

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 26 February 2013 - 7:30 PM
Town Hall Board Room - 3577 Terrace Road - Cortland, NY

Board Members (*absent)

Katherine Wickwire, Chairperson
Christopher Newell
Nicholas Renzi
Elizabeth Ambrose
John M. Finamore

Others Present

Bruce Weber, Town Planning/Zoning Officer
Joan E. Fitch, Board Secretary
John Folmer, Town Attorney

Applicants & Public Present

Attorney Jim Baranello for Patrick Johnson, Applicant; Daniel Freelove, Applicant; Jesse Hicks, Applicant; Jim Gosier, Kurt Hackwelder & Nick Marsella for Byrne Dairy, Applicant; Forrest Earl for Lime Hollow Nature Center; David & Marcia Hicks, Betsy Hicks, Michael Barylski, Paul Heider, Robert Beard, Victor Siegle, Steven Moffitt, Shelly White, Janet Steck, Kevin Harris, George Elliott, Pat Reidy from Cortland Co. Soil & Water; Town Supervisor Dick Tupper.

REGULAR MEETING

The Regular Meeting of the Town of Cortlandville Planning Board was called to order by Chairperson Katherine Wickwire at 7:38 p.m. She announced to those present that New Business Agenda Item 3, Used Car King, had been removed due to denial of a variance by the Zoning Board of Appeals who met immediately before this meeting.

APPROVAL OF MINUTES – 29 JANUARY 2012

Board members stated that a clarification needed to be made on Page 5, second paragraph, under “Other Matters – Wind Energy Facilities – Local Law.” The word “them” should be deleted and replaced with “to the Wind Turbine Task Force” to explain who “them” is. The corrected sentence would now read: *Town Attorney Folmer reminded the Board that the charge given to the Wind Turbine Task Force by the Town Board was to ‘draft a proposed Local Law that would allow the placement of wind turbines in the Town in a reasonable safe basis’.*”

A motion was made by Member Nick Renzi to approve the Minutes of the 29 January 2013 Planning Board meeting, as corrected. The motion was seconded by Member Chris Newell, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Newell
Member Renzi
Member Ambrose
Member Finamore

Nays: None

Motion carried.

This becomes Action #5 of 2013.

OLD BUSINESS**Byrne Dairy, Inc., Applicant/Reputed Owner - 840 NYS Route 13 (Finger Lakes East Business Park) - TM #s105.00-03-15, 16, 17, 18, 20, 21, 24, 25, 26 & 27 - Site Plan Review & Aquifer Protection District Special Permit for Proposed Manufacturing Facilities, Agri-Tourism Center, Lodge, Etc.**

Chair Wickwire recognized Jim Gosier, General Counsel for Byrne Dairy, who introduced Kurt Hackwelder from QPK Design, LLP; and Nick Marsella, Chief Operating Officer of Byrne Dairy.

Mr. Gosier stated that a Sketch Plan Conference was held with this Board at their 29 January 2013 meeting. Reference is made to those Minutes for details of this conference. He refreshed the Board members' regarding what transpired regarding this 127±-acre site. Since the last meeting, he stated, they have reconfigured the manufacturing plant by turning the cheese portion of the building by 90°. They have also modified the configuration of the loading docks for safety reasons, as shown on the drawing displayed.

Chair Wickwire then asked about the proposed windmills as depicted in the computer-generated photos submitted to Board members. These windmills would be placed on the Osbeck-farm portion of this facility. Chair Wickwire questioned their use and height. Mr. Gosier explained that they were proposing seven (7) decorative windmills at four different heights—45 feet, 66 feet, 75 feet and 90 feet. He stated they have applied to the ZBA for a variance. One of the windmills will be operating an aerator for the proposed pond. They proposed to illuminate the blades, displaying different color lights to “establish a landmark” and indicate “what’s going on in the plant,” e.g. yellow for “making-cheese-day.” They will be the “old-fashioned farm-type windmills.”

Member Nick Renzi stated he had reviewed the subject drawings and submitted a list of comments to the applicant and the Board (see **Attachment A** of these Minutes), some of which he went through with the representatives. Mr. Gosier answered those questions posed. He also stated he will provide revised drawings for County Planning. PZO Weber advised that their packets the Board has were already submitted to County Planning; addendum sheets are all that is needed.

