

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE
BOARD OF ZONING APPEALS HELD ON WEDNESDAY, APRIL 4, 2012**

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

Also in attendance: Carol Maise, City Planner, Linda McNeil, Sr. Secretary
3. Motion by Zilka supported by Long to approve the agenda as presented. Roll Call Vote:
Ayes – Zilka, Long, Morris, Chandler. Nays – none. Motion Carried.

Agenda

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
 - A. Approval of the minutes of the regular meeting of the Board of Zoning Appeals held on March 7, 2012.
5. Petitions
 - A. BZA-2012-003; RTF Romulus, LLC (EQ), requesting a use variance that would allow the installation of railroad tracks for the parking and transport of rail cars and the connection of the railroad track to the presently existing tracks on the adjacent parcel.

The subject property is located at 36345 VanBorn Road. DP#'s 82-80-017-02-0039-300, 82-80-017-02-0022-300, 82-80-017-02-0013-300, 82-80-017-02-0011-000, 82-80-017-99-0022-000 & 82-80-017-02-0009-300.
6. Old Business
7. New Business
 - A. Rules of Procedure
8. Communications

9. Discussion

10. Adjournment

4. Motion by Morris supported by Long to approve the minutes of the regular meeting of the Board of Zoning Appeals held on March 7, 2012. Roll Call Vote: Ayes – Morris, Long, Zilka, Chandler. Nays – None. Motion Carried.

5. Petitions

- A. BZA-2012-003; RTF Romulus, LLC (EQ), requesting a use variance that would allow the installation of railroad tracks for the parking and transport of rail cars and the connection of the railroad track to the presently existing tracks on the adjacent parcel.

The subject property is located at 36345 VanBorn Road. DP#'s 82-80-017-02-0039-300, 82-80-017-02-0022-300, 82-80-017-02-0013-300, 82-80-017-02-0011-000, 82-80-017-99-0022-000 & 82-80-017-02-0009-300.

- Mr. Chandler read into the record the request from the petitioner, RTF Romulus, LLC (EQ) to table BZA-2012-003 until such time that they decide how best to proceed.

Chairman Chandler asked if anyone wished to speak on this matter.

- Mr. Chris Ferris came forward and expressed his concerns in regards to the noise from the trains and what type of hazardous materials are being railed in. He finished by saying that he was strongly opposed to any type of expansion that did not include sound barriers.
- Mr. Alfred DeChene, Wimsatt Lumber, came forward and expressed his concerns with regards to the hazardous waste that is being railed in and treated on site currently. He went on to say that currently three spurs are being utilized and that the road is inoperable 10% of the time so with the expansion the traffic flow will be three times as bad as it is now. He finished by saying that with the previous explosion that occurred on site, who even knows what type of hazardous material is being brought in.
- Mr. Chandler stated that they are bringing in contaminated dirt that needs to be decontaminated.
- Ms. Catherine Drummond came forward and explained that back in the 70's the citizens took Environmental Quality to court due to fumes that were making people sick and the court made a determination that EQ would have to build a reservoir to catch the overspill. Ms. Drummond stated that she was not aware of whether that was done or not. She continued by saying that for a couple years prior to the explosion at EQ, she had been smelling gas and that every time she called the gas company they

could not determine where the smell was coming from. She went on to say that prior to the explosion when she went down to look at the Trouton Drain adjacent to her property, there were bubbles coming up in the water. She contacted the Fire Department and everyone she could think of and the gas company came out and repaired it. That evening was the night the explosion occurred. Mrs. Drummond continued by saying that their homes are vibrating bad enough now from the trains and additional train traffic would just make it that much worse. She finished by saying that she would like to see EQ install buffers to mitigate the noise and vibrations. She stated that she had the following questions for the petitioner: 1. What is going to happen to the trees adjoining her property? 2. Are the trains carrying dangerous chemicals? 3. What is the possibility of EQ wanting to expand more and if so in what direction? She finished by saying that we do not need and cannot tolerate any more chemical spills.

