

Location	Issue	Recommendation
Page 10: Article II Section 9. 5. g.	<p>The Law reads “To demonstrate compliance with the setback requirements of this Article, circles drawn around each proposed tower site equal to: i. Three thousand foot radius; ii. One thousand foot radius.”</p> <p>However, There is no longer a 1000 foot setback, and there are additional setbacks above and below 3000 feet.</p>	Setback requirements listed in this section should consistent with what is listed in Article II, Section 12. R. this Article.
Page 15: Article II Section 10. C.	<p>The Law reads “Unless the Planning Board waives any application requirement, no application shall be considered until deemed complete.”</p> <p>This clause gives great authority to the Planning Board to determine what can be dropped from an application.</p>	Staff recommend deleting Subsection C because Section 11, entitled Waiver of Criteria more clearly states the waiver ability of the Planning Board.
Page 19: Article II. Section 12. R. 1.	<p>This Section refers to setbacks for wind towers. Subsection 1. reads “Five times (2380’) the total height of the proposed WECS from the nearest site boundary property line.”</p> <p>A strict interpretation of this regulation would mean that no tower could be built within 2,380 feet of a property line, making all large tower development impermissible without an area variance.</p> <p>However, in the definition section, under the term Site, a provision exists where an easement can be developed that allows multiple parcels to be combined to offset the setback requirement, presumably from a shared lot line.</p> <p>Staff have concerns with the clarity of the language in this section.</p>	Staff recommend that clearer language be put in the definition describing the ability for multiple property owners to combine parcels through an easement, thereby allowing the 2,380 foot setback to be met. Such language should appear immediately after Section 12. R. 1. as well.

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Page 19: Article II. Section 12. R.	No setback is identified from the Overlay District Boundary. Where the District Boundary meets the Town Boundary it would be possible, through an easement agreement, for towers to be built closer to property in adjacent towns than to parcels in the Town of Hammond.	Staff recommends a minimum setback of 1.5 times the height of the tower from the Overlay District Boundary, should the standard property line setback of 5 times the height of the tower not be in place.
Page 21: Article II. Section 15. A.	Noise Standards: The Law contains rigorous and, in some sections, confusing noise standards. Overall, Staff are comfortable with the noise standards as they seem comparable with other regulations and reviewed literature. Some language should be corrected in this section. See recommendation.	Section A. reads ...“parcels zoned residential.” Hammond does not have a residential zoning district, therefore this language should be struck. The last sentence in paragraph 1 of Section A reads “The remaining limits that are more than 5dB above the A-weighted background shall remain as given in Table 1”. This sentence needs revision in order to make sense with the preceding sentence. Staff recommend either revision or striking the sentence. Page 23: Subsection C4. reads “a background level for daytime, evening, and nighttime.” Evening should be struck as only daytime and nighttime noise limit standards are presented elsewhere.
Page 29: Article II. Section 16. B. 6. (a). and Page 38: Article IV. Section 30. A.	These Sections speak to the removal of towers and requires site restoration within 90 days of the date on which the facility becomes non-functional or inoperative. Staff feel that 90 days is too little time to remove a tower and restore a site, especially if the tower were to become inoperative in late fall.	Other requirements for action in this law allow for a 90-180 day window. Staff recommend that same time frame be applied to tower removal and site restoration as well.
Page 30: Article II. Section 18. C.	Reference is made to a 3,000 foot setback.	This setback should be replaced with 5 times the height of the tower.
Page 32: Article III. Section 23. C.	The section reads “If the application is deemed incomplete, the Planning Board <i>or its designated reviewer</i> shall...”	Staff recommends removing the phrase “or its designated reviewer.” The Planning Board has been given the responsibility to review wind facility applications and render decisions. It should not push that responsibility onto a third party designated reviewer.
Page 36: Article IV: Section 28. D.	No setbacks are listed for small WECS.	Staff recommends a setback of 1.5 times the height of the tower for small WECS.
Page 7: Article I, Section 6	Under the definition of Small WECS, the rated capacity of a permissible system is “no less than 500 watts and not more than 100 kW/hour”.	The lower threshold is a measure of energy and the higher threshold a measure of energy over time. The higher threshold should only reflect watts and not hours.
Page 12: Article II, Section 9, 12. e.	Property Value Analysis is to be carried out by a licensed appraiser.	More credentials should be required for the appraiser, specifically they should be from New York and should be experienced in appraising the type of property that they will be looking at in Hammond.

cc: Doug Welch, Chair, St. Lawrence County Planning Board

# THE ST. LAWRENCE COUNTY PLANNING OFFICE

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## NOTICE OF ACTION ON PROJECT REFERRAL

To: Ron Bertram, Supervisor, Town of Hammond

From: St. Lawrence County Planning Board 

Date: August 12, 2011

Re: County Planning Board 239-m Decision

Applicant: **Town of Hammond**

Project: **Local Law Number 2 (Wind Energy Facilities)**

Project Location: **Town-wide – Town of Hammond**

Referral Type:

- |   |  |
|---|--|
| <input type="checkbox"/> Area Variance      | <input type="checkbox"/> Site Plan                     |
| <input type="checkbox"/> Use Variance       | <input type="checkbox"/> Subdivision                   |
| <input type="checkbox"/> Special Use Permit | <input checked="" type="checkbox"/> Map/Text Amendment |
| <input type="checkbox"/> Sign Permit        |  |

Decision:

- |  |                                      |  |
|--|--------------------------------------|--|
| <input type="checkbox"/> Approved                            | <input type="checkbox"/> Disapproved | <input type="checkbox"/> Returned for Local Action |
| <input checked="" type="checkbox"/> Approved with Conditions |                                      | <input type="checkbox"/> Other (See below):        |

Explanation of the decision and its impact on your final action:

At its meeting last night, the County Planning Board reviewed and discussed the proposed Local Law Number 2 of 2011 to Amend and Restate in its entirety Local Law No. 1 of the Year 2009, Wind Energy Facilities. The Board recognizes the effort, time and energy the Town and others invested in developing this local law. Staff understands that this law has been and will continue to be controversial. Modifications will no doubt be required as the wind development industry changes and the town should not be hesitant to modify this law as necessary. **The Board conditionally approved the Wind Law based on the changes listed in the Recommendations column of the table below.**

Any action to approve proposed Local Law Number 2 consistent with the conditions noted above can be taken with a simple majority vote of the full membership of the Town Board. A motion to disapprove the Law can always be made with a simple majority of the full membership. Any motion to approve other than as conditioned must be made with a majority-plus-one vote of the full membership of the Town Board. Please notify the County Planning Board of your final action so that we can amend the land use codes on file as may be appropriate. If you have any questions about this referral or about the review process, please do not hesitate to call the Planning Office.

Heidi J. Ames, Grants Manager Matilda M. Larson, Planner II Jon R. Montan, Jr., Planner III Jason C. Pfothauer, Deputy Director  
Denise S. Russell, Office Manager John F. Tenbusch, Planner II Keith J. Zimmerman, Director