



EIGHT POINT WIND ENERGY CENTER

Case No. 16-F-0062

1001.31 Exhibit 31

Local Laws and Ordinances

Contents

Exhibit 31: Local Laws and Ordinances	1
31(a) Local Procedural Requirements Applicable to Construction / Operation of the Project Supplanted by Article 10	1
31(b) Local Procedural Requirements Requested to be Expressly Authorized by the Board	2
31(c) Local Agency Review and Approval of Compliance with Building Codes	3
31(d) Substantive Requirements	3
31(e) Local Substantive Requirements Applicant Requests Board to Not Apply	5
31(f) Procedural Requirements Applicable to the Use of Water, Sewer, or Telecommunication Lines ..	5
31(g) Substantive Requirements Applicable to the Use of Water, Sewer, or Telecommunication Lines	5
31(h) Requirements Applicable to the Use of Water, Sewer, or Telecommunications Lines that the Applicant Requests the Board Not Apply	5
31(i) List of Applicable Local Substantive Requirements and Compliance Assessment.....	5
31(j) Zoning.....	8

Tables

Table 31-1. Local Contact Information for Review and Approval of Project Compliance with Building Codes.....	3
Table 31-2. Summary of Local Substantive Requirements and Degree of Compliance	5

Appendices

- Appendix 31-1. Local Law No. 1 of 2017 Greenwood (Wind Energy Facilities)
- Appendix 31-2. Local Law No. 2 of 2017 West Union (Wind Energy Facilities)
- Appendix 31-3. Local Law No. 1 of 2012 West Union (Land Use/Site Planning)

Exhibit 31: Local Laws and Ordinances

The Applicant has attended multiple meetings with townships, Steuben County, landowners, and the Steuben County Industrial Development Agency (IDA) as part of the Public Involvement Plan (PIP). The Meeting Log is included herein as Appendix 2-3. Outreach to the municipal stakeholders has included presentations at town board meetings, as well as presentations to the municipalities to introduce the Applicant and the Project to the community. Coordination included the Applicant providing Project-specific information to the municipality, as well as consulting and responding to comments from agency stakeholders, such as the U.S. Fish & Wildlife Service and New York State Department of Agriculture & Markets Division of Land & Water Resources, among others, and a site visit with multiple State agencies. The Applicant is also working with the Steuben County IDA with the intention of executing a Payment in Lieu of Taxes agreement prior to construction of the Project.

Outreach to municipalities for agreement on substantive and procedural requirements has been performed in accordance with the Article 10 requirements, and results of the coordination are summarized in the following sections.

31(a) Local Procedural Requirements Applicable to Construction / Operation of the Project Supplanted by Article 10

The following section contains lists of local ordinances, laws, resolutions, regulations, standards, and other requirements applicable to the construction and operation of the Project that are of a procedural nature for those towns within the Project Area (Towns of Greenwood and West Union). These local procedural requirements are supplanted by PSL Article 10 unless the Board expressly authorizes the exercise of the procedural requirement by the local municipality or agency.

The Towns of Greenwood and West Union each have local laws regulating wind energy facilities in their respective municipalities (Wind Energy Facility Law of the Town of Greenwood, New York (Local Law No. 1 of 2017); Wind Energy Law of the Town of West Union, New York (Local Law No. 1 of 2017)); however, these laws are supplanted by Article 10. The Town of West Union also has a Land Use (Site Planning) Law, which is also supplanted by Article 10. With the assistance and input of the local municipalities, the Applicant has compiled the list below of procedural requirements included in these local regulations which are related to the construction and operation of the Facility and which are supplanted by Article 10. A copy of the Greenwood and West Union laws are included in Appendix 31-1 and 31-2, respectively.

Town of Greenwood

Town of Greenwood Amended Wind Energy Facility Law (Local Law No. 1 of 2017; see Appendix 31-1)

- Article I, Section 6: Permits Required; Transfer; Modifications.
- Article II, Section 10: Applications for Wind Energy Permits for Wind Turbine Generators.
- Article II, Section 11: Application Review Process.
- Article II, Section 17: Issuance of Wind Energy Permits.
- Article II, Section 19, Subsections B and C: Permit Revocation; Abatement.

