

CWW informational meeting presentation by Robert Strasburg

Thank you for taking the time to come out tonight for our presentation.

The mission Statement on Cohocton Wind Watch's Website has been the same from day one. It reads: Citizens, residents and neighbors concerned about **ill-conceived** wind turbine projects in the Town of Cohocton and adjacent townships in Western New York.

CWW is a group of people **all** united against **poorly planned** wind projects. Our membership comprises a cross section of opinions on wind turbines and together, we are united to bring clarity to this confusing issue.

We are **united** in the belief that whatever the choices are that will be made for Cohocton's future, they need to be made in full respect of the democratic process.

As you all know, hindsight is 20/20. Tonight we are going to take a clear look back at what has happened surrounding the proposed **re-zoning** of Cohocton to accommodate the controversial Town Board/UPC industrial wind project.

We will compare what **should have happened** with what **has happened**.

We live in a society where **blood bought** democratic principles should be applied in zoning changes affecting any Town; where we should strive to accomplish **what is right for the majority**.

This should be done by responsible small Town government **conforming to well proven norms of procedure**. If you will bear with me for just a few minutes, I will take you through a short Government 101 course on what those norms are.

Our forefathers recognized the beauty of this area and in alignment with the requirements of the laws of New Your State; they prepared what is known as a **Town Comprehensive Master Plan**.

You may ask; what is a Comprehensive Master Plan and **why is it important?**

A Town Comprehensive Master Plan is a document that is prepared in accordance with New York State Town Law, that is to be the guide for a community government and is intended to "**point the way to go**" for each elected and appointed official. It is the written expressed **will of the people** for the future direction of a Town.

This document is to be considered in all zoning issues and is a safeguard to keep **rogue government officials** from highjacking a Town **from the will of the people**.

Cohocton Town has a Comprehensive Master Plan, the important details will be revealed shortly. Unfortunately, our current government has not visited it for updating and actually no government elected in Cohocton has chosen to visit this document for updating since 1970, 36 years ago!

We at Cohocton Wind Watch advised the Town that it was not prudent to hastily jump at the UPC project offered to Cohocton.

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We advised **comprehensive planning**, polling for the will of the people, for the future of Cohocton.

According to Attorney Harry Willis of the NY Dept. of State – the comprehensive plan for a Town is the “**operative standard**” or “**Bible**” upon which all land use issues **must** be decided and be based upon. Willis says, **any new zoning law should be in harmony with the Comprehensive Master Plan of a Town.**

Following are excerpts from the NY Dept. of State website:

<http://www.dos.state.ny.us/lgss/townlaw.html#272a>

Their definition of a Town Comprehensive Plan is ...

- (a) **“town comprehensive plan” means the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town ...**

Also found at this NYS website are the following statements:

- b) **Among the most important powers and duties granted by the legislature to a town government is the authority and responsibility to undertake town comprehensive planning** and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens.
- (e) **The participation of citizens in an open, responsible and flexible planning process is essential to the designing of the optimum town comprehensive plan.**

Another excerpt from this State website:

“New York’s zoning enabling statutes ... **all require that zoning laws be adopted in accordance with a comprehensive plan.**”

Continuing with the quote... “The comprehensive plan should provide the **backbone** for the local zoning law. **To understand the power to zone, one must understand the comprehensive plan.**”

Again, the State writes ... “From the planner’s perspective, the comprehensive plan provided the means to, in theory, **remove the planning process from immediate political considerations** and allow for more objective analysis of community growth and need:”

In other words... properly preparing and adhering to the Comprehensive Master Plan, keeps **rogue government officials** from highjacking the direction a Town has already chosen to go by democratic process.

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Continuing, the State writes... “Inasmuch as [the zoning laws] have an intimate effect upon land **they should be framed so far as possible with the knowledge and cooperation of the landowners.**”

In other words... again, the people are to be involved in the evolution of change. The formation of any new zoning law, to be legal, cannot be done at the exclusion of the general public or a previously prepared and approved Comprehensive Master Plan just to satisfy the delusions of **rogue government** officials, or a select few residents. According to the State, **all landowners** in a Town need fair and equal input!

Continuing from the DOS website... “**A common theme in the cases interpreting the requirement that zoning be in accordance with a comprehensive plan is that the zoning law (or amendment) be carefully studied “before” it is enacted.**”

“In *Thomas v. Town of Bedford*, the Court of Appeals upheld a rezoning from residential to research office use, finding that it had been enacted “after” **careful study and consultation with experts and “after” extensive public hearings.**”

I ask you, what **expert studies** have we the people seen relative to this Town/UPC proposal...?

