

At 7:00 p.m. Supervisor Stevens called to order the meeting of the Spafford Town Board. Councilors Rick Fesko, Ken Lieberman, Merrill Clark, and Jeff Ireland were present. Highway Superintendent Carl Wiers, Accountant Thomas Chartrand and Town Clerk Lisa Valletta were also present. The Pledge of Allegiance was recited.

### HIGHWAY SUPERINTENDENT'S REPORT

Bacon Hill Road culvert replacement is complete at a cost of \$4,500.

The compactor at the Transfer Station broke down last Saturday morning. Mr. Wiers prepared a letter to Casella Waste Services detailing the delay in the repair and the necessity of using Highway employees to clean up the pile of trash. Mr. Wiers letter included billing to Casella Waste Services for employee time and rental of Town equipment.

### RESOLUTION 70-2008

#### Casella Waste Services

On a motion by Councilor Ireland, seconded by Councilor Fesko the following resolution was

PASSED AYES – 5 Stevens, Fesko, Lieberman, Clark,  
Ireland

NAYS – 0

Resolved to hold payment of the Casella Waste Services bill for July 2008 until Mr. Wiers letter and bill for Town services and equipment has been addressed.

A motion to accept the Highway Superintendent's Report was made by Councilor Clark, seconded by Councilor Fesko. The motion PASSED. AYES – 5, NAYS – 0.

### MINUTES

A motion to accept the minutes of the July 10, 2008 and July 17, 2008 Town Board meetings as submitted was made by Councilor Clark, seconded by Councilor Lieberman. The motion PASSED. AYES – 5, NAYS – 0.

## SOAWD

North Country Contractors has submitted a request for a Change Order as per the following:

1. Repair unmarked force main along Martisco Lakeside Road
2. Repaired sewer force main parallel to water main along Davis Grove
3. Repair/avoid multiple unmarked sewer force mains along Davis Grove
4. Repair/avoid leach field and re-route water main
5. Repair service along Olanco Road at Sta. G7+75
6. Repair three driveway culverts that were rusted out
7. Time lost at tangle of underground utilities
8. Repair perform service call on a Sunday for Sewer force main
9. Test holes and location of OCWA water transmission main
10. Repair water service pulled out of foundation – Olanco Road
11. Replace stream retaining wall with concrete blocks at Sta. S32+75
12. Installation of 49 pressure reducing valves for Rte 174 Water District
13. Furnish and install 48-inch OCWA tap

## RESOLUTION 71-2008

### SOAWD Change Order #1 for Contract #1

On a motion by Councilor Lieberman, seconded by Councilor Ireland the following resolution was

PASSED  
Ireland

AYES – 5     Stevens, Fesko, Lieberman, Clark,

NAYS – 0

Resolved to approve the above listed Change Order #1 for North Country Contractors.

## RESOLUTION 72-2008

**Audit of Claims**

On a motion by Councilor Lieberman seconded by Councilor Fesko the following resolution was

PASSED AYES – 5 Stevens, Fesko, Lieberman, Clark, Ireland

NAYS – 0

Resolved the bills on Abstract #8, be paid in the following amounts:

General Fund	#246 through #276	\$ 18,206.11
Highway Fund	# 90 through #107	\$45,144.85

(Highway Fund includes Machinery & Snow bills when applicable).

RESOLUTION 73-2008

**Water District Expenses**

On a motion by Councilor Fesko, seconded by Councilor Clark the following resolution was

PASSED AYES – 5 Stevens, Fesko, Lieberman, Clark, Ireland

NAYS – 0

Resolved subject to approval by the Town Board of Marcellus and the Town Board of Otisco the bills in relation to the establishment of the Spafford Area Water District are to be paid in the following amounts:

Capital Fund	#78 through #88	\$972,386.749
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**TOWN SUPERVISOR’S MONTHLY REPORT & STATEMENT**

Accountant Thomas Chartrand reviewed the July 2008 Town Supervisor’s Monthly Report & Statement.

Justice Court revenue is nearly double the anticipated amount.

First mortgage tax payment has been received and is higher than last year’s.

The full EPA grant was received from Onondaga County Community Development.

The payroll is higher than usual due to the extra pay week that fell in July.

The SOAWD bills were primarily covered with EFC and EPA funds.

