



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

RUTH NOEMI COLÓN
ACTING SECRETARY OF STATE

March 10, 2011

Linda Burton
SERVICO
PO Box 871
Albany NY 12201

RE: Town of Cohocton, Local Law 1 2011, filed on March 10, 2011

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755

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.

FILED
STATE RECORDS
MAR 10 2011
DEPARTMENT OF STATE

County City Town Village
 (Select one.)

of _____ COHOCTON _____

Local Law No. 1 of the year 20 11

A local law amending the Zoning Law of the Town of Cohocton and Local Law Number 2 of 2006
 (Insert Title)
 to regulate windmills and windmill facilities.

Be it enacted by the Town Board of the
 (Name of Legislative Body)

County City Town Village
 (Select one.)

of _____ COHOCTON _____ as follows:

1. Article X, Section 1010, subdivisions 1 and 2 of the Town of Cohocton Zoning Law is hereby amended to change the definitions of "Windmill":

1. Windmills – Residential AND/OR Commercial – Any wind powered generator that provides electrical or mechanical power to an individual residence, operating farm or single commercial enterprise and can be either the primary or a secondary source of energy. Sale or credit of excess electricity to the utility grid is permitted as a tertiary use.

2. Windmill – Industrial – Any wind powered generator or series of wind powered generators in a facility, whose purpose is to generate electricity that is fed into a power grid for sale.

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

2. Article XI, Section 1110 of the Zoning Law of the Town of Cohocton is hereby amended to include the following Subdivision 3:

3. Certificate of Compliance

a) The Applicant(s) shall allow the Code Enforcement Officer of the Town of Cohocton or such enforcement officer duly empowered by the Town of Cohocton to inspect from time to time, at the discretion of the Code Enforcement Officer, any windmill(s) or windmill facility(ies) during the construction phase thereof to insure such windmill(s) or windmill facility(ies) are in compliance with the building permit and special use permit issued therefore.

b) Upon completion of construction of any authorized windmill(s) or windmill facility(ies) the Applicant shall obtain a Certificate of Compliance from the Code Enforcement Officer of the Town of Cohocton, which certificate shall be issued by said officer upon a satisfactory final inspection that such windmill(s) or windmill facility(ies) have been completed in accordance with the building permit and special use permit.

3. The opening paragraph of Article XI, Section 1120 (3) of the Zoning Law of the Town of Cohocton is hereby amended to read as follows: "For Industrial Windmills and Industrial Windmill Facilities, the applicant in consultation with the Planning Board will prepare:"

4. Article XI, Section 1130 (1) (b) of the Zoning Law of the Town of Cohocton is amended as follows:

- a) subdivision (i) shall allow a maximum height limit no greater than 150 feet.
- b) subdivision (ii) shall allow a kilowatt limit of 100 kw.
- c) subdivision (iv) shall allow a solid tube structure or a lattice type structure.
- d) subdivision (ix) is amended to delete "Only upwind design windmills are allowed in the Town" and the following is added in its place, "Design must be approved by NYSERDA."

5. Article XI, Section 1130 subsection (e) subdivision (i) is hereby deleted and subdivision (ii) shall now be subdivision (i); subdivision (iii) shall now be subdivision (ii); and subdivision (iv) shall now be subdivision (iii).

6. Article XI, Section 1130 (f) (i) is hereby amended to delete "Bond" from the title and deleting the first paragraph of said subdivision that reads as follows: "The owner of a windmill, after such application has been approved and before a building permit is issued, shall submit a letter of credit or other acceptable surety sufficient to ensure the removal if the use of the windmill is discontinued."

7. This Local Law No. 1 of 2011 shall take effect upon filing with the Secretary of State.

(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. 1 of 2011 of the ~~(County)(City)(Town)(Village)~~ of COHOCTON was duly passed by the Cohocton Town Board on February 21 2011, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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) *(Name of Legislative Body)* (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.

Sandra Y. Riley
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body **Sandra Riley**

Date: February 21, 2011

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF STEUBEN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Patrick F. McAllister
Signature **Patrick F. McAllister**
Cohocton Town Attorney
Title

County _____
City of COHOCTON
Town _____
Village _____

Date: February 21, 2011