

Local Law Filing

Town of Veteran
Local Law No 1 / 2007

A Local Law to Regulate
Wind Energy Converting System Facilities

Be it enacted by the Town Board
Town of Veteran

Article I: General Provisions

Section 1.0: Legislative Intent

The Town of Veteran recognizes the increase demand for Wind Energy Conversion Systems (WECS) and the need for the services they provide. These facilities required the construction of a wind turbine and associated control and/or conversion electronics. The intent of this Local Law is to regulate WECS, as herein defined, in order to achieve the following.

- A. Promote the health, safety and general welfare of the residents of the Town of Veteran.
- B. Protect the natural features and aesthetic character of the Town.
- C. Provide standards for the safe provision of WECS consistent with applicable Federal and State regulations.
- D. Protect the Town's interest in properly siting (placing of) towers and related facilities in a manner consistent with sound land use planning, while also allowing WECS providers to meet their technological and service objectives.

Section 1.1: Planning Board Authority to regulate WECS

The Planning Board is hereby authorized to review and approve, approve with modifications, or disapprove special use permits and site plans consistent with the standard and procedures set forth in this Local Law.

Section 1.2: Interpretation, Conflict and Separability.

- A. In their interpretation and application, the provisions of the law shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and welfare on a case by case basis.
- B. Where conditions imposed by any provisions of this law are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this law or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- C. The provisions of this law are separable. If a section, sentence, clause or phrase of this law is adjudged by a Court of competent jurisdiction to be invalid, the decisions shall not affect the remaining portions of this law.

Article II; Findings

Section 2.0

The Town Board of the Town of Veteran finds and declares that:

- A. Wind energy is an abundant, renewable and nonpolluting energy resource of the Town and its conversion to electricity may reduce dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources.
- B. The generation of electricity from properly sited wind turbines, including small systems, can be cost effective, and in many cases existing power distribution systems can be used to transmit electricity from wind-generating stations to utilities or other users, or energy consumption at that location can be reduced.
- C. Regulation of the siting and installation of wind turbines is necessary for the purpose of protecting the health, safety, and welfare of neighboring property owners and the general public.
- D. WECS represent significant potential aesthetic impacts because of their large size, lighting, and shadow flicker effects, if not properly sited.
- E. If not properly regulated, installation of WECS can create drainage problems through erosion and lack of sediment control for facility and access road sites, and harm farmlands through improper construction methods.
- F. WECS may present a risk to bird and bat populations if not properly sited.
- G. If not properly sited, WECS may present risks to the property values of adjoining property owners.
- H. WECS may be significant sources of noise, which, if unregulated, can negatively impact adjoining properties.
- I. If improperly sited, WECS can create interference with various types of communications.

Article III: Definitions:

Section 3.0 Purpose

Unless otherwise expressly stated, the following terms shall, for the purpose of this law, have the meaning herein indicated.

Section 3.1 Definitions

Accessory Facility- an accessory facility serves the principle use, is subordinate in area, extent and purpose to the principle use, and is located on the same lot as the principle use.

Applicant- the person(s), corporations, or agency, responsible for submitting site plan applications for review by the Planning Board. If approved, continuing the responsibility for constructing, owning and operating the facility.

Buffer Area- an undeveloped part of a property or an entire property specifically intended to separate and thus minimize the effects of a land use activity on adjacent properties.

Building- a structure designed to be used as a place of occupancy, business, storage or shelter. The term "building" shall include the terms "structure" as well as receiving and transmitting commercial, radio, television, and other utility communication towers.

Co-Location-the mounting of WECS used by two (2) or more persons, firms, or corporations on the same equipment mounting structure.

Easement- the right to use land of another, obtained through the purchase of the use rights from a landowner, for a special purpose consistent with the property's current use.

Environmental Assessment Form (EAF)- a form used to determine whether a project will have significant environmental impacts. Depending on the site's environmental features and the projects magnitude, either short or long SEQR Environmental Assessment form will be completed.

Environmental Impact Statement (EIS) - a document prepared pursuant to SEQR, subsequent to a determination of potential adverse impacts that examines the existing and developed environments, and identifies and presents impact, mitigation measures and alternatives.

Equipment Mounting Structure- any structures used primarily to support equipment including, but not limited to WECS support structures, towers and monopoles.

Fall Zone- a minimum distance of 120% of the height of the tower as measured from the base of the tower for all 360 degrees.

Guy Tower- a monopole or lattice tower additionally supported by tethers or guy wires connected to the ground for grounding and strengthening the structure.

