines shall be buried and marked in compliance with the NEC standards.
- (7) Total height shall be limited to a maximum of 120 feet to comply with setbacks.
- (8) RWECs shall be located only in rear yards.
- (9) 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 enclosed by a fence six feet high or sheathed in bright orange or yellow covering to eight feet above the ground. The minimum setback for the guy wire anchors shall be 10 feet from the property boundary.

J. Certification. The applicant is required to provide the following certifications:

- (1) Certification of structural components. The foundation, tower and compatibility of the tower with the rotor and rotor-related equipment shall be certified in writing by a structural engineer registered in New York State. The engineer shall certify compliance with good engineering practices and compliance with the appropriate provisions of the Uniform Construction Code that have been adopted in New York State.
- (2) Certification of electrical system. The electrical system shall be certified in writing by an electrical engineer registered in New York State. The engineer shall certify compliance with good engineering practices and with the appropriate provisions of the electrical code that have been adopted by New York State.
- (3) Certification of rotor overspeed control. The rotor overspeed control system shall be certified in writing by a mechanical engineer registered in New York State. The engineer shall certify compliance with good engineering practices.

K. General complaint process.

(1) During construction, the Town of Pendleton Code Enforcement Officer can issue a stop order at any time for any violations of the permit.

(2) Post construction. After construction is complete, the permit holder shall establish a contact person, including name and phone number for receipt of any complaint. Upon receipt of complaint from the Town of Pendleton Code Enforcement Officer, the permit holder/contact person shall have seven working days to reply to the Town in writing.

L. Post-construction maintenance/inspections.

(1) Upon reasonable notice, Town of Pendleton Code Enforcement Officer may enter a lot on which a RWEC building permit has been granted for the purpose of compliance with any permit requirements. Twenty-four hours' advance notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice.

(2) A RWEC shall be inspected annually by a professional engineer licensed in the State of New York that has been approved by the Town or at any other time, upon a determination by the Town's Code Enforcement Officer, that the wind turbine, tower, or other RWEC components have sustained structural damage, and a copy of the inspection report shall be submitted to the Town Code Enforcement Officer. Any fee or expense associated with this inspection shall be borne entirely by the permit holder.

M. Fees and costs.

(1) ~~See Chapter 131 for current fee schedule. Per RWECs: \$200, plus any associated cost incurred by the Town tied to outside consultants.~~

Commented [P1]: The new fee schedule does not include a PB site Plan review fee only Bldg. Dept . Permit fee. Need TE input

~~(2) RWECs building permit fee: \$100.~~

N. Abandonment of use.

(1) All RWECs shall be maintained in good condition and in accordance with all requirements of this section. If an annual inspection shows that the structure is unsafe, then the owner will be given an opportunity to bring the structure into compliance. If the structure is deemed unsafe and the owner does not bring the structure into compliance within a reasonable period of time, the tower shall be dismantled and removed from the property at the owner's expense. The Town reserves the right to dismantle the structure and to charge back the cost of this removal to the property owner. If unpaid, this cost will be assessed to the tax levy of the property.

(2) Failure to abide by and faithfully comply with this standards of this section and with any and all conditions that may be attached to the granting of the RWECs building permit shall constitute grounds for the revocation of the permit.