

**TOWN BOARD DESIGN REQUIREMENT CHECKLIST FOR WECD/F
WIND ENERGY CONVERSION DEVICES/FARMS**

For use by the Town Board

In accordance with the Town of Orangeville Zoning Law

The Town Board has reserved the authority to issue special use permits for commercial communication towers and wind energy conversion devices/farms [Article XI, Section 1100]

Applicant: Invenergy LLC	Fee submitted (\$):
Contact: c/o Dan Spitzer, Esq.	Initial review date: 12/8/2009
Address1: Hodgson Russ LLP, Guaranty Bldg	Revisions:
Address2: 140 Pearl St. Suite 100	
City: Buffalo	
State: NY	
Zip: 14202	

ARTICLE XI	SECTION 1116
WECD/F	DESIGN REQUIREMENTS
	B (1 – 19)
<p>1. SET BACKS - The tower or towers for a wind energy conversion device must meet the following set back requirements, (all set back distances shall be measured from the center line of the wind turbine.) Every wind energy conversion device in a wind energy conversion farm must be set:</p>	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	<p>i. from the PROPERTY LINE of the parcel on which the wind energy conversion device is located by a minimum distance of 500 feet, unless waived in writing, in the form of an easement that is recorded in the Wyoming County Clerk’s Office, by the abutting landowner.</p> <ul style="list-style-type: none"> • Provide list of property lines within 50’ of minimum distance in DEIS • Provide property surveys (per section 304.A.8) prior to Town signatures. • Provide copies of recorded easements prior to Town signatures

ARTICLE XI	SECTION 1116		
WECD/F	DESIGN REQUIREMENTS	B (1 – 19)	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	ii. from any DWELLING that is on any parcel by a minimum distance of 1/4 mile, unless waived in writing, in the form of an easement that is recorded in the Wyoming County Clerk=s Office. <ul style="list-style-type: none"> • Provide list of dwellings within 50' of minimum distance in DEIS • Provide property surveys (per section 304.A.8) prior to Town signatures. • Provide copies of easement waivers prior to Town signatures 		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	iii. from any accessible PUBLIC BUILDING that is on any parcel by a minimum distance of 1/4 mile, or an area variance is granted by the Zoning Board of Appeals (if occupied). <ul style="list-style-type: none"> • Provide list of public buildings within 50' of minimum distance in DEIS • Provide property surveys (per section 304.A.8) prior to Town signatures. 		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	iv. from the PROPERTY LINE of a NON PARTICIPATING RESIDENT a minimum distance of 700 feet. <ul style="list-style-type: none"> • Provide list of property lines within 50' of minimum distance in DEIS • Provide property surveys (per section 304.A.8) prior to Town signatures. 		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information <i>T-28 is less than 1.2xheight from Bantam Road</i> Completed date: Zoning Officer initials:	v. from the RIGHT-OF-WAY of any PUBLIC ROAD by 1.2 times its total height or an area variance is granted by the Zoning Board of Appeals. <ul style="list-style-type: none"> • Provide list of public road ROWs within 50' of minimum distance in DEIS • Provide property surveys (per section 304.A.8) prior to Town signatures. 		

Note: per B(1)(c), single family and multi-family dwellings must meet the minimum floor area as set forth in Schedule II or be in existence at the time of the adoption of this Law in order to be afforded the protection of subparagraph ii above.

