

County of Albany

112 State Street
Albany, NY 12207



Meeting Agenda

Wednesday, May 27, 2020

5:30 PM

Held Remotely

Conservation, Sustainability and Green Initiatives **Committee**

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES
2. LOCAL LAW NO. "B" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY

CURRENT BUSINESS:

3. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "B" FOR 2020
4. PUBLIC HEARING ON PROPOSED MODIFICATIONS TO AGRICULTURAL DISTRICT NOS. 1,2, AND 3

County of Albany

112 State Street
Albany, NY 12207



Meeting Minutes

Tuesday, February 25, 2020

6:00 PM

Harold L. Joyce Albany County Office Building
Room 730

Conservation, Sustainability and Green Initiatives Committee

PREVIOUS BUSINESS:

Present: William Reinhardt, Beroro T. Efekoro, Mickey Cleary,
Matthew J. Miller, Merton D. Simpson, Victoria Plotsky,
Samuel I. Fein, Patrice Lockart and Peter B. Tunny

APPROVING PREVIOUS MEETING MINUTES

A motion was made that the previous meeting minutes be approved. The motion carried by a unanimous vote

CURRENT BUSINESS:

1. AUTHORIZING AN AGREEMENT WITH CORNELL COOPERATIVE EXTENSION OF SARATOGA COUNTY FOR THE REMOVAL OF INVASIVE SPECIES AT THE ANN LEE POND

A motion was made that this proposal be moved forward positive recommendation. The motion carried by a unanimous vote.

2. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "B" FOR 2020

A motion was made that this proposal be moved forward positive recommendation. The motion carried by a unanimous vote.

3. LOCAL LAW NO. "B" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY

This Local Law be tabled the request of the sponsor.

LOCAL LAW NO. "B" FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY

Introduced: 2/10/20

By Messrs. Reinhardt, Miller, Mses. Cunningham, Plotsky, Mr. Kuhn

Section 1: TITLE

This Local Law shall be known as the "Albany County Clean Air Law."

Section 2: STATUTORY AUTHORIZATION

This Local Law is hereby adopted pursuant to the provisions of the New York Municipal Home Rule Law § 10(1)(ii)(a)(11), the Clean Air Act (42 U.S.C. § 7416), the Resource Conservation and Recovery Act (42 U.S.C. § 6929), New York State Air Pollution Control Act (Environmental Conservation Law §§ 19-0703 and 19-0709), and New York State Environmental Conservation Law § 27-0711.

Section 3: INTENT

It is the intent of this Local Law to promote and protect the public health and welfare of the residents of Albany County by prohibiting the burning or related processing of Waste.

Section 4: DEFINITIONS

As used in this Local Law, the following terms shall have the following meanings:

- A. NEW WASTE DISPOSAL FACILITY** shall mean any non-residential facility that, after the effective date of this Local Law:
- 1) disposes of Waste, uses Waste to heat an industrial process, or uses Waste to produce energy (heat, electricity, or a burnable fuel), and
 - 2) accomplishes this through the combustion of Waste (or gases produced on-site from the burning, gasification or pyrolysis of such Waste), or by producing a solid, liquid and/or gaseous fuel product through conversion of Waste.
 - 3) A New Waste Disposal Facility does not include:
 - i. landfills,
 - ii. publicly owned treatment works,
 - iii. anaerobic digesters,
 - iv. facilities burning landfill gas or gas produced from anaerobic digestion, unless they are also burning Waste,
 - v. systems used exclusively for on-site space heating purposes at a residential home,

- vi. manufacturing facilities that, on a consistent basis as part of their operations, have, prior to the effective date of this law, burned Waste generated on-site from their own manufacturing process, and plan to continue burning the same types of Waste, or
- vii. facilities that burned an average of at least 10 tons of Waste per day throughout calendar year 2019.

B. **RESPONSIBLE OFFICIAL** shall mean the natural person who is on file with the New York State Department of Environmental Conservation (DEC) as the Responsible Official, as defined in 6 NYCRR 201-2(b)(28). If no such individual properly meeting that definition is currently on file with DEC, the Responsible Official shall be the owner of the New Waste Disposal Facility. If the owner is a business entity, then the Responsible Official(s) shall be the person or persons sharing the highest level of decision-making power within the business entity.

C. **PERSON** shall mean any natural person, general or limited partnership, corporation, limited liability company, limited liability partnership, firm, association or organization, trust or other legal entity, or any combination thereof, and the agent(s) or employee(s) thereof.

D. **BURNING AND/OR PROCESSING** shall mean any type of combustion process involving any waste, including for use as a fuel in recovering useable energy.

E. **COMBUSTION** shall mean the thermal treatment of waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the waste. Examples of the combustion process include incineration, pyrolysis, and fluidized bed.

