Prattsburgh Wind Farm

Case No. 21-00749

900-2.25 Exhibit 24

Local Laws and Ordinances

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EXHIBIT 24 LOCAL LAWS AND ORDINANCES

SUMMARY

Section 94-c of the Executive Law, and its implementing regulations (16 NYCRR § 900-1 through 900-15) provides for the review of major renewable energy facilities in New York State and establishes a unified proceeding instead of requiring a developer to apply for numerous state and local permits. 94-c 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 Section 94-c has been filed. N.Y. Exec. Law § 94-c(6)(a). 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 94-c. 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 94-c. 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.

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. Executive Law § 94-c(5)(e) provides that a final Siting Permit may only be issued if the Office makes a finding that the proposed Facility, together with any applicable USCs, SSCs, and compliance filings set forth in the 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 CLCPA targets and the environmental benefits of the proposed Facility.

CONSULTATION WITH LOCAL MUNICIPALITIES

The proposed approximately 147 MW wind project with up to 37 turbines and associated infrastructure (the Facility) will be located in Steuben County, New York, within the Towns of Avoca, Cohocton, Howard, Prattsburgh, and Wheeler. Throughout the pre-application process, the Applicant has consulted with the Towns of Avoca, Cohocton, Howard, Prattsburgh and Wheeler including meeting individually with Town Supervisors to discuss the Facility. Outreach has included open houses and town meetings, as further identified in Exhibit 2, Appendix 2-A. 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. As a result, 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. 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.

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 and Appendix 2-A for a summary of local engagement and outreach efforts.

The Applicant met with the Towns on April 13, 2022, to discuss local laws applicable to the Facility. In follow-up to the meeting, on May 4, 2022 the Applicant sent letters to the Towns of Avoca, Howard, and Wheeler, and on June 6, 2022 to the Towns of Cohocton and Prattsburgh, identifying substantive local laws and providing an overview of the Facility's compliance with substantive provisions of applicable local laws and what laws, if any, Prattsburgh Wind may seek to waive under Section 94-c. Documentation of the Applicant's local engagement and outreach efforts is provided in Exhibit 2, Appendix 2-A.

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 (c) 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 Appendix 24-A for copies of the local laws and ordinances that include the substantive provisions described below.[1]

Town of Avoca

Local Law No. 1 of 2021, Wind Energy Facilities Law

Article II Wind Turbine Generators

- §12 Standards for Wind Energy Facilities A - O
- §13 Required Safety Measures A - E
- §14 Roads and Traffic A - B
- §15 Sound Levels and WTG Setbacks A – B
- §20 Decommissioning 1 - 3

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

- §21 Environmental Monitoring
- §24 Standards for Wind Measurement Towers A

Town of Cohocton

Local Law No. 1 of 2002, Zoning Law of the Town of Cohocton

Article III District Regulations

- Section 310. 1. Agricultural-Residential
- Section 320. Zoning Schedule
- Section 415. Essential Service 1 - 2, 4

The above provisions of the Cohocton Zoning Law have been identified as the collector substation, point of interconnect (POI) substation and Operations & Maintenance (O&M) building are proposed to be located in the Town of Cohocton. To accommodate these Facility components, Prattsburgh Wind intends to subdivide the current parcel to create three separate parcels: one parcel will remain with the current landowner, one parcel will include the POI substation, which will be transferred to NYSEG after Facility construction, and one parcel will include the O&M building and collector substation. See Exhibit 3 and Figures 3-1 through 3-12 for further details on the locations of Facility components.

Town of Cohocton Zoning Law with amendments as provided by Local Law #2 of 2006, Local Law #1 of 2011, and Local Law #4 of 2019.

Article XI Windmills

- Section 1130. Review Standards. Subsection 2. Industrial Windmills
    - (a) Placement
    - (b) Specifications
    - (c) Notice and Safety Considerations
    - (d) Operating Considerations
    - (e) Certificates
    - (f) Sureties

Town of Howard

Local Law No. 1 of 2022, Town of Howard Wind Energy Facilities Law

- §12 Standards for Wind Energy Facilities A – O
- §13 Required Safety Measures A – E
- §14 Roads and Traffic A – B
- §15 Sound Levels and WTG Setbacks A - B
- §20 Decommissioning 1 -3

- §21 Environmental Monitoring
- §24 Standards for Wind Measurement Towers A

Town of Wheeler

Local Law No. 1 of 2021, Wind Energy Facilities Law of the Town of Wheeler

Article II Wind Turbine Generators (WTG)

- §12 Standards for Wind Energy Facilities A – O
- §13 Required Safety Measures A – D
- §14 Roads and Traffic A – B
- §15 Sound Levels and WTG Setbacks A - B
- §20 Decommissioning 1 -3
- §21 Environmental Monitoring

Town of Prattsburgh

Local Law No. 2 of 2012, Town of Prattsburgh Wind Energy Facilities Law, as amended by Local Law No. 1 of 2021

Article 5 Conditions Applicable to Industrial Wind Energy Facilities

- Section 1. Environmental Monitor A - C
- Section 2. Construction Hours A - B
- Section 3. Compliance with New York State Department of Agriculture and Markets Guidelines A – B, D
- Section 4. Removal of all Deleterious and/or Toxic Materials A - D
- Section 5. Physical Tower Setbacks A - E
- Section 6. Sound A, E
- Section 7. Protection of Viewsheds A, F, G
- Section 8. Aquifer-Preservation Study and Regulations A – C, F – G
- Section 9. Natural Gas Impact Study and Regulations A – C, F – G
- Section 10. Shadow Flicker Impacts Analysis, Control, Minimization and Mitigation Plan A – C
- Section 11. Mitigation of Nighttime Lighting – Aircraft Detection System A – C
- Section 12. Complaint Resolution Program A – H
- Section 13. Decommissioning of Facility A – B, E – N
- Section 14. Emergency Communication, Training and Signage A – E
- Section 15. Notification of Malfunctions A – D
- Section 16. Enforcement Fund F

Steuben County

In Steuben County, as in much of New York State, zoning authority is held by towns, villages and cities. Steuben County does not have any applicable laws, ordinances, regulations, standards or other requirements applicable to the construction or operation of the Facility. Further, Steuben County does not have a full-service county health department such that the County would be involved in regulation of environmental health services, such as water supply or wastewater treatment. Therefore, the Applicant has not identified any substantive provisions for Steuben County.

Local Ordinances/Laws Applicable to Road Use

As part of the construction and operation of the Facility the Applicant will need to (i) traverse municipal highways, roads, bridges, culverts and related fee owned land, rights-of-way or easements owned or maintained by the local host municipalities ("municipal roads") with heavy machinery in in excess of the legal dimensions or weights specified in Section 385 of the New York State Vehicle and Traffic Law (ii) transport personnel, parts, equipment, facilities and materials on the municipal roads, (iii) widen certain municipal roads, install temporary turning radii, and other temporary construction easement rights-of-way and make certain modifications and improvements (both temporary and permanent) to such municipal roads (including without limitation to certain culverts, bridges, road shoulders and other related fixtures) to permit equipment and material to pass, (iv) place certain underground and overhead electrical collection and transmission and communication cables, conduit and other wires and cables in close proximity to or under or across certain municipal roads, (v) place footings, foundations, towers, poles, crossarms, guy lines and anchors, circuit breakers, junction boxes and other machinery and equipment related to the in proximity to certain municipal roads, and (vi) carry out other related activities involving municipal roads.

Therefore, in addition to the substantive laws outlined above, the Applicant has identified substantive local laws applicable to the use of municipal roads during construction and operation of the Facility. Again, the procedural provisions of these local laws are pre-empted by 94-c unless expressly authorized by the Office. See Exhibit 16 for further details on roads to be involved in Facility construction, operation, and decommissioning.

The Towns of Avoca, Wheeler and Prattsburgh each have adopted Road Preservation Laws and laws addressing driveway entrances.

- *Local Law No. 1 of 2012, Town of Wheeler Road Preservation Law*
- *Local Law No. 5 of 2012, The Town of Prattsburgh Highway Preservation and Restoration Law*

  Section 3. Conditions of Permit
    - A. Use of Designated Roads by Developer 1, 3 – 4, 6
    - B. Repair of Designated Roads 1 – 3
    - C. Improvement and Modifications to Designated Roads 1 – 2, 4 – 5
    - D. Warranties by Developer 1 – 4
    - E. Use of Designated Roads After Completion of Construction.

- G. Insurance
- I. Provisions of Security for Performance 1
- K. Miscellaneous Provisions 1, 5, 8, 9, 10, 11

- *Local Law No. 2 of 2012, Town of Avoca A Local Law in Regards to the Use and Repair of Town Roads*
- *Local Law 1 of 1989, Town of Avoca Zoning Regulations, Section VI – 6.3.3 Driveways*
- *Local Law No. 1 of 2012, Land Use Law, Town of Howard Chapter 4. 4.7. Driveways*

In addition, Avoca, Howard, Wheeler and Cohocton include substantive road use language in their laws regulating wind facilities:

- *Local Law No. 1 of 2002, Zoning Law of the Town of Cohocton,* Article XI Windmills, Section 1130, Subsection 2(f)(iv)
- *Local Law No. 1 of 2022, Town of Howard Wind Energy Facilities Law §14 Roads and Traffic A - B*
- *Local Law No. 1 of 2021, Town of Avoca Wind Energy Facilities Law, §14 Roads and Traffic A - B*
- *Local Law No. 1 of 2021, Wind Energy Facilities Law of the Town of Wheeler, §14 Roads and Traffic A - B*

The Applicant intends to comply with the substantive standards of these local laws during the construction and operation of the Facility by either entering into road use agreements with the local municipalities or complying with the substantive provisions of the above identified laws.

However, to the extent that the Applicant and the local municipalities cannot agree upon a road use agreement or any requirements or conditions of applicable substantive local laws with respect to road use, the Applicant reserves its right to seek approvals from the Office, and waivers, if necessary, to the extent that such provisions become unreasonably burdensome as they are applied to the construction of the Facility. For example, to the extent a municipality refuses to allow the Applicant to use a necessary haul route for the delivery of turbine components, the Applicant requests that the Office retain the authority to approve said haul route, as part of the Applicant's Traffic Control Plan submitted pursuant to 19 NYCRR § 900-10.2(8).

To the extent that Steuben County requires highway work permits and/or road use agreements, the Applicant is requesting that ORES expressly authorize the County to issue such permits.

(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, the Facility's O&M building will be served by individual water and septic systems. The Facility will be connecting to existing telecommunications lines for the substations and O&M building,

however it is anticipated that this connection will be outside the public right of way. The Applicant will work with the utility to connect to the existing line. No new off-site telecommunications lines will be required for the Facility. Therefore, the Applicant has determined that there are no substantive requirements in local laws or regulations applicable to the interconnection or use of water, sewer, or telecommunication lines that are applicable to the Facility. See Exhibit 3 for further information on Facility interconnection.

(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 certain the sections of local laws identified in Appendix 24-A. For each local substantive requirement identified by the Applicant below a statement of justification is provided as required by 19 NYCRR 900-2.25(c).

(d) Summary Table of Substantive Local Requirements

Table 24-1 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
Town of Avoca ***Local Law No. 1 of 2021 Wind Energy Facilities***	
§12. A. Transmission Lines. All power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent practicable.	The Facility has been designed to comply with this section. See Exhibit 3, Exhibit 5, and Exhibit 21 for further information on the Facility's transmission lines.
§12. B. WTG Height. The maximum Total Height of any WTG shall be 650 feet.	The Facility cannot be designed to comply with this requirement. Prattsburgh Wind is seeking a waiver of this provision see Section (c) above.
§12. C. Antennae Co-Location. No television, radio or other communication antennas may be affixed or otherwise made part of any WTG, except pursuant to the Town Code. Applications may be jointly submitted for WTG and telecommunications facilities.	The Facility has been designed to comply with this section. See Exhibit 20 for further information.

Local Substantive Law	Compliance
§12. D. Advertising. No advertising signs are allowed on any part of the Wind Energy Facility, including fencing and support structures.	The Facility has been designed to comply with this section. See Exhibit 8 for further information.
§12. E. WTG Lighting. WTG Lighting shall comply with the following standards: 1. No WTG shall be lit except to comply with FAA requirements. 2. Subject to subsection three below, an aircraft detection/lighting system (e.g., radar activated lighting) must be used, provided that it is allowed by the FAA. 3. In the event that either (a) aircraft detection lighting and/or dimmable fighting is not allowed by the FAA or (b) in the event that the Town Board votes in favor of dimmable lighting rather than radar activated lighting because of evidence that dimmable lighting would be a better minimizer of the visual lighting impacts of the turbine lights, then dimmable lighting acceptable to the Town must be used for the turbine lights. 4. Any assertion by the Applicant that aircraft detection lighting is not allowed by the FAA must be substantiated by evidence showing all of the communication and documentation (trade secrets excepted) showing the FAA's determination and the rationale for its determination.	The Facility has been designed to comply with this section. See Exhibit 8 for further details on WTG lighting. Prattsburgh Wind will comply with 19 NYCRR 900-2.9(d)(9)(c) which requires: For wind facilities, lighting shall be installed on turbines for aviation hazard marking as specified by FAA. The applicant shall file a Notice for a Marking and Lighting Study of Page 5 of 13 Aircraft Detection Lighting System(s) (ADLS) with the FAA/Department of Defense (DOD) seeking a written determination approving the use of ADLS at the Project. If FAA/DOD determine that ADLS is not appropriate for the entire project, or if the applicant determines installation of ADLS is not technically feasible, the applicant shall consider other means of minimizing lighting effects, such as synchronization of lighting activation with adjoining wind farms. See Exhibit 6 and Exhibit 8 for further information.
§12. F. Visual Impact Mitigation. Applicants shall use measures to reduce the visual impact of WTG to the extent possible. 1. WTG shall use tubular towers.	The Facility has been designed to comply with this section. See Exhibit 8 for details regarding the Facility's impact on visual resources.