ARTICLE XI	SECTION 1116
WECD/F	DESIGN REQUIREMENTS
B (1 – 19)	
2. SPACING AND DENSITY	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	Wind energy conversion device must be separated from any other wind energy conversion device, or adjacent wind energy conversion farm by a minimum distance of 500 feet from the wind energy conversion device. Provide property surveys (per section 304.A.8) prior to Town signatures.
3. STRUCTURE - Wind energy conversion device must be of monopole construction to the extent practicable. If monopole construction is not practicable, a wind energy conversion device must be of freestanding construction to the extent practicable. If monopole or freestanding construction is not practicable, a wind energy conversion device may be guyed.	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Need more information <input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information	Monopole construction, or if not Freestanding construction, or if not Is the device guyed? Provide confirming statement, including met tower construction, in DEIS.
4. CLEARANCE	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	Vertical distance from ground level to the tip of a wind turbine blade when the blade is at its lowest point must be at least 30 feet. Need detail sketch of geometry showing clearance in DEIS.
5. ACCESS AND SAFETY	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	<ul style="list-style-type: none"> Security - A wind energy conversion device, including any climbing aids, must be secured against unauthorized access by means of a locked barrier. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Is a security fence required? <ul style="list-style-type: none"> Provide confirming statement in DEIS Provide details prior to Town signatures

ARTICLE XI	SECTION 1116		
WECD/F	DESIGN REQUIREMENTS	B (1 – 19)	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	<ul style="list-style-type: none"> • Climbing Aids - Monopole wind energy conversion devices shall have all climbing aids and any platforms locked and wholly inside the tower. • Provide confirming statement in DEIS • Provide details prior to Town signatures 		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	<ul style="list-style-type: none"> • Operational Safety - Wind energy conversion devices shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components. • Provide confirming statement in DEIS • Provide details prior to Town signatures 		
6. LIGHTNING			
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	All wind energy conversion devices shall provide a continuous electrical path to the ground to protect the tower from lightning. <ul style="list-style-type: none"> • Provide confirming statement in DEIS • Provide details prior to Town signatures 		
7. ACCESS ROAD			
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	All wind energy conversion devices shall use existing roads to provided access to the facility site or if new roads are needed, minimize the amount of land used for new roads and locate them so as to minimize adverse environmental impacts. <ul style="list-style-type: none"> • Show roads plotted over wetlands and other environmental areas on a USGS basemap in DEIS • Add grading and stormwater management features to plan prior to Town signatures 		

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WECD/F	DESIGN REQUIREMENTS	B (1 – 19)
8. ELECTRICAL WIRES		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	<ul style="list-style-type: none"> • Location - All electrical wires associated with a wind energy conversion device must be located underground and must be located in a manner that does not interfere with reasonably expected farm practices (see also Construction section under Agricultural Mitigation). Without specific written approval from the Town Board, the granting of a special use permit is not approval for overhead electrical wires. • <i>Show electrical lines plotted over wetlands/environmental areas</i> 	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	<ul style="list-style-type: none"> • Transmission Lines - All wind energy conversion farms shall combine transmission lines and point of connection to local transmission lines. • Show preliminary transmission line locations and connection points in DEIS • Provide update of utility connection application status prior to Town signature 	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: 12/8/2009 Zoning Officer initials:	<ul style="list-style-type: none"> • Operational Safety - All wind energy conversion farms shall connect the facility to existing substations, or if new substations are needed, minimize the number of new substations. • Show preliminary transmission line locations and connection points in DEIS • Provide update of utility connection application status prior to Town signature 	

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WECD/F	DESIGN REQUIREMENTS	B (1 – 19)	
9. LIGHTING			
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	A wind energy conversion device and turbine may not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA), other governmental agency, recognized safety guidelines (i.e.: Mercy Flight), or the Town Board. If lighting is required, the lighting must comply with FAA minimum requirements and whenever possible be at the lowest intensity allowed. If more than one lighting alternative is available, the Town reserves the right to choose the least obtrusive lighting option available. <ul style="list-style-type: none"> • Provide schematic of anticipated lighting plan in DEIS • Provide update of FAA application status prior to Town signature 		
10. BUILDINGS AND OUTDOOR STORAGE			
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	Any ancillary building and any outside storage associated with a wind energy conversion device/farm must, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment (i.e.: In an agricultural setting accessory buildings could be designed to look like barns). Appropriate landscaping or architecture may be provided to screen accessory structures from roads and adjacent dwellings. <ul style="list-style-type: none"> • Provide schematic plan of O&M building, substation, and laydown yard in DEIS • Provide final plan prior to Town signatures 		

