

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE
BOARD OF ZONING APPEALS HELD ON WEDNESDAY, JANUARY 6, 2016**

1. The meeting was called to order by Chairman Chandler at 7:00 p.m.
2. Roll Call Showing: Sheldon Chandler, Donald Morris, Kenneth Mientkiewicz, Emery Long, and Melvin Zilka

Also in attendance: Carol Maise, City Planner, Kevin Maillard, OHM Advisors & Engineering and
Christina Wilson, Secretary

3. Motion by Mientkiewicz, supported by Long to approve the agenda as presented.
Roll Call Vote: Ayes - Mientkiewicz, Long, Morris, Zilka and Chandler. Nays – none. Motion Carried.

Agenda

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes

A. Board of Zoning Appeals regular meeting held on December 2, 2015

5. Petitions

A. **BZA-2015-024; Charles Sabadash Jr.**

Location: 28866 Hildebrandt
DP #80-050-99-0009-006

- Request: 1. A variance from *Section 8.04(a), Industrial District Schedule of Regulations* of the Zoning Ordinance is required to allow a 0-foot side yard setback for truck storage; a side yard setback is required.
2. A variance from *Section 8.04(a), Industrial District of Regulations* of the Zoning Ordinance is requested to allow 79% lot coverage; total impervious coverage shall not exceed 75%.

Project: Expansion of a crushed asphalt truck storage area for Carter Express.

6. Old Business

A. **BZA-2015-006; Mid-Michigan Crushing and Recycling**

Location: 28233 Ecorse (DP# 80-045-99-0008-008 and DP# 80-045-99-0008-009)

Request: Temporary use approval for concrete crushing operation including stockpiles and staging areas. Request was tabled on May 23, 2015.

7. New Business
 8. Communications
 - A. City Planner's Status Report
 9. Discussion
 10. Adjournment
4. Motion by Long supported by Mientkiewicz to approve the minutes of the regular meeting of the Board of Zoning Appeals held on December 2, 2015. Roll Call Vote: Ayes – Long, Mientkiewicz, Morris, and Chandler. Abstain – Zilka. Nays – None.
5. Petitions
- A. **BZA-2015-024; Charles Sabadash Jr., 28888 Hildebrandt**, requesting a variance from *Section 8.04(a), Industrial District Schedule of Regulations* of the Zoning Ordinance is required to allow a 0-foot side yard setback for truck storage; a side yard setback is required. A variance from *Section 8.04(a), Industrial District of Regulations* of the Zoning Ordinance is requested to allow 79% lot coverage; total impervious coverage shall not exceed 75%. DP# 80-050-99-0009-006

Charles Sabadash Jr., 18850 Church Hill Drive, Riverview, MI. 48193, stepped forward as petitioner

- Mr. Sabadash stated that he was the owner of the property located at 28666 Hildebrandt.
- Mr. Sabadash also stated that he leases the property to Carter Express.
- Mr. Sabadash explained that he was granted conditional approval for his site plan and the use of asphalt millings at the Planning Commission meeting held on December 21st, 2015.
- Mr. Sabadash stated that he was before the commissioners to request a variance for a 0-foot setback.
- Ms. Maise stated to Mr. Chandler that Mr. Sabadash may have been unaware of the second variance to allow 79% lot coverage. During site plan review it was discovered that the plans would exceed the allotted 75% coverage.
- Ms. Maise stated that the addition of the second variance request did not make the public notice but, did make it on the amended agenda.
- Mr. Sabadash thanked Ms. Maise for the explanation.

Let the record show an affidavit of first class mail has been shown and is on file.

Chairman Chandler closed the petition portion of the meeting and opened for public comment. He asked if anyone wished to speak on the matter to please step forward.

Seeing no one, Chairman Chandler closed the public comments portion of the meeting and opened it up to comments from the Board members.

- Mr. Chandler asked Mr. Sabadash if the ditch on the west side of the property was a county ditch.
- Mr. Sabadash replied that it was not a county ditch, it was on the property that belongs to U.S. Park.

