



Baron Winds Project

Case No. 15-F-0122

1001.31 Exhibit 31

Local Laws and Ordinances

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EXHIBIT 31 LOCAL LAWS AND ORDINANCES

Throughout the development of the Facility, the Applicant has been in consultation with the municipalities whose requirements are the subject of this Exhibit to determine whether all such requirements have been correctly identified. As a result of these consultations, the Applicant has identified the applicable requirements of the local laws and has taken them into consideration in the design of the Facility. The Applicant has designed the proposed Facility to obviate the need for any waivers of substantive local requirements.

In Steuben County, as in much of New York State, zoning authority is held by towns, villages and cities. Steuben County does not have any applicable laws, ordinances, regulations, standards or other requirements applicable to the construction or operation of the Facility. Further, Steuben County does not have a full service county health department such that the County would be involved in regulation of environmental health services, such as water supply or wastewater treatment. As discussed in section (b) below, to the extent that Steuben County requires highway work permits and/or road use agreements, the Applicant is requesting that the Siting Board expressly authorize the County to issue such permits.

The Facility is located in the Towns of Cohocton, Dansville, Fremont and Wayland. The Towns of Cohocton,¹ Fremont,² and Wayland³ have each adopted their own wind energy laws. As of the date of filing of this Application the Town of Dansville⁴ had proposed a wind energy law but had not adopted it. Based on conversation with local officials, the Applicant anticipates that the Town of Dansville will enact the wind energy facility law in December 2017. (See Appendix SSS for copies of the local laws.) These laws would apply to the Facility but for the passage of Article 10 of the New York Public Service Law (PSL), which supplants the procedural requirements of these local laws. It is the intent of the Applicant to comply with the substantive provisions of the local wind energy laws to the greatest extent practicable. The Applicant understands, based on consultations with the Towns, that the wind energy laws supersede other general local zoning laws, for example, bulk restrictions and height limitations, unless explicitly provided for in the Towns' wind energy laws. The Applicant further understands that certain general provisions of local law not contained within the

¹ Article XI of the Cohocton Town Zoning Law (Local Law Numbers 1 and 2 of 2006, Amending the Zoning Law of the Town of Cohocton, New York to Regulate Windmills and Windmill Facilities; as amended by Local Law Number 1 of 2011). Note that Local Law Number 1 of 2006 and Local Law Number 2 of 2006 are substantively identical, except that Local Law Number 1 of 2006 appears as a standalone wind law, while Local Law Number 2 of 2006 codifies the same provisions into the Town Zoning Law. Further, by virtue of its supersession language following Section 1170, Local Law Number 2 of 2006 supersedes all prior inconsistent laws, ordinances or regulations—including Local Law Number 1 of 2006—to the extent that there are any inconsistencies between these laws. As a result, only Local Law Number 2 of 2006 is discussed below.

² Wind Energy Facilities Law of the Town of Fremont (Local Law No 1 of the year 2008, as Amended by Local Law Number 1 of 2017).

³ Town of Wayland Wind Amended Local Law Regulating Energy-Deriving Towers (Local Law Number 4 of 2017. Note: Local Law No. 4 of 2017 repealed and replaced Local Law No. 1 of 2017.

⁴ Town of Dansville Local Law No. 2 of 2017 entitled Wind Energy Facility (proposed).

Towns' wind energy laws, such as provisions on local road use and maintenance, are applicable in substance, though they are procedurally preempted under Article 10 as discussed below.

The Facility will include up to 76 wind turbines, as well as electric collection lines and access roads, a collection substation, a point of interconnection (POI) substation, permanent meteorological ("met") towers, an operation and maintenance (O&M) building, and laydown area(s). As currently designed, it is not anticipated that any off-site interconnections will be needed, as the Facility's O&M building will utilize on-site water sources (e.g., an existing or proposed new drinking water well) and wastewater treatment facilities (i.e., an individual septic system). Thus, at this time, no permits or approvals related to drinking water or wastewater interconnection are required.

(a) List of Applicable Local Ordinances and Laws of a Procedural Nature

Article 10 provides for the review of major electric generating facilities in New York State in a unified proceeding instead of requiring a developer to apply for numerous State and local permits. The Applicant, with the assistance and input of the local communities in which the proposed Facility is located, compiled a listing of local ordinances, laws, resolutions, regulations, standards, and other requirements of a procedural nature that would otherwise be required for the construction or operation of the proposed Facility and interconnection. The local procedural requirements listed below are supplanted by PSL Article 10 unless the Siting Board expressly authorizes the exercise of the procedural requirement by the local municipality or agency. Copies of these local laws are included as Appendix SSS.

The Applicant notes that, while the procedural provisions listed below are preempted by Article 10, the Applicant intends to develop its Facility in a manner which is nevertheless consistent with the spirit of a number of these Town requirements, particularly those related to decommissioning and testing funds, abatement requirements and other matters. The Applicant will coordinate with the Towns and other parties in the development of conditions for inclusion in the Certificate of Environmental Compatibility and Public Need (CECPN) that will address many of these general issues in a manner that is consistent across the entire Facility. Thus, while the Towns' specific prescribed procedures for addressing these issues will not be applied to the Facility, many of the local concerns underlying those provisions will be addressed.

Town of Cohocton

- Town of Cohocton Zoning Law Article III, Section 310 – Special use permit required for wind facilities
- Town of Cohocton Zoning Law Article XI
 - Section 1110:
 - (1) Special Use Permit requirement and procedures
 - (2) Site Plan requirement and procedures

- (3) Certificate of Compliance⁵
 - Section 1120(1) through (3)(c)(i) and (ii), Environmental Review, requirements and procedures
 - Section 1130(2)(a)(i) and (ii), Placement, Planning Board approval of special permit and waiver of setbacks
 - Section 1130(2)(a)(vi), Special Use Permit holder must correct any unforeseen broadcast interference to the satisfaction of the Planning Board within 60 days of a complaint
 - Section 1130(2)(a)(vii), the Planning Board shall address location on lot during site plan review
 - Section 1130(2)(a)(viii), Planning Board review of locations and visual considerations for substations, switchyards, and transmission/distribution lines
 - Section 1130(2)(b)(ii), Planning Board approval of color of wind turbines
 - Section 1130(2)(b)(vi), Site Plan review of transmission/distribution line placement
 - Section 1130(2)(d)(iv), Special Use Permit transfer due to Ownership Changes
 - Section 1130(2)(d)(v), Effect of modifications, additions, deletions or changes to windmills on Special Use Permit
 - Section 1130(2)(d)(vi), Town enforcement and compliance with noise limits
 - Section 1130(2)(e), Certifications and inspections [except as noted below]
 - Section 1130(2)(f), Sureties [except paragraphs noted below]
 - Section 1140, Modifications and Waivers
 - Section 1150, Duration of Special Use Permit and Continuing Obligations
 - Section 1160, Enforcement
 - Section 1170, Penalties
- Town of Cohocton Zoning Law
 - Section 412, Parking requirements for uses not specifically listed in local law shall be determined by the Town Zoning Board of Appeals
 - Section 710, Zoning Permits
 - Section 720, Site Plan Review
 - Section 730, Special Use Permits
 - Section 735, Certificate of Compliance
 - Section 765, Enforcement

⁵ This requirement was added by Local Law Number 1 of 2011.

Town of Dansville

Note: As previously discussed, the Town of Dansville has proposed but not adopted a wind energy facility law. The summary below is based on the draft law under review at the time the Application was filed.

- Local Law Number 2 of 2017 (proposed), entitled “Wind Energy Facility”
 - Article I
 - Section 5, Permits Required; Transfer; Modification
 - Section 7, Permit requirements for new facilities and modifications/alterations
 - Article II
 - Section 10, Applications for Wind Energy Permits for Wind Turbine Generators
 - Section 11, Application Review Process
 - Section 12(H), Procedures for addressing interference with microwave links, including permit revocation
 - Section 12(N), Town waiver of construction restrictions
 - Section 13(C), Town Board may require additional signs
 - Section 14(A), Wind Energy Permit conditions regarding traffic routes
 - Section 14(B), Public improvement bond and determination by Town Board
 - Section 16, Noise and Setback Easement Waiver Process
 - Section 17, Issuance of Wind Energy Permits
 - Section 19, Permit Revocation; Abatement
 - Article III, Wind Measurement Towers (as applied to permanent towers only)
 - Section 21, Applications
 - Section 22(B), Permit duration
 - Article V, Waivers
 - Article VI, Miscellaneous⁶

Town of Fremont

- Town of Fremont Land Use Regulations (Local Law Number 1 of 2005), as amended by Wind Energy Facilities Law of the Town of Fremont (Local Law No 1 of the year 2008), and as further amended by Local Law Number 1 of 2017
 - Section 1.3, Enforcement
 - Section 4.1, Procedures, Obtaining a Land Use Permit
 - Section 4.2, Obtaining a Special Permit [except as noted below]

⁶ Currently, two Articles in the proposed Wind Energy Facility Law have been assigned the number “Article III.” As a consequence, Articles V and VI are misnumbered. These article numbers may be corrected in the final version of the law.