WHAT DOES COHOCTON’S COMPREHENSIVE MASTER PLAN SAY?

Following are direct quotes from the document:

“It is the desired goal of the Plan **to maintain the predominant rural character of Cohocton** and to encourage the preservation of valuable agricultural lands while at the same time to provide for forecasted growth.”

Quoting again... “**The preservation of the overall character of Cohocton with emphasis placed upon the retention of the area’s desirable characteristics, natural beauty, and similar aesthetic qualities as well as prime agricultural lands.**”

Another quote from the Plan is... “**Radical or large-scale modifications** of the land use patterns of these sections are not likely to be realized **nor are they recommended.**”

I have to ask you; Does the **indiscriminant placement** of 500 foot tall, spinning industrial Wind Turbines throughout our Town sound like it fulfills the demands of our Comprehensive Plan to “**preserve**” the overall character and natural beauty of our Town?

Is this a well thought out, well-researched expression of what our legally binding Comprehensive Plan says?

Continuing with quotes from the Comprehensive Master Plan...

“Encourage the retention of large areas of agriculture land in their **natural state** as a legacy to future generations.”

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The Town/UPC proposal will consume over 6000 acres of land in phase one alone!

The preparers of this document did not want to be misunderstood and repeated several times and in several ways that it is important to maintain the beauty of Cohocton in its **natural state!**

The following four categories are included in the Comprehensive Master Plan as criteria to **test** any proposed zoning changes in Cohocton, to see if they fit the already defined Master Plan

Socially: “Will it personally benefit the residents as a whole?”

Economically: “Will it improve existing property values and thus increase the community’s total assets?” (You stick a 500-foot spinning turbine next to your house and see how much your value goes up)

Physically: “Will it elevate the aesthetics (beauty) of a particular neighborhood and/or community and improve the overall image?”

Politically: “Does the improvement have a special appeal to a particular group or neighborhood? **Will this appeal result in definite support which will be adequate to insure the success of the proposal?**” **Lawsuits?**

In my opinion, members of our current Government, specifically our Supervisor Jack Zigenfus and Councilman Wayne Hunt and UPC are wantonly circumventing proper procedure to accomplish their desires in this Town with **blatant** disregard for our current Comprehensive Master Plan and our citizens, and the rest of the Town government has caved into their pressure to conform.

If they wanted to sincerely benefit the residents of Cohocton with their proposed change to the current Zoning law that they intend to vote into law very shortly, where is the proof that either Jack or Wayne have considered whether this radical change offered by UPC lines up with our Town Comprehensive Master Plan?

Where is the research? The only report offered to us as residents is the Draft Environmental Impact Study (DEIS) that was done, or should I say half-done by UPC, the proposed developer. Our Town has not released to the public any commissioned study of its own.

Let me show you what the NYS Department of Public Service (DPS) has said about the DEIS prepared by UPC as a requirement to NYS law. The DPS is charged with the government oversight of energy access in NYS. In a letter to our Town Planning Board (I have the copy right here) dated June 8, 2006, Chief Douglas May says:

“The DEIS is incomplete because it does not address **all** potentially significant adverse impacts of the proposed action.”

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He then says, “Putting off documentation and analysis of potentially significant impacts.... **deprives the public and decision-making agencies** of the opportunity to comment on the nature of the impact...”

Further in the letter he says, “The analysis of the alternatives is **not** complete.”

In other words... the Department of Public Service says that the only report UPC offers is lacking in information necessary for our government, **and us the public** to make a good sound decision.

Wouldn't you think our current government would require UPC to be responsible in their dealings and produce reports of the quality required “**before**” they pass a law allowing impacts that have not been appropriately studied?

Remember folks, our Town Board is ready to vote this new zoning law, local law #2, into effect right now and they have not produced **one** credible report for the public to view.... **NOT ONE!**

Another developer was here on the 11th and exposed the lie that there was not enough money or time in these programs for the developer to do this right. This new developer, Empire Wind, is willing to allow the Town time to declare a Moratorium, review our Comprehensive Plan, survey the Towns residents to see if want a wind farm here, compare the two proposals from the two developers, and make a decision that is good for Cohocton.

Now we will review what has happened...

Citizen concerns relative to the change this Industrialization would bring to our Town, have been repeatedly ignored, rebuffed and ridiculed by Supervisor Jack Zigenfus, Councilman Wayne Hunt, and UPC in an attempt to accomplish their agenda.

Earlier this year when we started asking questions, no officials would answer us as to why the research we have done, relative to safety, setbacks, noise levels, fire control, non compliance with the Comprehensive Plan, insufficient insurance on the part of UPC, liability, protection to the Town from lawsuits, etc., does not line up with what UPC and the Town Board is telling us, they began to tell us that if we put our questions in writing... they would answer them for us.

