

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A VIRTUAL MEETING HELD DECEMBER 15, 2020

Agenda

SITE PLAN: ONE WAY PRODUCTS (PHASE II)

GLASS ASSOCIATES, ON BEHALF OF ONE WAY PRODUCTS, REQUESTED SITE PLAN APPROVAL TO CONSTRUCT A 32,350 SQUARE FOOT ADDITION TO THEIR EXISTING 25,586 SQUARE FOOT FACILITY LOCATED AT 5933 WEST KL AVENUE.

SITE PLAN: ADVANCED POURED WALLS

ADVANCED POURED WALLS REQUESTED SITE PLAN APPROVAL FOR A CONCRETE MATERIALS RECYCLING YARD IN THE NORTHEAST CORNER OF PARCEL NO. 05-34-155-018.

A virtual meeting of the Oshtemo Charter Township Zoning Board held Tuesday, December 15, 2020, was called to order at approximately 3:02 p.m.

PRESENT: Neil Sikora, Chair
Fred Antosz
Dusty Farmer
Fred Gould
Micki Maxwell
Anita Smith, Vice Chair

ABSENT: Ollie Chambers

Ms. Lubbert noted Ms. Bell was no longer on the Zoning Board Authority and that Dusty Farmer had joined the Board, with this being her first meeting.

Also present were Iris Lubbert, Planning Director, Karen High, Zoning Administrator, James Porter, Township Attorney and Martha Coash, Meeting Transcriptionist.

Guests Adam Harvey and Isaac Hinkle, representing Glas Associates and One Way Products and Adam Barker, representing Advanced Poured Walls were in attendance.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairperson Sikora called the meeting to order and invited those present to join in reciting the "Pledge of Allegiance."

APPROVAL OF THE MINUTES OF NOVEMBER 17, 2020

The Chair asked if there were any additions, deletions or corrections to the minutes of November 17, 2020.

Ms. Smith asked for a correction to the applicant's comments regarding rationale for the requested in ground pool variance. Under the fourth bullet point at the top of page three, she requested the word "our" be changed to "a".

Chairperson Sikora asked for a motion.

Ms. Farmer **made a motion** to approve the Minutes of November 17, 2020 as presented with the noted correction. Ms. Maxwell **seconded the motion**. **The motion was approved unanimously.**

Chairperson Sikora moved to the next agenda item and asked Ms. Karen High, Zoning Administrator, for her presentation.

SITE PLAN: ONE WAY PRODUCTS (PHASE II) **GLASS ASSOCIATES, ON BEHALF OF ONE WAY PRODUCTS, REQUESTED SITE PLAN APPROVAL TO CONSTRUCT A 32,350 SQUARE FOOT ADDITION TO THEIR EXISTING 25,586 SQUARE FOOT FACILITY LOCATED AT 5933 W. KL AVENUE.**

Ms. High reported Glas Associates, on behalf of One Way Products, was requesting Site Plan approval from the Zoning Board of Appeals to construct a 32,350 square foot addition to their existing 25,586 square foot facility located at 5933 West KL Avenue. A 3,600 square foot covered storage area with concrete floor is also proposed. In July 2020, the Board approved a 29,250 square foot building addition at this site. The addition was not constructed. Instead, the applicant submitted a revised site plan for a larger addition with different building and parking configurations. Because the proposed expansion is greater than 2,000 square feet, site plan approval by the Zoning Board of Appeals is required. The property is located west of Hwy 131, on the south side of KL Avenue.

One Way Products manufactures environmentally friendly soaps and detergents, as well as distributes cleaning supplies and cleaning tools. Their existing 25,586 square foot facility at 5933 West KL Avenue includes space for manufacturing, offices, distribution, and storage. This existing facility was reviewed and approved by the Zoning Board of Appeals in July 2016. No hazardous materials are scheduled to be stored, loaded, recycled, or disposed of on this site. According to the applicant, the proposed building layout was revised to better accommodate workflow between the expanded warehouse and existing production space. As in the previous request, the proposed expansion area will be used exclusively for warehouse space to provide additional storage onsite. The proposed covered storage area will house emptied material totes that have been cleaned and are ready to be reused for product manufacturing. This

temporary staging area will allow empty totes to stay dry and snow free until they are needed.