**BUDGET TRANSFERS**

Mr. Chartrand recommended the following budget transfers:

**GENERAL FUND**

From:	A599	Appropriated Fund Bal., Justice Grant	
\$10,780.00			
	A1990.4	Contingent,	
Contractual			<u>2,120.00</u>
<u>\$12,900.00</u>			

To:	A110.2	Justices,	
Equipment			\$10,780.00
	A1440.4	Engineering,	
Contractual			200.00
	A1620.2	Buildings,	
Equipment			1,100.00
	A1940.4	Purchase of Land, Contractual	
320.00			
	A8010.1	Zoning, Personal	
Services			<u>500.00</u>
<u>\$12,900.00</u>			

**RESOLUTION 74-2008**

**Budget Transfers**

On a motion by Councilor Clark, seconded by Councilor Lieberman the following resolution was

PASSED AYES – 5 Stevens, Fesko, Lieberman, Clark,  
Ireland

NAYS – 0

Resolved to authorize budget transfers as listed above.

### TOWN SUPERVISOR'S MONTHLY REPORT & STATEMENT

A motion to accept the Town Supervisor's Monthly Reports & Statement as presented was made by Councilor Ireland seconded by Councilor Lieberman. The motion PASSED. AYES – 5, NAYS – 0.

### RESOLUTION 75-2008

#### 2009 Budget Planning

On a motion by Councilor Clark, seconded by Councilor Lieberman the following resolution was

PASSED AYES – 5 Stevens, Fesko, Lieberman, Clark,  
Ireland

NAYS – 0

Resolved to conduct a budget work session on September 25, 2008 at 7 p.m. at the Spafford Town Hall. Be it further resolved to conduct a second budget work session on October 2, 2008 at 7 p.m. at the Spafford Town Hall.

### RESOLUTION 76-2008

#### Public Hearing for 2009 Budget

On a motion by Councilor Fesko, seconded by Councilor Lieberman the following resolution was

PASSED AYES – 5 Stevens, Fesko, Lieberman, Clark,  
Ireland

NAYS – 0

Resolved to hold a public hearing for review and discussion of the proposed budget for the Town of Spafford for the fiscal year 2009 on November 6, 2008 at

8 p.m. at the Spafford Town Hall.

### TOWN CLERK'S REPORT

A motion to accept the Town Clerk's Cash Report as presented was made by Councilor Fesko, seconded by Councilor Lieberman. The motion PASSED. AYES – 5, NAYS – 0.

### CODE ENFORCEMENT REPORT

Mr. Fairchild asked if the Board had any questions on the prepared report he submitted. There were none. A motion to accept the Code Enforcement Officer's Report as presented was made by Councilor Lieberman, seconded by Councilor Ireland. The motion PASSED. AYES – 5, NAYS – 0.

### APPLICANTS FOR ZONING BOARD OF APPEALS

Supervisor Stevens stated a special meeting of the Spafford Town Board will be held on Tuesday, August 19, 2008 at 7 p.m. to interview the applicants for the open positions on the Spafford Zoning Board of Appeals. Additionally, the Board will meet with the Town Attorney to discuss union negotiations following the interviews.

### SOUTH SPAFFORD CEMETERY RESTORATION

A request for bids for restoration work in the South Spafford Cemetery was duly advertised by the Town Clerk; only one bid was received. The bid was from LakeCountry Construction. Supervisor Stevens recused himself from the discussion and decision regarding this bid due to the bid being from his son-in-law's company. Deputy Supervisor Lieberman led the meeting.

The bid from LakeCountry Construction was for \$6,250 stating two men for five days with two machines. Councilor Ireland secured a \$4,000 grant to aid in



Resolved to accept the bid from Reliable Paving Company, LLC of \$12,500 for paving of the Senior Citizen parking lot next to the Borodino Grange.

### PUBLIC HEARING FOR PROPOSED LOCAL LAW 2008-5

A motion was made at 7:35 p.m. to open the public hearing for discussion of proposed Local Law 2008-5, governing the use of Wind Energy Conversion Systems (WECS) in the Town of Spafford. This motion was made by Councilor Clark, seconded by Councilor Fesko and PASSED. AYES – 5, NAYS – 0.

Supervisor Stevens stressed the proposal addresses personal use WECS only, not commercial wind farms. He then asked if there were questions or comments from the public regarding the proposed law.

