

## Some Key Wind Law Regulations in Sample NY Communities

<b>Community</b>	<b>Setbacks</b>	<b>Acoustics</b>	<b>Terms</b>	<b>Environmental</b>	<b>Decommission</b>	<b>RATING TOTAL</b>
<a href="#"><u>Somerset (2018)</u></a>	3000± feet*	35-42 dBA @ PL	<b>2 Miles</b>	Average	<b>Excellent</b>	83
<a href="#"><u>Yates (2018)</u></a>	3000± feet	39-42 dBA @ PL	Partial for 2 Miles	<b>Excellent</b>	Very Good	80
<a href="#"><u>Randolph (2016)</u></a>	2000 feet	No Infrasound**	<b>2 Miles</b>	Very Good	Good	73
<a href="#"><u>Lyme (2012)</u></a>	2640 feet	<b>30-35 dBA @ PL</b>	None	Average	<b>Excellent</b>	63
<a href="#"><u>Orleans (2017)</u></a>	2500± feet	<b>33 dBA @ PL</b>	None	Very Good	Very Good	63
<a href="#"><u>Hopkinton (2018)</u></a>	2500± feet	+3 dBA/40 dBA @ PL	1 Mile	Minimal	Good	58
<a href="#"><u>Cortlandville (2013)</u></a>	3280 feet	35-45 dBA @ PL	None	Average	Good	55
<a href="#"><u>Hammond (2011)</u></a>	2500± feet	35-45 dBA @ R	None	Minimal	<b>Excellent</b>	49
<a href="#"><u>Cape Vincent (2012)</u></a>	3000 feet	35-45 dBA @ PL	None	Minimal	Good	48
<a href="#"><u>Parishville (2017)</u></a>	2500± feet	35-45 dBA @ PL	None	Minimal	Good	46
<a href="#"><u>Hartsville (2009)</u></a>	2460 feet	+6 dBA @ R	None	Minimal	Good	43
<b>Brownville (2017)</b>	1500± feet	+5 dBA/50 dBA @ PL	None	Minimal	Marginal	25
<a href="#"><u>Charlotte (2012)</u></a>	1000 feet	50 dBA @ R	None	Minimal	Marginal	21
<a href="#"><u>Lowville (2016)</u></a>	1000 feet	55 dBA @ R	None	Minimal	Marginal	16
<a href="#"><u>Clayton (2017)</u></a>	None***	None	None	None	None	0
<i>For comparison, note the following: <b>a)</b> a passed 2014 wind law, and <b>b)</b> a proposed 2016 wind law, still pending —</i>						
<b>a) <a href="#"><u>Carteret County, NC</u></a></b>	<b>5280 ft</b>	<b>35 dBA @ PL</b>	<b>2 Miles</b>	<b>Excellent</b>	<b>Excellent</b>	<b>100</b>
<b>b) <a href="#"><u>Clayton, NY (LL3)</u></a></b>	<b>5280 ft</b>	<b>35 dBA @ PL</b>	<b>2 Miles</b>	<b>Excellent</b>	<b>Excellent</b>	<b>100</b>

Note 1: Per the [NYS Constitution](#), the objective of a wind law should be to protect the Health, Safety and Well-Being of local citizens.

Note 2: A wind law that provides proper protections for its citizens, the environment and the military will have a Rating Total of **100**.

For an explanation of how to write a proper wind law see this [document](#). Also, here is a pre-written [NYS Model Wind Law](#).

Note 3: To see any of the sample NY Town's wind laws, click on their blue underlined link. (Brownville's is not yet posted.)

Note 4: Setbacks should be from closest wind turbine to nearest non-participating property line (**not** residence). "±" assumes a 500' turbine.

Note 5: In Acoustics, "PL" is "Property Line" (the appropriate point of reference), and "R" is "Residence" (inappropriate).