- Mr. Sabadash explained that what he planned to do is install a 12 inch drain pipe (already in existence) with a series of catch basins between his (2) 2 acre sites that are adjoining. Therefore, he will not be dumping into the county ditch at all.
- Mr. Sabadash also explained that he had spoken to Julie Allison; who manages U.S. Park, and her superintendent today regarding the site. They met and went over the plans for drainage.
- Ms. Maise commented that Julie Allison also called her today to explain that she had met with Mr. Sabadash. Ms. Allison went on to say that there was an issue with flooding at U.S. Park over the holidays and that they had to remedy the flooding at that time.
- Ms. Maise explained, as noted in her planner's report, that the Planning Commission has given Mr. Sabadash conditional approval subject to an engineering review, among other items. There was not engineering on the site plans submitted to the Planning Department for review, therefore Mr. Sabadash will have to submit engineering with his building plans for review by Engineering, DPW and Building if approved by the Zoning Board of Appeals.
- Mr. Chandler asked Ms. Maise if Mr. Sabadash was aware of the conditions.
- Ms. Maise replied that he was made aware that he will have to submit engineering plans to the Building Department.
- Mr. Chandler asked Mr. Sabadash if the drain was a 12 inch drain pipe and if it tied into the main drain at the road.
- Mr. Sabadash replied that the drain ties into the front of the property along Hildebrandt.
- Mr. Mientkiewicz asked Mr. Sabadash if tying into the drain on Hildebrandt will eliminate the flooding issue on the property.
- Mr. Sabadash replied that he will have no use for the ditch on the west or east side of his property along U.S. Park, he will not connect into the drain at all.
- Mr. Mientkiewicz asked to Mr. Sabadash if that should eliminate the flooding problem that was just mentioned.
- Mr. Sabadash replied that he will have no impact on it at all.
- Mr. Chandler commented that one of the main concerns was the impact of flooding onto the surrounding property.
- Mr. Chandler asked Mr. Sabadash if he planned to put asphalt millings on the surface of the entire property.
- Mr. Sabadash replied that it was already in place.
- Mr. Chandler asked Mr. Sabadash if he planned to go right up to the property line.
- Mr. Sabadash replied that he had already put the millings up to the property line, it was already in place.
- Mr. Sabadash mentioned that property of the building site, which is 2 acres, has been completed since roughly 1984. He added onto the 2 acre site and used it but, now he has leased it out to Carter Express and they would like to have the whole facility.
- Mr. Mientkiewicz asked Mr. Sabadash why it was mentioned in the city planner's review that he was asking for a waiver for a required dumpster.
- Mr. Sabadash replied that he spoke with Carter Express today specifically about the dumpster and they told him that they have no need for a dumpster, that even though they are leasing the entire property, including the 8,000 sq. ft. building and a 2,400 sq. ft. office from him they will have no use for a dumpster. Carter Express has absolutely no intent to use the warehouse or the office, they will only be using the restrooms and therefore they will not be needing a dumpster.
- Ms. Maise stated that a condition of approval from the Planning Commission was to waive the dumpster requirement because Carter Express will not be using the building, except for the restrooms. The Planning Commission will require a dumpster and the associated enclosure if Carter Express decides to use the building and office space.

- Mr. Mientkiewicz asked Ms. Maise if Carter Express would have to come to the city to say they were planning on using the building.
- Ms. Maise replied that their certificate of occupancy would change and they would be required to pull a permit from the Building Department for a dumpster and enclosure.
- Mr. Chandler asked Mr. Sabadash how he would maintain the lot for debris.
- Mr. Sabadash replied that he is required, as the landlord, to grade the parking lot for Carter Express. He has a grading machine to do the grading needed or repair any potholes or add additional material if necessary.
- Mr. Morris asked Ms. Maise if the Planning Commission required Mr. Sabadash to make payment in-lieu of construction of sidewalks.
- Ms. Maise replied that the choices are that you can either put the sidewalks in or do payment in-lieu of construction of sidewalks to the city. Mr. Sabadash is required, as part of approval from Planning Commission, to make payment to the city in-lieu of construction of sidewalks.
- Mr. Morris stated that there was not a point at this particular site to put sidewalks in because of where the property is located.
- Mr. Morris also stated that if there was ever a need, the money would be there for installing the sidewalks.
- Ms. Maise confirmed that Mr. Morris was correct.

Chairman Chandler asked the board if they had any further questions.

Motion by Morris supported by Zilka to approve **BZA-2015-024**; Charles Sabadash Jr., located at 28666 Hildebrandt, for a variance from *Section 8.04(a), Industrial District Schedule of Regulations* of the Zoning Ordinance to allow a 0-foot side yard setback for outdoor storage and a variance from *Section 8.04(a), Industrial District of Regulations* of the Zoning Ordinance to allow 79% lot coverage.
DP# 80-050-99-000--006

Roll Call Vote: Ayes – Morris, Zilka, Long, Mientkiewicz and Chandler. Nays – None. Motion Carried.

6. Old Business

- A. **BZA-2015-006; Mid-Michigan Crushing and Recycling, 28233 Ecorse**, requesting a variance for temporary use of concrete crushing operation including stockpiles and staging areas. DP# 80-045-99-0008-008 and DP# 80-045-99-0008-009

Motion by Morris supported by Long to remove BZA-2015-006 from being tabled on May 23, 2015. Roll Call Vote: Ayes – Morris, Long, Mientkiewicz, Zilka and Chandler. Nays – None. Motion Carried.

Let the record show an affidavit of first class mail is on file.

Rick Rattner, 380 N. Old Woodward, Birmingham, MI. 48009, stepped forward to speak on behalf of Vaughn Smith; owner of Mid-Michigan Crushing and Recycling

- Mr. Rattner stated that they were happy to be before the board members and have worked for a couple of months to put a presentation together, answer any questions, and resolve any issues that there may be from the past and going forward. They have taken site walks with Kevin from OHM and have worked very closely with Carol Maise, the City Planner. They appreciate the attention given to this matter by the administration.