- Mr. William Leaver, 35819 VanBorn, came forward and expressed his concerns in regards to the noise, what chemicals are being brought on site and the traffic issues. He continued by reminding the Zoning Board of Appeals of the explosion several years ago and wanted to know what they are going to do to protect the citizens from future issues. He also stated that the railroad tracks by Wimsatt Lumber, due to the trains parking on the tracks with so much weight, which has caused the tracks to sink down so much and are almost impossible to cross. He finished by saying that his family has lived at this property since the 1940's and he would like to stay there.
- Ms. Teresa Leaver came forward and stated that she grew up in her home on VanBorn and that after the explosion she was not able to get to her home and check on it and she didn't even know if she would have a house to come home to. She stated that she cannot have her windows open due to the noise and that there are times when she can't even get down her street because the trains have the traffic backed up so far down VanBorn and Wayne Roads. She continued by saying that the property adjacent to hers has periodically had trees removed and then they go away for awhile and then they come back and park way in the back of the property where no one can see them and then they remove more trees.
- Mr. Chandler questioned whether Environmental Quality is doing the tree removal.
- Ms. Maise stated that she received a complaint on the tree removal today and that the Tree and Woodland Ordinance requires a permit and the Building Department has been notified and they will be following up on it in the morning.
- Ms. Leaver indicated that she called and complained a couple years ago when they started clearing trees and someone came out and stopped them immediately but that they had already cleared a lot of the trees.
- Mr. Chandler questioned whether it was the property owner doing the clearing.
- Ms. Maise stated that they have it figured out and now that an application has been submitted we will be on this first thing in the morning.
- Mr. Chandler stated that he visited the site but did not notice the tree removal going on next door at the adjacent property. He finished by saying that all the concerns brought up this evening are valid concerns.

Mr. Chandler closed the public comments portion of the meeting and opened it up to comments from the Board members.

- Mr. Long questioned whether the residents have been contacted by Environmental Quality in regards to buying them out.
- Mr. Leaver answered by saying that the property to the west of him has been resurveyed in the last 30 days but that he has received correspondence from the people handling the sale of the front property inquiring what we are doing with our property. He finished by saying that they have received no correspondence from Environmental Quality at all.
- Mr. Long stated that like Chairperson Chandler he appreciated all the resident's concerns in regards to traffic and safety.
- Mr. Morris stated that like everyone else he is going to have a lot of questions for the applicant and the Board of Zoning Appeals is really going to have to take a good look at this.
- Mr. Chandler stated that this is a big project that involves all of us and we will address these problems and concerns when they come back before us. He finished by saying that in the meantime, we will table this until they make arrangements to come back before us.
- Mr. Ferriss questioned whether the residents will be notified of when the petitioner is going to come back before the Board of Zoning Appeals.

Motion by Zilka supported by Morris to table BZA-2012-003 RTF Romulus LLC. Roll Call Vote: Ayes - Zilka, Morris, Long & Chandler. Nays - None. Motion Carried.

6. Old Business - None

7. New Business

- Mr. Chandler stated that he had a question, and did not understand Paragraph 9 in regards to the Decisions of the Board portion of the Rules of Procedure.
- Ms. Maise stated that in the process of updating the Rules of Procedure there was a substantial difference between the old version and the new version. She went on to say that most of the content was from the Zoning Ordinance which is from the Enabling Act. After some discussion Ms. Maise indicated that she needed to verify what the Enabling Act said in regards to Paragraph 9, Decisions of the Board portion of the Rules of Procedure.
- Mr. Zilka questioned why they did not list the Secretary in Section six of Officers and their Duties.
- Ms. Maise answered that this was from the old copy of the Rules of Procedure and that at some point the Board must have added the Secretary position and that we'll just add it to the revised version of the Rules of Procedure.
- Mr. Chandler stated that other than that, the revised version looks good.

- Ms. Maise questioned whether the Board of Zoning Appeals wanted to take action on the Rules of Procedure.
- Mr. Morris stated that he would like to get the Rules of Procedure corrected before the Board takes action.