Local Substantive Law	Compliance
2. WTG shall be finished in a single, non-reflective matte finished color. 3. WTG within a multiple WTG project shall be constructed using WTG whose appearance, with respect to one another. is similar within and throughout the project, to provide reasonable uniformity in overall size, geometry, and rotational speeds. 4. No WTG shall be installed in any location that would substantially detract from, substantially impinge upon, or substantially block the view of a portion of a scenic viewshed, as viewed from a public right of way or publicly owned land within the Town. 5. In siting WTGs, the applicant shall utilize state recognized avoidance and mitigation techniques to reasonably mitigate the visual impact, including but not limited to: screening, relocation (e.g., to alternate sites); and downsizing. 6. In the event that visual impacts that are not able to be mitigated, the applicant shall implement offsets to existing aesthetic problems within the Town in order to partially offset the visual impact caused by the WTGs.	
§12. G. Guy Wires. The use of guy wires for WTG is disfavored. A WTG using guy wires for tower support shall incorporate appropriate measures to protect the guy wires from damage which could cause tower failure.	The Facility has been designed to comply with this section. See Exhibit 21 for further details of the Facility's electrical system.
§12. H. Microwave Links. No WTG shall be installed in any location along the major axis of an	The Facility has been designed to comply with this section. See Exhibit 20 for further discussion on

Local Substantive Law	Compliance
existing microwave or other communications link where its operation is likely to interfere in the link's operation. If it is determined that a WTG is interfering with a microwave or other communications path, the WTG operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, or resolution of the issue with the impacted parties. Failure to remedy interference with existing microwave or other communications links is grounds for revocation of the Wind Energy Permit for the specific WTG causing the interference	microwave and communication links relative to the Facility.
§12. I. Waste Removal. Solid waste, hazardous waste and construction debris shall be removed from the Site and managed in a manner consistent with all appropriate rules and regulations.	The Facility has been designed to comply with this section. Prattsburgh Wind will dispose of waste as authorized by State and Federal law. See Exhibit 23 for further discussion on waste removal.
§12. J. Clearing. Wind Energy Facilities shall be designed to minimize the impacts of land clearing and the loss of open space areas. Land protected by conservation easements shall be avoided when feasible. The use of previously developed areas will be given priority wherever possible.	The Facility has been designed to comply with this section. See Exhibit 3 for further details on land use and specially-designated areas surrounding the Facility.
§12. K. Wildlife. WTG shall be located in a manner that minimizes significant negative impacts on rare animal species in the vicinity, particularly bird and bat species. Further, to the extent that mitigation efforts are undertaken in order to provide net benefits for species (e.g., bats, eagles, etc.) or resources that are potentially harmed by	The Facility has been designed to comply with this section to the extent practicable. Mitigation for impacts to animal species, especially ones which migrate throughout the state such as bat and bird species should be tied to what is best biologically for the species not to a certain geographic area. Under the 94-c Process in consultation with

Local Substantive Law	Compliance
the project, then (to the extent reasonably practicable) those net benefits shall be performed in the Town or otherwise as close to the Town as possible. Costs and overall benefit relative to the negative impact(s) are nonexclusive factors that may be taken into account when determining whether it is unreasonably impracticable to undertake mitigation or net conservation benefit efforts in the Town or in close proximity thereto.	NYSDEC, ORES will review and approve any proposed mitigation efforts. If mitigation is required, Prattsburgh Wind will comply with the requirements of Section 94-c. See Exhibit 12 for further information on the Facility's impacts to wildlife.
§12. L. Wetlands. Wind Energy Facilities shall be located in a manner consistent with all applicable state and Federal wetlands laws and regulations.	The Facility has been designed to comply with this section. See Exhibit 14 further details on wetland impacts.
§12. M. Stormwater. Storm-water run-off and erosion control shall be managed in a manner consistent with all applicable state and Federal laws and regulations.	The Facility has been designed to comply with this section. See Appendix 13-C for further information.
§12. N. Construction Times. Construction of the Wind Energy Facilities shall be limited to the hours of 7 a.m. to sunset, not to exceed 9 p.m. except for certain activities that require cooler temperatures than possible during the day, for which activities special hours may be granted upon the approval from the Town Board and/or Code Enforcement Officer.	The Applicant will generally comply with the requirements of this provision as it is in line with the requirements of 94-c. However, the Applicant has requested a limited waiver of this provision to the extent that it conflicts with 94-c.
§12. O. 1. General Standards. Non-participating residences shall not be subject to more than 30 hours of shadow flicker annually.	The Facility has been designed to comply with this section. See Exhibit 8 for more information on shadow flicker.
§12. O. 2. Mitigation. Where flicker exceeds or is reasonably expected to exceed the above standards, the applicant shall either curtail	The Facility will comply with this section. The Applicant has prepared a Visual Impacts and Minimization and Mitigation Plan which addresses

Local Substantive Law	Compliance
turbines such that the standards will not be exceed or, if agreed to by the landowner, mitigate with either window treatments or vegetative buffers or other measures.	minimization and mitigation measures for shadow flicker impacts at non-participating residences. See Exhibit 8 for further information on shadow flicker.
§13. A. Controls. Each WTG shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.	The Facility has been designed to comply with this section.
§13. B. Minimum Blade Height. The minimum distance between the ground and any part of the rotor or blade system shall be twenty (20) feet.	The Facility has been designed to comply with this section.
§13. C. Signs. Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. The Town Board may require additional signs based on safety needs.	The Facility has been designed to comply with this section.
§13. D. Climbing Pegs. No climbing pegs or tower ladders shall be located closer than twelve (12) feet to the ground level at the base of the structure for freestanding single pole or guyed towers.	The Facility has been designed to comply with this section.
§13. E. Access Control. WTG shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked at all times.	The Facility has been designed to comply with this section. See Exhibit 6 for further information on access controls.
§14. A. Traffic Routes. Construction and delivery vehicles for WTG and Wind Energy Facilities shall use traffic routes established as part of the application review process. Factors in establishing such corridors shall include (i) minimizing traffic	Although the local review process is supplanted by 94-c, the proposed traffic routes have been designed to comply with the requirements of this section. Exhibit 16 includes further details related

Local Substantive Law	Compliance
impacts from construction and delivery vehicles; (ii) minimizing WTG related traffic during times of school bus activity; (iii) minimizing wear and tear on local roads; and (iv) minimizing impacts on local business operations, Wind Energy Permit conditions may limit WTG-related traffic to specified routes, and include a plan for disseminating traffic route information to the public.	to traffic routes and traffic impact minimization. See Exhibit 16 for further information.
§14. B. Road Remediation. The applicant shall enter into a road use agreement with the Town prior to construction and decommissioning, which agreement shall require (I) that the applicant ensures roads are sufficient to withstand project construction traffic prior to construction; (2) the applicant to repair or reconstruct all roads such that they are in at least as good of a condition at the end of the project as they were at the beginning of the project; (3) that the public's safe travels are not jeopardized due to the project; and (4) that appropriate financial security insuring that the applicant's promises will be performed be posted prior to commencement of construction.	Although the requirement to enter into a road use agreement is procedural and supplanted by 94-c the Applicant intends to enter into road use agreements with the local municipalities which will provide for the requirements of Section 14(A) and (B). In the event that the Applicant and Town cannot agree upon a road use agreement, the Applicant will comply with the substantive requirements of this section in the final Traffic Control Plan. See Exhibit 19 for further information.
§15. A. Sound Levels. 1. 45 dBA Leq (8-hour) equivalent continuous average sound level from the Facility outside any existing non-participating residence. 2. 55 dBA Leq (8-hour) equivalent continuous average sound level from the Facility outside any existing participating residence and uninhabited structures.	The Facility has been designed to comply with this section. See Exhibit 7 for further details on noise generated by the Facility.

Local Substantive Law	Compliance
§15. B. Setbacks. Each WTG shall be located with the following minimum setbacks, as measured from the center of the WTG: 1. 1.2 times the WTG Total Height from the exterior of a participating Residence.	The Facility has been designed to comply with this section, the Facility has been designed to be setback 1.2 times from participating residences. See Exhibit 5 for further information on setback requirements.
§15. B. 2. 2.2 times the WTG Total Height from the exterior of a non-participating residence.	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 2.2 times from non-participating residences.
§15. B. 3. 1.1 times the WTG Total Height from the nearest Site boundary property line.	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 1.1 times from non-participating property lines. See Exhibit 5 for further information on setback requirements.
§15. B. 4. 1.1 times the WTG Total Height from the right of way of all public roads.	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 1.1 times from public roads. See Exhibit 5 for further information on setback requirements.
§15. B. 5. 1.1 times the WTG Total Height from above-ground utilities, unless waived by the utility companies.	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 1.1 times from above-ground bulk electric systems. See Exhibit 5 for further information on setback requirements.
§15. B. 6. 1.5 times the WTG Total Height from non-participating permanent structures (structures that humans use from time to time that are not residences; e.g., barns, garages, commercial buildings, etc.).	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 1.5 times from non-participating non-residential structures. See Exhibit 5 for further information on setback requirements.

Local Substantive Law	Compliance
§15. B. 7. 100 feet from state-identified wetlands as measured from any part of the base or foundation.	The Facility has been designed to comply with the setbacks in this section. See Exhibit 5 for further information on setback requirements and Exhibit 14 further information on wetlands.
§20. Decommissioning. 1. Inoperative WTG. If any WTG remains non-functional or inoperative for a continuous period of one (l) year, the applicant agrees that, without any further action by the Town Board or any other agency, etc., the applicant shall remove said WTG. (a) This provision shall not apply if the applicant demonstrates to the Town that it has been making good faith efforts to restore the WTG to an operable condition, but nothing in this provision shall limit the Town's ability to order a remedial action plan after public hearing. (b) WTG non-function or lack of operation may be proven by reports to the Public Service Commission, NYSERDA, New York Independent System Operator, or by lack of income generation. Upon request of the Town Board, the applicant shall make available (subject to a nondisclosure agreement) to the Town Board all reports to and from the purchaser of energy from individual WTG necessary to prove the WTG is functioning, which reports may be redacted as necessary to protect proprietary information.	The Facility will comply with this provision. See Exhibit 23 for further information on Facility decommissioning and site restoration.
§20. 2. WTG Removal and Remediation. WTG removal shall include removal of all aboveground equipment; removal of foundations to a minimum depth of three (3.0) feet below grade in all lands,	The Facility will comply with this provision. See Exhibit 23 for further information on Facility decommissioning and site restoration.

Local Substantive Law	Compliance
and four (4.0) feet in agricultural lands; restoration of soil conditions; and restoration of vegetation to be consistent and compatible with surrounding vegetation.	
§20. 3. Decommissioning Security. The applicant, or successors, shall continuously maintain security for the benefit of the Town only, held by the Town, in a form approved by the Town for the removal of inoperative WTGs, in an amount to be determined by the Town, and for the period of the life of the facility. This security may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant. All decommissioning fund requirements shall be fully funded before a building permit is issued.	The local review process is supplanted by 94-c. The Final Decommissioning and Site Restoration Plan will determine the decommissioning amount. Prattsburgh Wind intends to follow the requirements of 94-c when preparing the net decommissioning and site restoration estimate and will work with the Town on the form of the financial security. See Exhibit 23 for further information on Facility decommissioning and site restoration.
§20. 3. (a) The security amount shall be subject to review by a qualified Professional Engineer every five years in order to adjust the amount to meet changing conditions:	The Facility Decommissioning and Site Restoration Plan will comply with this provision. See Exhibit 23.
§20. 3. (b) Decommissioning Security shall be in place prior to commencement of construction;	The Facility Decommissioning and Site Restoration Plan will comply with this provision. See Exhibit 23.
§20. 3. (c) The security shall be irrevocable;	The Facility Decommissioning and Site Restoration Plan will comply with this provision. See Exhibit 23.
§20. 3. (d) Estimated salvage value of recyclable materials shall not be taken into account in the determination of the decommissioning security.	Prattsburgh Wind seeks a waiver of this provisions. See Section (c) above.
§21. Environmental Monitoring. The applicant shall establish funding for an independent, third-	While the requirement to "solicit input" from the Town is supplanted by 94-c, Prattsburgh Wind will

Local Substantive Law	Compliance
party environmental monitor and an independent agricultural monitor (although one monitor may suffice if the environmental monitor is qualified to also be an agricultural monitor) to oversee compliance with environmental permit requirements. The Certificate Holder will solicit input from the designated representative of the Town with respect to the selection of the Environmental Monitor. When soliciting input from the Town, the Certificate Holder shall identify one or more candidates and provide qualifications and contact information for the Environmental Monitor. The monitors shall inspect constructions sites and issue regular reports to the Town. The environmental monitor shall have stop-work authority over all aspects of the project. The environmental monitor shall communicate freely with any designated representatives from the Town when contacted by such representative(s).	engage the services of an engineering firm with the experience and qualifications to act as an Environmental Monitor to oversee compliance with environmental commitments and siting permit requirements per the requirements of 19 NYCRR § 900-6.4(b). The environmental monitor will perform regular site inspections of construction work sites and, in consultation with the NYSDPS, issue regular reporting and compliance audits, which the Town may obtain. 94-c pre-empts the procedural requirements of this section to report to the Town. In addition, Prattsburgh Wind intends to enter into a Host Community Agreement with the Town which will govern the Town and Prattsburgh Wind's obligations related to the construction, operation and decommissioning of the Facility consistent with the requirements of Section 94-c and Prattsburgh Wind's 94-c Permit.
§24. A. Setback. The distance between a Wind Measurement Tower and the property line shall be at least one times the height of the wind measurement tower. Sites for a Wind Measurement Tower can include more than one piece of property and the requirement shall apply to the combined properties. Exceptions for neighboring property are also allowed with the consent of those property owners.	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 1 times the height of the wind measurement tower from non-participating property lines. See Exhibit 5 for further information on setback requirements.
§ 25. Preemption. To the extent that any of these provisions have been preempted by state or federal law (or rule, regulation, etc.), the intent	The Facility has been designed to comply with the substantive provisions of this local law to the maximum extent practicable.

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herein is for so much of this law as is compatible with the preempting authority to remain valid and for this law to further serve as a substantive guide for siting of wind projects by any preempting entity in the Town of Avoca	
Town of Cohocton ***Local Law 1 of 2002, Town of Cohocton Zoning Law[2]***	
Section 310. 1. Agricultural-Residential (AG-R) Special Permit Uses Industrial Windmills	While the procedural provisions of this section are supplanted by Section 94-c, this provision is listed to demonstrate that Industrial Windmills are considered "special permit uses" allowed in the AG-R district. The Facility is proposed to be located in the AG-R district. See Exhibit 3 for further details on local zoning district designations.
Section 310. 1. Agricultural-Residential (AG-R) Special Permit Uses Essential Services	While the procedural provisions of this section are supplanted by Section 94-c, this provision is listed to demonstrate that Essential Services are considered "special permit uses" allowed in the AG-R district. The substation is proposed to be located in the AG-R district. See Exhibit 3 for further details on local zoning district designations.
Section 320. Zoning Schedule.[3] (1) Side or rear yards when abutting a street shall be the same as the required front yard.	The O&M building and substations will generally be designed to comply with these requirements. It should be noted that transmission pole structures will exceed 35' (approximately 80' tall). However, Prattsburgh Wind does not interpret this section of the code to apply to transmission lines, as the

[2] As amended by Local Law No. 2 of 2006, Local Law No. 1 of 2011 and Local Law 4 of 2019, local laws amending the zoning law of the Town of Cohocton, New York to regulate windmills and windmill facilities.
[3] See portion of Zoning Schedule applicable to "All other Permitted Uses" in the AG-R district included in section (a) above.

