

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 Cohocton

FILED
STATE RECORDS

JAN 06 2020

DEPARTMENT OF STATE

Local Law No. 4 of the year 2019

A local law Amending the zoning law of the Town of Cohocton, New York and Local Law

(insert Title)

No. 2 of 2006 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:

SECTION 1: Local Law No. 4 of the Year 2019, is hereby entitled "Amendment to Local Law Governing Windmills and Windmill Facilities" and is intended to amend The Zoning Law of the Town of Cohocton, New York and Local Law No. 2 of 2006 To Regulate Windmills And Windmill Facilities.

SECTION 2: Purpose and Authority

The Town Board of the Town of Cohocton hereby adopts this Local Law to amend certain sections of existing local law pertaining to windmills and windmill facilities in the Town. The Town Board finds that taller wind turbine technology is available and proven and will allow wind turbines to capture increased wind speeds at higher heights, the utilization of taller turbine technology will require fewer turbines to collect the same amount of energy, thereby reducing overall potential environmental impacts. In addition, based upon the Board's consideration of the permitting process and requirements for wind energy facilities greater than 25 megawatts in size, which must obtain a Certificate of Environmental Compatibility and Public Need from the new York State Board on Electric Generation Siting and the Environment under Article 10 of the New York Public Service Law, the Town Board finds that given the extensive environmental, public health and safety review required of such projects by multiple stakeholders throughout the Article 10 permitting process, including changes made post certification, these changes are reasonable to facilitate the development of wind energy facilities and the local benefits derived therefrom, while still providing protection to the Town and its residents through the imposition of existing substantive standards, and through the option to execute a Host Community Agreement between the Town and an Applicant to mitigate impacts.

The Town Board of the Town of Cohocton enacts this Local Law under the authority granted by Article IX of the New York State Constitution and New York Municipal Home Rule Law Section 10.

SECTION 3: Article XI. Section 1130 (2)(b) of the Zoning Law of the Town of Cohocton is hereby amended as follows: "(b) Specifications:

(i) Maximum Height Limit

Maximum height limit shall be no greater than 650 feet."

SECTION 4: Severability. Should any provisions of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be

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

Additional Page #1 to Local Law Amending the Zoning Law of the Town of Cohocton, New York and Local Law No. 2 of 2006 to Regulate Windmills and Windmill Facilities

(Cont.)

unconstitutional or invalid.

SECTION 5: Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the 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 2019 of the (County)(City)(Town)(Village) of Cohocton was duly passed by the Town Board on December 17 2019, 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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____.
(Name of Legislative Body)
(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) (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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.)

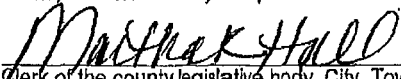
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body
Martha Hall, Town Clerk
Date: _____ 12/23/19

(Seal)