



**Steuben County Planning Department
Planning & Zoning Action Referral
Part 2: Reply to Municipality**

Municipality: Thurston ☐ City ☒ Town ☐ Village
Referring Agency: ☒ Legislative/Town Board ☐ Planning Board ☐ Zoning Board of Appeals
Referral Date: August 18, 2023 **Referral Received:** August 18, 2023
Property Owner/Agent: _____ **Parcel Number:** n/a
Property Location: Town of Thurston ☒ Entire Municipality

To:
Name: Gary A. Abraham, Esq. **Title:** Special Counsel to the Town of Thurston
Address: Law Office, 4939 Conlan Rd
City: Great Valley **State:** NY **Zip:** 14741
Phone: 716-790-6141 **Email:** gabraham44@eznet.net

Regarding proposed planning/zoning action identified as:

The Town of Thurston proposes Local Law No. 3 of 2023 to promote the health, safety, and general welfare of the residents of the Town of Thurston by banning sewage sludge disposal in the Town. The Findings listed in the draft law, attached, detail further the basis for the action.

Please be advised that the Steuben County Planning Department has reviewed the proposal noted above and makes the following recommendation.

- ☐ Finds the referred matter not subject to review under Sections 239-l and 239-m
☐ Incomplete Referral – Municipality must resubmit to County
☐ No significant countywide or inter-community impact. Matter is of local concern.
☒ Disapproval
☐ Approval
☐ Approval with Modifications
Modifications:

Comments:

Local Law 3 of 2023 as written is unqualified to forward to the Secretary of State for filing. The document along with accompanying SEQR documents should be reviewed for veracity and to insure proper procedure and notice has been sent to all involved parties.

Of note:

- As written, the law is overly restrictive of New York State Ag & Markets approved Agricultural Practices on Agricultural District Parcels and therefore may violate the State Right to Farm Law.*
- Per the Cyclopure, Inc. website: (<https://cyclopure.com/product/water-test-kit-pro/>)*
 - “Note: Our lab is not certified; results are for your information and will not be accepted by government agencies.”*
 - Therefore, the information contained in Section III, Q. is not relevant*
- Section VIII. The Town does not have authority to invalidate a permit that is used by a State or Federal agency, commission or board.*
- Part 1 of the EAF nor other applicable documentation does not appear to identify New York State Ag & Markets or New York State Department of Environmental Conservation as involved parties allowing them to make comment to Lead Agency.*

Section 239-m of the General Municipal Law requires that within thirty days after final action, the municipality shall file a report of the final action taken with the Steuben County Planning Department.



Signature of Planning Director

September 15, 2023

Date