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## State right to take on Milan zoning case

The Town of Milan will be the first in the state to use one of the promised benefits for communities in the Hudson River Valley Greenway Compact, which is reassuring to any of the others trying to make sure their areas grow properly.

The state attorney general's office has decided to take on the town's ongoing battle with Red Wing Gravel over a mining operation the company wants to locate in the small northern Dutchess County community.

The court battles with Red Wing began when the town's 2006 comprehensive plan was adopted including language calling for the elimination of mining. With residents concerned about the traffic, noise and dust from a mining operation, the town repealed the floating light industrial zone that allowed such operations to be approved despite zoning hurdles.

A state judge this year voided the plan, saying town officials did not strictly follow environmental laws in drafting the plan or in repealing the floating light industrial zone. Concerned about the legal cost of an appeal, the town turned to the state environmental conservation law.

It says Greenway communities will be provided with an indemnity against lawsuits resulting from adoptions or use of zoning laws or ordinances reflecting the Greenway's conservation and land-use principles.

It's never been tested before, and the state has done the right thing in making Milan its first case.

## Case costly for town

Since 2006, the town has spent more than \$40,000 on various legal fees on the case. It needs the additional expertise the state can provide as local officials figure out how to get land-use planning back on track.

The situation in Milan has provided the Greenway with the opportunity to make good on one of the incentives offered to municipal officials willing to adopt the Greenway planning philosophy for their communities. That philosophy includes developing strong town centers and protecting some open space and farm land - and taking into account community concerns about development. The Milan case will have to be judged on the legal merits, but there's no question that if the state dangles incentives to communities to embrace certain principles, it should live up to its obligations when opposition arises.