

## WESTFIELD TOWNSHIP BOARD OF ZONING APPEALS

July 30, 2007 @ 7:30 p.m.

Public Hearing – The Ruhlin Company

Application for Conditional Use/Site Plan Review – 8919 Lake Road

Chairman Mike Schmidt called the meeting to order at 7:30 p.m. Roll call indicated five members of the Board of Zoning Appeals were present: Michael Schmidt, Kevin Daugherty, Larry Bensinger, Robert Gecking and Ron Oiler. Alternate Jack Poe was also present. Others in attendance included Trustee Tim Kratzer, Trustee Carolyn Sims, Zoning Inspector Gary Harris, Zoning Commission member Jim Likley, Tim Sims (5570 Mud Lake Road), Denise Moteleski (8033 Lake Road), Susan Brewer (9796 Daniels Road), and Thomas Hill (The Ruhlin Company).

### MINUTES

Corrections to the July 9, 2007, minutes were made as follows: page 2, 3<sup>rd</sup> paragraph, eliminate 2<sup>nd</sup> sentence; page 6, last line, eliminate the word ‘the’; page 7, 4<sup>th</sup> paragraph, 2<sup>nd</sup> sentence, 10<sup>th</sup> word, change ‘the’ to “they”; page 7, 9<sup>th</sup> paragraph, 10<sup>th</sup> word, change ‘is’ to “are”; page 9, 8<sup>th</sup> paragraph, 2<sup>nd</sup> line, change the word ‘immediate’ to “intermediate”; page 11, 6<sup>th</sup> paragraph, after the 6<sup>th</sup> word, add the word “as”. Upon motion by Larry Bensinger, duly seconded by Bob Gecking, the July 9, 2007, minutes were unanimously approved as corrected.

### PUBLIC HEARING

The applicant, The Ruhlin Company, applied for a Conditional Use/Site Plan Review (Article VI, Section 602 D. Conditional Use for Government Projects and Section 606. 33 Specific and Supplementary Conditions pertaining to government sponsored construction projects) to use the property as a construction yard/storage yard for equipment and materials on ODOT 349 (06) and for on-site field offices for Ruhlin and ODOT personnel.

On behalf of the applicant, The Ruhlin Company, Thomas Hill was present and affirmed to tell the truth.

Applicant – Our main purpose is that back in October we were the highest bidder on the I-71 widening project, primarily the three-mile stretch of I-71 and all the interchange ramps. We set up our construction site where we maintain all of our materials, office trailers and pretty much everything we need to build the job so we have a station right there. We have an agreement with the property owner on the corner of Lake and 224 to lease that property from him for about a three-year project, trailing into 2010 by the time we get done with the final punch list. We pretty much set up there for the extent of the job.

Bensinger – You are not the person who signed the application, what is your role?

Applicant – I'm a project engineer. I work with Ron Warner. We work in the same field office there. He's from Cambridge (2 hours away) and I've been working with him, but he's the main contact.

Bensinger – Do you manage the site and the project up here?

Applicant – There is a superintendent and project manager above myself but, yes, I am involved in it.

Bensinger – With respect to your role in this project with the highways, what specifically is your firm contracted to do?

Applicant – We will definitely carry out the plans that ODOT set up for us as far as the three-lane widening. We're set up along with a handful of subcontractors to perform the widening up on I-71 and there is a lot of new embankment being put in to ease and relocate the ramps around I-71 and 224. So that is our primary function.

Bensinger – Will subcontractors be using the site as well?

Applicant – We're primarily set up for ourselves. There are subcontractors that may have some materials or pipe or some concrete materials that will be stored there from time to time.

Oiler – It would appear from looking at the site area you do have immediate access to I-71 from your location. I know you have 224/76 but if you are working on I-71, how do you get there?

Applicant – A lot of our construction traffic goes in and out through this temporary entrance. It all depends on our haul routes, which may vary from time to time. A lot of times we have trucks coming down 224, turning onto Lake, go into the temporary access and come back out over here on 224. As far as access to I-71 we have a little haul road that goes straight back to one of our fills but primarily everything is entering 224.

Oiler – I notice you have propane cylinders, what is the purpose?

Applicant – For bridge demolition we have propane and oxygen set up to torch our beams down.

Oiler – What was the actual property like when you first got it – what did it look like? Was it just all ground, a mixture?

