

Agricola Wind Project

Permit Application No. 23-03002

1100-2.25 Exhibit 24

Local Laws and Ordinances

Revision 1

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EXHIBIT 24 LOCAL LAWS AND ORDINANCES

The Renewable Action through Project Interconnection and Deployment (RAPID) Act and its implementing regulations at Article VIII of the Public Service Law, (16 NYCRR Part 1100) provides for the review of major renewable energy facilities in New York State and establishes a unified proceeding rather than requiring a developer to apply for numerous state and local permits. The RAPID Act expressly states that no municipality or political subdivision or any agency thereof may require any approval, consent, permit, certificate, contract, agreement or other condition for the development, design, construction, operation or decommissioning of a major renewable energy facility with respect to which an application for a siting permit under Article VIII has been filed (RAPID Act, L 2024, Ch. 58 § 11 (Part O)). Therefore, to the extent that local municipalities require site plan approvals, special use permits, building permits, or any approval, consent, permit, certificate, contract, agreement, or other condition with respect to the Facility such review and approval is expressly preempted by Article VIII. This includes approvals by Town Boards, Planning Boards, or other Town employees with respect to local requirements for the Facility. For example, a requirement that the Planning Board approve the height of wind turbines would be pre-empted by Article VIII. Similarly, a requirement to enter into any agreements with the local municipality (e.g., Road Use Agreements or Decommissioning Agreements) would also be pre-empted, unless expressly authorized by the Office of Renewable Energy Siting and Electric Transmission (ORES, or the Office).

However, local substantive requirements not otherwise requiring local review or approvals (i.e., setbacks, height limits, and sound limits) will still be applied to the Facility by the Office. The RAPID Act provides that a final Siting Permit may only be issued if the Office makes a finding that the proposed Facility, together with any applicable Uniform Standard Conditions (USCs), Site Specific Conditions (SSCs), and compliance filings set forth in the Siting Permit would comply with applicable laws and regulations. In making this determination, the Office may elect not to apply, in whole or in part, any local law or ordinance which would otherwise be applicable if it makes a finding that, as applied to the proposed Facility, it is unreasonably burdensome in view of the Climate Leadership and Community Protection Act (CLCPA) targets and the environmental benefits of the proposed Facility. (RAPID Act, L 2024, Ch. 58 § 11 (Part O)). The Applicant has designed the Facility to conform to all such substantive local requirements, except for those requirements identified below for which the Applicant requests the Office elect not to apply. See Appendix 24-C Statement of Justification.

CONSULTATION WITH LOCAL MUNICIPALITIES

The Applicant's intentions are to design a Facility that assists New York State in achieving its renewable energy production and greenhouse gas emission reduction goals, while minimizing environmental impacts and balancing reasonable local concerns. See Exhibit 17 for a discussion of the Facility's consistency with energy planning objectives. The Applicant intends to operate the Facility and establish itself as a long-term respected member of the local community, and this intent has been implemented through ongoing stakeholder engagement and responsiveness in the Facility design. See Exhibit 2, Appendix 2-A, and Appendix 2-B for a summary of local engagement and outreach efforts.

The proposed Agricola Wind Project (the Facility) will be located in Cayuga County, New York, within the Towns of Scipio and Venice. Beginning in 2020 during early-stage development, and continuing throughout the pre-application process, the Applicant has consulted with the Towns of Scipio and Venice. Outreach has included public open houses and meetings with elected town officials and governing bodies, as further identified in Exhibit 2, Appendix 2-A and 2-B. The Applicant conferred with the Towns on a range of issues, including identifying relevant substantive local laws and ordinances that could apply to the Facility.

The Town of Scipio has adopted a Zoning Ordinance, which includes regulations for the construction and operation of Wind Energy Facilities in the Town. (Appendix 24-A, Town of Scipio Zoning Ordinance, Article XI: Wind Energy Systems). In 2023 and 2024, the Applicant consulted with the Town regarding the wind regulations and their applicability to the proposed Facility through written letters dated November 8, 2023 and December 13, 2023, and through the Applicant attending several Town and Planning Board meetings. (Appendix 2-B). As a result of those consultations, the Town of Scipio updated its zoning ordinance to amend the definition of "Wind Energy Facility, Community" to "a wind energy conversion system that benefits the Scipio Community, and/or interconnects to the utility grid, consisting of one (1) or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 20 kW." This revision was adopted in Local Law #1 of 2024, Amending the Town of Scipio Zoning Ordinance, on July 29, 2024, to clarify that wind generating facilities greater than 20 MW, such as the proposed Agricola Wind Project, are permitted uses in the Agricultural/Residential District ("ARD") and are regulated by Article XI of the Town Zoning Ordinance. Additionally, the Town amended the minimum setback requirements for facilities that fall under the amended definition of a "Wind Energy Facility, Community."

The Applicant also worked closely with the Town of Venice over the past year after they began considering changes to their local wind law (Local Law #1 of 2022, Wind Energy Facilities Law). During this time the Applicant provided detailed feedback to the Town on their local wind law and communicated with the Town any concerns the Applicant had regarding the proposed local law as it may be applied to the Facility. Consultation occurred through written letters dated March 8, 2024 and April 24, 2024, and through the Applicant's participation in Town Board meetings and special public work sessions for the local law, as well as email correspondence (Appendix 24-B). The Applicant's intent was to be responsive, collaborative, and forthright in communication efforts with the Town representatives and interested residents. The Town formally adopted "Local Law #2 of 2024, Wind Energy Facilities Law of the Town of Venice" on September 17, 2024.

As a result of these consultations with the local municipalities on their local laws, the Applicant has identified substantive local laws, ordinances, and other regulations, standards, and/or requirements that may be applicable to the construction, operation, or decommissioning of the Facility. On October 9, 2024, the Applicant provided the Towns with a letter outlining the below identified laws (Appendix 24-B). This Application reflects the local laws as they existed at the time of the Application submission and is intended to identify the areas of local codes relevant to the proposed Facility.

Throughout the design of the Facility the Applicant has worked to reduce the number of waivers needed to construct and operate the Facility and ensure that the requests are the minimum necessary.

(a) List of Substantive Local Ordinances/Laws Applicable to Facility Construction and Operation

The Applicant has designed the Facility in conformance with all local substantive requirements, to the extent practicable, except for those substantive requirements identified in Section I below, for which the Applicant seeks a waiver from ORES. Below is a list of substantive local laws and ordinances that may be applicable to the construction and operation of the Facility. See Appendices 24-A and 24-B for copies of the local laws and ordinances that include the substantive provisions described below.¹

Town of Scipio

- Town of Scipio Zoning Ordinance, as amended by Local Law No. 1 of 2024:
 - Article IV
 - Section 4.05 Use Table: Wind Energy Facilities are permitted upon issuance of a special use permit in ARD Zoning District
 - Article V
 - Section 5.07(20) requires: All Wind Energy Systems shall meet the requirements of Article XI.
 - Article VI
 - Section 6.01(K) Traffic Visibility Corners
 - Section 6.02 (A)(3) Fences
 - Article VII
 - Section 7.02 - Environmental Performance Standards
 - Section 7.03 - Erosion and Sediment Control
 - Section 7.04 - Steep Slope Regulations
 - Article XI
 - Section 11.04 (B) Wind Energy Facility Use Regulation
 - Section 11.06 Setbacks
 - Section 11.07 Installation and Design
 - Section 11.08 Decommissioning
- Local Law No 3 of 2022 for the Administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code

Town of Venice

- Local Law 2 of 2024, Wind Energy Facilities Law
 - Section 8 - Standards
 - Section 9 – Noise and Setback Variances
 - Section 11 (1-13) and (15-17)– Decommissioning
 - Section 13 (1), (2), (4), (5), and (7) – Other Operating Considerations and Permit Revocation

¹ This section will include all substantive local laws and ordinances enacted up to the time of Application.

- Section 14 (3) – Certifications
- Section 15 (3) – Standards for Wind Measurement Towers
- Local Law No. 3 of 2023, A Local Law Establishing a Local Government Code Enforcement Program (Administration and enforcement of the New York State Uniform Fire Prevention and Building Code Local Law)

The interconnection facilities will be located within the Town of Venice. To accommodate these Facility components, Agricola Wind intends to subdivide the current parcel to create separate parcels, and following construction the POI substation and lot will be transferred to New York State Electric and Gas (NYSEG). The Town of Venice does not have regulations for subdivision proposals. Therefore, as part of the transfer, the Applicant will file the lot line adjustment reflecting the subdivision with Cayuga County.

Cayuga County

In Cayuga County, as in much of New York State, zoning authority is held by towns, villages, and cities. Cayuga County does not have any applicable laws, ordinances, regulations, standards or other requirements applicable to the construction or operation of the Facility. Therefore, the Applicant has not identified any substantive provisions for Cayuga County. To the extent that Cayuga County requires driveway permits, special hauling permits or highway work utility permits the Applicant is requesting that ORES expressly authorize the County to issue such permits.

Local Ordinances/Laws Applicable to Road Use

As part of the construction and operation of the Facility the Applicant will need to:

1. Transport personnel, parts, equipment, and materials on the municipal roads, including oversized and overweight vehicles (e.g., turbine deliveries). Additional details regarding the proposed haul routes are included in Exhibit 16 and Appendix 16-A.
2. Perform work in municipal roads, including widening roads, installing temporary turning radii, and making certain roads improvements (e.g., driveway entrances and culvert repairs/replacements). Additional details regarding the proposed road improvements are included in Appendix 5-A, Exhibit 16, and Appendix 16-A.
3. Place underground and overhead electrical collection and communication cables, conduit and other wires and cables in close proximity to or under or across certain municipal roads, including the placement of footings, foundations, towers, poles, crossarms, guy lines and anchors, circuit breakers, junction boxes and other machinery and equipment related to the underground and overhead lines. Additional details regarding the installation of underground and overhead electrical collection and communication cables are included in Exhibit 5 and Exhibit 21. The Applicant has or will obtain all necessary real property rights from underlying landowners as outlined in Exhibit 4.

The Town of Venice includes provisions in the Wind Energy Facilities Law for access roads and road mitigation, including provisions for remediation of damaged roads as a result of Facility construction. See

Section 8(7) of the Wind Energy Facilities Law. The Town of Scipio Zoning Ordinance includes provisions for traffic standards. See Town of Scipio Zoning Ordinance, Article VII, Section 7.02(K).