At the conclusion of this extensive discussion, **a motion was made by Member Renzi to send the applications to the Cortland County Planning Department for their review. The motion was seconded by Member Newell, with the vote recorded as follows:**

**Ayes: Chair Wickwire
Member Newell
Member Renzi
Member Ambrose
Member Finamore**

Nays: None

Motion carried.

This becomes Action #6 of 2013.

Patrick Johnson, Applicant/Reputed Owner – US Route 11 – TM #87.00-03-08 – Subdivision of Land

Chair Wickwire recognized Attorney Jim Baranello, representing the applicant who was seeking approval to subdivide this 52± acre parcel, which lies on either side of the utility line, with 33.83± A. to be sold to the Diescher Trust, and the remaining portion parcel north of I-81 to be sold to another purchaser. This subdivision comes out of the entire 220± acre farm, all as shown on the maps accompanying the application.

With no further discussion, a motion was made by Member Newell to approve the Subdivision, as requested. The motion was seconded by Member Renzi, with the vote recorded as follows:

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Ambrose		
	Member Finamore		

Motion carried.

This becomes Action #7 of 2013.

Daniel J. Freelove, Applicant/Reputed Owner – 3550 Loope Road – TM #97.04-01-03.000 – Proposed Auto Repair Shop

It is noted for the record that the required variance (to allow an Auto Repair Shop in an Ag District) was granted (with conditions) to the applicant at the previous meeting of the Zoning Board of Appeals; therefore, the Conditional Permit was being considered by the Planning Board.

Chair Wickwire recognized the applicant who explained that he was seeking a Conditional Permit to operate an automobile repair business from his existing one-car garage on this property. This application had been sent to the Cortland County Planning Department for their review, and a report had been received from them, along with the County Planning Board's Resolution No. 13-04 dated 13 February 2013, as acknowledged by Chair Wickwire.

In response to the Board's questions, the applicant plans on operating his business Monday thru Friday from 7 a.m. to 5 p.m. There will be minimal noise and no floor drains.

Chair Wickwire then read aloud Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II. **A motion was then made by Member Renzi to declare a Negative Declaration under SEQRA for the proposed repair shop. The motion was seconded by Member Newell, with the vote recorded as follows:**

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Ambrose		
	Member Finamore		

Motion carried.

This becomes Action #8 of 2013.

A motion was then made by Member Newell to approve the Conditional Permit for the proposed auto repair shop with a maximum of six (6) vehicles onsite, and incorporating Items #1 thru 7 of the Cortland County Planning Board's Resolution No. 13-04 of 13 February 2013. The motion was seconded by Member Renzi, with the vote recorded as follows:

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Ambrose		
	Member Finamore		

Motion carried.

This becomes Action #9 of 2013.

Jesse Hicks, Applicant/David, Herbert & Jesse Hicks, Reputed Owners – 4141 Hicks Hill (McGraw) – TM #88.00-01-33.210 – Subdivision of Land

Chair Wickwire recognized the applicant who was seeking approval to subdivide a 35±-acre parcel from the main 211.4± acres. The applicant stated he planned to build a house on the smaller parcel.

With no further discussion, **a motion was made by Member Newell to approve the Subdivision of Land, as requested. The motion was seconded by Member Renzi, with the vote recorded as follows:**

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Ambrose		
	Member Finamore		

Motion carried.

This becomes Action #10 of 2013.

Lime Hollow Center – Gracie Road – Sketch Plan Conference for Proposed Education Center

Chair Wickwire recognized Glenn ? (did not sign Attendance Sheet) who gave a brief overview of their proposed Education Center Building that will be constructed by BOCES students, ready for use in September 2014. The building (approx. 2600 SF) will be LEED constructed, but not LEED Certified. Not only will it be used for classes, but it is planned to use it for summer camp.

Glenn stated that there will be a 53-car unpaved parking lot, designed for future expansion, which is at the end of a 300±-foot driveway. Member Renzi reminded the applicant's rep that the Town requires 10 ft. by 20 ft. parking spaces.

Glenn stated that Lime Hollow has been in discussion with Byrne Dairy regarding the Chicago Bo. The Center's plans were altered in concert with Byrne Dairy.

It is planned for Lime Hollow to return before this Board in a month. A Negative Declaration under SEQRA has already been issued by NYS, but PZO Weber stated it would still be required by the Town. They will also need an Aquifer Protection District Special Permit.

This becomes Action #10 of 2013.