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	height limitations contained in the code do not apply to structures not intended for human occupancy.[4] See Exhibit 3 for further details on local zoning district designations.
Section 415. Essential Services. 1. Such Facilities shall not be located on a residential street unless no other site is available and shall be so located as to draw a minimum of vehicular traffic to and through such streets.	The O&M building and substations will be designed to comply with these requirements. See Exhibit 3 for further information.
Section 415. Essential Services. 2. The location, design and operation of such facilities shall be such as to not adversely affect the character of the surrounding residential areas.	The O&M building and substations will be designed to comply with these requirements. See Exhibit 3 for further information.
Section 415. Essential Services. 4. Noise from such installation shall not be of such nature or volume as to be objectionable to adjoining residences.	The Facility will be designed to comply with these requirements. The Facility has been designed to meet a maximum noise limit of forty (40) dBA Leq (1-hour) at the outside of any existing nonparticipating residence from the collector substation equipment. See Exhibit 7 for further information on noise generated by the Facility.
Section 1130. 2. (a) i. Setbacks from adjacent property lines, rights-of-way, easements, public ways or power lines (not to include individual residential feed lines) shall be the structure height plus 100 feet. Structure height shall be measured from the ground surface level to the maximum height of the blades above the nacelle. The property line setback requirement may be reduced if (1) both properties on each side of the	The Facility will be designed to comply with these requirements. See Exhibit 5 for further information on setback requirements.

[4] See Section 409 of the Town of Cohocton Zoning Law on this exception to height regulations.

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property line in question will have electric generation or transmission facilities constructed on them, or (2) the owner of the property for which the reduced setback is sought executes and presents for recording a development easement . . . in which the reduced setback is consented to, and construction within, and the use of the easement area is appropriately restricted.	
Section 1130. 2. (a) ii. The minimum setback distance between each production wind power electric generation unit (wind turbine tower) from adjacent dwellings, areas or structures customarily used by the public shall be 1,500 feet. Structure height includes the blades. The dwelling setback may be reduced . . .1 [when] (1) both properties on each side of the property line in question will have electric generation or transmission facilities constructed on them, or (2) the owner of the property for which the reduced setback is sought executes and presents for recording a development easement . . . in which the reduced setback is consented to, and construction within, and the use of the easement area is appropriately restricted.	The Facility will be designed to comply with these requirements. See Exhibit 5 for further information on setback requirements.
Section 1130. 2. (a) iii. Windmill only noise levels at non- project property lines shall not exceed 50.0 dB(A), except as set forth herein. In the event that noise generated by any windmill contains a pure tone component . . .2 windmills	The Facility will be designed to comply with these requirements. See Exhibit 7 for further information on noise generated by the Facility.

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shall be located so that predicted windmill only noise at non-project property lines shall not exceed 45 dB(A).	
Section 1130. 2. (a) iv. All guy wires or cables shall be marked with high-visibility orange or yellow sleeves from the ground to a point ten (10) feet above the ground. Setbacks for any windmill tower from any property line shall be a distance of fifty (50) feet from any anchor point for guy wires or cables.	The Facility will be designed to comply with these requirements. See Exhibit 21 for further details of the Facility's electrical system Exhibit 5 for further information on setback requirements.
Section 1130. 2. (a) v. Towers shall be lit according to State and Federal agency guidelines. Anything over 200' presently requires lighting.	The Facility will be designed to comply with these requirements. See Exhibit 8 for further details on tower lighting.
Section 1130. 2. (a) vi. No individual tower facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. No individual tower facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna (including residential reception antenna) for radio, televised or wireless phone or other personnel [sic] communication systems would be likely to produce electromagnetic interference with signal transmission or reception.	The Facility will be designed to comply with these requirements. See Exhibit 20 for further discussion on microwave and communication links relative to the Facility.
Section 1130. 2. (a) vii. Windmill location is not restricted to rear or side yards.	The Facility will be designed to comply with these requirements.

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Section 1130. 2. (b) i. Maximum height limit shall be no greater than 650 feet	The Facility cannot be designed to comply with this requirement. Prattsburgh Wind is seeking a waiver of this provision see Section (c) above.
Section 1130. 2. (b) iii. Structure. Solid tube.	The Facility will be designed to comply with this requirement.
Section 1130. 2. (b) iv. All types of windmills will be allowed.	The Facility will be designed to comply with this requirement.
Section 1130. 2. (b) v. No wind turbines shall be permitted which lack an automatic shutdown feature in the event of blade icing.	The Facility will be designed to comply with this requirement.
Section 1130. 2. (b) vi. All power transmission/distribution lines from the windmill electricity generation facilities shall be underground from the windmill electric generation facility to the collection station. All other circumstances would be reviewed during the site plan process.	The Facility will be designed to comply with these requirements to the maximum extent practicable. The Applicant is seeking a limited waiver where transmission/distribution lines need to be overhead due to engineering, construction or environmental constraints such as topography (i.e. steep slopes and ridgelines). To the extent that this provision contains procedural requirements, such procedural requirements are supplanted by Section 94-c. See Exhibit 3, Exhibit 5, and Exhibit 21 for further details on the Facility's transmission/distribution lines.
Section 1130. 2. (b) vii. The lowest portion of the blade may not be closer than thirty (30) feet to the ground.	The Facility will be designed to comply with this requirement.
Section 1130. 2. (b) viii. Only upwind design windmills are allowed in the Town.	The Facility will be designed to comply with this requirement.
Section 1130. 2. (b) ix. No advertising signs are allowed on any part of Industrial Windmills and Windmill Facilities.	The Facility will be designed to comply with this requirement. See Exhibit 8 for further information.

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Section 1130. 2. (c) i. Access to the towers shall be limited by secured entry to the tower base.	The Facility will be designed to comply with this requirement.
Section 1130. 2. (c) ii. No wind turbines shall be permitted that lack an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades, and turbine components.	The Facility will be designed to comply with this requirement.
Section 1130. 2. (d) i. Any windmill, which has been out of active and continuous service for a period of one (1) year, shall be removed from the premises to a place of safe and legal disposal. Any and all structures, guy cables, guy anchors and/or enclosures accessory to such windmill shall also be removed. The site shall be restored to as natural a condition as possible. Such removal shall be completed within eighteen (18) months of the cessation of active and continuous use of such windmill.	The Decommissioning and Site Restoration Plan complies with this requirement. See Exhibit 23 for further details. Decommissioning may be triggered if a turbine is non-operational for a continuous period of 12 months or more, with the understanding that if the Applicant demonstrates to the Office of Renewable Energy Siting (ORES) a good faith effort to restore the wind turbine(s) to operable condition, that such a time limit shall not apply. During periods when the Facility is not operational for maintenance, repair, or due to catastrophic events beyond the Applicant's control, the Applicant will work diligently to return the Facility to normal operating status.
Section 1130. 2. (d) ii. Upon completion of installation the site shall be returned as close as possible to its natural state. Seeding of disturbed areas will be a minimum.	The Facility will be designed to comply with this requirement.
Section 1130. 2. (d) iii. Any damaged or unused parts shall be removed from the premises within thirty (30) days or kept in a fenced designated storage area or legally disposed of. All maintenance equipment and spare parts, etc. shall	The Facility will be designed to comply with this requirement. See Exhibit 23 for further details.

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also be kept in a fenced designated storage. Oil shall be legally disposed of.	
Section 1130. 2. (d) vi. Windmill only noise levels at non- project property lines shall not exceed 50 dB(A), when measured at the minimum wind speed at which the windmill will achieve its rated electric output.	The Facility will be designed to comply with this requirement. See Exhibit 7 for further information on noise generated by the Facility.
Section 1130. 2. (e) i. An inspection report prepared by the turbine supplier/ manufacturer licensed in the state of New York will be required at the time of installation and every three (3) years thereafter. The inspection reports required at the time of installation and thereafter will be for the structure and the electronics and will be given to the code enforcement officer.	The procedural provisions of this section are supplanted by Section 94-c. To the extent that any provisions in this section are substantive, such provisions will be addressed by the Applicant's submission, as part of the 94-c process, of a Facility Maintenance and Management Plan which will address inspections and maintenance of all equipment.
Section 1130. 2. (e) ii. The applicant will show that all applicable manufacturers New York State and US standards for the construction operation and maintenance of the windmill have been met or are being complied with. Windmills shall be built, operated and maintained to applicable industry standards of the Institute of Electrical and Electronics Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a windmill special use permit shall furnish evidence over the signature of professional engineer license to practice in the state of New York that such windmill is in compliance with such standards.	The procedural provisions of this section are supplanted by Section 94-c. To the extent that any provisions in this section are substantive the Facility will be designed to comply with this requirement. See Exhibit 5 for further details.
Section 1130. 2. (e) iii. The applicant will show that all applicable manufacturers New York State and	The procedural provisions of this section are supplanted by Section 94-c. To the extent that any

Local Substantive Law	Compliance
US standards for the construction operation and maintenance of the windmill have been met or are being complied with.	provisions in this section are substantive the Facility will be designed to comply with this requirement.
Section 1130. 2. (e) iv. Certification is required by a registered professional engineer or manufacturer certification that the tower design is sufficient to withstand wind load requirements for structures as established by the building code of New York State.	The procedural provisions of this section are supplanted by Section 94-c. To the extent that any provisions in this section are substantive, such provisions will be addressed by the Applicant's submission, as part of the 94-c process, of a site suitability report from the original equipment manufacturer showing that the model(s) are compatible with existing facility conditions. The Uniform Code is not applicable to wind turbine towers.
Section 1130. 2. (f) i. The owner of a windmill after such application has been approved and before a building permit is issued shall submit a letter of credit or other acceptable surety sufficient to ensure the removal if the use of the windmills is discontinued. An engineer selected by the town and the town attorney shall judge this letter of credit or other surety adequate and satisfactory before a building permit is issued. Said letter of credit shall be forfeited if removal is not completed by the deadline specified herein. If the transmission distribution service from the windmill is discontinued for a period exceeding six months the owner of such windmill shall notify the code enforcement officer within 15 days following the expiration of the six month discontinuance period. Any windmill which has been out of active and continuous service for a	The procedural provisions of this section are supplanted by Section 94-c. To the extent that any provisions in this section are substantive, such provisions will be addressed by the Applicant's preparation, as part of the 94-c process, of a Decommissioning and Site Restoration Plan for site restoration, which will include plans for removal of windmills in the event of abandonment which will include a net decommissioning and site restoration estimate to be allocated between the Towns based on the estimated costs associated with removal and restoration of the facilities within each Town. The net decommissioning and site restoration estimate will be updated every fifth year to reflect inflation or other cost increases Prattsburgh Wind intends to follow the requirements of 94-c when preparing the net

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period of one year shall be removed from the premises to a place of safe and legal disposal any and all structures guy cables guy anchors and or enclosures accessory to such windmills shall also be removed. the site should be restored to as natural a condition as possible. Set removal shall be completed within 18 months of the cessation of active and continuous use of such windmill. Any foundation left must be at least three feet below surface land or facility shall be left at the discretion of the landowner.	decommissioning and site restoration estimate. See Exhibit 23 for further details.
Section 1130. 2. (f) iv. The turbine supplier in associated contractors will be responsible for any road repairs that may be necessary upon construction completion. The project developer shall document local road conditions prior to construction for all roads to be utilized in connection with the project and shell submit a quarterly report to the town highway Superintendent which identifies all material changes in the condition of roads so utilized which report shall be verified by the town highway Superintendent. Project approval should stipulate that the developer shall restore any road damage to the documented pre-construction conditions.	The procedural provisions of this section are supplanted by Section 94-c. To the extent that any provisions in this section are substantive, the Applicant intends to enter road use agreements with the local municipalities which will provide for the requirements of Section 1130. 2. (f) iv In the event that the Applicant and Town cannot agree upon a road use agreement, the Applicant will comply with the substantive requirements of this section in the final Traffic Control Plan. See Exhibit 16 for further details.
Town of Howard ***Local Law No. 1 of 2022 Wind Energy Facilities***	
§12. A. Transmission Lines. All power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent practicable.	The Facility has been designed to comply with this section. See Exhibit 3, Exhibit 5, and Exhibit 21 for further information on the Facility's transmission lines.

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§12. B. WTG Height. The maximum Total Height of any WTG shall be 650 feet.	The Facility cannot be designed to comply with this requirement. Prattsburgh Wind is seeking a waiver of this provision see Section (c) above.
§12. C. Antennae Co-Location. No television, radio or other communication antennas may be affixed or otherwise made part of any WTG, except pursuant to the Town Code. Applications may be jointly submitted for WTG and telecommunications facilities.	The Facility has been designed to comply with this section. See Exhibit 20 for further information.
§12. D. Advertising. No advertising signs are allowed on any part of the Wind Energy Facility, including fencing and support structures.	The Facility has been designed to comply with this section. See Exhibit 8 for further information.
§12. E. WTG Lighting. WTG Lighting shall comply with the following standards: 1. No WTG shall be lit except to comply with FAA requirements. 2. Subject to subsection three below, an aircraft detection/lighting system (e.g., radar activated lighting) must be used, provided that it is allowed by the FAA. 3. In the event that either (a) aircraft detection lighting and/or dimmable fighting is not allowed by the FAA or (b) in the event that the Town Board votes in favor of dimmable lighting rather than radar activated lighting because of evidence that dimmable lighting would be a better minimizer of the visual lighting impacts of the turbine lights, then dimmable lighting acceptable to the Town must be used for the turbine lights. 4. Any assertion by the Applicant that aircraft detection lighting is not allowed by the FAA must	The Facility has been designed to comply with this section. See Exhibit 8 for further details on WTG lighting. Prattsburgh Wind will comply with 19 NYCRR 900-2.9(d)(9)(c) which requires: For wind facilities, lighting shall be installed on turbines for aviation hazard marking as specified by FAA. The applicant shall file a Notice for a Marking and Lighting Study of Page 5 of 13 Aircraft Detection Lighting System(s) (ADLS) with the FAA/Department of Defense (DOD) seeking a written determination approving the use of ADLS at the Project. If FAA/DOD determine that ADLS is not appropriate for the entire project, or if the applicant determines installation of ADLS is not technically feasible, the applicant shall consider other means of minimizing lighting effects, such as synchronization of lighting activation with

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be substantiated by evidence showing all of the communication and documentation (trade secrets excepted) showing the FAA's determination and the rationale for its determination.	adjoining wind farms. See Exhibit 6 and Exhibit 8 for further information.
§12. F. Visual Impact Mitigation. Applicants shall use measures to reduce the visual impact of WTG to the extent possible. 1. WTG shall use tubular towers. 2. WTG shall be finished in a single, non-reflective matte finished color. 3. WTG within a multiple WTG project shall be constructed using WTG whose appearance, with respect to one another. is similar within and throughout the project, to provide reasonable uniformity in overall size, geometry, and rotational speeds. 4. No WTG shall be installed in any location that would substantially detract from, substantially impinge upon, or substantially block the view of a portion of a scenic viewshed, as viewed from a public right of way or publicly owned land within the Town. 5. In siting WTGs, the applicant shall utilize state recognized avoidance and mitigation techniques to reasonably mitigate the visual impact, including but not limited to: screening, relocation (e.g., to alternate sites); and downsizing. 6. In the event that visual impacts that are not able to be mitigated, the applicant shall implement offsets to existing aesthetic problems	The Facility has been designed to comply with this section. See Exhibit 8 for details regarding the Facility's impact on visual resources.