- Section 4.3, Obtaining a Certificate of Compliance
- Section 4.4, Appeal for Administrative Review
- Section 4.5, Appeal for a Variance
- Section 4.6, Amending the Regulations
- Section 4.7, Fees
- Section 4.8, Environmental Quality Review
- Section 5, Content of Applications and Appeals
- Section 7, Permit Requirements regarding Protection of Natural Resources
- Section 7.4.2, Driveway Permits
- Section 7.4.3, Off-Road Parking
- Section 7.6, Sign Permits
- Section 8.5, Special Use Permit Required for Wind Energy Facilities, Wind Energy Conversion Systems (WECS), Wind Measurement Towers
- Section 8.5(G), Transfer of Wind Energy Facility
- Section 8.7, Creation of Wind Overlay District
- Section 8.8, Applications for Wind Energy Conversion Systems Special Use Permits and Wind Energy Overlay District
- Section 8.9, Application Review Process
- Section 8.10, Town Special Permit Waiver of Standards for WECS
- Section 8.10(A)(16), Insurance
- Section 8.11(C), Additional Town Signage Requirements
- Section 8.14, Procedures for Approval of Waivers and Variances
- Section 8.15, Creation of Wind Energy Overlay Districts and Issuance of Special Use Permits
- Section 8.16, Abatement⁷
- Section 8.18, Testing Fund; Permit Revocation
- Section 8.21, Applications for Wind Measurement Towers [only as applied to permanent towers; temporary tower permits are obtained from Town outside Article 10, and pursuant to these provisions]
- Section 8.22(B), Duration and Renewal of Special Use Permit
- Section 8.40, Fees
- Section 8.42, Enforcement, Penalties and Remedies for Violations

⁷ See discussion in compliance chart below regarding which Abatement provisions are procedural, and which are substantive, and regarding Applicant's intentions in complying with the overall spirit of the Town's Abatement provisions.

Town of Wayland

- Amended Local Law Regulating Wind Energy-Deriving Towers (Local Law Number 4 of 2017)
 - Article V, Procedure
 - Article VI, Application Requirements
 - Article VII, Standards—Town Planning Board approval required
 - Article VII(1), Additional setbacks set by Town Planning Board
 - Article VIII, Inspections
 - Article IX, Decommissioning
 - Article X, Fees
 - Article XI, Final Application Approval
- Town of Wayland Protection and Conservation and Development Law
 - Section 1, General Provisions
 - Section 2, Area Regulations
 - Section 3.2, Protection of Natural Resources
 - Section 3.4, Special Permit for Utility Facilities
 - Section 4.1, Building Permit
 - Section 4.2, Certificate of Occupancy or Compliance
 - Section 4.3, Special Permit
 - Section 4.5, Appeal for a Variance
 - Section 4.7, Fees
 - Section 5, Content of Application, General Provisions

(b) Local Procedural Requirements Requiring Board Authorization (Work Performed on County/Town Roads and in County/Town Rights-of-Way)

In the Stipulations executed in connection with the proposed Facility, Applicant agreed to request from the Siting Board that the County of Steuben, and the Towns of Cohocton, Dansville, Fremont and Wayland be expressly authorized to apply existing local regulations related to highway work permits, special haul permits for oversized/overweight vehicles, maintenance and road preservation laws, local road construction standards, and other local laws applicable to use of, and construction in or near, county-owned/town-owned roadways during construction and/or operation of the Facility. This authorization would allow the Towns and/or the County to either impose existing permitting requirements and local ordinances or enter into Road Use Agreements (RUAs),⁸ which would apply to the Facility in lieu of highway work

⁸ For purposes of this Exhibit, the Applicant refers to RUAs generically. The provisions relating to roads may be incorporated in a Host Community Agreement (HCA) or other agreement with the Towns.

permit applications and the application of substantive road use and maintenance laws. Therefore, to the extent that the County of Steuben and the Towns of Cohocton, Dansville, Fremont and Wayland have such procedural or substantive local laws, Applicant hereby requests Siting Board authorization for local oversight of those ministerial approvals, which are matters of primarily local concern, to the extent they are applicable to this project.

Exhibit 25 outlines the different types of permitting that may be required for work performed on local roads, and provides more specific information on these issues. However, for purposes of providing information on applicable local laws and ordinances, the Applicant has identified the following provisions which would fall under this category of authorized local laws pertaining to work in/on, or use of Town or County roadways:

- Steuben County (New York State Highway Law § 136)
- Town of Dansville Road Preservation Law (Local Law Number 1 of 2012) as modified by proposed Local Law No. 2 of 2017, in particular, § 14, Roads and Traffic
- Town of Fremont Road Preservation Law (Local Law Number 1 of 2012)
- Town of Fremont Land Use Law § 8.12(A)-(C)
- Town of Wayland Road Preservation Law (Local Law Number 2 of 2012)

As noted in Exhibit 25, the timing of the issuance of these highway work and special haul permits is such that the Applicant will not have the information needed to provide to the Board in this Application. These permits are often obtained by the Balance of Plant (BOP) contractor immediately prior to construction of the facility. The Applicant will work with the County and Towns to follow all of their procedural and substantive requirements for the permitting of highway work permits and special haul permits. Highway work and similar road permits are primarily an issue of local concern and ministerial in nature provided the Applicant meets the applicable standards. In addition, the Applicant, the County, and the Towns have discussed terms for RUAs regarding the Applicant's obligations with respect to road use and repair either as separate agreements or as a component of an HCA. In addition, the Applicant intends to reach out to Steuben County to address road use issues and obtain any required permits/approvals.

There are no other procedural requirements that the Applicant requests that the Board expressly authorize.

(c) Identification of Municipal Agency Qualified to Review and Approve Building Permits

The Towns of Cohocton, Dansville, Fremont and Wayland are qualified by the New York State Secretary of State to review and approve building plans, inspect construction work, and certify compliance with the New York State Uniform

Fire Prevention and Building Code, and the Energy Conservation Code of New York State. The mechanism for such reviews is provided for in the HCAs.

Due to the complex nature of the Facility, the Applicant will arrange with the Towns to pay for consultant services for the review, approval, inspection and compliance certification of work required to comply with the New York State Uniform Fire Prevention and Building Code and the Energy Conservation Code of New York State.⁹ For a wind powered electric generating facility, typically, this work is limited to turbine foundations and the O&M building.

Based on consultations with the Towns and discussions regarding a potential agreement, the Towns will engage the services of a qualified independent engineer or engineering firm (the "On-Site Monitor") who will be responsible for: (a) reviewing the building plans for the Facility, (b) recommending approval of building plans to the Applicant, (c) assisting the Town code enforcement officer or any of the representatives of the Town with inspecting the Applicant's compliance with the New York State Uniform Fire Prevention and Building Code, (d) certifying such compliance, which will be evidenced by the issuance of Certificates of Completion and Temporary Certificates of Completion.

Table 31-1 below provides the names and contact information of the Code Enforcement Officer for the Towns of Cohocton, Dansville, Fremont and Wayland.

Table 31-1. Local Code Enforcement Officer Contact Information

Town	Town Code Enforcement Officer
Cohocton	Charles A. Cagle Cohocton Code Enforcement Office 19 Main Street Atlanta, New York 14808
Dansville	Shawn Grasby Town of Dansville 1487 Day Road Arkport, New York 14807
Fremont	John Leonard Jr. Fremont Town Office 8217 Cream Hill Road Arkport, New York 14807
Wayland	Robert White Town of Wayland 110 N. Main Street Wayland, New York 14572

⁹ The New York State Department of State (NYSDOS) has stated that the Building Code of New York State does not regulate wind generators or free standing communication towers. See NYSDOS, Division of Code Enforcement and Administration, Technical Bulletin January 1, 2003, Communication Towers, Cellular Towers and Wind Generators.

(d) List of Applicable Local Ordinances and Laws of a Substantive Nature

The Applicant has compiled the following list of local ordinances, laws, resolutions, regulations, standards, and other requirements of a substantive nature required for the construction or operation of the proposed Facility and interconnection. The location of the proposed Facility will conform to all such local substantive requirements. See Appendix SSS for copies of potentially applicable local laws. Floodplain and similar maps, tables and/or similar documents can be found in Appendix SSS.

Standard turbine setbacks will be applied to all municipalities in which the Facility will be located except where the local requirements are stricter, in which case, the Applicant will comply with the stricter local requirements.. Detailed information about Facility compliance with setback requirements is included in Exhibit 6 of the Application.

The potentially applicable local laws are set forth below for each Town.

Town of Cohocton

Town of Cohocton Zoning Law (Local Law No 2 of 2006)

- Article III
 - Section 310 (1)-(5), Permitted uses
 - Zoning Schedule, height limitations
 - Section 420, Signs and billboards
- Article XI
 - Section 1120(3)(c)(ii), Noise standards and pure tones
 - Section 1130(2), Review Standards for Industrial Windmills
 - (a)(i)-(vii), Placement
 - (b)(i), (iii)-(ix), Specifications
 - (c)(i)-(ii), Noise and Safety Considerations
 - (d)(i)-(iii), (vi), Operating Considerations
 - (e)(i),¹⁰ National and State Standards
 - (f)(i), (iv), Removal and Road Repairs

¹⁰ This provision was renumbered as a result of Local Law Number 1 of 2011. In Local Law Number 2 of 2006, this section is numbered Section 1130(2)(e)(ii). Local Law Number 1 of 2011, section 5, deleted the preceding paragraph, and renumbered this section to Section 1130(2)(e)(i).