CNY Power Sports, Applicant/David Law, Reputed Owner – 3871 US Route 11 – TM #87.00-04-04.000 – Conditional Permit for Used Oil Storage

Chair Wickwire noted that there was no one present to answer the Board's questions.

A motion was then made by Member Newell to postpone any action on this application until the Planning Board's meeting of 26 March 2013 in order to allow the applicant/rep to be present. The motion was seconded by Member Renzi, with the vote recorded as follows:

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Ambrose		
	Member Finamore		

Motion carried.

This becomes Action #11 of 2013.

OTHER MATTERS

Wind Energy Facilities – Local Law – Town Attorney John Folmer received a large binder from Chair Wickwire which contained Board members' responses/comments on the proposed Local Law. In addition, comments were included from other interested parties, e.g., Mike Barylski and Victor Siegle; their good work was recognized by the Board. Chair Wickwire added that she would like to see these turbines banned altogether from the Town. The Board, after reviewing what's been done in Rensselaerville and Montville, thought that the Town's proposed Local Law was very lacking and did not cover enough areas and may be opening themselves up to a liability if they are allowed. The Board also felt the Town Board should spend a lot of time looking at what's happening all over the country. Member Renzi stated he would like his comments attached to these Minutes. He added that what has been drafted should be scrapped and then start all over "and do a really good job."

At the conclusion of an extensive discussion, **a motion was made by Member Renzi to forward the reports generated by Michael Barylski, Victor Siegle, and Town Planning Board members, along with the proposed revision of the proposed Local Law, to the Cortlandville Town Board and the Wind Turbine Task Force for their review and determination of the next course of action. The motion was seconded by Member Elizabeth Ambrose, with the vote recorded as follows:**

**Ayes: Chair Wickwire
Member Newell
Member Renzi
Member Ambrose
Member Finamore**

Nays: None

Motion carried.

This becomes Action #12 of 2013.

- ✓ **Traffic Flow at New McDonald's on Route 13** – Member John Finamore commented about the bad traffic flow into and out of this newly constructed McDonald's.

ADJOURNMENT

At 9 p.m., a motion to adjourn the meeting was made by Member Renzi, seconded by Member Finamore, with all members present voting in the affirmative.


Joan E. Fitch, Board Secretary

E-mailed to Town, KW, JMF, CN,
EA, NR, JF & BW on 3/18/13.

ATTACHMENT A

COMMENTS ON THE BYRNE DAIRY CORTLANDVILLE FACILITY DRAWING SUBMITTAL DATED FEBRUARY 15, 2013

The Byrne Dairy Cortland Facility drawings as submitted are very good. Time constraints may have prevented a complete definition of all essential details. Many of my comments are probably under consideration by the applicant and in some cases may have already been addressed. Consider these comments as a check list of information that we are accustomed to seeing from applicants for a major project.

❖ Reference L-102 Plant Area Site Plan

Show the extent of the permeable paver sidewalk around the Agritourism Center by graphic symbol and add the symbol to L-001 General Information.

Show a cross-section detail of the permeable paver installation on L-501 Construction Details.

Show a cross-section detail of the grass cell paver installation on L-501 Construction Details.

Show a cross-section detail of the granite curbing on L-501 Construction Details.

Is the asphalt pavement called out in the truck staging area a heavy-duty type compared to the employee or visitor parking asphalt lots?

Show a cross-section detail of the concrete sidewalks on L-501 Construction Details.

Provide a detailed landscaping plan for foundation, field plantings and pasture lands. The drawing should include as applicable common name, Latin name, quantity, roots (B&B or container size), height and planting spacing.

To the extent possible show all roof drains and especially their discharge routing.

Show the height of the white board fence and elevation details on L-501 Construction Details.

Areas that are designated future parking should be identified as to the as-built configuration, for example are they lawn areas until such time that they are paved?

As appropriate show traffic flow arrows in the parking lots.

Show outside trash storage areas. If any they should be suitably screened from view.

❖ Reference L-101 Pasture area Site Plan

Show the exterior design elements and dimensions of the Facility Identification Sign on L-501 Construction Details. Include lighting if any.

Define the grass or other vegetation to be planted in the pasture area and the type of maintenance it will receive if any.

The seven windmills that are being proposed should be defined on L-501 or another drawing with regard to the following:

Purpose
Height to the windmill hub
Diameter of windmill blades
Whether the windmills are simply driven by the wind or do they are driven by other means such as electric motors.
Base dimensions
Safety precautions such as location of climbing rungs
Are they lighted?
Mechanical braking systems if any.
Prevention of ice being slung from rotating blades.
Materials of construction for major components.
Color of the frame and blades

Considering the length of the walk between the caretaker's house and the plant area is there going to be any lighting? If so please define.