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within the Town in order to partially offset the visual impact caused by the WTGs.	
§12. G. Guy Wires. The use of guy wires for WTG is disfavored. A WTG using guy wires for tower support shall incorporate appropriate measures to protect the guy wires from damage which could cause tower failure.	The Facility has been designed to comply with this section. See Exhibit 21 for further details of the Facility's electrical system.
§12. H. Microwave Links. No WTG shall be installed in any location along the major axis of an existing microwave or other communications link where its operation is likely to interfere in the link's operation. If it is determined that a WTG is interfering with a microwave or other communications path, the WTG operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, or resolution of the issue with the impacted parties. Failure to remedy interference with existing microwave or other communications links is grounds for revocation of the Wind Energy Permit for the specific WTG causing the interference	The Facility has been designed to comply with this section. See Exhibit 20 for further discussion on microwave and communication links relative to the Facility.
§12. I. Waste Removal. Solid waste, hazardous waste and construction debris shall be removed from the Site and managed in a manner consistent with all appropriate rules and regulations.	The Facility has been designed to comply with this section. Prattsburgh Wind will dispose of waste as authorized by State and Federal law. See Exhibit 23 for further discussion on waste removal.
§12. J. Clearing. Wind Energy Facilities shall be designed to minimize the impacts of land clearing and the loss of open space areas. Land protected by conservation easements shall be avoided when	The Facility has been designed to comply with this section. See Exhibit 3 for further details on land use and specially-designated areas surrounding the Facility.

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feasible. The use of previously developed areas will be given priority wherever possible.	
§12. K. Wildlife. WTG shall be located in a manner that minimizes significant negative impacts on rare animal species in the vicinity, particularly bird and bat species. Further, to the extent that mitigation efforts are undertaken in order to provide net benefits for species (e.g., bats, eagles, etc.) or resources that are potentially harmed by the project, then (to the extent reasonably practicable) those net benefits shall be performed in the Town or otherwise as close to the Town as possible. Costs and overall benefit relative to the negative impact(s) are nonexclusive factors that may be taken into account when determining whether it is unreasonably impracticable to undertake mitigation or net conservation benefit efforts in the Town or in close proximity thereto.	The Facility has been designed to comply with this section to the extent practicable. Mitigation for impacts to animal species, especially ones which migrate throughout the state such as bat and bird species should be tied to what is best biologically for the species not to a certain geographic area. Under the 94-c Process in consultation with NYSDEC, ORES will review and approve any proposed mitigation efforts. If mitigation is required, Prattsburgh Wind will comply with the requirements of Section 94-c. See Exhibit 12 for further information on the Facility's impacts to wildlife.
§12. L. Wetlands. Wind Energy Facilities shall be located in a manner consistent with all applicable state and Federal wetlands laws and regulations.	The Facility has been designed to comply with this section. See Exhibit 14 further details on wetland impacts.
§12. M. Stormwater. Storm-water run-off and erosion control shall be managed in a manner consistent with all applicable state and Federal laws and regulations.	The Facility has been designed to comply with this section. See Appendix 13-C for further information.
§12. N. Construction Times. Construction of the Wind Energy Facilities shall be limited to the hours of 7 a.m. to sunset, not to exceed 9 p.m. except for certain activities that require cooler temperatures than possible during the day, for which activities special hours may be granted	The Applicant will generally comply with the requirements of this provision as it is in line with the requirements of 94-c. However, the Applicant has requested a limited waiver of this provision to the extent that it conflicts with 94-c.

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upon the approval from the Town Board and/or Code Enforcement Officer.	
§12. O. 1. General Standards. Non-participating residences shall not be subject to more than 30 hours of shadow flicker annually.	The Facility has been designed to comply with this section. See Exhibit 8 for more information on shadow flicker.
§12. O. 2. Mitigation. Where flicker exceeds or is reasonably expected to exceed the above standards, the applicant shall either curtail turbines such that the standards will not be exceed or, if agreed to by the landowner, mitigate with either window treatments or vegetative buffers or other measures.	The Facility will comply with this section. The Applicant has prepared a Visual Impacts and Minimization and Mitigation Plan which addresses minimization and mitigation measures for shadow flicker impacts at non-participating residences. See Exhibit 8 for further information on shadow flicker.
§13. A. Controls. Each WTG shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.	The Facility has been designed to comply with this section.
§13. B. Minimum Blade Height. The minimum distance between the ground and any part of the rotor or blade system shall be twenty (20) feet.	The Facility has been designed to comply with this section.
§13. C. Signs. Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. The Town Board may require additional signs based on safety needs.	The Facility has been designed to comply with this section.
§13. D. Climbing Pegs. No climbing pegs or tower ladders shall be located closer than twelve (12) feet to the ground level at the base of the structure for freestanding single pole or guyed towers.	The Facility has been designed to comply with this section.

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§13. E. Access Control. WTG shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked at all times.	The Facility has been designed to comply with this section. See Exhibit 6 for further information on access controls.
§14. A. Traffic Routes. Construction and delivery vehicles for WTG and Wind Energy Facilities shall use traffic routes established as part of the application review process. Factors in establishing such corridors shall include (i) minimizing traffic impacts from construction and delivery vehicles; (ii) minimizing WTG related traffic during times of school bus activity; (iii) minimizing wear and tear on local roads; and (iv) minimizing impacts on local business operations, Wind Energy Permit conditions may limit WTG-related traffic to specified routes, and include a plan for disseminating traffic route information to the public.	Although the local review process is supplanted by 94-c, the proposed traffic routes have been designed to comply with the requirements of this section. Exhibit 16 includes further details related to traffic routes and traffic impact minimization. See Exhibit 16 for further information.
§14. B. Road Remediation. The applicant shall enter into a road use agreement with the Town prior to construction and decommissioning, which agreement shall require (l) that the applicant ensures roads are sufficient to withstand project construction traffic prior to construction; (2) the applicant to repair or reconstruct all roads such that they are in at least as good of a condition at the end of the project as they were at the beginning of the project; (3) that the public's safe travels are not jeopardized due to the project; and (4) that appropriate financial security insuring that	Although the requirement to enter into a road use agreement is procedural and supplanted by 94-c the Applicant intends to enter into road use agreements with the local municipalities which will provide for the requirements of Section 14(A) and (B). In the event that the Applicant and Town cannot agree upon a road use agreement, the Applicant will comply with the substantive requirements of this section in the final Traffic Control Plan. See Exhibit 19 for further information.

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the applicant's promises will be performed be posted prior to commencement of construction.	
§15. A. Sound Levels. 1. 45 dBA Leq (8-hour) equivalent continuous average sound level from the Facility outside any existing non-participating residence. 2. 55 dBA Leq (8-hour) equivalent continuous average sound level from the Facility outside any existing participating residence and uninhabited structures.	The Facility has been designed to comply with this section. See Exhibit 7 for further details on noise generated by the Facility.
§15. B. Setbacks. Each WTG shall be located with the following minimum setbacks, as measured from the center of the WTG: 1. 1.2 times the WTG Total Height from the exterior of a participating Residence.	The Facility has been designed to comply with this section, the Facility has been designed to be setback 1.2 times from participating residences. See Exhibit 5 for further information on setback requirements.
§15. B. 2. 2.2 times the WTG Total Height from the exterior of a non-participating residence.	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 2.2 times from non-participating residences.
§15. B. 3. 1.1 times the WTG Total Height from the nearest non-participating boundary property line.	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 1.1 times from non-participating property lines. See Exhibit 5 for further information on setback requirements.
§15. B. 4. 1.1 times the WTG Total Height from the right of way of all public roads.	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 1.1 times from public roads. See Exhibit 5 for further information on setback requirements.

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§15. B. 5. 1.1 times the WTG Total Height from above-ground utilities, unless waived by the utility companies.	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 1.1 times from above-ground bulk electric systems. See Exhibit 5 for further information on setback requirements.
§15. B. 6. 1.5 times the WTG Total Height from non-participating permanent structures (structures that humans use from time to time that are not residences; e.g., barns, garages, commercial buildings, etc.).	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 1.5 times from non-participating non-residential structures. See Exhibit 5 for further information on setback requirements.
§15. B. 7. 100 feet from state-identified wetlands as measured from any part of the base or foundation.	The Facility has been designed to comply with the setbacks in this section. See Exhibit 5 for further information on setback requirements and Exhibit 14 further information on wetlands.
§20. Decommissioning. 1. Inoperative WTG. If any WTG remains non-functional or inoperative for a continuous period of one (l) year, the applicant agrees that, without any further action by the Town Board or any other agency, etc., the applicant shall remove said WTG. (a) This provision shall not apply if the applicant demonstrates to the Town that it has been making good faith efforts to restore the WTG to an operable condition, but nothing in this provision shall limit the Town's ability to order a remedial action plan after public hearing. (b) WTG non-function or lack of operation may be proven by reports to the Public Service Commission, NYSERDA, New York Independent System Operator, or by lack of income generation.	The Facility will comply with this provision. See Exhibit 23 for further information on Facility decommissioning and site restoration.

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Upon request of the Town Board, the applicant shall make available (subject to a nondisclosure agreement) to the Town Board all reports to and from the purchaser of energy from individual WTG necessary to prove the WTG is functioning, which reports may be redacted as necessary to protect proprietary information.	
§20. 2. WTG Removal and Remediation. WTG removal shall include removal of all aboveground equipment; removal of foundations to a minimum depth of three (3.0) feet below grade in all lands, and four (4.0) feet in agricultural lands; restoration of soil conditions; and restoration of vegetation to be consistent and compatible with surrounding vegetation.	The Facility will comply with this provision. See Exhibit 23 for further information on Facility decommissioning and site restoration.
§20. 3. Decommissioning Security. The applicant, or successors, shall continuously maintain security for the benefit of the Town only, held by the Town, in a form approved by the Town for the removal of inoperative WTGs, in an amount to be determined by the Town, and for the period of the life of the facility. This security may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant. All decommissioning fund requirements shall be fully funded before a building permit is issued.	The local review process is supplanted by 94-c. The Final Decommissioning and Site Restoration Plan will determine the decommissioning amount. Prattsburgh Wind intends to follow the requirements of 94-c when preparing the net decommissioning and site restoration estimate and will work with the Town on the form of the financial security. See Exhibit 23 for further information on Facility decommissioning and site restoration.
§20. 3. (a) The security amount shall be subject to review by a qualified Professional Engineer every five years in order to adjust the amount to meet changing conditions:	The Facility Decommissioning and Site Restoration Plan will comply with this provision. See Exhibit 23.

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§20. 3. (b) Decommissioning Security shall be in place prior to commencement of construction;	The Facility Decommissioning and Site Restoration Plan will comply with this provision. See Exhibit 23.
§20. 3. (c) The security shall be irrevocable;	The Facility Decommissioning and Site Restoration Plan will comply with this provision. See Exhibit 23.
§20. 3. (d) Estimated salvage value of recyclable materials shall not be taken into account in the determination of the decommissioning security.	Prattsburgh Wind seeks a waiver of this provisions. See Section (c) above.
§21. Environmental Monitoring. The applicant shall establish funding for an independent, third-party environmental monitor and an independent agricultural monitor (although one monitor may suffice if the environmental monitor is qualified to also be an agricultural monitor) to oversee compliance with environmental permit requirements. The Certificate Holder will solicit input from the designated representative of the Town with respect to the selection of the Environmental Monitor. When soliciting input from the Town, the Certificate Holder shall identify one or more candidates and provide qualifications and contact information for the Environmental Monitor. The monitors shall inspect constructions sites and issue regular reports to the Town. The environmental monitor shall have stop-work authority over all aspects of the project. The environmental monitor shall communicate freely with any designated representatives from the Town when contacted by such representative(s).	While the requirement to "solicit input" from the Town is supplanted by 94-c, Prattsburgh Wind will engage the services of an engineering firm with the experience and qualifications to act as an Environmental Monitor to oversee compliance with environmental commitments and siting permit requirements per the requirements of 19 NYCRR § 900-6.4(b). The environmental monitor will perform regular site inspections of construction work sites and, in consultation with the NYSDPS, issue regular reporting and compliance audits, which the Town may obtain. 94-c pre-empts the procedural requirements of this section to report to the Town. In addition, Prattsburgh Wind intends to enter into a Host Community Agreement with the Town which will govern the Town and Prattsburgh Wind's obligations related to the construction, operation and decommissioning of the Facility consistent with the requirements of Section 94-c and Prattsburgh Wind's 94-c Permit.

Local Substantive Law	Compliance
§24. A. Setback. The distance between a Wind Measurement Tower and the property line shall be at least one times the height of the wind measurement tower. Sites for a Wind Measurement Tower can include more than one piece of property and the requirement shall apply to the combined properties. Exceptions for neighboring property are also allowed with the consent of those property owners.	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 1 times the height of the wind measurement tower from non-participating property lines. See Exhibit 5 for further information on setback requirements.
§ 25. Preemption. To the extent that any of these provisions have been preempted by state or federal law (or rule, regulation, etc.), the intent herein is for so much of this law as is compatible with the preempting authority to remain valid and for this law to further serve as a substantive guide for siting of wind projects by any preempting entity in the Town of Howard	The Facility has been designed to comply with the substantive provisions of this local law to the maximum extent practicable.
Town of Howard ***Local Law No. 1 of 2012, Land Use Law***	
Chapter 4. 4.5. Signs. 4.5-2 Commercial Signs 16 square feet per side or larger shall require a Land Use Permit in accordance with the following standards: a. Signs shall not project into a public way. b. Free-standing signs shall not interfere with visibility of pedestrians or vehicles. c. No free-standing sign may be larger than one hundred (100) square feet per side. d. Signs shall not interfere with street and traffic lighting nor cause off-premises glare.	The Facility has been designed to comply with this section.

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Chapter 4. 4.6. Storm Water and Erosion Control. The Storm Water and Erosion Control Guidelines of the New York State Department of Environmental Conservation shall apply to the following activities: 4.6-1 Excavation within 50 feet of any stream, lake or pond. 4.6-2 Excavation, grading or construction on slopes over 8% or in any area in excess of 20,000 square feet. 4.6-3 Any project subject to Site Plan Only, Subdivision or Special Permit approval.	The Facility has been designed to comply with this section. See Appendix 13-C for further information.
Chapter 4. 4.7. Driveways. All driveway entrances shall comply with regulations of the New York State Department of Transportation or the Steuben County Department of Public Works or the Town of Howard, whichever applies. The applicant shall obtain a permit that is required in order to establish an entrance to a State, County or Town of Howard road.	The procedural provisions of this section are supplanted by Section 94-c. To the extent that any provisions in this section are substantive, the Applicant intends to enter Road Use Agreements with the local municipalities which will provide for the requirements of Chapter 4. 4.7. In the event that the Applicant and Town cannot agree upon a road use agreement, the Applicant will comply with the substantive requirements of this section in the final Traffic Control Plan. See Exhibit 16 for further details.
Town of Wheeler ***Local Law No. 1 of 2021, Wind Energy Facilities***	
Article II. §12. A. Transmission Lines. All power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent practicable.	The Facility has been designed to comply with this section. See Exhibit 3, Exhibit 5, and Exhibit 21 for further information on the Facility's transmission lines.

