



# TOWN OF DRYDEN ★ DRYDEN, NEW YORK

65 EAST MAIN STREET DRYDEN, NEW YORK 13053

*In the Heart of the Finger Lakes Region*

Environmental Planning Department

607-844-5607

April 3, 2006

Steven Trumbull, Supervisor

Re: Renewable Energy Conversion Systems Ordinance

Dear Steve:

Attached please find a draft of the proposed Renewable Energy Conversion Systems Ordinance for Town Board review. As you know, this ordinance has moved to the top of the list due to increased interest and incentives for residential wind power. This proposal is not in any way a result of any industrial wind power project proposals as there haven't been any recently. There has been interest in residential development, and there is at least one residential wind turbine in operation in the town.

In order to better address more than just wind power a comprehensive ordinance would supply a mechanism for future regulation of new technology. However, this ordinance really only addresses wind energy in detail, but does provide a specific mechanism for review of other technologies such as geothermal HVAC and solar panel structures.

In developing this ordinance I utilized several existing ordinances in New York State, as well as ordinance guidance available from the New York State Energy Research and Development Authority (NYSERDA). Many of the numbers are a product of those guidelines and existing regulations and I did my best to keep things reasonable. Our Telecommunications Law was consulted in order to be consistent in how we regulate towers. This has resulted in some latitude in regulation compared to ordinances in other towns. There has also been significant internal discussion as to what is fair, reasonable and necessary in regards to what to regulate and how.

The most important decision for the board to weigh is whether or not to allow Industrial Wind Energy Conversion Systems. The ordinance as drafted excludes these types of systems as a permissible use. However, if in the future opinions changed or our energy needs change these could easily be added as a regulated use.

The following table shows the areas that are easily changed. Obviously the entire text is up for grabs, but these are the items that will further define the regulations.

Section	Existing	Possible Changes	Comment
170-40B(1) Setbacks, Ice and Blade Throw	Setbacks from adjacent property lines, rights of way, easements, public ways or power lines (not to include individual residential feed line) shall be equivalent to the collapse zone of the structure plus 10 feet.	Other ordinances have a setback of the total height times at least 1.5.	As worded is consistent with our Telecommunications Law regulating towers.

Section	Existing	Possible Changes	Comment
170-40 B (3) Number of Wind Energy Conversion Systems Allowed Per Parcel.	No limit, but have to be setback from each other.	Could limit to one, two etc.	If someone has the space, why not have more than one? Farms could benefit from this option.
170-40 C (1) Maximum Height Limit	150 ft.	The tallest standard tower appears to be 120 feet. 150 feet allows for some flexibility in blade length.	Remember that there are other factors that restrict height such as the fall zone and lot lines etc.
170-40 C (2) KW Limit per wind generating device	20KW	The standard seems to be 10KW.	A limit of 20 would allow for increased efficiency and output for the same size turbine without having amending the regulations.
170-40 C (7)(d)	Wind energy conversion systems shall be set back at least 2,500 feet from Important Bird Areas as identified by New York Audubon and at least 1,500 feet from State-identified wetlands...	Distances	These seem to be standard. Wetlands are important bird habitat.
170-40 C (10) Blade to Ground Distance	The lowest portion of the blade may not be closer than 15 feet to the ground.	Increase?	This is a minimum and seems to be reasonable. It is applied to industrial turbines as well.

Please review the draft ordinance before next weeks April 13<sup>th</sup> meeting. I would like to have this ordinance prepared for adoption at the May 11, 2006 meeting.

In the meantime, after the Town Board meeting on April 13<sup>th</sup> at your discretion the document could be distributed to both the Conservation and Planning Boards for comment. Because of the sensitivity of this topic, I would recommend posting the draft law on our website following a press release announcing its availability.

Sincerely,



Dan Kwasnowski

cc: Town Board  
 Mahlon Perkins, Dryden Town Attorney  
 Bambi Hollenbeck, Dryden Town Clerk