

**MINUTES OF THE CITY OF ROMULUS SPECIAL MEETING OF THE
BOARD OF ZONING APPEALS HELD ON WEDNESDAY, MAY 13, 2015**

1. The meeting was called to order by Chairman Chandler at 1:00 p.m.
2. Roll Call Showing: Kenneth Mientkiewicz, Donald Morris, Julie Allison (alternate) and Sheldon Chandler
Also in attendance: Carol Maise, City Planner, and Bobbie Marcell, Secretary
3. Motion by Morris supported Allison to approve the agenda as presented.
Roll Call Vote: Morris, Allison, Mientkiewicz and Chandler. Nays – none. Motion Carried.

Agenda

1. Pledge of Allegiance
 2. Roll Call
 3. Approval of Agenda
 4. Petitions
 - A. BZA-2015-006; **Mid-Michigan Crushing and Recycling** located on Ecorse Road west of Inkster. DP # 80-045-99-0008-008 and 80-045-99-0008-009 requesting temporary use permit to allow a concrete crushing operation until November 15, 2015.
 5. Old Business
 6. New Business
 7. Communications
 8. Discussion
 9. Adjournment
4. Petitions
 - A. BZA-2015-006; Mid-Michigan Crushing and Recycling Temporary Use. Ecorse Road west of Inkster Road. Requesting a temporary use permit to allow a concrete crushing operation until November 15, 2015. DP# 80-045-99-0008-008 and 80-045-99-0008-009.

Vaughn Smith of Mid-Michigan Crushing and Recycling and Mike Klein, property owner stepped forward as petitioner.

- Mr. Chandler asked how long the company has been in operation on Ecorse Road.
- Mr. Smith responded that they have been there about 8 to 9 months.
- Mr. Chandler inquired if some of the work had started in 2009.
- Mr. Smith stated no.

- Ms. Maise responded that the Board had approved a temporary use permit for a batch plant for a different company which was working at the time on the I-94 project. It appeared that work had continued upon expiration of that permit.
- Mr. Chandler asked if they had renewed the permits.
- Ms. Maise answered that they were a different contractor.
- Mr. Smith stated he believes it was Florence Cement. There has been a concrete crushing operation there for years as satellite photos of the city show concrete crushing going on there since the early 2000's. It may not have been permitted, but it has been going on in the City. His company had been working with the Building Department for a permanent permit, but today they are asking for a temporary use with the intention of working towards being permanent.
- Mr. Chandler asked what project they are working on now.
- Mr. Smith replied that they are currently working for Metro Airport. Part of the issue is that the neighbor down the street is in a different city and has limitations as to what they are able to bring in, so there is an overflow of material that comes out of the airport that has to be processed and then go back. They been doing some of that work and that is the plan for this year.
- Ms. Maise asked if the contracts with the Airport are with the Airport directly or through sub-contractors.
- Mr. Smith responded with sub-contractors working for the Airport.
- Ms. Maise asked which sub-contractors would that be.
- Mr. Smith replied Angelo, Dan's Excavating, and Adamo Demolition.
- Mr. Chandler clarified that Mr. Smith had mentioned Dan's Excavating.
- Mr. Smith responded yes.
- Mr. Chandler remembered that last year the Board had a case involving Dan's Excavating.
- Ms. Maise added that they were approved for a temporary concrete crushing operation on Vining Road and therefore they (Dan's Excavating) know the rules with regard to city procedures.
- Mr. Chandler stated that he had gone by the site and questioned where the entrance was; where were they are driving in from?
- Mr. Smith responded, Klein's Auto Body who is the same property owner.
- Ms. Maise noted that it is difficult to tell when you are out there what use is where and it appears that the property owner has leased space to other users. The unauthorized use, which appears to be a trucking operation, also needs to be addressed. There is clearly a second use on the property.
- Mr. Klein stated that the trailer storage has been gone for 2 - 3 years now. They brought in Shaun Free's Twin Bridges, since they needed money and tried to generate a little bit of capital to get the place going. He's in the process of cleaning up the property and Vaughn (Smith) is going to help him. They put a plan together and while the Miller's ran the place down, it's rough looking but he's cleaning it up. He needs help and the economy is not that strong where he can support himself. He can use the property to do what he needs to do which will give him a little bit of money which will go right back into the property. There are driveway issues as well that take money to improve.
- Ms. Maise questioned if there was another tenant on the property now.
- Mr. Klein stated no he had gotten rid of the previous tenant.
- Ms. Maise asked whose trucks are coming and going from the site.
- Mr. Klein responded that is what they do. He has contracts with trucking companies and they do body repair and trailer repair, everything except engine repair.
- Ms. Maise asked if he had a certificate of occupancy.
- Mr. Klein responded for his place, yes.