Certain provisions of the Town of Cohocton Flood Damage Prevention Law (Local Law Number 1 of 1987) would apply to the Facility if components were proposed within the Towns' Floodplain Overlay District. The Cohocton zoning map (included in Appendix SSS) does not show the location of the Floodplain Overlay District. However, the local law establishing that overlay district indicates it is intended to be concurrent with 100-year floodplains established by the Federal Emergency Management Agency (FEMA), and is meant to provide additional development requirements where structures or buildings are proposed within a designated flood zone. The Applicant does not propose to construct components in the Town of Cohocton Floodplain Overlay District (i.e., FEMA floodplains); therefore, the substantive requirements triggered by that overlay are not applicable to the Facility. See Figure 4-7 for a depiction of the FEMA floodplain area.

Town of Dansville

Wind Energy Facility Law of the Town of Dansville (Proposed Local Law Number 2 of 2017)

- Article II Wind Turbine Generators
 - Section 12(A)-(N), Standards for Wind Energy Facilities
 - Section 13(A)-(E), Required Safety Measures
 - Section 14(A)-(B), Roads and Traffic
 - Section 15(A)-(B), Sound Levels and Wind Turbine Generator (WTG) Setbacks
 - Section 16, Noise and Setback Easements
 - Section 19(A), (D)-(E), WTG Operation, Inoperative WTGs, Removal, Remediation
- Article III, Wind Measurement Towers (as applied to permanent towers only)¹¹
 - Section 22(A), Setbacks

Dansville Town Zoning Law

- Section 412, Off-Street Parking and Loading

Town of Fremont

Town of Fremont Land Use Regulations (Local Law Number 1 of 2005), as amended by Wind Energy Facilities Law of the Town of Fremont (Local Law No 1 of the year 2008), and as further amended by Local Law Number 1 of 2017

- Section 4.2.4, Specific Standards
- Section 6.2, Allowable Uses (Wind Energy Generating Systems and Wind Measurement Towers allowed with a Special Use Permit in the AG-R District; commercial-type buildings, such as the O&M building permitted in AG-R or LDR District)

¹¹ Applications for temporary meteorological towers for which Applicant has sought/will seek permits prior to Certification under Article 10 will be submitted to the Towns directly, utilizing established local processes.

- Section 6.3, Density Schedule [for O&M Building only—wind turbines subject to setbacks and height requirements in Wind Law]
- Section 7.2.1, Non-Regulated Uses (transmission facilities subject to CECPN allowed, not subject to permit)
- Section 7.4.2(2) and (5), Standards for Driveways
- Section 7.4.3, Off-Road Parking
- Section 7.4.4, Off-Road Loading
- Section 7.5, Visibility for Traffic Safety
- Section 7.6.1, Prohibited Signs
- Section 7.8.3, Essential Services (defined to include substations)
- Section 8.7(A), Wind Energy Overlay District permitted in AG-R District only
- Section 8.10, Standards for WECS
- Section 8.11, Required Safety Measures
- Section 8.12, Traffic Routes
- Section 8.13, Setbacks for Wind Energy Conversion Systems
- Section 8.14(A), Waivers by Adjoining Landowners of Setbacks/Noise Requirements Renders Adjoining Property Part of Facility Site
- Section 8.16, Abatement (to the extent described in detail below)
- Section 8.18, Testing Fund (to the extent described in detail below)
- Section 8.22(A), Standards for Wind Measurement Towers (as applied to permanent towers only)

Town of Wayland

Local Law Number 4 of 2017, Amended Law Regulating Wind Energy-Deriving Towers

- Article VII, Standards
 - Section 1, Location
 - Section 2, Fences or Anti-Climbing Devices
 - Section 3, Utility Regulations
 - Section 4, Noise
 - Section 5, Emergency Shutdown/Safety
 - Section 6, Lighting
 - Section 7, Utility Service
 - Section 8, Height
 - Section 9, Access Road
 - Section 10, Accessory Structures/Facilities

- Section 11, Security Provisions

Town of Wayland Road Preservation Law (Local Law Number 2 of 2012)

- Section 5, Permanent Weight Restriction and Truck Route
- Section 10, Damage to Town Roads

Town of Wayland Conservation and Development Law (Local Law 1 of 1997, as reenacted by Local Law 1 of 1998, and as amended by Local Law 1 of 2008)

- Section 2.2, Allowed General Uses (Utility Lines)
- Section 3.4.1, Location, Design and Operation of Utility Lines

The Town of Wayland has a Flood Damage Prevention Law (Local Law 1 of 1991), which applies in special flood hazard areas designated by FEMA. However, the Applicant does not propose to construct any components within any special flood hazard areas in the Town of Wayland. Therefore, these provisions are inapplicable.

Maps of existing and proposed zoning districts, specially designated areas, and recreational and other sensitive land uses within a 5-mile radius of the Facility can be found in Exhibit 4 (Figures 4-5, 4-6 and 4-7).

(e) List of Substantive Local Ordinances/Laws that the Applicant Requests the Board Not Apply

At this time, the Applicant intends to comply with all of the substantive requirements listed above. Therefore, the Applicant is not requesting that the Siting Board rule any provisions of local law are unreasonably burdensome in view of the existing technology, practicable implementation of the Facility, or the needs of or costs to ratepayers whether located inside or outside of such municipality.

(f) List of Procedural Local Ordinances/Laws Related to Use of Water, Sewer, or Telecommunication Lines

The Facility will not be connecting to any water, sewer, telecommunication or steam lines in public rights of ways. As previously noted, the Facility's O&M building will be served by individual water and septic systems. No new off-site telecommunications lines will be required for the Facility. No steam lines are required for the Facility. Therefore, the Applicant has not identified any local ordinances, laws, resolutions, regulations, standards or other requirements of a procedural nature applicable to interconnection related to the use of water, sewer, telecommunication and steam lines in public rights of way.

(g) List of Substantive Local Ordinances/Laws Related to Use of Water, Sewer, or Telecommunication Lines

As discussed in Section (f) above, the Facility will not be connecting to any water, sewer, telecommunication or steam lines in public rights of ways. Therefore, the Applicant has not identified any local ordinances, laws, resolutions, regulations, standards or other requirements of a substantive nature applicable to the interconnection related to the use of water, sewer, telecommunication and steam lines in public rights of way.

(h) Local Ordinances/Laws Related to Use of Water/Sewer that the Applicant Requests the Board Not Apply

The Applicant does not request that the Siting Board elect not to apply any of the procedural or substantive requirements under subdivision (f) and (g) because there are no applicable provisions.

(i) Summary Table of Substantive Local Requirements

The table below provides a list of all applicable substantive requirements applicable to the Facility as well as a description of how the Applicant plans to comply.

Table 31-2. List of Applicable Substantive Requirements to the Facility and Anticipated Degree of Compliance

Substantive Provision	Degree of Compliance
Town of Cohocton	
Town of Cohocton Zoning Law Article III (Local Law No 2 of 2006, as amended)	
Section 310(1)-(5). Wind permitted as a Special Use in Agricultural-Residential District	The Applicant agrees that the proposed Facility is regulated by this Article. The Applicant intends to comply with the substantive provisions in the Article.
Zoning Schedule—Maximum Height of Turbines, 500 feet	The Facility has been designed to comply with this requirement.
Town of Cohocton Zoning Law, Article XI	
Section 1120(3)(c)(iii). Windmills shall be located so that predicted windmill only noise at non-project property lines shall not exceed 50 dB(A), and windmill only noise at existing residences on non-project parcels shall not exceed 45 dB(A).	The Facility has been designed to comply with this requirement. See Exhibit 19 for details.
Section 1120(3)(c)(iv). In the event that the noise generated by a windmill contains a pure tone component . . . windmills shall be located so that predicted windmill only noise at non-project property lines shall not exceed 45 dB(A), and windmill only noise at existing residences located on non-project parcels shall not exceed 40 dB(A).	The Facility has been designed to comply with this requirement. See Exhibit 19 for details.
Section 1130(2)(a)(i). Setbacks from adjacent property lines, rights-of-way, easements, public ways or power lines (not to	The Facility has been designed to comply with this requirement. See Exhibit 6 for details.

