

Solid Waste Management Facility/Limited Ban: New York Appellate Court Addresses Judicial Challenge to Town's Local Law



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03/27/2024

The New York Supreme Court, Appellate Division (“Court”) addressed in a March 22nd Memorandum and Order (“Order”) a judicial challenge to a Local Law enacted by the town of Carroll (“Town”). See Carol L. Jones, et al. v. Town of Carroll, et al., 2024 WL 1227620.

The Local Law addressed solid waste management facilities.

Sealand Waste LLC (“Sealand”) proposed to buy a construction and demolition landfill operated pursuant to permits obtained from the New York State Department of Environmental Conservation (“DEC”). The landfill was being sold by Carol L. Jones and her husband, Donald J. Jones (decedent). They owned property on a portion of which their company, Jones-Carol, Inc., operated the landfill.

The Agreement provided that Sealand would test the suitability of the property for expansion of the landfill onto the entire parcel. It would then enter into contract negotiations to purchase the property.

Sealand applied for a DEC permit for the proposed expansion. However, the permit was denied because of Local Law No. 1 of 2007 (“2007 Law”).

The Court describes the Local Law as having been enacted by the Town and its Board. It is described as banning the operation of any solid waste management facility in the Town. However, it exempted a facility that was already in operation pursuant to a permit issued by DEC under the current terms and conditions of the existing operating permit.

The landfill sellers (Jones, et al.) commenced the judicial action arguing that the 2007 Law was invalid because:

- Violated substantive due process.
- Is arbitrary and capricious.

The lower court determined that the Plaintiffs failed to prove their causes of action.

The Court on appeal states that the decision of the fact-finding court should not be disturbed on appeal unless it is obviously that the court’s conclusions could not be reached under any fair interpretation of the evidence.

The Court concluded that:

- Upon conducting that review, we conclude that there was a fair interpretation of the evidence supporting the Court's well-reasoned determinations.

A copy of the Order can be downloaded [here](#).