- Article V, Section 29: Fees.
- Article V, Section 30: Enforcement; Penalties and Remedies for Violations.

Town of West Union

Town of West Union Wind Energy Facility Law (Local Law No. 1 of 2017; see Appendix 31-2)

- Article I, Section 5: Permits Required; Transfer; Modifications.
- Article I, Section 8: Permit applications granted as applicable under this local law shall be \$1,500.00 per tower, except as provided herein.
- Article II, Section 10: Applications for Wind Energy Permits for Wind Turbine Generators.
- Article II, Section 11: Application Review Process.
- Article II, Section 17: Issuance of Wind Energy Permits.
- Article II, Section 19, Subsections B and C: Permit Revocation; Abatement.
- Article V, Section 29: Fees.
- Article V, Section 30: Enforcement; Penalties and Remedies for Violations.

Town of West Union Land Use (Site Planning) Law (Local Law No. 1 of 2012; see Appendix 31-3)

- Chapter 2: Applicability
- Section 4.3-1: Required Disclosure
- Section 4.3-3: Agricultural Data Statement
- Section 4.5: Signs
- Section 4.7: Driveways
- Chapter 5: “Site Plan Only” Review
- Chapter 6: Special Permits
- Chapter 8: Administration and Enforcement

Additionally, Site Plan Review and Approval is a procedural requirement that is supplanted by Article 10. As the Project will not require local special use permitting, site plan approval, variances or other local approvals, referral of the Project to Steuben County under General Municipal Law (GML) 239-m is not required.

31(b) Local Procedural Requirements Requested to be Expressly Authorized by the Board

There are no local procedural requirements which the Applicant requests that the Board expressly authorize the exercise of by the local municipalities or agencies.

31(c) Local Agency Review and Approval of Compliance with Building Codes

The Building Inspector/Code Enforcement Officer for the Towns of West Union and Greenwood are responsible for reviewing and approving building plans, inspecting construction work, and certifying compliance with the New York State Uniform Fire Prevention and Building Code, the Energy Conservation Construction Code of New York State, and the substantive provisions of any applicable local electrical, plumbing or building code. If necessary, the Building Inspector/Code Enforcement Officers can hire consultants to assist with the review and approval and the Applicant is willing to fund those consultations, as is indicated in the draft Host Community Agreements with the towns of Greenwood and West Union, to the extent such fees are not paid for from either the fund for municipal and local party intervenors or the Parties' Road Use Agreement.

Table 31-1, below, provides contact information for the local agency contacts.

Table 31-1. Local Contact Information for Review and Approval of Project Compliance with Building Codes

Town	Contact Information
Greenwood	John Leonard, Jr. Building Inspector/Code Enforcement Officer 1364 Leonard Road Troupsburg, New York 14885 607-525-6468
West Union	Maurice Mullen Building Inspector/Code Enforcement Officer 1328 State Route 248 Rexville, New York 14877 607-225-4321

31(d) Substantive Requirements

This section identifies all of the local ordinances, laws, resolutions, regulations, standards and other requirements applicable to the construction or operation of the proposed Project that are of a substantive nature.

Town of Greenwood Amended Wind Energy Facility Law (Local Law No. 1 of 2017; see Appendix 31-1)

- Article I, Section 7: Applicability.
- Article II, Section 12: Standards for Wind Energy Facilities.
- Article II, Section 13: Required Safety Measures.
- Article II, Section 14: Roads and Traffic.
- Article II, Section 15: Sound Levels and WTG Setbacks.
- Article II, Section 16: Noise and Setback Easements.
- Article II, Section 18: Limitations on Approvals, Easements on Town Property.
- Article II, Section 19, Subsections A, D, E, and F: Permit Revocation; Abatement.