- Mr. Rattner offered a Power Point presentation for the board members
- Mr. Rattner explained that Mid-Michigan Crushing and Recycling would like to remain in Romulus. They have other locations in Woodhaven and Highland Park and they think that the site lends itself quite well to the use.
- Mr. Rattner continued to explain that he, Vaughn Smith; owner of MMCR and Michael Klein, the property owner, are in close contact with each other regarding this site.
- Mr. Rattner pointed out that the site has 20.71 acres devoted to MMCR with a small parcel indented between the 2 lots where Mid-Michigan Crushing and Recycling is operating.
- Mr. Rattner explained that MMCR, LLC is a stone crushing company, with yards spread throughout the Detroit area. The owners have been in the sand, gravel and concrete business for over 30 years and have a lot of very good experience in other communities.
- Mr. Rattner explained the operation of MMCR as follows:
 - The proposed project; a concrete crushing yard. Concrete is hauled in, crushed and removed to off-site construction.
 - Machinery on site: A crusher and stone conveyer belt, there are no permanent buildings or structures on the property.
 - All machinery and equipment on site are removable.
 - All machinery will be removed upon termination of the project.
- Mr. Rattner showed a picture of a crushing machine to the board members, noting that a new one is planned to be moved to the site. He also pointed out that all of the machinery on site is over 1,000 ft. away from the nearest neighbor, as required by city ordinance.
- Mr. Rattner showed a picture of the finished material; a pile of crushed concrete that will be hauled away by trucks from the site and transported to whatever construction site is being worked.
- Mr. Rattner showed a sketch of the operational site plan and truck route on the property noting that the site is 20.71 acres, with 15 acres open and about 5 acres are very heavily wooded, not being disturbed. Therefore there is a tremendous amount of buffering that is natural and will remain. In addition, there was movement earlier this year to increase berms. The berms are 8-10 feet high, holding all of our water on site.
- Mr. Rattner showed Employees – Hours of Operation as follows:
 - Proposed number of employees: between 5 and a maximum of 10 at one time.
 - Hours of operation: 6 a.m. to 9 p.m.
 - There will be a maximum of 10 employee vehicles and parking spaces on site.
 - No truck storage will be allowed on site.
- Mr. Rattner explained that although there were previously trucks on site they are now gone. They removed the trucks and blocked the entrance to the site because someone had dumped some debris and they are going to clean up the area.
- Mr. Rattner stated that they intend to widen the entrance to the site so the trucks have room to enter the property.
- Mr. Rattner pointed out on the Power Point that the parking for employee vehicles are up at the front of the property near Ecorse Road.
- Mr. Rattner showed the Truck Scale as follows:
 - Truck scale (movable): placed on the site with a small mobile office.
 - Location of the scale is to be determined but, is expected to be situated on the proposed haul route near the exit to the site.

- Mr. Rattner explained that the mobile office will be in compliance with city ordinances. The reason for the location of the mobile office is so that after the trucks have run through their route they can be placed on the scale and weighed before exiting the site.
- Mr. Rattner complimented Ms. Maise for her very thorough report and wanted to go over the items mentioned in that report:
 - Condition of Temporary Use Approval – **2(a):** Payment of Taxes.
 - Condition: Payment of Winter Property Taxes.
 - ✓ Response: Agreed – Will be Paid Shortly
- Mr. Rattner stated that Mr. Smith has spoken with Michael Klein; the property owner, and although the taxes are not due until February 16, 2016, he intends to pay them before that date. They are aware that a temporary use permit will not be allowed if taxes are not paid.
- Mr. Rattner continued with the City Planner's report items:
 - Condition of Temporary Use Approval – **2(b):** Proper Zoning, the use must not be prohibited by any other ordinance
 - ✓ Response: This concrete crushing operation is allowed as Special Land Use in the M-T District.
 - **2(c):** Lease
 - Comment: Add all property owners to the lease.
 - ✓ Response: Will be done by the Landlord.
- Mr. Rattner stated that as a lawyer, he strongly objects to this condition but, he seems to be losing his battle with this particular request. If there was a problem with the lease it will not be any business of the city, they will simply not be able to use the temporary use permit but, they will place the other property owner on the lease agreement.
- Mr. Chandler asked Ms. Maise if that was the reason for the 2 DP numbers.
- Ms. Maise replied that it was not. The properties are two separate but, adjoining properties and are going to be combined.
- Ms. Maise noted that the taxes will need to be paid by Friday in order for the parcels to be combined. If the taxes are not paid by Friday the Temporary Use will not be allowed.
- Ms. Maise stated that the combination of parcels was approved, pending payment of taxes. However, there was an issue with the legal description not matching but, the surveyors are working it out.
- Mr. Rattner commented that their surveyors are giving them a certificate of survey.
- Mr. Rattner continued with the City Planner's report items:
 - Approval **2(d):** C of O and Removal of Trucks
 - Comment: Obtain a Certificate of Occupancy
 - ✓ Response: Will make necessary application.
 - Comment: Remove all trucks from property
 - ✓ Response: All trucks will (or have already been) removed.
 - **2(e):** Written Application
 - Comment: Written application for this temporary use.
 - ✓ Response: Done.
 - **2(f):** Business Registration
 - Comment: Obtain a business registration from the City Clerk's Office
 - ✓ Response: MMCR will apply with City Clerk
- Mr. Rattner explained that some of the items required are part of the administrative approval, if granted. Some items are premature without approval from the Zoning Board of Appeals.