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WECD/F	DESIGN REQUIREMENTS	B (1 – 19)
11. AESTHETICS AND VISUAL ASSESSMENT		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	<p>a. Appearance, Color and Finish - The exterior surface of any visible components of a wind energy conversion device/farm must be a nonreflective, neutral color. Wind energy conversion devices and farms that are located within view, or within one (1) mile or each other must be of uniform design, including tower type, color, number of blades and direction of blade rotation, to the extent practicable.</p> <ul style="list-style-type: none"> • Provide confirming information in DEIS 	
<p>b. Visual Impact Assessment - The applicant shall submit a Visual Environmental Assessment Form (Visual EAF - SEQR), as well as a visual impact assessment of any proposed wind energy conversion device/farm or any proposed modification to any existing wind energy conversion device/farm prepared by a qualified professional in a format generally accepted in the profession. The visual impact assessment shall include:</p>		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	<p>i. “Before and after” photos or computer simulations from key viewpoints both inside and outside of the Town, including state highways and other major roads; from state and local parks; other public lands; from any privately owned preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors or travelers. A balloon test may also be requested by the Town Board.</p> <ul style="list-style-type: none"> • Provide confirming information in DEIS 	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	<p>ii. Assessment of any visual impact from abutting properties and streets of the tower base, guy wires, accessory building and any other element of the wind energy conversion device/farm as determined and directed by the Town Board.</p> <ul style="list-style-type: none"> • Provide confirming information in DEIS 	

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<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	iii. Viewshed map of the proposed wind energy conversion device/farm with a radius of 7 miles from any portion of the wind energy conversion device/farm. <ul style="list-style-type: none"> • Provide confirming information in DEIS 		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	iv. Inventory of all aesthetic resources in the viewshed defined in item iii. <ul style="list-style-type: none"> • Provide confirming information in DEIS 		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	v. Assessment of the visual impact shall also include, but not be limited to, an analysis of lighting or illumination of the wind energy conversion device and assessment of any shadowing or other visual effect of the wind energy conversion device relating to the level of natural or artificial illumination. <ul style="list-style-type: none"> • Provide confirming information in DEIS 		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	c. Visual Impacts Mitigation Plan - The applicant may be required to prepare and implement a Visual Impacts Mitigation Plan to mitigate negative impacts on aesthetics of a proposed wind energy conversion device/farm. Such a plan would show how the applicant would protect or make improvements to the aesthetics of another part of the Town to offset the negative impacts on aesthetics within the viewshed. <ul style="list-style-type: none"> • Provide confirming information in DEIS 		

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WECD/F	DESIGN REQUIREMENTS	B (1 – 19)	
12. SIGNS			
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: <ul style="list-style-type: none"> • Zoning Officer initials: 	<p>No wind turbine, tower, building or other structure associated with a wind energy conversion farm may be used to advertise or promote any product or service. A weather resistant sign or plate, no greater than 2 square feet in size, containing the current owner or operator, emergency phone number and current address of such owner/operator shall be located on the exterior surface of the tower or of the fence surrounding each tower and viewable by a Zoning Enforcement Officer. No other word or graphic representation, other than appropriate warning signs, may be placed on a wind turbine tower, building, or other structure associated with a wind energy conversion device so as to be visible from any public road.</p> <ul style="list-style-type: none"> • Need listing in the DEIS of any signs for the project, including: <ul style="list-style-type: none"> a. individual tower IDs; b. O&M building; c. Laydown areas; d. any public information kiosks, etc; e. construction signs. • Provide sign designs and depiction prior to Town signatures 		
13. AGRICULTURAL MITIGATION - The following shall apply to construction areas for wind energy conversion devices located in county-adopted, state-certified agricultural districts. The applicant is encouraged to coordinate with the new york state department of agricultural and markets (ag and markets) to develop an appropriate schedule for milestone inspections to assure that the goals are being met. For larger projects, the applicant shall hire an environmental monitor to oversee construction and restoration in agricultural fields.			
a. <u>SITING</u>			
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	i. Minimize impacts to normal farming operations by locating structures along field edges where possible. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature 		