The Applicant anticipates negotiating Road Use Agreements (RUAs) with the County and Towns and will continue to consult with the County and Towns regarding the use of local roads. See Appendix 2-A for information on consultations conducted to date on this topic. However, in the absence of a RUA, as with other provisions of local law, the Town and County's review and approval authority is limited by Article VIII, and Agricola Wind is requesting that ORES retain its authority with respect to review and approval of the above identified uses of Town roads should the Applicant and the County/Town(s) not enter into a RUA. Final details regarding the use of local roads and whether the Applicant entered any RUAs will be provided as part of the Applicant's Final Traffic Control Plan submitted pursuant to 16 NYCRR Part 1100-10.2(8).

(b) List of Substantive 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, construction of the Facility's operations and maintenance (O&M) facility will involve the installation of a well and septic system. No water and/or sewer districts are located in proximity to this facility. These planned services would be subject to local ministerial permitting; Cayuga County Health Department approval would be required.

(c) List of Substantive Local Ordinances/Laws That the Applicant Requests the Office Not Apply

At this time, the Applicant anticipates complying with all substantive local laws and ordinances to the greatest extent practicable. However, the Applicant is requesting a waiver of the sections of local laws identified below and further outlined in Appendix 24-C.

Town of Scipio

Town of Scipio Zoning Ordinance, as amended by Local Law No. 1 of 2024:

- Section 11.06 Minimum Setback Requirements
- Section 11.08 Decommissioning
 - A. The Wind Energy Facility Owner shall have six (6) months to complete decommissioning if no electricity is generated for a continuous period of twelve (12) months.

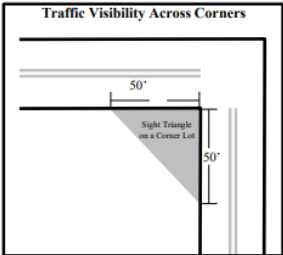
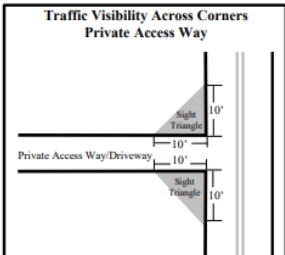
Town of Venice

The Applicant is requesting no waivers in the Town of Venice.

(d) Summary Table of Substantive Local Requirements

Table 24-2 provides a list of all applicable substantive requirements to the Facility and a description of how the Applicant plans to adhere to those requirements.

Table 24-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Scipio</i></p> <p style="text-align: center;">Town of Scipio Zoning Ordinance, as amended by Local Law No. 1 of 2024:</p>	
<p>Section 6.01 K. Traffic Visibility Across Corners</p> <p>(1) On any corner lot, no wall, fence, or other structure shall be erected or altered, and no hedge, tree, shrub, or other plant except agricultural crops shall be maintained which may cause danger to traffic on public streets by obscuring the view. Visual obstructions shall be limited to a height of not more than three (3) feet above street level within the triangular area bounded by the street lines and a straight line drawn between points on each such street line fifty (50) feet from the intersection of said lines. See Figure 2.</p> <p>(2) Where a private access way intersects a public street, visual obstructions shall be limited to a height of not more than three (3) feet above street level within the triangular area bounded by the street line, the edge of the private access way, and a straight line drawn between points on both the street line and the edge of the access way ten (10) feet from the intersection of said lines. See Figure 3.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;">   </div> <p style="text-align: center;">Figure 2: Sight Triangle on a Corner Lot</p> <p style="text-align: center;">Figure 3: Sight Triangle at a Driveway</p>	<p>The Facility will be designed to comply with this requirement. See Appendix 5-A for further information.</p>
<p>Section 6.02 (A)(3)</p> <p>(3) Fences.</p> <p>a. No fence exceeding seven (7) feet in height shall be permitted anywhere within the Town, except that a fence up to twelve (12) feet in height may enclose a tennis court, provided that it complies with applicable setback requirements</p> <p>b. No fence shall be constructed in a road or street right-of-way. No fence, in any case, shall impair visibility for traffic and pedestrian</p>	<p>The Facility has been designed to comply with this requirement. See Appendix 8-A for more information on fencing proposed within the Facility Site.</p>

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Scipio</i> Town of Scipio Zoning Ordinance, as amended by Local Law No. 1 of 2024:</p>	
<p>safety. All fences are subject to the Traffic Visibility requirements found in Section 6.01, K of this Article.</p> <p>c. Fences shall be set back a minimum of one foot from the respective property line, with the exterior (good) side of the fence facing out, and with the wiring, structural elements or other components of the fencing not designated for presentation to the public facing in.</p> <p>d. Agricultural fences. Agricultural fences shall be exempt from the requirements of this Section, listed in sub-sections a and b above.</p>	
Section 7.02 - Environmental Performance Standards.	
<p>C. Smoke, dust and other atmospheric pollutants.</p> <p>(1) General control. The emission of smoke and other particulate matter shall not be permitted in violation of applicable regulations of the New York State Department of Environmental Conservation (DEC), including but not limited to 6 NYCRR Part 201. Pollutants that are not regulated by the DEC shall not be emitted if they pose a substantial risk to public health, safety, or welfare.</p> <p>(2) Maximum permitted emission of dust.</p> <p>a. The emission of dust related to combustion for indirect heating from any source shall not exceed 0.30 pounds of dust per thousand pounds of flue gas adjusted to fifty percent excess air for combustion.</p> <p>b. There shall be no measurable emission of dust or other particulate matter not related to combustion for indirect heating.</p> <p>c. Properties shall be suitably improved and maintained with appropriate landscaping, paving, or other materials to minimize windblown dust and other particulate matter.</p>	<p>The Facility will comply with this requirement. See Appendix 13-C for additional information.</p>
<p>D. Odor. With the exception of those agricultural and farming operations that are subject to the applicable provisions of Article 25-AAA of the New York Agriculture and Markets Law, no land use shall be permitted which emits any discernible obnoxious odor outside the lot on which the use is conducted.</p>	<p>The Facility will comply with this requirement. See Appendix 13-C for additional information.</p>
<p>E. Toxic or noxious matter. No use shall be permitted which will cause the release of toxic or noxious fumes or other matter outside the building in which the use is conducted.</p>	<p>The Facility will comply with this requirement. See Appendix 13-C for additional information.</p>
<p>F. Radiation. The handling, storage or disposal of radioactive materials or waste by-products shall be conducted strictly in accordance with applicable federal and state standards.</p>	<p>The Facility will comply with this requirement. See Appendix 13-C for additional information.</p>

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Scipio</i></p> <p style="text-align: center;">Town of Scipio Zoning Ordinance, as amended by Local Law No. 1 of 2024:</p>	
G. Electromagnetic interference. No operation shall be permitted which produces any perceptible electromagnetic interference with normal radio or television reception in any area, unless federal or state regulation requires such operation to be permitted.	The Facility has been designed to comply with this requirement. See Exhibit 20 for additional information.
H. Fire and explosion hazard. All activities involving the use or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion.	The Facility will comply with this requirement. See Appendix 6-B for additional information.
I. Exterior illumination and glare. All exterior lighting, including security lighting, in connection with all buildings, signs or other uses shall be shielded and directed downward and away from adjoining streets and properties. The Planning Board may require special efforts to reduce the impacts of exterior lighting, such as limiting hours of lighting, planting screening vegetation, or installing light shields to alleviate the impact of objectionable or offensive light and glare on neighboring residential properties and public thoroughfares.	The Facility will comply with this requirement. See Appendix 8-B for additional information.
J. Liquid and solid wastes. The discharge of any or all wastes shall be permitted only if in complete accordance with all standards, laws and regulations of the Cayuga County Health Department, New York State Department of Environmental Conservation or any other regulatory agency having jurisdiction. Facilities for the storage of solid waste shall be so located and designed as to be screened from the street or from any adjoining property and so as to discourage the breeding of rodents or insects.	The Facility will comply with this requirement. See Appendix 13-D for additional information.
K. Traffic. For the purpose of preventing congestion in the streets, promoting the safe and efficient use of public transportation, protecting air quality, promoting fuel conservation, and otherwise protecting the public health, safety and welfare, the following specific traffic standards are hereby established to serve as a guide for Town officials and agencies in the review of applications for development approvals: (1) The applicant of any development shall provide the Planning Board with information pertaining to potential traffic generation.	This local law provision is procedural and supplemented by Article VIII requirements. The Applicant intends to enter a RUA with the Town within which these provisions will be addressed.
Section 7.03 - Erosion and Sediment Control. A. In order to ensure that land situated within the Town of Scipio is developed with a minimum amount of soil erosion and sedimentation, for any site plan, special permit, or subdivision application, the Planning Board shall require that an Applicant submit a plan demonstrating compliance with the following control practices:	The Facility will comply with this requirement. See Appendix 13-C for additional information.