❖ **Reference L-103 Truck Scale Area – Site Plan**

Is the asphalt area heavy duty?
Show any lighting that is planned for this area.
Show any traffic flow arrows or signage.

❖ **Reference L-104 Amphitheater Area Plan**

1. Show any steps or pathways connecting the various levels.
2. Show pedestrian pathways
3. Show pathways for those using the ADA parking areas.
4. Show any lighting.
5. Show any rest rooms or other facilities including vendors.
6. On this drawing or other if desired indicate the purpose, frequency of use, anticipated attendance, use of entertainment lighting and sound amplification equipment.

❖ **Reference L-105 Lodge Area Site Plan**

Show any planned lighting.
Show any signage especially dimensions and lighting if any.
Elevations of the lodge showing the exterior finishes. Compatibility with near by structures such as the Lime Hollow facility would be encouraged.
Indicate details for patios and walks.

❖ **Reference L-501 Construction Details**

As appropriate indicate the Filter fabric for example Mirafi 140N.

My compliments to the one who came up with the Stormwater signage. This is a simple common sense item that I have never seen in any of my site plan reviews and I would recommend to our Planning Board that this be made a standard “must have” for all projects having significant stormwater facilities requiring maintenance. The stormwater management facilities are required by code, are important to maintaining the safety of

our aquifer but without scheduled and formal maintenance they can be rendered useless.
Thanks for such an elegant and practical feature.

Indicate details for stripping, traffic arrows and pedestrian signage.

Show details for bollards, concrete aprons, signage etc.

❖ **Reference PH-101 Photometrics**

As appropriate show the entire site's illumination plan including the Lodge, windmill area, caretaker's house, amphitheater and truck scale areas.

Indicate the type of light fixtures. Emphasis on minimal disturbance to neighboring properties.

These comments are those of Nick Renzi Planning Board member and may not reflect the collective opinion of the Planning Board.

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ATTACHMENT B

February 22, 2013

To: Kathy Wickwire

From: Nick Renzi

Subject: Comments on the Cortlandville Proposed Local Law
For Wind Energy Facilities dated 12-3-12

References: A. Montville Maine Wind Turbine Generator Ordinance
B. Rensselaerville Commercial Wind Power Facilities Law
C. Cortland County Planning Department report and County Planning Board Resolution No. 13-01
D. Report on Wind Turbine Noise, Sleep and Health

First I would like to thank the members of the Cortlandville Task Force that worked on the development of the Proposed Local Law for Wind Energy Facilities. Specifically my thanks to Councilmen Ron Rocco and John Proud and Town Attorney John Folmer for their work on this important project.

BACKGROUND:

The Town Board established a task force to generate a local law that would regulate the placement of wind energy facilities so that the public health, safety and welfare would not be jeopardized. This task force consisted of Councilmen Ron Rocco and John Proud, Town Attorney John Folmer and representatives of Clough-Harbour the engineering consultant company.

As a result of the work done by the task force a draft of the Town of Cortlandville Local Law for Wind Energy Facilities was published on December 3, 2012.

COMMENTS ON THE PROPOSED LOCAL LAW:

The Planning Board was asked to comment on the proposed law. My comments are included in my memo to John Folmer dated January 18, 2013. **See attachment number 1.**

As discussions continued on this subject and as additional information became available it became apparent to me that the basic premise of the charge to the task force was prejudiced in favor of having the wind turbine facilities with the main emphasis being on set back and noise.

The fundamental question of the viability of wind turbine facilities in the Town of Cortlandville from a health, aesthetics, noise, and property value impact appeared not to be of primary concern.

REFERENCE DOCUMENTS:

A. Montville (Maine) Wind Turbine Generator Ordinance

A resident of Homer forwarded to the Cortlandville Planning Board, the Town of Montville Wind Turbine Generator Ordinance that they recently enacted. A five-person committee commissioned by the town's Planning Board generated this forty two-page document. The committee consisted of five local people who, over a nine-month period, researched the various aspects of wind turbines in terms of health, noise, setbacks, aesthetics, property values and noise measurement standards.