Town of West Union Wind Energy Facility Law (Local Law No. 1 of 2017; see Appendix 31-2)

- Article I, Section 7: Applicability.
- Article II, Section 12: Standards for Wind Energy Facilities.
- Article II, Section 13: Required Safety Measures.
- Article II, Section 14: Roads and Traffic.
- Article II, Section 15: Sound Levels and WTG Setbacks.
- Article II, Section 16: Noise and Setback Easements.
- Article II, Section 18: Limitations on Approvals, Easements on Town Property.
- Article II, Section 19, Subsections A, D, E, and F: Permit Revocation; Abatement.

Town of West Union Land Use (Site Planning) Law (Local Law No. 1 of 2012; see Appendix 31-3)

- Chapter 1: Introduction and Purpose
- Chapter 2: Applicability
- Chapter 3: Dimensional Standards
- Section 4.1: Minimum Lot Sizes and Buildable Land Area on a Lot
- Section 4.2: Steep Slope Regulations
- Section 4.3-2: Agricultural Buffers
- Section 4.4-7: Industrial Storage Yard
- Section 4.6: Storm Water and Erosion Control

The location of the Project as proposed conforms to all local substantive requirements, as described in the documents reviewed above. The construction and operation of the Project will be in compliance with all substantive requirements as identified in the local regulations.

31(e) Local Substantive Requirements Applicant Requests Board to Not Apply

The Applicant has determined that none of the local substantive requirements are unreasonably burdensome in terms of existing technological, cost/economics, or consumer needs. Therefore, there are no requirements which the Applicant is requesting that the Board elect not to apply.

31(f) Procedural Requirements Applicable to the Use of Water, Sewer, or Telecommunication Lines

The Applicant has determined that there are no procedural requirements applicable in local laws or regulations to the interconnection or use of water, sewer or telecommunication lines that are applicable to this Project.

31(g) Substantive Requirements Applicable to the Use of Water, Sewer, or Telecommunication Lines

The Applicant has determined that there are no substantive requirements in local laws or regulations applicable to the interconnection or use of water, sewer or telecommunication lines that are applicable to this Project.

31(h) Requirements Applicable to the Use of Water, Sewer, or Telecommunications Lines that the Applicant Requests the Board Not Apply

As there are no procedural or substantive requirements applicable to the interconnection or use of water, sewer or telecommunication lines as identified above in Sections 31(f) and 31(g), there are no requirements which the Applicant is requesting that the Board elect not to apply.

31(i) List of Applicable Local Substantive Requirements and Compliance Assessment

Table 31-2, below, summarizes the local substantive requirements for the Project, including the degree of compliance with the provision.

Table 31-2. Summary of Local Substantive Requirements and Degree of Compliance

Local Requirement	Project Compliance
Town of Greenwood Amended Wind Energy Facility Law (Local Law No. 1 of 2017)	
Article I, Section 7: Applicability.	The Project is defined as a Wind Energy Facility and thus the requirements of this local law apply to the Project. Construction has not commenced on the Project prior to the issuance of this local law.

Local Requirement	Project Compliance
Article II, Section 12: Standards for Wind Energy Facilities.	The Project will comply with the standards of this Section and has not requested that any be specifically waived by the Town Board.
Article II, Section 13: Required Safety Measures.	The Project will comply with the required safety measures as specified in this Section.
Article II, Section 15: Sound Levels and WTG Setbacks.	The Project will comply with the sound levels and setback requirements as specified.
Article II, Section 16: Noise and Setback Easements.	The Project will meet setback and noise criteria and is not requesting a waiver.
Article II, Section 18: Limitations on Approvals, Easements on Town Property.	The Project will comply with the wind flow requirements and terms for easements on Town property, as applicable.
Article II, Section 19, Subsections A, D, and E, and F: Permit Revocation; Abatement.	<p>(A) Operation: The Project will be maintained and in operational condition in accordance with this requirement.</p> <p>(D) Inoperative WTG: The Project will comply with the non-functional and inoperative requirements of this Subsection.</p> <p>(E) WTG Removal and Remediation: The Project will comply with the removal standards as specified.</p> <p>(F) Decommissioning Fund: The Applicant will comply with the funding requirements of this Subsection.</p>
Town of West Union Wind Energy Facility Law (Local Law No. 1 of 2017)	
Article I, Section 7: Applicability.	The Project is defined as a Wind Energy Facility and thus the requirements of this local law apply to the Project. Construction has not commenced on the Project prior to the issuance of this local law.
Article II, Section 12: Standards for Wind Energy Facilities.	The Project will comply with the standards as identified in this Section.
Article II, Section 13: Required Safety Measures.	The Project will comply with the required safety measures as specified in this Section.
Article II, Section 14: Roads and Traffic.	The Project will comply with the traffic route and road remediation requirements of this Section.

