

TOWN OF WEST SENECA

LOCAL LAW NO. 6 -2014

LOCAL LAW TO AMEND CHAPTER 120 OF THE TOWN CODE OF THE TOWN OF WEST SENECA RELATING TO ZONING TO ESTABLISH A MORATORIUM IN REGARD TO ESTABLISHING OR EXPANDING FACILITIES ENGAGED IN ANAEROBIC DIGESTION OF SOLID WASTE AND/OR SEWAGE OR OTHER SLUDGES, OR THE PROCESSING, STORAGE AND/OR DISPOSAL OF SUCH MATERIAL IN THE TOWN OF WEST SENECA.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WEST SENECA AS FOLLOWS:

SECTION 1: PURPOSE AND INTENT

The Town Board of the Town of West Seneca has received information from concerned residents, elected officials, regulators and others expressing concerns relating to potential adverse environmental, health and safety effects of the industrial generation, processing and large-scale storage of organic solid waste materials and sludges resulting from wastewater treatment plant processes through anaerobic digestion, and the disposal of such material through land application, and has determined that existing provisions contained in Chapter 120 of the Town Code of the Town of West Seneca may not create and meet appropriate standards and controls to allow for such uses in a manner necessary to protect the health, safety, and well-being of the citizens, property and environment in the Town of West Seneca. The Town Board desires to review and address, in a careful manner, provisions relating to the siting and regulation of facilities engaged in such processes and the disposal of sludge, sewage sludge, and septage on a comprehensive and town wide basis and to amend and/or adopt appropriate provisions to achieve these purposes.

The Town Board of the Town of West Seneca finds it prudent and necessary to enact a moratorium applicable to the establishment or expansion of facilities engaged in anaerobic digestion of solid waste and/or sewage or other sludges, as well as the processing, storage or disposal of such material in the Town. This moratorium is intended to ensure that no approvals for establishing or expanding such facilities or that such land use application be granted or permitted until this Board can complete its planning studies and has had an opportunity to consider and enact appropriate amendments to the Code.

SECTION 2: AUTHORITY

This Local Law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law of the State of New York.

SECTION 3: APPLICATION

This Law shall apply to any and all land use or industrial operation engaged in, or proposed to be engaged in engaged in anaerobic digestion of solid waste and/or sewage or other sludges, as well as the processing, storage or disposal of such material, within the Town of West Seneca.

SECTION 4: DURATION

This Law shall be in effect for six months from and after its adoption.

SECTION 5: SCOPE

During the effective period of this Local Law no Board, Officer or Agency of the Town shall accept, process, review, recommend or grant approval for the siting, operation or expansion of a facility engaged in anaerobic digestion of solid waste and/or sewage or other sludges, or the land application or other disposal of such material with the Town of West Seneca.

SECTION 6: EXISTING ACTIVITIES

Any or all projects already approved or for which permits have been issued with respect to the operation of an anaerobic digestion facility as described herein, or the processing, storage and/or recycling of solid waste or the disposal of sewage, sewage sludge and septage for which permits have been issued may be continued during the term of this moratorium but may not be expanded. Nothing in this Law shall relieve any owner or operator of such existing facility from performing routine maintenance or emergency repairs that may be necessary to prevent the release of such material into the environment.

SECTION 7: SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be in effect. This Local Law shall take effect immediately upon adoption by the Town Board of the Town of West Seneca and filing with the Secretary of State.

DULY ADOPTED, this _____ day of _____, 2014, by the following vote:

Supervisor Megan
Councilman Hart
Councilman Hanley

Voted: _____
Voted: _____
Voted: _____