

SETBACKS FOR WIND ENERGY FACILITIES

Key:

Regulations and No Present Projects

Regulations and Projects Under Construction

Regulations and Proposed Projects (application submitted)

Regulations and Completed Projects

No Regulations and Projects Permitted

No Regulations and Completed Projects

Name Zoning YES/NO	Property Lines	Other Property Lines (Churches, Day-cares, etc.)	Road Right-of-Way	Other Right-of-Way (Power Lines, Railroads)	Wetlands	Migration Paths of Birds, Etc.	Other Existing Wind Energy Facilities
Town of Portland (Chautauqua County) YES	1.5 times the proposed structure height, including the blades	1.5 times the proposed structure height, including the blades		1.5 times the proposed structure, including the blades			1.5 times the proposed structure height, including the blades
Town of Westfield (Chautauqua County) YES	1.5 times the proposed structure height including the blades	1.2 times the proposed structure height, including blades from utility lines, dwellings, agricultural buildings		1.2 times the proposed structure height, including blades from utility lines, dwellings, agricultural buildings			1.2 times the proposed structure height including the blades
Town of Altona (Clinton County) YES	500 feet from the nearest Site boundary property line	1,200 feet from the nearest off-Site residence existing at the time of application	500 feet from a public road	1.5 times the Total Height of the WECS from any non-WECS structure or any above ground utility	100 feet from state identified wetlands		
Town of Stark (Herkimer County) YES	1,200 feet from any residential structure existing at the time the application is filed.	400 feet from side and rear lots	1.25 times the height of the structure or 500 feet, whichever is greater from road center line				

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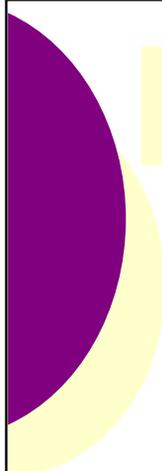
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Town of Clinton (Clinton County) NO	500 feet from the nearest Site boundary property line	1,200 feet from the nearest off-Site residence measured from the exterior of such residence and 2,500 feet from the property line of any school, church, hospital or nursing facility	1,000 feet from State Route 11 and 500 feet from all other public roads	1.5 times the Total Height of the WECS from any non-WECS structure or any above ground utilities, unless waived by the utility companies			
Town of Ellenburg (Clinton County) YES	500 feet from the nearest Site boundary property line	1,000 feet from the nearest off-Site residence existing at the time of the application	500 feet from the nearest public road	1.5 times the Total Height of the WECS from any non-WECS structure or any above ground facility	100 feet from any state identified wetlands		
Town of Warren (Herkimer County) NO	1,200 feet from any existing residential structure	400 feet from side and rear lots	1.2 times the structure height from the road centerline				

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Town of Clayton (Jefferson County) YES	500 feet from off-Site lot lines	1,250 feet from the nearest off-Site residence, hospital, school, church, or public library	500 feet from the boundary of the nearest public highway				
Town of Henderson (Jefferson County) YES	1.5 times the proposed structure height, plus rotor radius	1.5 times the proposed structure height, plus rotor radius		1.5 times the proposed structure height, plus rotor radius			1.5 times the proposed structure height, plus rotor radius
Town of Martinsburgh WPO- Wind Overlay Zone (Lewis County) YES	Same as the underlying zone	300 feet from side and rear lots lines 1,500 feet from any existing residential structures	100 feet plus the height of the structure				
Town of Fenner (Madison County) YES	1.5 times the proposed structure height, plus the rotor radius	1.5 times the proposed structure height, plus the rotor radius		1.5 times the proposed structure height, plus the rotor radius			1.5 times the proposed structure height, plus the rotor radius

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Town of South Bristol (Ontario County) YES	Two times the maximum height or 1 1/4 times the maximum engineer-calculated ice or blade throw distance to the maximum point of impact, whichever is greater	Two times the maximum height or 1 1/4 times the maximum engineer-calculated ice or blade throw distance to the maximum point of impact, whichever is greater	Two times the maximum height or 1 1/4 times the maximum engineer-calculated ice or blade throw distance to the maximum point of impact, whichever is greater	Two times the maximum height or 1 1/4 times the maximum engineer-calculated ice or blade throw distance to the maximum point of impact, whichever is greater			
Town of Cherry Valley (Otsego County) NO	1,200 feet from the nearest Site boundary property line	2,000 feet from the nearest off-Site residence, school, church measured from the exterior of such residence	500 feet from the nearest public road 1,200 feet from the right of way of State Route 20 or County Route 54	1.5 times the Total Height of the WECS from any non-residential or any above ground utilities			
Town of Eagle (Wyoming County) NO	1.2 times the overall height of the structure	1,000 feet from the nearest off-Site non-WECS facility	1.2 times the overall height of the structure	1.2 times the overall height of the structure			1.2 times the overall height of the structure