We dutifully submitted hundreds and hundreds of questions and to date, **not one** of my fellow citizens have received an answer back. **Not One!**

Now remember, in 32 days, the Town Board is voting on this new Zoning law. **Hundreds of questions are unanswered. No credible reports relative to the dangers and liabilities we are being exposed to have been offered to us.**

Yesterday I found out about a paper that was buried in the UPC files that has some answers to some questions I submitted back on May 4th. Where this paper came from or who answered my questions, I am not sure. Nobody signed it. Therefore, I do not know if the answers are credible.

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If the Town Board does not know the answers to our questions, how can they in good faith pass a law regulating the project?

Remember... hindsight is 20/20; let's take a look back. Here are some clips from actual Town meetings:

Clip 1 – 5/4/06, Bob Strasburg asks when our questions will be answered.

Clip 2 – 5/4/06, Bob Strasburg warns residents of being “Railroaded.”

Clip 4 – 5/4/06, Sandor Fox says, “Put questions in writing.”

Clip 5 – 5/25/06, UPC paid Attorney Ruzow says public meetings are coming in which we can get answers.

Clip 17 – 8/15/06, Steve Trude asks why questions are not answered and why it appears all this is being done behind closed doors.

Clip 3 – 5/4/06, Sandor Fox says, “The law says we do not have to listen to you at all.”

Clip 19 – 10/17/06 Jack Zigenfus says we may get answers in December. This will be well after the law has been voted on.

We have been promised information from professionals by the Town Government and have to date, not gotten any open public meeting sponsored by our Town Government as promised in which we can interactively ask questions and get answers.

Clip 6 – 6/1/06, Sandor Fox makes a proposal for public meeting.

Because we have not been able to get good reliable research and reports from UPC or the Town Board, and so much of this is being done in secret, I challenged Supervisor Jack Zigenfus and Councilman Wayne Hunt to come out from behind the wall of secrecy that they have built and participate in an open public debate with me and they would not.

Clip 11 – 6/20/06, Bob Strasburg asks Supervisor Jack Zigenfus and Councilman Wayne Hunt to a public debate. Jack Zigenfus promising public meeting.

Independent citizens, separate from our group have admonished our government to review and update our Comprehensive Master Plan “**prior to**” changing our zoning laws to no avail.

Clip 10 – 6/8/06, Jeff Goldthwait asks why the Town Comprehensive Master Plan has not been revisited for updating or consideration.

Clip 12 – 6/20/06, Jeff Goldthwait talks of Town Comprehensive Master plan being ignored and asks why we have not received any answers to our questions.

Clip 15 – 8/10/06, Jeff Goldthwait admonished Planning Board that we have not received any answers to our written questions.

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Just for curiosity sake, is there anyone in this audience that has received any written response to your written questions as promised from the Town Board, Planning Board, Attorney Ruzow and UPC or any government official as a simple answer to any question you have submitted?

The Town Board has one more hearing scheduled next Tuesday the 24th in which they will do the same they have done at every other public hearing. They will allow the public to “comment” and **will not answer one question**. They will then close the meeting and at the following Town Board meeting on November 21st, they will probably vote this new law into effect, after having ignored you all the way.

We have been lied to, ignored, and our Town Boards have seen to it to do all they can to railroad their desires into this Town with no consideration to due process as required by New York State as I have just shown you.

Based on the actions by our Town Government, Cohocton Wind Watch and its members call for the immediate resignation of Supervisor Jack Zigenfus, Councilman Wayne Hunt and the resignation of Councilman Joe Dyckman. Councilman Dyckman, who sits on the Town Board is a leaseholder with UPC and is in line to receive thousands of dollars annually if the current Local Law #2 is passed.

We petition the Town to hold immediate new special elections to replace these members that should resign.

We ask that each voting resident of the Town of Cohocton place their signature on the petition in the foyer petitioning the Town Board for a Moratorium. A Moratorium is needed to allow sufficient time for the residents and government to revisit the Town Comprehensive Master Plan for a full update prior to the passage of this new zoning law.

Whether you are in favor of wind turbines or not, it is the right thing for Cohocton to declare a Moratorium and **if it is the true will of the people**, properly plan for turbines in our Town.

There is a new developer that is willing to build any kind of wind program our Town wants if that is the **democratic choice of our residents**. Either way ... let's do it right. Again, please add your name to the petition in the foyer for a Moratorium... time to do it right.

Thank you for your time. We will now have a closing summary by Bonnie Palmiter and then we will open the floor for questions, answers and comments.

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