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Scipio</i> Town of Scipio Zoning Ordinance, as amended by Local Law No. 1 of 2024:</p>	
<p>(1) The Applicant shall provide effective sediment control measures for planning and construction of proposed developments. The following principles shall be applied as deemed appropriate:</p> <ul style="list-style-type: none"> a. The smallest practical area of soil shall be exposed (vegetation removed) at any one time during the development. b. When soil is exposed (vegetation removed) during development, the exposure shall be kept to the shortest practical period of time. c. Temporary vegetation and other protective measures shall be used to protect critical areas exposed during development. d. Sediment basins or debris basins (silting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters on lands undergoing development. e. Provision shall be made to effectively accommodate the increased runoff caused by changing soils and surface conditions during and after development by conveyance through filtration beds. f. Permanent final vegetation and structures shall be installed as soon as practical in the development process. g. The development plan shall use best practices to ensure that topography and exposure of soils minimize erosion potential. h. Wherever feasible, natural vegetation shall be retained and protected. <p>(2) A permit, to be issued by the CEO, is required to grade and/or shape the topography in accordance with Subsection 6 below.</p> <p>(3) Design standards. Design standards and specifications for erosion and sedimentation control shall be as specified in the Empire State Chapter Soil and Water Conservation Society, New York Guidelines for Urban Erosion and Sediment Control.</p> <p>(4) All erosion and sedimentation control measures shall be installed prior to beginning any other land disturbances. Such devices shall not be removed until the disturbed land areas are permanently stabilized.</p> <p>(5) All erosion and sediment control measures shall be periodically inspected by the CEO and shall be maintained by the Applicant or his successors in conformance with an approved schedule, so as to ensure effective operating conditions until such time as they are removed.</p> <p>(6) Erosion and sediment control measures shall comply with all applicable regulations and permit requirements of the New York State Department of Environmental Conservation. For any</p>	

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Scipio</i> Town of Scipio Zoning Ordinance, as amended by Local Law No. 1 of 2024:</p>	
<p>construction activity covering more than one acre, the applicant shall file with the DEC, with a copy to the CEO, a notice of intent form 60 days prior to commencing excavation or grading in order to comply with the State Pollution Discharge Elimination System (SPDES) General Permit (GP) No. 02-01.</p>	
<p>Section 7.04 - Steep Slope Regulations.</p> <p>A. The Town finds that the alteration of steep slope areas poses potential risks of erosion, sedimentation, landslides, and the degradation of scenic views. Accordingly, the following requirements are hereby imposed in areas with slopes exceeding 15%. Where a soil erosion and stormwater control plan is required by Section 7.03 such plan shall provide the information needed to comply with this Ordinance.</p>	<p>The Facility will comply with this requirement. See Appendix 13-C for additional information.</p>
<p>(1) For any subdivision, special permit, site plan, building permit, zoning permit, or variance that involves the disturbance of slopes greater than 15%, conditions shall be attached to ensure that:</p> <p>a. Adequate erosion control and drainage measures will be in place so that erosion and sedimentation does not occur during or after construction.</p> <p>b. Cutting of trees, shrubs, and other natural vegetation will be minimized, except in conjunction with logging operations performed pursuant to applicable guidelines of the New York State Department of Environmental Conservation.</p> <p>c. Safety hazards will not be created due to excessive road or driveway grades or due to potential subsidence, road washouts, landslides, flooding, or avalanches.</p>	<p>The Facility will comply with this requirement. See Appendix 13-C for additional information.</p>
<p>(2) No disturbance, including cutting of vegetation or construction of driveways, shall be permitted on any slope of 25% or greater, except in any of the following circumstances:</p> <p>a. As may be needed for stream bank stabilization, foot trails and utility lines.</p> <p>b. In conjunction with timber harvesting operations performed pursuant to applicable guidelines of the New York State Department of Environmental Conservation.</p> <p>c. In conjunction with activities of a farm operation protected by an exemption under Section 7.05 below.</p> <p>d. Where an applicant can demonstrate that there is no feasible alternative and that the impacts of any land disturbance will be fully mitigated by the best available engineering, erosion control, and visual impact mitigation practices.</p>	<p>The Facility has been designed to comply with this requirement. See Appendix 5-A for additional details.</p>

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Scipio</i> Town of Scipio Zoning Ordinance, as amended by Local Law No. 1 of 2024:</p>	
(3) Slope determinations shall be made based upon the topographic information required for a particular approval, along with such other topographic information as the reviewing board or official shall reasonably require or the applicant shall offer.	This section is procedural or otherwise does not contain a substantive standard.
(4) For purposes of determining the location of steep slope areas, only contiguous slopes containing at least 3,000 sq. ft. shall be considered.	The Facility has been designed to comply with this requirement. See Appendix 5-A for additional details.
(5) No driveway, vehicular access lane, or private road may be constructed that exceeds a 15% slope for more than 5% of its total length.	The Facility has been designed to comply with this requirement. See Appendix 5-A for additional details.
Section 7.05 - Protection of Agriculture A. Wherever agricultural uses and other uses unrelated to the agricultural operations abut, the Applicant for the nonagricultural use shall provide buffers to reduce the exposure of these abutting uses to odors, noise, and other potential activities that some might find objectionable associated with the agricultural operation. Such buffers may consist of vegetative screening, woodlands, vegetated berms, fences, or natural topographic features, at the discretion of the reviewing board.	The Facility will comply with this requirement, to the extent applicable. The setbacks established in the Article VIII regulations address this requirement.
Section 9.02 Exempt Signs A. The following types of signs may be erected and maintained without zoning permits, board review, or fees, provided that these signs comply with the general regulations in Section 9.04 and with all other requirements of this Ordinance. As used in this Section, the term "residential uses" shall include mixed-use lots on which at least 50% of the floor space is residential. (1) Permanent signs. d. Noncommercial information signs. Signs providing noncommercial information to the public, including community service information signs, public utility information signs, safety signs, danger signs, no trespassing signs, signs indicating scenic or historic points of interest, traffic control signs, directional parking signs, and all signs erected by a public officer in the performance of a public duty.	The Facility will be designed to comply with this requirement. See Exhibit 8 and Appendix 8-B for additional information.

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Scipio</i> Town of Scipio Zoning Ordinance, as amended by Local Law No. 1 of 2024:</p>	
<p>Section 9.03 - Prohibited Signs</p> <p>A. No off-premises commercial signs shall be allowed, except that signs not exceeding 4 sq. ft. directing the public to specific establishments may be allowed with site plan approval by the Planning Board.</p> <p>B. No exterior sign shall be illuminated internally, and no sign shall contain flashing, intermittent, rotating, or moving lights, except that one neon sign not exceeding 3 sq. ft. may be allowed inside the window of a business establishment.</p> <p>C. Portable signs that are mounted on wheels, including motor vehicles or trailers parked in one location for more than 30 days in any calendar year and functioning primarily as signs, shall be prohibited.</p> <p>D. No permanent sign or any part thereof shall contain or consist of any moving, rotating, or revolving device.</p>	<p>The Facility will be designed to comply with this requirement. See Exhibit 8 and Appendix 8-B for additional information.</p>
<p>Section 9.04 General Sign Regulations</p> <p>A. All signs that are not prohibited by Section 9.03 above are regulated by this section. Signs that are not exempt under Section 9.02 shall require building permits. However, if signs are proposed in connection with any special permit or site plan application, such signs shall be reviewed and approved under applicable criteria for the principal uses and shall not require a separate building permit if constructed pursuant to an approved plan.</p> <p>(1) Permit applications. Applications for new signs or proposed changes in existing signs shall include a scaled drawing showing the type of lettering, sign dimensions, colors, materials, and method of illumination, if any, and a plan showing the location of the sign on the building or property. A building permit shall be required for any change in the size, shape, lighting, materials, or location of an existing sign. No building permit shall be required if only the words or images on the sign are changed.</p> <p>(2) Location and maintenance. a. Signs shall be erected, constructed, and maintained in a manner that does not obstruct traffic movement or visibility or cause any hazard to public safety. b. No signs shall be placed, painted, or drawn on utility poles, bridges, culverts, or other road or utility structures or signposts, or on trees,</p>	<p>The Facility will be designed to comply with this requirement. See Exhibit 8 and Appendix 8-B for additional information.</p>

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Scipio</i> Town of Scipio Zoning Ordinance, as amended by Local Law No. 1 of 2024:</p>	
<p>rocks, or other natural features, except that signs not exceeding one square foot posting property boundaries may be placed on trees. No signs shall be placed on municipally owned property without permission of the Town Board. c. All signs shall be kept in good repair. Painted surfaces shall be kept neatly painted at all times.</p> <p>(3) Sign area and height.</p> <p>a. Freestanding signs. Individual freestanding signs shall not exceed 16 sq. ft. in area nor 10 feet in height. Freestanding signs that are grouped together on one sign structure shall not exceed a cumulative total of 50 sq. ft. per structure, and the individual components of such groupings shall be large enough to be read safely by passing motorists traveling at the speed limit.</p> <p>b. Projecting signs. Projecting signs shall not exceed 12 sq. ft. in area and shall not project more than four feet from the side of the building. The bottom of such signs shall be no lower than 10 feet and no higher than 15 feet above the finished grade.</p> <p>c. Wall-mounted signs. Wall-mounted signs shall not exceed 32 sq. ft., extend more than one foot from the surface of the wall, cover more than 10% of the front surface of a building, cover a window, obscure architectural detailing, interrupt a roofline, or be placed on the roof of a structure.</p> <p>d. Awning signs. The valance portion of an awning may be used as a sign, with a maximum of 12 sq. ft. of sign area. The bottom of the awning shall be at least eight feet above the finished grade.</p> <p>e. Sign area bonuses. To encourage design excellence, the maximum sizes for individual signs specified above may be increased if the criteria below are satisfied. Sign bonuses shall not apply to exempt signs or to freestanding signs that exceed 6 feet in height. Although a separate increase is granted for compliance with each of the criteria and the total is cumulative, each percentage increase is based on the original sign size limitation. Maximum sign sizes shall be allowed to increase as follows:</p> <ol style="list-style-type: none"> 1. Fifteen percent when the sign is made of wood. 2. Fifteen percent if the sign is designed to contain only the identification of the establishment without advertising any products sold on the premises. 	

Local Substantive Law	Compliance
<p align="center"><i>Town of Scipio</i></p> <p align="center">Town of Scipio Zoning Ordinance, as amended by Local Law No. 1 of 2024:</p>	
<p>3. Twenty percent if the sign is the only sign identifying the establishment or its principal product.</p> <p>4. Twenty percent if the sign is not designed or used with illumination.</p> <p>f. Maximum cumulative sign area per lot. The maximum amount of total sign area per lot shall be 1 sq. ft. of total sign area for every 2 linear feet of lot frontage on a public street.</p> <p>g. Maximum area per sign. Notwithstanding any provision of this section to the contrary, no sign or grouping of signs shall be greater than 100 sq. ft. in size.</p> <p>(4) Illumination. No illuminated sign or lighting device shall be placed or directed so that its light is directed or beamed:</p> <p>a. Toward a residence;</p> <p>b. Upon a public street, highway, sidewalk, or adjacent premises in a manner that causes glare or reflection sufficient to constitute a nuisance or a traffic hazard; or</p> <p>c. Upward toward the sky.</p>	
<p>Section 11.04 B</p> <p>B. "Community Wind Energy Facilities" are permitted by special permit, subject to site plan review, in the Agricultural/Residential District only.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 3 for additional information.</p>
Section 11.06 Wind Energy Facility Setbacks: Minimum Setback Requirements	
Occupied Buildings on Participating Landowner Property: 1.1	<p>The Facility has been designed to comply with this requirement. See Figure 24-1 for additional information.²</p>
Occupied Buildings on Non-Participating Landowner Property: 2.5	<p>The Applicant has designed the Facility to meet this requirement to the extent practicable, however waivers are needed for certain turbine locations. See</p>

² Note: Figure 24-1 includes all setback distances identified in the Article VIII regulations and in all local laws. To the extent applicable, residences, commercial structures, above ground power lines, and other features are included or otherwise evident in the aerial imagery. All applicable features have been included in the Applicant's diligence in assessing compliance.

