

**Town of Northumberland  
Public Hearing  
August 29, 2013**

Supervisor Willard Peck called the Public Hearing to order @ 7:00 PM. Following the salute to the flag, roll call was taken. Those attending included Supervisor Willard Peck; Councilman Paul Bolesh and Councilwoman Patricia Bryant. Councilman Daniel Gale and Councilman George Hodgson were absent. Town Attorney Douglas Ward, Town Clerk Denise Murphy and Building and Zoning Administrator Richard Colozza were present. The following member's from the Planning Board were present: Chairman Wayne Durr; Jayme Heber; Melanie Eggleston and Susan Martindale. The purpose of the Public Hearing was to receive the public's comments on proposed amendments to the Town's Zoning Ordinance and Comprehensive Land Use Plan, Local Law #1 of 1989, and Local Law #2 of 1989, and repeal of Local Law No. 1 of 1992 and the amendment of Local Law No. 2 of 1991 (Soil Disturbance Law) all of which relate to the existing Saratoga County and Finch landfill (and the possible consolidation of these landfills) in the Landfill District; and amendments of the Comprehensive Land Use Plan which was enacted in 2003. Supervisor Willard Peck stated that since the Town was looking to amend the Town's Zoning Ordinance and Comprehensive Plan and the proposed project is in the Agricultural Protection District it needed to be referred to the Saratoga County Planning Board (SCPB Referral Review #13-129) The Saratoga County Planning Board met on August 15, 2013 and sent an "Approval" Decision. The following comments were noted on the Approval: "The Saratoga County Planning Board recognizes the need and desire of the Town of Northumberland to effect the change in zoning of the above noted parcels for the purpose of reviewing, permitting and operating of landfills in what is now designed as the Agricultural Protection Districts. The zone change affects and impacts three principal parcels involving approximately 267 acres: 104. – 1 – 84.21 (Harrier hawk habitat, 35 acres), 85.2 (Saratoga County landfill, 64 acres), and 85.1 (Finch Paper Landfill, 168 acres). Saratoga County Planning Board has received and reviewed the requisite Agricultural Data Statement Form for review of the action proposed for property in Saratoga County Consolidated Agricultural District #1 (noting five parcels in the Agricultural Protection District as farm operations or as parcels rented for an agricultural operation)."

Supervisor Willard Peck stated that Mary Clausen, 486 Kobor Road, submitted a letter, which she asked that it be read and submitted into the minutes. The letter was read:

"Thank you for this opportunity to express my views on the proposed actions of this assembly.

Finch Paper is an integral part of this region's economy, employing several hundred people, including many residents of this town. My husband and I are both former employees. Amendments to current town laws should be made to accommodate the mill. It is fair and appropriate that Finch Paper be allowed to use the land as intended when it was purchased from a willing seller over two decades ago. The mill has apparently operated the current site for over twenty years in accordance with all regulations and has had no incident which endangered the environment, as far as I know.

While I support amendments to Local Law No. 1 and No. 2 of 1989, I strenuously object to the repeal of Local Law No. 1 of 1992. Certain requirements pertaining to this law could be waived for Finch Paper.

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Any permit issued to Finch to operate a landfill (or expand the current operation) should be specifically limited to deposition of paper sludge. There is over two decades of evidence that a commercial garbage dump is not needed here. Any amendments to Local Law No. 1 and No. 2 of 1989 should strictly apply to the site in question. If that is not possible, then perhaps Finch could be granted a variance instead. I respectfully request that if you elected officials choose to amend the letter of these laws, you take care not to undermine their spirit which is intended to preserve the rural character and beauty of this area and to protect Northumberland from becoming a dumping ground”.

Supervisor Willard Peck asked the Planning Board Member’s if they had any comments to add tonight. Mr. Durr, Planning Board Chairman, stated that the Planning Board Members were present to see what comments the Public would voice tonight.

Supervisor Willard Peck gave a brief overview of the Saratoga County Landfill. The County started to consider selling the Saratoga County Landfill in 2012. The County solicited bids for the sale or lease of the Landfill. The County received 3 bids for the purchase of the landfill, one from Finch Paper, one from Capital Region Waste Management and a third from Cassella Consolidated Waste. Supervisor Peck stated that he reviewed all the proposals and urged the County to go with Finch Paper for a couple of reasons. Finch Paper already has an existing landfill in the Town and he feels they have been a good neighbor and the footprint of the County Landfill along with everything proposed in the Part 360 Permit has already been approved by New York State Department of Conservation. Finch is negotiating the contract with Saratoga County for the landfill. The Town of Northumberland needs to change their laws. The Town Board is proposing a Landfill District (SBL# 104. – 1 – 84.21, 104. – 1 – 85.2 and 104. – 1 – 85.1). Supervisor Peck stated there are two parts to the process, Part 1 involves creating a Landfill District and in order to do that Part 2 is necessary to amend or repeal laws and make them conform. Local Law #2 of 1991 pertains to Soil Disturbance and will be amended, repealing Local Law #1 of 1992 because it says in part you can’t put landfills in unless licensed by the Town Board; amend Local Law #1 of 1989 which prohibits landfills in Northumberland to read “except in Landfill Districts”, repealing Local Law #2 of 1989 which just reaffirms Local Law #1 of 1989. The purpose of repealing Local Law #1 of 1982 is there is no sense in letting someone push their way in if they are “licensed” and it also includes amending the Town’s Comprehensive Plan. Supervisor Peck stated that the County would like to have this finalized by the end of the year, therefore the Town would need to finish by the end of August that is why the Public Hearing was scheduled for tonight. There is an window of 120 days for an Article 78 once all the components are done. The 120 days end at the end of December. Susan Martindale asked, what is the expected life span of the Landfill? Supervisor Peck stated roughly 20 years.

Jayme Heber asked why not have Finch Paper go with a PUD for the Private Landfill vs establishing a “Landfill District”. Mr. Heber felt this would give more control and approval with the Town Board. Supervisor Peck stated that this was discussed, but felt that limiting the Landfill District to SBL# 104.-1-84.21; 104. -1 – 85.1 and 104. – 1 – 85.2 provided the best protection for the Town. Supervisor Peck stated that the Landfill District is building a “fence” around what is already permitted by New York State Department of Environmental Conservation. Mr. Heber also asked if the Town Board approves the

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creation of a Landfill District, could the Town of Northumberland be held liable for any contamination in the future. Supervisor Peck stated no, any Landfill would require a Permit from New York State Department of Environmental Conservation and they would be under their jurisdiction. Supervisor Peck stated New York State Department of Environmental Conservation would require a separate Bond for the closure which would be required at the beginning.

The Town Board and Planning Board will hold a joint workshop on Thursday, September 5<sup>th</sup> @ 7:30 PM to review the proposed amendments to the Zoning Ordinance and Comprehensive Plan and proposed Local Laws.

Supervisor Peck stated that the proposed Saratoga County Sewer Plant is separate from the proposed Landfill District.

Councilman Paul Bolesh made a motion @ 7:30 PM to adjourn the Public Hearing. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy  
Town Clerk