Substantive Provision	Degree of Compliance
<p>include individual residential feed lines) shall be the structure height plus 100 feet. Structure height shall be measured from the ground surface level to the maximum height of the blades above the nacelle.</p> <p>The property line setback requirement may be reduced if (1) both properties on each side of the property line in question will have electric generation or transmission facilities constructed on them, or (2) the owner of the property for which the reduced setback is sought executes and presents for recording a development easement . . . in which the reduced setback is consented to, and construction within, and the use of the easement area is appropriately restricted.</p>	
<p>Section 1130(2)(a)(ii). The minimum setback distance between each production wind power electric generation unit (wind turbine tower) from adjacent dwellings, areas or structures customarily used by the public shall be 1,500 feet. Structure height includes the blades.</p> <p>The dwelling setback may be reduced . . . [when] (1) both properties on each side of the property line in question will have electric generation or transmission facilities constructed on them, or (2) the owner of the property for which the reduced setback is sought executes and presents for recording a development easement . . . in which the reduced setback is consented to, and construction within, and the use of the easement area is appropriately restricted.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 6 for details.</p>
<p>Section 1130(2)(a)(iii). Windmill only noise levels at non-project property lines shall not exceed 50.0 dB(A), except as set forth herein.</p> <p>In the event that noise generated by any windmill contains a pure tone component . . . windmills shall be located so that predicted windmill only noise at non-project property lines shall not exceed 45 dB(A).</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 19 for details.</p>
<p>Section 1130(2)(a)(iv). All guy wires or cables shall be marked with high-visibility orange or yellow sleeves from the ground to a point ten (10) feet above the ground. Setbacks for any windmill tower from any property line shall be a distance of fifty (50) feet from any anchor point for guy wires or cables.</p>	<p>The Facility has been designed to comply with this requirement.</p>
<p>Section 1130(2)(a)(v). Towers shall be lit according to State and Federal agency guidelines. Anything over 200' presently requires lighting.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 18 and 24 for details.</p>
<p>Section 1130(2)(a)(vi). 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 electromagnetic interference in the link's operation.</p>	<p>The Facility has been designed to comply with this requirement.</p>

Substantive Provision	Degree of Compliance
No individual tower facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna (including residential reception antenna) for radio, televised or wireless phone or other personnel [sic] communication systems would be likely to produce electromagnetic interference with signal transmission or reception.	
Section 1130(2)(a)(vii). Windmill location is not restricted to rear or side yards.	The Facility has been designed to comply with this requirement.
Section 1130(2)(b)(i). Maximum height limit shall be no greater than 500 feet.	The Facility has been designed to comply with this requirement.
Section 1130(2)(b)(iii). Structure. Solid Tube.	The Facility has been designed to comply with this requirement.
Section 1130(2)(b)(iv). All types of windmills will be allowed	The Facility has been designed to comply with this requirement.
Section 1130(2)(b)(v). No wind turbines shall be permitted which lack an automatic shutdown feature in the event of blade icing.	The Facility has been designed to comply with this requirement. See Exhibit 15 for details.
Section 1130(2)(b)(vi). All power transmission/distribution lines from the windmill electricity generation facilities shall be underground from the windmill electric generation facility to the collection station. All other circumstances would be reviewed during the site plan process.	A small section (approximately 9,660 feet) of collection line to the west of the Village of Cohocton (south-southwest of T13) is overhead line. The line must be placed above rather than underground because of the steep slopes between Turbines 13 and 29. In addition, it creates significantly less disturbance to cross Reynolds Creek and Loon Lake Road with an overhead crossing as opposed to underground. Consistent with the provision allowing review during the site plan process, the Siting Board has the authority to authorize this small section of necessary overhead line. Accordingly, the Facility will comply with this requirement.
Section 1130(2)(b)(vii). The lowest portion of the blade may not be closer than thirty (30) feet to the ground.	The Facility has been designed to comply with this requirement.
Section 1130(2)(b)(viii). Only upwind design windmills are allowed in the Town.	The Facility has been designed to comply with this requirement.
Section 1130(2)(b)(ix). No advertising signs are allowed on any part of Industrial Windmills and Windmill Facilities.	The Facility has been designed to comply with this requirement.
Section 1130(2)(c)(i). Access to the towers shall be limited by secured entry to the tower base.	The Facility has been designed to comply with this requirement. See Exhibit 18 for details.
Section 1130(2)(c)(ii). No wind turbines shall be permitted that 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.	The Facility has been designed to comply with this requirement.
Section 1130(2)(d)(i). Any windmill, which has been out of active and continuous service for a period of one (1) year, shall be removed from the premises to a place of safe and	The Facility has been designed to comply with this requirement. See Exhibit 29 for details.

Substantive Provision	Degree of Compliance
legal disposal. Any and all structures, guy cables, guy anchors and/or enclosures accessory to such windmill shall also be removed. The site shall be restored to as natural a condition as possible. Such removal shall be completed within eighteen (18) months of the cessation of active and continuous use of such windmill.	
Section 1130(2)(d)(ii). Upon completion of installation the site shall be returned as close as possible to its natural state. Seeding of disturbed areas will be a minimum.	The Facility has been designed to comply with this requirement. See Exhibit 29 for details.
Section 1130(2)(d)(iii). Any damaged or unused parts shall be removed from the premises within thirty (30) days or kept in a fenced designated storage area or legally disposed of. All maintenance equipment and spare parts, etc. shall also be kept in a fenced designated storage. Oil shall be legally disposed of.	The Facility has been designed to comply with this requirement.
Section 1130(2)(d)(vi). Windmill only noise levels at non-project property lines shall not exceed 50 dB(A), when measured at the minimum wind speed at which the windmill will achieve its rated electric output . . .	The Facility has been designed to comply with this requirement. See Exhibit 19 for details.
Section 1130(2)(e)(i). ¹² Windmills shall be built, operated and maintained to applicable industry standards of the Institute of Electrical and Electronics Engineers (IEEE) and the American National Standards Institute (ANSI).	The Facility has been designed to comply with this requirement.
Section 1130(2)(f)(i). Any windmill which has been out of active and continuous service for a period of one (1) year shall be removed from the premises to a place of safe and legal disposal. Any and all structures, guy cables, guy anchors and/ or enclosures accessory to such windmills shall also be removed. The site shall be restored to as natural a condition as possible. Such removal shall be completed within (18) eighteen months of the cessation of active and continuous use of such windmill. Any foundation left must be at least 3' below surface land or facilities shall be left at the discretion of the land owner.	The Facility has been designed to comply with this requirement. See Exhibit 29 for details.
Section 1130(2)(f)(iv). The turbine supplier and associated contractors will be responsible for any road repairs that may be necessary upon construction completion.	The Facility has been designed to comply with this requirement. See Exhibit 25 for details.
Town of Cohocton Zoning Law (General)	
Section 420, Signs and Billboards. Various substantive provisions applicable to commercial and temporary construction signs, prohibited devices, and other general requirements.	The Facility has been designed to comply with this requirement.

¹² This provision was renumbered as a result of Local Law Number 1 of 2011. In Local Law Number 2 of 2006, this section is numbered Section 1130(2)(e)(ii). Local Law Number 1 of 2011, section 5, deleted the preceding paragraph, and renumbered this section to Section 1130(2)(e)(i).

Substantive Provision	Degree of Compliance
Town of Dansville	
Proposed Local Law Number 2 of 2017, Article II	
Section 12(A). All power transmission lines from the tower to any building or other structures shall be located underground to the maximum extent practicable	The Facility has been designed to comply with this requirement.
Section 12(B). Maximum total height of any WTG shall be 600 feet	The Facility has been designed to comply with this requirement.
Section 12(C). No television, radio or other communication antennas may be affixed or otherwise made a part of any WTG, except pursuant to the Town Code	The Facility has been designed to comply with this requirement.
Section 12(D). No advertising signs are allowed on any part of the Wind Energy Facility, including fencing and support structures.	The Facility has been designed to comply with this requirement.
Section 12(E). No WTG shall be lit except to comply with Federal Aviation Administration (FAA) requirements.	The Facility has been designed to comply with this requirement. See Exhibit 18 and 24 for details.
Section 12(F). Applicants shall use measures to reduce the visual impact of WTG to the extent possible. 1. WTG shall use tubular towers. 2. WTG shall be furnished in a single, non-reflective matte finished color. 3. WTG within multiple WTG project shall be constructed using WTG whose appearance, with respect to one another, is similar within and throughout the project, to provide reasonable uniformity in overall size, geometry and rotational speeds.	The Facility has been designed to comply with this requirement. See Exhibit 24 for details.
Section 12(G). The use of guy wires for WTG is disfavored. A WTG using guy wires for tower support shall incorporate appropriate measures to protect the guy wires from damage which could cause tower failure.	The Facility has been designed to comply with this requirement.
Section 12(H). No WTG shall be installed in any location along the major axis of an existing microwave or other communications link where its operation is likely to interfere in the link's operation. If such interference is occurring, the WTG must take the necessary corrective action or resolve the issue with input from the parties.	The Facility has been designed to comply with this requirement. See Exhibit 26 for details.
Section 12(I). Solid waste, hazardous waste and construction debris shall be removed from the Site and managed in a manner consistent with all appropriate rules and regulations.	The Facility has been designed to comply with this requirement.
Section 12(J). Wind Energy Facilities shall be designed [sic] to minimize the impacts of land clearing and 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.	The Facility has been designed to comply with this requirement.
Section 12(K). WTG shall be located in a manner that minimizes significant negative impacts on rare animal species in the vicinity, particularly bird and bat species.	The Facility has been designed to comply with this requirement. See Exhibit 22 for details.

