

Board of Trustee Public Hearing
July 13, 2010

The Board of Trustees for the Village of Cold Spring held a continued public hearing on allowing composting toilets on Tuesday, July 13, 2010 immediately after the close of the public hearing on parking waivers. This hearing sought comment on a proposed local law that seeks to amend Village Code, Chapter 97 Sewers By Amending Section 97-3, “Definitions and Word Usage” By Repealing Section 97-5, “Connection With Public Sewer Required”, and Enacting in its Place and Stead a New Section 97-5 Permitting Composting Toilets.

Mayor Gallagher reopened the hearing that was originally held on May 11, 2010, continued to June 8th and then continued to this date.

Mayor Gallagher read correspondence from Ron Gainer, P.E. that presented his ideas on maintenance of composting toilets. He then read correspondence from Joseph Barbaro, Chairman of the Village Planning Board and from Donald MacDonald, Kathleen Foley, and Ming Wang.

The meeting was then opened for public comment.

Attorney Gaba addressed the comments from the engineer. The composting toilet law makes an allowed use but must meet criteria:

1. Parks, recreation facility and athletic fields
2. Full environmental assessment form and full SEQR review
3. Shall comply with the requirements of the National Sanitation Foundation.
4. Must be sufficient for the maximum number of people on the site
5. The key provision is that it shall not cause a detrimental effect on residents including groundwater or soil contamination.

This law contemplates leaving detailed review up to the Planning Board. As far as fees, the law intends to have inspection upon installation and periodically thereafter and it is only fair to pay for those inspections.

Mayor Gallagher noted that the Planning Board recommended a fee if the upkeep is not done. Mr. Gaba had mentioned that this could be handled in one of two ways: to rewrite this law or if the board so desired, or could do a second law, a bonding requirement if fails to function. Another way this could be handled is with a fine set by a separate local law.

Ming Wang, a Philipstown resident, was encouraged that the Village of Cold Spring was considering this law. She is interested from the point of view of rezoning in Philipstown and in Cold Spring Village. We are zoning for larger building lots and when you ask the question it comes down to needing more septic fields for the expansion rate of septic drainage field. We stop to think why we need such a large drainage field; the bulk of the discharge water comes from the toilet. One person uses 9,000 gallons of precious drinking water to remove less than 200 gallons of waste. Composting toilets will save drinking water and reduce wastewater. We will not need such a large septic field and then don't need to have such large lots. She spoke of gray water swamps with plantings to filter the water. The interest is very exciting. We will save ground water and don't need to cut down as many trees to provide for the septic field. She referred to a comprehensive book on this topic and the Black Rock Consortium as additional sources of information.

Mayor Gallagher pointed out the Cold Spring application is limited. If used at the West Point Foundry site it will be well maintained and others could see how the system worked.

George Rodinhouse, an attorney working with Scenic Hudson, wanted to respond to comments made and follow up on the last hearing. Scenic Hudson supports the bill as it is now drafted and hopes this facility will become a model. They are satisfied with having the Planning Board have the ability to approve and with the installation and inspection fee. Their understanding is that there will be a one-time fee paid upfront.

Attorney Gaba pointed out there is no set fee in the law and it is not contemplated, one way or the other. It depends on the facility and ongoing inspections will require ongoing fees.

Mr. Rodinhouse responded that their feeling is that even though the facility is not using services of the town, it is in fact saving the town the load it would generate.

Mayor Gallagher pointed out that one word in the proposed local law was changed from “prior to” to “upon” which allows for ongoing inspection fees.

Mr. Rodinhouse didn't have an issue with the fee for the inspection at installation but if that is ongoing that is what we have an issue. The system is built by Clivusmultrum and is used around the country. This is an archaeological site and the system is self-sustaining and the company will do all the service. Under their contract, they will go over all the elements to make it work properly. They also give a report and this report can be given to the village. This system is designed by that company and they have technical people that run it. He believes that flexibility is important. In situations where there is closeness to residents, may want to handle differently. He doesn't expect this to be of any risk to anyone. He proposes self-monitoring and thinks this fits in within local law as it has been drafted. His understanding of what was proposed was inspection and monitoring will be set by the Planning Board. With regards to bonding for performance guarantees that is being discussed as another alternative, this strikes as unnecessary because it is usually required to make sure that something is installed properly and that will be handled by the initial inspection at the time of installation. If have ongoing monitoring requirement where reports come into the board periodically you have an early warning system, you tell the owner that it has to be done right and then the system is corrected.

Mayor Gallagher stated that the board has discussed this (bonding requirement) at the last board meeting and that the majority felt that there were not going in that direction.

Mr. Rodinhouse concluded that in terms of ongoing inspection, planning board discretion is appropriate because each site is going to be unique and thinks this is a better way to proceed rather than writing all the details about inspections into this local law.

S. Gaba doubted that the Planning Board would accept just reports without some type of inspection by the Water Department.

Rita Shaheen, Director of Parks Scenic Hudson, submitted correspondence and a maintenance manual for the Clivusmultrum toilets. She spoke of the use of composting toilets at other recreational facilities including the Botanical Gardens and Bronx Zoo.

Ming Wang recommended speaking to the Black Rock Consortium regarding inspections and to obtain their recommendations.

James Hartford, resident and Architect, researched composting toilets and visited other facilities. He spoke highly of the Clivusmultrum unit at the Cornwall location which is in close proximity to their water supply. Additional locations successfully using this unit include Little Stony Point, Queens Botanical Gardens and the World Trade Center. He sees as zero maintenance and believes this is a very good system.

Catharine Square asked about hand washing facilities and stated that she was not a fan of self monitoring and favors performing 3 to 6 month inspections.

Trustee Serradas spoke of a recent visit to the Stony Point facility and presented photographs of the existing unfavorable conditions. He is a strong proponent of composting toilets but his concern is the maintenance and recommended considering the sanitary issues for at least for a year with the village doing the monitoring, as well as Scenic Hudson.

He spoke of the vandalism, lack of sanitation and wants a one-year grace period.

James Hartford asked if a monitoring system would be used for a conventional system as vandalism is a concern regardless.

Rita Shaheen spoke of Scenic Hudson's track record. She added that Scenic Hudson will have someone open the gate each day and check the toilet for supplies.

Trustee Serradas wanted assurances that the units will meet the environmental performance standards.

With no further comment, Trustee Serradas made a motion to close the hearing on composting toilet use and second by Trustee Campbell.

On roll call vote:

Trustee Campbell voted yes

Trustee Falloon voted yes

Trustee Hustis voted yes

Trustee Serradas voted yes

Mayor Gallagher voted yes.

Respectfully submitted,

Mary Saari, Village Clerk