Several comments in favor of WECS were offered throughout the following questions and concerns:

*(∅ indicates public comment/question      ○ indicates Town Board response)*

∅ Definition of “parcel” is missing, potentially could sub divide large property to permit installation of multiple WECS

○ This can be added to the document.

∅ 40 decibel noise level restriction seems to high

○ Councilor Lieberman used a sound meter to conduct a study at several WECS sites within New York State. The monitor did not register any sounds over the ambient background noise.

∅ How to address noise that may emanate from a malfunctioning unit? Are there any time restraints on when the windmill would have to be repaired, or would neighbors have to tolerate the noise indefinitely?

○ There’s not a time restriction specified for remedying that type of situation. The owner of the windmill would be asked to remedy

the problem, as would happen with any situation outside of the ordinance.

- Ø Are there other local laws that would address the noise or other sources of noise, such as car alarms?
  - No.
  
- Ø It should be discussed if any WECS are wanted in this Town.
  
- Ø Are the heights of the WECS in the study available?
  - The first was 45' to the hub, the next was estimated at 80' – 100', the others would need to be estimated from surrounding items in the photos --- estimate probably 80' by looking at the car in the photo; the next one appears much shorter, possibly 30' to the hub; the “scoop type” with the light pole next to it about 10'-12'.
  
- Ø Folks seem to be against WECS in Spafford.
  - Only three or four people have spoken, but it's possible the silent majority is in favor of WECS. But without some kind of regulations on these windmills, anyone in this town can do what they please; five permits have already been issued for WECS. So if the public does not want some kind of regulations and control over construction of WECS the proposal can be dropped; but the Board is trying to do what's best for the community and some kind of control is needed. In regards to not having WECS, it is not right to tell someone they cannot have something to help them reduce their utility costs if the resources are available and the engineering design is proper. But there is no control over the construction of WECS in Spafford and that's what we're trying to correct.
  
- Ø The height restriction as stipulated in the proposal is subject to appeal for taller WECS; there is no protection for limiting height.
  - Personal use WECS are typically 60' in height; if an applicant

desires one 70' or 75', an avenue for that is available; just as if someone wanted to build a house and needed an area variance.

Ø Would the Board consider a moratorium on WECS?

○ No, it will only postpone the inevitable.

Ø There is concern about commercial wind turbines coming into Spafford. Several towns, including Ithaca, have issued a moratorium on construction of WECS.

○ A news item from NEWS10 was read by Supervisor Stevens which detailed the specifics of a WECS law recently adopted in the Town of Ithaca.

Ø Commendations to the Town Board for their efforts and considering people's concerns with carbon footprints and the need for green energy.

Ø What is the difference between a windmill and a wind turbine?

○ Windmill is a familiar term, the proposal uses WECS or wind energy conversion systems; the term wind turbine is used during discussion because not all WECS will have the familiar wide paddles that are called to mind when the term windmill is used.

Ø Is there a conflict of interest on the Town Board? They should disclose if any one is in negotiations for a wind farm, or employed by a company that may be encouraging wind energy development in our area. Those people should recuse themselves from the vote on this proposed law.

○ This has been discussed by the Town Board and it is felt there is no conflict of interest. To the knowledge of the Town Board, there are no proposals for a wind farm to anyone in the Town. In addition, this law addresses personal WECS, not wind farms. If the topic were wind farms, any Board member that may be involved in any type of negotiations for wind farms would be expected to recuse themselves from the decision. This expectation has been proven and demonstrated earlier in this meeting when the Supervisor's

recused himself from a decision.

- Ø The decibel rating is too high; the Town is peaceful and pastoral.
- Ø The definition of “parcel” should be clarified.
- Ø What is the percentage of Residential Lake area within the Town compared to Residential Agricultural?
  - That is not known at this time.
- Ø Residential Lake properties are ineligible for WECS?
  - True. Most of the properties within the Residential Lake district would not have sufficient space for the required setbacks to install a WECS.
- Ø Regulations/standards are needed to inform residents and aid them in the event of vendors seeking to convince them to purchase a WECS.
- Ø Why 60’ limit on height as opposed to 75’ or 80’?
  - 60’ units are constructed of stainless steel and do not require guide wires. Taller units are likely to need the guide wires.
- Ø Was there a study done on the effects to the water table?
  - The units base goes down 8’, similar to a basement for a home.
- Ø Does the decibel level increase as towers get taller?
  - No, the noise actually decreases.
- Ø When I walked in this evening, I anticipated that the majority were against WECS; I’ve realized during the course of this hearing that is not true. Regulations do need to be put into place to provide guidance for installations.
- Ø Purchasing these systems now may not provide the opportunity to

recover the cost through savings, but it does provide resources for future generations.

