



By Wendy Lathrop, LS

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Eating Soggy Cake

Once upon a time there was a local stream that in the past provided power to what is now known as Lee's Shoddy Mill. Every so often, as in 2004 when a series of hurricanes pounded the area after an unusually wet spring that followed an unusually snowy winter, this usually meek watercourse leaps from its normal path and surges down the rocky inclines that are a prominent feature in its locale. After Hurricane Ivan's visit in September, the stream left a particularly destructive wake, rupturing pavement and ripping down trees, washing away nearly everything in its suddenly six-foot-high path. One of the buildings in its way was Lee's Shoddy Mill.

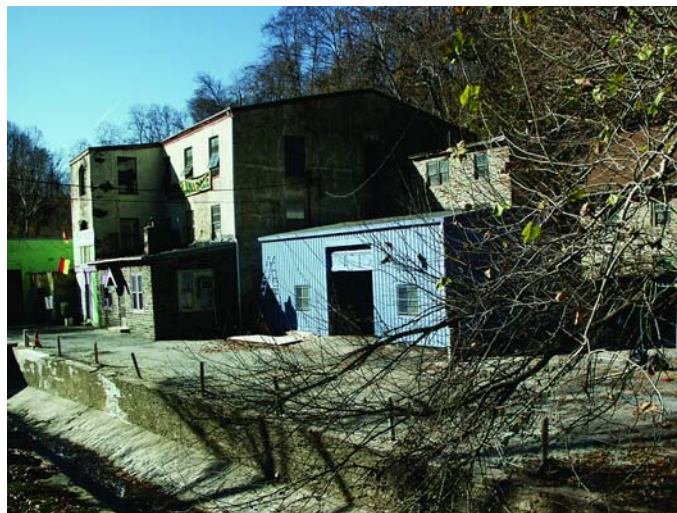
A name like "Lee's Shoddy Mill" probably needs a little explanation, as does the reason for it being the focal point of this article. This particular structure is one of only four intact mill buildings still standing in the community, although three once stood along this same stretch of water and dozens lined other streams in the same township. Built in the mid-1800s, it gained its current name in the 1890s from the product it turned out. In those days, "shoddy mills" recycled wool and cotton materials into heavy coarse new fabric. In the 1920s the mill became home to a casket company, but it is the Shoddy Mill name that has survived.

This mill has received local historical designation, but due to lack of maintenance for decades, it is by no means a beauty on first impression, with "add ons" in bright blues and greens. Of the original factory compound, only a three-story stone and stucco structure and a small outbuilding still stand, with original wood floors and massive timber framing among the surviving details that

make them interesting. Two other small historic houses stand on the site but are not part of the present strife. The site has been owned by one family for quite some time, and it is the current inheritor of the mill who has made a name for himself in the community as one who wants his own way at any cost. A couple of years ago he announced future plans for the property that are not in keeping with the historic nature of the community.

According to the mill's last remaining tenants, a landscape designer and plant outlet, the present owner has chosen not to invest in more than minimal maintenance, preferring to keep the money not spent rather than improving the structure so that it could be fully leased, likely bringing in more tenants and higher rent. Current tenants report that the roof has received only "make do" and patchy care, and it does leak dramatically; I've witnessed steady streams pouring from the ceiling into innumerable pots and buckets during rain showers.

The owner decided a few years ago that he would prefer to tear down the Shoddy Mill and erect a self-storage warehouse in its place as a better use (meaning a more financially lucrative one) of the property, claiming in his applications and appearances before the township that it would cost too much to improve the current buildings and that starting from scratch is his only viable economic



option. Historical designation does not protect a structure from demolition, but only provides a 90-day waiting period before the permit will be granted. That time is ideally spent by the owner in seeking alternatives and possible purchasers, or even negotiating with the township to satisfy both parties. The site's location is at the first intersection after leaving either the expressway or departing the adjoining community, an area the township had been planning to improve aesthetically by capitalizing on its historic structures and dramatic stone valley landscape. A storage warehouse is not what the township envisioned as part of its plan, but ordinances do not provide any protection.

A new prospective purchaser for the site recently approached the mill's owner, after other offers reportedly had been turned away. This particular would-be buyer has been acquiring some interesting sites throughout the area, including the quarry next to the mill, in order to construct high-end condominiums. The meeting between the developer and the mill owner was an event rousing hope among those who see great potential in the mill and don't want to lose yet another historic structure in this age when 200-year-old stone houses are torn down in favor of McMansion replacements, particularly as the publicized plans included refurbishing and renovating the mill buildings as part of the project. But the only resulting public statement issued by the developer to the local newspaper was to the effect that he could not offer as much as the mill's owner thought he could reap from long-term income from the storage units.

So the Zoning Board issued approval for a variance for the site, but the Township Board of Commissioners denied the request on technical grounds, related to the location's site in a documented flood-prone area. The mill owner objected to and formally appealed the requirement that any new building would have to be flood-proofed and meet certain construction standards to bear the environmental battering that the thick stone walls of the mill have withstood all these years.

Then came Ivan. With six inches of rain in five hours, Lee's Shoddy Mill, in its narrow, rock-walled valley along the stream, survived yet another flash flood that its proposed replacement likely would not, although the paving and first floor contents were damaged.

Apparently wanting to have his soggy cake and eat it too, the local paper reported that the mill's owner showed up when disaster assistance teams came to town to

advise residents on how to obtain checks to repair and recover from the storm. But he continues to battle the township over floodproofing requirements for his proposed new construction as being unnecessary and expensive.

Aside from the fact that I happen to like the mill in question, the situation raises philosophical and ethical questions for me. Should a property owner be accommodated to achieve the "best and highest use"

when the hardship he suffers is primarily the result of his own failure to maintain that property? Should a municipality have to be concerned about suit against a "taking" when restrictions are placed on demolition or construction? Does the answer change if the restrictions are meant to protect the owner's interests? If forced into granting permission, should a municipality be protected against future lawsuits for allowing unsafe construction? *A*

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