

## Once again, our town ZBA...

### Censorship and Approvals at Recent ZBA Junkyard Hearings

Once again our town Zoning Board of Appeals (commonly referred to as the Zoning Board of Approvals) has gone against the will of the people. They did what they wanted to do rather than what residents demanded. The ZBA ruled that Brookfield (car crushing business) can have a height variance of at least 47 feet. They also ruled that Brookfield would fit into the zone as an "industrial use." This was done without allowing input from numerous individuals who came to the public hearing to speak about this project. Chairman Onorati almost had a riot on his hands as he successfully halted input from the public. He claimed that only those directly affected could speak. Apparently the concept of a "Public Meeting" with public input passed him by.

The current ZBA needs to read their own manual. The Town Zoning Regulations issued in September of 2004 are to be used as the sole source from which their decisions are made. In the regulations, "Industrial Use" is defined as; "Uses involving manufacturing or processing involving changing the nature, size or shape of substances of raw materials or recombining raw materials. Industrial uses may involve the use of chemical applications, heat, pressure or other mechanical processing methods." This sounds like describing a process which culminates with a product. Crushing cars does not in any way, shape, or form fit this definition.

The ZBA completely ignored the true definition of the Brookfield process. That would be the definition of a "Junkyard" as set forth in our zoning regulations. Our regs define a Junkyard as; "An area of land with or without buildings used for or occupied by a deposit, collection, or storage outside a completely enclosed building, of used or discarded materials such as waste paper, rags, or scrap metal, or used building materials, house furnishings, machinery, or part thereof, with or without dismantling, processing, salvage, sale or use or disposition of same." Dismantling cars to salvage all components for sale fits this definition by any reasonable person except our ZBA. Brookfield needs to be classified as a junkyard rather than an industrial use. The definitions in our town zoning are clear that this project is a 21st Century Junkyard.

Our town regulations clearly state under which conditions a variance can be granted. Article IX section 195-75, Section B, Subsection 2 states; "No such use variance shall be granted by a Board of Appeals without showing by the applicant that applicable regulations and restrictions of this chapter have caused unnecessary hardship, the applicant shall demonstrate to the board that; the requested variance, if granted would not alter the essential character of the neighborhood; and the alleged hardship has not been self created." Brookfield has not met the criteria. Brookfield will turn a vibrant growing commercial area into desolate one. Who will locate, relocate, or stay in an area where a huge junkyard exists? Current business will be adversely affected as the traffic from this project will deter potential customers. Also this property was purchased with the idea of establishing a junkyard. Where is the hardship to the owner? Failing to meet both of these criteria is evidence that the decision was incorrect. The decision goes against our established definitions and regulations and should be rescinded.

People of Wawayanda, don't be fooled!!! Our elected and appointed officials MUST explain why a car crushing business is not classified as it should be in our regs as a Junkyard. Why were variances granted when clearly Brookfield did not meet at least two of the criteria necessary? Town officials need to answer for this and to the censorship by the Chairman at the public hearing. The entire process completed thus far MUST be rescinded. The issue of a conflict of interest between a principal and the ZBA Chairman (Spoken about in a previous article) MUST be addressed. An independent panel MUST be set up to review this project and the actions of the ZBA regarding this project. Contact our own officials and demand change! Let them know you will not tolerate this nor will you be fooled concerning this project. Remember, a rose by any other name would smell as sweet. A Junkyard by any other name smells as nauseous. Related Article: Let The Record Show...