- Ms. Maise confirmed that the C of O was for 28233 Ecorse but was it also for the adjacent 20 acres. The City does not have approval for his use on that property.
- Mr. Klein answered that he is working on that now. He is trying to make everything right and he's not sure how they did it in the past but that was before he and Vaughn partnered together. They now want to make things right with the City.
- Ms. Maise mentioned that while he is asking for a temporary permit, they are going to have to ask for a special land use and site plan approval as well to make the use permanent.
- Mr. McCraight noted that the trailers that are on site now are an accessory to the primary use, so it's an expansion of repair use.
- Mr. Klein responded he was asked to move all of the junk from storage so he removed it. Satellite images that are on file are not updated and still show junk being stored there but he has had dumpsters and dumpsters of debris and garbage removed. They cleaned up with Taylor Recycling and brought the trucks in and disposed of everything the right way and they did not bury anything. Vaughn is coming in to help him clean it up out there since it was a mess. He has a lot cleaned up and he'd like to put a berm up to keep people from coming in and dumping on the property.
- Ms. Maise said that as part of the expansion of the truck repair business, he will have to go through a full site plan review which will include greenbelts and buffers, paving the storage surface, etc. Engineering plans will be required
- Mr. Klein noted that he has a retention pond in the back.
- Ms. Maise agreed and stated that those things will all be needed on the plans.
- Ms. Maise clarified that Mr. Klein owns the property and Mr. Smith is the only tenant.
- Mr. Klein responded correct.

Chairman Chandler opened up the meetings to discussion from the Board members.

- Mr. Morris asked if the taxes on the property had been paid.
- Mr. Klein stated they had been paid as of today.
- Mr. Morris asked the City to clarify the items they are reviewing.
- Ms. Maise responded that they will need verification that the taxes were paid but what the Assessor really needs is a warranty deed as proof of ownership. There is also the issue with what use are on the property and they need to go through the approval process. The City has received comments from the public regarding the status of the property that must be addressed.

Chairman Chandler opened up the meeting to comments from the public.

James Vernatter of 28124 Ecorse came forward on behalf of himself and other residents in the area.

- Mr. Vernatter expressed his disapproval of a concrete crushing operation at this location. He and other residents do not want the operation under a temporary or permanent permit. A letter was created and signatures were collected expressing neighboring residents concerns with the continuation of the operation. Their concerns are that cement dust is a carcinogen, truck traffic is a problem, there's excessive noise from the crusher, and there will be a decrease in property values. He asked that the Board do what is right for the City and reject their request for a temporary and a permanent permit.

Deborah Walinsky of 28140 Ecorse came forward to speak on the matter.