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Article II. §12. B. WTG Height. The maximum Total Height of any WTG shall be 650 feet.	The Facility cannot be designed to comply with this requirement. Prattsburgh Wind is seeking a waiver of this provision see Section (c) above.
Article II. §12. C. Antennae Co-Location. No television, radio or other communication antennas may be affixed or otherwise made part of any WTG, except pursuant to the Town Code. Applications may be jointly submitted for WTG and telecommunications facilities.	The Facility has been designed to comply with this section.
Article II. §12. D Advertising. No advertising signs are allowed on any part of the Wind Energy Facility, including fencing and support structures.	The Facility has been designed to comply with this section. See Exhibit 8 for further details.
Article II. §12. E. WTG Lighting. WTG Lighting shall comply with the following standards: 1. No WTG shall be lit except to comply with FAA requirements. 2. Subject to subsection three below, an aircraft detection/lighting system (e.g., radar activated lighting) must be used, provided that it is allowed by the FAA. 3. In the event that either (a) aircraft detection lighting is not allowed by the FAA or (b) in the event that the Town Board votes in favor of dimmable lighting rather than radar activated lighting because of evidence that dimmable lighting would be a better minimizer of the visual lighting impacts of the turbine lights, then dimmable lighting acceptable to the Town must be used for the turbine lights. 4. Any assertion by the Applicant that aircraft detection lighting is not allowed by the FAA must	The Facility has been designed to comply with this section. See Exhibit 8 for further details on FAA lighting. See Exhibit 8 for further details on WTG lighting.

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be substantiated by evidence showing all of the communication and documentation (trade secrets excepted) showing the FAA's determination and the rationale for its determination.	
Article II. §12. F. Visual Impact Mitigation. Applicants shall use measures to reduce the visual impact of WTG to the extent possible. 1. WTG shall use tubular towers. 2. WTG shall be finished in a single, non-reflective matte finished color. 3. WTG within a multiple WTG project shall be constructed using WTG whose appearance, with respect to one another. is similar within and throughout the project, to provide reasonable uniformity in overall size, geometry, and rotational speeds. 4. No WTG shall be installed in any location that would substantially detract from, substantially impinge upon, or substantially block the view of a portion of a scenic viewshed, as viewed from a public right of way or publicly owned land within the Town. 5. In siting WTGs, the applicant shall utilize state recognized avoidance and mitigation techniques to reasonably mitigate the visual impact, including but not limited to: screening, relocation (e.g., to alternate sites); and downsizing. 6. In the event that visual impacts that are not able to be mitigated, the applicant shall implement offsets to existing aesthetic problems	The Facility has been designed to comply with this section. See Exhibit 8 for further information.

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within the Town in order to partially offset the visual impact caused by the WTGs.	
Article II. §12. G. Guy Wires. The use of guy wires for WTG is disfavored. A WTG using guy wires for tower support shall incorporate appropriate measures to protect the guy wires from damage which could cause tower failure.	The Facility has been designed to comply with this section. See Exhibit 21 for further details of the Facility's electrical system.
Article II. §12 H. Microwave Links. No WTG shall be installed in any location along the major axis of an existing microwave or other communications link where its operation is likely to interfere in the link's operation. If it is determined that a WTG is interfering with a microwave or other communications path, the WTG operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, or resolution of the issue with the impacted parties. Failure to remedy interference with existing microwave or other communications links is grounds for revocation of the Wind Energy Permit for the specific WTG causing the interference.	The Facility has been designed to comply with this section. See Exhibit 20 for further discussion on microwave and communication links relative to the Facility.
Article II. §12. I. Waste Removal. Solid waste, hazardous waste and construction debris shall be removed from the Site and managed in a manner consistent with all appropriate rules and regulations.	The Facility has been designed to comply with this section. The Applicant will dispose of waste as authorized by State and Federal law. See Exhibit 23 for further discussion on waste removal.
Article II. §12. J. Clearing. Wind Energy Facilities shall be designed to minimize the impacts of land clearing and the loss of open space areas. Land protected by conservation easements shall be	The Facility has been designed to comply with this section. See Exhibit 3 for further details on land use and specially-designated areas surrounding the Facility.

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avoided when feasible. The use of previously developed areas will be given priority wherever possible.	
Article II. §12. K. Wildlife. WTG shall be located in a manner that minimizes significant negative impacts on rare animal species in the vicinity, particularly bird and bat species. Further, to the extent that mitigation efforts are undertaken in order to provide net benefits for species (e.g., bats, eagles, etc.) or resources that are potentially harmed by the project, then (to the extent reasonably practicable) those net benefits shall be performed in the Town or otherwise as close to the Town as possible. Costs and overall benefit relative to the negative impact(s) are nonexclusive factors that may be taken into account when determining whether it is unreasonably impracticable to undertake mitigation or net conservation benefit efforts in the Town or in close proximity thereto.	The Facility has been designed to comply with this section to the extent practicable. Mitigation for impacts to animal species, especially ones which migrate throughout the state such as bat and bird species should be tied to what is best biologically for the species not to a certain geographic area. Under the 94-c Process in consultation with NYSDEC, ORES will review and approve any proposed mitigation efforts. If mitigation is required, the Applicant will comply with the requirements of Section 94-c. See Exhibit 12 for further information on the Facility's impacts to wildlife.
Article II. §12. L. Wetlands. Wind Energy Facilities shall be located in a manner consistent with all applicable state and Federal wetlands laws and regulations.	The Facility has been designed to comply with this section. See Exhibit 14 further details on wetland impacts.
Article II. §12. M. Stormwater. Storm-water run-off and erosion control shall be managed in a manner consistent with all applicable state and Federal laws and regulations.	The Facility has been designed to comply with this section. See Appendix 13-C for further information.
Article II. §12. N. Construction Times. Construction of the Wind Energy Facilities shall be limited to the hours of 7 a.m. to sunset, not to exceed 9 p.m.	The Applicant will generally comply with the requirements of this provision as it is in line with the requirements of 94-c. However, the Applicant

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except for certain activities that require cooler temperatures than possible during the day, for which activities special hours may be granted upon the approval from the Town Board and/or Code Enforcement Officer.	has requested a limited waiver of this provision to the extent that it conflicts with 94-c.
Article II. §12. O. 1. General Standards. Non-participating residences shall not be subject to more than 30 hours of shadow flicker annually.	The Facility has been designed to comply with this section. See Exhibit 8 for more information on shadow flicker.
Article II. §12. O. 2. Mitigation. Where flicker exceeds or is reasonably expected to exceed the above-standards, the applicant shall either curtail turbines such that the standards will not be exceed or, if agreed to by the landowner, mitigate with either window treatments or vegetative buffers or other measures.	The Facility will comply with this section. The Applicant has prepared a Visual Impacts and Minimization and Mitigation Plan which addresses minimization and mitigation measures for shadow flicker impacts at non-participating residences. See Exhibit 8 for more information on shadow flicker.
Article II. §13. A. Controls. Each WTG shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.	The Facility has been designed to comply with this section.
Article II. §13. B. Minimum Blade Height. The minimum distance between the ground and any part of the rotor or blade system shall be twenty (20) feet.	The Facility has been designed to comply with this section.
Article II. §13. C. Signs. Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. The Town Board may require additional signs based on safety needs.	The Facility has been designed to comply with this section.
Article II. §13. D. Climbing Pegs. No climbing pegs or tower ladders shall be located closer than	The Facility has been designed to comply with this section.

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twelve (12) feet to the ground level at the base of the structure for freestanding single pole or guyed towers.	
Article II. §13. E. Access Control. WTG shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked at all times.	The Facility has been designed to comply with this section. See Exhibit 6 for further information on access controls.
Article II. §14. A. Traffic Routes. Construction and delivery vehicles for WTG and Wind Energy Facilities shall use traffic routes established as part of the application review process. Factors in establishing such corridors shall include (i) minimizing traffic impacts from construction and delivery vehicles; (ii) minimizing WTG related traffic during times of school bus activity; (iii) minimizing wear and tear on local roads; and (iv) minimizing impacts on local business operations, Wind Energy Permit conditions may limit WTG-related traffic to specified routes and include a plan for disseminating traffic route information to the public.	Although the local review process is supplanted by 94-c, the proposed traffic routes have been designed to comply with the requirements of this section. Exhibit 16 includes further details related to traffic routes and traffic impact minimization. See Exhibit 16 for further details.
Article II. §14. B. Road Remediation. The applicant shall enter into a road use agreement with the Town prior to construction and decommissioning, which agreement shall require (l) that the applicant ensures roads are sufficient to withstand project construction traffic prior to construction; (2) the applicant to repair or reconstruct all roads such that they are in at least as good of a condition at the end of the project as they were at	Although the requirement to enter into a road use agreement is procedural and supplanted by 94-c the Applicant intends to enter Road Use Agreements with the local municipalities which will provide for the requirements of Section 14(A) and (B). In the event that the Applicant and Town cannot agree upon a road use agreement, the Applicant will comply with the substantive

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the beginning of the project; (3) that the public's safe travels are not jeopardized due to the project; and (4) that appropriate financial security insuring that the applicant's promises will be performed be posted prior to commencement of construction.	requirements of this section in the final Traffic Control Plan. See Exhibit 16 for further details.
Article II. §15. A. Sound Levels. Sound levels from all sound sources from the Wind Generating Facility, related facilities and ancillary equipment shall comply with the following maximum noise limit standards: 1. 45 dBA Leq (8-hour) equivalent continuous average sound level from the Facility outside any existing non-participating residence.	The Facility has been designed to comply with this section. See Exhibit 7 for further information on noise generated by the Facility.
Article II. §15. A. 2. 55 dBA Leq (8-hour) equivalent continuous average sound level from the Facility outside any existing participating residence and uninhabited structures.	The Facility has been designed to comply with this section. See Exhibit 7 for further information on noise generated by the Facility.
Article II. §15. B. Setbacks. Each WTG shall be located with the following minimum setbacks, as measured from the center of the WTG: 1. 1.2 times the WTG Total Height from the exterior of a participating Residence.	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 1.2 times from participating residences. See Exhibit 5 for further information on setback requirements.
Article II. §15. B. 2. 2.2 times the WTG Total Height from the exterior of a non-participating residence.	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 2.2 times from participating residences. See Exhibit 5 for further information on setback requirements.
Article II. §15. B. 3. 1.1 times the WTG Total Height from the nearest Site boundary property line.	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 1.1 times from non-

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	participating property lines. See Exhibit 5 for further information on setback requirements.
Article II. §15. B. 4. 1.1 times the WTG Total Height from the right of way of all public roads.	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 1.1 times from public roads. See Exhibit 5 for further information on setback requirements.
Article II. §15. B. 5. 1.1 times the WTG Total Height from above-ground utilities, unless waived by the utility companies.	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 1.1 times from above-ground bulk electric systems. See Exhibit 5 for further information on setback requirements.
Article II. §15. B. 6. 1.5 times the WTG Total Height from non-participating permanent structures (structures that humans use from time to time that are not residences; e.g., barns, garages, commercial buildings, etc.).	The Facility has been designed to comply with the setbacks in this section, the Facility has been designed to be setback 1.5 times from non-participating non-residential structures. See Exhibit 5 for further information on setback requirements.
Article II. §15. B. 7. 100 feet from state-identified wetlands as measured from any part of the base or foundation.	The Facility has been designed to comply with the setbacks in this section. See Exhibit 5 for further information on setback requirements.
Article II. §20. 1. Inoperative WTG. If any WTG remains non-functional or inoperative for a continuous period of one (l) year, the applicant agrees that, without any further action by the Town Board or any other agency, etc., the applicant shall remove said WTG. (a) This provision shall not apply if the applicant demonstrates to the Town that it has been making good faith efforts to restore the WTG to an operable condition, but nothing in this	The Facility Decommissioning and Site Restoration Plan will comply with this provision. See Exhibit 23 for further details on decommissioning.

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provision shall limit the Town's ability to order a remedial action plan after public hearing. (b) WTG non-function or lack of operation may be proven by reports to the Public Service Commission, NYSERDA, New York Independent System Operator, or by lack of income generation. Upon request of the Town Board, the applicant shall make available (subject to a nondisclosure agreement) to the Town Board all reports to and from the purchaser of energy from individual WTG necessary to prove the WTG is functioning, which reports may be redacted as necessary to protect proprietary information.	
Article II. §20. 2. WTG Removal and Remediation. WTG removal shall include removal of all aboveground equipment; removal of foundations to a minimum depth of three (3.0) feet below grade in all lands, and four (4.0) feet in agricultural lands; restoration of soil conditions; and restoration of vegetation to be consistent and compatible with surrounding vegetation.	The Facility Decommissioning and Site Restoration Plan will comply with this provision. See Exhibit 23 for further details on Facility decommissioning and site restoration.
Article II. §20. 3. Decommissioning Security. The applicant, or successors, shall continuously maintain security for the benefit of the Town only, held by the Town, in a form approved by the Town for the removal of inoperative WTGs, in an amount to be determined by the Town, and for the period of the life of the facility. This security may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the	The Facility Decommissioning and Site Restoration Plan will comply with this provision. The Applicant intends to follow the requirements of 94-c when preparing the net decommissioning and site restoration estimate and will work with the Town on the form of the financial security. See Exhibit 23 for further details on decommissioning.

