

Town of Northumberland
Town Board Meeting
August 8, 2013

Section 2. EFFECTIVE DATE

This local law shall take effect immediately upon its filing with the Secretary of State of the State of New York.

Local Law No. _____ of the year 2013

A local law Amending Zoning Ordinance to Create Landfill District
(Insert Title)

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

County City Town Village

of Northumberland as follows:

Section 1. AMENDMENTS TO ZONING ORDINANCE

The Zoning Ordinance of the Town of Northumberland, Saratoga County, New York, is hereby amended as follows:

I. Amend Article II.B.126 of the Zoning Ordinance to read as follows:

Soil Disturbing Activity – Any activity which directly or indirectly changes the natural topography or vegetative cover of more than one (1) acre of land by any kind of soil disturbance (including but not limited to, excavation, grading and filling), or by the cutting of trees or clearing of any type of vegetation. Notwithstanding the foregoing, soil disturbing activity shall not include any activities related to or associated with construction, operation, maintenance, or closure of Solid Waste Landfills which have a valid Permit issued by the New York State Department of Environmental Conservation pursuant to 6 NYCRR Part 360 and are wholly located in a Landfill District.

II. Amend Article III.A of the Zoning Ordinance to read as follows:

A. **Zoning Districts**

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For the purpose of this Ordinance, the Town of Northumberland is hereby divided into the following zoning districts:

APD	Agricultural Protection District
R-3	Residential District
R-1	Residential District
MH	Mobile Home District
C/R	Commercial/Residential
H	Hamlet
I	Industrial
LF	Landfill District

The following overlay districts are also hereby created:

SOD	Shoreline Overlay District
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A Planned United Development (PUD) District may be created as a result of provisions of this Ordinance. See Article V.

III. Amend Article IV.A of the Zoning Ordinance by adding a new paragraph 8 to read as follows:

8. LF – Landfill District: This LF District is established to identify an area exclusively established to accommodate the use of land for the development and operation of Solid Waste Landfills.

IV. Amend the Zoning Ordinance by adding a new Article VIII-A, which shall read as follows:

**ARTICLE VIII-A
LANDFILL DISTRICT**

A. Purpose

The Landfill District (LF) is established to identify an area exclusively established to accommodate the use of land for the development, operation, and maintenance of Solid Waste Landfills. Since Solid Waste Landfills are unique in the demands they place on public infrastructure and the potential impacts Solid Waste Landfills can have on surrounding properties, the community, and the environment, the delineation of a special district within the Town for these uses is appropriate.

B. Definitions.

For purposes of this Article and this Ordinance, certain terms and words are herewith defined below:

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- (1) Solid Waste Landfill: Any land or disposal facility or part of one where solid waste or its residue after treatment is intentionally placed and which is not a land application facility, surface impoundment, injection well or waste pile as those terms are defined in 6 NYCRR part 360 (as in effect September 15, 2013).
- (2) Solid Waste: Any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community activities.

C. Permitted principal uses. Permitted principal uses shall be as follows:

- (1) Solid Waste Landfill.
 - (a) Construction, operation, and closure of a Solid Waste Landfill in the Landfill District shall be a Permitted Principal Use upon submission by the present or proposed Owner or Operator of the Solid Waste Landfill (or an authorized agent) to the Town Zoning Administrator of a valid permit issued by the New York State Department of Environmental Conservation pursuant to 6 NYCRR Part 360 to operate said landfill and which complies with this Article VIII-A of this Zoning Ordinance. The Owner or Operator of such Solid Waste Landfill (or an authorized agent) must furnish the Zoning Administrator with any amendments, updates, modifications or reports in regard to the Part 360 Permit within 30 days of the receipt or submission of such amendment, update, modification or report.
 - (b) The minimum horizontal setback distance from the property line to any deposited solid waste in the landfill area shall be 100 feet and to any, structure, roadway, parking area, accessory building or such other improvement shall be 50 feet.
 - (c) No hazardous waste that is required to be managed at a facility subject to regulation under 6 NYCRR Part 373 or 374 and no radioactive materials, NARM waste or low-level radioactive waste as defined 6 NYCRR Part 380, 382, and 383 that is required to be managed or disposed of at a land disposal facility subject to regulations under 6

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NYCRR Part 380, 382, and 383 shall be treated or disposed of at a Solid Waste Landfill.