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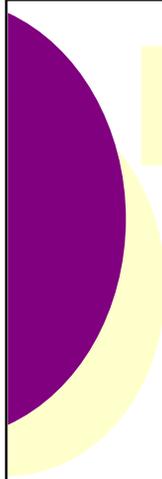
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Town of Sheldon (<i>Wyoming County</i>) YES	1.5 times the height of the structure as measured from the base to the highest reach of its blade	At least 750 feet from existing homes		1.5 times the height of the tower, laterally			
Town of Roxbury (<i>Delaware County</i>) NO	All wind turbines shall be set back from adjacent property lines and pre-existing structures by a distance at least equal to its fall zone as certified by a NYS Licensed Professional Engineer, plus an additional 50 % of its fall zone					No individual tower shall be installed in any location where there is a recognized migratory flight path for birds or at locations where birds commonly congregate	
Town of Stamford (<i>Delaware County</i>) NO	1,000 feet	2,500 feet from nearest off-Site residence or off-Site municipal structure	1,000 feet				

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Town of Springwater (Livingston County) NO	Shall be equal to 1.5 times the proposed structure height, including blades	Shall be equal to 1.5 times the proposed structure height, including blades		Shall be equal to 1.5 times the proposed structure height, including blades			Shall be equal to 1.5 times the proposed structure height, including blades
Town of Cohocton Residential/Commercial Windmills *One per parcel* (Steuben County) YES	1 1/2 times the maximum structure height	1 1/2 times the maximum structure height	1 1/2 times the maximum structure height	1 1/2 times the maximum structure height			
Town of Cohocton Industrial Windmills (Steuben County) YES	100 ft plus the maximum structure height. Structure height includes the blades	1,500 ft from adjacent dwellings, areas or structures customarily used by the public	100 ft plus the maximum structure height. Structure height includes the blades	100 ft plus the maximum structure height. Structure height includes the blades			
Town of Fairfield (Herkimer County) YES	1,250 feet from any residence	At least the height of the tower from any adjacent property line of non-participating landowners.	500 feet from all public roads				1.5 times the wind power tower height from any other wind power tower

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Town of Malone (small turbines of < 125 feet only; no commercial) <i>(Franklin County)</i> YES	1,500 feet from the nearest Site boundary property line	1,500 feet from the nearest off-Site residence existing at the time of application, measured from the exterior of such residence	1,500 feet from the nearest public road	1 1/2 times the total height of the WECS from any non-WECS structure or any above-ground utilities	250 feet from federal or state-identified wetlands	250 feet to protect bird and bat populations	
Town of Phelps <i>(Ontario County)</i> YES	All Wind Turbines shall be set back from a distance of least 1,000 feet from any adjacent property lines	All Wind Turbines shall be set back from any residence 1,250 feet	All Wind Turbines shall be set back from the nearest public road a distance of not less than 500 feet				
Town of Augusta <i>(Oneida County)</i> YES	1.5 times the proposed structure height, plus the rotor radius	1.5 times the proposed structure height, plus the rotor radius		1.5 times the proposed structure height, plus the rotor radius			1.5 times the proposed structure height, plus the rotor radius
Town of Dryden Draft <i>(Tompkins County)</i> YES	Shall be equivalent to the collapse zone of the structure plus 10 feet	Shall be equivalent to the collapse zone of the structure plus 10 feet	Shall be equivalent to the collapse zone of the structure plus 10 feet	Shall be equivalent to the collapse zone of the structure plus 10 feet	1,500 feet from State-identified wetlands	2,500 feet from Important Bird Areas as identified by New York Audubon	

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Town of Vernon (Oneida County) YES	No windmill shall be erected in any location where its overall height, including blades is greater than the distance from its base to any property line						
Town of Sidney (Delaware County) YES	At a distance at least equal to its fall zone as certified by a New York State Licensed Professional Engineer plus an additional fifty (50%) of its fall zone	At a distance at least equal to its fall zone as certified by a New York State Licensed Professional Engineer plus an additional fifty (50%) of its fall zone				No individual tower shall be installed in any location where there is a recognized migratory flight path for birds or at a location where birds commonly congregate	
Town of Eden (Erie County) YES	At a distance greater than its overall height, including blades	In case of a cluster development, a WECS shall be erected within the common open space area and shall be set back from all residences at a greater distance than as in property line description		At a distance greater than its overall height, including blades			

