

The Importance of Consistency in our Zoning Language

This past June, Eric Treaster submitted proposed text amendments to our zoning regulations, reference PZ#24-7ZRA. Roughly one month later, GFI submitted their current “Excavation” application, reference PZ#24-8SUP & PZ#24-9CAM. A portion of Mr. Treaster’s proposed text changes related to GFI’s new “Excavation” application.

During the 8/8/24 public hearing on Mr. Treaster’s proposed text changes, GFI’s attorney argued against the timing of Mr. Treaster’s proposed changes. Even though Mr. Treaster’s application was submitted first, Mr. Heller argued that it was unfair to GFI for this Commission to consider changes to our zoning language while the GFI application was active. He stated that stability in zoning regulations was important to land use planning, to the point where he suggested that our PZC would create an “aura of illegality” if they considered Mr. Treaster’s proposal, and that it would open the municipality up to lawsuits.

My confusion stems from the fact that GFI has proposed this very thing. From Exhibit 66, Attorney Carroll stated that **“The Application impermissibly modifies the definition of “Major Excavation” to include “the processing of earth product and rock prior to its removal from the Property.”** GFI’s application seems to violate the very concept that stability in our zoning regulations is critical to all involved.

Our Excavation regulations do not include “the processing of earth product and rock ...”, yet GFI is proposing that “processing” should be allowed. For this reason alone, this application should be denied, because GFI is asking you to change the very definition of “Excavation-Major”.

Ann Finnegan
12/5/24