Ms. High noted that in its July 2016 review, the ZBA approved the previous site plan and a deferment of 34 parking spaces with two conditions:

1. A 24-foot-wide gravel drive to the east of the building be relocated out of the landscape buffer and final plans for the drive be submitted and approved prior to the issuance of a building permit.
2. An updated landscaping plan be submitted and approved prior to the issuance of a building permit. Prior to the Certificate of Occupancy, additional landscape materials will be required if staff deems that landscaping materials are lost during construction to the point of noncompliance with the Zoning Ordinance.

The entirety of the property in question is zoned I-1, Industrial District. Uses permitted in the I-1 zoning district are outlined in Article 27 of the Township's Zoning Code. Warehouses are identified as a Permitted Use within this section. Outdoor storage in connection with Permitted Uses is allowed in the side and rear yard areas except within the area required for setback from side and rear lot lines. Such storage may not exceed 100 percent of the square foot area of the principal building upon the premises, and no outdoor storage of damaged or inoperable vehicles or equipment is allowed. Due to the scale of the addition, over 2,000 square feet, review and approval of the proposal is required by the Zoning Board of Appeals (Section 64.20). A proposal for a site plan expansion of a permitted use needs to be reviewed against the criteria outlined in Section 64.60 - Application Procedure, C - Site Plan.

Ms. High provided a summary of the requirements and analysis of the proposal.

Zoning: 5933 West KL Avenue is located within the I-1, Industrial District, which continues to the east and west of the site. The proposed warehouse addition and covered storage area are permitted uses within the I-1 district. There are residentially zoned areas to the north and south of the property in question. Even though the neighboring property to the east is zoned I-1, it has a residential use: apartments.

Open Area: The proposed addition would increase the overall square footage of the building to 57,836 square feet and add additional paved areas (covered storage area, parking and access drives). The percentage of the site covered with impervious services would increase from 20.2 % to 37.3%.

Setbacks: The proposed addition would expand the building 100 feet north toward W. KL Avenue and 90 feet east toward the side property line. The proposed front setback is 79.5 feet, which meets the 70-foot setback required under Section 50.60 (A). For side and rear yard setbacks the ordinance states that the minimum setback distance is 20 feet or the height of the abutting side of the building at its highest point as measured from the grade of the property line, whichever is greater (Section 50.60 (c)). The proposed addition will be 25 feet tall; there is roughly a 7-foot elevation drop between

the foundation of the building to the neighboring property line to the east, requiring a side yard setback of at least 32 feet. Both the proposed addition and storage area are shown with a 40-foot or greater side yard setback and more than a 200-foot rear yard setback.

Access and Circulation

Access: Overall, vehicle access to the site will remain unchanged. The existing curb cut and drive to W KL Avenue located on the western portion of the site will continue to be utilized. The existing aisle to the back of the building will remain for access to the existing truck docks and proposed covered storage area. However, in order to access the eastern side of the building for fire safety and maintain the existing sanitary sewer line, a new 24-foot-wide gravel drive was proposed at the east most part of the site. The Road Commission denied an application for the proposed curb cut for this driveway due to site distance requirements along KL Ave. Therefore, an easement for emergency and utility maintenance access is needed from the property to the east. According to the applicant, the property owner to the east is willing to grant this easement. The applicant plans to gate this entrance and provide Knox box access for emergency services. Staff recommends that, if the site plan is approved, a condition be included that an access easement must be recorded prior to issuance of a building permit.