- Mr. Rattner continued with the City Planner's report items:
 - **2(g) (1) – (5):** Miscellaneous
 - Comment: (g) (1): obtain soil erosion control permit
 - ✓ Response: applied for and expected to be issued shortly
 - Comment: (g)(2): Provide a site restoration plan and associated bond in amount as determined by the Building Department
 - ✓ Response: See restoration site plan. Bond will be applied for upon approval of plan by Building Department.
- Mr. Rattner mentioned that he believes that there will be no need for a soil erosion permit because there will be no digging on-site but, they have applied for it anyhow.
- Mr. Rattner stated, as he directed the boards attention to the restoration site plan, that the site is empty. When the site is vacated, (and they hope that they don't have to leave the site for many years) the machinery comes off and the site is an open site once again and probably as clean as it's ever been.
- Mr. Rattner described that a typical restoration plan is in place when there is going to be digging. Since there will be no digging at this site there will not be any open holes left behind to restore. Therefore, they believe that they are making the site safer for everyone right from the start and they will leave it that way.
- Mr. Rattner continued with the City Planner's report items:
 - Comment 2(g) (3): Show truck traffic, site circulation and dust control
 - ✓ Response: See operational site plan on following slide. Trips per day estimated between 25- 45 per day. At all times on site there will be a water truck and brush tractor to maintain all trucks leaving the site to control fugitive dust and debris from the roadway.
- Mr. Rattner explained that MMCR is under watch by the DEQ at all times, making sure that their trucks are clean and not leaving debris on the roads. The trucks are brushed and watered as they leave the sites and are not required to be washed because they are not dealing with any contaminants, just sand and gravel. They have yet to have any complaints in 30 years at any location. If there were any complaints, DEQ would be out to the site and if something was found MMCR would be notified.
- Mr. Rattner stated that MMCR are very concerned about being in compliance and do not put dirty trucks on the road. They meet up with DEQ requirements on a regular basis and are very contentious about that.
- Mr. Chandler asked Mr. Rattner if the trucks were to be power washed.
- Mr. Rattner explained that he and Ms. Maise had discussed this and when dealing with sand and gravel power washing is not necessary, since they do not deal with contaminants.
- Mr. Chandler asked Mr. Rattner if the trucks are going to be dust-free upon leaving the site.
- Mr. Rattner replied that the trucks will be dusted down before leaving the site.
- Mr. Chandler asked Mr. Rattner if the trucks will be bringing dust onto the roads.
- Mr. Rattner explained that the trucks will not bring dust onto the roads since the crusher will be at the back end of the property, approximately 1,000 feet. The trucks will be brushed and watered down before they get to the roads. If you had blocks of 100 ft. depth houses, you would be 4 blocks back before getting to the road.
- Mr. Rattner stated that they have met with the required departments; Fire, Building, DPW and OHM. Kevin Mallard from OHM walked the site with Mr. Smith recently.

