

# 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  
(Select one:)

of SPRINGFIELD

Local Law No. 4 of the year 2025

A local law INDUSTRIAL WIND ENERGY FACILITIES LAW  
(Insert Title)  
OF THE TOWN OF SPRINGFIELD

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

County  City  Town  Village  
(Select one:)

of SPRINGFIELD as follows:

FILED  
STATE RECORDS

OCT 22 2025

DEPARTMENT OF STATE  
LOCAL LAWS INDEX NUMBER 4  
OF THE YEAR 2025

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

TOWN OF SPRINGFIELD  
LOCAL LAW No. 4 of 2025

Be it enacted by the Town Board of the Town of Springfield, Otsego County, New York as follows:

**Section 1. Title**

This local law shall be known as the “Industrial Wind Energy Facilities Law of the Town of Springfield.”

**Section 2. Authority**

This Industrial Wind Energy Facilities Law of the Town of Springfield (hereafter, “Local Law”) is adopted pursuant to the Municipal Home Rule Law and the New York Town Law, which authorizes the Town to adopt laws and zoning provisions regulating uses that protect the health, safety, and welfare of the Town.

This Local Law will amend the Town of Springfield Zoning Law (hereafter, “Zoning Law”).

**Section 3. Purpose and Intent**

The Town of Springfield Town Board hereby intends to adopt this Local Law to clearly establish that industrial wind energy facilities, as defined herein, shall not be allowed in any zoning district or on any land in the Town of Springfield.

The Zoning Law currently defines two categories of wind turbine developments: (1) Wind Tower, Personal, and (2) Wind Tower, Commercial. “Wind Tower, Personal” is permitted in the Town’s Hamlet-Commercial “HC” zoning district and the Agricultural-Residential “AR” zoning district. *See* Article 5 and Article 6 of the Zoning Law. “Wind Tower, Commercial” developments are not permitted within any Town of Springfield zoning district. While the Town of Springfield prohibits “Wind Tower, Commercial” uses as defined in its Zoning Law, the Town Board finds that that current Zoning Law does not adequately articulate reasons for the aforementioned prohibition and intends to strengthen such prohibitions. The Town Board does not intend to prohibit “Wind Tower, Personal” uses going forward.

Recently, there has been a rise in proposed large scale, industrial, wind energy facilities in Herkimer County, which have the potential to impact the Town of Springfield. Potential impacts from industrial wind energy facilities include noise, shadow flicker, and aesthetic and physical hazards, such that the potential benefits must be balanced against potential impacts to the health, safety, and welfare of the Town’s residents. Specifically, potential impacts from industrial wind development include, but are not limited to, the following:

- i. Industrial wind energy facilities may be significant sources of noise, which, if not properly and adequately regulated, can negatively impact adjoining and neighboring properties, particularly in areas of low background noise levels;
- ii. Industrial wind energy facilities may also have significant aesthetic impacts because of their large size, noise, lighting, and shadow flicker effects;
- iii. Industrial wind energy facilities may present risks to the property values of adjoining and neighboring property owners;
- iv. Construction of industrial wind energy facilities can create traffic problems and damage local roads; and
- v. Wind turbines may present a risk to bird and bat populations.

The Town Board finds that these potential impacts to the Town's residents outweigh the State's policy of accelerating renewable energy development to address climate change.

The Town Board also finds that, given the intense development pressure behind industrial wind energy projects, the Zoning Law must be revisited to ensure that industrial wind energy facilities continue to be prohibited within the Town consistent with the Town's Comprehensive Plan and to protect the health, safety welfare of the Town's residents. Further, this Local Law and resulting amendments to the Zoning Law will ensure the Town's natural resources and aesthetic values are protected. The Town Board seeks to address this matter of local concern and strengthen existing land use provisions that will protect the Town's existing agricultural community, landscape, and natural resources from such large-scale installations, consistent with the intent of the Town's Comprehensive Plan.

