

## **TOWN OF VILLENOVA TOWN BOARD**

### **Resolution of the Town Board of the Town of Villenova Adopting Local Law No. 2 of 2019**

**WHEREAS**, the Town Board of the Town of Villenova (the “Town Board”) has completed the State Environmental Quality Review Act (“SEQRA”) process anew, following the decision of *McGraw et al. v. Town Board of the Town of Villenova et al.*; Index No. EK12018001343 (the “*McGraw* matter”); and

**WHEREAS**, Ball Hill Energy LLC (“Ball Hill”)’s application to modify the Project Special Use Permit, the Wind Energy Facility Law of the Town of Villenova, and the Wind Overlay District created for the Ball Hill Wind Energy Project (the “Project”) was properly referred to the County of Chautauqua Planning Board for a recommendation, which has been received and considered by the Town Board; and

**WHEREAS**, the Town Board held the required public hearing on Ball Hill’s application, including the supplemental draft environmental impact statement, special use permit amendment request, a local law to amend the wind energy facilities law, and a local law to amend the Wind Overlay District for the Project; and

**WHEREAS**, the Town Board has issued a SEQRA Statement of Findings and Decision with respect to the Project;

**NOW THEREFORE BE IT RESOLVED** by the Town Board of the Town of Villenova as follows:

1. The Town Board hereby adopts Local Law No. 2 of 2019, which is attached hereto and incorporated herein by reference, for the reasons set forth in the Town Board’s SEQRA Statement of Findings and Decision, adopted on October 30, 2019.
2. This Resolution shall be effective immediately upon adoption.

**PASSED AND ADOPTED BY THE TOWN BOARD OF THE TOWN OF VILLENOVA** on the 30th day of October 2019.

LOCAL LAW NO. 2 OF 2019  
OF THE TOWN OF VILLENNOVA

**A LOCAL LAW TO AMEND SECTION 690.09(A)(13) OF THE ZONING LOCAL LAW OF THE TOWN OF VILLENNOVA TO INCREASE THE MAXIMUM HEIGHT AND REQUIRED SETBACK OF ANY WIND ENERGY CONVERSION SYSTEM ("WECS") COMMONLY KNOWN AS A "WIND TURBINE" OR "WINDMILL"**

*Be it enacted by the Town Board of the Town of Villenova as follows:*

**Section 1** Section 690.07(A)(5)(h) of Article VI-A, Wind Energy Facilities, of the Zoning Local Law of the Town of Villenova is amended to read

(h) To demonstrate compliance with the setback requirements of this Article, circles drawn around each proposed tower location equal to:

- (i) One and a half times the tower height radius.
- (ii) Five-hundred ninety-nine foot radius.
- (iii) One-thousand two-hundred foot radius.

**Section 2.** Section 690.09(A)(13) of Article VI-A, Wind Energy Facilities, of the Zoning Local Law of the Town of Villenova is amended to read

13. The maximum Total Height of any WECS shall be 599 feet.

**Section 3.** Section 690.12(E) of Article VI-A, Wind Energy Facilities, of the Zoning Local Law of the Town of Villenova) is amended to read

1. 599 feet from the nearest Site boundary property line, except the setback shall be 599 feet where the boundary is with state, county, town, or village-owned property.

2. 599 feet from the nearest public road.

3. 1,000 feet from the nearest off-Site residence existing at the time of application, measured from the exterior of such residence.

4. 100 feet from state-identified wetlands. This distance may be adjusted to be greater or lesser at the discretion of the reviewing body, based on topography, land cover, land uses, and other factors that influence the flight patterns of resident birds.

5. 500 feet from gas wells, unless waived in writing by the property owner and well owner.

§ 2. Effective Date.

This local law shall take effect upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.