The Montvillewind.org web site outlines the background for the generation of the ordinance and in addition contains five pages describing how setback was established, seven pages on noise limits and measurements and seven pages listing the bibliography of some of the two hundred documents that were researched in generating the wind turbine ordinance. There was an extraordinary effort made to have the best scientific information as the basis for some of the quantitative requirements set forth in the ordinance.

The Montville ordinance states “Setbacks to property lines are a minimum buffer of one mile from the property boundary. This is assuming a 1.5 MW industrial turbine, which has a turbine height of approximately 400 feet.” For taller turbine installation the set back is “the larger of one mile or 13 times the turbine height”.

The Montville Ordinance was approved by the townspeople by a vote of 90 in favor and 38 against.

Surrounding towns having a similar ordinance had votes as follows:

Dixmont 229 yes 78 no
Jackson 111 yes 75 no
Thorndike Unanimous yes

A comparison of the contents of the Montville ordinance and the proposed Cortlandville local law is shown in **attachment number 2**.

B. Town of Rensselaerville (New York) Commercial Wind Power Facilities Law of 2010

A local citizen forwarded this law to the Cortlandville Planning Board.

The Town Board of Rensselaerville by a formal resolution established the advisory Wind Power Committee to assist the Town Board in developing regulations applicable to the siting and permitting of private and commercial wind power facilities as well as to provide recommendations on the use of wind power in the Town. The formal resolution is contained in the committee’s Recommendations Report dated July 2010.

This local law is supported by a sixty one-page report titled Rensselaerville Wind Power Committee Recommendations Report for Industrial Wind Power – July 2010. The report studied relationship to the comprehensive plan, historical impact, aesthetics, viewshed, tower height, noise and sound, shadow flicker, ice throw, ground vibration, construction techniques, aquifers, wildlife impact, effect on local roads & infrastructure, fire fighting etc. The work of the committee resulted in the following purpose and Intent “ The purpose and intent of this law is to clearly establish that commercial wind power facilities as defined herein shall not be allowed in any zoning district or on any land in the Town of Rensselaerville.”

The new law was compared to the existing Comprehensive Plan to ensure alignment and as necessary changes to the Town’s Zoning Law were made to be in conformance with the new local law.

C. Cortland County Planning Department Report dated January 11, 2013 and Cortland County Planning Board Resolution No. 13-01 dated January 16, 2013

The Planning Department recommended approval of the proposed local law contingent upon nine recommendations. Of the nine recommendations six had to do with clarifications or revisits to the set backs in the proposed local law. One recommendation referred to the development of a Residential Property Value Guarantee agreement to alleviate any concern of neighboring property owners regarding preservation of property values.

In spite of these major concerns by the Planning Department both the Planning Department and the County Planning Board considered the proposed law “thorough”.

D. Report on Wind Turbine Noise, Sleep and Health by Dr. Christopher Hanning dated July 2012.

This forty one-page report by Dr. Hanning, an apparent expert in this field, was a response to The Northumberland County Council Core Issues and Options Report Consultations. Dr. Hanning is an Honorary Consultant in Sleep Disorders Medicine to the University Hospitals of Leicester NHS Trust based at Leicester General Hospital. He has been involved with sleep disorder science for over thirty years. He states in this report “My expert opinion is that the minimum set back of large (>2MW) industrial turbines should be at least 1.5km (4921 feet) from residential properties,”

OBSERVATIONS:

- A. The Montville committee consisted of five members none of which were on any town boards.
- B. The Rensselaerville committee was established by formal town Board resolution.
- C. The Rensselaerville committee members were selected after formal advertising for members followed by interviews of prospective candidates.
- D. The five member Rensselaerville committee was assisted by at least thirteen “outsiders” who were acknowledged in the Recommendations report.
- E. The development of the Montville ordinance is well documented in their website Montvillewind.org. This website was generated by volunteer residents of Montville. This website includes extensive information on the committee’s work on setbacks, noise and a bibliography of just a partial listing of nearly 200 separate documents and references consulted during the sub-committee’s research.
- F. Both the Montville and Rensselaerville committees were charged with the objective to determine the viability of wind turbines in their communities and to establish the necessary ordinances to govern such activity based on current scientific knowledge.
- G. There appears to have been significant involvement by the town’s people in the development of the turbine ordinances for both Montville and Rensselaerville.
- H. The summation of the work done in both towns is very formally documented by the Montville website and the extraordinarily complete Recommendations Report generated by the Rensselaerville committee.
- I. The conclusions of both the Montville and Rensselaerville committees are supported in significant depth by their research into the science of the subject or by consultation with experts in this field.
- J. The Cortlandville task force had a more casual structure and was by its small size with little technical depth. The Cortlandville task force was understaffed for the work that was required.
- K. The work of the Cortlandville committee appears to not have had much inclusion of town’s people or local resources.
- L. The Cortlandville proposed Local Law does not have readily available documentation supporting its conclusions.

