

# Wind Power Generating Facility – Existing regulations

## TOWN OF MARTINSBURG DEVELOPMENT LAW

**Wind Power Generating Facilities:** Wind generating facilities which generate original power on site to be transferred to a transmission system for distribution to customers. The definition of wind power generating facilities shall not include individual wind power generating facilities erected and used primarily for private use.

All uses shall comply with the requirements as indicated on the following chart:

P = Development Permit Required	NONE = No Permit Required
SU = Special Use by Planning Board Approval Required	NA = NOT ALLOWED

LAND USE	DISTRICT			
	RR Rural Residential	H Hamlet	A Agricultural	F Forest
Wind Power Generation Facilities	SU	NONE	SU	SU

<b>WPO</b> <b>Wind Power Overlay</b>	<b>Lot Frontage:</b>	same as underlying zone
	<b>Lot Size:</b>	same as underlying zone
	<b>Setback of all wind power generating structures:</b>	<b>from centerline of any road - 300 feet.</b> <b>from side and rear lot lines - 300 feet</b> , which can be waived by the Planning Board as part of its Special Permit review process if (i) neighboring parcels are also participating in the wind project, or (ii) in the case of a non-participating neighbor, the applicant has secured a development easement from said neighbor. <b>from any existing residential structures - 1000 feet</b> , unless the owner of said residential structure agrees to the lesser setback and consenting to a noise easement.
	<b>Landscaping and Screening:</b>	Appropriate landscaping is required to keep the site in a neat and orderly fashion. Appropriate screening is required to screen accessory structures from adjacent residences.

### Section 425. Wind Power Overlay District Procedure

1. A Wind Power Overlay may be applied in the Rural Residential District or the Agricultural District upon application to the town board.
2. Any application for a Wind Power Overlay to the town board must be in writing and must be duly signed by the applicant and contain:
  - a. The identity of the parcels to be affected, including tax map numbers and acreage;
  - b. The consent of all property owners within the overlay;
  - c. Sufficient acreage to comply with setbacks and other requirements set forth in Section 420 of this law;
  - d. The identity of the applicant; and
  - e. An Environmental Assessment Form.
3. The town board shall hold a public hearing on any such application prior to permitting or denying such application. The notice shall be published in the official newspaper of the town at least 10 days prior to the hearing. In addition, written notices shall be sent to:
  - a. all adjoining property owners;
  - b. all other municipal entities within 500 feet of the project site; and
  - c. the Lewis County Planning Board.

The hearing shall be held within 62 days of receiving a complete application.
4. The Town Board shall make its determination within 62 days of when the public hearing is closed.

## TOWN OF WEST TURIN ZONING LAW

**Wind Power Generating Facilities:** Wind generating facilities which generate original power on site to be transferred to a transmission system for distribution to customers.

All uses and structures shall require permits and reviews as indicated on the following chart:

- P = Zoning permit required.
- S = Zoning permit required following special use review by the town board.
- N = Not allowed in this district.
- E = Exempt from the requirements of this law

LAND USE	A District	B District	C District	D District
Wind Power Generating Facilities	N	N	S	S

### Section 435. Wind Power Generating Facilities

1. **Setbacks from road centerlines:** 100 feet plus height of structure, minimum.
2. **Setback from side and rear lot lines:** 300 feet, minimum.
3. **Setback from any existing residential structures:** 1,500 feet, minimum.
4. **Landscape and screening:** Deciduous or nondeciduous tree plantings may be required to screen portions of the wind power generating facility from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including roads, the following vegetative screening shall be required. For each wind power generating facility, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten feet in height within two years of planting shall be provided to effectively screen the tower base and accessory structures. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.

## TOWN OF HARRISBURG ZONING LAW

**Wind Power Generating Facility:** Facilities at which wind is converted to another form of energy, such as thermal, electrical, or mechanical, protected from unnecessary dissipation and distributed to a customer or customers.

**Section 405 Zoning District Uses (Chart 9)** Wind Power Generating Facility shall be allowed by Special Permitted Use (SP) in the AR-1 district and as a “Not Permitted Use” ( -- ) in the RFC and H-1 districts.

### Section 665. Wind Power Generating Facilities

- A. **Setback.** All wind power generating facilities shall be located at least 50 feet plus the height of the structure from road lines, and side and rear lot lines.
- B. **Landscaping and screening.** Appropriate landscaping shall be provided to keep the site in a neat and orderly fashion. Appropriate screening shall be provided to screen accessory structures from adjacent residences.

## TOWN OF LOWVILLE ZONING LAW

Section 226-41-B Wind Power Generating Facilities.

The following standards shall apply to wind power generating facilities:

- A. The proposed installation is located in an area that is necessary and convenient for the efficient distribution of power from the generating facility to the area to be serviced by such facility.

- B. The design of any building constructed or used in connection with the generating facility shall conform to the general character of the area and will not adversely affect the safe and reasonable enjoyment of property rights in the district in which it is to be located.
- C. Reasonable landscaping shall be provided to create a visual and sound buffer between such facilities and adjoining properties.
- D. All electrical generating equipment, electrical storage equipment, transformers and related equipment shall be enclosed in a secure structure. All such structures shall be secured by a fence.
- E. No wind power generating facility or related structure shall be located within 250 feet of any lot line.