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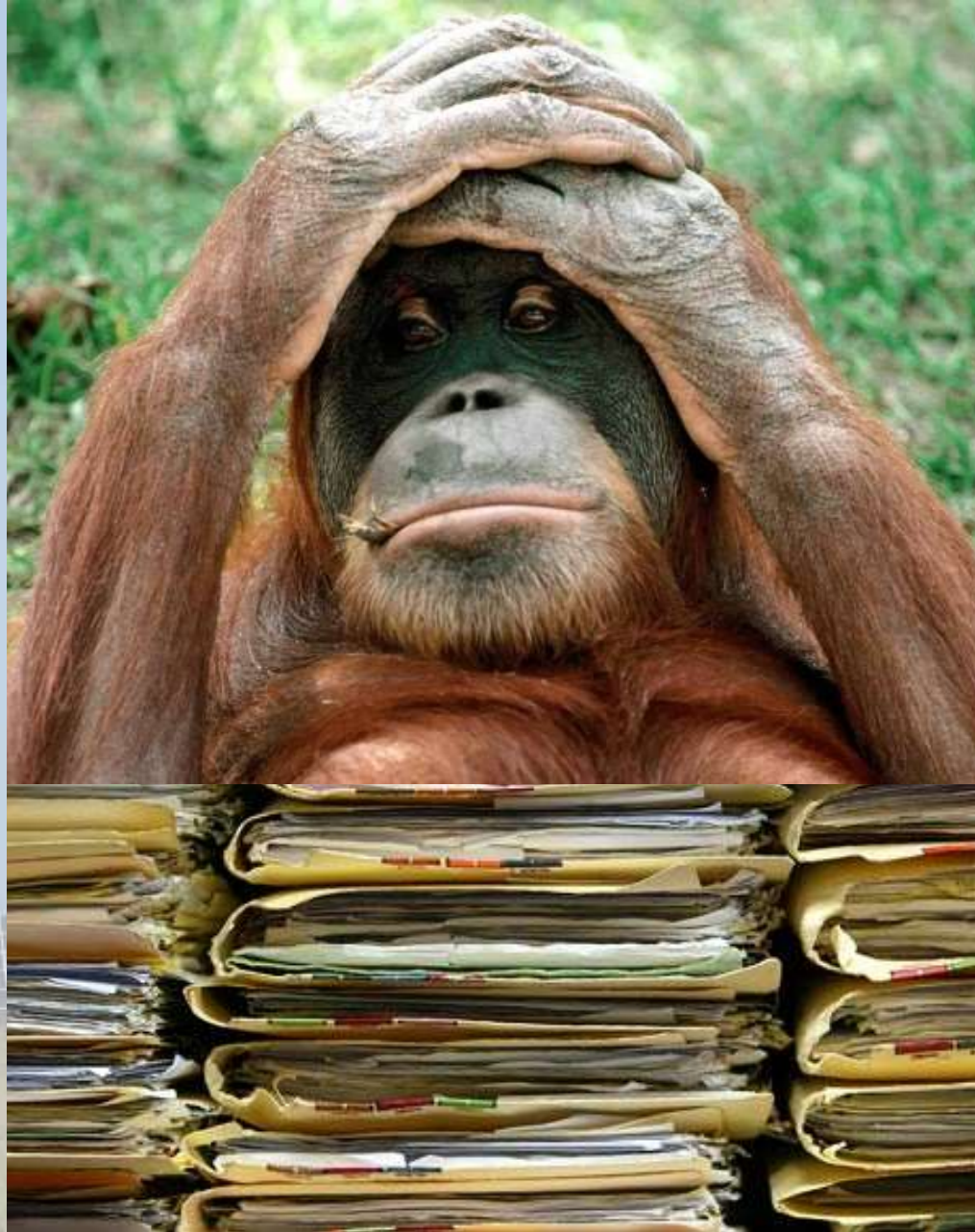
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# Distributed Wind Permitting & Zoning in NY

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# What the world thinks we do all the time??