Local Requirement	Project Compliance
Article II, Section 15: Sound Levels and WTG Setbacks.	The Project will comply with the sound levels and setback requirements as specified.
Article II, Section 16: Noise and Setback Easements.	The Project will meet setback and noise criteria and is not requesting a waiver.
Article II, Section 18: Limitations on Approvals, Easements on Town Property.	The Project will comply with the wind flow requirements and terms for easements on Town property, as applicable.
Article II, Section 19, Subsections A, D, and E, and F: Permit Revocation; Abatement.	<p>(A) Operation: The Project will be maintained and in operational condition in accordance with this requirement.</p> <p>(D) Inoperative WTG: The Project will comply with the non-functional and inoperative requirements of this Subsection.</p> <p>(E) WTG Removal and Remediation: The Project will comply with the removal standards as specified.</p> <p>(F) Decommissioning Fund: The Applicant will comply with the funding requirements of this Subsection.</p>
Town of West Union Land Use (Site Planning) Law (Local Law No. 1 of 2012)	
Chapter 1: Introduction and Purpose	The Project is in compliance with this Chapter. There are no quantitative requirements and thus is mostly subjective in nature. Nevertheless, as the Project has been sited with the rural appearance and physical character of the town in mind, and has worked with the town to ensure that impacts from the Project are effectively managed.
Chapter 2: Applicability	The Project is applicable to this local law as it is a Facility which may have impacts on neighbors and/or the town.
Chapter 3: Dimensional Standards	The Project will be in compliance with the dimensional standards in this Chapter in order to avoid disturbance and encroachment on adjoining buildings and to protect from noise, fumes and dust, as applicable to the construction and operation of the Facility.
Section 4.1: Minimum Lot Sizes and Buildable Land Area on a Lot	The Project as sited is in compliance with the minimum lot sizes and buildable area on a lot standards, as well as the setbacks as required in Chapter 3 (Dimensional Standards).

Local Requirement	Project Compliance
Section 4.2: Steep Slope Regulations	The Project will not alter steep slopes as defined in this Chapter.
Section 4.3-2: Agricultural Buffers	The Project includes new uses unrelated to current agricultural operations on and adjacent to some areas of agricultural land in the town. The Applicant understands and will comply with the provision and maintenance of buffers as appropriate.
Section 4.4-7: Industrial Storage Yard	The Project's Operations and Maintenance Building will be in compliance with this Section.
Section 4.6: Storm Water and Erosion Control	The Project will be in compliance with the Storm Water and Erosion Control Guidelines of the New York State Department of Environmental Conservation.

31(j) Zoning

There are no zoning codes or maps for the Towns of Greenwood or West Union. Therefore, the Project is in compliance with the land use in the area and no special exception or variance is required. Setback requirements for the proposed Project are identified in the wind energy laws for the Towns of Greenwood and West Union. The Applicant has complied with the setbacks in relation to residences, site boundaries/property lines, other built structures, roads, aboveground utilities, wetlands, and noise related requirements as further described in Exhibit 6 (Wind Power Facilities). Please refer to Table 6-1 of Exhibit 6 for specific details pertaining to manufacturer's suggested setbacks, as well as those required by the Towns of Greenwood and West Union.