Local Substantive Law	Compliance
<p align="center"><i>Town of Scipio</i></p> <p align="center">Town of Scipio Zoning Ordinance, as amended by Local Law No. 1 of 2024:</p>	
	Appendix 24-C for additional information.
Property Lines on Non-Participating Landowner Property: 1.5	The Applicant has designed the Facility to meet this requirement to the extent practicable, however waivers are needed for certain turbine locations. See Appendix 24-C for additional information.
Public Roads: 1.5	The Applicant has designed the Facility to meet this requirement to the extent practicable, however waivers are needed for certain turbine locations. See Appendix 24-C for additional information.
<p>A. The setback is calculated by multiplying the required setback number by the Wind Turbine Height and measured from the center of the wind turbine base to the property line, Public Road, or nearest point on the foundation of an Occupied Building.</p> <p>(1) Setbacks provisions may be waived if the following conditions are met:</p> <p>a. Property owners may waive the setback requirements for Property Lines and/or Occupied Buildings on the Participating Landowner property and/or Non-Participating Landowner property by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.</p> <p>b. The written waiver shall notify applicable property owner(s) of the setback required by this Article, describe how the Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to waive the setback as required by this Article.</p> <p>c. Any such waiver shall be signed by the applicant, the Participating Land Owner(s) and/or Non-Participating Landowner(s), and recorded in the Cayuga County Clerk's Office.</p>	The Facility complies with this requirement to the extent it requires agreements between the Applicant and the landowner with respect to setbacks.
Section 11.07 - Installation and Design	
A. The installation and design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute, and take into consideration local conditions.	The Facility has been designed to conform to applicable industry standards and local conditions to the maximum extent practicable. The Applicant will comply with the

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Scipio</i></p> <p style="text-align: center;">Town of Scipio Zoning Ordinance, as amended by Local Law No. 1 of 2024:</p>	
	conditions of its Siting Permit if granted, which may include waivers of substantive provisions of this local law as described in the Applicant's Article VIII Application.
B. All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes.	The Facility has been designed to comply with this requirement. See Exhibits 5 and 21 for additional information.
C. Any on-site collector system shall, to the maximum extent possible, be placed underground.	The Facility has been designed to comply with this requirement. See Appendix 5-B for additional details on the proposed electrical design of the Facility Site.
D. The visual appearance of Wind Energy Facilities shall at a minimum: (1) Be a non-obtrusive color such as white, off-white or gray; (2) Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and, (3) Not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, Facility Owner and Operator.	The Facility has been designed to comply with this requirement. See Exhibit 8 and Appendix 8-B for additional information.
E. Active Farmland Protection. For all Community Wind Energy Facility projects proposed on agricultural land in the Town of Scipio, the developer or project company shall adhere to and incorporate at a minimum the standards and requirements in NYSDAM's guidelines for mitigating construction impacts on agricultural land during the following stages of a Community Wind Energy Facility project: Construction, Restoration, Monitoring and Remediation. These guidelines apply to project areas subject to ground disturbance within agricultural lands. In areas of particularly sensitive or highly productive soils the Planning Board may impose construction requirements which are stricter than those in the NYSDAM guidelines. A copy of New York State Department of Agriculture and Markets (NYSDAM) Guidelines for Agricultural Mitigation for Wind Power Projects, dated April 19, 2018 or as revised can be found online and is also on file with the Planning Board and Code Enforcement Officer.	The Facility has been designed to comply with this requirement. See Exhibit 15 for additional information.

Local Substantive Law	Compliance
<p align="center"><i>Town of Scipio</i></p> <p align="center">Town of Scipio Zoning Ordinance, as amended by Local Law No. 1 of 2024:</p>	
Section 11.08 - Decommissioning	
A. The Wind Energy Facility Owner shall have six (6) months to complete decommissioning of the Facility if no electricity is generated for a continuous period of twelve (12) months.	The Applicant is seeking a waiver of this provision. See Appendix 24-C for additional information.
B. Decommissioning shall include removal of wind turbines, cabling, electrical components, any other associated facilities down to 36 inches below grade with the exception of buildings, roads, footings and pads that the landowner makes written request to retain.	The Facility has been designed to comply with this requirement. See Appendix 23-A for additional information.
C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.	The Facility has been designed to comply with this requirement. See Appendix 23-A for additional information.
D. For all Community Wind Energy Facility projects proposed on agricultural land in the Town of Scipio, the developer or project company shall adhere to and incorporate at a minimum the standards and requirements in NYSDAM's Guidelines for Agricultural Mitigation for Wind Power Projects for construction, restoration, monitoring and remediation	The Facility has been designed to comply with this requirement. See Exhibit 15 and Appendix 23-A for additional information.

Local Substantive Law	Compliance
<p align="center"><i>Town of Venice</i></p> <p align="center">Local Law 2 of 2024, Wind Energy Facilities Law</p>	
SECTION 6 - Applications for Wind Energy Conversion Systems Special Use Permits.	
Section 1 – Authority	
This Section is procedural and supplanted by the application requirements under Article VIII.	
Section 2 – Purpose and legislative Matters	
This Section is procedural and supplanted by the application requirements under Article VIII.	
Section 3 – Findings	
This Section is procedural and supplanted by the application requirements under Article VIII.	
Section 4 – Definitions	
This Section is procedural and supplanted by the application requirements under Article VIII.	
Section 5 - Permits, Exemptions, Transfer	
This Section is procedural and supplanted by the application requirements under Article VIII.	

Local Substantive Law	Compliance
<p align="center">Town of Venice</p> <p align="center">Local Law 2 of 2024, Wind Energy Facilities Law</p>	
Section 6 - Applications for Wind Energy Conversion Systems Special Use Permits.	
This Section is procedural and supplanted by the application requirements under Article VIII.	
Section 7 - Applications Review Process	
This Section is procedural and supplanted by the application requirements under Article VIII.	
<p>Section 8 – Standards.</p> <p>Wind Energy Conversion Systems and all related structures thereto may be permitted to be constructed within the Town only upon receiving prior Special Use Permit approval from the Town Board and issuance of building permits. The application for a Special Use Permit shall only be granted if the application complies with the following requirements and such other reasonable conditions that the Town Board requires as part of any conditional approval issued hereunder:</p>	
<p>1. All Wind Energy Conversion Systems shall be located, erected and sited in accordance with the following requirements:</p> <p>A. No individual Wind Energy Conversion Unit shall be installed in any location along the major axis of existing communications links or telephone transmission lines where the operation is likely to produce interference in said link's operation. If such problem is found to exist, the Applicant shall correct (or document significant progress toward corrective action on) any unforeseen interference to the satisfaction of the Code Enforcement Officer within thirty (30) days of any complaint being given to the applicant by the Code Enforcement officer or affected person to correct such problem.</p>	<p>The Facility will comply with this requirement. See Appendix 20-C for additional information.</p>
<p>B. No individual Wind Energy Conversion Unit shall be installed in any location where such unit's proximity with existing fixed broadcast, or reception antenna (including residential and/or agricultural reception antenna or satellite system, including but not limited to real time kinetic towers and global positioning systems, etc.) for radio, television or wireless phone or other personal communication systems where unit would produce interference with signal transmission or reception. The Applicant shall correct (or document significant progress toward corrective action on) any unforeseen interference to the satisfaction of the Code Enforcement Officer within thirty (30) days of any complaint being given to the applicant by the Code Enforcement officer or affected person to correct such problem:</p> <p>i. The Applicant shall provide the affected person(s) with service equal to or better than the service that was interrupted, or an acceptable alternative to such service</p>	<p>The Facility will comply with this requirement. See Exhibit 20 for additional information.</p>

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Venice</i> Local Law 2 of 2024, Wind Energy Facilities Law</p>	
<p>agreed to by the Code Enforcement Officer and the affected property owner.</p> <p>ii. If emergency service needs have been affected, such problems shall be remedied by the Applicant within 36 hours of notification being given to the Applicant by the Code Enforcement Officer or affected person.</p>	
<p>C. All Wind Energy Conversion Units shall be located in a manner that minimizes significant negative impacts on rare animal species in the vicinity, particularly bird and bat species.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 12 for additional information.</p>
<p>D. No individual Wind Energy Generating Unit shall be installed in any location where it may interfere with the normal flight patterns at area airports and private airstrips as determined by the FAA.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 16 for additional information.</p>
<p>E. Wind Energy Conversion Systems and related infrastructure shall be located in a manner consistent with all applicable State and Federal wetlands laws and regulations.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 14 for additional information.</p>
<p>F. The use of guy-wires is prohibited, except if otherwise unfeasible in the case of a Wind Energy Conversion Unit/Wind Turbine (Small Project), meteorological towers or transmission infrastructure.</p>	<p>The Facility has been designed to comply with this local law provision. See Exhibit 10(a)(3) for additional information on why the use of guy-wires is necessary for the short span of proposed overhead transmission line.</p>
<p>G. No advertising signs, or television, radio, cellular telephone or other communication antennas, are allowed on any part of the Wind Energy Conversion System including fencing and support structures. Signage to inform persons of ownership and contact information is permitted so long as such signage is erected in accordance with Town Law.</p>	<p>The Facility will be designed to comply with this requirement. See Exhibit 8 and Appendix 8-B for additional information.</p>
<p>H. All solid waste and hazardous waste and construction debris shall be removed from the Site and managed in a manner consistent with all appropriate laws, rules and regulations</p>	<p>The Facility will be designed to comply with this requirement. See Appendix 13-C for additional information.</p>
<p>I. The Town of Venice shall be named as an additional insured under the general liability policy of the applicant, the amount of which insurance shall be no less than a reasonable amount to be determined by the Town Board given the nature and scope of the project proposed by the applicant.</p>	<p>This provision is procedural and supplanted by Article VIII.</p>