Ø Having read everything one could find regarding wind turbine syndrome, one person commented he found no placebo, double-blind studies were done to support the existence of wind turbine syndrome. This resident, a physician, was reminded of studies he'd read claiming "railroad syndrome", "airport syndrome", and "power line syndrome"; he sees patients each day with symptoms of headaches ringing in the ears and dizziness and most of them don't live any where near these structures. He doubts the existence of this syndrome.

Ø What about FAA regulations for lights on the towers?

- Those regulations come into effect on structures that are over 220' tall.

Supervisor Stevens asked if there were additional comments or questions. There were none. A motion to close the public hearing at 8:30 p.m. was made by Councilor Clark, seconded by Councilor Lieberman. The motion PASSED. AYES – 5, NAYS – 0.

**RESOLUTION 79-2008**  
**Local Law 2008-5 SEQRA**

**WHEREAS**, a Local Law has been introduced before the Board, to wit: Local Law No. 2008-5, which is intended to govern the use of wind energy conversion systems within the Town of Spafford; and

**WHEREAS**, the Town Board of the Town of Spafford, County of Onondaga, State of New York, held Public Hearings on the matter of the adoption of the aforesaid Local Law, and that such Public Hearings were held at the Town Hall

of the Town of Spafford, located at 1984 Route 174 in Skaneateles, County of Onondaga, State of New York, on the 10<sup>th</sup> day of July, 2008, and the 14<sup>th</sup> day of August, 2008, at 7:00 p.m., and all persons in interest and citizens desiring to be heard had an opportunity to be heard; and

**WHEREAS**, pursuant to the State Environmental Quality Review Act (“SEQRA”), the Town Board is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Town Board, and the approval of Local Law 2008-5 constitutes such an action; and

**WHEREAS**, in connection with the preparation of the Local Law, the Town Board prepared an environmental assessment form (“EAF”), which has been used to determine whether and to what extent the Local Law may have a significant adverse impact upon the environment, and has reviewed all such information in that regard; and

**WHEREAS**, based upon the information provided, the Town Board has: a) determined that the Local Law qualifies as a Type I Action as defined under SEQRA; b) chosen to conduct a review of the Local Law pursuant to SEQRA; c) performed a “hard look” review of potential environmental impacts arising from the Local Law; and d) determined that the Local Law will not cause or result in any significant adverse environmental impacts, which qualifies it for issuance of a Negative Declaration from the Town Board;

NOW THEREFORE, be it RESOLVED by the Town Board as follows:

1. The Town Board classifies Local Law 2008-5 as a Type I Action pursuant to SEQRA.
2. The Town Board approves and adopts the Negative Declaration attached hereto consistent with its determination that Local Law 2008-5 will not have a significant impact upon the environment, thus concluding

the Town Board's SEQRA review of Local Law 2008-5.

3. The Town Board authorizes the Supervisor or the Supervisor's designated appointee(s) to prepare, execute and file as necessary all documents in support of the above-referenced Negative Declaration issued in connection with Local Law 2008-5.

4. This Resolution shall take effect immediately.

Supervisor Webb Stevens	AYE	Councilor Merrill
Clark	AYE	
Councilor Rick Fesko	AYE	Councilor Jeff
Ireland	AYE	
Councilor Ken Lieberman	AYE	

## **NEGATIVE DECLARATION**

### **NOTICE OF DETERMINATION OF NO SIGNIFICANT EFFECT ON THE ENVIRONMENT**

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In accordance with Article 8 (State Environmental Quality Review a/k/a SEQRA) of the Environmental Conservation Law (the "Act"), and the statewide regulations under the Act (6 NYCRR Part 617) (the "Regulations"), the Town of Spafford Town Board ("Agency") has considered proposed Local Law 2008-5 ("Local Law"), which is more accurately described below. The Agency has determined: (i) that the Local Law is a Type I Action pursuant to the Regulations; (ii) that the Agency has engaged in an environmental review of the Local Law; (iii) that upon conducting said review, the Agency has determined that the Local Law will result in no major environmental impacts and therefore will not have a

significant effect on the environment; and (iv) therefore that an environmental impact statement is not required to be prepared with respect to said Project. THIS NOTICE IS A NEGATIVE DECLARATION FOR THE PURPOSES OF THE ACT.