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Town of Perry <i>(Wyoming County)</i> YES	1.1 times the height of the structure from any non-Wind Energy Conversion Facility structure	1,500 feet from the nearest off-Site non-Wind Energy Conversion Facility participant's residence, measured from the exterior wall of the residence.	1.1 times the overall height of the structure from the edge of the right-of-way of any public road	1.1 times the overall height of the structure from any above ground utilities			
Town of Palantine <i>(Delaware County)</i> YES	Each wind turbine generator shall be set back from an adjoining lot line a distance equal to 2,600 feet. The Planning Board may reduce this setback to no less than 2,100 feet.	Each wind turbine generator shall be set back at a minimum of 2,600 feet from the property line of any school or hospital Scenic areas, including parks, highways, recreational areas & others as determined by the State, County & Townships, shall have a setback of not less than 1 mile	A wind turbine generator shall, in all cases, be set from a public or private road right-of-way or easement a minimum distance of 1,500 feet		Sensitive Environmental areas and areas within the historic overlay shall have a setback of between 2 to 5 miles and shall be determined by the Town of Palantine Planning Board and the Department of Environmental Conservation		For any newly proposed wind turbine generator or anemometer tower, a "wind access buffer" equal to a minimum of five (5) rotor diameters shall be observed from any existing off-site wind turbine generator tower

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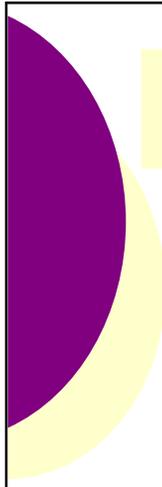
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Town of Riga (Jefferson County) YES Industrial Wind Turbines		3,000 feet from any residence, church, school, barns or any other structures that house domestic livestock, and recreational facilities Water Resources: 1,500 feet from any above ground pond, lake, stream or other waterway and from any underground sources, rivers, creeks, springs, private wells or artesian wells	1,500 feet from any public right of way. This includes interstates, expressways, state, county and town roads		500 feet from the buffer zone surrounding the wetland; if there is no buffer zone the distance must be 600 feet Aquifers: No Industrial Wind Turbine shall be placed over any known or suspected aquifer as defined by New York State geological or other mappings		
Town of Riga (Jefferson County) YES Non-Industrial	1 1/2 times the height of the tower including rotor blades **shall be located in rear yards or residences, businesses & farms**	Side and Rear property line setback shall be calculated at one and one-tenth times the height of the tower including rotor blades					For a Complex, the distance between turbines must be at least 500 feet

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Town of Wethersfield (Wyoming County) NO	A minimum distance of 500 feet	From any permanent livable residence and/or building for public congregation that is on any parcel by a minimum distance of 1/4 mile	From the right-of-way of any public road by a minimum distance of 500 feet				A minimum distance equal to twice the height of the Wind Energy Conversion Device and by a sufficient distance so that the WECD does not interfere with other WECD's
Town of Orleans (Ontario County) YES	500 feet from off-site lot lines	1,250 feet from the nearest off-site residence, hospital, school, church, or public library	500 feet from the boundary of the nearest public highway				
Town of Stockbridge (Madison County) YES	Shall be equal to no less than 1.5 times the sum of the proposed tower height (hub height) plus the rotor radius	Shall be equal to no less than 1.5 times the sum of the proposed tower height (hub height) plus the rotor radius	Shall be equal to no less than 1.5 times the sum of the proposed tower height (hub height) plus the rotor radius	Shall be equal to no less than 1.5 times the sum of the proposed tower height (hub height) plus the rotor radius			Shall be equal to no less than 1.5 times the sum of the proposed tower height (hub height) plus the rotor radius

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Town of Somerset (Niagara County) YES	A minimum 1.5 times the total WECS height from any property line, excluding adjoining lot lines of project participants	A minimum of 1,500 feet from any dwelling and 1.5 times the total WECS from any building	1.5 times the total WECS height from any public road and highway	A minimum of 1.5 times the total WECS height from any aboveground transmission line greater than 12 kilovolts			
Town of Hamburg (Erie County) YES	A minimum of 1 1/2 times the total height of the Commercial WECS from any property line, excluding adjoining lot lines of project participants	A minimum of 1 1/2 times the total height of the Commercial WECS from any building A minimum of 1,500 feet from any dwelling, regardless of zoning district in which the dwelling exists 1,000 feet from any residential district boundary	A minimum of 1 1/2 times the total height of the Commercial WECS from any public road or public railroad	A minimum of 1 1/2 times the total height of the Commercial WECS from any aboveground transmission line greater than 12 kilovolts			

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Town of Madison (Madison County) NO							
Town of Eaton (Madison County) YES							

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****The Following Towns In New York State Have Laws Banning Industrial Wind Turbines ****

Town/County:	Zoning as of 2003:
Andes (Delaware)	YES
Bangor (Franklin)	NO
Bethany (Genesee)	YES
Bovina (Delaware)	YES
Castile (Wyoming)	YES
Meredith (Delaware)	NO
Malone (Franklin)	YES
Oakfield (Genesee)	YES
Stafford (Genesee)	YES
Warsaw (Wyoming)	YES