

# Town of Roxbury

Mailing Address:  
PO Box 189  
Roxbury, NY 12474  
(607) 326-7641

911 Address:  
53690 State Highway 30  
Roxbury, NY 12474

Application # \_\_\_\_\_  
Fee Paid \_\_\_\_\_  
Classification \_\_\_\_\_

## APPLICATION FOR WIND ENERGY-DERIVING TOWERS

Date: \_\_\_\_\_

1. Name of Wind Energy-Deriving Towers Company: \_\_\_\_\_

2. Name of Owner/Applicant (if any): \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Number and Name) (Post Office) (State) (Zip Code)

Phone Number(s): \_\_\_\_\_

3. Name of Agent/Applicant (if different than owner): \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Number and Name) (Post Office) (State) (Zip Code)

Phone Number(s): \_\_\_\_\_

4. Wind Energy-Deriving Towers Proposed Location: \_\_\_\_\_

Deed Reference: \_\_\_\_\_  
(Liber) (Page)

5. Tax Map Designation: Sheet \_\_\_\_\_ Block \_\_\_\_\_ Parcel(s) \_\_\_\_\_

6. Total site area (square feet or acres): \_\_\_\_\_

7. Anticipated construction time: \_\_\_\_\_ Will development be staged (y/n): \_\_\_\_

8. Name of Land Surveyor/Engineer (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Number and Name) (Post Office) (State) (Zip Code)

Phone Number(s): \_\_\_\_\_

9. Name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Number and Name) (Post Office) (State) (Zip Code)

Phone Number(s): \_\_\_\_\_

10. Current land use of site (agriculture, commercial, etc): \_\_\_\_\_

11. Current condition of site (buildings, brush, etc.): \_\_\_\_\_

12. Character of surrounding lands (commercial, residential, wetlands):  
\_\_\_\_\_  
\_\_\_\_\_

13. Existing restrictions, easements and covenants on parcel.  
\_\_\_\_\_  
\_\_\_\_\_

14. Is parcel within or adjacent to any Agricultural District (if so, specify):  
\_\_\_\_\_  
\_\_\_\_\_

15. Description of proposed use:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. Other permits/approvals needed (list type and department):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. Name and address of all owners of record of abutting parcels and those within five hundred (500) feet of the property lines of parcel where development is proposed:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

18. Comments and Recommendations (For planning board use):

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Signature of Planning Board Chairperson: \_\_\_\_\_ Date: \_\_\_\_\_

Noteworthy Sections from the Town of Roxbury Local Law:

Article III Authority, Procedure - Section 301 - Authority.

The Town Planning Board is hereby authorized to approve, approve with conditions, or disapprove wind energy-deriving tower siting applications in accordance with this Local Law. The Planning Board may hire a professional engineer or consultant to assist in the review of an application at the applicant's expense.

Section 302 - Procedure

- (A) Completed applications for siting wind energy-deriving towers shall be submitted to the Town Clerk at least ten (10) days prior to the regular meeting of the Town Planning Board. Applications may be made by the owner of the property or his/her duly authorized representative, who shall attend the meeting of the Planning Board to discuss the application.
- (B) Within sixty-two (62) days after the Town Planning Board meeting where the complete application is submitted, a public hearing shall be held. Notice of such public hearing shall be published in the official newspaper of the Town at least ten (10) days prior to the date thereof. The applicant shall give notice in writing by certified mail to all property owners of the land immediately adjacent to the proposed parcel where site is proposed. The applicant shall mail these notices at least ten (10) days in advance of the hearing and furnish the Planning Board with Post Office receipts as proof of notification.
- (C) Within sixty-two (62) days of the public hearing, the Town Planning Board may approve, conditionally approve, or disapprove the application. The time in which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. The decision of the Planning Board on the application shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered and a copy thereof mailed to the applicant.

## Article IV Application Requirements - Section 401

A plan for the proposed development of a wind energy-deriving tower facility shall be submitted with the application and such plan shall show and include:

- (A) Name of the project, boundary lines of parcel that project will be located on, a location map showing proposed site's location, date, north arrow and scale of the plan.
- (B) Name and address of the owner of the parcel where development is proposed, developer and seal of the engineer, architect, or surveyor preparing the plan.
- (C) Name and address of all owners of record of abutting parcels and those within five hundred (500) feet of the property lines of parcel where development is proposed.
- (D) A map showing all existing lot lines, easements and right of ways, and a sketch plan showing proposed road access including provisions for paving, if any, proposed transmission lines and accessory facilities, and location of all existing and proposed utility systems to the facility.
- (E) A survey of the land to be leased, if applicable.
- (F) A map showing existing and proposed topography at five-foot contour intervals.
- (G) A landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features including size and type of plant material and erosion control measures.
- (H) State Environmental Quality Review Act (SEQRA) Environmental Assessment Form (EAF).
- (I) Photography assessing the visibility from key viewpoints, existing tree lines, and proposed elevations. Pictures shall be digitally enhanced to simulate the appearance of the as-built above ground site facilities as they would appear from distances within a three (3) mile radius of such wind turbines. Pictures from specific locations may be required by the planning board and all pictures shall be no smaller than 5" X 7".
- (J) Documentation of the proposed intent and capacity of energy generation as well as a justification for the height of any wind energy deriving tower and justification for any clearing required.
- (K) Preliminary report prepared by the wind turbine siting agency describing:

