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New York State
Department of State
DIVISION OF CORPORATIONS, STATE RECORDS AND UNIFORM COMMERCIAL CODE
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Albany, NY 12231-0001
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Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

4 **of the year 20** 25

Local Law Title: LARGE WIND ENERGY CONVERSION SYSTEMS

Be it enacted by the TULLY TOWN BOARD **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☑ **Town** ☐ **Village**
(Select one)

of TULLY **as follows on the attached pages:**
(Name of Local Government)

For Office Use Only

Department of State Local Law Index Number: _____ **of the year 20** ____

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto ascribed as local law number 4 of 20 25 of the (County)(City)(Town)(Village) of Tully was duly passed by the Tully Town Board on October 8th, 20 25 in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____ and was

(Name of Legislative Body)

(approved)(not approved)(repassed after disapproval) by the _____

(Elective Chief Executive Officer)*

on _____ 20_____ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____ and was

(Name of Legislative Body)

(approved)(not approved)(repassed after disapproval) by the _____ on

(Elective Chief Executive Officer)*

_____ 20_____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____ in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____ and was

(Name of Legislative Body)

(approved)(not approved)(repassed after disapproval) by the _____ on

(Elective Chief Executive Officer)*

_____ 20 _____ . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____ in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. **(City local law concerning Charter revision proposed by petition.)**
I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 _____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____ became operative.

6. **(County local law concerning adoption of Charter.)**
I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph 1 above.

Susan Vacco
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

October 15, 2025
(Date)

Section 1. Chapter 280-11.6 of the Code of the Town of Tully, now entitled " Large Wind Energy Conversion Systems " is hereby added to read in its entirety as follows:

§ 280-11.6 Large **Wind Energy Conversion Systems**

A. Intent, Purpose and Authority.

Purpose of these requirements and standards is to regulate the development of large wind energy conversion projects and related structures in the Town of Tully. It is desired that such projects may be developed in a manner hereby deemed to be compatible with the general health, welfare and safety of the residents of Tully. Furthermore, this article is enacted to address the visual, aesthetic and land-use compatibility aspects of large wind energy conversion units and more specifically to:

1. Require the location of large wind energy conversion units in areas where the adverse impacts on the community are minimized, including sensitive geological areas within the Town .

2. Require the configuration of wind energy conversion units in a way that minimizes the adverse visual impact of the towers, especially in the lake and recreational areas within the Town.

3. Select the location of wind energy conversion units in areas with a minimal impact on agricultural uses in the Town of Tully.

4. Urge the co-location or shared use of proposed and existing wind energy conversion units sites.

5. Authority:

a. Article 9 of the New York State Constitution.

b. New York Municipal Home Rule Law.

c. New York Town Law.

B. Findings.

1. The Town hereby finds wind energy is abundant, renewable and non-polluting energy resource of the Town, and its conversion to electricity may reduce dependence on nonrenewable energy sources and decrease the air and water pollution that result from the use of conventional energy sources.

2. The generation of electricity from property cited wind turbines, including small systems, can be cost-effective, and in many cases existing power distribution systems can be used to transmit electricity from wind generation station to utilities or other users or energy consumption at the location can be reduced.

3. Regulation of the siting of wind turbines is necessary for the purpose of protecting the health, safety, and welfare of neighboring property owners and the general public

4. Wind energy facilities might present significant potential for aesthetic impacts because of their large size, lighting and shadow flicker effects, if not properly cited.

5. If not properly regulated, the installation of wind energy facilities might create drainage problems from erosion and lack of sediment control for facility and access road sites and harm family farmlands through improper construction methods.

6. When energy facilities may present a risk to bird and bat populations if not properly sited.

7. If not properly sited, when energy facilities may present risks to the property values of adjoining property owners

8. Energy facilities may be significant sources of noise, which, if unregulated, might negatively impact adjoining properties.

9. Without proper planning, construction of wind energy facilities might create traffic problems and damage local roads.

10. If improperly sited, wind energy conversion facilities might interfere with various types of communications.

11. Tully is a rural community located in the Central New York region on the edge of various forests with varying elevations and topography.

12. Tully has a significant agricultural community supporting varied agricultural and recreation uses.

13. The Town of Tully has very few tall structures.

14. Tully is bounded in all directions by towns which share agricultural, forested and rural residential character, with similar hilly topography.

15. Tully contains numerous rural and newly constructed homes and camps dispersed throughout the town. Many residents have chosen to live in Tully because of the love for its undisturbed environs and rural pastoral lifestyle.

16. The residents and visitors enjoy outdoor activities including hunting, fishing, tracking, hiking cycling, horseback riding, snowmobiling, skiing, jogging and other motorized and non-motorized recreational pursuits.

17. Located in the Town of Tully are a number of lakes and other water bodies whose aesthetic characteristics would be harmed by this construction of large-scale wind towers.

B-1 District Use Limitations and Definitions.

(1) Large Wind Energy Conversion Systems are permitted, as hereinafter set forth, after the approval of a Large Wind Energy Conversion Overlay District. These Systems are not permitted in R-1, R-2, R-3, and B-1 Districts as established in the Town of Tully Zoning Laws.

