

Lawsuits blown away: Steuben judge dismisses Cohocton Wind Watch efforts to halt \$230 million First Wind project



Two windmills are reflected in a puddle at the top of Pine Hill Road in Cohocton Tuesday afternoon.

By Bob Clark, Staff writer

Bath, N.Y. - Cohocton town officials are breathing a sigh of relief today after three legal challenges to the \$230 million wind turbine development in the town have been dismissed.

Steuben County Supreme Court Judge Marianne Furfure sided with Cohocton town officials, developer First Wind and leaseholders Tuesday morning, dismissing three lawsuits filed by local advocacy group Cohocton Wind Watch to halt work on the 50-turbine wind development in the town.

According to Cohocton town Supervisor Jack Zigenfus, Furfure made her ruling from the bench. No written copy of the decision was available Tuesday afternoon, according to employees at the Steuben County Supreme Court Clerk's office.

"She just dismissed it without comment," he said.

Zigenfus said the decision was made based on three points:

1. CWW failed to file an injunction against the town and First Wind to halt the development.
2. The town's oversight and approval of the project followed all applicable laws.
3. The \$230 million project is almost completed, and the impact to the local economy and governments would be great.

"The town board members are just elated over Judge Furfure's decision," he said, adding he hopes the decision will help "pave the way for future wind development in Steuben County."

The three lawsuits were the latest filed against the town over the wind development. CWW previously sued the town over Local Law No. 1 and No. 2 of 2006, but both cases were previously dismissed by Furfure.

The three lawsuits dismissed Tuesday were initially filed Aug. 30, 2007. The suits attempted to have the issuance of First Wind's special use permit overturned on 13 points, including the town board and planning board did not follow the appropriate laws for granting the permit, failed to insure the safety of the community and violated the state Open Meeting Law by holding "secret" meetings.

According to Zigenfus, one lawsuit over the project — between the Naples Central School District and the Steuben County Industrial Development Agency — still remains.

“That’s just they (the school) think they should get more money,” Zigenfus said.

Naples school officials filed the lawsuit against SCIDA and First Wind over the Payment in Lieu of Taxes agreement approved by SCIDA, First Wind, and other agencies, but the school district was not involved in crafting it. Three of the project’s 50 turbines are located in the Naples school district.

Cohocton Wind Watch leaders Jim and Judy Hall did not comment when reached by phone Tuesday and this morning, saying they were on the other line and the calls would be returned.

Zigenfus said he does not expect an appeal from the group to be successful.

“Personally, I think the way it was done (Furfure's ruling),” he said, “I would guess that they would be foolishly wasting their money.”

“They had their day in court,” he continued. “Basically, they lost ... they need to get over it. It’s time to move on.”