

# Sterling Water Stewards

PO Box 427

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[www.sterlingwaterstewards.org](http://www.sterlingwaterstewards.org)

Feb 8, 2024

To the Members of the Sterling Town Board:

On Nov 20, 2023, the Sterling Town Board *unanimously* voted to allow Carrier Salvage/CNY Scrap, a junkyard/scrapyard on Route 104 in Martville, to expand their legally permitted operations from 3.7 acres to 19.2 acres.

The Town Board has no legal authority over zoning or Special Use Permits, and your Nov 20, 2023 action is illegal.

The action was framed as an add-on memo to a 2020 mediated legal settlement agreement between the junkyard owners and the Town. It was all hammered out behind closed doors (Executive Sessions), with only the unanimous vote conducted in public.

Supposedly the Executive Sessions were the result of “pending litigation with CNY Scrap,” but there is no public record of pending litigation—only previous litigation that was settled in 2020 on terms that were highly advantageous to the junkyard owners.

Carrier Salvage/CNY Scrap is located on Route 104 in Martville. If contaminants from the junkyard/scrapyard leach offsite, there is potential for contamination of deeper groundwater flows that could travel northward for miles. The NY State Department of Environmental Conservation (DEC) hasn't set foot on the property since 2021, when the Carriers settled the last of their court battles with DEC. The Carriers have kept up with their DEC report filings, but you are taking their word for conditions onsite, and they have a record of DEC violations. The last thing we need is a back-room, illegal, arbitrary expansion of this business.

The Sterling zoning laws don't even allow junkyards and scrapyards, but this business was grandfathered-in as a pre-existing, non-conforming use. When the owners, Kevin and Shelley Carrier, purchased Wilbur's Junkyard in 2011, the Planning Board originally granted a ***conditional (and those conditions have never been met) "transfer license" to operate the junkyard on a 3.7 acre parcel. Period.***

The Town Board's Nov 30 action violates Sterling Land Use Regulations and directly contradicts an earlier unanimous ruling by the Sterling Zoning Board of Appeals (ZBA). The ZBA has legal authority over the issue of combining parcels in relation to a grandfathered Special Use Permit. The ZBA told the Town Code Enforcement Officer to permit only the original, 3.7-acre parcel.

The Town Board has no authority over the ZBA other than to appoint members. The fact that the ZBA's earlier ruling was thrown out by the county court on a technicality did not give you, the Town Board, authority to step in. The ZBA has been asked to re-hear the matter and the technical issue (standing) has been addressed in a new appeal.

How would you like to live next door to this business? How confident would you be in the safety of your well water? The truth is, we should all be worried; some contaminants associated with junkyards and scrapyards can sink into the deep regional groundwater flow. Wells miles away potentially could be impacted.

The Town Board can be sued for taking an illegal administrative action such as the Nov 20, 2023 "MOU."

By admitting the mistake and reversing this decision, you can avoid the possibility of costly litigation. That's our taxpayer money that would be wasted trying to defend the indefensible.

Historically, the Sterling Town Board has settled with litigious business owners instead of upholding the few local laws that we have to protect the rest of us. We note that the Town attorney facilitates that approach.

The only thing any of you have said publicly about this is that it “makes enforcement easier.” That is ludicrous—unless by “enforcement” you mean “let them do whatever they want to do.”

“Preserve and Protect the Water” should be more than a political slogan. We call on you to uphold the law and protect our groundwater.

Sincerely,

*Karen Haas*

Karen Haas  
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cc: Sterling Zoning Board of Appeals  
Sterling Planning Board  
Fair Haven Board of Trustees  
Fair Haven Planning Board  
Fair Haven Zoning Board of Appeals  
County Planning Department  
County Attorney Chris Palermo  
State Senator Rachel May