(2) The process to establish a Large Wind Energy Conversion Overlay District is as follows:

Large Wind Energy Conversion Systems are only permitted in the Town of Tully after the authorization by the Town Board of the establishment of a Large Wind Energy Conversion Overlay District pursuant to Tully Town Code Section 280-11.5

(3) Definitions, as used in this chapter, the following terms shall have the meanings indicated:

a. Large Wind Energy Conversion Unit/Wind Turbine: One or more towers, poles or other structures, whether attached to a building or freestanding designed to be used for the support of a rotor that consists of blades in a hub, as well as nacelle and generator for the purpose of producing electricity intended to provide wholesale electricity production for delivery on a local or regional transmission network.

b. Applicant: Person or entity applying to develop, own, locate, construct or operate a large commercial wind energy conversion unit or system within the Town. All requirements placed upon an applicant under this article by way of approval of a permit issued hereundershall be fully and completely binding upon the owners, his/her/its successors, heirs and assigns, of such a system being submitted for review hereunder.

c. Blade Glint: The intermittent reflection of the sun off the surface of blades of a wind energy conversion unit.

d. Decommissioned: Status applied to a wind energy conversion unit which has been nonproductive for a period of one year or when the unit or project no longer provides a useful service.

e. Fall Zone: A level distance perpendicular to the base of the wind tutbine equal to the total height of the wind energy conversion unit plus the rotor at a full and upright vertical position.

f. FAA: Federal Aviation Administration.

g. Nacelle: Portion of the wind energy conversion unit that connects the rotors to the support tower and houses the generator, gearbox, drive train and braking system.

h. Night Time: Hours 7 PM to 7 AM unless otherwise noted.

I. Noise level: Energy equivalent sound pressure level over a minimum of a 10 minute interval.

j. Planning Board: Planning Board shall be the Joint Planning Board of the Town and Village of Tully.

k. Property line: The recognized and/or survey or tax map property parcel boundary.

l. Set Back: The area of land measured along the ground out a horizontal distance in any direction from the structure or facility being regulated under this article.

m. Shadow Flicker: A visual effect from the sun shining through the turning blades and the wind energy conversion units and casting a shadow over the landscape; most noticeably during sunrise and sunset.

n. Tip Height: Point is equal to the distance from the ground to the tip of the rotor blade in a full and upright vertical position.

o. Tower Height: Tower height is equal to the distance from the ground to the top of the tower not including the nacelle or rotor blades.

p. Large Wind Energy Conversion Overlay District: A district which encompasses part or parts of one or more underlying districts and that establishes the requirements for a wind energy conversion system as authorized by the Town Board of the Town of Tully.

q. Wind Measurement Tower: A tower used for the measurement of meteorological data such as temperature, wind speed, and wind direction.

C Application Process After The Establishment of a Large Wind Energy Conversion System Overlay District pursuant to Tully Code Section 280-11.5.

(1) Application Sufficiency Review: The Code Enforcement Officer and / or the Town Board designated consultants shall within 30 days of the receipt of an application or longer if directed by the Town Board (The cost of any consultant shall be paid for by the Applicant):

(a) Determine if all application requirements under this law are included in the application. See Section D hereinafter set forth for application requirements.

(b) No application shall be considered until deemed sufficiently complete by the Code Enforcement Officer.

(c) If the application is deemed incomplete, the Code Enforcement Officer or designated reviewer, after consultation with the Town Board, shall provide the Applicant with a written statement listing the missing information. No refund of application fees or escrow payments shall be made.

(2) Application Review: Upon determination that the Application is complete, the Town Board will refer the application within 30 days to the Planning Board for review under Tully Code Section 280-9 B for Site Plan Review and review of all other application submittals as hereinafter set forth. Such review shall be completed within 45 days and any recommendation made to the Town Board to accept, reject or modify the Application based on said review. The cost of any experts that the Planning Board determines necessary to complete their review shall be paid for by the Applicant. In their discretion, the Planning Board may hold a public hearing within 30 days of their receipt of a completed application and their report to the Town Board is then due to the Town Board within 45 days of the completion of the hearing. On request, these timelines may be adjusted by the Town Board for good cause and in their discretion.

(3) County Planning Notice. The Town Board will refer the application to the Onondaga County Planning Board pursuant to GML Section 239.

(4) SEQRA review. Applications under this section shall be deemed Type I projects under SEQRA and a completed Part One of the Full Environmental Assessment Form shall be supplied by the Applicant. The Town Board shall be responsible for the review of the proposed project and shall where appropriate, act as the lead agency under SEQRA after review by the Planning Board and any comment.The Board shall coordinate their review with all other involved agencies having discretionary approval over any aspect of the proposed project.

(5) Public Hearing – At any time after the Application is deemed complete, but not earlier than 30 days nor later than 60 days days after the Application is reviewed by the Planning Board and their recommendation received by the Town Board, the Town Board shall hold a minimum of one (1) Public Hearing on the application. A complete application also includes any response from County Planning and any recommendation from the Planning Board.