Grading- the leveling of land for site development purposes including construction of roads, building construction, drainage areas and parking.

Lots- a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Nacelle- the portion of the wind turbine that connects the rotor to the support tower, and houses the generator gearbox, drive train and braking system.

Monopole Tower-A long straight, strong metal structure usually with a round cross section.

Owner/Operator-person, persons, corporations, etc. that owns and/or operates the business or facility

Person- means any individual, group of individuals, partnership, firm, corporation, association or other legal entity.

Phased Development- development that occurs in defined stages.

Roads- a public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, which would afford the principal means of access to abutting property.

Road, Right of Way- an area defined by a boundary, which provides for road construction, improvement and/or widening.

Screening- vegetations, fencing, or earthen materials used to block visibility toward and/or away from a site.

State Environmental Quality Review SEQR - the New York State Environmental Quality Review Act and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations, Part 617.

Setback- a minimum horizontal distance from a given point of reference, such as from a road edge or right-of-way, within which development is restricted.

Sign- Any structure or part thereof, or any device attached to a structure or painted or represented on a structure which shall display or include any lettering, wording, model, drawing, picture, banner, flag, insignia, device, marking or representation used as, or which is in the nature of an announcement, direction or advertisement.

Site - The parcel(s) of land where a WECS is to be placed. The Site can be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements. Any property which has a WECS or has entered an agreement for said Facility or a setback agreement shall not be considered off-site.

Site Plan- a rendering, drawing or sketch prepared to specifications and containing necessary elements as set forth in the applicable zoning ordinance or local law, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

Sketch-plan – conceptual maps, renderings, and supportive data describing the project by the applicant for initial review. May be used by the applicant as the basis for preparing the site plans for Planning Board review.

Sketch Plan Conference- initial optional Planning Board review of the project proposal with the applicant. The sketch plan conference provides an opportunity for an applicant to learn from the Planning Board what the site plan submission requirements will be prior to submitting the site plan.

Sound pressure level - means the level which is equaled or exceeded a stated percentage of time. An L- 50 DBA indicates that in any hour of the day 50 DBA can be equaled or exceeded only 10% of the time, or for 6 minutes. The measurement of the sound pressure level can be done according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11), or other accepted procedures.

Small wind energy conversion system ("small wecs")- A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce consumption of utility power at that location.

Start of Construction- the initiation of any physical alteration of the property, excluding planning and design , during any phase of a project and shall include land preparation, such as clearing, grading and filling, installation of roads, excavation for footings, foundations or the erection of temporary forms. Start of construction also includes any work for which a building permit is required.

Structure- anything constructed, or built, any edifice or building of any kind, which requires location on the ground, or is attached to something having a location on the ground.

Support tower- a tall structure, usually a monopole tower supporting the nacelle, blade and other integral components.

Total height -The height of the tower and the furthest vertical extension of the WECS.

Wind Energy Conversion System ("WECS")- A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill").

Wind Energy Facility - Any Wind Energy Conversion System, Small Wind Energy Conversion System, or Wind Measurement Tower, including all related infrastructure, electrical lines and substations, access roads and accessory structures.

Wind Measurement Tower – a tower used for the measurement of

meteorological data such as temperature, wind speed and wind direction.

Article IV; Applicability

Section 4.0 Uses requiring Site Plan approval

All new WECS and all additions and/or modifications to currently existing WECS within the Town shall require Site Plan approval before being undertaken.

This law does not apply to uses and structures that are lawfully in existence as of the date this law becomes effective. Any uses that would otherwise be subjected to this law, which have been discontinued for a period of one year or more, shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence provided such use or structure has started construction prior to the effective date of this law and is fully constructed and completed within one year after the effective date of these regulations.

Any person uncertain of the applicability of this law to a given land use activity may apply in writing to the Town of Veteran Planning Board for a written jurisdictional determination.

Article V: Procedures

Section 5.0 General

Any person, before undertaking any new land use activity at any location within the Town for which this law requires a site plan, shall submit a site plan together with the appropriate supporting data to the Planning Board for review and approval in accordance with the standards and procedures set forth in this law.

Section 5.1 Sketch Plan

The applicant is strongly encouraged to meet with the Planning Board prior to submission of a site plan application. This informal meeting is suggested to prevent unnecessary expenses to the applicant. At the conference, the applicant shall provide either an oral or written statement and a rough sketch describing what is proposed together with a U.S.G.S. topographic map showing the location of the building site and its relationship to the surrounding area. The Board will review the sketch plan and list the necessary information needed by the applicant to complete the site plan for review.