C. Accessory uses and structures for permitted principal uses.

Such accessory uses and structures as are customarily incidental to the permitted principal use shall be allowed. These accessory uses may include, but are not limited to, the following: office buildings; guard and monitoring buildings; maintenance buildings; transfer stations; scales; and landfill gas management and energy recovery facilities designed to recover gas or energy from the solid waste decomposition process occurring at the Site.

V. Amend Article XI of the Zoning Ordinance by deleting Article XI.S in its entirety.

Section 2. AMENDMENTS TO ZONING MAP

The Zoning Map of the Town of Northumberland is hereby amended as follows:

- I. The zoning district designation of ____ acres of tax parcels 104.-1-84.2, 104.-1-85.1, and 104.-1-85.2 as such parcels existed on September ____ 2013 is hereby amended from Agricultural Protection District (APD) to Landfill District (LF).

Section 3. EFFECTIVE DATE

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**ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS**

LF Landfill

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	Setbacks			Maximum Lot Coverage
			Front	Side	Rear	
Permitted Principal Uses						
Solid Waste Landfills	NA	NA	100 (deposited solid waste only)	100 (deposited solid waste only)	100 (deposited solid waste only)	NA
Permitted Accessory Uses						
Office Buildings	NA	NA	50	50	50	NA
Guard & Monitoring Buildings	NA	NA	50	50	50	NA
Maintenance Buildings	NA	NA	50	50	50	NA

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Transfer Stations	NA	NA	50	50	50	NA
Scales	NA	NA	50	50	50	NA
Landfill Gas Management Facilities	NA	NA	50	50	50	NA
Energy Recovery Facilities	NA	NA	50	50	50	NA

Town Attorney Douglas Ward stated that the “Comprehensive Land Use Plan” will also need to be amended and address the proposed “Landfill District”. Attorney Douglas Ward provided Board Members with the Comprehensive Land Use Plan with the proposed changes.

Supervisor Willard Peck stated the “landfill district” covers the Tax Map #'s of the Scott Finch Landfill Partnership and Saratoga County which is Tax Map #'s – 104.-1-84.2, 104.-1-85.1 and 104.-1-85.2 only. Supervisor Peck stated that he made sure of the following wording was in place within the proposed changes of the Comprehensive Land Use Plan which reads, ”*Provide for the proper disposal of solid waste which would be confined to facilities located wholly within a landfill district but prohibit the disposal of hazardous, nuclear or similar wastes in the Town*”. Supervisor Peck stated that these proposed Local Laws and changes to the Comprehensive Plan need to go to County Planning for their review and approval. Attorney Douglas Ward stated that he will attend Monday Night’s Planning Board Meeting for their review and comments.

Councilwoman Patricia Bryant introduced Resolution # 58 of 2013

Resolution scheduling public hearings on proposed amendments to the Town of Northumberland Zoning Ordinance and Comprehensive Land Use Plan, and the repeal of Local Law No. 1 of 1989, Local Law No. 2 of 1989, and Local Law No. 1 of 1992, and the amendment of Local Law No. 2 of 1991, all of which relate to the existing Saratoga County and Finch Landfills (and the eventual consolidation of these landfills) in the Landfill District, and the Providing Notice of Same, and Referring a Full Statement of Same to the Town of Northumberland and Saratoga County Planning Boards.

WHEREAS, the Town Board of the Town of Northumberland is considering amendments to its Zoning Ordinance and Comprehensive Land Use Plan, Local Law No. 1 of 1989, Local Law No. 2 of 1989, and repeal of Local Law No. 1 of 1992, and the amendment of Local Law No. 2 of 1991 (the Soil Disturbance Law), all of which relate to the existing Saratoga County and Finch landfills (and the possible consolidation of these landfills) in the Landfill District; and amendment of the Comprehensive Land Use Plan which it enacted in 2003, and

WHEREAS, draft local laws (and supporting materials) amending the Zoning Ordinance, Local Law No. 1 of 1989, Local Law No. 2 of 1989, and repealing Local Law No. 1 of 1992, and amending Local Law No. 2 of 1991 have been reviewed by each member of the Town Board at the Town Board meeting held on August 8, 2013; and