1. Agency:

The Agency is the Town Board of the Town of Spafford.

2. Contact for Further Information:

Contact Person: Mr. Webb Stevens, Supervisor

Address:           Town Hall  
                  1984 Route 174  
                  Skaneateles, NY 13152

Phone: (315) 673-4144

3. Project Description:

The Town Board of the Town of Spafford has prepared the Local Law to address the public's growing interest in wind energy conversion systems, or windmills. The Local Law is intended to promote the effective and efficient use of the Town's wind energy resource through wind energy conversion systems ("WECS"), and to regulate the placement of such systems so that the public health, safety, and welfare will not be jeopardized. Further, the Local Law is designed to provide adequate regulations to properly site WECS to preserve and protect the aesthetic qualities of the Town of Spafford.

4. Project Location:

The Project is located in the Town of Spafford, Onondaga County, New York.

5. Reasons for Determination of Non-Significance:

See Exhibit "A" attached hereto.

# **Negative Declaration Exhibit A**

## **Criteria for Determining Significance**

As proposed, the reasonably anticipated environmental effects of the aforementioned Local Law will not be significant. This conclusion results from the thorough evaluation of the Local Law's attributes and their environmental effects against the criteria provided in NYSDEC regulations at 6 NYCRR §617 et. seq. A summary of this evaluation follows.

### Determination of Environmental Significance

To determine whether the Local Law may have a significant effect on the environment, the impacts that may be reasonably expected to result from the proposed Project must be compared to criteria specified in NYSDEC regulations. (6 NYCRR §617.7). These criteria are considered indicators of significant effects on the environment.

### Criterion 1

**A substantial adverse change in existing a) air quality; b) ground or surface water quality or quantity; c) traffic levels; d) noise levels; e) a substantial increase in solid waste production; f) a substantial increase in potential for erosion, flooding, leaching or drainage problems.**

#### **a) Air Quality**

The Local Law is intended to promote the effective and efficient use of the Town's wind energy resource through WECS, and to regulate the placement of such systems so that the public health, safety, and welfare will not be jeopardized. WECS are zero emission facilities that harness wind power and convert it into electricity for consumption by the facility's owner. As such, the Local Law will not adversely impact air quality by permitting the use of WECS in the Town.

### **b) Ground or Surface Water Quality or Quantity**

The Local Law is not expected to result in any adverse impacts to ground or surface water quality. The footprint of a WECS is small relative to other structures in the Town (i.e., residences, barns), and therefore will not create an impervious service of the size that would require storm water management measures. Additionally, the Local Law will not involve the use of substances or materials that could harm or adversely impact ground or surface water quality.

### **c) Traffic levels**

The Local Law addresses the use of WECS by individual property owners within the Town. As such, the Local Law will not impact traffic levels in the Town.

### **d) Noise Levels**

The Local Law establishes a maximum allowable decibel level (40dB) for each WECS, which shall be measured from adjacent property lines. The permitted noise level is consistent with the ambient noise level in residential areas such as Spafford. The Local Law is not expected to result in any adverse impacts as a result of noise.

### **e) Substantial Increase in Solid Waste Production**

The Local Law does not involve the production of solid waste.

### **f) Substantial Increase in Potential for Erosion, Flooding, Leaching or Drainage problems.**

It is highly unlikely that the Local Law will lead to an increase in the potential for erosion, flooding, leaching or drainage problems. As noted above, the footprint of a WECS is small relative to other, more prevalent structures in the Town and will likely not result in the creation of an impervious service of the size that would require storm water management measures to address these problems. It is anticipated that any earth moving activities required for the construction of a WECS will be minimal at best. If

the Town determines during its review of a specific WECS special permit application that the proposal has the potential to create erosion, flooding, leaching or drainage problems, the Town will require the applicant to address and mitigate those potential problems.