# What we really do??



# Local Permitting in NY

- Permit
  - Building and/or Zoning permit
  - Site plan review
  - Special use permit
- SEQR – State Environmental Quality Review
  - In New York State, most projects or activities proposed by a state agency or unit of local government, and all discretionary approvals (permits) from a NYS agency or unit of local government, require an environmental impact assessment .

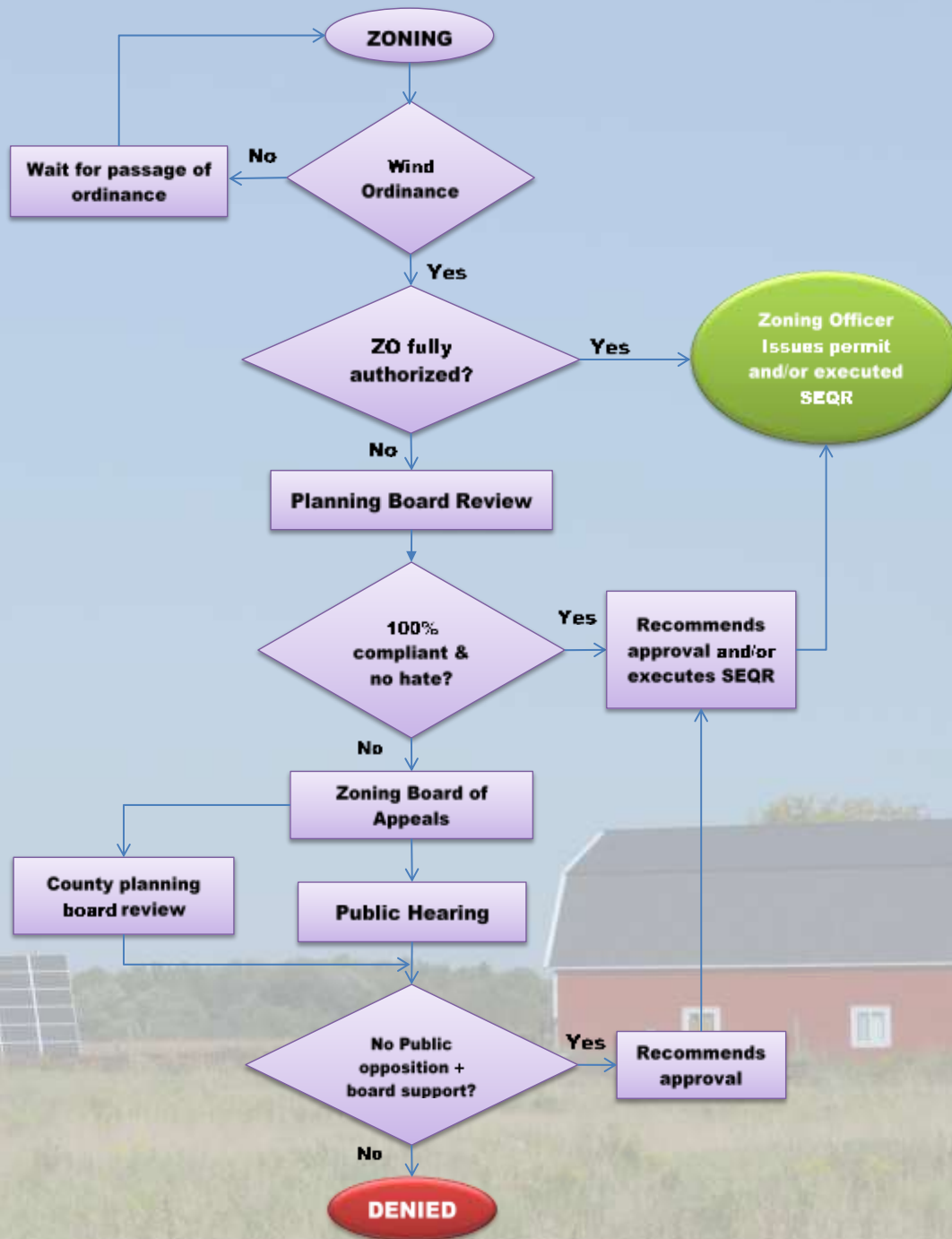
# Jurisdictions in NY



- Towns – 932
  - Zoning Officer/Building Inspector
  - Planning Board
  - Zoning Board of Appeals
  - Town Board
- Counties – 62
  - Planning Board
  - Building Inspections