Parking/Parking Deferment Request: A total of 62 parking spaces are required per the code (Section 52.100), three of which are to meet ADA requirements for accessibility. Parking requirements are based on the square footage of each use, as follows: 5,185 square feet of production space requires 1.5 space/1,000 square feet, or 7.8 spaces; 49,592 square feet of warehouse requires 1 space/1,500 square feet or 33.1 spaces; 3,059 square feet of office requires 1 space/150 square feet or 20.4 spaces. The site currently has 28 parking spaces and one ADA spot. The proposed site plan shows 34 new 10' by 20' parking spaces to be added, located south and east of the existing access drive. Three ADA spots will be provided. As with the July review, the applicant has requested that the Zoning Board of Appeals allow these 34 spaces to be deferred. Section 52.120 of the Zoning Ordinance authorizes the Zoning Board of Appeals to grant parking deferment requests, provided such can be done safely, and that the deferred parking can still be installed—within ordinance requirements—should the Township deem such as necessary at any point in the future. In their letter the applicant notes that One Way Products currently has 15 employees and an average of 5 visitors per day – their current use requiring approximately 20 parking spaces. They do not believe that additional parking is necessary as the newly proposed space is purely for storage and will not increase their employee base or customer traffic. She said Staff feels this request is appropriate and is satisfied with their reasoning. Note - deferred parking can still be installed—within ordinance requirements—should the Township deem such as necessary at any point in the future. The submitted site plan labels the 34 spaces requested to be deferred.

Sidewalk: Per Section 57.90 sidewalks indicated on the Township's Non-motorized Plan shall be installed by the developer when properties adjacent to planned nonmotorized facilities receive site plan approval from the municipality. The Township's Non-

motorized Plan shows a paved shoulder bike lane in front of this property. With this improvement not yet designed for the road this criterion is not applicable at this time. However, it should be noted that the applicant has signed a non-motorized Sidewalk Special Assessment District (SAD) agreement - a document which states that the applicant won't oppose any future special assessment districts to help fund non-motorized projects in their area at such time as the Township deems it necessary – when their original site plan was approved in 2016.

Building Design: The proposed addition will utilize metal siding similar to the existing building in color and profile. The proposed roofing for the addition will match as well.

Landscaping: The original request was submitted prior to the current landscaping ordinance adoption; as such, the proposed plan is reviewed under the previous requirements. Overall, the proposed landscaping plan meets the requirements of the code. However there are some concerns with landscaping along the east property line. The proposed site plan requests tree preservation credits to meet all planting requirements along the east property line. But grading for the proposed 24-foot-wide gravel drive may require removal of some trees marked to be preserved in this 10-foot-wide landscape buffer. To ensure that the plantings used for tree preservation credits survive through development, staff recommended a condition of approval that plantings be reviewed at the time of the Certificate of Occupancy and that if vegetation is lost to the point of noncompliance with the Zoning Ordinance, additional plantings be required.

Photometric Plan: Four new cut-off LED wall mounted lights are proposed. All fixtures provide egress lighting for service doors. Two are on the north, one is on the south, and one is on the west side of the building. The photometric plan is required to show 0.1 foot candles at the property line or that 0.1 foot candles is accomplished before reaching the property line. This requirement has been met.

Engineering: Prein & Newhof, the Township's civil engineering agent, has reviewed the project site plan and has no issues. No changes to the plan are needed.

Fire Department: There is currently no water supply on the east side of the building. The Township Fire Marshal strongly recommended that a hydrant be added to the east side given the size of the expansion. The applicant is working with the Fire Marshal to address this issue. If the site plan is approved, staff recommended that provision of this water supply be a condition of approval.

RECOMMENDATION:

Ms. High recommended the Zoning Board of Appeals approve the proposed Site Plan for One Way Products (Phase II) with the following conditions:

1. The Zoning Board of Appeals approves the requested deferment of 34 parking spaces, as illustrated on the proposed site plan.

2. An easement for emergency and utility maintenance access on property to the east must be recorded and submitted to the Planning Department prior to issuance of a building permit.
3. Prior to issuance of a certificate of occupancy, staff review of landscaping will occur. If landscaping materials are lost during construction to the point of noncompliance with the Zoning Ordinance, additional landscape materials will be required.
4. A revised site plan showing Fire Department access to water on the east side of the building be submitted and approved prior to issuance of a building permit.

Chairperson Sikora thanked Ms. High for her report and asked if Board Members had questions for her.

