

B. The Applicant is responsible for remediation of damaged roads upon completion of the installation or maintenance of a WECS. A public improvement bond shall be posted prior to the issuance of any Wind Energy Permit in an amount, determined by the Town Board, sufficient to compensate the Town for any damage to local roads.

§11.4.6 Setbacks for Wind Energy Conversion Systems

A. The statistical sound pressure level generated by a WECS shall not exceed $L_{90} - 50$ dBA measured at the nearest Residence located off the Site. Sites can include more than one piece of property and the requirement shall apply to the combined properties. If the ambient sound pressure level exceeds 50 dBA, the standard shall be ambient dBA plus 5 dBA. Independent certification shall be provided before and after construction demonstrating compliance with this requirement.

B. In the event audible noise due to Wind Energy Facility operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph 1) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

C. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above; the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing Residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project Site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

D. Any noise level falling between two whole decibels shall be the lower of the two.

E. Each WECS shall be setback from Site boundaries. All measurements shall be from the perimeter of the proposed Site, or from each proposed WECS, as applicable, and each of the following setbacks shall be met and maintained;

- 1. one and half times the height of tower from any tower all Site Boundary lines, of which the first 100 feet shall be a green buffer zone to provide natural screening. For the purpose of this law a green buffer zone shall be defined as an area without structures and left naturally vegetated. Cutting and clearing within the green buffer zone is prohibited except as necessary to construct and maintain Wind Energy Facility access roads and electric lines; and**
- 2. 1200 feet from US RT 11, County Rt. 23 and NYS Rt. 122, and one and half times the height of the towers from any tower from all other public roads; and**
- 3. 1400 feet from the nearest off-Site Residence, measured from the exterior of such Residence., whether or not said Residence is located in the Town of Burke; and**