See **attachment number 3** for a macro comparison of the work of the three towns.

CONCLUSIONS:

- A. The Cortlandville proposed Local Law was erroneously based on a pre conceived approach that wind turbines would be acceptable and that a local law to regulate placement was all that was necessary. Essentially the presence of wind turbines was a fait accompli.
- B. The Cortlandville proposed local law does not reference the comprehensive plan (Corridor Study) or existing zoning.
- C. The proposed local law is incomplete in its content compared to the Montville ordinance. Example the impact on property values.
- D. The proposed local law contradicts current science with regard to health safe setbacks.
- E. The County Planning Board resolution was remiss in accepting non-scientifically based dimensions for setbacks and then asking for more work to be done relative to setbacks in their recommendations.

- F. The County's recommendation for adoption of the proposed Local Law with the stated contingencies is tantamount to a doctor giving a patient a clean bill of health contingent upon the patient getting a heart transplant.

RECOMMENDATIONS:

- A. The Cortlandville Planning Board should, by a super majority, reject the County's recommendation for adoption of the proposed Local Law.
- B. The Cortlandville Planning Board should recommend that the Town Board terminate any further action or consideration relative to the proposed Local Law since it is incomplete and is not based on generally accepted science. More important is that the task force was not charged properly in that they were to assume that wind turbines were going to happen rather than to assess the true viability of wind turbines as to their impact on our Town with regard to health, safety, property values and financial viability.

The Planning Board should recommend to the Town Board that a new Wind Turbine committee be established consisting of the original task force and at least three new members chosen by the Town Board. These three new members should be interviewed by the Town Board to ensure that the prospective members.

- C. The Planning Board should recommend to the Town Board that a new Wind Turbine committee be established consisting of the original task force and at least three new members chosen by the Town Board. These three new members should be interviewed by the Town Board to ensure that the prospective members possess the technical skills, objectivity and dedication required for this important work.
- D. Before any more work is done to develop a Wind Turbine Ordinance a serious review of available wind energy measurement data be made to determine if there is sufficient wind energy available at the proposed sites to support a financially viable wind turbine installation. Reference the Rensselaerville Committee report page 21 wherein the wind speed issue is discussed
- E. The Cortlandville Planning Board should recommend that the Town Board direct the new committee to carefully examine the work done at Montville and Rensselaerville to develop a new Local Law that either prohibits wind energy facilities completely as was done in Rensselaerville or allows them with more scientific basis as was the case in Montville.
- F. If the services of Clough Harbour are to be continued a specific list of tasks that they are to research and comment on in writing in support of the committee's objectives should be generated.
- G. Engage the services of a qualified acoustical engineer such as Robert Rand of Rand Acoustics located in Brunswick Maine. Mr. Rand developed the noise section of the Montville ordinance.
- H. Contact Dr. Nina Pierpoint (website: <http://www.windturbinesyndrome.com>) to discuss the health issues associated with wind turbines.
- I. The Cortlandville committee should review the Rensselaerville Recommendations Report especially the content of the Health, Environmental and Safety Considerations sections to determine the applicability of their findings to the Cortlandville situation.
- J. The adoption of sections of the Montville Ordinance on setback and sound or the Rensselaerville Local Law for complete prohibition should be carefully considered.
- K. Regardless of Cortlandville's final proposed local law whether it be complete prohibition or a modified proposed law there should be documentation that supports the proposed law. This documentation should site technical reports, studies, professional opinions or other scientific evidence.

Nick Renzi, Planning Board member
February 22, 2013

Attachment 1

January 18, 2013

To: John Folmer

From: Nick Renzi

Subject: Proposed local law for Wind Energy Facilities dated 12-3-12

The following comments are offered for your consideration.