## **Criterion 2**

**The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse effects on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse effects to natural resources.**

The Local Law permits the controlled placement of one WECS on a particular parcel in the RA district, provided the WECS complies with the remaining provisions of the law, including required setback distances and height limitations. The footprint of a typical WECS is relatively small, and is anticipated that WECS will be placed in freely accessible areas (e.g., backyard, field) with common vegetation that is indigenous to the area. The Local Law will not impact vegetation or fauna, the movement of any fish or wildlife species, or other natural resources, and there are no known significant habitat areas or threatened or endangered species that would be affected by the Local Law.

## **Criterion 3**

**The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.**

The Local Law is not expected to attract a large number of people to the Town as compared to the number of people who would normally visit the Town in the absence of the Local Law.

## **Criterion 4**

**The creation of a material conflict with a community's current plans or goals as officially approved or adopted.**

The Local Law does not conflict with the Town's current plans or goals.

**Criterion 5**

**The impairment of the character or quality of important historical, archaeological, architectural or aesthetic resources or of existing community or neighborhood character.**

The Town consists of two distinct zoning districts – the RL district along Skaneateles and Otisco Lakes and the RA district that covers the remainder of the Town. The Local Law is intended to provide for the controlled use of WECS while also preserving and protecting the aesthetic resources and character of the community. Accordingly, WECS are prohibited from the RL district and restricted to the RA district only, which contains more open spaces and higher elevations. In addition, the RA district is a more suitable location for WECS as the district is less densely populated, and taller structures such as silos, barns, and radio and similar towers are common. There are no known important historical, archaeological or architectural resources that will be impacted by the Local Law.

**Criterion 6**

**A major change in the use of either the quantity or type of energy.**

WECS harness wind energy and convert it into electricity, thereby reducing a WECS owner's need to obtain electricity from the power grid. Accordingly, the Local Law will not result in an increase in either the quantity or type of energy used.

**Criterion 7**

**The creation of a hazard to human health.**

The Local Law contains provisions concerning set back and noise levels that are designed to protect Town residents. As such, the Local Law will not create any

human health hazards.

### **Criterion 8**

**A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.**

The Local Law allows for the controlled placement of WECS in the RA district only and will not result in a substantial change in the use, or intensity of use, of land in the Town.

### **Criterion 9**

**The creation of material demand for other actions which would result in one of the above consequences.**

The Local Law will not create any demand for other actions or need for additional public services that would result in consequences described by the above criteria.

### **Criterion 10**

**Changes in two or more elements of the environment, no one of which has a significant effect on the environment, but when considered together result in a substantial adverse impact on the environment.**

The Project will not result in multiple changes to the environment which, when considered together, result in a substantial adverse impact on the environment.

### **Criterion 11**

**Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant effect on the environment, but when considered cumulatively would meet one or more of the criteria in this section.**

The Project consists of a single action – the adoption of a Local Law to allow for the permitting and placement of WECS within the RA district only. The Local Law is not dependent upon any other actions, nor is it related or connected to any other actions which would create the potential for a cumulative significant environmental impact meeting any of the criteria in this section.

**RESOLUTION 79-2008**

**A Local Law Governing The Use Of Wind Energy Conversion Systems In The Town Of Spafford**

**WHEREAS**, a Local Law has been introduced before the Board, to wit: Local Law No. 2008-5, the content of which is set forth below; and

**WHEREAS**, the Town Board of the Town of Spafford, County of Onondaga, State of New York, held a Public Hearing on the matter of the adoption of the aforesaid Local Law, and that such Public Hearing was held at the Town Hall of the Town of Spafford, located at 1984 Route 174 in Skaneateles, County of Onondaga, State of New York, on the 10<sup>th</sup> day of July, 2008, at 7:00 p.m., and all persons in interest and citizens desiring to be heard had an opportunity to be heard;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Spafford hereby enacts Local Law No. 2008-5, the content of which is as follows::

**LOCAL LAW NO. 2008-5**

**A LOCAL LAW GOVERNING THE USE OF WIND ENERGY  
CONVERSION SYSTEMS IN THE TOWN OF SPAFFORD**

Section 1. The Town of Spafford Zoning Ordinance, as amended, is further amended as follows:

Article IX entitled “Zoning Board of Appeals” shall be revised by adding a new

section beginning with paragraph “7” regarding “Wind Energy Conversion Systems” to state in its entirety as follows:

## 7. Wind Energy Conversion Systems

### a. Purpose.

The Town Board of the Town of Spafford adopts this Local Law to promote the effective and efficient use of the Town's wind energy resource through wind energy conversion systems (WECS), and to regulate the placement of such systems so that the public health, safety, and welfare will not be jeopardized. It is the purpose of these amendments to provide adequate regulations to properly site WECS to preserve and protect the aesthetic qualities of the Town of Spafford, as well as to mitigate any potential impacts on surrounding properties and the residents of the Town.

