



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-01-ALA-1-20**

Review Date **1/16/2020**

Municipality	ALABAMA, T.
Board Name	TOWN BOARD
Applicant's Name	Alabama Town Board
Referral Type	Zoning Text Amendments
Variance(s)	
Description:	Zoning Text Amendments to address noise related to Non-commercial Wind Energy Systems.
Location	Entire Town of Alabama
Zoning District	Entire Town

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed Zoning Text Amendments are intended to protect the health, safety, and welfare of the Town and should pose no significant county-wide or inter-community impact.

Director

January 16, 2020

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 815-7901

DEPARTMENT USE ONLY:
GCDP Referral # T-01-ALA-1-20



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

RECEIVED
Genesee County
Dept. of Planning
12/11/2019

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) Town of Alabama
Address 2218 Judge Road
City, State, Zip Oakfield, NY 14125
Phone (585) 948-9341 Ext. _____

2. APPLICANT INFORMATION

Name Town of Alabama
Address 2218 Judge Road
City, State, Zip Oakfield, NY 14125
Phone (585) 948-9341 Ext. _____ Email alabamaclerk@rochester.rr

MUNICIPALITY: City Town Village of Alabama

3. TYPE OF REFERRAL: (Check all applicable items)

- | | | |
|---|--|---|
| <input type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change | <input type="checkbox"/> Subdivision Proposal |
| <input type="checkbox"/> Use Variance | <input checked="" type="checkbox"/> Zoning Text Amendments | <input type="checkbox"/> Preliminary |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Comprehensive Plan/Update | <input type="checkbox"/> Final |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Other: _____ | |

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

- A. Full Address Town Wide
- B. Nearest intersecting road _____
- C. Tax Map Parcel Number _____
- D. Total area of the property _____ Area of property to be disturbed _____
- E. Present zoning district(s) All

5. REFERRAL CASE INFORMATION:

- A. Has this referral been previously reviewed by the Genesee County Planning Board?
 NO YES If yes, give date and action taken _____
- B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

- C. Please describe the nature of this request to edit the Zoning Law Section 622 Non-Commercial Wind Energy Systems Part C7 Noise and add to definitions. See attached sheet.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- | | | |
|---|--|--|
| <input type="checkbox"/> Local application | <input checked="" type="checkbox"/> Zoning text/map amendments | <input type="checkbox"/> New or updated comprehensive plan |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Location map or tax maps | <input type="checkbox"/> Photos |
| <input type="checkbox"/> Subdivision plot plans | <input type="checkbox"/> Elevation drawings | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> SEQR forms | <input type="checkbox"/> Agricultural data statement | |

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Rebecca Borkholder Title Town Clerk Phone (585) 948-9341 Ext. _____
Address, City, State, Zip 2218 Judge Road, Oakfield, NY 14125 Email alabamaclerk@rochester.rr.com

**Proposed Amendment to Zoning Law
Non-Commercial Wind Energy Systems
Section 622 – Part C7 Noise**

7. Noise. Audible noise due to the operation of any part of a

Non-Commercial Wind Energy System shall not exceed 50 decibels (dBA) for more than 5 minutes out of any one-hour time period. An exemption shall be made when the National Weather Service issues a high wind advisory or warning.

Any sound testing shall only be done due to a legitimate complaint and shall be conducted in closest neighboring inhabited dwelling. The cost of this independent third-party professional sound testing shall be borne by the complainant. If the testing at complainant's inhabited dwelling shows sound level exceeding allowable limits, the wind turbine owner must address and remedy the situation in coordination with the Town of Alabama Zoning Enforcement Officer.

Add to Definitions:

Wind Advisory – A Wind Advisory is issued when the following conditions are expected: sustained winds of 31 to 39 mph for an hour or more; AND/OR wind gusts of 46 to 57 mph for any duration.

High Wind Warning -- A High Wind Warning is issued when the following conditions are expected: sustained winds of 40 mph or higher for one hour or more; AND/OR wind gusts of 58 mph or higher for any duration.

**Town of Alabama Town Board Meeting
December 9, 2019**

Proposed Zoning Law Amendment – Non-Commercial Wind Energy, Noise

**Proposed Amendment to Zoning Law, Non-Commercial Wind Energy Systems
Section 622 – Part C7 Noise**

7. Noise. Audible noise due to the operation of any part of a Non-Commercial Wind Energy System shall not exceed 50 decibels (dBA) for more than 5 minutes out of any one-hour time period. An exemption shall be made when the National Weather Service issues a high wind advisory or warning.

Any sound testing shall only be done due to a legitimate complaint and shall be conducted in closest neighboring inhabited dwelling. The cost of this independent third-party professional sound testing shall be borne by the complainant. If the testing at complainant's inhabited dwelling shows sound level exceeding allowable limits, the wind turbine owner must address and remedy the situation in coordination with the Town of Alabama Zoning Enforcement Officer.

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MOTION by Councilperson Linsey, seconded by Councilperson Fisher to refer the proposed amendment to Zoning Law Section 622 Non-Commercial Wind Energy System, Part C7 Noise to the Genesee County Planning Board. Approved by roll call vote:


C. Fisher – yes C. Linsey – yes C. Klotzbach – yes C. Cleveland – absent Supv. Sage – yes

CERTIFICATION

STATE OF NEW YORK}
COUNTY OF GENESEE}

I hereby certify that the aforementioned is a true and accurate copy of a resolution adopted by the Town of Alabama Town Board on December 9, 2019

DATED: December 11, 2019



Rebecca L. Borkholder, Alabama Town Clerk