Note 6: In PVG (Property Value Guarantee), two miles is the recommend protection area. Having a proper PVG is VERY important.

Note 7: In Environmental, "Excellent" is when the community selects the tests *and* the testers, *and* the developer pays for the testing.

Note 7: In Decommission, "Excellent" is when there are good conditions, strong financial protections, and no salvage value credit.

Note 9: To see how the Rating Total was calculated, see the next page for the Rating sheet information.

Note 10: The Article 10 Board will not likely remove any of these key regulations that are carefully written: see this [Article 10 Summary](#).

Note 11: Hiring a wind energy competent attorney, who is a genuine team player, is **extraordinarily** important.

Note 12: I'm not an attorney so none of the legal opinions should be construed as giving legal advice. Please see #11.

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For any questions or corrections please email John Droz —>

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## Protective Rating of Some Sample NY Community Wind Laws

----- RATINGS -----						
<b>Community</b>	<b>Setbacks</b>	<b>Acoustics</b>	<b>PVG</b>	<b>Environmental</b>	<b>Decommission</b>	<b>TOTAL</b>
<a href="#"><u>Somerset (2016)</u></a>	14	17	20	12	20	83
<a href="#"><u>Yates (2018)</u></a>	12	15	15	20	18	80
<a href="#"><u>Randolph (2016)</u></a>	8	15	20	15	15	73
<a href="#"><u>Lyme (2012)</u></a>	11	20	0	12	20	63
<a href="#"><u>Orleans (2017)</u></a>	10	20	0	15	18	63
<a href="#"><u>Hopkinton (2018)</u></a>	10	12	15	6	15	58
<a href="#"><u>Cortlandville (2013)</u></a>	13	15	0	12	15	55
<a href="#"><u>Hammond (2011)</u></a>	10	13	0	6	20	49
<a href="#"><u>Cape Vincent (2012)</u></a>	12	15	0	6	15	48
<a href="#"><u>Parishville (2017)</u></a>	10	15	0	6	15	46
<a href="#"><u>Hartsville (2009)</u></a>	10	12	0	6	15	43
<b>Brownville (2017)</b>	6	5	0	6	8	25
<a href="#"><u>Charlotte (2012)</u></a>	2	5	0	6	8	21
<a href="#"><u>Lowville (2016)</u></a>	2	0	0	6	8	16
<a href="#"><u>Clayton (2017)</u></a>	0	0	0	0	0	0
<i>For comparison, note the following: <b>a)</b> a passed 2014 wind law, and <b>b)</b> a proposed 2016 wind law, still pending —</i>						
<b>a) <a href="#"><u>Carteret County, NC</u></a></b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>100</b>
<b>b) <a href="#"><u>Clayton, NY (LL3)</u></a></b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>100</b>

Note 1: A wind law that provides proper protections for its citizens, the environment and the military will have a Rating Total of **100**.

For an explanation of how to write a proper wind law see this [document](#). Also, here is a pre-written [NYS Model Wind Law](#).

Note 2: To see any of the sample NY Town's wind laws, click on their underlined link. (Brownville's is not yet posted.)

The year listed in the parenthesis is the year the local wind law was passed.

Note 3: To see what the regulation details are for these Ratings, see the prior (Regulation) page for that information.

Note 4: Make sure to read all notes on the prior (Regulation) page of this document.

Note 5: The Green items are superior regulations that should be emulated.

Note 6: It's interesting that different NY Towns got certain key elements correct, but (so far) no NYS Town has gotten ALL of them right.

\* An additional provision is that residential setbacks must be such that there is a 6 DBa max from baseline.

\*\* A provision in their Ordinance specifically prohibits infrasound from turbines. This is a creative idea but not sure this is legally enforceable.

\*\*\* Clayton hopes to stop wind turbines with a 250' height limit. We don't believe that there is science or legal precedent to do that.

[Note: some other communities also have restrictive height limits. That's fine when combined with the other more defensible regulations.]