- Mr. Rattner conveyed that any information needed will be provided as part of the process of following administrative rules.
- Mr. Rattner then showed the board a slide of the truck circulation.
- Mr. Rattner continued with the City Planner's report items:
 - Comment (g)(4): Performance standards of 8.05 (noise, vibration, odor, glare and heat, industrial performance standards)
 - ✓ Response: This crusher is 1,000 feet from the nearest residential neighbor and will not be heard from the street. A noise meter reading will be taken if required by administration. There will be no vibration felt by any neighbor and there will be no obnoxious odors or excessive glare or heat from the machine. This is a machine used in other MMCR locations that are closer to neighbors than the proposed site and in MMCR has never had a complaint about the issues raised in this comment.
 - Comment (g)(5): Provide information as required by other departments and agencies
 - ✓ Response: Will provide as required.
- Mr. Rattner stated that only one item could possibly be an issue; noise. The next item; vibration, which is not an issue because they are not doing any digging. Obnoxious odors are not an issue since they don't deal with any chemicals. There is no glare, since they don't have any lights. There is no heat generated at this site because it is a machine that is operating. As far as noise; 1,000 feet is about long of a setback as can be found in Southeast Michigan or any place. DEQ only recommends 500 feet setback. They are pretty confident that the machine will not be heard and Kevin from OHM can attest to that, since he has a lot of experience with these matters and he has walked the site.
- Mr. Rattner stated that he would not wish to put words in Kevin's mouth but, he's sure Kevin would agree that the noise from the crushing machine is not going to be greater than the ambient noise from Ecorse Road.
- Mr. Rattner stated that the concrete crushing use is a benign use for an industrial use. Cement crushing sounds like a heavy use but, when out in this particular position he believes it is very benign to everyone surrounding it. They want to be a good neighbor.
- Mr. Rattner then showed by Power Point:
 - Zoning and Use (Section 8.02) – Conditions of Use
 - This site is over 20 acres in area.
 - No portion of any crushing operation shall be located closer than {1,000} feet from any residential district.
 - All access to the site shall be from class A roads. Ecorse Road is a class A road.
 - The minimum setbacks, greenbelts and landscape buffer zones for the site have been increased by fifty percent {50%} above the basic front, side and rear yards setbacks required in section 8.04.
 - The amount of plant material required by Section 13.02 for landscape greenbelts and buffer zones have been increased by fifty percent {50%}.
 - The condition of a screening wall, fence and/or landscaping eight (8) feet in height and buffering is approximately me as the perimeter of the site includes berms and existing vegetation that will not be disturbed.
 - Provisions shall be made for the on-site reduction and containment of dust and other particular matter – Site at all times equipped with a Brush Tractor and Water Truck to comply with DNR requirements.
 - Applicant will provide the Building Department with additional information as requested regarding Ordinances, per Section 8.05; noise, vibration and odors.

- Applicant will add notes to plan as required by Planning Department in 8(b) and (c) with regard to vibration and odor.
 - Outdoor Storage: The existing outdoor storage areas were never approved by the city. The crushed gravel surfaces does not comply with city ordinances or engineering standards unless the hard surface requirements is waived by the Planning Commission. *This will be addressed during any temporary use extension request, special land use or site plan review.*
 - Dimensional requirements – lot dimensions and coverage in compliance with ordinance, as is the estimated height of concrete pile on site.
 - Applicant will identify the exact location of the placement of the temporary scales.
 - Parking - 10 space on site for 5 to a maximum of 10 employees.
 - Access and circulation – (reviewed by OHM)
 - a. Entrance will be widened with crushed gravel.
 - b. Surface to meet requirements of Fire Chief.
 - c. Off-site hauling routes:
 - 1. Turning left from site – to Middlebelt to I-94.
 - 2. Turning right from site – to Inkster to I-94.
 - Waste receptacles –
 - a. Will be on plan
 - b. Applicant will add note to plans that there will be no storage of any unusable or inoperable equipment.
 - c. All waste and rubbish shall be removed from the site.
 - Lighting - no lights are needed for the drop off and pickup operation of the site.
 - Signs – applicant will submit any sign to the Building Department for approval.
 - Miscellaneous:
 - a. Revision dates will be added to the site plan.
 - b. Driveways on the north side of Ecorse Road will be shown on the site plan.
 - FAA compliance – applicant will submit required notice (FAA form 7460-1) to the FAA for approval.
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- Mr. Rattner stated that they have met these requirements and are not installing additional landscaping.
 - Mr. Rattner also explained that the piles of crushed concrete get lower as the jobs are nearing completion. A couple of big jobs are coming up and feels that MMCR has the perfect location for the upcoming jobs.
 - Mr. Rattner explained that MMCR had replaced another concrete crushing company at the site and believes that the ground surface is already a hard surface but, if widening the apron of the entrance to the site, would like to discuss further options other than crushed gravel/concrete. Asphalt would not be an option at this particular time of the year, since asphalt plants are closed. He also believes that the opening is already wide enough to accommodate the trucks coming and going to the site.
 - Mr. Rattner summed up his petition on behalf of MMCR/Vaughn Smith and respectfully requested that the Board of Zoning Appeals approve the motion for temporary use for a concrete crushing operation. Approval subject to administrative review of the outstanding items noted in his report; presented to the BZA and in those reports of other departments and agencies. The temporary use and approval shall commence upon administrative approval and be valid for 12 months.
 - Mr. Rattner noted that it is the intension of MMCR to go before the Planning Commission soon to request Special Land Use.

Let the record show an affidavit of first class mail is on file.

Chairman Chandler closed the petition portion of the meeting and opened for public comment. He asked if anyone wished to speak on the matter to please step forward.

James Vernatter, 28124 Ecorse Road, Romulus, MI 48174 stepped forward to speak.