Substantive Provision	Degree of Compliance
Section 12(L). Wind Energy Facilities shall be located in a manner consistent with all applicable state and Federal wetlands laws and regulations.	The Facility has been designed to comply with this requirement. See Exhibit 22 for details.
Section 12(M). Storm-water run-off and erosion control shall be managed in a manner consistent with all applicable state and Federal laws and regulations.	The Facility has been designed to comply with this requirement. See Exhibit 23 for details.
Section 12(N). Construction of the Wind Energy Facilities shall be limited to the hours of 7 a.m. to 7 p.m. except for certain activities that require cooler temperatures than possible during the day.	The Facility has been designed to comply with this requirement.
Section 13(A). Each WTG shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.	The Facility has been designed to comply with this requirement.
Section 13(B). The minimum distance between the ground and any part of the rotor or blade system shall be thirty (30) feet.	The Facility has been designed to comply with this requirement.
Section 13(C). Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage.	The Facility has been designed to comply with this requirement.
Section 13(D). No climbing pegs or tower ladders shall be located closer than twelve (12) feet to the ground level at the base of the structure for freestanding single pole or guyed towers.	The Facility has been designed to comply with this requirement.
Section 13(E). WTG shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked at all times.	The Facility has been designed to comply with this requirement. See Exhibit 18 for details.
Section 14(A). Construction and delivery vehicles for WTG and Wind Energy Facilities shall use traffic routes established as part of the application review process. Factors in establishing such corridors shall include (i) minimizing traffic impacts from construction and delivery vehicles; (ii) minimizing WTG related traffic during times of school bus activity; (iii) minimizing wear and tear on local roads; and (iv) minimizing impacts on local business operations.	The Facility has been designed to comply with this requirement. See Exhibit 25 for details.
Section 14(B). The applicant shall be responsible for remediation of damaged roads upon or if necessary during the construction of or completion of the installation of WTG.	The Facility has been designed to comply with this requirement. See Exhibit 25 for details.
Section 15(A). The statistical sound pressure level generated by a WTG shall not exceed Leq 45 dBA measured at the nearest residence located off the Site. Sites can include more than one piece of property and the requirement shall apply to the combined properties. If the ambient sound pressure level exceeds 45 dBA, the standard shall be ambient dBA plus 6 dBA.	The Facility has been designed to comply with this requirement. See Exhibit 19 for details.

Substantive Provision	Degree of Compliance
<p>Section 15(B). Each WTG shall be located with the following minimum setbacks, as measured from the center of the WTG:</p> <ol style="list-style-type: none"> 1. 1,500 feet from off-Site Residences, measured from the exterior of such Residence 2. 1.5 times the WTG Total Height from the nearest Site boundary property line. 3. 1.5 times the WTG Total Height from the right of way of all public roads. 4. 1.5 times the WTG Total Height from off-site existing structures. 5. 1.1 times the WTG Total Height from above-ground utilities, unless waived by the utility companies. 6. 100 feet from state-identified wetlands as measured from turbine center point. 	<p>The Facility has been designed to comply with this requirement. See Exhibit 6 (setbacks) and Exhibit 22 (wetlands) for details.</p>
<p>Section 16. Noise and Setbacks can be waived upon written consent of landowners.</p>	<p>The Facility has been designed to comply with this requirement.</p>
<p>Section 19(A). A WTG shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 18 for details.</p>
<p>Section 19(D). If any WTG remains non-functional or inoperative for a continuous period of one (1) year, the applicant shall remove the WTG unless the Applicant demonstrates that it has been making a good faith effort to restore the WTG to an operable condition. .</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 29 for details.</p>
<p>Section 19(E). WTG removal shall include removal of all aboveground equipment, removal of foundations to a depth of four (4) feet below grade, restoration of soil conditions, and restoration of vegetation consistent and compatible with surrounding vegetation</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 29 for details.</p>
<p>Article III, Wind Measurement Towers (as applied to permanent towers only),</p>	
<p>Section 22(A). Setback. The distance between a Wind Measurement Tower and the property line shall be at least 1.5 times the height of the wind measurement tower. Sites for a Wind Measurement Tower can include more than one piece of property and the requirement shall apply to the combined properties. Exceptions for neighboring property are also allowed with the consent of those property owners.</p>	<p>The Facility has been designed to comply with this requirement.</p>
<p>Town Zoning Law (General Requirements)</p>	
<p>Section 412, Off-Street Parking and Loading. No building or structure shall be erected, enlarged, or its use changed unless permanently maintained off-street parking and loading spaces, with adequate, safe, functional vehicular access have been provided in accordance with local law.</p>	<p>The Facility has been designed to comply with this requirement.</p>

Substantive Provision	Degree of Compliance
Town of Fremont	
Town of Fremont Land Use Regulations (Local Law Number 1 of 2005), as amended by Wind Energy Facilities Law of the Town of Fremont (Local Law No 1 of the year 2008), and as further amended by Local Law Number 1 of 2017	
Section 4.2.4(2). General Standards for Special Permit Uses: A development allowable by Special Permit shall be generally compatible with other properties in the vicinity, in terms of overall appearance and external evidence of normal operation; fences, planting screens or buffer areas, or restricted hours of operation, may be used to help meet this standard.	The Applicant agrees that the proposed Facility is regulated by this Article. The Applicant intends to comply with the substantive provisions in the Article. Note that the O&M building will be located in the Town of Fremont.
Section 4.2.4(3) Specific Standards for Special Permit Uses: (a) Facilities and areas for solid waste handling, parking, exterior lighting and other service functions shall be located and designed so that other properties and passerby will be protected from unsightly conditions, dust and trash, fumes and odors, glare, and noise	The Facility (including the O&M building) has been designed to comply with this requirement.
(b) Signs shall be visually compatible with their surroundings.	The Facility (including the O&M building) has been designed to comply with this requirement.
(c) Buildings and other structures shall be located and designed so that they will not unreasonably impair other properties' access to sunlight, air, and view.	The Facility (including the O&M building) has been designed to comply with this requirement.
(d) The development shall be designed so that storm water will not be channeled harmfully onto adjacent properties, and so that there will be no soil erosion from the site.	The Facility (including the O&M building) has been designed to comply with this requirement. See Exhibit 23 for details.
(e) The development shall be designed to avoid unnecessary grading; large trees and other attractive existing site features shall be preserved to the extent practicable.	The Facility (including the O&M building) has been designed to comply with this requirement.
(f) The development shall be located where normal operation will not cause an unreasonable increase of traffic on public roads in the vicinity.	The Facility (including the O&M building) has been designed to comply with this requirement. See Exhibit 25 for details.
(g) Vehicular entrances and exits, drives, and off-road parking and loading areas shall be designed for safe traffic movement under normal use, and for unimpeded access by emergency vehicles.	The Facility (including the O&M building) has been designed to comply with this requirement.
(h) Pedestrian ways shall be separated from vehicular traffic, with crossing points clearly marked or otherwise controlled for safety.	This requirement does not apply to the Facility (including the O&M building). The Facility is isolated from the public. There will be no pedestrian ways or crossing points associated with the Facility.
(i) When a development is intended to serve the general public, it shall include at least one access way designed to accommodate physically handicapped persons.	This requirement does not apply to the Facility, which is not intended to be used as a public facility.
Section 6.2.5, Permitted Industrial Uses. Wind Energy Generating Systems and Wind Measurement Towers allowed as a special use in Agricultural-Residential District.	The Facility has been designed to comply with this requirement.

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Section 6.2.4, Permitted Business Uses (for O&M building only). Commercial buildings such as offices generally permitted in the AG-R and LDR Districts.	The O&M building will be located in the AG-R District in the Town of Fremont.
Section 6.3. Density Schedule (for O&M building only). Wind turbines, wind measurement towers subject to specific setback and height regulations in the Wind Law, and utility uses subject to state approval are "non-regulated"	For purposes of the O&M building only, the lot size, setbacks and maximum building height will comply with the density schedule.
<p>Section 7.4.2(2) and (5), Standards for Driveways:</p> <p>(2) No driveway shall enter a public road at a point that is:</p> <ul style="list-style-type: none"> (a) within fifty (50) feet of the nearest right-of-way line of an intersecting public road; or, (b) within two hundred fifty (250) feet of the ramp nose at an expressway interchange; or, (c) located where the site distance in either direction along the public road would be less than five hundred (500) feet where the posted speed limit exceeds thirty-five (35) miles per hour. Where the posted speed limit is thirty-five (35) miles per hour or less, sight distance shall be not less than two hundred fifty (250) feet. <p>(5) Commercial Driveways shall be located and built in accordance with the following standards:</p> <ul style="list-style-type: none"> (a) The angle of entry to the road shall not be less than sixty (60) degrees. (b) Driveway pipe a minimum of eighteen (18) inches in diameter and not less than twenty (20) feet in length shall be provided, in order to cross a ditch or drainage swale. Larger sizes may be required, to accommodate anticipated flows. Pipe shall be so placed as to maintain the drainage gradient of the road ditch. (c) There shall be concrete, laid stone, or integral end sections on all culverts, with heights not to exceed driveway elevations. (d) Driveway entrances shall be not less than ten (10) feet from a property line nor less than twenty (20) feet from the entrance of another driveway. (e) Width of a two-way drive shall be not less than thirty (30) feet or greater than fifty (50) feet. Width of a one-way drive shall be not less than fifteen (15) feet nor greater than twenty (20) feet. (f) A driveway entrance may be required to be paved. (g) Normally, there shall be two driveways per lot; additional driveways may be granted if sufficient frontage exists to meet the requirements stated in subparagraph (d) above. 	<p>These requirements do not apply to the turbine sites, which will not be open to the public or regularly used/occupied by employees. However, the access roads connecting the public roads to the turbine sites will be designed to ensure the safe ingress and egress of vehicles from the public roads to the access roads.</p> <p>The O&M building will comply with these requirements.</p>
Section 7.4.3, Off-Road Parking. Industrial uses require one-half space per employee on the largest shift, plus one per business vehicle based on the premises.	Turbines will not be frequented by employees on a daily basis during operation, and business vehicles will not be based at turbine sites. The access road to and from a turbine site will provide sufficient