Local Substantive Law	Compliance
<p align="center">Town of Venice</p> <p align="center">Local Law 2 of 2024, Wind Energy Facilities Law</p>	
J. All Wind Energy Conversion Units shall only be located, installed, or constructed on the subject parcel in accordance with the following setbacks:	The Facility has been designed to comply with this requirement. See Exhibit 5 and Figure 24-1 for additional details on wind turbine setbacks.
i. A distance not less than 1.1 times the tip height of the Wind Energy Generating Unit as measured from any and all public roadways or above ground power lines in the vicinity of said unit, to the base of such unit.	
ii. A distance not less than 1.5 times the tip height of the Wind Energy Generating Unit as measured from above bulk energy systems (bulk power systems) in the vicinity of said unit, to the base of said unit.	The Facility has been designed to comply with this requirement. See Exhibit 5 and Figure 24-1 for additional details on wind turbine setbacks.
iii. A distance not less than two (2) times the tip height from any existing non-participating residential structure	The Facility has been designed to comply with this requirement. See Exhibit 5 and Figure 24-1 for additional details on wind turbine setbacks.
iv. A distance of not less than 1.5 times the tip height from any existing non-participating commercial structure. This distance may be reduced for WECS Small Projects.	The Facility has been designed to comply with this requirement. See Exhibit 5 and Figure 24-1 for additional details on wind turbine setbacks.
v. A distance not less than 1.1 times the tip height of the Wind Energy Generating Unit as measured from the property lines of any Non-Participating Property.	The Facility has been designed to comply with this requirement. See Exhibit 5 and Figure 24-1 for additional details on wind turbine setbacks.
<p>2. Noise</p> <p>A. The level of noise produced by or from the operation of the Wind Energy Conversion System shall not exceed the following:</p> <p>i. 45dBA Leq 8-hour at non-participating residential or commercial structures.</p> <p>ii. 55 dBA Leq 8-hour at participating residential or commercial structures.</p> <p>iii. 65 dBZ Leq 1-hour at 16 Hzm 31.5 Hz and 63 Hz full octave bands.</p>	The Facility has been designed to comply with this requirement. See Exhibit 7 for additional information.
B. In addition, the system shall not produce any audible prominent tones, as defined under ANSI (American National Standards Institute) S12.9, Part 4-2005 Annex C, as amended from time to time at any non-participating structures.	The Facility has been designed to comply with this requirement. See Exhibit 7 for additional information.

Local Substantive Law	Compliance
<p style="text-align: center;">Town of Venice Local Law 2 of 2024, Wind Energy Facilities Law</p>	
<p>C. The system shall not produce human perceptible vibrations inside any non-participating structures that exceed the limits for residential use recommended in ANSI Standard 52.71-1983, as amended.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 7 for additional information.</p>
<p>D. In the event that the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is not exceeded for more than six (6) minutes per hour. Ambient noise levels shall be measured at a distance of 1000 feet from the base of the Wind Energy Conversion Unit. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project Site are sufficient to allow Wind Turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 7 for additional information.</p>
<p>E. Any noise level falling between two whole decibels shall be the greater of the two</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 7 for additional information.</p>
<p>3. Emergency Shutdown / Safety Operations</p> <p>A. The Applicant shall file emergency contact information, including but not limited to a telephone number and unique ID number, for each Wind Energy Conversion Unit with the Town Clerk. At least one sign shall be posted at the base of each tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of the 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, including a local or toll-free telephone number with 24-hour, 7 day a week coverage. The Town Board may require additional signs based on safety needs.</p>	<p>The Facility will be designed to comply with this requirement. See Appendix 6-B for additional information.</p>
<p>B. Each Wind Energy Conversion Unit shall have an automatic manufacturer certified or engineer certified 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>	<p>The Facility will comply with this requirement. These are standard features found in all modern utility-scale turbines.</p>

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<p style="text-align: center;"><i>Town of Venice</i></p> <p style="text-align: center;">Local Law 2 of 2024, Wind Energy Facilities Law</p>	
C. All nacelles shall have fire suppression systems.	The Facility will comply with this requirement.
<p>4. Lighting. The final project design shall incorporate the following measures for visual impact minimization:</p> <p>A. the use of aircraft detection lighting system(s) (ADLS) or other similar lighting minimization technologies or technologies at the WECS that avoids visual lighting impacts at night. Details of the ADLS technology shall be submitted to the Town Board and its consultants along with the FAA's approval of the specific system used. If for any reason ADLS is not permitted by the FAA, the Certificate Holder shall provide communications and documents showing the FAA's determination and rationale for its determination. In the event that ADLS is not used, the Applicant shall submit a mitigation plan proposal for other measures, such as light shields, to minimize visual nighttime impacts, which must be approved prior to commencement of project operations.</p>	The Facility has been designed to include an ADLS tower within the layout. See Exhibit 3, Figure 3-11 for the layout of the proposed Facility.
B. Prior notification of any changes in the lighting plan for the project must be communicated to the Town Board prior to installation of such new lighting scheme, and such alterations shall only be approved for installation for good cause shown or in order to bring such project into compliance with any and all statutory and regulatory requirements.	This provision is procedural and supplanted by Article VIII.
C. If the minimum lighting requirement, as determined by applicable federal, state or local rules, regulations or statutes change during the course of operation of the Wind Energy Conversion System, the applicant shall alter the lighting plan and install such lighting in the Wind Energy Conversion System that is at a level equal to such revised minimum requirements.	The Facility will comply with this requirement.
<p>5. Utility Service</p> <p>A. All power transmission lines servicing the project, or any portion thereof shall be underground to the extent practical, to a minimum depth of forty-eight (48) inches in agricultural land and thirty six (36) inches in non-agricultural land or to such depth as required by applicable State and Federal regulations and codes, whichever is greater. Particular attention must be given to underground drainage systems (example; agricultural drainage tile) and transmission lines must be placed so as to not impede or materially affect current or future drainage of non-</p>	The Facility has been designed to comply with this requirement. See Exhibit 10(a)(3) for a discussion as to why underground collection is infeasible throughout the entire Facility Site, and the need for a short span of overhead transmission line.

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Venice</i> Local Law 2 of 2024, Wind Energy Facilities Law</p>	
<p>participating properties If this standard is deemed to be technically infeasible, rationale and alternative solutions and designs shall be submitted with the completed application for review and approval by the Town Board. Such approval shall be granted if such alternative is deemed acceptable by the Town Board based upon substantial evidence in the record ensuring such alternative provides the level of protection and safety afforded by the standard set forth hereinabove.</p>	
<p>B. In the event of a stray voltage occurrence, the applicant shall be notified, and corrective action shall be taken immediately by the applicant fully remedying such occurrence.</p>	<p>The Facility will comply with this requirement.</p>
<p>6. Blade Sweep and Tip Height. The minimum height of the lowest part of the blade sweep area shall be thirty (30) feet above the highest existing structure or tree within a one-hundred-fifty (150) foot radius of the base of the Wind Energy Conversion Unit. The total tip height for each Wind Energy Conversion Unit cannot exceed seven hundred (700) feet as measured from the base of the unit to the tip of the unit's longest blade.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 5 for additional information.</p>
<p>7. Access Roads and Road Mitigation. A. In an effort to minimize curb cuts, existing roadways shall be used for access to the site whenever possible.</p>	<p>The Facility has been designed to comply with this requirement. See Appendix 16-A for additional information.</p>
<p>B. If existing roadways are not practicable to be utilized for such access, any necessary new roadway, shall be constructed in a way so that they are level to the surrounding environment. Unless the landowner upon which such a new access road is located signs a waiver requesting such property not be gated, new access roads constructed from existing roadways shall be gated and locked near the vicinity of the intersection of the access road and the existing roadway with gates allowing land owner and emergency access to the roadway.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 5 and Appendix 5-A for additional information.</p>
<p>C. Construction of WECS poses potential risks because of the large size construction vehicles and their impact on traffic safety and their physical impact on local roads. Construction and delivery vehicles for WECS and associated facilities shall use traffic routes established as part of the application review process. Factors in establishing such corridors shall include (1) minimizing traffic impacts from construction and delivery vehicles; (2) minimizing WECS-</p>	<p>This local law provision is procedural and supplemented by Article VIII requirements. The Applicant intends to enter a RUA with the Town within which these provisions will be addressed.</p>

Local Substantive Law	Compliance
<p style="text-align: center;">Town of Venice Local Law 2 of 2024, Wind Energy Facilities Law</p>	
<p>related traffic during times of school bus activity; (3) minimizing wear and tear on local roads; and (4) minimizing impacts on local business operations. Special Use Permit conditions may require documentation of road conditions prior to and following construction from the Town Highway Superintendent, 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 included 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 per day and the dates and time periods of expected use of designated traffic routes. The applicant shall obtain any necessary Road Use Agreements with agencies and municipalities over whose roads and rights-of-way will be used in the construction or reconstruction of any WECS and provide documentation of same to the Town.</p>	
<p>D. Applicant/Owner must apply and adhere to the Town of Venice Road Right of Way Permit for any construction activity near or under town roads.</p>	<p>The requirement to obtain a Right of Way Permit from the Town is procedural and supplanted by Article VIII. Nevertheless, the Applicant intends to enter into a RUA with the Town which will address the means and methods for performing work within the Town of Right Way including any crossing of Town roads with collection lines.</p>
<p>E. Prior to any construction of the project, an engineer approved by the Town, will inspect the designated roads for their condition, a reevaluation will be performed at 6-month intervals, for the life of the project, including the decommissioning phase, by an engineer and signed off by the Town Highway Superintendent as to the change in their condition. These inspections will be at the Applicant/Owner's expense.</p>	<p>This provision does not contain any substantive standards. The Applicant intends to enter into a RUA with the Town.</p>
<p>F. The Applicant/Owner is responsible for remediation of damaged roads during and upon completion of the installation, maintenance and decommissioning of a Wind Energy Facility and shall sign a separate indemnification agreement thereby agreeing to indemnify and hold the Town harmless from any and all material damages to all</p>	<p>The Applicant intends to enter into a Road Use Agreement with the Town to address use of the Town roads during construction or maintenance of the Facility.</p>