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WECD/F	DESIGN REQUIREMENTS	B (1 – 19)	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information <i>Need grading information</i> Completed date: Zoning Officer initials:			ii. Locate access roads, which cross agricultural fields, along ridge tops where possible to eliminate the need for cut and fill and reduce risk of creating drainage problems. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide grading details prior to Town signature
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:			iii. Avoid dividing larger fields into smaller fields, which are more difficult to farm, by locating access roads along the edge of agricultural fields where possible. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:			iv. All existing drainage and erosion control structures such as diversion, ditches, and tile lines shall be avoided or appropriate measures taken to maintain the design and effectiveness of the existing structures. Any structures disturbed during construction shall be repaired to as close to original condition as possible, as soon as possible, unless such structures are to be eliminated based on a new design. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature
b. <u>CONSTRUCTION</u>			
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:			i. Surface of access roads constructed through agricultural fields shall be level with the adjacent field surface. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:			ii. Where necessary, culverts and water bars shall be installed to maintain natural drainage patterns. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature

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<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	iii. Topsoil must be stripped from agricultural areas used for vehicle and equipment traffic and parking. All vehicle and equipment traffic and parking shall be limited to the access road and/or designated work areas such as tower sites and lay down areas. No vehicles or equipment will be allowed outside the work area without prior approval from the landowner and, when applicable, the Environmental Monitor. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature 	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	iv. Topsoil from work areas (tower sites, parking areas, “open-cut” electric cable trenches, along access roads) shall be stockpiled separate from other excavated material (rock and/or subsoil). At least 50 feet of temporary workspace is needed along “open-cut” electric cable trenches for proper topsoil segregation. Topsoil stockpile areas shall be clearly designated in the field and on the on-site “working set” of construction drawings. Stockpiles will be located far enough from access roads and work areas to eliminate the possibility of vehicles inadvertently compacting this soil. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature 	

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<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	v.	In cropland, hayland and improved pasture, a minimum depth of forty-eight (48) inches of cover will be required for all buried electric wires. In unimproved grazing areas and land permanently devoted to pasture, a minimum depth of forty-eight (48) inches of cover will be required. In areas where the depth of soil over bedrock ranges from zero (0) to forty-eight (48) inches, the electrical wires shall be buried entirely below the top of the bedrock or at the depth specified for the particular land use, whichever is less. At no time will the depth of cover be less than twenty-four (24) inches below the soil surface. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature 	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	vi.	All excess subsoil and rock shall be removed from the site. On site disposal of such material may be allowed if approved by the landowner and, when applicable, the Environmental Monitor with appropriate consideration given to any possible agricultural or environmental impacts. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature 	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	vii.	In pasture areas, work areas will be fenced to prevent livestock access, consistent with landowner agreements. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature 	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	viii.	All pieces of wire, bolts, and other unused metal objects will be picked up and properly disposed of as soon as practical after the unloading and packing of turbine components [so] that these objects will not be mixed with any topsoil. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature 	

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<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:		ix.	Travel of heavy equipment (including concrete trucks and erection cranes) will be limited to designated access roads and gravel crane pads at all times. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:		x.	Excess concrete will not be buried or left on the surface in active agricultural areas. Concrete trucks will be washed in designated areas. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:		xi.	Any permits necessary for disposal, under local, state and/or federal laws and regulations, must be obtained by the contractor with the cooperation of the landowner when required. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature
c. <u>RESTORATION</u>			
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:		xii.	Restoration scheduling will be consistent [with] the seasonal limitations identified by Ag and Markets and will be incorporated into the project's Agricultural District Notice of Intent (if applicable) as well as the Stormwater Management Plan (general permit). <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature

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<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	xiii. Following construction, all disturbed agricultural areas will be decompacted to a depth of 18 inches with a deep ripper or heavy-duty chisel plow. In areas where the topsoil was stripped, soil decompaction shall be conducted prior to topsoil replacement. Following [decompaction], all rocks 4 inches and larger in size will be removed from the surface of the subsoil prior to replacement of topsoil. The topsoil will be replaced to original depth and the original contours will be reestablished where possible. All rocks 4 inches and larger shall be removed from the surface of the topsoil. Subsoil decompaction and topsoil replacement should be avoided after October 1 st unless approved on a site-specific basis by the landowner in consultation with Ag and Markets. All parties involved should be cognizant that areas restored after October 1 st may not obtain sufficient growth to prevent erosion over the winter months. If areas are to be restored after October 1 st , some provision should be made to restore any eroded areas in the springtime to establish proper growth. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature 		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	xiv. All access roads will be regraded to allow for farm equipment crossing and to restore original surface drainage patterns, or other drainage pattern incorporated into the design. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature 		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	xv. All restored agricultural areas shall be seeded with the seed mix specified by the landowner in order to maintain consistency with the surrounding areas. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature 		

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<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:		xvi. All surface or subsurface drainage structures damaged during construction shall be repaired to as close to preconstruction conditions as possible, unless said structures are to be removed as part of the project design. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:		xvii. Following restoration, all construction debris will be removed from the site. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature

d. THREE (3) YEAR MONITORING AND REMEDIATION

<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	i. Applicant will provide a monitoring and remediation period of no less than 3 years immediately following the completion of initial restoration. The 3-year period allows for the effects of climatic cycles such as frost action, precipitation and growing seasons to occur, from which various monitoring determinations can be made. The monitoring and remediation phase will be used to identify any remaining agricultural impacts associated with construction that are in need of mitigation and to implement the follow-up restoration. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature
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WECD/F	DESIGN REQUIREMENTS	B (1 – 19)
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:		ii. General conditions to be monitored include topsoil thickness, relative content of rock and large stones, trench settling, crop production, drainage and repair of severed fences, etc. Impacts will be identified through on site monitoring of all agricultural areas impacted by construction and through contact with respective farmland operators and New York State Ag and Markets. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:		iii. Topsoil deficiency and trench settling shall be mitigated with imported topsoil that is consistent with the quality of topsoil of the affected site. Excessive amounts of rock and oversized stone material will be determined by a visual inspection of disturbed areas as compared to portions of the same field located outside the construction area. All excess rocks and large stones will be removed and disposed of by the applicant. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:		iv. When the subsequent crop productivity within affected areas is less than that of the adjacent unaffected agricultural land, the applicant, as well as other appropriate parties, will help to determine the appropriate rehabilitation measures to be implemented. Because conditions which require remediation may not be noticeable at, or shortly after, the completion of construction the signing of a release form prior to the end of the remediation period will not terminate the applicant's responsibility to fully address all project impacts. <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature

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<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:		<p>v. Subsoil compaction shall be tested using an appropriate soil penetrometer or other soil compaction measuring device. Compaction tests will be made for each soil type identified on the affected agricultural fields. The subsoil compaction test results within the affected area will be compared with those of the adjacent unaffected portion of the farm field/soil unit. Where representative subsoil density of the affected area exceeds the representative subsoil density of the unaffected areas, additional shattering of the soil profile will be performed using the appropriate equipment. Deep shattering will be applied during periods of relatively low soil moisture to ensure the desired mitigation and to prevent additional subsoil compaction. Oversized stone/rock material which is uplifted to the surface as a result of the deep shattering will be removed.</p> <ul style="list-style-type: none"> • Provide confirming information in DEIS • Provide details prior to Town signature
14. NOISE		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:		<p>Audible noise, stated as the sound pressure level, due to the operation of any part of a wind energy conversion device shall not exceed L₁₀-50 dBA, when measured at any offsite dwelling, school, hospital, church, public park or public library, unless the project developer has obtained a noise easement.</p> <ul style="list-style-type: none"> • Provide confirming information in DEIS
15. SHADOW FLICKER		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:		<p>a. Shadow Flicker Map - Maps shall be prepared showing projected annual hours of shadow flicker impact for all sensitive areas/locations within the project area including, but not limited to, any dwelling, school, hospital, church or public library.</p> <ul style="list-style-type: none"> • Provide confirming information in DEIS