- Ms. Walinsky stated that she lives directly across from where the operation is occurring. She is a new home owner, she has lived in Romulus for 3 years, and she did a lot of research before choosing to purchase a home in Romulus. If this operation is allowed to continue it will severely affect her decision to keep her Romulus home and continue living in the City. She feels that the cement dust is dangerous to breathe in, for kids to swim in pools where it settles or have a garden on their own property. She is against the operation and if it continues will move out of Romulus.
- Ms. Maise wanted the record to show that a call was received by resident, Linda Lowrey of 6715 Birchdale who apologized for not making the meeting but did sign the petition. Ms. Lowrey expressed that she is adamantly opposed to the operation both on a temporary and permanent basis. She feels that there is way too much dust generated from the operation when it was functioning. She said that the area is already negatively impacted by the other operations and excessive truck traffic. She has COPD which this operation further aggravates. She asked that the Board consider all the comments that are listed in the petition.
- Mr. Vernatter added further that if the project is rejected he will be asking that the board or someone with authority require that all the cement and debris is removed.
- Mr. Chandler asked Mr. Smith if he said that he had only hauled material in throughout the winter and will it be removed within 30 days. He also wanted to confirm that he heard that the remainder of the stuff had been from a previous operation.
- Mr. Smith responded yes that there was material there from a previous operation that was not his.
- Mr. McCraight explained that Building Department records show there was a crusher in operation in 2012. Last year he was made aware of the operation so he went out there and met Mr. Smith for the first time. That is why he thinks it was a different outfit that may have been operating previously. Mid-Michigan Concrete Crushing and Recycling may have been active there a year ago.
- Mr. Smith stated that he began his operation on the site roughly a year ago.
- Mr. Chandler referenced the concrete crushing operation the Board approved on Vining Rd., and noted that when he had gone by it never really showed a large amount of dust. He also stated that of course there were no residents in that area to complain about that.
- Mr. Smith asked to address that issue. He stated in the crushing process they use water to control the dust and are controlled by the DEQ. They are inspected all the time and if they were creating excessive dust, the employees wouldn't want to breathe that. He explained that it's not as the gentleman said and they use water to control the dust so if there was dust in the neighborhood it had to be from Ecorse Road or some other foreign dust. This spring was windy, dry and dusty, but he noted the dust wasn't from his crusher.
- Mr. Chandler said they do have some issues other than what the gentleman had brought up. Through the Administrative Review Committee there are nine (9) items listed that must be addressed. First being arrangements for termination and removal. He questioned the termination and removal process.
- Ms. Maise responded that a new temporary use ordinance was recently adopted and this is a new requirement. Because Mr. Smith will be seeking special land use approval, this may not be necessary however there may be something like a bond and/or a time limit to get his special land use application in. For example, there could be a 30 day time limit to get his special land use application completed. Or the Board may want a termination or removal plan along with an associated bond. She stated that the bottom line was without proof of ownership the temporary use cannot be voted on today. The applicant does not own the property nor are we in possession of proof that Mr. Klein, who says he's the property owner, actually owns the property.

- Mr. Chandler clarified that he is talking about making it a permanent use.
- Ms. Maise understood this to be true. They are here today trying to buy some time to re-establish the operation while he's seeking special land use approval from the City Council and the Planning Commission. He wants to re-open and get his concrete crusher going again. Some of the items to be addressed will be part of the special land use approval however, some of the basic things like property ownership, must be provided whether it is a permanent special land use approval or the temporary use approval.
- Mr. Chandler pointed out that item two is a soil erosion permit from Wayne County.
- Ms. Maise asked the applicant if they had the required permit yet.
- Mr. Smith stated that they are in the process, but because of the height of the berm, which is not established by this board, he'd like to address it.
- Mr. Chandler stated that it looks like it needs to be tabled until those things can be addressed.
- Ms. Walinsky stated that if it's being discussed that there are areas on Vining Road where homeowners don't live and there was no dust, clearly you were there on a good day. She noted that the Board is more than welcome to come to her house any day of the week and sit for half an hour and to see the dust. If there is a place on Vining Road where no residents will be affected, she asked why can't this go on there. Why have this where there are residents who will be affected?
- Mr. Chandler stated that the point he was trying to make was that there were no residences nearby which made that a better location.
- Mr. McCraight explained that the Vining Road site was a permanent site to the Airport since it is owned by the Airport Authority. They approached the City about creating the site and during the application process certain strings were attached. They had to have dust control on the site, they had street sweepers there all the time, they had an excessive bond that would ensure the got site cleaned up. If you go by that site now they have it cleaned up, they remediated all of the concrete crushing that was there, it's top soiled and seeded, they took care of it. With the permitting process of that site there were significant regulations put on that site. There were several times we had to go out and police that site and make sure it was cleaned up, but because it was permitted we were aware of it and we were able to have more control over that site.
- Ms. Maise commented that the City Council recently adopted some amendments to the zoning ordinance in regards to the industrial district. There are new, additional standards for these operations. As part of the special land use review, there will be some conditions that must be reviewed like proximity to residential. The City is concerned about the property zoned residential right across the road on Ecorse. The proximity to residential is a very important aspect on many of our industrial uses.
- Mr. Chandler questioned whether there is any other access to that property other than Ecorse Road.
- Ms. Maise responded that she didn't believe so.
- Mr. Smith answered no.