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Venice</i> Local Law 2 of 2024, Wind Energy Facilities Law</p>	
<p>roadways or other improvements caused by construction and/or delivery vehicles and equipment. A public improvement bond shall be posted prior to the start of construction of a Wind Energy project whenever deemed necessary by the Town Board. Facilities in an amount, determined by the Town Board, sufficient to compensate the Town for any damage to local roads, shall be established as part of, and a condition upon, any approval.</p>	
<p>G. If the applicant or successor 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. No acts of maintenance on a seasonal use highway by an applicant or successor shall be considered as Town maintenance of that highway for purposes of determining the seasonal use status of the highway.</p>	<p>The Facility will comply with this requirement.</p>
<p>8. Accessory Structures/Facilities. Transmission facilities and/or buildings shall be located along roadways, below ridgelines or behind vegetation to screen such facilities and/or buildings from visibility. If such a facility or building is to be located in or along the side of an open field, the facility or building shall be landscaped in such a way as to blend such facility or building in with the surrounding environment. This landscaping shall be reviewed and approved to the complete satisfaction of the Town Board.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 5 and Appendix 5-B for additional information.</p>
<p>9. Physical Security. To Secure each and every Wind Energy Conversion Unit so constructed within the Town, each such unit shall: A. Not have any climbing pegs, tower ladders or other climbing device of any kind attached to the Wind Energy Conversion Unit closer than fifteen (15) feet from the ground.</p>	<p>The Facility will be designed to comply with this requirement.</p>
<p>B. Have a locked anti-climbing device installed on the unit.</p>	<p>The Facility will be designed to comply with this requirement.</p>
<p>C. If the property owner submits a written request that fencing be required, a minimum six foot (6') 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 on the basis of individual applications as safety and aesthetic needs dictate, in the sole discretion of the Town Board.</p>	<p>The Facility will be designed to comply with this requirement.</p>
<p>D. WECS shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.</p>	<p>The Facility has been designed to comply with this requirement. See Appendix 6-A for additional information.</p>

Local Substantive Law	Compliance
<p style="text-align: center;">Town of Venice Local Law 2 of 2024, Wind Energy Facilities Law</p>	
<p>E. Accurate maps of the underground facilities shall be filed with the Town and with "Dig Safely New York" (1-800-962-7962) or its successor</p>	<p>The Facility will comply with this requirement.</p>
<p>10. Shadow Flicker/Glint. The Wind Energy Conversion System shall be designed such that shadow flicker and /or glint from an individual Wind Energy Conversion Unit will not fall on any portion of a non-participating residential or commercial structure in excess of thirty (30) hours per year. If a non-participating residence or commercial structure is being impacted by multiple Wind Energy Conversion Units, the cumulative effect of said impact shall not exceed thirty (30) hours per year, subject to verification using shadow prediction and operational controls at appropriate wind turbines. If shadow flicker and/or glint exceeds these conditions, the applicant/owner/operator of the project must submit within 90 days, a mutually agreeable plan to remedy the issue to the affected property owner and Town Board.</p>	<p>The Facility has been designed to comply with this requirement. See Attachment A of Appendix 8-A for additional information.</p>
<p>11. Construction Hours. Except where certain activities (e.g., cement pours or component deliveries) or other conditions (such as high wind speeds during the day) demand from time to time require deviation from the hours set forth herein, no construction or reconstruction of any WECS shall begin before 7:00 am. nor end after 8:00 p.m. Mondays through Saturdays. Construction shall occur on Sundays and national holidays only between the hours of 10:00 a.m. and 8:00 p.m. Exceptions will be considered on a case by case basis by the Town's project coordinator and shall follow ORES guidelines.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 16 for additional information.</p>
<p>12. Removal of Solid Waste. The applicant/operator of a WECS shall remove and properly dispose of any solid waste or other unused construction materials. On site burial will not be permitted. All solid waste must be removed from the Town of Venice unless exceptions are agreed upon in writing with the town.</p>	<p>The Facility will comply with this requirement. See Appendix 13-C for additional information.</p>
<p>13. Post Installation. A. On an annual basis a post-installation field report identifying the Wind Energy Conversion System's generation of electricity and impacts upon the environment, including but not limited to any adverse drainage patterns then existing, sites of erosion in vicinity of the system, and other potential adverse environmental conditions, shall be submitted by the applicant to the Town</p>	<p>This provision is procedural and/or does not contain any substantive standards.</p>

Local Substantive Law	Compliance
<p align="center">Town of Venice</p> <p align="center">Local Law 2 of 2024, Wind Energy Facilities Law</p>	
<p>Board. The report shall also include any and all work-related calls logged by the Applicant, and any other reasonable items that may be requested by the Town Board. This report shall be filed with the Town Clerk annually on or before June 1st for review at the July Town Board Meeting</p>	
<p>B. If it is determined that any Wind Energy Conversion System or portion thereof is operating outside the parameters of any applicable zoning laws and/or any lawful or approved requirements and conditions of approval, the Applicant shall be notified, and any and all necessary remedies implemented. If the problem cannot be remedied within an appropriate amount of time, based on its nature and severity, the Code Enforcement Officer may require the Wind Energy Conversion System or portion thereof be shut down until such repairs can be affected. If the Applicant and the Code Enforcement Officer are unable to agree on an appropriate time or method for remedying such problem, either party shall ask the Town Board to determine such a reasonable time or method of remedy, which determination shall be final unless successfully appealed to the Cayuga County Supreme Court by way of a CPLR Article 78 proceeding, which said petition must be filed with said Court within 30 days of the issuance of the determination by the Town Board being so appealed.</p>	<p>This provision is procedural and/or does not contain any substantive standards.</p>
<p>C. Safety issues deemed to be of an imminent significant threat to the health, safety and/or welfare of any person affected by the Wind Energy Conversion System, or any portion thereof as determined by the Code Enforcement Officer shall require the immediate shut down of the Wind Energy Conversion System or portion thereof until corrective action is taken and the imminent significant threat fully mitigated.</p>	<p>This provision is procedural and/or does not contain any substantive standards.</p>
<p>D. In the event a Wind Energy Conversion System or portion thereof requires attention, whichever entity is notified first - the Applicant or the Code Enforcement Officer - such entity/person shall immediately contact the other party to report the matter being attended to.</p>	<p>This provision is procedural and/or does not contain any substantive standards.</p>
<p>SECTION 9 - Noise and Setback Easements-Variances</p>	
<p>1. Waiver. In the event the noise levels resulting from a WECS exceed the criteria established for participating properties in this Local Law, shadow flicker, or glint or set back requirements are not met for participating properties,</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 4, Exhibit 7, and Attachment</p>

Local Substantive Law	Compliance
<p align="center">Town of Venice</p> <p align="center">Local Law 2 of 2024, Wind Energy Facilities Law</p>	
<p>a waiver may be granted from such requirements where the property adjacent to that hosting the Wind Energy Conversion Unit is also part of the WECS site due to hosting a Wind Energy Conversion Unit or other ancillary components.</p>	<p>A of Appendix 8-A for additional information</p>
<p>2. Written consent from the affected property owners shall be obtained stating that they are aware of the WECS and the noise, shadow flicker, glint and/or setback limitations imposed by this law, and that they wish to be a part of the Site as defined herein, and that consent is granted to (1) allow noise, shadow flicker, or glint levels to exceed the maximum limits otherwise allowed, or (2) allow distance setbacks less than required.</p>	<p>The Facility has been designed to comply with this requirement. See Exhibit 4, Exhibit 7, and Attachment A of Appendix 8-A for additional information.</p>
<p>3. In order to advise all subsequent owners of the burdened property, the consent, in the form required for an easement, shall be recorded in the County Clerk's Office describing the benefited and burdened properties. Such easements and/or waivers, as the case may be, shall be permanent and may not be revoked without the consent of the Town Board, which consent may be granted upon either the completion of the decommissioning of the benefitted WECS in accordance with this law, or the acquisition of the burdened parcel by the owner of the benefitted parcel or the WECS.</p>	<p>The Facility will comply with this requirement. See Exhibit 4 for additional information.</p>
<p>Section 10 - Large Scale Battery Energy Storage Systems Special Conditions, including for Site Plan Review</p> <p>This section is not applicability to the proposed Facility.</p>	
<p>SECTION 11 - Decommissioning.</p>	
<p>1. At the end of its useful life, or where otherwise necessary, an individual turbine and/or a Battery Storage System may need to be decommissioned, or the entire project may be decommissioned. Decommissioning includes dismantling and removing wind turbines and system components on property owned, leased or otherwise controlled by the Applicant. The Applicant must perform decommissioning activities in accordance with this section.</p>	<p>The Facility will comply with this requirement. See Exhibit 23 for additional information.</p>
<p>2. The Applicant, and its successors, assign or heirs, are responsible for the decommissioning and all costs associated with decommissioning the project and associated facilities and systems. All above- ground components being decommissioned, including but not</p>	<p>The Facility will comply with this requirement. See Exhibit 23 and Appendix 23-A for additional information.</p>

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Venice</i></p> <p style="text-align: center;">Local Law 2 of 2024, Wind Energy Facilities Law</p>	
<p>limited to turbines, blades, nacelles, towers, transformers, above ground collection cables and poles, permanent meteorological towers and the collection substation must be removed. Foundation and collection lines buried less than a depth of three (3) feet in nonagricultural lands and four (4) feet in agricultural lands, must be removed. Foundations and buried project components below a depth of three (3) feet on non-agricultural land and four (4) feet in agricultural land may remain in place. Additionally, removal and restoration of access road locations and equipment storage areas shall be undertaken contemporaneously where appropriate.</p>	
<p>3. The areas disturbed by decommissioning shall be restored in accordance with subdivision 14 of this section.</p>	<p>The Facility will comply with this requirement. See Exhibit 23 and Appendix 23-A for additional information.</p>
<p>4. The Applicant is responsible for obtaining all applicable permits and approvals for the activities associated with decommissioning and site restoration, including compliance with the State Environmental Quality Review Act (SEQRA).</p>	<p>To the extent other permits and approvals are not supplanted by Article VIII, the Applicant will obtain such permits prior to decommissioning activities.</p>
<p>5. Prior to application approval, the Applicant must provide a Decommissioning Plan, including financial assurance for decommissioning costs in accordance with this section.</p>	<p>The Facility will comply with this requirement. See Appendix 23-A for additional information.</p>
<p>6. The Applicant, and/or its successors and assigns, shall continuously maintain a fund or bond payable to the Town, in a form approved by the Town, for the removal of all facilities and appurtenances, in an amount to be determined by the Town, for the period of the life of the facility. This fund may consist of, at minimum, an irrevocable letter of credit, payable by demand notice, from a State of New York licensed financial institution, in form approved by the Town. All costs of the financial security shall be borne by the Applicant. All decommissioning bond requirements shall be fully funded before a siting approval is issued. The total amount of financial security created for the Town shall be equal to the net decommissioning and site restoration estimate; the net decommissioning and site restoration estimate is equal to the gross decommissioning and site restoration estimate (which is the overall decommissioning and site restoration estimate plus a eighteen (18) percent contingency cost) less the total projected salvage value of facility.</p>	<p>The Facility will comply with this requirement. See Exhibit 23 and Appendix 23-A for additional information.</p>

