

The Southampton Dispatch

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Preserving Our Community's Rural Heritage

October, 2013

Meeting Cancelled: Tuesday, October 29, 2013, 6:30 p.m. Township Building Special Zoning Board Meeting

Allied has taken the Zoning Board to court in front of Judge Bookbinder. The Judge will be hearing Allied's appeal of the decision to require a D-1 variance. The Zoning Board cannot act until this court appeal ruling occurs.

Watch Out! We Must Keep Informed

On September 19, 2013, the community had a major victory at the Zoning Board meeting by denying Allied's request for a D-2 Variance. What does this mean?

There are different levels of variances. A D-2 Variance is required when there has not been a great change in the way a particular property has been used and how it will be used in the future. Allied has argued that the use of the lot as a recycling facility is similar to the use of the lot as an auto salvage yard. Allied's stance is that the company is looking to make "an expansion of a non-comforming use." The board voted that Allied's changes to the site go beyond the scope of a D-2 variance.

Instead, if the Board's vote is upheld, Allied will need to file for a D-1 variance, which is "a use or principal structure in a district restricted against such use or principal structure." With a D-1 variance, Allied must prove it is more beneficial to the community than detrimental. The list of items to prove this is exhaustive and will more than likely be

addressed over a couple of meetings. There may even be meetings where the public is not asked to speak. The public's right to speak comes AFTER Allied and the Zoning Board solicitor, planner, and engineer make their presentations.

There will be battles that the community wins, and there will be battles that the community loses. However, if we don't show up for the battle, we are certain to lose. We have to be present in order to fight.

What We Know about the Court Case

Judge Bookbinder has accepted the case to review the Southampton Township Zoning Board decision to require a D-1 variance instead of a D-2 variance. This is a major concern for the neighborhood.

We need to realize that this is the next logical step in the litigation process. However, this is a battle that we need to win. We may not have any input into the testimony in front of Judge Bookbinder. We do know that the tentative schedule of events is:

- Allied Recycling has until November 15, 2013, to submit a brief on why the township Zoning Board was arbitrary in its denial of

allowing Allied to pursue a D-2 Variance and require that a D-1 Variance be filed.

- The Township has until December 6, 2013, to submit a response to Allied's brief.

What does this mean? We are in another stall for the time being. It is unlikely that any further action will be taken by the Zoning Board until the New Year. Once the brief by Allied is filed and the response from the township is filed, Judge Bookbinder will need time to review both before he makes a decision.

We do not have the actual docket number, but will send out e-mails as we learn more.

How Much???

Research into property tax rates has revealed that, at the current time, lot 36.02 that is being operated by Allied Recycling is paying a mere \$2,325.57 per year in property taxes on 12.666 acres of land. We are in a quandary as to why these taxes are so low.

**ZONING BOARD MEETING
ON OCT 29, 2013 HAS BEEN
CANCELLED. PLEASE
TAKE THIS MEETING OFF
YOUR CALENDAR.**

THE TIPPING POINT

In the event that the Zoning Board is forced to approve the existing salvage yard, we need to find the "tipping point" where it becomes a losing proposition for

a recycling facility to attempt to remain in Southampton.

We need to assure all of our concerns are covered in an exhaustive and comprehensive list to items that is reasonable but may be costly to initiate. As with

any business, it's all about the money.

Proposed Township Ordinance to Keep an Eye On

We have been attempting to receive copies of a proposed ordinance and a proposed resolution that may impact our future rights.

Ordinance No. 2013-22 had its first reading at the October 15, 2013 Township Committee Meeting. In the minutes of the meeting, this ordinance is described as "Repealing Chapter 12-9.7 of the General Code of Concerning Appeal of Zoning Board Decisions to the Township Committee." The proposed ordinance states, "that Chapter 12-9.7 of the General Code of the Township of Southampton is hereby repealed in its entirety so that all appeals from decisions of the Southampton Zoning Board of Adjustment can be taken directly to Superior Court for judicial determination."

We are unsure why this action is being considered. We don't know if this will have any impact on our situation or if this change in ordinance is coincidental.

What research has been done on this subject suggests that this move by the Township Committee is unusual.



Being Fair to All Community Members

Before Allied took the ruling of the Zoning Board to court for appeal, those of us who live within 200 feet of Allied Recycling received a request for a meeting. We felt that everyone should be included. The letter sent to Allied's lawyer is stated:

"Dear Mr. Ridgway:

Thank you for your letter of October 2, 2013, in which you offer to meet with neighbors on Wednesday, October 9, 2013, at 12:00 noon. Unfortunately, even though many neighbors are interested in meeting with you and the owner and applicant, the date and time offered is difficult, if not impossible, for many of the neighbors.

In response, we suggest the following alternative:

- Reschedule the meeting to a time after 6:00 p.m. to accommodate the working hours of most of the residents in the area
- Provide residents with at least one week's notice (from time of receipt of the offer to meet) in order to provide residents with time to adjust personal and work schedules.
- In a show of good faith, expand those invited to the meeting to include all residents on New Road from

300 New Road to the intersection of New Road and Route 206; all residents on Falcon Drive; all residents on Floyd Lane, all residents on Robbins Way; and all residents on Ridgeway Lane.

We are sorry for the lateness of this response to your offer; however, the residents within 200 feet of 440 New Road did not receive this notification until after 4:00 p.m. on Friday, October 4, 2013.

Again, thank you for following the suggestions of the Zoning Board. We hope that our suggestions above will make it possible for many of us to attend a question and answer discussion with you and the owner and applicant of Allied Recycling, Inc. and Last Chance Auto Salvage, Inc."

As far as we know, our letter, which was signed by several members of the community, has not received a reply to date.

In an effort to assure that requests made by Allied were met, there was a representative of the community present at the time of the requested meeting. Nobody from Allied attended their proposed meeting even after the secretary of the Zoning Board called to inform Allied's lawyer that members of the community were present for the meeting.