

**TOWN OF FARMERSVILLE**

**LOCAL LAW NUMBER 4 - 2020**

Pursuant to Section 10 of the Municipal Home Rule Law

**A LOCAL LAW AMENDING LOCAL LAW 1 – 2020 THE TOWN OF FARMERSVILLE WIND ENERGY FACILITIES LAW**

**WHEREAS**, upon review of the recommendations of the Cattaraugus County Planning Board of Local Law 1 – 2020 entitled the Town of Farmersville Wind Energy Facilities Law, the Town is desirous of amending its law to codify the Planning Board recommendations into law, now therefore

**BE IT ENACTED** by the Town Board of the Town of Farmersville, in the County of Cattaraugus, as follows:

**SECTION 1.**

1. The following amendments are hereby made to Local Law 1 – 2020:

a. Article I, Section 4 definition of “Conservation Areas” is replaced as follows:

CONSERVATION AREAS – Natural areas protected by law, such as wetlands that meet the definition in the Clean Water Act, 33 U.S.C. Sec. 1251 et seq.; New York State Forest, sole source aquifers such as the Cattaraugus Creek Aquifer System in Cattaraugus County, shoreland areas; water bodies; riparian buffers; populations of endangered or threatened species, or habitat for such species; archaeological sites, native American burial grounds; important historic sites; other significant natural features and scenic viewsheds; and existing trails or corridors that connect the tract to neighboring areas.

b. Article IV, Section 17 C. 2. is replaced as follows:

Roads and WTG. Two Thousand (2,000) feet from any public road (whether seasonal, regular or limited use), or other WTG (as measured horizontally from the center-point of the proposed WTG to the center-point of any existing WTG); and

c. Article IV, Section 17 C. 4. is replaced as follows:

Churches, Schools, Cemeteries. One mile from the property line of any property containing a Church (the Town recognizes that Amish family’s worship in their homes and barns and thus for the purposes of this law, Amish properties shall have the same setbacks as Churches) School (including Amish schools and home schools) or Cemetery or non-native American burial ground; and

d. Article IV, Section 17 C. 8. is replaced as follows:

Private or public water, gas or oil wells. Three thousand (3,000) feet from any private, or public water, gas or oil well.

e. Article IV, Section 17 C. 10. is replaced as follows:

Shadow Flicker. The setbacks of industrial wind turbines shall be sufficient such that shadow flicker (whether falling on a structure or land (excluding land owned solely by a property owner who has a wind lease on that land) shall be limited to eight (8) hours per year and one (1) hour per month.

**SECTION 2.**

1. If any provision of this Local law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication shall not affect, impair or invalidate the remainder thereon, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 3.**

1. This Local Law shall take effect immediately upon the filing thereof in the office of the Secretary of State of the State of New York in accordance with Municipal Home Rule Law. Additionally, this Local Law shall be filed with the Cattaraugus County Office of Real Property, the New York State Office of Real Property Services, and the Office of the President of the New York State Energy Research and Development Authority.

**CERTIFICATION**

I hereby certify that the local law annexed hereto, designated as local law number 4 of 2020 of the Town of Farmersville was duly passed by the Town Board on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 in accordance with the applicable provisions of law.

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 paragraph 1 above.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Bridget Holmes, Clerk  
Town of Farmersville