- Mr. Vernatter stated that he was at the meeting about MMCR when it was tabled in May.
- Mr. Vernatter explained that the board should have a petition he presented to them with signatures from Birchdale Street, in which 90% of the residents signed. The petition shows seven (7) items regarding why they do not want Mid-Michigan Crushing & Recycling operations in their neighborhood.
- Mr. Vernatter indicated that there was already a successful concrete crushing operation about a mile from his residents on Ecorse Road and the residents do not see a reason to allow another concrete crushing operation.
- Mr. Vernatter stated that if the board watched the news recently they would know that cement produces radon. Radon is a carcinogen; a cancer causing chemical.
- Mr. Vernatter explained that there is no way of knowing what will happen when the concrete is crushed and dust is generated. This is one of some of the reasons why it should not be allowed.
- Mr. Vernatter stated that he has lived at his residence for over 50 years and that the site of MMCR is very contaminated. He believes this because he states that there are containers buried in the back of the property, they have been there as long as he has resided at his home.
- Mr. Vernatter strongly suggested that he go on record as saying that he will use every means necessary to fight Mid-Michigan Crushing & Recycling from operating. He asked that his position is not to be taken as a threat, but that past administration; some, not all, encouraged an injection well on Citron Drive. The only reason it failed was because it leaked.
- Mr. Vernatter expressed that he wished the board would not get the city into another litigation issue. He stated that he would go to the EPA and the News Investigators, if approved, why, when it's not needed.
- Mr. Vernatter pleaded with the board to disapprove the motion for Mid-Michigan Crushing & Recycling and reiterated that he would use any means necessary to stop MMCR from continuing their operations.
- Mr. Vernatter thanked the board for their time.

Chairman Chandler asked if anyone else in the audience wished to speak to please step forward.

Ibri Shehu, Edge Financial Group, 6349 Beverly Plaza, Romulus, MI 48174 stepped forward to speak on the subject of MMCR

- Mr. Shehu stated that his company owns the property that borders with the site of Mid-Michigan Crushing & Recycling.
- Mr. Shehu explained that he owns the company that has been located adjacent to the proposed MMCR site for approximately 3 years. Before MMCR bought the site, there was another concrete crushing company operating at that same location, which raised a lot of concern at that time.
- Mr. Shehu stated that had the site stayed in the condition that it was previously, there would be a reason for more concern. But, MMCR has cleaned up the site and after seeing their presentation, so long as they continue to keep the site clean, equipment at the rear of the property and they maintain the dust, he has no problem with the Zoning Board of Appeals to approve the request for a temporary use for concrete crushing operations.

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Chairman Chandler read aloud a letter of petition to be entered into the record by Irene Correia of 200 Country Club Drive, Grosse Pointe Farms, MI 48236 and property owner adjacent to proposed site at 28233 Ecorse Road.

December 25, 2015

*City of Romulus
Attn: Mayor Leroy Burcroff*

Reference: Notice of City of Romulus Zoning Board of Appeals BZA-2015-006; Mid-Michigan Crushing & Recycling, 28233 Ecorse Rd., request for temporary use for concrete crushing & recycling operation

Dear Sir or Madam,

I am in receipt of the letter regarding the public hearing that will be held on Wednesday, January 6, 2016 at 7:00 pm, Romulus, MI.

With reference to the above aforementioned case number, we are the adjacent parcel and we are opposed to any cement business.

Thank you kindly.

*Sincerely,
Irene Correia*

Chairman Chandler opened the meeting for questions by the board members.

- Mr. Chandler asked Mr. Smith when Mid-Michigan Crushing & Recycling took possession of the property.
- Vaughn Smith replied that he had obtained the site roughly a year and a half ago.
- Mr. Chandler asked Mr. Smith if it was MMCR at that time.
- Mr. Smith replied that it was.
- Mr. Chandler asked Mr. Smith who owned the concrete crushing company prior to him purchasing.
- Mr. Smith replied that Jim Shears was the previous owner who passed away.
- Mr. Chandler stated that there was concrete crushing going on at that site for quite some time without proper permits and approval.
- Mr. Chandler asked Mr. Smith if he was familiar with the containers that Mr. Vernatter had spoken about at the rear of the property.
- Mr. Smith replied that he was not. If there were any containers, they would be buried and he would not know of what was in the ground there.
- Mr. Chandler stated that he would be interested in knowing what kind of containers are buried there.
- Mr. Chandler asked Mr. Vernatter what kind of containers were located on the site.
- Mr. Vernatter replied that they were 60 gallon drums and he's quite sure that the materials inside of the drums are toxic.
- Mr. Vernatter stated that he knew the previous owner and also knew of what went on over there.
- Mr. Chandler asked Mr. Vernatter approximately how many barrels were buried.

