

# Get That Trash Outta Here

NOV 19, 2014

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CARROLL – A nearly 10-year legal battle between the Town of Carroll and those eager to build a 50-acre landfill in the town’s agricultural and residential zoning district appears to be over.

On Monday, the New York State Supreme Court Appellate Division, Fourth Judicial Department, unanimously sided with the Town of Carroll and ruled that the landfill operated by Jones-Carroll Inc. and its potential buyer, Sealand Waste, could not expand into a 50-acre non-putrescible landfill because of zoning and public safety regulations.

Jack Jones, Carroll town supervisor, said he was “delighted” with the court’s decision, saying it will go a long way in protecting the town’s environment and water rights.

“I think this is a huge win for the town, for the county and for the people of the town of Carroll,” he said. “We fought the hard fight a long time ... and as a town board, we stood firm.”

Indeed, Monday’s decision marks the latest in a series of rulings and appeals by both proponents and opponents of the landfill expansion.

The history of the Jones-Carroll Landfill stretches back to 1984, when Donald J. Jones and his wife, Carol L. Jones, purchased 50 acres of land in the town’s agriculture and zoning district located on Dodge Road.

In 1989, the town’s Zoning Board of Appeals granted Jones a variance to use the plot of land as a construction and demolition landfill.

Afterward, the Department of Environmental Conservation granted Jones a permit to use less than 2 acres of the property as a construction and demolition landfill.

The DEC would again grant a permit for further expansion of 1 acre in 1996.

Active opposition by the town's citizens began when the town was informed Sealand Waste, of Monroe County, intended to purchase the Jones-Carroll Landfill. Sealand Waste had applied for a DEC grant to expand the landfill to the entire 49.5-acre property.

In 2005, the Carroll Town Board – amidst growing public opposition to the landfill- unanimously passed an amendment to the town's zoning laws that eliminated landfills from being operated by special-use permit, and prohibited further expansion of current landfills.

Jones-Carroll's attorneys petitioned the state Supreme Court in Mayville, attempting to cancel the amendment on technical grounds.

In September of 2005, the state Supreme Court ruled that portions of the town's law were invalid in regard to the landfill operated by Jones-Carroll Inc.

Paul Webb, town attorney, made an appeal to the Appellate Division, Fourth Department, in early 2007.

The Appellate Division concluded that it previously erred and that the town had “rationally exercised their police power in declaring that landfills (in the agricultural and residential zoning district) ... should be eliminated.”

The Appellate Division also concluded that the Town of Carroll had fully complied with all aspects of the Environmental Conservation Law.

Jones-Carroll's attorneys attempted to renew motions against a 2007 town law that prohibited the construction of any solid waste

management facility in the town. The court sided with the Town of Carroll again.

Jones said the latest decision by the court, being unanimous, brings a likely end to the legal battles of the past few years.

“(Jones-Carroll Inc.) have very little to stand on at this point in time,” he said. “The town law is now standing.”

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