(a) The Applicant shall provide notice of the Public Hearing by registered mail and provide return receipts to owners of property parcels located wholly or partially within a two-mile radius from a parcel boundary of any parcel within the Large Commercial Wind Conversion District and return receipts to the Town, and shall publish a notice in the Town's official newspaper no less than ten or more than twenty days before any hearing. Should the hearing be adjourned by the Board to hear additional comments, no further publication or mailing shall be required. The assessment roll of the Town shall be used to determine mailing addresses.

(b) The public hearing may be combined with public hearings on any Environmental Impact Statement or any other associated requests for action by the Town.

(6) Application Decision – Upon receipt of the report from County Planning Board , the Planning Board and after holding a public hearing, and after the completion of the SEQRA review, the Town Board shall, within 45 days after closure of the public hearing approve, approve with conditions, or deny the application unless said time period is extended by the Board.

(a) In rendering a decision on the application, the Town Board shall consider all substantive and procedural requirements set forth in this law, as well as the standards for review of a special use permit application as set forth in the Town of Tully Zoning Ordinance, and any other applicable laws or regulations. Wherever this law and the Town of Tully Zoning Ordinance are in conflict, the more stringent or restrictive provision is intended to apply.

D Application Contents For a Special Permit / Site Plan Review

In addition to the application requirements for a special use permit and site plan review pursuant to the criteria set forth in § 280 of this Code, an application for a Large Commercial Wind Energy Conversion System shall include the following additional information:

(1) Construction plan. A detailed construction plan, including but not limited to a construction schedule, hours of operation; designation of heavy haul routes; a list of material equipment and loads to be transported; identification of temporary facilities intended to be constructed and contact agent in the field with name, email address and telephone number; number of truck loads by type of vehicle and duration of construction in each area of the site.

(2) Decommissioning and Site Restoration Plan. A decommissioning and site restoration plan shall be prepared by the applicant and approved by the Town prior to commencement of construction. It shall identify the lot(s) of record it applies to and shall indicate removal of all buildings, structures, wind turbines, access roads and/or driveways and foundations to four feet below finish grade; a road repair costs, if any; and all regrading and revegetation necessary to return the site to the condition existing prior to establishment of the commercial large wind energy system. The restoration shall reflect the

site- specific character, including topography, vegetation, drainage, and any unique environmental features. The plan shall include a certified estimate of the total cost (by element) of implementing the removal and site restoration plan. A Bond suitable to the Town shall be provided by the Applicant to cover the cost of the above plan.

(3) Description. A description of the project, including the number of large commercial wind energy conversion systems, data pertaining to each tower's safety and stability, including safety results from test facilities and certification from the turbine manufacturer that the turbine is manufactured to operate at safe speeds, and for each large wind energy conversion system, the make, model, a picture, and manufacturing specifications, including noise decibel data and maximum rated capacity.

(4) Emergency response plan. A detailed emergency response plan created in consultation with the emergency response agency(ies) having jurisdiction over the site. The proposed plan may include, but is not limited to, the following:

(a) Fireproof or fire-resistant building materials.

(b) Buffers or fire-retardant landscaping.

(c) Availability of water.

(d) An automatic fire-extinguishing system for all buildings or equipment enclosures of substantial size containing control panels, switching equipment, or transmission equipment.

(e) Provision of training and firefighting equipment for local fire protection personnel.

(5) Engineering report. This shall be prepared by a professional engineer as paid for by the applicant and provide information regarding:

(a) Ice throw. The report shall calculate the maximum distance that ice from the turbine blades could be thrown.

(b) Blade throw. The report shall calculate the maximum distance that pieces of the turbine blades could be thrown.

(c) Catastrophic tower failure. The report shall include a statement from the turbine manufacturer detailing the wind speed and conditions that the turbine is designed to withstand.

(d) Certification that the foundation, tower design and associated buildings are sufficient to withstand wind- loading and snow-loading requirements for structures as established by the Uniform Code.

(e) Certification that the wind turbine facility will not impact slope stability by increasing precipitation runoff onto slopes that are at a risk for instability or in and of itself increase the risk of slope instability by its placement.

(6) FAA Notification. A copy of written notification to the FAA pertaining to the installation of a large wind energy system.

(7) Insurance. Proof of insurance, which includes the following requirements, in a sufficient dollar amount to cover potential personal and property damage associated with the construction and operation of the proposed project. The Town shall be named as an additional insured under the general liability policy of the applicant.

General Liability: Occurrence Basis

	Per Project Aggregate	$2,000,000
	Each Occurrence	$1,000,000
Automobile Liability:	Combined Single Limit	$1,000,000
Coverage for all Owned or Non-Owned and Hired		
	Bodily Injury Per Person	$1,000,000
Vehicles	Bodily Injury Per Accident	$1,000,000
	Property Damage	$1,000,000
Umbrella Liability:	Each Occurrence	$5,000,000
	Aggregate	$5,000,000
Workers Compensation:	NYS Statutory Coverage	
Employer's Liability	Each Accident	$1,000,000
	Each Disease Policy Limit	$1,000,000
	Each Disease Each Employee	$1,000,000