- (i) Surrounding topography in relation to the capabilities for generation of electricity by wind,
  - (ii) Required improvements for construction activities, including those within the public's right of way or land controlled by the Town of Roxbury,
  - (iii) Proposed mitigation measures for visual impacts of tower facility,
  - (iv) Proposed safety measures to mitigate wind energy-deriving tower failure.
- (L) Elevation map showing the wind energy-deriving tower's height and design including a cross-section of the structure and components of the nacelle; the wind energy deriving tower's compliance with applicable structural standards; and the wind energy-deriving tower's abilities in terms of producing energy.
  - (M) Demonstration of a need for the proposed wind energy-deriving tower facility.
  - (N) A description of the general geographic areas that would be acceptable for wind projects within the Town of Roxbury; furthermore, demonstration that the proposed site is the most appropriate site within the immediate area for the location of the wind energy deriving tower facility.
  - (O) Description of the applicant's long range plans which project market demand and long range facility expansion needs within the Town.
  - (P) Digital elevation model-based project visibility map showing the impact of visibility of the project from other locations, to a distance radius of three (3) miles from the center of the project. The base map used shall be a published topographic map showing natural and structural or built features.
  - (Q) Report showing soil logs, soil profile analysis, and storm water run-off calculations for the area being disturbed.
  - (R) Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, and flooding of other properties, as applicable. There should be pre-construction and post construction drainage calculations for the site done by a certified engineer. From this the engineer must show how there will be no increase in runoff from the site.

#### Article V Standards - Section 501

The development of wind energy-deriving towers and related structures shall be permitted with approval by the Town Planning Board. Wind energy-deriving towers and facilities shall be subject to the following requirements.

- (A) Specific Provisions

1) Location.

Applicants for wind energy-deriving towers shall locate, erect and site towers in accordance with the following requirements:

- a. No individual tower facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce disturbance in the links operation.
- b. No individual tower facility shall be installed in any location where its proximity with existing fixed broadcast, or reception antenna (including residential reception antenna) for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
- c. 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 wind energy-deriving tower will not have a significant impact on either migrating or resident birds.
- d. All wind turbine towers 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.
- e. The level of noise produced during wind tower operation shall not exceed 45 (dBA) measured at a distance of 1000 feet from the base of the wind energy-deriving tower or from the nearest residential structure.

2) Emergency Shutdown / Safety.

- a. Applicant shall post an emergency telephone number so that the appropriate people may be contacted should any wind energy-deriving tower need immediate attention.
- b. No wind turbine 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.

3) Lighting.

Wind energy-deriving towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA).

4) Utility Service.

All power transmission lines from the wind generation electricity generation facilities to on-site substations shall be underground.

5) Height.

- a. The minimum distance between the ground and any part of the rotor blade should be thirty (30) feet.
- b. The height of any wind energy-deriving tower shall be limited to the minimum required to provide needed energy by demonstrated demand.

6) 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.

7) Accessory Structures / Facilities.

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

8) Security Provisions.

No climbing device of any kind shall be attached to the wind turbine closer than fifteen (15) feet from the ground and shall be added to the outside.

9) Decommissioning.

The applicant shall submit to the Planning Board a letter of intent committing the tower owner, and his/her successors in interest, to notify the building inspector within thirty (30) days of the discontinuance of use of the wind energy-deriving towers. This letter shall be filed with the building inspector prior to the issuance of a building permit. The owner shall remove the obsolete or unused wind turbines and accessory structures from any site and restore the site to pre-construction conditions within one hundred twenty (120) days of such notification. Failure to notify and/or remove the obsolete or unused tower in accordance with these regulations shall be a violation of this

local law and the cost of removing the wind energy deriving towers and accessory structures shall be placed as a lien on the property owners tax bill.

10) Post – Installation.

- a. A post-installation field report identifying the facilities generation of electricity, and impacts upon the environment shall be submitted to the Town.
- b. The Planning Board may approve the application, deny the application, or grant the application with written stated conditions.

Action on the application shall be by written decision based upon substantial evidence submitted to the Planning Board.