1. Add a Table of Contents
2. Total Height; consider using the distance from the rotor blade at its highest point to the top surface of the tower foundation.
3. Add, under definitions, the term Viewscape the range of view from a point toward the horizon including natural and man-made components.
4. In Article II section 10 suggest that the applicant provide a financial analysis showing how the WECS will provide saleable energy sufficient to justify the cost of construction and operation.
5. In section 10 paragraph 12 item a. the construction schedule should include major construction milestones such as completion of site preparation, completion of foundation, erection of tower structure, turbine installation, electrical system completion, major in-process inspection points, preliminary testing, final completion power generation documentation.
6. In paragraph 15 of section 10 the applicant should provide comment and description as necessary for items such as braking systems, redundancy of such systems, aerodynamic over-speed controls, mechanical brakes, anti-icing and deicing systems
7. In the Application Review process the applicant should, via his consultant, verify that all of the requirements of the local law have been addressed.
8. I did not see the County Planning Department as part of the review process.
9. In section 10 paragraph 16 item a requiring a “study on potential shadow flicker”, this study and all other reports or documentation shall be authored by qualified or licensed (if required) professionals in the areas being studied.
10. In paragraph 16 items b. visual impact, d. noise analysis, e. property value analysis, f. electromagnetic interference and g. vibration analysis should, if possible, reference industry standards for such evaluations.
11. Who pays for the work done by the Town’s consultant referenced in section 11 C?
12. Article II seems to be inconsistent with other sections in that it starts with numbered paragraphs where the others are lettered.
13. In section 15 on setbacks the figures in paragraph E have for sure been the subject of many discussions but I would suggest that the 2500 feet requirement be applied to the “nearest off-site Residence as noted in 10 E. c. From the little that I have read on this subject the set back distances should be greater.

John, I think the committee together with Clough Harbour has done a good job in generating the proposed Local Law. There is a lot to this subject that goes beyond common sense so the need for a technical consultant is very important as noted in the proposed law.

After I generated the above comments I received a copy of the Town of Montville (Maine) Wind Turbine Generator Ordinance. This came to me and the other Planning Board members via Kathy Wickwire who received it from Janet Steck. From what I can tell Janet who lives in Homer has been active in the Windmill discussions and meetings. I would strongly recommend that the windmill task force read the Montville ordinance. It is a great piece of work in terms of scope, detail and completeness. There are items in the Montville ordinance that could be considered for the Cortlandville ordinance. It is interesting that a Google search for Montville Maine reveals that the town has 1000 people. They had to enlist an expert in generating the ordinance.

Although the Proposed local law is adequate the Montville Ordinance is far more complete and we would benefit by modeling our Proposed law after their ordinance in applicable areas.

Thanks for giving me the opportunity to make my comments and I hope that you find them worthy of consideration.

Regards,

Nick Renzi
Planning Board member

cc: Kathy Wickwire Planning Board Chairperson

Attachment 2**WIND TURBINE GENERATOR ORDINANCE COMPARISON**

FEATURE	MONTVILLE	CORTLAND-VILLE	REMARKS
TITLE	E	E	E=EQUAL, G=GOOD, B=BETTER
PURPOSE	E	E	VG=VERY GOOD, D=DETAIL
AUTHORITY	B	G	I= INCOMPLETE, S=SPECIFICS
CONFLICTS WITH OTHER ORDINANCES, LAWS AND REGULATIONS	G	A	A=ABSENT
VALIDITY AND SEVERABILITY	G	A	
EFFECTIVE DATE	G	A	
APPLICABILITY	G	B	
DEFINITIONS	VG, S (62)	I (12)	
CLASSIFICATION OF WIND TURBINES AND METEOROLOGICAL TOWERS	G	A	
PERMIT AND OPERATIONAL LICENSE REQUIREMENTS	VG, D	G	
PERMITTING AUTHORITY	G	B	
STANDARDS FOR SETBACKS, NOISE, SHADOW FLICKER, AND MITIGATION WAIVERS	VG, D, S	G	
GENERAL STANDARDS	G	G	
APPEARANCE AND SAFETY STANDARDS	VG	G	
FINANCIAL, ENVIRONMENTAL AND OPERATIONAL STANDARDS	VG,D,S	G	
APPLICATION SUBMISSION REQUIREMENTS AND PROCEDURAL TIME FRAMES	VG,D	G	
PROFESSIONAL SERVICES	VG	G	
APPLICATION CHANGES	E	E	
CUMMULATIVE EFFECT OF MULTIPLE PERMITS	G	A	
APPEALS	E	E	
COMPLAINTS / VIOLATIONS / ENFORCEMENT	VG	G	
DECOMMISSIONING STANDARDS	VG	G	
REAL ESTATE PROPERTY VALUE ASSURANCE PLAN	VG	A	
TAX VALUATION AGREEMENT AND TAX IMPACT STATEMENT	VG	A	
JURIDICTION ACROSS MULTIPLE MUNICIPALITIES	VG	A	
ETHICAL STANDARDS	VG	A	
NOISE MEASUREMENT STANDARDS AND PROCEDURES	VG,D,S	I	
WIND TURBINE GENERATOR SUBMISSION STANDARDS AND FEES	VG,D,S	I	
FINDINGS	A	G	
SETBACK DISTANCES	5280 FEET	1320 FT./ 2500 FT.	