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Venice</i></p> <p style="text-align: center;">Local Law 2 of 2024, Wind Energy Facilities Law</p>	
<p>7. The decommissioning and site restoration costs will be reviewed prior to operation by an engineer approved by the Town at the operator's expense and adjusted at three (3) year intervals during the life of the project to maintain accurate cost estimates of decommissioning.</p>	<p>The Facility will comply with this requirement and will update the decommissioning cost estimate every three years in lieu of the regulatory requirement to update the decommissioning cost estimate every five years outlined in Section 1100-10.2(b)(2). See Exhibit 23 for additional information.</p>
<p>8. The Applicant shall notify the Code Enforcement Officer within thirty (30) days of the Discontinuance of use of the Wind Energy Conversion System or any portion thereof. Should the applicant fail to notify the Town Code Enforcement Officer as required, the Applicant, Wind Energy Conversion System owner and/or operator, shall be subject to all penalties provided under this local law and the following additional penalties: A minimum of \$200.00 per day, calculated at \$10 per day per megawatt of nameplate capacity of the entire project from the time the Applicant should have notified the Town Code Enforcement Officer and the date the Wind Energy Conversion System or portion thereof is removed or made operational as set forth in this Section 11.</p>	<p>The Applicant will comply with this requirement.</p>
<p>9. Once the Wind Energy Conversion System is approved for operation (as referenced in 11.7) should the Wind Energy Conversion System or any portion thereof not operate for a total period of 6 months within a 1 year period, the Town Code Enforcement Officer shall notify the Applicant. The applicant shall have 30 days to prove a good faith effort has been or is being made to restore the Wind Energy Conversion System or portion thereof to full function (section 11.11). Failure to restore functioning or provide proof of a good faith effort, will trigger a requirement to remove the non-functioning component(s).</p>	<p>The Applicant will comply with this requirement.</p>
<p>10. Prior to operation, the project will be deemed abandoned if construction activities cease for more than 8 consecutive months without good cause.</p>	<p>The Facility will comply with this requirement.</p>
<p>11. The Applicant shall remove any abandoned, discontinued, decommissioned, obsolete or unused Wind Energy Conversion System and/or Battery Storage System, or portions thereof and restore the site to pre-construction conditions, or make the subject system, or portions thereof, fully operational, within one hundred eighty (180) days of delivery or receipt of the notification set forth herein, unless</p>	<p>The Facility will comply with this requirement. See Exhibit 23 and Appendix 23-A for additional information.</p>

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Venice</i> Local Law 2 of 2024, Wind Energy Facilities Law</p>	
<p>such time limit is extended by the Town Board for good cause shown. Non-function or lack of operation may be proven, among other means, by reports to the Public Service Commission, NYSEDA, or by lack of income generation. The Applicant or its successor and assigns shall make available (subject to a non-disclosure agreement, if requested) to the Town Board all reports to and from the purchaser of energy from individual Wind Energy Conversion Systems and/or Battery Storage Systems, if requested, necessary to prove the subject system is functioning, which reports may be redacted as necessary to protect proprietary information.</p>	
<p>12. Prior to the expiration of any time limits in this Section, the Applicant may apply to the Town Board for a further extension in time for which such Wind Energy Conversion System, the Battery Storage System, or portion thereof needs to be removed or made operational. Such extension may only be granted if the applicant demonstrates good cause that such extension is necessary as a result of uncontrollable events such as transmission curtailment, technical or supply chain failures outside of the operator's control, weather delays, repair delays or other similar force majeure conditions requiring the need for such extension. The Town Board may request as a condition of such extension that the applicant provide monthly reports to the Town regarding the Applicant's progress to restore the WECs to operable condition.</p>	<p>The Applicant will comply with this requirement.</p>
<p>13. Failure to notify and/or remove any discontinued, decommissioned, obsolete or unused Wind Energy Conversion System and/or Battery Storage System or portion(s) thereof in accordance with this local law shall be in violation of this local law and subject the applicant to the penalties set forth herein. In addition, the cost of removing the offending Wind Energy Conversion System and/or Battery Storage System, or portions thereof, shall be drawn against the financial surety posted by the Applicant for demolition or decommissioning of the project as set forth in this section.</p>	<p>The Facility will comply with this requirement.</p>
<p>14. Any costs incurred by the Town that exceeds the amount of such financial surety shall be the complete and sole responsibility of the Applicant, and/or its successors and assigns. If the Applicant, or its successors and assigns, is insolvent and such costs cannot be practicably collected from said Applicant, then such costs shall become a lien</p>	<p>This local law provision is procedural and supplemented by Article VIII requirements.</p>

Local Substantive Law	Compliance
<p align="center">Town of Venice</p> <p align="center">Local Law 2 of 2024, Wind Energy Facilities Law</p>	
<p>upon the property upon which the costs were incurred and said lien shall thereafter be assessed on the next succeeding year's tax bill for such parcel and collected in accordance with normal tax foreclosure proceedings if such tax bill remains unpaid thereafter.</p>	
<p>15. Restoration: The Applicant and its successors, heirs or assigns, are responsible for restoration and all costs associated with restoring the project site. Ground disturbance must be minimized to the extent practical, and the site restored to its original condition, to the extent practicable, and re-established using native seed mix or, in any agricultural areas, in coordination with the landowner to allow desired crops to be replanted.</p>	<p>The Facility will comply with this requirement. See Exhibit 23 and Appendix 23-A for additional information.</p>
<p>16. Roads must be adequately restored to their original condition, or better, following decommissioning activities. Access roads, and residual minor improvements may remain with the written consent of the landowner.</p>	<p>The Applicant intends to enter into a Road Use Agreement with the Town to address use of the Town roads during construction or maintenance of the Facility.</p>
<p>17. Upon completion of all such removal activities by the Town, any remaining portion of the posted surety shall be returned to the applicant forthwith.</p>	<p>The Facility will comply with this requirement.</p>
<p>Section 12 – Ownership Changes</p>	
<p>This Section is procedural and supplanted by the application requirements under Article VIII.</p>	
<p>SECTION 13 - Other Operating Considerations and Permit Revocation</p>	
<p>1. Landscaping - Unless otherwise agreed to in writing by the landowner, upon completion of installation, the site shall be returned as close as possible to its natural state, and in conformity with applicable State and Federal regulations and guidelines, including, but not limited to restoring the subsoil and topsoil to pre-construction condition. Wherever woodlands have been cleared as part of the project, they should be reforested, to the extent that the reforestation does not impede the ongoing operation or functioning of the project. The reforestation shall follow guidelines as set forth by the USDA. An example may be found at USDA Forest Service Reforestation Strategy.</p>	<p>The Facility will comply with this requirement. See Appendix 13-C for additional information on restoration and Exhibit 11(b) for a discussion of the Facility's impacts to plant communities during construction and operations, including an identification of those areas where that will be maintained by the Applicant to ensure ongoing operation and functioning of the Facility is not impeded.</p>
<p>2. Building and Grounds Maintenance - Any damaged or unused parts shall be removed from the premises within thirty (30) days or stored in a locked on-site storage building. All maintenance equipment, spare parts, oil or</p>	<p>The Facility will comply with this requirement. See Appendix 13-C for additional information.</p>

Local Substantive Law	Compliance
<p style="text-align: center;">Town of Venice Local Law 2 of 2024, Wind Energy Facilities Law</p>	
chemicals (cleaning, pesticides, fuels) shall also be stored in said on-site locked storage building.	
<p>3. Testing and Inspection Fund- A Special Use Permit shall contain a requirement that the applicant, or successor, fund periodic structural inspections, noise testing, and battery storage inspections by a qualified, independent, third-party consultants, which may be required as often as every two (2) years, or more frequently upon request of the Town Board in response to complaints by neighbors. The scope of the inspections and noise testing shall be to demonstrate compliance with the terms and conditions of the Special Use Permit and this Local Law and shall also include an evaluation of any complaints received by the Town. The applicant or successor shall have 30 days, after written notice from the Code Enforcement Officer, to cure any deficiency, or show a good faith effort is being made to cure the deficiency. Any extension of the 30-day period may be considered by the Code Enforcement Officer.</p>	This section is procedural and supplanted by the enforcement authority of ORES and the DPS.
<p>4. Operation- A WECS shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational conditions include meeting all noise requirements and other Special Use Permit conditions. Should a WECS become inoperable, or should any part of the WECS be damaged, or should a WECS violate a Special Use Permit condition, the owner or operator shall remedy the situation per the decommissioning requirements in Section 11 of this local law.</p>	The Facility will comply with this requirement. See Exhibit 23 and Appendix 23-A for additional information.
<p>5. The Town Board will impose other related requirements for applications, and conditions on its approval, under this local law as to enforce the standards referred to herein or in order to discharge its obligations under SEQRA, and Large-Scale Wind Energy Systems shall be discouraged from being located in the following areas unless otherwise approved by the Town Board:</p> <p>a. Prime farmlands soils as identified by the USDA-NRCS, or alternative available resources.</p> <p>b. Areas of potential environmental sensitivity, including Flood Plains, historic sites, airports, state-owned lands, conservation easements, trails, parkland, and wetlands as identified by the New York State Department of Environmental Conservation or the United States Army Corps of Engineers.</p>	This requirement is procedural and is supplemented by Article VIII regulations. However, the Facility will comply with this requirement to the maximum extent feasible. Impacts to agricultural resources are discussed in Exhibit 15. See Exhibit 10 for a discussion of slopes, Exhibit 3 for a discussion of land use, and Exhibit 9 for a discussion of how the Applicant has avoided impacts to historic sites.

