

**PUBLIC HEARING**  
**January 8, 2008**

A Public Hearing was held in the Hamlin Town Hall located at 1658 Lake Rd., Hamlin, New York, to consider a Local Law extending a moratorium on filing or processing applications for wind towers and upon the construction of wind towers until June 15, 2008, which law is intended to allow the Town of Hamlin time to consider the adoption of a law, rules, regulations and procedures regarding wind towers in the Town of Hamlin.

Present: Supervisor Dennis Roach, Councilperson Tom Breslawski, Councilperson Mike Marchetti, Councilperson Paul Rath Excused, Councilperson David Rose. Also Present: Attorney Ken Licht; Recreation Director Pat Batty, Planning Board member Tom Jensen, Conservation Board member Aaron LaFaro. Residents: Lloyd Lochner, Denise Ezrow, Mike Ezrow, Paul Lapinski, Linda DeRue, Andy Simpson, Dorothy Lapinski, Jim Nesbitt, Mary Callari, Tricia Nesbitt, Pam Nesbitt, Tony Callari, Karen Bates-St. John, Renee Cliff, James Doan, Elaine Doan, Chris Shevlin, Jack Shevlin

Supervisor Roach reminds residents present if they would like to speak, to fill out the sheet and when called to the podium state their comments or questions.

I. The Public Hearing was called to order at 6:03 pm by Supervisor Roach, to consider a Local Law extending the wind tower moratorium. Supervisor Roach reminded attendees that a moratorium is enacted when it's necessary to temporarily suspend landowner's development rights when facing new circumstances, where local regulations, zoning does not apply and when you have to adopt new regulations to consider or take into account those new circumstances. The original moratorium was enacted in March and expires on January 15 and needs to be extended. Copies of the Local Law were available. The Local Law extending a moratorium on filing or processing applications for wind towers and upon the construction of wind towers until June 15, 2008, which law is intended to allow the Town of Hamlin time to consider the adoption of a law, rules, regulations and procedures regarding wind towers in the Town of Hamlin.

#### Section 1 Purpose

Moratoriums of any type are not to be entered into as a matter of convenience. It is a law that temporarily suspends landowner's rights, which they otherwise have. When challenged, a moratorium the town must show good faith that it is actively pursuing the development of regulations in place.

#### Section 2 Continuation of Moratorium

Until June 15, 2008 or until such time that the Town Board has reviewed, passed, and filed a Local Law enacting regulations regarding wind towers, whichever occurs first. No applications for a permit, grant or other approval for the construction or erection of a wind tower may be filed, accepted, or processed. This law shall not effect any operation of MET Towers approved and constructed prior to the effective date of this local law.

### Section 3 Appeals

Provides opportunity for appeal where extraordinary hardships can be shown. If any section, sentence, clause or phrase of this law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this law.

This local law supersedes any time frames specified in Town Law Sections 265 or 274-b. The effective date shall be upon filing in the Office of the Secretary of State or twenty days after its adoption, whichever comes first.

Supervisor Roach summarized the proposed law and the Town Clerk provided proof of publication prior to opening for public comments.

Paul Lapinski 417 Redman Road spoke in favor of the moratorium and proceeded to read a two-page letter, which was then given to the Town Clerk for record.

Jim Doan 343 Morton Road spoke in favor of the moratorium only if there is anything "new" to add to it. He feels that the regulations are appropriate and are similar to other towns but also feels that the Town has spent a lot of time on this and should move on. He feels that farmland preservation is something that needs to be addressed as well.

Jack Shevlin 768 Redman Road spoke in favor of the moratorium. He wants to make sure the Town Board has enough time to look into the issue at great length.

Renee Cliff 730 Redman Road spoke in favor of the moratorium and urges the Town Board to visit the turbines in other areas. None of the terrains where these other turbines are flat as ours is. She is concerned about the impact on noise and ground water.

Dorothy Lapinski 417 Redman Road spoke in favor of the moratorium. Questioned when the vote would take place. Supervisor Roach answered that it will be voted on Monday January 14, 2008 at the Town Board Meeting.

Brief discussion was held between Supervisor Roach and Attorney Licht clarifying the Local Law format.

A motion was made by Councilperson Marchetti seconded by Councilperson Rose to close the Public Hearing regarding Local Law extending the wind tower moratorium. Public Hearing closed at 6:21pm

Respectfully submitted,

Kathi A. Rickman, RMC/CMC  
Hamlin Town Clerk