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<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	b. Shadow Flicker Duration - Shadow flicker for all sensitive areas/locations within the project area shall be limited to 30 hours per year. <ul style="list-style-type: none"> • Provide confirming information in DEIS 		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	c. Sensitive area/location shall be defined as within a 3/4 mile of any wind energy conversion device. <ul style="list-style-type: none"> • Provide confirming information in DEIS 		

16. ELECTROMAGNETIC INTERFERENCE (EMI)

<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	a. Applicant shall provide evidence in the form of test results or independent engineering studies that the [wind] energy conversion device/farm should not interfere with microwave, cellular, television or radio reception to or from existing primary structures and fixed broadcast, retransmission or reception antennas. <ul style="list-style-type: none"> • Provide confirming information in DEIS 		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	b. All wind energy conversion devices shall be properly sited, filtered and/or shielded in order to minimize any interference with electromagnetic communications, such as radio, telephone or television signals, caused by any wind energy conversion device or the applicant shall mitigate any such interference. <ul style="list-style-type: none"> • Provide confirming information in DEIS 		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	c. Applicant must coordinate specifics of the project with the National Telecommunications & Information Administration (NTIA), who then forwards information to several Federal agencies, and submit information to the Town <ul style="list-style-type: none"> • Provide confirming information in DEIS 		

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<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	<p>d. Applicant shall include specific measures proposed to minimize interference, a complaint procedure, and specific measures proposed to mitigate interference impacts and the project will be sited to minimize impacts to the maximum extent practicable.</p> <ul style="list-style-type: none"> • Provide confirming information in DEIS 	
17. AVIAN ANALYSIS		
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	<p>a. Applicant shall submit an avian study to assess the potential impact of proposed wind energy conversion devices/farms upon bird and bat species. The avian study shall, at a minimum, report on a literature survey for threatened and endangered species, and any information on critical flyways.</p> <ul style="list-style-type: none"> • Provide confirming information in DEIS 	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	<p>b. Applicant must identify any plans for post-construction monitoring or studies. The analysis should also include an explanation of potential impacts and propose a mitigation plan, if necessary.</p> <ul style="list-style-type: none"> • Provide confirming information in DEIS 	
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	<p>c. This analysis can be submitted as part of the application or can be included in a Draft Environmental Impact Statement (DEIS).</p> <ul style="list-style-type: none"> • Provide confirming information in DEIS 	

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<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information more information Completed date: Zoning Officer initials:	d. Any project shall comply with the New York State Department of Environmental Conservation “Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects”. <ul style="list-style-type: none"> • Provide confirming information in DEIS 		
18. HEIGHT LIMITATION			
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information <i>Need sectional drawing</i> Completed date: Zoning Officer initials:	Maximum height for any device which is part of a wind energy conversion device/farm shall be 450 feet from the highest vertical point of the wind turbine when the turbine blade is in vertical position perpendicular to its base. <ul style="list-style-type: none"> • Provide confirming information in DEIS 		
19. WELLHEAD PROTECTION			
<input type="checkbox"/> Received, ready for review <input type="checkbox"/> Zoning requirement met <input type="checkbox"/> N/A <input type="checkbox"/> Need more information Completed date: Zoning Officer initials:	Applicant is required to identify any needs for the pumping of groundwater for their project sites. If the pumping of groundwater is necessary to dewater excavations, water areas for dust control or utilization for other construction requirements (i.e.: water for concrete batch plants, etc.), the applicant will need to show that this pumping will not adversely affect nearby wells, and what mitigation may be necessary for these temporary impacts. <ul style="list-style-type: none"> • Provide confirming information in DEIS 		