WHEREAS, a draft resolution (and supporting materials) amending the Town of Northumberland Comprehensive Land Use Plan and proposed amendments to the

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Comprehensive Plan have been reviewed by each member of the Town Board at the Town Board meeting held on August 8, 2013; and

NOW THEREFORE LET IT BE:

RESOLVED, that in accordance with the provisions of New York State Town Law Sections 264 and 265 and Municipal Home Rule Law Section 20, a public hearing be held on the 29TH day of August, 2013, at 7:00 p.m., at 17 Catherine Street, Gansevoort, New York 12831, at which hearing parties in interest and citizens shall have an opportunity to be heard regarding a proposed Local Law amending the Town of Northumberland Zoning Ordinance to create a Landfill District and amending the zoning map to change the zoning district designation tax parcels 104.-1-84.21, 104.-1-85.1, and 104.-1-85.2 from Agricultural Protection District to Landfill District.

AND BE IT FURTHER RESOLVED, that in accordance with the provisions of New York State Municipal Home Rule Law Section 20, a public hearing be held on the 29th day of August, 2013, at 7:00 p.m., at 17 Catherine Street, Gansevoort, New York 12831, at which hearing parties in interest and citizens shall have an opportunity to be heard regarding a proposed Local Law amending Local Law No. 1 of 1989.

AND BE IT FURTHER RESOLVED, that in accordance with the provisions of New York State Municipal Home Rule Law Section 20, a public hearing be held on the 29th day of August, 2013, at 7:00 p.m., at 17 Catherine Street, Gansevoort, New York 12831, at which hearing parties in interest and citizens shall have an opportunity to be heard regarding a proposed Local Law amending Local Law No. 2 of 1989.

AND BE IT FURTHER RESOLVED, that in accordance with the provisions of New York State Municipal Home Rule Law Section 20, a public hearing be held on the 29th day of August, 2013, at 7:00 p.m., at 17 Catherine Street, Gansevoort, New York 12831, at which hearing parties in interest and citizens shall have an opportunity to be heard regarding a proposed Local Law repealing Local Law No. 1 of 1992.

AND BE IT FURTHER RESOLVED, that in accordance with the provisions of New York State Municipal Home Rule Law Section 20, a public hearing be held on the 29th day of August, 2013, at 7:00 p.m., at 17 Catherine Street, Gansevoort, New York 12831, at which hearing parties in interest and citizens shall have an opportunity to be heard regarding a proposed Local Law amending Local Law No. 2 of 1991 (the Soil Disturbance Law).

AND BE IT FURTHER RESOLVED, that in accordance with the provisions of New York State Town Law Section 272-a, a public hearing be held on the 29th day of August, 2013, at 7:00 p.m., at 17 Catherine Street, Gansevoort, New York 12831, at which hearing parties in interest and citizens shall have an opportunity to be heard regarding proposed amendments to the

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Town of Northumberland Comprehensive Land Use Plan relating to operation of solid waste landfills in the Landfill District.

AND BE IT FURTHER RESOLVED, that notice of the time and place of the aforementioned public hearings shall be published at least ten (10) days in advance of such time and place in the which is a paper of general circulation in the Town of Northumberland.

AND BE IT FURTHER RESOLVED, that a full statement of the proposed amendments to the Town of Northumberland Zoning Ordinance and Comprehensive Land Use Plan, and the Local Law No. 1 of 1989, Local Law No. 2 of 1989, and repeal of Local Law No. 1 of 1992, and the amendment of Local Law No. 2 of 1991 (the Soil Disturbance Law), be forwarded to the Saratoga County Planning Board pursuant to New York State General Municipal Law Section 239-m, and also forwarded to the Town of Northumberland Planning Board pursuant to New York State Town Law Section 272-a and Town of Northumberland Zoning Ordinance Article XV.