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applicant. All decommissioning fund requirements shall be fully funded before a building permit is issued.	
Article II. §20. 3. (a) The security amount shall be subject to review by a qualified Professional Engineer every five years in order to adjust the amount to meet changing conditions.	The Facility Decommissioning and Site Restoration Plan will comply with this provision. See Exhibit 23 for further details on decommissioning.
Article II. §20. 3. (b) Decommissioning Security shall be in place prior to commencement of construction.	The Facility Decommissioning and Site Restoration Plan will comply with this provision. See Exhibit 23 for further details on decommissioning.
Article II. §20. 3. (c) The security shall be irrevocable.	The Facility Decommissioning and Site Restoration Plan will comply with this provision. See Exhibit 23 for further details on decommissioning.
Article II. §20. 3. (d) Estimated salvage value of recyclable materials shall not be taken into account in the determination of the decommissioning security.	Prattsburgh Wind seeks a waiver of this provisions. See Section (c) above. See Exhibit 23 for further details on decommissioning.
Article II. §21. Environmental Monitoring. The applicant shall establish funding for an independent, third-party environmental monitor and an independent agricultural monitor (although one monitor may suffice if the environmental monitor is qualified to also be an agricultural monitor) to oversee compliance with environmental permit requirements. The Certificate Holder will solicit input from the designated representative of the Town with respect to the selection of the Environmental Monitor. When soliciting input from the Town, the Certificate Holder shall identify one or more candidates and provide qualifications and contact	The Applicant will engage the services of an engineering firm with the experience and qualifications to act as an Environmental Monitor to oversee compliance with environmental commitments and siting permit requirements per the requirements of 19 NYCRR § 900-6.4(b). The environmental monitor will perform regular site inspections of construction work sites and, in consultation with the NYSDPS, issue regular reporting and compliance audits, which the Town may obtain. 94-c pre-empts the procedural requirements of this section to report to the Town. In addition, the Applicant will enter into a Host Community Agreement with the Town which

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information for the Environmental Monitor. The monitors shall inspect constructions sites and issue regular reports to the Town. The environmental monitor shall have stop-work authority over all aspects of the project. The environmental monitor shall communicate freely with any designated representatives from the Town when contacted by such representative(s)	will govern the Town and the Applicant's obligations related to the construction, operation and decommissioning of the Facility consistent with the requirements of Section 94-c and the Applicant's 94-c Permit.
Article III. §24. A. Setback. The distance between a Wind Measurement Tower and the property line shall be at least one times the height of the wind measurement tower. Sites for a Wind Measurement Tower can include more than one piece of property and the requirement shall apply to the combined properties. Exceptions for neighboring property are also allowed with the consent of those property owners.	Currently there are no wind measurement towers proposed in the Town of Wheeler. See Exhibit 5 for further information on setback requirements.
Article III. §25. To the extent that any of these provisions have been preempted by state or federal law (or rule, regulation, etc.), the intent herein is for so much of this law as is compatible with the preempting authority to remain valid and for this law to further serve as a substantive guide for siting of wind projects by any preempting entity in the Town of Wheeler.	The Facility has been designed to comply with the substantive provisions of this local law to the maximum extent practicable.
Town of Prattsburgh ***Local Law No. 1 of 2021, Wind Energy Facilities Law***[5]	
Article 5. Section 1. A. The project Developer (Developer) shall engage the services of an	The Applicant will engage the services of an engineering firm with the experience and

[5] Amending Local Law 2 of 2012, Wind Energy Facilities Law

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engineering firm with the experience and qualifications to act as an Environmental Monitor for all stages of construction, implementation and operation of the wind energy facility within the Town of Prattsburgh.	qualifications to act as an Environmental Monitor to oversee compliance with environmental commitments and siting permit requirements per the requirements of 19 NYCRR § 900-6.4(b).
Article 5. Section 1. B. The obligation for engaging such Environmental Monitor shall be included as a term and condition in any siting permit issued with respect to the wind energy facility project, however, the omission of such term and/or condition from the siting permit shall not relieve the Developer of its obligation with respect to the engagement of an Environment Monitor pursuant hereto.	The Applicant will engage the services of an engineering firm with the experience and qualifications to act as an Environmental Monitor to oversee compliance with environmental commitments and siting permit requirements per the requirements of 19 NYCRR § 900-6.4(b).
Article 5. Section 1. C. The Environmental Monitor shall oversee compliance with all terms and conditions of the siting permit, as well as the provisions of this Local Law and any other applicable regulations and guidelines. The Environmental Monitor shall be required to report to the Town Clerk any violations or deviations from the terms and conditions of the siting permit, this Local Law, and any other applicable regulations and guidelines within twenty-four (24) hours of discovering such violation or deviation.	The Applicant will engage the services of an engineering firm with the experience and qualifications to act as an Environmental Monitor to oversee compliance with environmental commitments and siting permit requirements per the requirements of 19 NYCRR § 900-6.4(b). The environmental monitor will perform regular site inspections of construction work sites and, in consultation with the NYSDPS, issue regular reporting and compliance audits, which the Town may obtain. 94-c pre-empts the procedural requirements of this section to report to the Town.
Article 5. Section 1. D. Prior to engaging the Environmental Monitor, the Developer shall, in writing, notify the Town Clerk of the name of its nominee for that position, as well as providing	94-c pre-empts the procedural requirements of Section (D). The Office will oversee the review and approval of the Applicant's Environmental

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documentation related to the firm's or entity's qualifications, a list of their personnel who will be involved in the environmental monitoring of the project and their individual qualifications. The Town Board shall have sixty (60) days from receipt of that documentation and any additional documentation and/or information concerning the proposed Environmental Monitor, to indicate in writing its approval or disapproval of the firm or entity nominated by the Developer. In the event of a disapproval of the nominee by the Town Board the developer shall not engage the services of that nominee.	Monitor per the requirements of 19 NYCRR § 900-6.4(b).
Article 5. Section 1. E. In the alternative to the above nomination process, the Town Board and the Developer may collaborate on the choice of the Environmental Monitor, in which case the written consent of the Town Board shall be required prior to the Environmental Monitor being engaged.	94-c pre-empts the procedural requirements of Section (E). The Office will oversee the review and approval of the Applicant's Environmental Monitor per the requirements of 19 NYCRR § 900-6.4(b).
Article 5. Section 1. F. The consent of the Town Board shall not be unreasonably withheld and the reasons for disapproval by the Town Board shall be articulated in its written notice of disapproval.	94-c pre-empts the procedural requirements of Section (F). The Office will oversee the review and approval of the Applicant's Environmental Monitor per the requirements of 19 NYCRR § 900-6.4(b).
Article 5. Section 2. A. The siting permit shall contain a term or condition requiring that construction work hours on any and all components of the wind energy facility, as well as delivery and/or unloading of any parts, materials or equipment related thereto, including repair or	The Applicant seeks a waiver of this provision. See Section (c) above.

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maintenance of construction equipment at any outdoor location, shall be limited to the hours between 7:00 a.m. and 7:00 p.m. on Mondays through Saturdays, except Federally recognized holidays. The omission of such term and/or condition from the siting permit shall not relieve the Developer of its obligation with respect to the limits set forth herein.	
Article 5. Section 2. B. No activities limited herein shall occur on Sundays or on federally recognized holidays.	See compliance with Article 5. Section 2. A. above. 94-c allows for construction and routine maintenance activities to occur between 7 a.m. to 8 p.m. Monday through Saturday and 8 a.m. to 8 p.m. on Sunday and national holidays.
Article 5. Section 3. A. The siting permit shall contain terms and/or conditions requiring that the Developer plan, construct, maintain and operate the facility in accordance with all New York State Department of Agriculture and Markets Guidelines applicable to Agricultural Mitigation for wind energy facilities dated April 19, 2018, as well as any amendments or new such Guidelines that are issued by the New York State Department of Agriculture and Markets and any other state or federal agency concerning agricultural land applicable to wind energy projects.	The Facility has been designed to comply with this section and the New York State Department of Agriculture and Markets Guidelines applicable to Agricultural Mitigation for wind energy facilities dated April 19, 2018.
Article 5. Section 3. B. This includes, but is not limited to locating collection and transmission lines and facility components sufficiently underground in agricultural land, except when underground placement is not possible from a technological standpoint.	The Facility has been designed to comply with this section. See Exhibit 3, Exhibit 5, and Exhibit 21 for further information on the Facility's transmission lines.

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Article 5. Section 3. C. It shall also be required that full restoration of disturbed agricultural land, due to construction or maintenance activities be made prior to the facility becoming operational.	The Applicant seeks a waiver of this provision. See Section (c) above.
Article 5. Section 3. D. The failure of such provision to be included in the siting permit shall not relieve the Developer of complying with the provisions hereof.	NYS Executive Law § 94-c (6) explicitly preempts local agency's authority to condition the development, design, construction, operation or decommissioning of major renewable energy facilities governed pursuant to Section 94-c. The Applicant will comply with the conditions of its 94-c Permit if granted, which may include waivers of substantive provisions of this local law as outlined in this letter and as further described in the Applicant's 94-c Application.
Article 5. Section 4. A. The siting permit shall contain terms and/or conditions requiring that Developer shall remove from any facility site, at any time during construction, operation, maintenance or tower/component replacement, any item(s) or material(s) which is or are toxic or deleterious to humans or the environment, either of their own accord or upon disposal in any location.	The Applicant seeks a waiver of this provision. See Section (c) above.
Article 5. Section 4. B. Any such item(s) or material(s) shall be disposed of at a site outside the Town of Prattsburgh which is authorized by the State or Federal government to receive such item(s) or materials(s).	The Applicant seeks a waiver of this provision. See Section (c) above.
Article 5. Section 4. C. The consent of any property owner within the Town of Prattsburgh to permit disposal or placement of any such item(s) or	The Applicant seeks a waiver of this provision. See Section (c) above.

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material(s) shall not abrogate the provision hereof.	
Article 5. Section 4. D. The failure of such provision to be included in the siting permit shall not relieve the Developer of complying with the provisions herein.	NYS Executive Law § 94-c (6) explicitly preempts local agency's authority to condition the development, design, construction, operation or decommissioning of major renewable energy facilities governed pursuant to Section 94-c. The Applicant will comply with the conditions of its 94-c Permit if granted, which may include waivers of substantive provisions of this local law as outlined in this letter and as further described in the Applicant's 94-c Application.
Article 5. Section 5. A. The Developer's siting permit shall require that, as a term or condition thereof, that all wind energy turbine towers be subject to a lot boundary line setback which shall be a distance determined by the following formula: 1.5 times (tower height plus rotor radius). That measurement shall be from the nearest lot boundary line and measured horizontally from the tower location to that lot boundary line or a perpendicular line elevated therefrom.	The Applicant has designed the Facility to meet the 1.5 times to the extent practicable, however limited waivers are needed for certain turbine locations. See Exhibit 5 for further information on setback requirements.
Article 5. Section 5. B. In the alternative the setback shall comply with any applicable federal or New York State setback regulation distances which may be greater than the setback required in this Local Law.	See Exhibit 5 for further information on setback requirements.
Article 5. Section 5. C. The setback distances shall be measured from both the nearest lot boundary line existing at the time that the siting permit is	See Exhibit 5 for further information on setback requirements.

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issued and the closest boundary of any public highway, whether subject to Town, County or State control and/or jurisdiction.	
Article 5. Section 5. D. The omission of such setback requirement as a term or condition of the siting permits shall not relieve the Developer of its obligations with respect to complying with these setback requirements.	NYS Executive Law § 94-c (6) explicitly preempts local agency's authority to condition the development, design, construction, operation or decommissioning of major renewable energy facilities governed pursuant to Section 94-c. The Applicant will comply with the conditions of its 94-c Permit if granted, which may include waivers of substantive provisions of this local law as described in the Applicant's 94-c Application. See Exhibit 5 for further information on setback requirements.
Article 5. Section 5. E. Developer may obtain and submit a waiver from any nonparticipating owner of a lot within that setback area consenting to a lesser setback distance. Such waiver shall clearly identify the owner (s) of the lot to which the waiver is to apply, as well as the current tax map parcel number of the lot and the most recent deed recording information, including the recording date of the deed and the liber and page at which such deed was recorded. The waiver shall be in a format and executed in a manner that would allow a deed to be recorded in the State of New York. Such waiver shall be recorded in the Office of the Clerk of the County in which the lot is located, to which the waiver applies.	The Facility will comply with this section. See Exhibit 5 for further information on setback requirements.
Article 5. Section 6. A. The Developer's Siting Permit shall require that, as a term or condition	The Applicant seeks a waiver of this provision. See Section (c) above.

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thereof, the sound emitted from any wind energy turbine tower which is a part of the wind energy facility, measured at the nearest point on the lot boundary line of any non-participating property, shall not exceed 6dBA L90 above established ambient noise level (baseline level), as well as requiring compliance with the other provisions of this section.	
Article 5. Section 6. E. The omission of the content hereof as a term or condition in any siting permit shall not relieve the Developer of its obligation with respect to the provisions hereof.	NYS Executive Law § 94-c (6) explicitly preempts local agency's authority to condition the development, design, construction, operation or decommissioning of major renewable energy facilities governed pursuant to Section 94-c. The Applicant will comply with the conditions of its 94-c Permit if granted, which may include waivers of substantive provisions of this local law as described in the Applicant's 94-c Application.
Article 5. Section 7. A. The Developer's siting permit shall require that as a term or condition thereof, the Developer shall comply with any viewshed preservation and/or mitigation requests made by the Town pursuant hereto. Failure of the siting permit to contain such term and/or condition shall not relieve the Developer of complying with the provisions hereto.	As part of the 94-c process the Applicant consulted with the town regarding the visibility of the Facility and local resources that may be impacted due to the visibility of the Facility. The Applicant has prepared a visual impact assessment (VIA) and a Visual Impacts Minimization and Mitigation Plan in accordance with the requirements of 19 NYCRR § 900-2.9 which may or may not include all requests made by the Town. See Exhibit 8 for further information. NYS Executive Law § 94-c (6) explicitly preempts local agency's authority to condition the development, design, construction, operation or decommissioning of major renewable energy

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	facilities governed pursuant to Section 94-c. The Applicant will comply with the conditions of its 94-c Permit if granted, which may include waivers of substantive provisions of this local law as described in the Applicant's 94-c Application.
Article 5. Section 7. F. No component of a wind energy facility shall be placed in any location which would negatively impact a viewshed or a significant portion thereof to a considerable degree where mitigation would be ineffective.	The Facility has been designed to comply with this section. Exhibit 8 provides details regarding the Facility's impact on visual resources and outlines any avoidance and proposed minimization and mitigation alternatives based on an assessment of mitigation strategies.
Article 5. Section 7. G. In the event that the siting agency for the Developer prohibits the enforcement of any subsection hereof or determines that mitigation is not possible, the Developer shall be required to fund an "offset project" or "offset projects" of importance to the Town, as identified by the Town Board, and in an amount or amounts determined by the Town Board.	NYS Executive Law § 94-c (6) explicitly preempts local agency's authority to condition the development, design, construction, operation or decommissioning of major renewable energy facilities governed pursuant to Section 94-c. The Applicant will comply with the conditions of its 94-c Permit if granted, which may include waivers of substantive provisions of this local law as described in the Applicant's 94-c Application.
Article 5. Section 8. A. The Developer's siting permit shall require that, as a term or condition thereof, the Developer shall, prior to construction, undertake a study for the purpose of determining geotechnical data on aquifers and domestic water wells in the vicinity of each wind turbine tower site to be utilized by the Developer. Such study shall include wind turbine tower sites outside the geographic limits of the Town of Prattsburgh but within the vicinity of any domestic water well within the geographic limits of the Town of	The Applicant's 94-c Application includes an analysis and evaluation of potential impacts (during normal and drought conditions) from the construction and/or operation of the facility on drinking water supplies, groundwater quality and quantity in the facility area, including potential impacts on public and private water supplies, including private wells within a one (1)-mile radius of the facility site, and wellhead and aquifer protection zones. See Exhibit 13.

