

**(5) Application Fee.**

Prior to the Town undertaking a review of the Subsequent Application Materials the Applicant shall deposit with the Town Clerk a sum equal to \$2,000 per proposed name plate megawatts of power the Utility Scale WECS is designed to produce. This sum will be used by the Town to fund engineering, environment and legal consultants to assist the Town in its review of the application and to defray the cost of appropriate public information activities including but not limited to public hearings. This fee shall be non-refundable and shall be in addition to and not part of the fee allowed by 6 NYCRR 617 *et seq*

**(B) Standards of Operation.**

The Town Board shall use the following criteria to evaluate all Utility-Scale Wind Energy Conversion Systems:

**(1) Setbacks.**

All utility-scale WECS shall comply with the following setbacks:

- (a) All wind turbines and towers shall be set back from property lot lines a minimum of 1,500 ft or 3.25 times the height of the tower, including the tip of blade, whichever is greater, excluding adjoining lot lines where both are part of the proposed project.
- (b) All wind turbines and towers shall be set back from all buildings that are in existence at the time of the application, or for which a building permit has been issued, a minimum of 1,500 feet, or 3.25 x times the height, of the tower, including to the tip of the blade, whichever is greater. The Town Board may, at its discretion, exempt buildings not meant for regular human occupancy such as tool sheds, barns and similar structures from this setback requirement.
- (c) All wind turbines and towers shall be set back from any public road right-of-way a minimum of 1,500 feet, or 3.25 x times the height, of the tower, including to the tip of the blade, whichever is greater..

**(2) Noise.**

A Utility-Scale WECS shall not be approved unless the applicant demonstrates that the proposed project complies with the following noise requirements. In order to enable the Town Board to make this determination, the applicant shall submit the noise assessment required in Subsection (A)(3)(h).

**(a) Audible noise standards.**

- i. Audible noise due to wind turbine operations shall not exceed 40 dBA for more than five minutes out of any one-hour time period or