Applicant – If we removed all our materials right now it pretty much would be back to the way it was. I know they had just demolished the building there the year prior and the parking lot is pretty rough. Everything we have is pretty much on top, as we haven't done any excavation of any kind.

Bensinger – In terms of hazardous materials on the site, you have what – propane, diesel fuel?

Applicant – Our main source of diesel fuel is primarily this tank here, this 2000-gallon tank that is sitting at our one construction entrance. Propane and oxygen cylinders are stored in upright carts and strapped to stand vertically over here in about the middle of the yard and we have to keep them separate. We've got oil (typical tractor oil) and transmission fuels and stuff on site in spill containment over by the end of the trailer. Those are primarily the hazardous materials.

Bensinger – Do you have any intention of enclosing those with any type of fencing or something?

Applicant – The way we have it set up was as far as we were going to go with it.

Bensinger – Do you have somebody on site 24 hours a day?

Applicant – Right now we have work that we are doing 24 hours a day but there isn't somebody on site 24 hours a day, 7 days a week.

Oiler – So you haven't had any problem with security?

Applicant – Nothing that jumps out at us. There hasn't been anything missing or anything broken into or any real problems.

Oiler - I take it there is a fire extinguisher set up by the diesel fuel pump?

Applicant – I will check on that but we do outfit all of our equipment. The pick-up trucks and trailers all have fire extinguishers and everything would be within reach.

Bensinger – Most of the heavy equipment is out on the road, it doesn't come back every night, is that correct?

Applicant – Right. There are just a few like a loader or grader or something on wheels that might be parked there at the site overnight.

Bensinger – Staging?

Applicant – The loader is always accessing out of the yard with materials or carrying stuff. A lot of the attachments, etc. are staged there for access so that equipment you will see there.

Daugherty – Could you just show on the drawing and go over the methodology about what's where and how the placement of everything is and sort of tie it in to what's behind the truck lot as well.

Applicant – Fabrizi has a separate contract than us. They have all of the Lake Road rehab and the 224 coming into the intersection there. They are staged over here with all of their trailers, materials. We had the dirt pile that Kokosing had originally set there and that's gone. That's completely graded and seeded so our yard is primarily in this area now. We have four office trailers set up, the two closest to 224 are Ruhlin's job site trailers and we set up spaces for ODOT for their field personnel. ODOT has their own storage unit. We talked about the diesel tank over by the one entrance. As you come down the entrance there is an area where we have been storing excess materials (different stones, asphalt grindings, 1's and 2's, limestone, sand and such). Over here is our employee parking and our wheeled equipment. In the back lower area is where we are storing a lot of our pipe materials, plastic, concrete, metal, different catch basins. In the center of the yard east of the trailers we've got some tool trailers that are set up for access for the guys and some different materials around there, primarily metal, wood, concrete, different bridge materials are scattered around there and then the oxygen and propane cylinders. This area over here you come in over on the far side across from Pilot, you've got an exit over here and then our entrance/exit to 224 on the NE corner.

Daugherty – Are you going to be bringing in different things, it's going to change constantly, right?

Applicant – Minutely but most people who drive by are not going to notice any change from the way it is right now. A lot of the materials in there, as fast as they come in, they are going back out to the bridges or to the fills or to the pipe runs. I don't see it changing a lot over the next three years.

Daugherty – So would you consider the whole site basically a storage site and staging?

Applicant – Primarily that's about all it is.

Daugherty – One of the things for review is where your refuse is, where does your trash go? Do you have a dumpster?

Applicant – We do have a trash dumpster over here from Allied Waste by our tool trailers. It's for construction debris and what little trash we make from the office.

Daugherty – Is that general waste? Is it profiled or non-profiled?

Applicant – Along the line of construction debris it's just general waste. There is nothing special that goes in there except pipe cutoffs and excess wood and stuff like that and the trash from the trailers.

Chairman Schmidt – Do you have a specific agreement with the property owner as to how the property is supposed to be left when you are done?

Applicant – From what I understand, that's the agreement there. I think it's set up to leave it as it was received.

Daugherty – Basically they want it back the way it was.

Applicant – It will be left the way we received it, if not better

Daugherty – Was there still asphalt in there or was that pulled up?