Substantive Provision	Degree of Compliance
(1)(d) General Provisions, Unless there is no practicable alternative, off-road parking spaces shall be designed with maneuvering areas so that vehicles can exit without backing into the road.	space to accommodate a service vehicle when it is on-site. However, to avoid additional impacts from creating impervious surfaces, or permanently disturbing large areas, no significantly large or paved parking area will be installed at turbine locations. The O&M facility will comply with off-road parking requirements.
Section 7.4.4. Off-Road Loading	These provisions, while generally applicable to industrial uses, are not applicable to a wind energy facility which does not "normally receive or ship more than one truck load per day." Therefore, no off-road loading areas will be installed for this Facility, including the O&M building.
Section 7.5, Visibility for Traffic Safety. On a corner lot, nothing shall be erected, placed, planted or grown in such a manner as to materially obstruct the line of sight between the intersecting roads . . .	This requirement does not apply to the proposed Facility.
Section 7.6.1, Prohibited Signs: (a) a sign other than an official traffic control device that uses the word "stop" "danger" or "slow" prominently or in a manner that implies danger to motorists; (b) a sign that obstructs motorists' view of an official traffic control device, or their view of oncoming vehicles less than five hundred (500) feet distant (c) a sign that produces glare to an extent or in a direction that may be a hazard to motorists (d) a flashing sign or sign employing flashing, pulsating, intermittent, rotating or moving lights or simulation thereof (e) a sign affixed to a utility-owned pole (f) a sign located within a public right-of-way, other than an official traffic control device (g) a sign advertising a business, industry, profession, commodity, service, or activity that is not located, conducted, sold, or offered upon the premises where such sign is placed	The Facility will comply with these provisions, except to the extent that they are inconsistent with Section 8.11(C) below, or where State laws mandate placement of certain numbering/labelling in connection with this Facility. Where State law mandates that certain signs be installed in connection with electrical generation, collection, or transmission infrastructure, such as utility poles and/or substations, any contrary local provisions regarding such signs are preempted. However, in light of Section 8.11(C)'s emphasis on safety-related signage, the application of these State requirements would be consistent with the overall intent of these sections.
Section 7.6.2(2)(a), Temporary Constriction Signs Allowed without a Permit. There may be one unlighted sign not exceeding twenty (20) square feet in area on a lot identifying persons or firms involved in construction on that site, and one illuminated sign not exceeding forty (40) square feet in area, identifying the owner or activity for which the building is intended. Such sign shall not remain for more than one (1) year.	The Facility has been designed to comply with this requirement.
Section 7.8.3, Essential Services (defined to include substations). The location, design, maintenance and operation of essential services shall not adversely affect the	The Facility has been designed to comply with this requirement.

Substantive Provision	Degree of Compliance
character of nearby residential areas. For that purpose, fences, buffer areas, or landscaping may be required.	
Section 8.7(A). Wind Energy Overlay District permitted in AG-R District only.	While the Wind Overlay provisions themselves are procedural, the Facility will comply with the substantive use restriction articulated in this section, which limits wind energy facilities to AG-R Districts.
Section 8.10(A), Standards for WECS. Substantive standards shall apply to all WECS and related infrastructure	The Facility has been designed to comply with this requirement.
(A)(1) All power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent practicable.	The Facility has been designed to comply with this requirement.
(A)(2) No television, radio, or other communication antennas may be affixed or otherwise made part of any WECS	The Facility has been designed to comply with this requirement.
(A)(3) No advertising signs are allowed on any part of the Wind Energy Facility, including fencing and support structures.	The Facility has been designed to comply with this requirement.
(A)(4) No tower shall be lit except to comply with FAA requirements. Minimum security lighting for ground level facilities shall be allowed. Security lighting shall be designed to minimize light pollution, including the use of light hoods, low glare fixtures, and directing lights at the ground.	The Facility has been designed to comply with this requirement.
(A)(5) All applicants shall use measures to reduce the visual impacts of WECS to the extent possible. WECS 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 WECS within a Wind Energy Overlay Zone shall be constructed using wind turbines whose appearance, with respect to one another, is similar within and throughout the Zone, 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.	The Facility has been designed to comply with this requirement.
(A)(6) The use of guy wires is prohibited.	The Facility has been designed to comply with this requirement.
(A)(7) 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 be likely to produce electromagnetic interference with signal transmission or reception. No WECS shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.	The Facility has been designed to comply with this requirement.
(A)(8) All solid waste and hazardous waste and construction debris shall be removed from the Site and	The Facility has been designed to comply with this requirement.

Substantive Provision	Degree of Compliance
managed in a manner consistent with all appropriate rules and regulations.	
(A)(9) WECS shall be designed to minimize the impacts of 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.	The Facility has been designed to comply with this requirement.
(A)(10) WECS shall be located in a manner that minimizes significant negative impacts on rare animal species in the vicinity, particularly bird and bat species.	The Facility has been designed to comply with this requirement. See Exhibit 22 for details.
(A)(11) WECS and related infrastructure shall be located in a manner consistent with all applicable state and Federal wetlands laws and regulations.	The Facility has been designed to comply with this requirement. See Exhibit 22 for details.
(A)(12) Storm-water runoff and erosion control shall be managed in a manner consistent with all applicable state and federal laws and regulations.	The Facility has been designed to comply with this requirement. See Exhibit 23 for details.
(A)(13) The maximum total height of any WECS shall be 500 feet. ¹³	The Facility has been designed to comply with this requirement.
(A)(14) Construction of the WECS shall be limited to the hours of 6 a.m. to 9 p.m. except for certain activities that require cooler temperatures than possible during the day. ¹⁴	The Facility has been designed to comply with this requirement.
(A)(15) Substations required to serve WECS are an Essential Public Service under this Land Use Code. Substations shall be screened from public view to the extent possible.	The Facility has been designed to comply with this requirement.
(A)(17) Any construction or ground disturbance involving agricultural land shall be done in accordance with the NYS Department of Agriculture and Markets' publication titled Guidelines for Agricultural Mitigation for Wind Power Projects.	The Facility has been designed to comply with this requirement. See Exhibit 4 for details.
Section 8.11(A), Each WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.	The Facility has been designed to comply with this requirement.
8.11(B) If the property owner submits a written request that fencing be required, a six-foot-high fence with a locking portal shall be required to enclose each tower or group of towers. The color and type of fencing for each WECS installation shall be determined . . . as safety needs dictate.	The Facility has been designed to comply with this requirement. See Exhibit 18 for details.
8.11(C) Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of fence around each tower or group of towers and any building (or on the tower or building if there is no fence), containing emergency contact information,	The Facility has been designed to comply with this requirement.

¹³ Amended by Local Law Number 1 of 2017 § 2(1).

¹⁴ Amended by Local Law Number 1 of 2017 § 2(2).

Substantive Provision	Degree of Compliance
including a local telephone number with 24 hour, 7 day a week coverage.	
8.11(D) No climbing pegs or tower ladders shall be located closer than twelve (12) feet to the ground level at the base of the structure for freestanding single pole.	The Facility has been designed to comply with this requirement.
8.11(E) The minimum distance between the ground and any part of the rotor or blade system shall be twenty (20) feet.	The Facility has been designed to comply with this requirement.
8.11(F) WECS shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.	The Facility has been designed to comply with this requirement. See Exhibit 18 for details.
8.11(G) Accurate maps of the underground facilities shall be filed with the town and with "Dig Safety New York" or its successor.	The Facility has been designed to comply with this requirement.
<p>Section 8.12(A), Construction and delivery vehicles for WECS and/or associated facilities shall use traffic routes established as part of the permitting process. Factors to be used in traffic route selection include:</p> <ol style="list-style-type: none"> 1) minimizing traffic impacts from construction and delivery vehicles 2) minimizing WECS related traffic during times of school bus activity 3) minimizing wear and tear on local roads 4) minimizing impacts on local business operations <p>Permit conditions may require remediation during construction, limit WECS-related traffic to specified routes, and include a plan for disseminating traffic route information to the public, and all applicable state, county, and municipal highway authorities and superintendents whose roads are include in the WECS traffic routes plan. Notification to all applicable highway authorities and superintendents will include the number and type of vehicles and their size, their maximum gross weight, the number of round trips, and the dates and time periods of expected use of designated traffic routes.</p>	The Facility has been designed to comply with this requirement. See Exhibit 25 for details.
8.12(B) Applicant is responsible for remediation of damaged roads.	The Facility has been designed to comply with this requirement. See Exhibit 25 for details.
(C) If applicant uses any seasonal use highway in the off-season, it shall be solely responsible for the maintenance of said highway, including but not limited to snow plowing.	The Facility has been designed to comply with this requirement. See Exhibit 25 for details.
Section 8.13(A), The statistical sound pressure level generated by a WECS shall not exceed L10 50 dBA measured at the nearest off-site residence. ¹⁵	The Facility has been designed to comply with this requirement. See Exhibit 19 for details.
8.13(B) ¹⁶ Each WECS shall be set back from Site boundaries, measured from the center of the WECS, a minimum distance of:	The Facility has been designed to comply with this requirement. See Exhibit 6 for details.