Motion by Morris, supported by Allison to table BZA-2015-006; Mid-Michigan Crushing and Recycling Temporary Use Ecorse Road west of Inkster who are requesting a temporary use permit to allow a concrete crushing operation until November 15, 2015. DP# 80-045-99-0008-008 & 80-045-99-0008-009.

Roll Call Vote: Ayes - Morris, Allison, Mientkiewicz and Chandler. Nays: - None. Motion Carried.

- Ms. Maise reported that when they are able to get their information together and resubmitted, they will be back on the agenda. It will likely be a regular meeting agenda, the first Wednesday of the month in the evening. If they pull everything together or come in for a permanent permit, the Board will get noticed on that as well.
- Mr. Chandler stated this has been tabled until everything is in order.

5. Discussion

- Ms. Maise explained that there is a special meeting scheduled for May 22 at 1:00 pm. This is for the case that was tabled last Wednesday for Northfield Trucking. Also, there is a meeting June 3rd with four (4) cases. She reminded the Board about the Fourth of July holiday and asked the Board to let them know if anyone had conflicts the first Wednesday in July, since a meeting is likely.
- Mr. Chandler asked if there are any demolitions.
- Mr. McCraight stated that they are putting together demolition list 1501 right now which will come before the board shortly. They're wrapping up 1401 and are currently excepting bids. They have another eight (8) dilapidated structures which will be coming down in the city and the next list looks like it will have another twelve (12) to fourteen (14) structures on it.
- Mr. Mientkiewicz stated that these two guys (applicant) basically did whatever they wanted and ignored the City. With the crushing plant it seems like they could have found a better spot.
- Ms. Maise added that Mid-Michigan is a known operation and they've been in a lot of other communities. They know the rules. Last summer they had discussed but never submitted any plans until Mr. McCraight stepped in and said enough is enough.
- Mr. Chandler stated that the lot to the east, the trucking company lot, he noticed today someone had dumped a bunch of trash.
- Ms. Maise asked if the dumping looked like it was something the City should be looking into.
- Mr. Chandler responded that it looked like a bunch of car parts.
- Mr. McCraight said they would take a look.
- Mr. Mientkiewicz asked once they crush the cement, where do they claim they take this stuff.
- Mr. McCraight responded they break it down into smaller usable aggregate and they sell it again for 21AA or whatever the order may be for. With the Vining Road site, the Airport actually brought the concrete from the runway out, crushed it made it reusable and then took it back onto their site to use it. It was a more controlled site. Whatever they get orders for on this material is what they will sell it for. They will crush it down to any particular size.
- Mr. Chandler stated there is a crushing plant on Inkster Road that is about two (2) miles from there.
- Mr. McCraight stated that it is in Taylor.
- Mr. Chandler responded it has been there for a long time.
- Ms. Maise noted that the residents in the area are already complaining that they are dealing with that one, so this one just sort of hits them from both sides.
- Mr. Morris stated that it seems like this would be pretty easy to handle for the fact that it is not supposed to be there. If you had a plan and all of the things listed were taken care of and you wanted it there.
- Ms. Maise responded that the City has been looking into provisions for this use as part of the Industrial District Zoning Ordinance amendments. The city has had several requests and that prompted us to look more closely at the ordinance since it currently just addresses concrete batch plants. It's been interpreted that a concrete crushing operation is an accessory use depending on

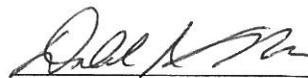
what is going on, and a temporary use permit from the BZA is required. This is how Florence go approved. On Vining Road, Dan's Excavating was proposed on separate piece of property that didn't have a concrete batch operation. The amended ordinance now includes crushing and more standards for both crushing and batch plants.

