

cc: Village Bd - info only ✓



LINDA D. PUGLISI
TOWN SUPERVISOR

TOWN OF CORTLANDT

OFFICE OF THE SUPERVISOR
TOWN HALL
1 HEADY STREET
CORTLANDT MANOR, N.Y. 10567-1251
(914) 734-1002
(914) 734-1003 fax
www.townofcortlandt.com

TOWN BOARD
JOSEPH D. CERRETO
FRANCIS X. FARRELL
ANN LINDAU
JOHN E. SLOAN

August 24, 2005

The Honorable Roger Nober
Chairman, Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423-001

Re: Northeast Interchange Railway (NIR)

Dear Chairman Nober and Members of the Board:

Metro Enviro is conducting a construction and demolition waste operation under a special permit from the Village of Croton-on-Hudson. Metro Enviro's facility includes a 1,600 foot length of track. Metro Enviro's special use permit expired in 2001, and, in early 2003, because of persistent and substantial violations of the conditions of the permit, the Village decided not to renew the special use permit. After 2 years of litigation on July 1, 2005 the NY Court of Appeals upheld the Village's denial of the special permit and ordered Metro Enviro to shut down. Through another stay, the facility has been allowed to remain open.

Now, it seems that another waste hauler – this time disguised as NIR railway is availing itself of the Termination Act's exemption for railways to conduct the same solid waste business, but, this time, without any state or local land use or environmental regulation.

The Cortlandt Town Board strongly requests that you deny the application of NIR to become a 1,600 foot railway, so that NIR and its parent company, Regus Industries, can use this site for their own purposes with no local oversight.

The residents of the Town of Cortlandt, which includes the Village of Croton-on-Hudson, are concerned that if STB ratifies the NIR application, local and state environmental regulations may be compromised, thus endangering the health and safety of local residents. Moreover, granting NIR's application would set a dangerous precedent that undoubtedly will jeopardize the safety and well-being of Americans throughout the United States.

I urge the STB not to permit NIR to attempt an end run around the law, and reject NIR's notice of exemption. If NIR is deemed exempt, every waste hauler with a few feet of

track and every hauler located near a railroad track, indeed, every waste hauler who can make a deal with a company located on a railroad track, will seek a similar exemption and thereby thwart local environmental, and land use regulations.

Sincerely,

Linda D. Puglisi

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Supervisor, town of Cortlandt