

Chris Healy
24 Howard Ct
Goshen, NY 10924

August 20, 2024

The Honorable Joseph Betro, et al.
Town Of Goshen, NY
41 Webster Avenue
Goshen, NY 10924

Dear Supervisor Betro,

Please accept the following as my comments on the issue of Local Law 10 of 2024.

A Community United

The current law concerning solid waste facilities is 80B-9. This law was last updated in 2004. Residents and town board members participated. At that time, we had 423 acres of land within the town that was being used for solid waste handling. The Orange County Landfill, The Al Turi Landfill and IWS Waste Management were all in operation. The very same 423 acres are in use today. 80B-9 was modified to say that no more than 300 acres within the town could be used for waste management. Why was the code written to say 300 acres instead of the 423 that were being used?

Foresight

In their wisdom, the architects of the 80B-9 update sought to 'claw back' the land currently being used. Limiting the total land use to 300 acres, they saw a natural attrition if one of the waste management facilities closed their operation. So, if IWS decided to close their business, it would open that many acres for a new company to start a waste management facility in Goshen. Limiting the acreage to 300 means that just because IWS leaves, another garbage handling company can't move in. The code, as written, protects the town.

And what if the Al Turi site is reclassified? What if the DEC says it's been sitting there long enough, it's just a hill now? That would move 121 acres back onto the market for a garbage dump. The people have already spoken on this matter. It says so right in our code. No new waste management facilities.

State Highways and County Roads

Hartley Road was almost impassable just a few years ago. The heavy trucks from IWS had the road so torn up that it was dangerous to do the speed limit. But, as an existing business, IWS has the right to use Hartley Road even if the road isn't built to take the weight. So why the change to the code? Why waste the ink on re writing a code that doesn't affect anyone?

Total Acreage

Again, the 2004 update specified no more than 300 acres could be used for waste management facilities. There were, and still are, 423 acres in use. Changing the code to 430 acres ADDS seven acres to the Town of Goshen for immediate use for a solid waste business. This is an 'end run' around our municipal code 97-58(A) which states...

§ 97-58 Solid waste management facilities and industrial uses.

A.

Limitations on solid waste management facilities. Solid waste management facilities, as defined in Environmental Conservation Law § 27-0701 and 6 NYCRR 360-1.2(b)(158), shall be prohibited in the Town of Goshen, except for composting facilities as defined in this chapter (see Subsection C below).

A Solution to a Problem That Doesn't Exist

They knew what they were doing back in 2004. They wrote the law to shrink, not grow the waste management footprint in the Town of Goshen. We've had enough problems with this type of business. It brings noxious odors, truck traffic and environmental pollution. The current code says no more than 300 acres for waste management. We have 423 acres in operation. All waste management businesses currently in operation enjoy pre existing, non conforming status. Just a fancy way to say that they are grandfathered in. So, if LL 10 is **passed**, nothing changes for these businesses. If LL 10 **does not pass**, nothing changes for these businesses. As far as these entities are concerned, nothing about their current day to day operations changes either way.

At the August 8, 2024 meeting, Supervisor Betro said that Local Law no. 10 of 2024 "didn't affect anyone but IWS". This is not true. This law does not affect IWS at all. That is, *unless*, IWS is planning an expansion. We know that IWS has petitioned to convert their C&D intake to municipal solid waste. We know that IWS owns 5 acres across the road on Hartley, currently used for container storage. Is there a plan for expansion? Changing 80B-9 opens the door for such a move. The 2004 update saw this coming. The framers of 80B-9 took bold steps to protect Goshen from exactly this!

Why, Why, Why?

Local Law 10 of 2024 rolls back protections built into our code. LL 10 has no obvious effect on the current solid waste management businesses currently in operation in the town. So it leaves one to question the motivation behind the change. What deals are being made? Why leave the voters in the dark about the true intention behind the new law? We've spent money on the lawyers to make changes to our town code that nobody needs. *Unless* somebody needs new laws because they have plans that have yet to be revealed. What's the big secret? This is wasteful at best, nefarious at worst.

Let's error on the side of caution. Any law that removes protections from the town, hurts the town. I urge all board members to vote no on Local Law 10 of 2024.

Respectfully Submitted,



Chris Healy
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cc: George Lyons, Deputy Supervisor
Richard Florio, Councilman
Douglas Bloomfield, Councilman
Philip Canterino, Councilman