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Prattsburgh. For the purposes hereof "vicinity" shall be defined as a radius of 1,500 feet from the center of any wind turbine tower.	
Article 5. Section 8. B. Such study shall determine whether the wind turbine tower, or any component thereof including the foundation system, has the potential of negatively affecting a domestic water well or an aquifer that provides a water source for any domestic water well.	The Applicant's 94-c Application includes an analysis and evaluation of potential impacts (during normal and drought conditions) from the construction and/or operation of the facility on drinking water supplies, groundwater quality and quantity in the facility area, including potential impacts on public and private water supplies, including private wells within a one (1)-mile radius of the facility site, and wellhead and aquifer protection zones. See Exhibit 13.
Article 5. Section 8. C. Further, such study shall be undertaken by an engineer or engineering firm with education and experience in the study of groundwater resources and potential impacts thereon by below ground level excavation and construction. The study shall take into consideration, at each individual wind turbine tower site, the depth of the tower foundation, as well as the area which it occupies.	Any studies or analysis related to groundwater resources and potential impacts thereon have been undertaken by qualified experts.
Article 5. Section 8. G. No wind turbine tower shall be placed or constructed in a location where the existence thereof creates a potential negative impact on a water supply for a domestic water well, without an effective methodology being implemented to avoid any and all negative impact on the water source for that domestic water well.	The Facility will be designed to comply with this requirement. See Exhibit 3 for further details on water wells.
Article 5. Section 9. A. The Developer's siting permit shall require that, as a term or condition	The Applicant seeks a waiver of this provision.

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thereof, that the Developer undertake a study for the purpose of identifying any natural gas deposits within the vicinity of each wind turbine tower site to be utilized by the Developer. Such study shall include wind turbine tower sites outside the geographic limits of the Town of Prattsburgh but within the vicinity of any natural gas deposit within the geographic limits of the Town of Prattsburgh. For the purpose hereof "vicinity" shall be defined as a radius of 1,500 feet from the center of any wind turbine tower.	
Article 5. Section 9. B. Such study shall determine whether the wind turbine tower, or any component thereof including the foundation system, has the potential of negatively affecting the natural gas deposit or creating a hazard to the public.	The Applicant seeks a waiver of this provision.
Article 5. Section 9. C. Further, such study shall be undertaken by an engineer or engineering firm with education and experience in the study of natural gas deposits and potential impacts thereon by below ground level excavation and construction. The study shall take into consideration, at each individual wind turbine tower site, the depth of the tower foundation, as well as the area which it occupies.	The Applicant seeks a waiver of this provision.
Article 5. Section 9. F. In the event that the study approved by the Town Board determines that there may be a potential for a negative impact on a natural gas deposit the study shall include actions which would prevent such negative impact	The Applicant seeks a waiver of this provision.

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on the natural gas deposit as well as an analysis of the effectiveness of the proposed preventive measures.	
Article 5. Section 9. G. No wind turbine tower shall be placed or constructed in a location where the existence thereof creates a potential negative impact on a natural gas deposit or creates a risk of hazard to the public, without an effective methodology being implemented to avoid any and all negative impact on a natural gas deposit or avoid a risk of hazard to the public.	The Applicant seeks a waiver of this provision.
Article 5. Section 10. The Developer's Siting permit shall require that, as terms or conditions thereof: A. Shadow flicker caused by wind turbine operations shall be limited to a maximum of: thirty (30) hours annually and a maximum of thirty (30) minutes cumulative per day, at any nonparticipating residential receptor, subject to verification using shadow detection and operational controls at appropriate wind turbines;	The Applicant seeks a waiver of the maximum of thirty (30) minutes cumulative per day limit. See Section (c) above. Prattsburgh Wind has designed the facility to comply with a shadow flicker limit of 30 hours per year at non- participating receptors. This goal is consistent with the conditions established by other renewable energy proceedings (under Article 10 of the Public Service Law) as well as Section 94-c and guidance and regulations developed by various states and countries. Requiring an additional daily maximum is unreasonably burdensome. See Exhibit 8 for more information on shadow flicker.
Article 5. Section 10. B. A Shadow Flicker Impacts Minimization and Mitigation Plan shall be prepared which shall include: 1. An analysis of realistic and receptor-specific predicted flicker based on final proposed siting and design;	Prattsburgh Wind's Visual Impacts and Mitigation Plan is consistent with this provision. See Exhibit 8 for more information on shadow flicker.

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2. A protocol for monitoring operational conditions and potential flicker exposure at the wind turbine locations identified in the analysis, based on meteorological conditions; 3. Details of the shadow detection and prevention technology that will be adopted for real-time meteorological monitoring and operational control of turbines; 4. Temporary turbine shutdowns during periods that produce flicker; and 5. Shielding or blocking measures (such as landscape plantings and window treatments) for receptor locations that submit complaints for exposures that are not subject to the annual daily limits. 6. Details of shadow flicker control, minimization and mitigation measures shall be indicated on final design drawings and standards, as well as any site plans, in compliance herewith.	
Article 5. Section 10. C. The omission of such terms and/or conditions from the siting permit shall not relieve the Developer of its obligations with respect to the provision hereof.	NYS Executive Law § 94-c (6) explicitly preempts local agency's authority to condition the development, design, construction, operation or decommissioning of major renewable energy facilities governed pursuant to Section 94-c. The Applicant will comply with the conditions of its 94-c Permit if granted, which may include waivers of substantive provisions of this local law as described in the Applicant's 94-c Application.

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Article 5. Section 11. A. The Developer's siting permit shall include a term or condition requiring respect to utilization of Aircraft Detection Systems for nighttime visual impact minimization if permitted by Federal Aviation Administration (FAA). The use of Aircraft Detection Lighting System(s) (ADLS) or other similar lighting minimization technologies or techniques shall be installed in the Facility to avoid visual lighting impacts al night. Details of the ADLS technology shall be submitted as a compliance filing along with the FAA's approval of the specific system used.	The Facility will be designed consistent with this provision and will comply with 19 NYCRR 900-2.9(d)(9)(c) which requires: For wind facilities, lighting shall be installed on turbines for aviation hazard marking as specified by FAA. The applicant shall file a Notice for a Marking and Lighting Study of Aircraft Detection Lighting System(s) (ADLS) with the FAA/Department of Defense (DOD) seeking a written determination approving the use of ADLS at the Project. If FAA/DOD determine that ADLS is not appropriate for the entire project, or if the applicant determines installation of ADLS is not technically feasible, the applicant shall consider other means of minimizing lighting effects, such as synchronization of lighting activation with adjoining wind farms. t. See Exhibit 8 for further details on FAA lighting. See Exhibit 6 and Exhibit 8 for further information.
Article 5. Section 11. B. If for any reason ADLS is not permitted by the FAA, the Developer shall provide communications and documentation showing the FAA's determination and the rationale for its determination.	The Facility will be designed consistent with this provision and will comply with 19 NYCRR 900-2.9(d)(9)(c). See Exhibit 6 and Exhibit 8 for further information.
Article 5. Section 11. C. In the event that ADLS is not permitted to be used, the Developer shall submit a mitigation plan proposing other measures to minimize visual nighttime impacts, which must be approved prior to commencement of facility construction.	The Facility will be designed consistent with this provision and will comply with 19 NYCRR 900-2.9(d)(9)(c). See Exhibit 6 and Exhibit 8 for further information.

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Article 5. Section 12. The Developer's siting permit shall require that, as a term or condition thereof that the project Developer (Developer) shall establish a Complaint Resolution Program (Program) prior to commencement of construction of the facility. The omission of such term and/or condition from the siting permit shall not relieve the Developer of its obligation with respect to the providing of a Complaint Resolution Program pursuant hereto. Such Program shall be applicable during all phases of construction of the facility and all operational phases of the facility, up until completion of decommissioning of all portions of the facility, as that term is defined in this Local Law. The Program shall be subject to approval of the Town Board. The Program shall be placed on file with the Town Clerk upon issuance of the siting permit.	NYS Executive Law § 94-c (6) explicitly preempts local agency's authority to condition the development, design, construction, operation or decommissioning of major renewable energy facilities governed pursuant to Section 94-c. The Applicant will comply with 19 NYCRR 900-10.2(7)(e) which requires: A Complaint Management Plan, which shall describe, at a minimum, the following: (i) Methods for registering a complaint, which shall include a phone number, email address, mailing address, and a form to report complaints; (ii) Notification to the public of the complaint procedures; (iii) Process for responding to and resolving complaints in a consistent, timely, and respectful manner; (iv) Logging and tracking of all complaints received and resolutions achieved, with records of the following for each complaint containing: a. The name and contact information of the person filing the complaint; b. Location and owner of the property where the complaint originated; c. Date and time of the underlying event causing the complaint; d. Description of the complaint; and e. Current status and description of measures taken to resolve complaint.

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	(v) Reporting to the Office and the NYSDPS any complaints not resolved within thirty (30) days of receipt; (vi) Mediating complaints not resolved within sixty (60) days; and (vii) Providing annual reports of complaint resolution tracking to the Office staff and NYSDPS staff, which shall also be filed with the Executive Director of the Office and Secretary of the NYSDPS.
Article 5. Section 12. The Program shall include: A. Any complaint must be based upon a portion of the content of this Local Law that is not determined by the siting agency to be overly burdensome, any provision of the Town of Prattsburgh Road Preservation Local Law or any term or condition of the siting permit issued with respect to the Prattsburgh Wind Energy Facility or any Successor name thereof.	Complaint Management Plan will comply with this section.
Article 5. Section 12. B. The Method of filing a complaint, including phone number, mail address and e-mail address for filing the complaint with the Developer.	Complaint Management Plan will comply with this section.
Article 5. Section 12. C. That receipt of all complaints shall be acknowledged to the complainant within twenty-four (24) hours of receipt thereof by the Developer.	Complaint Management Plan will comply with this section to the extent practicable.
Article 5. Section 12. D. That all complaints, including the substantive content thereof, shall be filed with the Town Clerk within twenty-four (24) hours of the receipt thereof by the Developer.	94-c pre-empts the procedural requirements in this Section. The Applicant will comply with 19 NYCRR 900-10.2(7)(e).

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Article 5. Section 12. E. All property owners and occupants of such property in the Town of Prattsburgh, within five (5) miles of any portion of the facility, whether that portion of the facility is located within or outside the Town of Prattsburgh, shall be noticed as to the existence of the Program, as well as how to access the Program.	Complaint Management Plan will comply with this section.
Article 5. Section 12. F. The content of all communications to and from the Complainant shall be filed with the Town Clerk within forty-eight (48) hours of such communication.	94-c pre-empts the procedural requirements in this Section. The Applicant will comply with 19 NYCRR 900-10.2(7)(e).
Article 5. Section 12. G. All complaints shall be resolved within seven (7) days unless extraordinary circumstances are involved, in which case the specific extraordinary circumstances shall be communicated to the complainant as well as the Town Clerk. In such case the complainant and the Town Clerk shall be apprised of the time required to resolve the complaint, which time shall not exceed thirty (30) days, unless the complainant has agreed in writing to a longer period of time for such resolution.	94-c pre-empts the procedural requirements in this Section. The Applicant will comply with 19 NYCRR 900-10.2(7)(e). Complaint Management Plan will comply with this section to the extent practicable.
Article 5. Section 12. H. The Developer shall provide an annual report of complaints, no later than January 31, of each year, covering the prior calendar year. The report shall include the name and address of the complainant on the date of receipt of the complaint, a concise but complete recitation of facts constituting the complaint, the dale of final resolution of the complaint, a concise but	94-c pre-empts the procedural requirements in this Section. The Applicant will comply with 19 NYCRR 900-10.2(7)(e).

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complete statement of how the complaint was resolved, a statement as to whether the complainant was satisfied with the resolution, and if not, a statement as to what constitutes the complainant's objections to the resolution.	
Article 5. Section 13. The Developer's siting permit shall contain terms and/or conditions that the Developer have in place a Final Decommissioning Plan (FDP) in compliance with the following provisions prior to commencement of construction. Failure of the siting permit to contain terms and/or conditions containing all of the provisions in this sub-section shall not relieve the Developer of complying with all of these provisions.	As part of the 94-c process, the Applicant will prepare a Final Decommissioning and Site Restoration Plan for site restoration in accordance with 19 NYCRR § 900-2.24 and § 900-6.6, which will include plans for removal of turbines in the event of abandonment which will include a net decommissioning and site restoration estimate to be allocated between the Towns based on the estimated costs associated with removal and restoration of the facilities within each Town. NYS Executive Law § 94-c (6) explicitly preempts local agency's authority to condition the development, design, construction, operation or decommissioning of major renewable energy facilities governed pursuant to Section 94-c. The Applicant will comply with the conditions of its 94-c Permit if granted, which may include waivers of substantive provisions of this local law as described in the Applicant's 94-c Application. See Exhibit 23 for further details on Facility decommissioning.
Article 5. Section 13. A. The Final Decommissioning Plan shall be based upon an estimate of the cost of removal of: All components of the facility, including towers, generators, blades, foundations and all other parts	The Applicant seeks a limited waiver of this provision, to the extent this provision requires the removal all Facility components. See Section (c) above. The Applicant will prepare a Final Decommissioning and Site Restoration Plan for

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thereof; collection and transmission lines; buildings and contents thereof; and complete site restoration of all portions and sites of the wind energy facility, including access roads to all facility sites.	site restoration in accordance with 19 NYCRR § 900-2.24 and § 900-6.6. See Exhibit 23 for further details on Facility decommissioning.
Article 5. Section 13. B. The estimate of cost shall be prepared by an engineering firm with the necessary qualifications to prepare such a cost estimate.	The Applicant will prepare a Final Decommissioning and Site Restoration Plan for site restoration in accordance with 19 NYCRR § 900-2.24 and § 900-6.6, which will be prepared by a qualified expert with experience in preparing decommissioning estimates. See Exhibit 23 for further details on Facility decommissioning.
Article 5. Section 13. E. The shutdown of or non-production of energy from any wind energy tower or towers for any consecutive period of time in excess of six (6) months shall constitute abandonment of that wind energy tower or towers and shall require decommissioning thereof in compliance with the provisions hereof.	The Applicant seeks a waiver of this provision. See Section © above The Applicant will prepare a Final Decommissioning and Site Restoration Plan for site restoration in accordance with 19 NYCRR § 900-2.24 and § 900-6.6- 12 months requirement
Article 5. Section 13. F. Upon abandonment of the wind energy facility or any portion thereof, final decommissioning shall be completed within twelve (12) months of the date of such abandonment.	The Applicant will prepare a Final Decommissioning and Site Restoration Plan for site restoration in accordance with 19 NYCRR § 900-2.24 and § 900-6.6. See Exhibit 23 for further details on Facility decommissioning.
Article 5. Section 13. G. Decommissioning shall include; removal of all components of the facility, including, but not limited to, towers, generators, blades, foundations and all parts thereof; collection and transmission lines; buildings and the contents thereof; complete site restoration of all portions of the wind energy facility. No	The Applicant will prepare a Final Decommissioning and Site Restoration Plan for site restoration in accordance with 19 NYCRR § 900-2.24 and § 900-6.6. 19 NYCRR § 900-2.24 requires all facility components removed four (4) feet below grade in agricultural land and three (3) feet below grade in non-agricultural land and

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components of the wind energy facility may be disposed of or deposited within the Town of Prattsburgh without the express written consent of the Town Board and the property owner upon which such disposal is proposed. In any event no toxic materials whatsoever maybe disposed of or deposited within the Town of Prattsburgh, whether toxic on their own account or when deposited in any environment.	removal and restoration of access road locations, where appropriate, based on the facility layout. See Exhibit 23 for further details on Facility decommissioning.
Article 5. Section 13. H. Complete Decommissioning and site restoration shall be guaranteed by letter or letters of credit issued by a bank or banks headquartered in the United States and incorporated pursuant to the laws of the United States. Such letters of credit shall be in an aggregate amount equivalent to 120% of the total estimated cost of decommissioning and site restoration for the wind energy facility. The Town Board shall have the right to approve, in writing the choice of bank or banks for issuance of the letter(s) of credit, upon sixty (60) days written notice to the Town Board. Such Notice to the Town Board shall include the name, address, name of bank representative and contact information, as well as the asset structure of said bank. Any change in banks issuing the Letter(s) of Credit, at any time, shall be subject to the provisions of this sub-section.	Prattsburgh Wind seeks a limited waiver of this provisions. See Section (c) above. As part of the 94-c process, the Applicant will prepare a Decommissioning and Site Restoration Plan for site restoration in accordance with 19 NYCRR § 900-2.24 and § 900-6.6, which will include plans for removal of turbines in the event of abandonment which will include a net decommissioning (less salvage value) and site restoration estimate to be allocated between the Towns based on the estimated costs associated with removal and restoration of the facilities within each Town. It is common industry practice to offset decommissioning with salvage value, as history shows that scrap metal always maintains some value. Moreover, 94-c requires a 15% contingency which will account for any fluctuations in salvage value and decommissioning costs, and the decommissioning amount will be adjusted every five years to meet changing conditions. See Exhibit 23 for further details on Facility decommissioning.

