

David Miller letter to Cohocton Town Board - Public Hearing on Windmill Local Law #2

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October 23, 2006

The Hon. Jack Zigenfus
Supervisor, Town of Cohocton
15 S. Main St.
Cohocton, NY 14826

Re: Adoption of Local law No. 2 of the Year 2006 (Wind Turbine Law)

Dear Supervisor Zigenfus:

My client James Hall and I are writing to you and the Town Board to urge you not to adopt Local Law No. 2 of the Year 2006 as written.

As you know, New York State Law requires that all Zoning Laws and amendments be written in accordance with the Town's comprehensive plan.

The Town of Cohocton's comprehensive plan, adopted in 1970, and apparently never updated, obviously makes no provision for the construction and operation of wind turbines, as they were not widely in use at that time. The Town's comprehensive plan does make it clear however, that the primary objective of land use planning in the Town is to preserve the Town's rural and agricultural characteristics. This is a worthy goal which should be promoted by your and other surrounding municipal boards.

Unfortunately, the proposed law does nothing to further those objectives, but rather will seriously detract from them, allowing as it does the construction of wind turbines some five hundred feet in height.

The law's failure to honor the Town's comprehensive plan makes it suspect and open to attack. Also, the requirement of a special use permit before construction, to be approved by the Planning Board without sufficient guidance from the local law, will render the granting of each permit equally suspect and open to litigation.

We urge the Town Board to give this law no further consideration and to adopt a more sensible alternative, more in keeping with the Town's stated goals
Thank you for your attention to this matter.

Sincerely,

David P. Miller, Esq.