

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

May 11, 2021

Gary A. Abraham
Town of Olean Attorney
4939 Conlan Rd
Great Valley NY 14741

RE: Town of Olean, Local Law 1 2021, filed on May 6, 2021

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

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SECRETARY OF STATE

May 11, 2021

Gary A Abraham
Town of Olean Clerk
4939 Conlan Rd
Great Valley NY 14741.

RE: Town of Olean, Local Law 1 2021, filed on May 7, 2021

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
of OLEAN
FILED
STATE RECORDS
MAY 06 2021

DEPARTMENT OF STATE

Local Law No. 1 of the year 20 21
A local law "2021 WIND ENERGY FACILITIES LOCAL LAW"
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
of OLEAN as follows:

SEE LOCAL LAW, ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF OLEAN, NEW YORK
LOCAL LAW NUMBER 1 OF 2021

WIND ENERGY FACILITIES LOCAL LAW

This Local Law Number 1 of 2021, entitled "2021 WIND ENERGY FACILITIES LOCAL LAW," is hereby adopted by Resolution of the Town Board of the Town of Olean Resolution dated April 20, 2021, and reads in its entirety as follows:

ARTICLE 1 – GENERAL STATEMENT AND DEFINITIONS

SECTION 1: TITLE & APPLICATION - This Local Law shall be known as "Local Law Number 1 of 2021" (herein, the "2021 Local Law"). The 2021 Local Law hereby repeals and replaces any prior Local Law or Resolution that is inconsistent herewith.

SECTION 2: LEGISLATIVE FINDINGS - The Town Board of the Town of Olean adopts this 2021 Local Law to promote the effective and efficient use of the Town's wind energy resources through Wind Energy Facilities and Wind Turbine Generators, and to regulate the design and placement of such systems so that the public health, safety, and welfare will not be unreasonably jeopardized. Further, the Town Board of the Town of Olean finds and declares that:

- A. The New York State Constitution's "Bill of Rights for Local Governments" (Article IX, §2-10) obligates local legislators to protect the health, safety and well-being of their community.
- B. While wind energy is a renewable source of electricity generation, and under some circumstances may reduce the use of nonrenewable energy sources, the possible benefits must be balanced against potential negative impacts to local citizens, the local economy, and the local environment.
- C. Regulation of the siting and installation of wind turbines is necessary for protecting the health, safety, and well-being of neighboring property owners, the general public, the local economy and the local environment.
- D. There can be serious legal and economic detriments for landowners entering into complicated and often one-sided and/or predatory lease/leasehold contracts with wind developers.
- E. Large-scale multiple-turbine industrial wind energy facilities may present significant potential aesthetic impacts because of their size, lighting, dissimilarity from the natural environment, and possible shadow flicker effects.

(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, designated as local law No. 1 of 20 21 of the (County)(City)(Town)(Village) of Olean was duly passed by the Town Board (Name of Legislative Body) on April 20, 20 21, in accordance with the applicable provisions of law.
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, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the (Name of Legislative Body) on , 20 , and was (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, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the (Name of Legislative Body) on , 20 , and was (approved)(not approved) (repassed after disapproval) by the (Elective Chief Executive Officer) on , 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, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the (Name of Legislative Body) on , 20 , and was (approved)(not approved) (repassed after disapproval) by the (Elective Chief Executive Officer) on , 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.

DCS-0239-1 (Rev. 04/14)

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- A. An Applicant or Operator must offer a property value guarantee to any property owner who requests one pursuant to the standards provided in Appendix B.

SECTION 21: Tax Exemption

- A. The Town hereby exercises its right to opt out of the Tax Exemption provisions of Real Property Tax Law §487, pursuant to the authority granted by paragraph 8 of that law.

ARTICLE V – VARIANCES AND APPEALS

SECTION 1: VARIANCES – Where the Town Board finds that, due to the special circumstances of a particular case, a Variance or modification of certain requirements is justified, such Variance may be granted upon the following terms and conditions:

A. The Town Board finds and the Town Clerk records in the minutes that: (1) granting the Variance would be keeping with the intent and spirit of this 2021 Local Law, and is in the best interests of the community; (2) there is no adverse effect upon the welfare of the neighborhood; (3) there are special circumstances involved in the particular case; (4) denying the Variance would result in undue hardship to the Applicant or Operator, provided that such hardship has not been self-imposed; and (5) the Variance is the minimum necessary degree of variation from the requirements of this 2021 Local Law.

B. The Town Board may attach such conditions as it deems appropriate to Variance approvals to minimize the impact of the Variance, including conditions precedent to the effectiveness or validity of the Variance;

C. The Enforcement Officer may revoke any Variance for reasonable cause should the Applicant or Operator fail to comply with any non-waived provision of this 2021 Local Law, or fail to comply with the terms and conditions stated in any granted Variance. If the Applicant or Operator believes the revocation was improper an administrative appeal may be filed in accord with this 2021 Local Law.

SECTION 2: APPEALS – Any Person(s) aggrieved by the failure to issue or renew any variance, Waiver, or permit, by any determination, interpretation, or decision of the Town, the Town Board, the Planning Board, or the Enforcement Officer, including by any conditions attached to any permit, Variance or Waiver, or the revocation or suspension of any permit Variance or Waiver, shall have a right to appeal such matter pursuant to a court proceeding under Article 78 of New York's Civil Practice Law and Rules.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of
the City of _____, having been 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 hereto, designated as local law No. _____ 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
paragraph _____ above.

James D. [Signature]
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: 4-21-2021

(Seal)