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Article 5. Section 13. I. The cost estimate for decommissioning and site restoration shall be reevaluated and recomputed every five (5) years, commencing with the year of the initial cost estimate being agreed upon by the Town Board. The re-evaluation and recomputation of such cost shall be performed pursuant to the same provisions contained in sub-sections "B", "C" and "D" of this section.	The Applicant will prepare a Final Decommissioning and Site Restoration Plan for site restoration in accordance with 19 NYCRR § 900-2.24 and § 900-6.6, which includes a requirement to recompute the estimate every 5 years pursuant to § 900-10.2(b)(2). See Exhibit 23 for further details on Facility decommissioning.
Article 5. Section 13. J. Any increase in the cost estimate for decommissioning and site restoration shall require an equivalent increase in the amount of the letter(s) of credit, which increase shall be completed and filed with the Town Clerk within thirty (30) days of approval by the Town Board of the increase in the cost estimate. The full aggregate amount of the letter(s) of credit as well as the bank(s) involved shall be in accordance with sub-section "H" hereof.	The Applicant will prepare a Final Decommissioning and Site Restoration Plan for site restoration in accordance with 19 NYCRR § 900-2.24 and § 900-6.6. See Exhibit 23 for further details on Facility decommissioning.
Article 5. Section 13. K. All letters of credit with respect to the decommissioning and site restoration guarantee shall be filed with the Town Clerk within ten (10) days of issuance thereof.	The Applicant will comply with this provision.
Article 5. Section 13. L. At any time during the life of the wind energy facility that the bank issuing the Letter(s) of Credit becomes insolvent, goes out of business for any reason, revokes the letter of credit or becomes unable to honor the Letter(s) of Credit, the Developer shall immediately cause the issuance of a replacement Letter(s) of Credit in an	The Applicant will comply with this provision.

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amount and in compliance with the provisions hereof, within thirty (30) days of the ineffectiveness of the prior letter of credit.	
Article 5. Section 13. M. The Letter(s) of Credit and any reissuance thereof, shall name the Town of Prattsburgh as the beneficiary thereof with respect to the decommissioning and site restoration. The letter(s) of credit shall not be canceled, rescinded or withdrawn until completion of decommissioning and site restoration of all components of the wind energy facility located within the Town of Prattsburgh.	The Applicant will prepare a Final Decommissioning and Site Restoration Plan for site restoration in accordance with 19 NYCRR § 900-2.24 and § 900-6.6.
Article 5. Section 13. N. The decommissioning and site restoration requirements, as well as the cost estimates for decommissioning and site restoration contained in this section shall apply solely to wind energy facility components located within the Town of Prattsburgh.	The Applicant will comply with this provision. See Exhibit 23 for further details on Facility decommissioning.
Article 5. Section 14. A. Training of First Responders. The siting permit shall contain a term and/or condition requiring the Developer to have a program throughout the life of the facility providing annual training for all first responders with jurisdiction in the Town of Prattsburgh with respect to all perceived emergencies or hazards that may occur as a result of the presence of the wind energy facility in the Town of Prattsburgh. The program shall be submitted to the Town Board of the Town of Prattsburgh and to the Steuben County Office	94-c pre-empts the procedural requirements in Section (A). The Applicant will conduct annual training drills with emergency responders.

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of Emergency Service (OES), which program shall be subject to the approval of the Town Board and the OES, which approval or disapproval shall be provided in writing within sixty (60) days of the receipt thereof respectively by the Town Board, and the OES. Such training shall be implemented prior lo commencement of construction.	
Article 5. Section 14. B. The Developer shall implement a communication system by which one emergency or hazard situation concerning any component of the wind energy facility can and will be communicated to emergency responders, the Steuben County OES, the Town Board and the Town of Prattsburgh Highway Department.	The Applicant will comply with this provision. In accordance with 19 NYCRR § 900-2.7(c) the Applicant has prepared a Safety Response Plan to ensure the safety and security of the local community, the Safety Response Plan includes a description of the community notification procedures by contingency. See Exhibit 6.
Article 5. Section 14. C. Failure of the siting permit to contain a term or condition containing the provisions hereof shall not relieve the Developer of complying with the provisions hereof.	NYS Executive Law § 94-c (6) explicitly preempts local agency's authority to condition the development, design, construction, operation or decommissioning of major renewable energy facilities governed pursuant to Section 94-c. The Applicant will comply with the conditions of its 94-c Permit if granted, which may include waivers of substantive provisions of this local law as described in the Applicant's 94-c Application.
Article 5. Section 14. D. No logo of advertising of any sort either of the Developer or component manufacturer shall be visible from more than 100 feet from a facility component.	The Facility will be designed to comply with this provision. See Exhibit 8 for further information.
Article 5. Section 14. E. All warning signs shall be visible and legible from a distance of at least fifty (50') feet from all facility components.	The Facility will be designed to comply with this provision.

Local Substantive Law	Compliance
Article 5. Section 15. A. The siting permit shall contain a term and/or condition requiring the Developer to notify the Town Clerk in writing, of any malfunction in any component of the wind energy facility within the Town of Prattsburgh or within one (1) mile of the Town of Prattsburgh within twelve (12) hours of the first knowledge of the Developer, the Developer's employee(s) or agent(s) of any malfunction.	NYS Executive Law § 94-c (6) explicitly preempts local agency's authority to condition the development, design, construction, operation or decommissioning of major renewable energy facilities governed pursuant to Section 94-c. The Applicant will comply with 19 NYCRR 900-6.5(h) which requires: (h) Facility Malfunction (1) In the event of any catastrophic incident, including but not limited to blade failure, fire, tower collapse or other catastrophic event involving the facility and its associated equipment, the permittee shall notify the Office and the NYSDPS no later than twelve (12) hours following such an event. (2) In the event of a malfunction of the facility or facility components which causes a significant reduction in the capability of such facility to deliver power for an extended duration (i.e., expected to last longer than one (1) month), the permittee shall promptly file with the NYSDPS, and provide to the serving utility and the Office, copies of all notices, filings, and other substantive written communications with the NYISO as to such reduction, any plans for making repairs to remedy the reduction, and the schedule for any such repairs.
Article 5. Section 15. B. The notice shall identify which component of the facility is suffering from the malfunction, the location thereof, the nature	NYS Executive Law § 94-c (6) explicitly preempts local agency's authority to condition the development, design, construction, operation or

Local Substantive Law	Compliance
of the malfunction, whether such mal function creates any risk of injury to persons, domestic animals or property and the length of time necessary to correct the malfunction.	decommissioning of major renewable energy facilities governed pursuant to Section 94-c. The Applicant will comply with 19 NYCRR 900-6.5(h) which requires: (h) Facility Malfunction (1) In the event of any catastrophic incident, including but not limited to blade failure, fire, tower collapse or other catastrophic event involving the facility and its associated equipment, the permittee shall notify the Office and the NYSDPS no later than twelve (12) hours following such an event. (2) In the event of a malfunction of the facility or facility components which causes a significant reduction in the capability of such facility to deliver power for an extended duration (i.e., expected to last longer than one (1) month), the permittee shall promptly file with the NYSDPS, and provide to the serving utility and the Office, copies of all notices, filings, and other substantive written communications with the NYISO as to such reduction, any plans for making repairs to remedy the reduction, and the schedule for any such repairs.
Article 5. Section 15. C. The omission of such term and/or condition from the siting permit shall not relieve the Developer of its obligation with respect to the provisions hereof with respect to requiring notification of any malfunction.	NYS Executive Law § 94-c (6) explicitly preempts local agency's authority to condition the development, design, construction, operation or decommissioning of major renewable energy facilities governed pursuant to Section 94-c. The Applicant will comply with the conditions of its

Local Substantive Law	Compliance
	94-c Permit if granted, which may include waivers of substantive provisions of this local law as described in the Applicant's 94-c Application.
Article 5. Section 15. D. The provisions hereof shall become effective upon commencement of construction of any aspect of the wind energy facility and continue in effect until finalization of decommissioning as provided in Section "10" hereof.	The Applicant will comply with 19 NYCRR 900-6.5(h).
Article 5. Section 16. Enforcement Fund. F. The omission of such term/and or condition from the siting permit shall not relieve the Developer of its obligation with respect to the creation of an escrow account for enforcement costs incurred by the Town as provided herein.	NYS Executive Law § 94-c (6) explicitly preempts local agency's authority to condition the development, design, construction, operation or decommissioning of major renewable energy facilities governed pursuant to Section 94-c. The Town does not have enforcement authority and the Applicant is not required to create an escrow for enforcement. The Applicant will comply with the conditions of its 94-c Permit if granted, which may include waivers of substantive provisions of this local law as outlined in this letter and as further described in the Applicant's 94-c Application.

(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"):

- **Avoca** - *Local Law No. 1 of 2012, A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code*

- **Cohocton** - *Local Law No. 5 of 2006, A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code*
- **Howard** - *Local Law No. 2 of 2006, A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code*
- **Wheeler** - *Local Law No. 1 of 2014, A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code*
- **Prattsburgh** - *Local Law No. 3 of 2022, A Local Law Amending the Local Law of the Town of Prattsburgh Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building 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 94-c, 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 at wind facilities.

Due to the complex nature of the Facility, the Applicant may potentially 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 has worked with the Towns prior to submission of this Application to identify the appropriate individuals to conduct this review.

Table 24-2 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
Prattsburgh	Christopher Underhill, Code Enforcement Officer 19 N Main St, P.O. Box 427, Prattsburgh, NY 14873

Town	Contact Information
	Phone: 607-522-3738
Wheeler	Brad Laverty, Code Enforcement Officer 3725 Mill Road Avoca, NY 14809 Phone: 607-382-5061
Avoca	Charles A. Cagle, Code Enforcement Officer 19 Main Street, Atlanta NY 14808 Phone: 607-542-2175
Howard	Brad Laverty, Code Enforcement Officer 3725 Mill Road Avoca, NY 14809 Phone: 607-382-5061
Cohocton	Charles A. Cagle, Code Enforcement Officer 19 Main Street, Atlanta NY 14808 Phone: 585-534-5100 extension 5

Alternately, 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

The Towns of Avoca and Cohocton adopted zoning district designations including flood damage prevention laws. The Towns of Prattsburgh, Wheeler, and Howard have not adopted local laws that provide for zoning district designations. See Exhibit 3 for further information on local zoning district designations and local zoning laws.

Town of Avoca

Pursuant to the Town of Avoca Zoning Regulations, the following six districts were established within the Town: Agricultural-Residential (A), Low Density Residential (L), Waterfront Residential (W), General Business (B), Highway Commercial (C), and Industrial (I). The Town also has an additional overlay district, the Flood Plain Overlay (F), which covers "area of 100-year flood" as delineated by the Federal Emergency Management Agency (FEMA) on Town of Avoca Flood Insurance Rate Maps (FIRM), within which additional regulations and restrictions apply.

All proposed Facility components to be located within the Town of Avoca will be within the within the Agricultural-Residential Zoning District. As permitted in Local Law No. 1 of 2009, the Wind Energy Facilities Law, and in a 2017 amendment thereto, large-scale wind energy systems are an allowable use within the

Agricultural-Residential Zoning District, if the project meets the standards of the Wind Energy Facilities Law. Limited Facility components are proposed to be located within the Flood Plain Overlay district, these components, include overhead and underground collection. These components will not increase the water surface elevation of the base flood.

Town of Cohocton

The Town of Cohocton Zoning Law establishes the following districts within the Town: Agricultural-Residential (AG-R), Low Density Residential (LDR), General Business (GB), Interchange Commercial (IC), and Industrial (I). In addition, a Flood Plain Overlay District (FP) corresponds to areas of 100-year flood as identified by the FEMA FIRM for the Town of Cohocton. All proposed Facility components to be located within the Town of Cohocton are within the AG-R District. Industrial windmills and windmill facilities (i.e., infrastructure related to windmills, including electrical lines and substations, access roads, and accessory structures) are an allowable use with a Special Use Permit in AG-R Districts, in accordance with Article III, Section 310 of the Town of Cohocton Zoning Law, as amended by Local Laws No. 2 of 2006, No. 1 of 2011, and No. 4 of 2019.

The Cohocton zoning map does not show the location of the FP Overlay District. However, the local law establishing that overlay district indicates it is intended to be concurrent with 100-year floodplains established by FEMA. In addition, the Town of Cohocton has adopted a Flood Damage Prevention Law, Local Law No. 1 of 1987, which establishes "areas of special flood hazard" and provides additional development requirements where structures are proposed within the areas of special flood hazard. Limited Facility components are proposed to be located within areas of special flood hazard, these components, include overhead and underground collection. As the underground collection line will be buried to a depth of at least 3 feet, there will not be any permanent impacts to the floodplain. There is one pole structure associated with the overhead collection line located within the floodplain. This pole structure will be less than 3 feet in diameter. Given the very small area associated with the overhead pole structure (approximately 12 square feet) compared to the size of the overall floodplain in that area (over 5,000,000 square feet), the structure will not increase the water surface elevation of the base flood in compliance with the Town's flood damage prevention laws.

Town of Prattsburgh

While the Town of Prattsburgh has not adopted zoning districts, through Local Law No. 2 of 2008, A Local Law for Flood Damage Prevention, it has established "areas of special flood hazard." These areas are identified based on the 1984 FEMA Form for the Town of Prattsburgh. Limited Facility components are proposed to be located within areas of special flood hazard, these components, include overhead and a temporary turn improvement. These components will not increase the water surface elevation of the base flood in compliance with the Town's flood damage prevention laws.