Section 5.2 Application for Site Plan Approval

Each application for site plan approval shall be submitted to the Town Clerk at least ten (10) business days prior to the Planning Board's regularly scheduled meeting. The Town

Clerk shall promptly notify the Planning Board that such application has been filed and the date thereof. The application shall include the application signed by the current owner or representative thereof; ten (10) copies of the site plan with the information outlined in Article IV, Section 4.0; an Environment Assessment Form, as required by the State Environmental Review Act; and the appropriate fee. The Town of Veteran Board may change the fee from time to time by resolution.

Section 5.3 Site Plan Submission Requirements

All site plans shall be prepared by a registered architect, landscape architect, licensed land surveyor or professional engineer duly licensed by the State of New York, unless this requirement is waived by the Planning Board because of the simplicity of the proposal. Site Plans shall be prepared at a scale of one inch (1") equals twenty (20) feet or less on standard 24" x 36" sheets with continuation on 8 1/2" x 11" sheets as necessary for written information.

Section 5.4 Application

Items required for submission include:

1. Name, address, telephone number of the applicant. If the applicant is represented by an agent, the application shall include the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the representation.
2. Name, address, 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 (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.
3. Address, or other property identification, of each proposed WECS location, including Tax Map section, block and lot number.
4. A description of the project, including the number and maximum rated capacity of each WECS.
5. A plot plan prepared by a licensed surveyor or engineer drawn in sufficient detail to clearly describe the following.
 - a. Property lines and physical dimensions of the Site.
 - b. Location, approximate dimensions and types of major existing structures and uses on the Site, public roads, and adjoining properties within five hundred (500) feet of the boundaries of the proposed WECS Site.
 - c. Location and elevation of each proposed WECS.
 - d. Location of all above ground utility lines on the Site within the radius of the Total Height of the WECS, transformers, power lines,

- interconnection point with transmission lines, and other ancillary facilities or structures.
- e. Date, north arrow and scale of the plan.
 - f. Location and size of structures and natural features above 35 feet within a five-hundred foot radius of the proposed WECS. For purposes of this requirement, electrical transmission and distribution lines are not considered structures.
 - g. To demonstrate compliance with the setback requirements of this Article, circles drawn around each proposed tower location equal to:
 - i. One and a half times the tower height.
 - ii. Five hundred foot perimeter.
 - iii. One thousand foot perimeter.
 - h. Location of the nearest residential structure on the Site and located off the Site, and the distance from the proposed WECS.
 - i. All proposed facilities, including access roads, electrical lines, substations, storage or maintenance units, and fencing.
6. Vertical drawing of the WECS showing Total Height, turbine dimensions, tower and turbine colors, ladders, distance between ground and lowest point of any blade, location of climbing pegs, and access doors. One drawing may be submitted for each WECS of the same type and Total Height.
 7. Landscaping Plan depicting existing vegetation and describing any areas to be cleared and the specimens proposed to be added, identified by species and size of specimen at installation and their locations.
 8. Lighting Plan showing any FAA-required lighting and other proposed lighting. The application should include a copy of the determination by the Federal Aviation Administration to establish required markings and/or lights for the structure, but if such determination is not available at the time of the application, no building permit for any lighted facility may be issued until such determination is submitted.
 9. List of property owners, with their mailing address, within 500 feet of the boundaries of the proposed Site. Also to include proper written notification to said property owners by mailing of a notice of public hearing to them at least two (2) weeks prior to the public hearing being held, together with an affidavit of such mailing by the applicant or agent.
 10. Decommissioning Plan: The applicant shall submit a decommissioning plan, which shall include: 1) the anticipated life of the WECS; 2) the estimated decommissioning costs in current dollars; 3) how said estimate was determined; 4) the method of ensuring that funds will be available for decommissioning and restoration; (5) the method, such as annual re-estimate by a licensed engineer, that the decommissioning cost will be kept current; and 6) the manner in which the WECS will be decommissioned and the Site

restored, which shall include removal of all structures and debris to a depth of 3 feet, restoration of the soil, and restoration of vegetation (consistent and compatible with surrounding vegetation), less any fencing or residual minor improvements requested by the landowner.