- Mr. Morris stated that was the point he was trying to get across; that you may not normally put a crushing operation across from houses. So at that point, you don't even have to worry about it.
- Ms. Maise responded that a typical standard in other ordinance is a distance of 1,000 – 1,500 feet between the operation and any residential use.
- Mr. Morris understands that if you're a neighbor and something is affecting you, that you'd get very upset about it. But there are laws, people own property, it's zoned as such and you should be able to do things with your property. The City has already come up with enhancing crushing operations and hopefully we can find a spot for it or allow it if all criteria is met.
- Mr. Chandler asked how much work is still being done at the airport for runways; is it an ongoing process forever?
- Mr. McCraight stated hopefully yes since the City pulls permit fees from them. There is a runway improvement proposed and there will be an open house scheduled for the 21st to share the information. Note that it is not a new runway; it's not an extension of the runway, it's an existing runway that was already starting to prematurely fail so they are in the processes of rebuilding it and the airport is faced with the same condition as Michigan roads as far as concrete failing prematurely.
- Mr. Chandler wondered if after Dan's Excavating left the site on Vining were things winding down over there (at the airport). If they're still working on runways, why would they want to leave or relocate?
- Mr. Morris responded that they are taking it over to Taylor.
- Mr. Chandler was asking because he was wondering if Mid-Michigan was taking over some of that work.
- Mr. McCraight stated that he was not sure as it could not be substantiated in their meetings with the airport. They thought that they would use the Vining road site again, but they haven't. They are trying to keep it all onsite within their boundaries so he's not sure; they could be but he's unsure of what is going on. He stated this is usually where we find all our information, but there are currently too many variables that are unknown on that site.
- Mr. Mientkiewicz added that when he was speaking about the trucks, it seems like there is an awful lot of stuff there.
- Ms. Maise replied that a lot of the issue is the second use on the property; an unauthorized use adding a lot of traffic so information regarding that is needed.
- Mr. Chandler responded that he said they have four (4) trucks per hour, forty (40) per day.
- Ms. Maise noted that is just the crushing operation.
- Mr. Chandler said that there is all the other truck traffic on Ecorse.
- Ms. Maise responded that it appears that they have trucks in and out of there all day long.
- Mr. McCraight added that the trucks are from Klein Automotive, the principal use on the adjacent property.
- Ms. Maise noted that they are trying to determine which trucks belong to which use.
- Mr. Morris stated that there is also a truck stop on the corner and if you go down Ecorse Road, at that point it is solid trucking.
- Ms. Maise agreed that there is a significant amount of truck traffic in the area.
- Mr. Morris stated that he can understand people being upset about the trucks and the traffic but you're going to have trucks and dust there anyway.

- Ms. Maise said there have been provisions added to the ordinance to get dust under control, along with the noise and some of the other performance standards. The hope now is to get the operation and uses on the property into compliance.
- Mr. Morris asked if that was a good location for a crushing company.
- Ms. Maise responded that the City needs to have some control and that is why it requires special land use. The concern is the proximity to residential.
- Ms. Allison stated that it is very congested.
- Mr. Morris agreed.
- Mr. McCraight added that like the Dan's Excavating use, another thing to keep in mind with this type of operation is as tightly as we watch this site, in the beginning they were having issues with truckers that would not cover their load and that would put concrete on our roads which is a hazard to motorists. So even though we were pretty heavily involved with monitoring that site, we had to have police out there to start writing citations before they realized we were serious about keeping concrete off the roads. Even though the general contractor may be cognizant of what they are doing, they may have that one rogue trucker or subcontractor that doesn't really cover his load up or doesn't really care and goes too fast. It's another aspect of that kind of operation that the concrete can fall off trucks and beat on the roads causing more hazards.

6. Adjournment

Motion by Mientkiewicz supported by Allison to adjourn at 1:44 p.m. Roll Call Vote: Ayes – Mientkiewicz, Allison, Morris & Chandler. Nays – None. Motion Carried.



Donald Morris, Secretary
Zoning Board of Appeals