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Venice</i></p> <p style="text-align: center;">Local Law 2 of 2024, Wind Energy Facilities Law</p>	
<p>c. On slopes of greater than 15% unless the Applicant can demonstrate through engineering studies and to the satisfaction of the Town Board that the proposed development will cause no adverse environmental impact that will not be satisfactorily mitigated.</p>	
<p>6. The Town has determined that the mitigation payment as outlined in New York State regulations is inadequate for the local residents who will be most affected by the loss of lands from traditional agricultural production. The New York State mitigation payment is a one-time payment, gets remitted to the State and does not directly benefit the communities that lose the jobs and economic benefit over the life of the renewable project from said lost acres. The economic loss can be substantiated by using such references as the annual Cornell University Farm Business Management Summary. The latest Summary (2022) would indicate for every 80 acres of prime soils lost, a full time worker-equivalent job is lost from the local community. To offset this substantial economic loss, the Town feels it is necessary to implement a mitigation payment that will directly benefit the immediate community losing prime soils and jobs. Therefore, project lands containing prime soils as designated by NRCS-USDA as class 1-4 shall be subject to mitigation payments, paid to the Town annually, equal to \$100 per year for the life of the project for every acre removed from the traditional agricultural production practices that the lands were engaged with before commencement of the project. This mitigation fee shall be adjusted annually by the change in the Consumer Price Index ("CPI") for the immediate twelve (12) month period using the CPI formula set out herein. The Consumer Price Index shall be defined as follows: At the end of each year (12 month period beginning at the commencement of the Wind Energy Conversion System's operation) the annual mitigation fee described above shall be increased by the annual increase in the CPI where CPI is the Consumer Price Index for the month of December just preceding such lease anniversary year, and the "Base CPI" is the Consumer Price Index for December of the previous lease year. As used herein, Consumer Price Index shall mean and refer to that table in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, now known as the "Consumer Price Index" for all Urban Consumers (northeast region). If such Index referred to</p>	<p>The requirement to provide a fund or payment is not a substantive provision applicable to the Facility. Nevertheless, the Applicant intends to work with the Town to enter into a Host Community Agreement which is anticipated to include payments to the Town to mitigate for impacts from the Project.</p>

Local Substantive Law	Compliance
<p style="text-align: center;"><i>Town of Venice</i> Local Law 2 of 2024, Wind Energy Facilities Law</p>	
<p>above shall be discontinued, then any successor Consumer Price Index of the United States Bureau of Labor Statistics, or successor agency thereto, shall be used, and if there is no successor Consumer Price Index, the parties hereto shall authorize the Town of Venice's attorney to designate a substitute Index or formula. In no event shall any adjusted mitigation payment to the Town of Venice be less than the prior year. Mitigation payments are to address the removal from production of agricultural lands which represent the Town of Venice's residents' base for economic sustainability. Funds collected shall be used to the benefit of the Town of Venice residents.</p>	
<p>7. New York State Department of Agriculture and Markets (NYSDAM) Guidelines for Agricultural Mitigation for Wind Power Projects shall be adhered to. When Large Scale Wind Energy Conversion Systems are proposed on agricultural land in the Town of Venice, the Applicant, developer, operator, successor or assigns, shall adhere to and incorporate at a minimum the standards and requirements in NYSDAM's guidelines for mitigating construction impacts on agricultural land during the following stages of a wind energy project: Construction, post-Construction Restoration, Monitoring, Remediation, and Decommissioning. These guidelines apply to project areas subject to ground disturbance within agricultural lands.</p>	<p>The Facility will comply with this requirement. See Exhibit 15 for additional information.</p>
<p>8. Environmental Monitor - An experienced firm shall be hired by the Applicant to act as Environmental Monitor to oversee compliance with State or local permit conditions, or certificate conditions, associated with any Article 120 or Section 94-c approvals, during project construction, the Environmental Monitor shall also oversee compliance with agricultural requirements and restoration in accordance with NYSDAM Guidelines. The identification and qualifications of the proposed Environmental Monitor shall be submitted by the Applicant for approval by the Town Board together with Applicant's application. All costs associated with Environmental Monitoring shall be borne by the Applicant. All reports of the Environmental Monitor shall be provided to the Town. Expenses associated with this compliance are to be the responsibility of the Applicant, owner or operator of the project.</p>	<p>This section is procedural and supplanted by the enforcement authority of ORES and the DPS. Nevertheless, the Applicant will have an experienced Environmental Monitor to oversee compliance with the Permit.</p>
<p>9. Revocation of Special Use Permit- Notwithstanding any other abatement provision under this Local Law, if the WECS is not repaired or made operational, or brought into</p>	<p>This provision is procedural and supplanted by Article VIII.</p>

Local Substantive Law	Compliance
<p align="center">Town of Venice</p> <p align="center">Local Law 2 of 2024, Wind Energy Facilities Law</p>	
<p>Special Use Permit compliance after notice and within the time limitations set forth herein, the Town may, after a public hearing at which the operator or owner shall be given an opportunity to be heard and present evidence, including a plan to come into compliance, (1) order remedial action within a particular time frame, or (2) order revocation of the Special Use Permit for the WECS and require the removal of the WECS within 90 days. If the WECS is not removed, the Town Board shall have the right to use the security posted as part of the Decommission Plan to remove the WECS.</p>	
<p>Section 14 - Certifications</p> <p>This Section is procedural and supplanted by the application requirements under Article VIII.</p>	
<p>SECTION 15 - Wind Measurement Towers</p> <p>3. Standards for Wind Measurement Towers</p>	
<p>a. 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, in writing, of those property owners.</p>	<p>The Facility has been designed to comply with this requirement see Figure 24-1.</p>

(e) Identification of Municipal Agency Qualified to Review, Approve, Inspect, and Certify Compliance with Uniform Code

Each of the Towns have enacted and adopted local laws for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code ("Uniform Code"):

- Town of Venice, Local Law No. 3 of 2023, A Local Law Establishing a Local Government Code Enforcement Program (Administration and enforcement of the New York State Uniform Fire Prevention and Building Code Local Law)
- Town of Scipio, Local Law No 3 of 2022 for the Administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code

These local laws are procedural and establish the local municipality's code enforcement program including establishing a Code Enforcement Officer ("CEO"), outlining the procedural processes for obtaining building permits and certificates of occupancy and outlining the construction inspection process. These procedural processes are pre-empted by Article VIII, and therefore the Applicant is not required to obtain building permits or certificates of occupancy from the local municipalities. However, the Facility will comply with the

Uniform Code and the municipal officers for the Towns are responsible for reviewing and certifying compliance with the Uniform Code, to the extent the Uniform Code is applicable.

The Uniform Code has limited applicability to wind facilities. Wind facilities that are not associated with a building or other structure regulated by the Uniform Code do not meet the definition of a “building” provided in Article 18 of the New York State Executive Law (§372 and §378). Connection through a utility company’s power grid is not considered a direct connection between a turbine and a building. Therefore, the applicability of the Uniform Code to the Facility is limited and does not extend to installation or assembly of turbine components. In addition, construction trailers used as temporary offices for monitoring construction at a construction site are also exempt from the Uniform Code. Therefore, the applicability of the Uniform Code is largely limited with respect to wind facilities.

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 for work required to comply with the Uniform Code, if necessary. The Applicant will work with the Towns prior to construction to identify the appropriate individuals to conduct this review.

Table 24-2 below provides the name and contact information of the identified local official to review and approve the Facility building plans.

Table 24-2. Local Contact Information for Review and Approval of Building Permits

Town	Contact Information
Scipio	Building and Zoning Enforcement J. Patrick Doyle, Code Enforcement Officer 315-729-3921 codeenforcement@townofscipio.com
Venice	J. Patrick Doyle, Code Enforcement Officer 315-729-3921 codes@venicenyny.com

Alternatively, the Applicant may request to submit the building plans for the Department of State, in order to obtain compliance with the Uniform Code, and the substation provision of any applicable local electrical, plumbing or building code. In that case the Application would arrange for the Department’s review, approval, inspection, and compliance certification, including any arrangement to pay for the costs of any necessary consultant services.

(f) Zoning Designation

Town of Scipio

Zoning regulations were adopted in the Town of Scipio in 2021 and later amended in 2022 and 2024. The Town of Scipio is divided into the following three zoning districts: Agricultural/Residential (ARD), Hamlet District (HD), and Waterfront District (WD). All portions of the Facility Site located within the Town of Scipio are within the Agriculture/Residential zoning district. Wind Energy Facilities are permitted in the Agriculture/Residential zoning district with a Special Use Permit. Article V of the Town of Scipio Zoning Ordinance sets for the regulations, procedures and conditions which shall apply to specially permitted use activities. The procedures and process of obtaining a special use permit are supplanted by the Article VIII regulations.

Section 5.04 of the Zoning Ordinance states:

A. The Planning Board shall grant a Special Use Permit only if the proposed use will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. A proposed use:

- (1) Is consistent with an orderly and appropriate development of the neighborhood and surrounding area and follows the Comprehensive Plan for the Town of Scipio;
- (2) Is not unreasonably detrimental to the existing structures or uses in the neighborhood by reason of noise or vibration, odor or other form of air pollution, fire or explosive hazard, glare or any other substance, condition, of element, or size of operation;
- (3) Is, as to general character, height and use of structure, the provisions of surrounding open space and treatment of grounds and as to its effect on street capacity and use, sufficient to safeguard public health, comfort and convenience and to preserve the general character of the neighborhood in which such structure is to be placed or such use is to be conducted;
- (4) Is, where appropriate, an adequate transition between adjacent uses or districts;
- (5) Will be carried out in a manner compatible with its environmental setting and with due consideration to the protection of natural resources;
- (6) Will not cause undue traffic congestion or create a traffic hazard; and
- (7) Will be in conformance with all applicable requirements of this Ordinance.

Town of Venice

The Town of Venice has no adopted zoning ordinance, and the Facility is therefore a permitted use throughout the Town. The Wind Energy Facilities Law permits Wind Energy Conversion Projects with a special use permit, which may be granted if the special use application complies with the standards in the Wind Energy Facilities Law.