11. Complaint Resolution: The application will include a complaint resolution process to address complaints from nearby residents as well as any other interested party. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The applicant shall make every reasonable effort to resolve any complaint.
12. For each proposed WECS, include make, model, picture and manufacturer's specifications, including noise decibels data. Include Manufacturers' Material Safety Data Sheet documentation for the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
13. An Environmental Assessment Form (SEQR) shall be submitted with the site plan to insure compliance with the New York State Environmental Quality Review Act to identify the potential environmental, social and economic impacts of the projects

Section 5.5 Less intensive Review

The Planning Board may elect to conduct a less intensive review. The Planning Board must state its grounds for waiving certain submission requirements in writing and file such statement along with the site plan application and supporting documents.

Section 5.6 Acceptance of Site Plan Application

The Planning Board shall, within forty-five (45) days of a site plan application being filed begin the review process. If the application is inadequate or lacking information as outlined in Article V section 5.4, then the Planning Board may, in writing, request further information from the applicant. The time period in which the Planning Board must make a recommendation may be extended by written consent of the applicant and the Planning Board.

Section 5.7 Segmentation

The site plan and associated maps shall include all proposed phases of development. Site plan approval shall be based on the total planned project in order to facilitate the assessment of all potential development impacts. The Planning Board shall consider application incomplete where there is a reason to believe the application applies only to a segment of the total planned developments. In such situations, the Board shall return such applications to the applicant together with a letter stating the basis for its determination.

Section 5.8 Referral to Other Agencies and Boards.

Coordinated review: the Planning Board may refer the site plan for review and comment to local, and county officials or their designated consultants, and to representatives of Federal, State and County Agencies, including but not limited to the Soil Conservation Service, The New York State Department of Transportation, The State Department of Environmental Conservation, The Public Service Commission and the Office of Parks, Recreation and Historic Preservations, which ever has jurisdiction.

Required Referral: Whenever any site plan involves real property in an area described in Sections 239-m of the General Municipal Law, said site plan shall be referred to Chemung County for review and approval pursuant to Sections 239-m of the General Municipal Law.

Section 5.9 SEQR Compliance

After the site plan has been accepted as complete, the applicant shall demonstrate compliance for any actions subject to SEQR prior to site plan approval. The Planning Board shall classify the application according to the New York State Environmental Quality Review Act and review the Environmental Assessment Form and decide:

1. If additional information is needed to render a determination of significance, the Planning Board will specify exactly what the applicant needs to supply.
2. If the information is provided and the project is identified as having small to moderate impacts with little significance, then a negative declaration can be given.
3. If an action has been identified as having a large and significant impact, then a positive declaration shall be determined and a full EIS will be provided.

Section 5.10 Public Hearing on Site Plan

The Planning Board will hold a public hearing on the application. Said hearing shall be held within sixty-two (62) days of receipt of the accepted complete site plan application.

Section 5.11 Planning Board Action on Site Plan

The time limitation of this section shall not apply until the conclusion of the SEQR process as discussed in Section 5.9

The Planning Board shall make a decision on the application within sixty-two (62) days after the public hearing. If no public hearing is held, a decision on the application shall be made within sixty-two (62) days of the receipt of a complete site plan application. The time within which the Planning Board must tender a decision may be extended by mutual consent of the applicant and the Planning Board. The Planning Board shall render its

decision to either approve, approve with modifications or disapprove the site plan. The decision of the Planning Board shall be filled in the office of the Town Clerk immediately and a copy mailed to the applicant.

A. Approval

Upon approval of the site plan and payment by the applicant of all fees and reimbursable cost due to the Town, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file the site plan and a written statement of approval with the Town Clerk. A copy of the written statement of approval shall also be sent to the Code Enforcement Officer.

B. Approval with Modifications:

The Planning Board may approve the site plan and require that specific modification be made. A copy of the written statement of approval containing the modification required by the Planning Board shall be mailed to the applicant by certified mail. Upon approval and after payment by the applicant of all fees and reimbursable cost due to the Town, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file the site plan and a written statement of approval with modifications with the Town Clerk. A copy of the written statement of approval with modifications shall also be sent to the Code Enforcement Officer.

C. Disapproval

Upon disapproval of the site plan, the decision of the Planning Board shall immediately be filed with the Town Clerk and a copy thereof mailed to the applicant by certified mail along with a letter stating the Planning Board's reason for disapproval. A copy of the written statement of disapproval shall also be sent to the Code Enforcement Officer.

Section 5.12 Extension of time to render decision

The time period, within which the Planning Board must render its decision on the site plan, may be extended by mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within the time specified or agreed upon between the applicant and the Planning Board shall constitute Planning Board approval of the site plan as submitted or last amended.