8. Communications - None

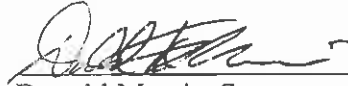
9. Discussion

- Mr. Chandler stated that back when he was on the Planning Commission he was issued an ID card and questioned whether the Board members should have one for site visits.
- Ms. Maise stated that she would look into it and get back to the Board members.
- Mr. Zilka stated that he has one that was issued to him years ago and it has his picture on it.
- Ms. Maise questioned how long ago it was that Mr. Chandler had received his.
- Mr. Chandler answered that it was approximately 10 years ago.
- Mr. Zilka questioned what the status of the McLane project.
- Ms. Maise answered that she has not heard anything in regards to their project status and that they have not submitted their engineering plans and have not applied to Building Department.
- Mr. Morris questioned what the procedure was.
- Ms. Maise stated that once they clear the Planning Department they have to submit their engineering plans to the Building Department along with their building plans.
- Mr. Morris questioned when their approval would expire.
- Ms. Maise stated that the Ordinance has changed and that they now have eighteen months.
- Mr. Morris questioned how long ago they received their approval.
- Ms. Maise stated that it was last year.
- Mr. Zilka questioned whether the Lee Steel project would require another railroad track installation.
- Ms. Maise answered yes, that there would be another spur going into the proposed building.
- Mr. Zilka stated that if it would affect Eureka Road in any way, he would fight it.
- Ms. Maise stated that they will be coming before the Board of Zoning Appeals for a building materials variance. She went on to say that they are proposing a rib steel building that has had two site plan reviews so far. She continued by saying that they have wetland issues and that a third site plan will be coming in shortly and that they could need more variances, so they may be coming before you in May and June.
- Ms. Maise stated that in terms of the railroad tracks, they will be reviewing the plan to confirm whether they will need a traffic study that the additional spur will not create enough additional traffic to cause back-up on Eureka Road.

- Mr. Zilka stated that when the railroad sidings were installed they promised the City that it would help alleviate the traffic on the roads and it has done nothing but cause back-ups on Eureka, Pennsylvania and Sibley Roads.
- Mr. Morris stated that the railroad traffic is also an issue at VanBorn Road as we heard earlier this evening.
- Ms. Maise stated that when the next site plan comes in she would make it available for Mr. Zilka to take a look at. She went on to say that the applicant is shooting for the May 21st meeting and that if Mr. Zilka cannot make the meeting maybe he could put something in writing.
- Mr. Zilka stated that a few months ago they had a meeting with the railroads and they promised they would do their best to try and alleviate some of the problems. He went on to say that he sees some difference here and there but nothing major is being done. He also stated that he is all for new business but there has to be some kind of restrictions put on the trains. He finished by saying that the tracks are blocked every day and they think they can do whatever they want and it needs to be addressed.
- Mr. Chandler stated that a few years ago the railroad was taken to court in regards to receiving tickets for blocking the tracks for too long and the railroad won.
- Mr. Zilka stated that he even put in a call to Mr. Obama over this issue and has not received a call back yet.
- Ms. Maise stated that in the very first review for Lee Steel, both OHM and the DPW commented that they wanted to see information in regards to what impact that new railroad spur would have on Eureka Road.
- Mr. Chandler stated that Romulus is unique in the fact that we have railroads going through our city both east and west. He went on to say that for commerce purposes it's good, but for the residents of the city and for police and fire it is not.
- Mr. Morris stated that when he was on the Planning Commission they came very close to putting in a bridge over Eureka Road.
- Mr. Zilka stated that at the recent meeting with the railroad that was the number one subject of conversation. He went on to say that there are 500,000 cars being shipped out of the New Boston yard and that next year it will be another 100,000 and so on and he questioned whether Ford, GM and Chrysler would chip in to put in the overpass.
- Mr. Chandler stated that the abandoned gas stations in the city are really becoming an eyesore and that we may need to have Ordinance take a look at them.
- Ms. Maise stated that the good news is that we are starting to see some activity on some of them. She went on to say that the gas Station at Wayne and Wick Roads will be submitting sometime next week. She finished by saying that they will need special land use approval and that they will be closing one of their driveways onto Wayne Road and that they may come before the Planning Commission in May.

10. Adjournment

Motion by Zilka supported by Long to adjourn at 7:40 p.m. Ayes – Zilka, Long, Morris & Chandler. Nays – None. Motion Carried.



Donald Morris, Secretary
Zoning Board of Appeals