Ms. Maxwell noted the Board had previously approved the deferment of the 34 parking spaces requested by the applicant.

Ms. High explained that since it is a new site plan being considered, the Board needed to consider deferment again.

Chairperson Sikora noted the plant list provided includes two non-native plants.

Ms. High said they were included in the original site plan but were not planted because since the parking requirement was deferred, the internal landscape addition was also deferred. There are percentage requirements for native species which will be met if plantings happen. If there is a loss of trees and they have to be replaced, submission for a landscape plan will be required for the buffer and staff will make sure the native species requirement is met.

Hearing no further questions, the Chair asked if the applicant wished to speak.

Mr. Harvey thanked Ms. High for her thorough report. He said the only purpose for the re-application of the site plan was to relocate where the building is on the property. Otherwise the plan is what was talked about and approved previously.

Chairperson Sikora asked if there were any comments from the public. Hearing none, he moved to Board Deliberations.

Ms. Smith asked if the covered storage shed also needed to be approved.

Ms. High explained the covered storage area will be attached to the building and is part of the requested site plan approval.

Hearing no further Board comments, the Chair asked for a motion.

Ms. Maxwell **made a motion** to approve the Site Plan as recommended by Staff, including the four conditions they recommended:

1. The Zoning Board of Appeals approves the requested deferment of 34 parking spaces, as illustrated on the proposed site plan.
2. An easement for emergency and utility maintenance access on property to the east must be recorded and submitted to the Planning Department prior to issuance of a building permit.
3. Prior to issuance of a certificate of occupancy, staff review of landscaping will occur. If landscaping materials are lost during construction to the point of noncompliance with the Zoning Ordinance, additional landscape materials will be required.
4. A revised site plan showing Fire Department access to water on the east side of the building be submitted and approved prior to issuance of a building permit.

Ms. Smith **seconded the motion. The motion was approved unanimously by roll call vote.**

Chairperson Sikora moved to the next agenda item and asked Ms. Lubbert for her report.

SITE PLAN: ADVANCED Poured WALLS
ADVANCED Poured WALLS WAS SEEKING SITE PLAN APPROVAL TO HAVE A CONCRETE MATERIALS RECYCLING YARD IN THE NORTHEAST CORNER OF PARCEL NO. 05-34-155-018.

Ms. Lubbert said Advanced Poured Walls was seeking Site Plan approval to have a concrete materials recycling yard in the northeast corner of Parcel Number 05-34-155-018, directly east of 3425 S 6th Street.

She explained for the past several years, Advanced Poured Walls has been placing large quantities of concrete debris on their property at the northeast corner of Stadium Drive and S 6th Street and then milling this concrete generally once a year or every other year. When milling occurs, operations run during normal business hours and can take two to three weeks. Both the location of the stored materials and the milling process are in violation of the *I-1 Industrial District*. The Township began enforcement actions to request the removal of the storage and milling operation several years ago. Staff worked with the applicant to try and find a solution to the zoning concerns related to their business. Milling operations are only permitted within the *I-3 Industrial District*. To that end, staff recommended finding a location on the subject property for this district that would meet both the applicant's needs as well as the criteria of the Township's Master Plan. As a result of these efforts a little over four acres in the northeast corner of the parcel in question was rezoned to *I-3 Industrial District* in August 2018. After additional coordination with Oshtemo staff and the Road Commission, the applicant is now seeking site plan approval in order to operate the concrete materials recycling yard from this location.

Ms. Lubbert said the property in question is zoned *I-1 Industrial District, Manufacturing/Servicing* and *I-3 Industrial District, Special*. The proposed concrete materials recycling yard falls completely within the I-3 zoned section of the property (just over four acres of the overall 17.48-acre site). Uses permitted in the I-3 zoning district are outlined in Article 29 of the Township's Zoning Code and include: grain equipment and processing, fuel and feed yards, storage of gasoline, and automobile and other salvage yards. Staff has determined that the concrete storage and milling of Advanced Poured Walls is analogous to a salvage yard. Automobile and other salvageable material junkyards are listed as Permitted Uses with Conditions in the I-3 District. The implementation of any new nonresidential building, structure, or use requires the review and approval of the Zoning Board of Appeals (Section 64.20). When reviewing a site plan for a permitted use with conditions, two sets of criteria need to be considered: the general site plan review criteria outlined in Section 64.60 and the additional requirements for the use in question outlined under Section 48.30.