#### **Section 4. Definitions**

As set forth herein, the following terms shall mean:

- A. Wind Tower, Personal: A wind energy conversion system of a wind turbine, tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 KW and which is intended to primarily generate power for on-site use. When used in connection with "farm operation" as such is defined in Section 301, Subdivision 11 of the New York State Agriculture and Markets Law ("NYSAML"), as personal wind tower is considered an on-farm building and is further defined as a single wind turbine designed solely for on-site power consumption as governed by the NYSAML and/or Section 66-I of the New York State Public Service Law.
- B. Industrial Wind Energy Facility: A wind energy conversion system consisting of a wind turbine(s), a tower(s) and associated control or conversion electronics, which has a rated capacity of more than 100 kW and which is intended to primarily generate power off-site for including in the larger electrical grid. This definition is referred to as a "Wind Tower, Commercial" within the Zoning Law and has the same meaning.

## **Section 5. Adopting the Industrial Wind Energy Facilities Law of the Town of Springfield and Amending the Zoning Law**

The Zoning Law is hereby amended as follows:

### Article 2, Section 2.2 Definitions

Industrial Wind Energy Facility: A wind energy conversion system consisting of a wind turbine(s), a tower(s) and associated control or conversion electronics, which has a rated capacity of more than 100 kW and which is intended to primarily generate power off-site for including in the larger electrical grid. This term is synonymous with “Wind Tower, Commercial.”

Public Utility/Substation: A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary to the public health, safety, and welfare including all uses deemed to be a public utility by New York State but excluding Industrial Wind Energy Facilities.

Wind Tower, Commercial: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100 kW and which is intended to primarily generate power offsite for inclusion in the larger electrical grid. This term is synonymous with “Industrial Wind Energy Facility” as defined and used herein.

### Article 3, Section 3.6 Prohibited Uses

All “Industrial Wind Energy Facilities” and “Wind Tower, Commercial” uses are prohibited in the Town. Any development that meets the definition of “Industrial Wind Energy Facility” or “Wind Tower, Commercial” shall be prohibited from all districts in the Town of Springfield.

## **Section 6. Enforcement and Violations**

This Local Law shall be enforced by the Zoning Enforcement Officer of the Town of Springfield or such other zoning enforcement individuals as designated by the Town Board. It shall be the duty of the enforcement individuals to advise the Town Board of all matters pertaining to the enforcement of this Local Law and to keep all records necessary and appropriate to the office and to file the same in the Office of the Town Clerk.

Upon authorization by the Town Board, the Town may institute an action or proceeding in a court of competent jurisdiction to prevent, restrain, enjoin, correct, or abate any violation or to enforce any provision of this law.

The Town Board may in a court of competent jurisdiction pursue any and all applicable remedies provided under New York State Town Law § 268.

### **Section 7. Severability**

If any specific part of provision or standard of this Local Law, or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not effect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board hereby declares that it would have enacted this Local Law, or the remainder thereof.

### **Section 8. Interpretation; Conflict with Other Laws**

The provisions of this Local Law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Local Law are inconsistent with the requirement of any other lawfully adopted rules, regulations, ordinances or Local Laws, the more restrictive provisions, or those imposing the higher standards, shall govern.

### **Section 9. Effective Date**

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically Article 3, § 27 of the New York State Municipal Home Rule Law.

(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. 4 of 2025 of the (County)(City)(Town)(Village) of SPRINGFIELD was duly passed by the SPRINGFIELD TOWN BOARD on OCTOBER 20 25, in accordance with the applicable provisions of law. 13,

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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted 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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ 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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ 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.

**5. (City local law concerning Charter revision proposed by petition.)**

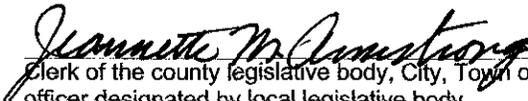
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 1 above.

  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

Date: October 13, 2025

(Seal)