Councilman George Hodgson seconded the introduction of Resolution # 58 of 2013

Supervisor Willard Peck – “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution # 58 of 2013 Adopted

Supervisor Willard Peck stated that Sole Assessor Walter Smead was here tonight regarding his request to be reappointed to a six year term as Sole Assessor. Mr. Smead informed the Town Board that the Town’s Equalization Rate is 100% and the LOA is 100%. The Town Board Members thanked Mr. Smead for his years of outstanding service. Councilman George Hodgson introduced Resolution #59 of 2013

WHEREAS, Walter D Smead’s term as Sole Assessor expires on September 30, 2013, and

WHEREAS, Walter D Smead has asked to be reappointed as Sole Assessor, and

WHEREAS, pursuant to Real Property Tax Law § 310, the appointed assessor has a six year term of office, therefore be it

RESOLVED, the Northumberland Town Board reappoints Walter D Smead as Sole Assessor with a term that begins October 1, 2013 and ends September 30, 2019, and be it further

RESOLVED, the Town Clerk will file the reappointment of Walter D Smead with New York State Department of Taxation and Finance/Office of Real Property Tax Services.

Councilwoman Patricia Bryant seconded the introduction of Resolution #59 of 2013.

Supervisor Willard Peck – “Aye”
Councilman George Hodgson – “Aye”
Councilwoman Patricia Bryant – “Aye” Resolution # 59 of 2013 Adopted

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PUBLIC PARTICIPATION

Chris Benn, General Schuyler Emergency Squad, provided the following information

Calls for June:

Town of Saratoga – 22
Town of Northumberland – 4
Village of Victory – 4
Village of Schuylerville – 20

Mr. Benn stated that they had a crew at the Hudson Crossing Triathlon and a crew for “Sunday on the Farm” at McMahan Horse Farm.

Calls for July:

Town of Saratoga – 25
Town of Northumberland – 6
Village of Victory – 0
Village of Schuylerville – 18

Farm Medic Class to be held at Hanahan Family Farm (a date to be set for early fall).

APPROVAL OF MINUTES

1. Councilman George Hodgson made a motion to approve the minutes of the July 12, 2013 Regular Monthly Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

CORRESPONDENCE

1. Ed Cross, Dog Control Officer, submitted his monthly report for July, 2013. Mr. Cross answered 5 complaints; brought 1 dog to the Animal Shelter issued 2 Warnings and issued 1 Summons. Mr. Cross stated he dealt with a Dog Bite Case involving two dogs.
2. The Town Board received a letter from the Association of Towns regarding “New York Municipal Insurance Reciprocal”.

OLD BUSINESS

1. Hudson Crossing Park: Councilman George Hodgson stated that he would like to apply for a Federal TEP Grant to construct a pedestrian canal suspension bridge at Hudson Crossing Park. The suspension bridge would run from Eagle Point to Route 4. Councilman Hodgson stated he would be asking for \$200,000 which is an 80/20 Grant. The due date is August 16, 2013. Councilman Hodgson stated there is still some clarification needed regarding engineering requirements. To qualify for a TEP Grant the town’s engineer would need to attend pre-grant required training. Unfortunately, Northumberland did not receive notification of the training

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workshops from DOT and was not able to have a representative participate. Councilman Hodgson is seeking an opinion to see if they would allow a consultant engineer who attended pre-grant required training who subsequently contracts with a municipality to qualify that town for application submission. Councilman Hodgson stated that he discussed this proposed project with New York State Canal Corp and they are in support and feels it would meet all their state and federal regulation requirements.

Councilman George Hodgson introduced Resolution # 60 of 2013

WHEREAS, Councilman George Hodgson is requesting that the Town of Northumberland Town Board apply for a Federal TEP Grant to New York State Department of Transportation for Hudson Crossing Park to construct a Pedestrian Canal Suspension Bridge, and

WHEREAS, Councilman Hodgson is requesting the Grant be in the amount of \$200,000 which is a 80/20 Grant, therefore be it

RESOLVED, the Northumberland Town Board authorizes the Town of Northumberland to apply for a Federal TEP Grant from New York State Department of Transportation to construct a Pedestrian Canal Suspension Bridge at Hudson Crossing Park, and be it further

RESOLVED, the Federal TEP Grant request will not exceed \$200,000. and it will be an 80/20 match.

Councilwoman Patricia Bryant seconded the introduction of Resolution #60 of 2013.

Supervisor Willard Peck – “Aye”

Councilman George Hodgson – “Aye”

Councilwoman Patricia Bryant – “Aye” Resolution #60 of 2013 Adopted

2. Time Warner Cable Franchise Agreement: Supervisor Peck stated that he has been extremely busy with Saratoga County Landfill business and has not had an opportunity yet to reach out to Time Warner Cable. The present Agreement will continue until a new one is put in place. Supervisor Peck stated that he wants a substantial increase in coverage within the Town of Northumberland.