She provided an analysis of the proposal against the two sections.

Section 64: Site Plan Review

General Zoning Compliance:

Zoning: Parcel Number 05-34-155-018 is partially zoned *I-3 Industrial District, Special* and partially zoned *I-1 Industrial District, Manufacturing/Servicing*. The proposed concrete materials recycling yard will be completely contained within the I-3 section of the property. The proposed use is permitted as a permitted use with conditions within the I-3 district. All properties surrounding the subject site are zoned *I-1: Industrial District*. There are residential properties approximately 600 feet to the west and 900 feet to the north of the proposed site. These properties are zoned *RR: Rural Residential*. The zoning criterion is met.

Setbacks: Properties within the I-3 District have a required front yard setback of 70 feet. The required minimum setback distance between any building and any rear or interior side property line is 20 feet or the height of the abutting side of the building at its highest point as measured from the grade of the property line, whichever is greater (Section 50.60). The proposed concrete materials recycling yard will be located as far from both Stadium Drive and S 6th Street as possible, distances of approximately 600 and 460 linear feet, respectively. Although there is no building connected to this use to calculate the side and rear yard setbacks, the use will have a 50 foot landscaping buffer between it and the properties to the west and a 25 foot landscaping buffer between it and the properties to the north, east, and south. There are no concerns with this criterion.

Access and Circulation

Access: Parcel 05-34-155-018 has frontage along both Stadium Drive and S 6th Street. An existing curb cut on S 6th Street, reviewed and approved by the Road Commission, will be utilized to access this site. A 24-foot-wide gravel drive to allow for two-way traffic will be installed to connect to the proposed use. It should

be noted that the owner of this property also owns the property directly to the east, 3425 S 6th Street, and will allow trucks to drive through 3425 S 6th Street to and from the proposed use to help with traffic circulation. Should one of the properties be sold, and the recycling use continue, a cross-access agreement will need to be entered into between the properties.

Parking: Automobile and other salvageable material junkyards are not required to provide set parking via the zoning ordinance. This is logical as the proposed site will only be utilized by trucks either dropping off or picking up recycled concrete materials. This is not applicable at this time.

Sidewalk: Per Section 57.90 sidewalks indicated on the Township's Non-motorized Plan shall be installed by the developer when properties adjacent to planned nonmotorized facilities receive site plan approval from the municipality. The Township's adopted Non-motorized Plan shows a paved shoulder bike lane along S 6th Street and Stadium Drive. With this improvement not yet designed for either road this criterion is not applicable at this time. The Non-motorized Plan also shows a 6-foot-wide shared use path along Stadium Drive. As there are no other non-motorized facilities in the area for it to connect to, staff recommends that the applicant be allowed to file a Shared Use Path SAD form with the Township as a condition of Site Plan approval instead of installing this segment of path at this time. This means that when the Township deems it appropriate to install the path and implement a Special Assessment District to fund the installation of the shared use path the owners and future owners of this site cannot oppose it.

Building Design: No structure is being proposed for this use. The criterion is not applicable.

Photometric Plan: No lights are being proposed or are required for this use. The criterion is not applicable.

Landscaping: The location of the proposed concrete materials recycling yard is in the far northeast corner of the parcel and is surrounded by other properties zoned and used for industrial purposes, eliminating the need to try and screen from residential uses. Nevertheless, the ordinance does require this proposed use be screened from neighboring properties. A 20-foot-wide landscape buffer is required between the I-1 and I-3 zoning districts. A 25-foot natural screening buffer has been provided. Existing vegetation can be used to meet the landscape requirements for the buffer. This requirement is met.