Article VI: Criteria

Applications for site plan review for the establishment of construction of WECS shall meet all the following criteria:

Section 6.0: Performance Bond

Prior to site plan approval, a performance bond or other security sufficient to cover the full cost of removal and disposal of the WECS upon abandonment of said facility shall be provided by the owner/operator. The cost shall be determined by an estimate of the Town designated engineer. Any such security must be provided pursuant to a written security agreement with the Town, approved by the Town Board and also approved by the Town Attorney as to form, sufficiency and manner of execution. The form of security shall be limited to those permissible under New York State Law.

Section 6.1: Requirements and Standards

Requirement and Standards are to regulate the development of WECS and related structures in the Town of Veteran consistent with the general purposes stated in the Zoning and Land Use Regulations and Laws of the Town to accommodate the necessary infrastructure for the provisions of WECS and related structures within the Town to address the visual, aesthetic and land use compatibility aspects of WECS and related structures and more specifically to:

- A. Encourage the location of WECS in the areas where the adverse impacts on the community are minimized.
- B. Encourage the configuration of WECS in a way that minimizes the adverse visual impact of the towers
- C. Enhance the provisions of WECS within the Town
- D. Encourage the co-location or shared use of proposed and existing WECS sites
- E. Minimize the total number of WECS throughout the Town

Section 6.2 Applications

Applicants for the proposed development of a WECS shall submit a completed application with all the information listed in section 5.4.

Section 6.3 Standards

The development of WECS and related structures shall be permitted with approval by the Town Planning Board. All WECS and facilities shall be subject to the following requirements except as noted.

Section 6.4 Specific Provisions

Applicants for WECS shall locate, erect and WECS in accordance with the following requirements:

A. Location

1. No individual tower facility shall be installed in any location along the major axis of an existing microwave communication link where its operation is likely to produce disturbance in the links operation.
2. No WECS 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. If it is determined that a WECS is causing electromagnetic interference, the operator 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 Wind Energy Permit for the specific WECS or WECSs causing the interference.

3. All WECS shall be set back from adjacent property lines and any pre-existing structures by a distance at least equal to its fall zone as certified by a New York State Licensed Professional Engineer plus an additional fifty percent (50%) of its fall zone. Additional setbacks may be required by the Planning Board in order to provide for the public safety, health and welfare. The Planning Board may waive setback requirements from adjacent properties if such adjacent properties will also be participating in the wind project.
4. WECSs shall be designed to minimize the impact on land clearing and the loss of open space areas. Land protected by conservation easements shall be avoided when feasible. The use of previously developed areas will be given priority wherever possible.
5. No individual tower facility shall be installed in any location where there is a recognized migratory flight path for birds or at a location where birds commonly congregate, unless applicant can demonstrate that the operation of the WECS will not have a significant adverse impact on either migrating or resident birds.
6. Wind energy conversion facilities shall be located in a manner consistent with all applicable state and Federal wetlands laws and regulations.

B. Noise

The level of noise produced during WECS operation shall not exceed fifty (50) DBA as defined in "sound pressure level" measured at a distance of one thousand (1,000) feet from the base of the WECS or from the nearest residential structure.

C. Visual

1. All applicants shall use measures to reduce the visual impact of WECSs to the extent possible. WECSs shall use tubular towers. All structures in a project shall be finished in a single, non-reflective matte finished color or a camouflage scheme. Individual WECSs shall be constructed using wind turbines whose appearance, with respect to one another, is similar to provide reasonable uniformity in overall size, geometry, and rotational speeds. No lettering, company insignia, advertising, or graphics shall be on any part of the tower,

hub, or blades.

2. No advertising signs are allowed on any part of the WECS, including fencing and support structures.

D. Utility Service

1. All power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent practicable.
2. No television, radio or other communication antennas may be affixed or otherwise made part of any WECS, except pursuant to the Zoning and Land Use Regulations and Cell Tower Law in the Town of Veteran. Applications may be jointly submitted for WECS and telecommunications facilities.

E. Lighting

No tower shall be lit except to comply with FAA requirements. Minimum security lighting for ground level facilities shall be allowed as approved on the Site plan.

F. Aesthetics

1. WECS shall be located so as to minimize negative visual impact on surrounding topography.
2. All solid waste and hazardous waste and construction debris shall be removed from the Site and managed in a manner consistent with all appropriate rules and regulations.
- 3 Storm-water run-off and erosion control shall be managed in a manner consistent with all applicable Local, State and Federal laws and regulations.

F. Emergency Shutdown/Safety

1. Applicant shall post high voltage warning signs, and an emergency telephone number(s) so that the appropriate people will be contacted should any WECS need immediate attention.
2. No WECS shall be permitted to 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 or nacelle.