- Mr. Vernatter stated that he used to take his son over there years ago for target shooting practice and rabbit hunting. There used to be more property than now but, he believes that the site is contaminated. The new business that will be doing front end alignments, going in now to what used to be a part of the MMCR site, was stopped by the superintendent because the soil was so contaminated. The superintendent told Mr. Vernatter at that time that they had to remove soil and backfill the land because of contamination. Mr. Vernatter was unclear of how many yards of clean soil was used to backfill to meet proper conditions.
- Mr. Chandler reiterated to Mr. Vernatter that he was concerned if he knew how many barrels were buried on the site and if he knew what was in them.
- Mr. Vernatter stated that the barrels were hauled in and buried on a Sunday. He called the police because he felt they were trying to cover up what they already exposed. The previous owner is dead and gone and he cannot answer for it but, he was the one who buried the barrels. Mr. Ebert Satterlee was the previous owner who buried the barrels.
- Mr. Vernatter noted that there was never a legal operation with proper permits for that location and that the Building Department has shut down operations twice at that site. MMCR has violated city ordinances and hauled cement onto the property without permits and bullied their way through. Perhaps some of you knew what was going on, or maybe you didn't but, MMCR has walked over everyone in the neighborhood. And folks, it doesn't work like that.
- Mr. Vernatter demanded that the Board of Zoning Appeals uphold their responsibility to the citizens of the City of Romulus to do what is best and do what is right. He hoped that the board would deny the petition for MMCR.
- Mr. Chandler asked Ms. Maise if during the review of the site plan, an inspection was done by a Building Inspector.
- Ms. Maise replied that there was an inspection done by a Building Inspector and Kevin Maillard from OHM along with the applicant, Mr. Smith.
- Mr. Chandler asked Mr. Maillard if there was any indication that there were barrels buried on the site.
- Mr. Maillard replied that he had not seen anything of that nature but, there are substantial berms (6-10 feet high) located all along the property. If there were something buried there it would be tough to figure out whether or not there is something under the berms, since they are so wide and the entire property is enclosed with these berms.
- Mr. Maillard stated that all of the water is maintained on the property as well. But, he did not see any indication that there were barrels buried on the property.
- Ms. Maise commented to the board that this could be something that is worked into further investigation if it is an issue.
- Mr. Chandler replied that he believes that an investigation needs to be done on the claim that barrels are buried on the property.
- Ms. Maise stated that the barrels and contamination would most likely be picked up as part of a Special Land Use request because there is more detail in that than a temporary use. But, the fact that it has come out with this temporary use request and that there is some evidence from an adjacent property owner, that is something the board may need to think about.
- Mr. Chandler stated that if there is a possibility of contamination then there needs to be an investigation. It would be part of the temporary use requirements, along with other items.
- Ms. Maise stated that there were a lot of comments in her report, as well as the report from OHM, mostly of technical nature, if you have questions on any of those.
- Ms. Maise commented that during the review process these are some of the things being dealt with and some of it overlaps with a special land use, so things are looked at with more detail.

- Mr. Chandler commented that most of the items were covered with the presentation but, the issue with the buried container/barrels needs to be addressed.
- Mr. Chandler stated that he believes that the board can move on with the petition as long as the site is inspected for barrels.
- Mr. Long asked Mr. Maillard how this site compares with other sites for dust and dirt control.
- Mr. Maillard replied that one of the requirements for MMCR was that from the concrete apron, back into the throat of the property, to have a hard surface. There is some debris from the small repair shop dragged onto Ecorse Road because of the condition of the parking lot that they have.
- Mr. Maillard stated that this site really isn't uncommon with a sand, gravel, concrete operation. They are requesting that a hard surface be installed from the approach pavement back into the site. Mr. Rattner showed the board where they intend to widen the entrance from about 18 feet wide to about 24 feet wide. As of now, there is no room for 2-way traffic to go through.
- Mr. Maillard commented that Mr. Smith is governed by DEQ for his permit. He has talked long and hard with the DEQ and Mr. Smith will have to obtain a permit for his plant and if there is any complaint DEQ will be out there. As far as the dust and air quality, DEQ monitors very closely.
- Mr. Long asked Mr. Smith where the 25-45 trucks would go if there were a breakdown in operation, if the crusher was to stop working and there was a backup of truck traffic.
- Mr. Smith replied that there really shouldn't be a backup of truck traffic if the crusher were to break down, the pay loader will accept the concrete coming in and load the finished product going out from the site if the crusher breaks.
- Mr. Long asked Mr. Smith if then there will be some rough storage on site of bulldozers and other machinery.
- Mr. Smith agreed.
- Mr. Zilka asked Ms. Maise if it would be out of scope of this project to ask MMCR to dig for some test holes to prove if there were any barrels at the rear of the property.
- Mr. Maillard replied that they can ask to have some holes bored to test the soil for contaminants.
- Mr. Rattner asked the board if that could be a part of the temporary use permit so that they may get started.
- Mr. Rattner stated that they intend to consult with their own environmental attorneys and experts because the contamination that is being spoken of is a very complicated issue and not from the stand point that there could be some contamination but, that it can be a very complicated issue, or it could be nothing. Not to say that Mr. Vernatter didn't see what he claims to have seen but, they're not sure where it is or what it is because, don't forget, they are putting a movable machinery on top of a hard surface. They are going to offer up that they are going to be consulting with environmental counsel and experts, if the board agrees that it is necessary.
- Mr. Rattner conveyed that they would like to bring as much light to this issue as possible. Nobody is trying to cover up anything but, this is the first time that they have encountered this. But, we would like to be able to go forward at this time.
- Ms. Maise stated that she believed that the whole intent was, as you have in other temporary uses, when they are approved conditional upon all of these administrative items, you don't get approval to start your operation until all of these items are done. So, Ms. Maise reminded the board to be real clear with Mr. Rattner and Mr. Smith because they are requesting to get going on the operations before a soil test can be performed.
- Mr. Chandler agreed with Ms. Maise and stated that the soil test needs to be addressed and added to the conditions to evaluate the condition of the soil where the barrels might be, if any are back there.
- Ms. Maise explained that what the process has been in the past is that rather than putting a start date on temporary uses, they are good for 12 months. The board have approved them upon getting