However, the code also requires a 20-foot-wide landscaping buffer along both Stadium Drive and S 6th Street. Staff requests the Zoning Board of Appeals waive this requirement. When negotiations about moving this use to the back of the property started years ago, under the old landscaping ordinance, a buffer along the front was not a requirement nor part of the discussion. Given the applicant has acted in good faith, the proposed use is over 500 feet from both

roads, and there is already significant tree cover between the proposed use and streets, staff and legal counsel have deemed waiving this requirement appropriate. There is a High Tension Power line easement along S 6th Street.

Engineering: Public water is available along S 6th Street and sanitary sewer is currently available on S 6th Street for approximately 500 feet from Stadium Drive. Prein & Newhof, the Township's civil engineering agent, has reviewed the project site plan. All engineering concerns have been addressed.

Fire Department: The Township Fire Marshal is satisfied with the site design. Fire trucks will be able to enter or exit at either the 3425 S 6th Street driveway or the proposed project drive. The Fire Marshal has requested that the following condition of approval be added: if a gate on the entrance drive is installed, a Knox Key Box shall be installed at that location.

Section 48.30 - Automobile and other salvageable material junkyards

- A. All storage operations shall be screened from adjoining streets and highways by a solid fence at least eight feet in height and set back not less than 100 feet from abutting street right-of-way lines.**

The requested use will be located as far from both Stadium Drive and S 6th Street as possible, distances of approximately 600 and 460 linear feet, respectively. Existing tree cover will provide the required screening.

- B. No operations or storage shall be conducted within the aforesaid 100-foot setback area which shall be maintained free of equipment, material or debris.**

The proposed concrete materials recycling yard is only allowed within the *I-3 Industrial District, Special* area of the site. The existing piles of boulders and soil that can be seen from S 6th Street shall be removed or relocated and screened from view.

- C. All outdoor activities and storage shall be screened by a solid wood fence of sufficient height located upon the property so as to obstruct such activities or storage from the view of persons occupying or using adjoining premises other than streets and highways unless, in the discretion of the Zoning Board of Appeals the same would be unnecessary because of the nature of the use or the contour or character of the adjoining premises.**

A 25-foot wide landscaping buffer is being provided between the proposed use and abutting neighboring sites – all industrial uses. Staff recommends the Zoning Board of Appeals waive this requirement.

Ms. Lubbert recommended the Zoning Board of Appeals approve the proposed Site Plan for the concrete materials recycling yard with the following deviations and conditions:

1. Deviation from the required 20-foot landscaping buffer along Stadium Drive and S 6th Street.
2. Deviation from the fencing required between the proposed use, streets, and neighboring properties.
3. A Shared Use Path SAD form shall be submitted to the Township and recorded.
4. The existing piles of boulders and soil that can be seen from S 6th Street shall be removed or relocated and screened from view.
5. If a gate on the entrance drive is installed, a Knox Key Box shall be installed at that location.
6. Should Parcel Number 05-34-155-018 or 3425 S 6th Street be sold, and recycling use be continued, a cross access agreement will need to be entered into between the properties.

Chairperson Sikora asked if Board Members had questions for Ms. Lubbert.

Ms. Maxwell asked for clarification regarding the existing boulders and the current setback at 6th Street and Stadium Drive.

Ms. Lubbert said the operation will be moved from the southwest corner and the remaining boulders there will need to be moved to the new location and the area cleaned up.

Ms. Maxwell asked about the 20 foot buffer.

Ms. Lubbert said both setback and landscaping require buffers; the two are separate.

Ms. Smith was concerned that without fencing people or animals might be able to get into the recycling area.

Mr. Barker, the applicant, indicated when the concrete crushing is done, the 3rd party company that does that work has their own safety protocols; otherwise it is just a storage area.

Ms. Maxwell asked whether the driveway location from 6th Street back to the I3 section is of concern.

Ms. Lubbert said that issue was discussed at length with the applicant. Multiple locations were explored, but this location was found to be the best solution, meets requirements, and has been approved by the Road Commission.

Ms. Farmer said she would prefer Stadium Parkway be used.

Attorney Porter noted that was the first location proposed. Three alternative access points from the Parkway were looked at after the rezoning, but there were just

too many complexities, including access across other properties, and the problems proved to be impossible to solve.

