

SOUTHAMPTON

Zoners deny variance for Allied Recycling

By Patricia Kiernan
for The Central Record

The Southampton Zoning board decided the positives do not outweigh the negatives for approving Allied Recycling's request for a DI variance. By a vote of six to one, the application was denied at the November meeting.

Mike Ridgeway, attorney for Allied, first gave a summation. He empathized with the board's upcoming decision saying, "There are times when you have to make decisions that are for the good of the town, but you will not necessarily have everybody in the audience happy." Ridgeway encouraged the board to vote in favor of the variance saying, "Whether it's an auto salvage yard or a full service junkyard, you have a chance to make it a better junkyard." He explained that Allied intends to compromise by offering a number of measures such as designating a 50-foot area close to residences as storage only, adding motion sensors and timers on lighting, modifying the signage, limiting truck traffic and committing to not taking any e-scrap.

A number of board members then followed with their perspectives. Zoning board member William Robbins said: "There was an auto junkyard there but it is gone now" and he predicted: "It's not just them (their business), we are memorializing a business from here on out." He also expressed concern with the roads being able to handle the number and weight of trucks, and stated he believes the board is not in the position to decide how Allied should limit the size and weight of the trucks if they are going to properly operate their business.

Board member Evelyn

Doherty questioned the safety of how materials are transported, referencing pictures of debris falling off truck and the level of truck traffic in the future. She stated, "After all this testimony, there are so many variables unknown after all this time".

Tom Heller considered other recycling options residents have besides Allied, then concluded, "I'm trying to decide if it supports the health, safety and general welfare of the community to expand the use."

Zoner Timothy Murphy spoke from another point of view, stating, "We have an opportunity to make the best of a bad situation. By voting for it, we have a chance to control what goes on there." When Allied's application was denied by the board in 2013, they took the matter to court where a Superior Court judge asked the board to determine the baseline rights of use prior to 1982, and whether the current use is substantially similar to the baseline. The burden of proof was on Allied to show their operations were continuous since prior to 1982. The board considered witnesses and professional testimony, then decided baseline operations were that of an auto salvage junkyard in the past, and currently, Allied was operating substantially different than that baseline.

Board solicitor Thomas Coleman recalled what had transpired saying, "Remember our zoning officer found a scale, we asked what was going on, went to court, we established what the baseline rights are." He also summarized the task at hand stating, "There's no compromise here, they want to expand their baseline rights." He explained to the board they need to ask

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the question: if they allow the uses for which Allied is asking, will the negatives outweigh the positives for the allowing the expansion of the baseline use which was previously decided.

Coleman said that if the board votes "no," the judge will again consider the previous actions filed by Allied along with the denial decision of this meeting, then the matter could again come back to the board, or in rare cases, the judge could make a determination. If the board votes "yes," and Allied offers the required site plan and it's not what the board expects, the board can deny it, then they will probably be back in court where the judge will decide if the board acted reasonably.

Township engineer Tom Scangarello added, "The only way you can dimin-

ish the negative criteria is to eliminate them as much as possible and turn them into positive things that are good for the neighborhood and the township as a whole." He agreed that Robins raised critical issues about operations stressing the roadways, and indicated there are other cases requiring the applicant to supply their share of responsibility for the roads. This might be a consideration if Allied gets to the step where they submit a site plan.

After all comments were heard, Coleman advised the board to propose the motion then vote on it. Murphy motioned for the board to grant an approval of a D1 use variance, expanding the baseline rights and to permit a full service recycling junk yard subject to applicant to return to the board approval of a site plan, and to permit installation of a weight scale, rehabilitation of existing buildings and placement of the sign, which will be listed on the

site plan Allied will submit.

With the exception of Murphy, the six other board members voted against the measure. Ridgeway and Tom Gabrysiak, owner of Allied, exited the room. The audience broke into applause.

In a subsequent interview, Gabrysiak explained what he planned to do next: "We have to keep going, we have no choice. We are doing what has been done since the 1940s." He shared his opinion on the outcome of the meeting saying, "The local residents and municipality are trying to shut down my business. It's hard to be a success, create jobs and pay taxes when local government doesn't want you to exist." He said he believes local government is over-reaching in its approach.

The next Southampton Township zoning board meeting is scheduled for Thursday, Dec. 11 at 7:30 p.m. at the Robert L. Thompson municipal building on Retreat Road.