NEW BUSINESS

1. Supervisor Willard Peck stated that the Saratoga County Industrial Development Agency will be holding a Public Hearing on Monday, August 12, 2013 at 8:00 A.M. to consider the Application of Finch Paper LLC. Finch Paper, the new owners of the Saratoga County Landfill, submitted an application to the Saratoga County IDA for a variety of Sales and Mortgage Tax Exemptions for its first five years in business. No taxes have been paid on the landfill property because the county is exempt.

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APPOINTMENTS

1. Councilwoman Patricia Bryant made a motion to reappoint Florence Austin to the Board of Assessment Review effective 10/01/2013 and expiring 09/30/2018 and Brit Basinger to the Planning Board effective 10/01/2013 and expiring 09/30/2020. Councilman George Hodgson seconded the motion. All in favor, motion carried. (The Town Clerk incorrectly stated that Jayme Heber’s term on the Planning Board also expired 09/30/2013, it expires 09/30/2015).

DESIGNATIONS

1. Approval of Vouchers: Councilman George Hodgson introduced Resolution # 61 of 2013

BE IT RESOLVED, the following Vouchers to be paid as presented:

- A (General Fund) Vouchers # 303 - # 337 Total: \$ 30,601.96
- DA (Highway Fund) Vouchers # 188 - # 202 Total: \$ 18,784.42
- SS (Sewer Fund) Voucher # 8 Total: \$ 45.11

Councilwoman Patricia Bryant seconded the introduction of Resolution # 61 of 2013

- Supervisor Willard Peck – “Aye”
- Councilman George Hodgson – “Aye”
- Councilwoman Patricia Bryant – “Aye”

Resolution # 61 of 2013 Adopted

2. Councilman George Hodgson introduced Resolution # 62 of 2013

BE IT RESOLVED, pursuant to Section 125 of the Town Law, Supervisor Willard Peck rendered the following detailed statement of all money received and disbursed during the month of July 2013:

BE IT RESOLVED, the Town Board has reviewed and approved July 2013 Monthly Report by Supervisor as presented.

Councilwoman Patricia Bryant seconded the introduction of Resolution # 62 of 2013.

- Supervisor Willard Peck – “Aye”
- Councilman George Hodgson – “Aye”
- Councilwoman Patricia Bryant – “Aye”

Resolution # 62 of 2013 Adopted

COMMITTEES

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Building/Planning/Zoning: Building and Zoning Administrator Richard Colozza informed the Town Board Members that he is receiving calls regarding a number of homes that are located in the town's subdivisions that are being foreclosed on. Surrounding property owners are upset that lawns are not being mowed and the property is in total disrepair. Mr. Colozza was asked to contact some of the surrounding town's to see how they handle some of these issues.

Highway Department: Chuck Arlin, Foreman, and Tia Kilburn, Clerk submitted the following report:

- Paving has been completed as of August 2, 2013
- CHIPS reimbursement request has been filed (with the help of Highway Sup't Neil Petteys)
- Culvert has been replaced on Thomas Road
- Truck 88 in shop for body repairs and paint
- The Highway Department is in need of a shed for the new John Deere Mower.
- Overtime: Friday, August 2 – Full day to assist Peckham with paving Austin Road to meet the CHIPS deadline.
- Chuck Arlin will be on vacation August 12 – August 15th.
- Complaints: limbs and shrubs obstructing site distance at Second Street and Kobor Road. (Owner contacted permission granted for Highway Department trim). Shoulder washed out on Grange Hall Road (repaired); Driveway needs repair at 501 Colebrook Road (shoulder of road repaired) and shoulder in front of 46 San Martin Dr. needs gravel (completed)
- Stop Sign request at intersection of Plantation Court and Plantation Road.

Councilman George Hodgson made a motion @ 8:32 PM to go into Executive Session to discuss labor issues. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Councilman George Hodgson made a motion @ 9:40 PM to reconvene the Regular Monthly Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Supervisor Willard Peck stated no action was taken.

Councilwoman Patricia Bryant made a motion @ 9:44 PM to adjourn the Regular Monthly Meeting. Councilman George Hodgson seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk

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