### b. Definitions

1. Site – the parcel of land on which a wind energy facility is to be located.
2. Wind Energy Conversion System (WECS) – a machine that converts the kinetic energy in the wind into a usable form (commonly known as a “windmill” or “wind turbine”) and which is intended for personal use to generate on-site power and reduce on-site consumption of utility power.
3. Wind Energy Facility – any wind energy conversion system, including all related cables and equipment necessary for its operation.
4. Total Height – the total height of the tower or pole and the furthest vertical extension of the WECS.

5. Parcel - Any sub division that creates more than one parcel still owned by one individual or entity cannot be used for a windmill on each parcel as long as it is still owned by one individual or entity.

c. Applicability.

1. The requirements of this section shall apply to all wind energy facilities proposed, approved, operated, modified or constructed after the effective date of this local law.
2. Wind energy conversion systems are permitted in the Residential Agricultural (RA) district only, subject to the application and approval requirements set forth below.
3. No more than one wind energy conversion system shall be permitted on a particular parcel, subject to the application and approval requirements set forth below.

d. Applications for Wind Energy Conversion Systems

1. A WECS shall only be permitted, altered or relocated upon application for and receipt of a special permit from the Zoning Board of Appeals.
2. A special permit for a WECS shall not be issued unless the Zoning Board of Appeals determines that the application meets all of the following criteria:
  - a) shall not be installed in any location along the major axis of

an existing microwave communications where its operation is likely to produce electromagnetic interference in the link's operation.

b) shall not be installed in any location where its proximity interferes with existing fixed broadcast, retransmission or reception antenna for radio, television or wireless telephone service providers.

c) shall be located with relation to property lines so that the level of noise produced during wind turbine operation shall not exceed 40 dbA, measured at the boundaries of all the closest parcels that are owned by non-site owners and that abut either the site parcel(s) or any other parcels adjacent to the site parcel held in common by the owner of the site parcel as those boundaries exist at the time of special permit application.

d) shall contain an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotor blades, and turbine components.

e) the minimum distance between the ground and any part of the WECS rotor blade system shall be twenty (20) feet.

f) all cables and power transmission lines from the WECS electricity generation facilities shall be underground.

g) each WECS shall be set back from all residential structures located on the property and all property lines a minimum distance equal to the total height of the WECS plus five percent of such height.

h) no WECS shall be located closer than 200 feet from any parcel located in the Residential Lake (RL) district.

i) the total height of a WECS shall not exceed 60 feet.

3. The Zoning Board of Appeals may require the applicant to provide adequate and suitable screening, fencing, anti-climbing protection or other protective measures as it deems necessary or proper to reduce or eliminate aesthetic impacts and ensure the public health and safety of the residents of the Town of Spafford.

#### e. Removal

If a WECS is inoperable for a period of at least 12 consecutive months, the Zoning Board of Appeals shall have the authority to terminate the special permit and require the owner of the WECS to remove it from the parcel within a reasonable period of time.

#### f. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law.

Section 2. This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

There was a brief recess to allow the public to exit if they desired.

## COLLARD ROAD RUN-OFF

Mr. William Parfitt was invited to report to the Town Board any new information regarding his concerns with water draining from Collard Road. There was a brief discussion. Highway Superintendent Wiers will be meeting with Mark Burgher from Skaneateles Lake Watershed Program to review the site.

## ADJOURNMENT

On a motion by Councilor Lieberman, seconded by Councilor Fesko the meeting adjourned at 8:50 p. m. The motion was carried unanimously.

Respectfully

submitted by,

Next meeting to be held  
August 19, 2008 @ 7 p.m.  
@ Spafford Town Hall

Lisa M. Valletta  
Town Clerk  
Town of Spafford