all of these items done. When all of the items are complete and administration has signed off on it then you would go to the Building Department and pull that permit. That starts the date of the temporary use permit and your permit is good for 12 months from then. It is just a matter of how long it takes you to get these conditions met.

- Mr. Morris asked Ms. Maise if then they would put the final approval on administration and once the items are complete administration would have final approval.
- Ms. Maise replied yes, if the board was comfortable with that.
- Mr. Morris stated that Ms. Maise and other involved departments would be doing all of the reviews and if those conditions were not met, then a permit would not be issued for a temporary use for MMCR.
- Ms. Maise replied that Mr. Morris was correct.
- Mr. Chandler stated that just the fact that the City of Romulus has an airport with miles of concrete and all of the highways around us, with all the plans to redo all of the roads, we are going to have a lot of concrete crushing going on. Whether it is this site or other sites around, it is going to happen. When approvals are given, they are given with the understanding that they meet all of the requirements for safety, dust control, cleanliness and other things. The fact that it is a concrete crushing plant is just a fact of the times, it's going to happen.
- Mr. Morris agreed, especially since they just approved the replacement of a runway at the airport for a temporary use permit.
- Mr. Rattner expressed his concern and stated that what they offered up was to consult with their environmental experts, they don't know what is going to be requested of us.
- Ms. Maise stated to Mr. Rattner that she wants to know what the Board of Zoning Appeals would like to do, she understands what Mr. Rattner has requested, she believes the board understood but, this environmental contamination issue was not in any of the reports and came out at this meeting.
- Mr. Chandler reiterated that this process is being added to the motion for safety and health concerns.
- Mr. Vernatter requested that the board find professionals to bore the back of the property. If you get the right professionals who know what they are doing, you will find it.
- Mr. Long asked Ms. Maise if the a representative from the city should be present when the soil boring is done as to verify that the soil was from the property located at 28333 Ecorse Road.
- Ms. Maise replied that Kevin Maillard, City Engineer from OHM will be present at the time of soil boring.

Motion by Morris supported by Long to approve BZA-2015-006; Mid-Michigan Crushing & Recycling for a temporary use for a concrete crushing operation at 28233 Ecorse Road. DP# 80-045-99-0008-008 and DP# 80-045-99-0008-009. This approval is valid for 12 months subject to the following:

1. Administrative review and approval by the City Planner, Building Department, Fire Department, DPW, and Engineering of a revised site plan addressing all issues in the City Planner's report.
2. A soil boring test to be reviewed and approved by the City Engineer to assure no contamination.

Roll Call Vote: Ayes- Morris, Long, Mientkiewicz, Zilka & Chandler. Nays – none. Motion Carried.

7. New Business

8. Communications

A. City Planner's Status Report

- Mr. Long asked Ms. Maise about the progress of the potential Outlet Mall.

- Ms. Maise replied that Economic Development Director, Tim Keyes is working with the Federal Government to secure a curb cut approval so that the developer may move forward.
- Ms. Maise recommended that if any of the board members have specific questions they should contact Tim Keyes but, that he is working very hard to help make this happen.
- Mr. Chandler stated that there are a lot of residents waiting for that project to get started.
- Mr. Zilka commented that something must be happening because he noticed a sign at the proposed site for action in the spring.
- Ms. Maise informed the board that there were no new cases submitted and there will not be a meeting in February.
- Ms. Maise stated that the Planning Department has several new developments that are being worked on, new site plans and projects. There may some things resulting from that but, nothing as of right now.

9. Discussion

- Mr. Zilka stated that he is happy to be back and wishes everyone a Happy New Year.
- Mr. Mientkiewicz asked Ms. Maise if there was any new news on the grocery store downtown.
- Ms. Maise replied that Tim Keyes is working on that as well. The owner is working on their banking to secure a loan.
- Mr. Morris noted that he seen a sign on the door.
- Mr. Chandler stated that he notice a lot of activity at the Metropolitan Hotel.
- Ms. Maise commented that the new owners of the hotel donated a lot of furniture to non-profit agencies.
- Mr. Chandler wished everyone a Happy New Year.

10. Adjournment

Motion by Zilka supported by Mientkiewicz to adjourn at 8:15 p.m. Roll Call Vote: Ayes – Zilka, Mientkiewicz, Morris, Long and Chandler. Nays – None. Motion Carried.



Donald Morris, Secretary
Zoning Board of Appeals