THE NOTED RATINGS ARE THE OPINION OF NICK RENZI

Attachment 3**MACRO COMPARISON OF APPROACH AND CONTENT OF WIND TURBINE LOCAL LAW DEVELOPMENT**

DESCRIPTION	CORTLANDVILLE NY	MONTVILLE MAINE	RENSSELAERVILLE NY
COMMITTEE COMMISSIONED BY	TOWN BOARD	PLANNING BOARD	TOWN BOARD BY FORMAL RESOLUTION
SELECTION OF COMMITTEE MEMBERS	BY TOWN BOARD	VOLUNTEERS SELECTED BY PLANNING BOARD	BY ADVERTISING THE POSITIONS AND INTERVIEWS CONDUCTED BY THE TOWN BOARD
COMPOSITION OF COMMITTEE	TWO COUNCILMEN, TOWN ATTORNEY AND TECHNICAL CONSULTANT	TOWNS PEOPLE	TOWNS PEOPLE
NUMBER OF COMMITTEE MEMBERS	3	5	7
COMMUNITY INVOLVEMENT	MINIMAL	SIGNIFICANT	EXTENSIVE
FORMAL SUPPORT PERSONNEL	NONE	MINIMAL	AT LEAST THIRTEEN ACKNOWLEDGED
FINAL DOCUMENT	PROPOSED LOCAL LAW	RELEASED ORDINANCE	RELEASED LOCAL LAW
DEVELOPMENT TIME	TEN MONTHS	TEN MONTHS	ONE YEAR
ADOPTION METHOD	TOWN BOARD	PUBLIC VOTE	TOWN BOARD
DETAILED RECOMMENDATIONS, RATIONALE AND BACKUP RESEARCH	MINIMAL	SIGNIFICANT	EXTENSIVE 61 PAGE REPORT
CONSIDERATIONS	CONTAINED IN THE PROPOSED LOCAL LAW SETBACKS, SITE PLAN ISSUES, VISUAL IMPACT STUDY, SEQRA, GENERAL SAFETY MEASURES, BONDING, PROPERTY VALUE ANALYSIS, VIBRATION IMPACT, ELECTROMAGNETIC INTERFERENCE	CONTAINED IN THE TOWN ORDINANCE SETBACKS, NOISE, SHADOW FLICKER, APPEARANCE AND SAFETY STANDARDS, FINANCIAL, ENVIRONMENTAL AND OPERATIONAL STANDARDS, REAL ESTATE PROPERTY VALUE ASSURANCE PLAN, TAX VALUATION AGREEMENT	CONTAINED IN THE COMMITTEE'S RECOMMENDATIONS REPORT NOISE AND SOUND, SHADOW FLICKER, ICE THROW, GROUND VIBRATION, CONSTRUCTION TECHNIQUES, AQUIFERS, WILDLIFE IMPACT, EFFECT UPON LOCAL ROADS AND INFRASTRUCTURE, FIRE FIGHTING, LIGHTENING PROTECTION, SOIL IMPACT, EROSION, BLASTING, MEDEVAC HELICOPTERS AND RESCUE SAFETY ISSUES, PROPERTY VALUES, PILOT PAYMENTS, BONDING ISSUES
COMMUNITY IMPACTS	TOWER HEIGHT	APPEARANCE AND SAFETY STANDARDS	RELATIONSHIP TO COMPREHENSIVE PLAN, HISTORICAL IMPACT, AESTHETICS, VIEWSHED, TOWER HEIGHT
CURRENT STATUS	PROPOSED LOCAL LAW IN REVIEW BY PLANNING BOARD	RELEASED WITH 5280 FOOT SETBACKS PLUS SPECIFICS AS NOTED ABOVE	RELEASED LOCAL LAW PROHIBITING COMMERCIAL WIND POWER FACILITIES

N. RENZI