F. **WASTE** shall mean:

- i. all putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal but not including sewage and other highly diluted water carried materials or substances and those in gaseous form; and
- ii. solid waste as defined by 6 NYCRR 360.2(1) and 42 USC 6903(27); and
- iii. biosolids; and
- iv. hazardous waste as defined by NY Environmental Conservation Law § 27-0901(3); and
- v. waste as defined by NY Environmental Conservation Law § 27-0901(11); and
- vi. low-level radioactive waste as defined by N.Y. Environmental Conservation

- vii. Law § 29-0101(1), and high-level radioactive waste; and
- viii. transuranic waste; and
- ix. regulated medical waste as defined by NY Environmental Conservation Law § 27-1501(1); and
- x. automobile shredder residue; and
- xi. discarded automobiles; and
- xii. waste tires as defined by NY Environmental Conservation Law § 27-1901(13); and
- xiii. plastics, or any material that has been source separated for recycling or composting purposes; and
- xiv. pharmaceutical wastes or expired pharmaceuticals; and
- xv. disaster debris; and
- xvi. electronic wastes; and
- xvii. processed engineered fuel; and
- xviii. refuse derived fuels; and
- xix. any material determined by the U.S. Environmental Protection Agency or New York state agency to be a non-hazardous secondary material
- xx. the solid residue of any air or water pollution control device; and
- xxi. Per- and polyfluoroalkyl substances (PFAS)

Section 5: PROHIBITION

No person shall be permitted to operate a New Waste Disposal Facility in Albany County.

Section 6: PENALTIES FOR OFFENSES

A. Failure to comply with any of the provisions of this Local Law shall be a violation as contemplated by Article 10 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of up to \$2,000 or imprisonment of the Responsible Official for not more than 10 days, or both, for the first offense. A second offense shall be a misdemeanor as contemplated by Article 10 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine up to \$5,000 or imprisonment of the Responsible Official for a period of not more than 30 days, or both. All subsequent offenses shall be a misdemeanor punishable of a fine up to \$10,000 or imprisonment of the Responsible Official for a period of not more than 50 days, or both. For purposes of this subsection, each day of noncompliance with this Local Law shall constitute a separate and distinct offense.

B. Injunctions; concurrent remedies.

- i. In addition to any other remedy provided herein, the County of Albany may institute a suit in equity where unlawful conduct exists for an

- injunction to restrain a violation of this article.
- ii. In addition, any officer enforcing this law may issue stop work orders or compliance notices relative to any violation of this Local Law.
 - iii. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the County of Albany from exercising any other remedy provided herein or otherwise provided at law or equity.
 - iv. The terms and provisions of this article are to be liberally construed, so as best to achieve and effectuate the goals and purposes hereof.
- C. In the event the County desires or is required to take legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs and expenses incurred by the County relative thereto, including attorneys', engineering, consulting, and experts' fees; provided, however, any responsibility or liability therefor, and the amount thereof, shall be determined by a court or other tribunal of competent jurisdiction, and this clause shall be interpreted, construed, and applied only to the maximum extent permitted by applicable law.

Section 7: ENFORCEMENT AND ADMINISTRATION

Enforcement of this Local Law shall be the responsibility of the law enforcement agencies within the County.

Section 8: SEVERABILITY

If any provisions of this Local Law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Local Law shall remain in effect.

Section 9: EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.

RESOLUTION NO. 192

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "B" FOR 2020

Introduced: 5/11/20

By Mr. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "B" for 2020, "A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY" be held by the County Legislature in the William J. Conboy II Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, June 23, 2020, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

DANIEL P. MCCOY
COUNTY EXECUTIVE



COUNTY OF ALBANY
ECONOMIC DEVELOPMENT, CONSERVATION AND PLANNING
112 STATE STREET ROOM 1310
ALBANY, NEW YORK 12207-2021
(518) 447-5670 - FAX (518) 447-5662

March 25, 2020

Hon. Andrew Joyce, Chairman
Albany County Legislature
112 State St., Rm. 710
Albany, NY 12207

Dear Chairman Joyce:

Please find enclosed a Request for Legislative Action to be considered at the April 2020 Conservation, Sustainability and Green Initiatives Committee meeting.

In accordance with NYS Agriculture and Markets Law, a public hearing on the proposed annual additions to Albany County Agricultural Districts must be held to receive comment on the recommended modifications.

If you have any questions, please feel free to contact me at 447-5670.

Sincerely,

Laura DeGaetano
Sr. Natural Resource Planner

cc: Dennis Feeney, Majority Leader
Frank Mauriello, Minority Leader
Kevin Cannizzaro, Majority Counsel
Arnis Zilgme, Minority Counsel



Legislation Text

File #: TMP-1622, Version: 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):

Request public hearing on annual Agricultural District Review

Date: 03/26/20
Submitted By: Laura DeGaetano
Department: Economic Development, Conservation and Planning
Title: Sr. Natural Resource Planner
Phone: 518-447-5670
Department Rep.
Attending Meeting: Laura DeGaetano

Purpose of Request:

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) Set Public Hearing

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- Contractual
- Equipment
- Fringe
- Personnel

- Personnel Non-Individual
- Revenue

Increase Account/Line No.: Click or tap here to enter text.
Source of Funds: Click or tap here to enter text.
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.
Scope of Services: Click or tap here to enter text.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes No
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes No
Anticipated in Current Budget: Yes No

County Budget Accounts:

Revenue Account and Line: Click or tap here to enter text.

Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.

Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.

State: Click or tap here to enter text.

County: Click or tap here to enter text.

Local: Click or tap here to enter text.

Term

Term: (Start and end date) Click or tap here to enter text.

Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation

Yes No

If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 209

Date of Adoption: 5/13/19

Justification: (state briefly why legislative action is requested)

The Albany County Legislature has established an annual thirty-day period beginning February 1, during which, landowners can request inclusion of lands in an Agricultural District. In accordance with NYS Agriculture and Markets Law, a public hearing on proposed annual additions to a District must be held to receive comment on the proposed additions. A memo dated April 22, 2020 from NYS Department of Agriculture and Markets provided guidance on the review process for annual inclusions. It stated that the department does not have the authority to waive the public hearing requirement but that it could be conducted remotely with the public directed to submit comments by phone, mail, or email. While the department will process annual additions submitted outside of the 120-day review period, it advised that a landowner could take legal action for failure to meet the statutory deadlines. Finally that each county should individually ensure that the notice requirements of AML 303b, open meetings law, and any applicable executive orders are met.



Albany County Agricultural and Farmland Protection Board

Recommendations of the Albany County Agricultural and Farmland Protection Board Annual Agricultural District Review 2020

Prepared by Laura DeGaetano – Albany County Department of Economic Development, Conservation and Planning March 2020

Pursuant to Article 25-AA section 303-b of NYS Agricultural and Markets Law, the Albany County Legislature established an annual review period beginning on February 1 during which property owners may apply to add land to any of the County’s three Agricultural Districts. On behalf of the County Legislature, the County Office of Natural Resource Conservation conducted a review of all landowner applications for inclusion in a District. The findings of this review, which relied on information provided by the landowner, analysis of aerial photos, and in some cases, a field assessment of the subject parcels, have been reviewed by the Agricultural and Farmland Protection Board. Based on this review, the following report and recommendations are submitted for consideration by the County Legislature.

A total of eleven (11) parcels were submitted for consideration to be included in Albany County Agricultural Districts during the 30-day annual review period beginning February 1, 2019. Of the parcels submitted, seven (7) were found to be consistent with the intent of agricultural districting and are recommended for inclusion in the appropriate Agricultural District. Parcels 93.-1-1-1.2, 93.-1-1.11, 93.-1-1.22 are included as a correction to include the entire parcels created through a subdivision during the 2018 Agricultural District #3 review. Parcels 97.11-1-6, 9.2-2-72.14, and 9.2-2-72.13 were found not to have predominantly viable agricultural land or production as defined in Agricultural District Law 25AA at this time and so were not recommended for inclusion in the District. A summary of parcel information and Board recommendations are included in the table below.

TOWN	PARCEL	# OF ACRES	AG DISTRICT	Recommendation Of AFPB	Principal Enterprise
Bethlehem	97.11-1-6	.72	3	DO NOT ADD	Livestock
Bethlehem	94.-1-47.14	11.3	3	ADD	Equine
Colonie	9.2-2-72.14 9.2-2-72.13	4.55 7.87	3	DO NOT ADD	Orchard
Guilderland	14.00-1-1	10.5	3	DO NOT ADD	Horticultural
New Scotland	93.-1-1.12 93.-1-1.11 93.-1-1.22	13.43 11.6 15.01	3	ADD	
Berne	113.-1-4.310	42.5	1	ADD	Hay
Guilderland	36.00-1-12.1	26.7	3	ADD	Poultry
Westerlo	116.-3-37	67	2	ADD	Agriforestry
Total Acres Added		187.54			

Tom DellaRocco – Chairman / Maggie Alix / Laura DeGaetano / Harold E. Hahn / Tom Gallagher / Gary Kleppel / John O’Pezio / John Santacrose / Chris Smith / Mark Stanton / Michael Zakens

RESOLUTION NO. 209

**PUBLIC HEARING ON PROPOSED MODIFICATIONS TO
AGRICULTURAL DISTRICT NOS. 1, 2 AND 3**

Introduced: 5/13/19

By Mr. A. Joyce:

WHEREAS, Section 303-b of the Agriculture and Markets Law mandates an annual thirty-day review period, when landowners can request inclusion of land in an agricultural district prior to the County established review period, and

WHEREAS, Such review has been conducted and modifications are proposed regarding the inclusion of actively viable farm land into the agricultural districts located in the Towns of Bethlehem, Guilderland, Knox, New Scotland, and Rensselaerville, and

WHEREAS, In connection with such review, a proposal for the modification of Albany County Agricultural Districts has been submitted, and

WHEREAS, In conducting such review, Section 303-b of the Agriculture and Markets Law requires this Honorable Body to hold a public hearing on the additions to Agricultural Districts upon notice as prescribed therein, now, therefore be it

RESOLVED, By the Albany County Legislature, that a public hearing be held in the William J. Conboy II Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, May 28, 2019, for the purpose of receiving the comments of any interested persons regarding the proposed modifications to Agricultural District Nos. 1, 2 and 3 within Albany County, and, be it further

RESOLVED, That notice of said public hearing be given in accordance with the requirements of the Agriculture and Markets Law, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.