¹⁵ Amended by Local Law Number 1 of 2017 § 2(3).

¹⁶ Formerly Section 8.13(E), prior to amendments by Local Law Number 1 of 2017 § (3).

Substantive Provision	Degree of Compliance
1) 1.5 times the total height of the WECS, with minimum of 500 feet, from the nearest Site boundary property line, except the setback shall be 500 feet where the boundary is with state, county, town, or village-owned property	
(B)(2) 1.5 times the total height, with a minimum of 500 feet, from the nearest public road	The Facility has been designed to comply with this requirement. See Exhibit 6 for details.
(B)(3) 1,000 feet from the nearest off-site residence existing at the time of Application, measured from the exterior of such residence	The Facility has been designed to comply with this requirement. See Exhibit 6 for details.
(B)(4) 100 feet from state-identified wetlands. This distance may be adjusted to be greater or lesser at the discretion of the reviewing body, based on topography, land cover, land uses, and other factors.	The Facility has been designed to comply with this requirement. See Exhibit 6 (setbacks) and Exhibit 22 (wetlands) for details.
8.13(C) ¹⁷ Other Wind Energy Facility structures and improvements shall comply with the underlying land use district regulations	The Facility has been designed to comply with this requirement.
Section 8.14, Noise Setback Easements, Variances. Adjoining owners can grant a waiver of noise and setback limits and, if they do, the adjoining parcel becomes part of the Site	The Facility has been designed to comply with this requirement.
Section 8.16, Abatement	To the extent that the Town's Wind Law requires that the Applicant provide some form of financial assurance for decommissioning purposes, and imposes a requirement that decommissioning is generally triggered if turbines are non-functional for a continuous 1-year period, the Facility will comply with those requirements. To the extent that the local law provisions impose Town-specific requirements regarding the particular financial assurances needed, or sets forth a Town-directed decommissioning process—some or all of which may differ from the requirements set forth in other Towns' local laws, which could create confusion and discrepancies within the same project—those provisions are preempted by Article 10. However, the Applicant will seek the cooperation and input of the Towns and other parties to develop a reasonable Facility-wide decommissioning and abatement plan, and expects that the specifics of that plan will be included as conditions to the Article 10 Certificate. See Exhibit 29 for details.
Section 8.18, Testing Fund; Permit Revocation	To the extent that these provisions require that the Applicant have a process for retaining and funding noise testing by a qualified third party to measure sound levels in response to complaints from the community, Applicant will comply with the spirit of

¹⁷ Formerly Section 8.13(F), but renumbered as a result of Local Law Number 1 of 2017 § 2(3).

Substantive Provision	Degree of Compliance
	<p>this provision in two ways. First, Applicant will employ a Complaint Resolution Plan which will detail its response to community member concerns on noise and other issues. Second, Applicant's Article 10 Certificate would likely require certain periodic noise testing by a qualified third party, and Applicant will seek the Town's input on those requirements. Thus, while these sections are procedural provisions preempted by Article 10, the local concerns underpinning this section—compliance with and enforcement of noise standards and decommissioning/removal of non-functioning wind facilities—will be addressed in other ways. See Exhibits 19 and 29 for details regarding noise and decommissioning, respectively.</p>
<p>Section 8.22(A), Standards for Wind Measurement Towers [as applied to permanent met towers only]: The distance between a Wind Measurement Tower and the property line shall be at least the Total Height of the tower. Sites can include more than one piece of property and the requirement shall apply to the combined properties. Exceptions for neighboring property are also allowed with the consent of those property owners.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 6 for details.</p>
<p>Town of Wayland</p>	
<p>Local Law Number 4 of 2017, Amended Local Law Regulating Wind Energy-Deriving Towers</p>	
<p>Article VII, Standards (1) Location:</p> <ul style="list-style-type: none"> • 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 link's operation unless the Applicant otherwise proposes to mitigate a disturbance in the communication links operation. • No individual tower facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna (including residential reception antenna) for radio, televised or wireless phone or other personal communication systems would likely to produce electromagnetic interference with signal transmission or reception. • 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 the operation of the wind energy- 	<p>The Facility has been designed to comply with these requirements. For details, see Exhibit 26 (communications), Exhibit 22 (avian impacts) and Exhibit 6 (setbacks).</p>

Substantive Provision	Degree of Compliance
<p>deriving tower will not have a significant impact on either migrating or resident birds.</p> <ul style="list-style-type: none"> All wind turbine towers shall be set back from adjacent property lines and any pre-existing structures/above-ground utility lines 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. 	
<p>(2) Fences and other anti-climbing devices shall control the proposed installation. A sign indicating electrical hazards shall be placed on the tower warning of electrical hazard and demand "no trespassing."</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 18 for details.</p>
<p>(3) All applicable utility regulations shall be satisfied as to interconnection and operation of interconnected systems.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 34 for details.</p>
<p>(4) The level of noise produced during wind tower operation shall not exceed forty-five (45) (dBA) Leq (8-hour) from the nearest non-participating, permanent residential structure, and fifty (50) (dBA) Leq (8-hour) measured at a participating residence or from any nonparticipating property boundary. Should a permanent, non-participating residence be constructed prior to the Tower Facility commencing operations, the level of noise shall not exceed forty-five (45) (dBA) Leq (8-hour) at the non-participating permanent residence.¹⁸ If the ambient noise level exceeds 45 dBA, then the permissible noise level shall be no more than the ambient noise level plus 6 dBA. If a participating property owner requests a waiver from these noise limitations, written documentation from said property owner must be provided.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 19 for details.</p>
<p>(5) Emergency Shutdown/Safety:</p> <ul style="list-style-type: none"> Applicant shall post emergency telephone number(s) so that the appropriate people may be contacted should any wind energy-deriving tower need immediate attention 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. 	<p>The Facility has been designed to comply with this requirement.</p>
<p>(6) Lighting: Wind energy-deriving towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA)</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 18 for details.</p>
<p>(7) Utility Service: All power transmission lines from the wind energy-deriving tower facilities to an on-site substation shall be underground to the maximum extent practicable.</p>	<p>The Facility has been designed to comply with this requirement.</p>
<p>(8) Height:</p>	<p>The Facility has been designed to comply with this requirement.</p>

¹⁸ The Applicant understands the Town is in process of passing a wind law with changes to the sound levels. The changes that have been introduced are presented here.

Substantive Provision	Degree of Compliance
<ul style="list-style-type: none"> The height of any wind energy-deriving tower shall not exceed 500 feet. The minimum distance between the ground and any part of the rotor blade should be a minimum of thirty (30) feet. 	
(9) 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.	The Facility has been designed to comply with this requirement. See Exhibits 11 and 25 for details.
(10) Accessory Structures/Facilities: Transmission facilities and/or buildings shall be located behind ridges or vegetation to screen from visibility.	The Facility has been designed to comply with this requirement.
(11) Security Provisions: No climbing device of any kind shall be attached to the wind turbine closer to twenty (20) feet from the ground. Climbing devices shall be added to the outside of each tower. Anti-climbing mechanisms shall be installed on any climbing devices for the first 10 feet.	The Facility has been designed to comply with this requirement.
Town of Wayland Protection and Conservation Development Law (Local Law 1 of 1997, as reenacted by Local Law 1 of 1998, and as amended by Local Law 1 of 2008)	
Section 2.2, Allowed General Uses. Utility distribution lines and utility facilities are allowed as special uses in all zoning districts.	The Facility has been designed to comply with this requirement.
Section 3.4.1, Location design and operation of utility lines. The location, design and operation of utility distribution lines, utility facilities . . . shall not adversely affect the character of nearby residential areas.	The Facility has been designed to comply with this requirement.

(j) Zoning Designation

Zoning regulations within the Facility Site are described in the Zoning Laws of the Towns of Cohocton, Fremont and Wayland, attached hereto as Appendix SSS. Figure 4-5, provided in Exhibit 4, shows the location of each Town’s zoning districts in relation to the proposed Facility. As discussed below, the Town of Dansville does not have traditional district-based zoning laws. Copies of the Towns’ zoning maps are included as Appendix SSS.

