

LOCAL

Waste hauler seeks expansion, but Newfield plans block

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Story Highlights

Newfield waste hauler said he can move ahead with waste transfer station, despite a town ban.

Newfield lawyer: If Mente applies for a waste transfer station building permit, it will be denied.

Tompkins County Supreme Court Justice Robert Mulvey ruled in favor of the town on March 2.

ITHACA – Though a Tompkins County judge dismissed a lawsuit which challenged Newfield's waste facility laws, parties in the lawsuit disagree over the ruling's implications.

Alternative Waste Services owner Bob Mente has been at the center of a more than 2 1/2-year battle over his proposed waste transfer station on Bishop Road.

Mente and his lawyer, Dirk Galbraith, said that AWS received a solid waste management facility permit in January – before Newfield banned waste transfer stations. They said that local laws will allow Mente's proposed waste transfer to be grandfathered in.

"His operations prior to the commencement of this lawsuit actually constituted a waste transfer station under the definition that's set fourth in the environmental conservation law," Galbraith said. "His operations should be grandfathered in."

Town of Newfield Lawyer Edward Hooks said the county court ruling upholds town laws which block new waste management facilities. If Mente, or anyone else, applies for a waste transfer station building permit, it won't be issued, Hooks added.

"We do not think he's exempt, either under the way that the exemptions of the law read nor based on any activity of Mr. Mente prior to the passage of the law," Hooks said.

Galbraith said that he and Mente have not discussed any new legal actions actions against the town.

In July 2013, Newfield Town Board passed a one-year moratorium on waste transfer stations. In July 2014, lawmakers voted unanimously to extend that moratorium for nine months.

In February, the town board unanimously passed a solid waste management facilities ban. The law blocks the establishment of "private dumps, dumping grounds, refuse disposal areas, waste transfer stations, landfill sites or similar land uses."

Waste transfer stations are facilities where solid waste is unloaded from collection vehicles, briefly held, and then shipped to landfills or other treatment and disposal facilities.

Tompkins County Supreme Court Justice Robert Mulvey ruled in favor of the town on March 2. Mulvey dismissed Mente's lawsuit, which alleged that the moratoria specifically targeted his business.

"The provisions of the law do not refer to any specific piece of property, and the law applies to everyone who proposes to construct or operate a waste management facility in the town," Mulvey said in his ruling.

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