

TOWN OF ELLERY
COUNTY OF CHAUTAUQUA, STATE OF NEW YORK
LOCAL LAW No. 7 FOR THE YEAR 2025

A LOCAL LAW ESTABLISHING A MORATORIUM OF THE CONSTRUCTION, INSTALLATION, AND / OR PERMITTING OF WIND FARMS IN THE TOWN OF ELLERY, COUNTY OF CHAUTAUQUA AND STATE OF NEW YORK AS FOLLOWS:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ELLERY AS FOLLOWS: :

Section 1. PURPOSE:

The purpose of this Local Law is to protect the health, safety and wellbeing of the Town residents and their property by establishing a moratorium on the construction, installation and / or permitting of wind farms in the Town of Ellery for a period of six (6) months from the date of adoption in order for the Town of Ellery to adopt regulations for the construction, installation, placement and permitting of wind farms in the Town of Ellery.

Section 2. AMENDMENT OF ZONING LAW:

The moratorium shall be an amendment to the Town of Ellery Zoning Law as adopted in 2014 and any amendments thereto.

Section 3. DEFINITIONS:

Wind Farm – an installation or area in which a group of windmills or wind turbines are set up to produce energy.

Wind Measuring Equipment – Any device that measures wind speed and direction in connection with a proposed wind farm.

Wind Turbine – a wind turbine is a device that converts the kinetic energy wind into electrical energy. It contains a large vane wheel rotated by the wind to generate electricity.

Section 4. AMENDMENT OF ZONING LAW OF 2014:

The Town of Ellery recognizes that wind farms create a significant impact on the community where they are established. The issues of impact upon neighbors' quality of life, aesthetics and effect on future development in the Town of Ellery may well be adversely impacted if these uses are not regulated to ensure the public's health, safety and welfare. Therefore, the Town of Ellery believes it is necessary to review the potential impacts of these land uses upon the Town and create regulations where the establishment of these uses would be beneficial to both the landowner and the community. The Town of Ellery believes that a time period of six (6) months will be necessary to develop sensible regulations to minimize the impact of these uses in the Town. While the Town of Ellery Zoning Law of 2014 does contain Section 1501 providing for regulation of wind energy conversion systems, it does not directly address wind farms.

Section 5. MORATORIUM:

This Local Law shall provide for a moratorium on the construction, installation and/or permitting of wind farms and wind measuring equipment in the Town of Ellery for a period of at least six (6) months from the adoption of the Local Law in order that the Town of Ellery Zoning Law can be amended to establish regulations governing and the use and placement of wind farms in the Town of Ellery.

Section 6. EXCEPTION:

This moratorium shall not apply to any permits to install a single wind energy conversion system on a single or two-family residence or outbuildings connected therewith in the Town of Ellery.

Section 7. VARIANCE:

Nothing in this Local Law shall prohibit a landowner within the Town of Ellery from applying to the Town of Ellery Zoning Board of Appeals seeking a variance pursuant to the Town of Ellery Zoning Law of 2014 and subsequent amendments thereto from the provisions of this Local Law.

Section 8. EFFECTIVE DATE:

This Local Law shall become effective immediately upon being filed in the office of the New York Secretary of State.