The Zoning Law of the Town of Cohocton establishes five underlying districts within the Town—Agricultural-Residential (AG-R) District, Low-Density Residential (LDR) District, General Business District (GB), Interchange Commercial (IC) District, and Industrial (I) District—as well as a Floodplain Overlay District (FP).

Wind energy facilities are permitted in the AG-R District as a Special Use. Utilities, specifically including electrical substations, are defined by the Town Zoning Law as “Essential Facilities” which are a use by right in all Town zoning

districts. The Applicant proposes 25 wind turbines, collection lines, access roads, one permanent met tower, and the point of interconnection and collector substations in the Town of Cohocton, all within the AG-R District. The Facility would be considered a permitted use in accordance with the local zoning ordinance. The substantive criteria for granting a special use permit are contained in the Town of Hounsfield Zoning Law Section 730.8. These criteria, which are set forth below, closely parallel the factors required to be considered by the Siting Board in its review of the Application.

- *General standards.* The Facility has been located and designed to be generally compatible with the other properties and uses in the area. Wind power facilities are generally located in rural areas. The Facility has been designed to avoid impacts to sensitive environmental features (e.g., surface waters, wetlands, and forestlands) to the maximum extent practicable. The Facility will largely preserve the existing uses of these properties for agricultural/forestry purposes.
- *Traffic.* As discussed in Exhibit 25, construction of the Facility may result in impacts to traffic. However, these impacts will be temporary and comparatively insignificant as they will be limited to the movement of personnel, equipment and supplies during construction. Once the Facility is operational, the only additional traffic associated with the Facility will involve the transportation of personnel, equipment and supplies associated with infrequent inspection, maintenance and repair activities.
- *Vehicle entrances and exits.* As discussed in Exhibit 25, vehicular movements associated with construction of the Facility will be carefully controlled. Once the Facility is operational, the turbines will be frequented by employees only as needed for inspection, maintenance and repairs. The access road to and from the turbine site will provide sufficient space to accommodate a service vehicle when it is on-site. All access roads will be gated to restrict access and will be open only when personnel are on-site.
- *Pedestrian ways.* No pedestrian ways are necessary in light of the limited access and rural location of the Facility Site. The Facility is not intended to serve the public. As a result, no access way to accommodate physically handicapped persons is necessary.
- *Preservation of trees and natural features.* As discussed above, the Applicant has designed the Facility to avoid impacts to wetlands and forestlands to the maximum extent practicable. In addition, the Facility has been designed to avoid unnecessary grading.
- *Stormwater.* The development has been designed so that stormwater will not be harmfully channeled onto adjacent properties and there will be no soil erosion onto adjacent properties. Construction of the Facility will be completed in accordance with a Stormwater Pollution Prevention Plan prepared and implemented in accordance with the State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activities issued by the New York State Department of Environmental Conservation. See Exhibit 23 for details.

- *Waste handling, parking and other service functions.* Any waste generated in conjunction with maintenance and repair of the turbines will be removed and disposed of in accordance with all applicable laws and regulations. No materials or equipment will be stored outside at the turbine sites. As previously noted, vehicles will be parked at the turbine sites only when inspection, repair and maintenance activities are taking place. The Facility is not anticipated to cause unsightly conditions, dust, trash, fumes, odors or glare. See Exhibit 19 for a discussion of noise impacts. The collection substation will be located immediately adjacent to an existing substation facility owned and operated by NYSEG that will serve as the point of interconnection for the Facility.
- *Signs.* As previously noted, no advertising signs will be located on the Facility. The signs at the Facility will be limited to those necessary for the proper functioning of the Facility, including ensuring the safety and security of persons and equipment. Where State or federal laws mandate the placement of certain signs, the Applicant will comply with these requirements.
- *Impairment of sunlight, air and view.* The Facility will not impair sunlight or air. In fact, construction of the Facility may displace fossil fuel-based electric generation, improving air quality by eliminating emissions of air pollutants that contribute to acid rain, smog and global climate change. See Exhibit 15 for a discussion of shadow flicker. See Exhibit 24 for a discussion of visual impacts.

The Cohocton zoning map does not show the location of the FP Overlay District. However, the local law establishing that overlay district indicates it is intended to be concurrent with 100-year floodplains established by FEMA, and is meant to provide additional development requirements where structures or buildings are proposed within a designated flood zone. The Applicant does not propose to construct components in the Town of Cohocton Floodplain Overlay District; therefore, the substantive requirements triggered by that overlay are not applicable to the Facility.

As previously noted, the Town of Dansville does not have traditional district-based zoning laws. The Town had proposed a standalone Wind Law at the time this application was filed with DPS. Baron Winds proposes three turbines in the Town of Dansville.

The Zoning Law of the Town of Fremont establishes three zoning districts, an Agricultural-Residential District (AG-R), a Low-Density Residential District (LDR) and a Land Conservation District (LC). Wind facilities are permitted special uses in the AG-R district. Further, utility infrastructure, such as a transmission line, subject to permitting by the State, is considered a permitted use as of right in any district, with the exception of wind energy generating devices, such as the turbines themselves, which are subject to regulation under the Town law. The O&M building is proposed in the Town of Fremont, as are 38 turbines and two permanent meteorological towers. All proposed components would be located within the AG-R district, where wind energy generation facilities are a special permit use.

The Facility would be considered a permitted use in accordance with the local zoning ordinance. The substantive criteria for granting a special use permit are contained in the Town of Fremont Land Use Regulation 4.2.4. These criteria, which are set forth below, closely parallel the factors required to be considered by the Siting Board in its review of the Application.

- *General standards.* With respect to turbines, see discussion of general standards in conjunction with Town of Cohocton above. The O&M building will be designed to be consistent with structures in the surrounding area. See Appendix N for the preliminary design of the O&M building; the design will be finalized once the Siting Board issues the Certificate and the BOP contractor has been selected.
- *Waste handling, parking, lighting and other service functions.* With respect to the turbines, see discussion of waste handling, parking and other service functions in conjunction with Town of Cohocton above. Parking at the O&M building will comply with the off-road parking requirements set forth in the Town of Fremont's Land Use Regulations Section 7.4.3. The turbines and O&M building will be lighted as set forth in Exhibit 18.
- *Signs.* See discussion of signs in conjunction with Town of Cohocton above.
- *Impairment of sunlight, air and view.* See discussion of impairment of sunlight, air and view in conjunction with Town of Cohocton above.
- *Stormwater.* See discussion of stormwater in conjunction with Town of Cohocton above.
- *Preservation of trees and natural features.* See discussion of preservation of trees and natural features in conjunction with Town of Cohocton above.
- *Traffic.* With respect to traffic generally, see discussion of traffic in conjunction with Town of Cohocton above. With respect to the O&M building, as discussed in Exhibit 25, once the Facility becomes operational, traffic will likely be concentrated around the O&M building relating to routine maintenance visits plus additional visits if maintenance issues arise.
- *Vehicle entrances and exits.* With respect to the turbines, see the discussion of vehicle entrances and exits in conjunction with the Town of Cohocton above. With respect to the O&M building, see the discussion of Town of Fremont Land Use Regulations Section 7.4.2(2) and (5) (standards for driveways), Section 7.4.3 (off-road parking), and Section 7.4.4 (off-road loading).
- *Pedestrian ways.* See discussion of pedestrian ways in conjunction with Town of Cohocton above.
- *Handicapped access.* The Facility is not intended to serve the public. Therefore, the provision requiring handicapped access does not apply.

The Town of Wayland has seven zoning districts: Agricultural-Residential (AG-R), Agricultural-Commercial (A-C), Aquatic (AQ), Commercial (C), Industrial (I), Critical Environmental Area (CEA) Overlay, and Watershed Protection Overlay Area. The Town Conservation and Development Law allows "utility facilities," which is defined to include

transmission lines, in all zones with a special use permit. In addition, the Town has enacted the “Wind Energy-Deriving Towers Law” (Local Law No. 4 of 2017), a separate law that addresses all aspects of wind energy development and covers both wind turbines and “accessory facilities or equipment,” which includes “[a]ny structure other than a wind turbine, related to the use and purpose of deriving energy from such towers, located at the tower facility.” The wind law establishes separate approval criteria for wind energy facilities that apply instead of the more general criteria under the Town Conservation and Development Law.

Baron Winds proposes 10 wind turbines and one permanent met tower in the Town of Wayland, all within the AG-R district. The Wind Energy-Deriving Towers Law does not limit wind turbines to any specific zoning district. The standards for granting approval to wind energy projects are spelled out in Articles VII through IX of the Town’s wind law. As discussed in Section (i) above, the Facility will comply with these standards and so is a permitted use in accordance with the local zoning ordinance. In addition, any turbines located in the CEA Overlay and Watershed Protection Overlay Areas will comply with the special restrictions set forth in Town of Wayland Protection, Conservation and Development Law § 2.2.4, in particular, the prohibition against “[e]xcavations or cut-ins which expose groundwater permanently or during maximum elevation of the water table, or which significantly reduce the thickness of the soil cover and thus ease the entrance of contaminants into the groundwater.”