Mr. Gould asked whether access would likely be from Stadium to 6th St. or from north on 6th St.

Mr. Barker said it would be from Stadium to 6th St. as 6th St. north of the property is a “no truck” route.

Hearing no further questions from Board Members, the Chair asked if the applicant wished to speak.

Mr. Barker said he had no further comments to share.

Attorney Porter said anytime Township staff needs to work with a property owner on a request that does not fit the zoning there can be disputes over property rights. In this instance they received very good cooperation from the property owner and the zoning process worked very well. He felt that should be a consideration by the Board in its deliberations.

Chairperson Sikora asked whether Board Members had questions for the applicant.

Ms. Smith asked Mr. Barker whether he felt the property was safe enough without fencing to keep people and animals out.

Mr. Barker said her question could be asked about anything they have stored such as equipment for example. The concrete rubble is in a pile. Every one to two years it needs to be crushed, which takes about two weeks to complete. The crushing company has its own protocols.

Ms. Smith asked if there is a fence or some barrier in place already.

Mr. Barker said there is no fence around the entire property. ITC has a small amount of fencing. There is a motorized gate at 3425 S. 6th St.

Chairperson Sikora asked if there were any comments from the public. Hearing none, he moved to Board Deliberation and asked how the Township would keep track regarding the cross access requirement if the property is sold in the future.

Ms. Lubbart explained when a transfer occurs they research the history of the property, especially when there are unique or special uses involved.

Ms. Farmer said she was glad to see the driveway as far south as possible, but would prefer it be on Stadium Parkway. She said the operation was loud and messy especially when the crushing happens, and is not very well liked by neighbors. Keeping

trucks as far south as possible makes sense. She also said she did not see a need for fencing except to hide the operation, but the parcel is large enough and the facility far enough back from the road that a fence is not necessary. She wouldn't want to see prison-like fencing.

Ms. Maxwell said she felt the site plan is an improvement and thinks the truck location is the best we can do.

Jeff Ranger, a neighbor just north of Advanced Poured Walls, said though some neighbors are particular, he and 99% of close neighbors are fine with the business. When crushing occurs, dust control and sweeping the road are provided and noted the Road Commission is very pleased with the company. He knows of zero instances of safety problems at the corner where the crushing occurs, which is very visible from the road. In the new plan it will be hidden and he does not believe there will be any problems.

Hearing no further comment, the Chair asked for a motion.

Ms. Maxwell **made a motion** to approve the Site Plan Amendment as recommended by Staff, and including the two deviations and four conditions they recommended:

1. Deviation from the required 20-foot landscaping buffer along Stadium Drive and S 6th Street.
2. Deviation from the fencing required between the proposed use, streets, and neighboring properties.
3. A Shared Use Path SAD form shall be submitted to the Township and recorded.
4. The existing piles of boulders and soil that can be seen from S 6th Street shall be removed or relocated and screened from view.
5. If a gate on the entrance drive is installed, a Knox Key Box shall be installed at that location.
6. Should Parcel Number 05-34-155-018 or 3425 S 6th Street be sold, and recycling use be continued, a cross access agreement will need to be entered into between the properties.

Mr. Gould **seconded the motion. The motion was approved unanimously by roll call vote.**

Mr. Barker indicated he had no objection to the two deviations and four conditions as approved.

Public Comment

Chairperson Sikora determined there were no members of the public present who wished to comment and moved to the next agenda item.

Other Updates and Business

Mr. Sikora welcomed Ms. Farmer to the Board.

Ms. Lubbert said she had no items yet for a January meeting, indicated she would keep the Board updated regarding the continuation of virtual meetings, thanked Board Members for all they do, and wished everyone happy holidays.

Chairperson Sikora also wished everyone happy holidays and a happy new year.

Adjournment

Hearing no further comments, Chairperson Sikora noted the Zoning Board of Appeals had exhausted its Agenda. There being no other business, he adjourned the meeting at approximately 4:04 p.m.

Minutes prepared:
December 16, 2020

Minutes approved:
January 28, 2021