G. Height

1. The maximum Total Height of any WECS shall be limited to the minimum required to provide the needed energy demonstrated demand.

2. The minimum distance between the ground and any part of the rotor blade should be at least thirty (30) feet.

I. Hours of Construction

Construction of the WECS shall be limited to the hours of 6 a.m. to 8 p.m., local time except for certain activities that require cooler temperatures than possible during the day, subject to approval from the Town.

J. Access Road

Existing roadways shall be used for access to the site whenever possible. In the case of constructing roadways, they shall be constructed in a way so that they are not conspicuous to the surrounding environment.

K. Accessory Structures/Facilities

Transmission facilities and/or buildings shall be located behind ridges or vegetation to screen visibility

L. Security Provisions

No climbing device of any kind shall be attached to the WECS closer than fifteen (15) feet from the ground.

M. Ice Throw

Consideration for ice throw, particularly as pertains to adjoining properties. Elevations of fifteen hundred (1500) feet or higher require additional scrutiny.

N. Shadow Flicker

Consideration for shadow flicker particularly as it pertains to adjoining properties and residences.

Article VII Construction, Maintenance and Compliance

Section 7.0 Time limit for completion

A building permit must be obtained within six (6) months after approval of a site plan for a WECS and construction of such facility must be completed within twelve (12) months of such approval. The Site Plan approval shall automatically expire in the event the Code Enforcement Officer has not granted such permits and construction of the facility is not complete within the period set forth above.

Section 7.1 Annual inspection

The applicant shall contract a New York State Licensed Engineer to inspect every facility at least every second year for structural integrity. A complete copy of the inspection report shall be submitted to the Town of Veteran within thirty (30) days of the issuance of said report.

Section 7.2 Abandonment

In the event that all operators of a WECS have discontinued the use for a period of one hundred eighty (180) consecutive days or more the WECS shall be deemed to be abandoned. Determination of date of abandonment shall be made by the Code Enforcement Officer, who shall have the right to request documentation for the owner/operator of the WECS regarding the use and operation of the facility. Upon such abandonment the owner/operator shall remove the WECS at their own expense. Failing prompt removal the Town shall remove the facility and return the site to its original condition or to the maximum degree practicable. All costs will be charged to the Owner/Operator. All site plan approvals of any nature will automatically expire as of the date of abandonment of the WECS.

Section 7.3 Alteration of an Existing WECS

Alteration of an existing facility which results in an increase in the size or height may be permitted only after the application to the Planning Board which shall review the matter as if the alteration were an entirely new application for Site Plan Approval.

Section 7.4 Compliance Responsibilities

At all times the applicant and co-locators shall operate and maintain the WECS in compliance with all Local, State, and Federal or other applicable laws, rules, guidelines and regulations.

Article VIII: Administrative Enforcement

Section 8.0 Site Plan Compliance

No permit or Certificate of Occupancy shall be issued by the Code Enforcement Officer, except upon the authorization by and in conformity with an approved site plan where required.

Section 8.1 Code Enforcement Officer

The Town Board may alternatively, by resolution or otherwise, appoint some other enforcement office to conduct inspections and other enforcement activities required by this local law

The Town Board may appoint a Code Endorsement Officer to carry out the duties assigned by this local law. If appointed the Code Enforcement Officer shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and other official and agencies, as appropriate.

Section 8.2 Amendments

The Town Board may, on its own, on petition, or on recommendation of the Planning Board, after public notice and hearing amend this local law pursuant to all applicable requirements of law.

Section 8.3 Enforcement

Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resists the enforcement of any of the provisions of this local law, upon conviction, be deemed guilty of a violation, punishable by a fine of not more than \$ 250.00, or by imprisonment not exceeding twenty (20) days, or both such fine and imprisonment. Each week an offense is continued shall be deemed a separate violation of this local law.

In addition to the penalties provided above, the Code Enforcement Officer, or the Town Board, may also maintain an action or proceeding in the name of the Town in a Court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this local law.

Section 8.4 Conflict with other Laws

This law in no way affects the provision or requirements of any Federal, State, or Local Law or regulation.

Section 8.5 Responsibility

1. Applicant will be responsible for all application, permit and publication fees.
2. Applicant will be responsible for all processing fees, as well as engineering consultant fees should such measures be deemed necessary.
3. Applicant will in all instances be ultimately responsible and accountable for complete operation of the WECS including co-locators.

Section 8.6 Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.