# Typical

# Process



# Agricultural Projects

- NYS Department of Agriculture & Markets
- Article 25 AA – Section 305 A of the NYS Ag & Markets law:
  - No unreasonable height restriction
  - No noise restrictions
  - SEQRA - Type II action
  - No stamped drawings
  - No special use permits
  - Sketch plan review
  - Public hearing allowed



# Typical issues with zoning

- Height
- Setback
- Sound
- Non existent / Irrelevant code compliance requirements
- Confusing process
- NO ZONING

**Hence the DWEA P&Z Committee!!**



# Ideal Zoning Tool Kit

## SECTION 340 ALTERNATE ENERGY SYSTEMS

This section is intended to provide for solar and wind energy access for private use so far as conditions permit and to reduce adverse impacts on neighboring property owners.

1. Each wind energy tower shall be located on the ground to allow an open zone around the tower on the owner's property with a radius at least equal to the height of the tower.
2. Energy collection and storage facilities and all appurtenant electrical equipment shall cause no undue interference, noise or glare.
3. Windmill blades shall clear the ground at their lowest point by at least ten (10) feet.
4. Height Exemption: The height limitations of this Local Law shall not apply to wind energy towers or solar collectors erected for private use, provided that such structures are erected only to such height as is necessary to accomplish the purpose for which they are intended, and that such structures do not obstruct solar access to neighboring properties.

**- THIS DOESN'T QUITE FLY ALL THE TIME!! ☹️**

# More realistic Zoning Tool Kit

- DWEA Model Zoning Ordinance
- Companion Document
- NW&S Model Zoning Ordinance for NY
- NYS Ag & Markets Guidelines
  - Small Wind Energy Conversion Systems
  - Zoning Guidelines
  - Decision letters for WECS cases
- One pagers – Sound, tower height, etc.
- NYSERDA Small Wind siting guidelines
- Sample ordinances from neighboring towns

# Town 1 – somewhere in NY

- No ordinance when we first approached
- Presented with our zoning tool kit
- Expedited agricultural projects right away with a site plan review
- Worked with us on writing their ordinance
  - 195' height limit
  - 1.5 X total height setback
  - Same process for farms and residences
  - 2 month process

# Town 2 – somewhere else in NY

- No ordinance when we first approached
- Decided to write ordinance after 3 months of debating on our application
- Presented with our zoning tool kit
- Ignored almost all of our suggestions
- Passed their full ordinance 8 months after original approach
  - Dubiously identical to neighboring town's ordinance
  - 120' height limit
  - 1.5 X total height setback from property lines; 500' set back from any structure on neighboring properties
  - Only monopole towers allowed
  - Cumbersome paperwork requirement
  - Farms exempted from this process

# Lessons Learned

- *Permit time*  $\propto \frac{1}{\text{applicant's patience}}$
- Customer involvement is helpful – most times
- First permit is the hardest; Process gets simpler after first system in a town – or you get used to it
- Rural AHJs are sometimes very awesome
- Documents from independent agencies relatively more helpful
- A unified permit process might be more helpful

# Possible Middle Ground??

## Eg.:NY State Unified Solar Permit

- Adopt the NYS Unified Solar Permit to increase consistency and transparency in the permitting process statewide for systems sized 12 kW or less. NYSERDA is offering an incentive of \$2,500-\$5,000 for municipalities that adopt this permit form through the Cleaner, Greener Communities program.

# More information

- DWEA:
  - <http://distributedwind.org/zoning-resource-center/>
- NYS Agriculture and Markets:
  - <http://www.agriculture.ny.gov/ap/agservices/agdistricts.html>
- NYS Unified Solar Permit:
  - <http://www.cuny.edu/about/resources/sustainability/nyssolar/NYSolarSmartPermitWorkshops.html>