Applicant – No, there was still concrete and asphalt there where the building was. I mean it was just demolished and hauled out and there was still debris there.

Daugherty – It says two support areas, is there anything other than what is on that site right there? I know you park equipment across the highway.

Applicant – We keep the trucks on Greenwich. As far as like a major material lay-down right now there is nothing. If we are building a bridge we'll drop rebar right at the bridge or something as we are building it but it's nothing that would be a long-term storage anywhere other than what we have here.

Daugherty – Anything that would be considered a processing plant?

Applicant – Concrete is hauled in and asphalt is hauled in. Everything is brought in on trucks.

Daugherty – Would there be some light fabrication on that site, welding?

Applicant – Minor, we've welded pipe or something like that but most everything comes directly ready to put into the ground or to utilize. We've built some temporary stuff but not a lot.

Daugherty – Your lease is for 46 months, just shy of our 4 years. That's your drop dead, right?

Applicant – We forecast our work to be done with the bulk of it by the end of 2009 but it's going to trail until 2010. We've got some structural painting that would need to be done in 2010 so what would be left on the site would be mostly trailers and maybe some equipment. It's tough to say 2 ½ years from now where the job will be but the major work is supposed to be done by the end of 2009.

Daugherty – So about July 2010?

Applicant – I was thinking about June or July or something like that we hope to be out of there by then.

Daugherty – Can you go through what you think the traffic pattern is in and out of that site: size, purpose, quantity, frequency of trucks, etc.

Applicant – Typically when we are building fill trucks would be coming in our construction entrance over here, coming around the trailers and coming back down to this entrance and merging into 224 going eastbound. It's primarily coming in the yard and going back out 224. Pickup trucks and employee vehicles come in the morning and leave in the evening. The foreman will take some of the crew out. Sometimes they are mobile and sometimes the tasks they are doing are not in just one spot. If they are working on a bridge or something a lot of people will just drive to the bridge. If they are working on pipe runs or different items where they are not there all day then the employees will park here and ride out with the foreman. We've got Monday morning safety meetings but everybody is usually gone by 6:45-7 a.m. going to where they need to go. We start at 6:30 and most people are in by 6 a.m. Our day is typically an 8-hour day so it would end at 2:30 p.m. or so. There's cars straggling in and out but it's more spread out in the afternoon because some people are working later than others. A lot of them would access like the trucks would by coming in the entrance and go back out to 224. Very few come out to the light.

Oiler – Do you anticipate at any point the project would be working 24 hours a day?

Applicant – Currently we are as we've got one crew that comes in around 7 and works about a 12-hour shift and then the other crew is back in the morning about 6:30-7 and runs the next shift. That's when we are hauling primarily for Kokosing's job up north of us and that's going to be short-lived. There may be other times depending on the need when we are all 24 hours. If we've got to do a lot of hauling, it's going to be 24 hours. Asphalts run at night so there would be truck traffic at night and bridge deck force, which is pretty insignificant, would be a night thing also. There would be maintenance traffic and sometimes you'll see starting earlier, running late or doing a variable route.

Bensinger – Do you have any safety standards required by the state?

Applicant - The state has standards but they don't really direct us how to do the work. They give us a spec book and we follow their specs. They direct us on some of the simple stuff but Ruhlin complies with all OSHA requirements, specifications and such. Everything is approved by the state.

Bensinger – But nothing in terms of storage of materials or anything like that?

Applicant – A lot of stuff we have is not a hazardous material or anything. From the experience I've had so far Ruhlin meets or exceeds OSHA's specifications and standards. ODOT works with us and if there is a concern they express their thoughts.

Gecking – You don't think there is any concern with having oxygen and acetylene unlocked in an open storage area?

Applicant – The jobs I've been on we haven't had trouble with it.

Chairman Schmidt – This is a brand new thing for the Board and obviously we are concerned with safety issues. If there is something governed by OSHA that is a standard practice we don't have that information.

Applicant – A lot of safety standards come from OSHA specifically in the construction or building industry. There is a manual. I've taken a class as well as all of our foremen. If OSHA comes to a job and they see a split extension cord, they've got the power to write you up. It's almost more strict to deal with our safety department rules as our guys are constantly out there. All of our employees typically go through a 10-hour OSHA course and the foremen and superintendents go through a 30-hour OSHA course. Our safety programs are consistently improving and as far as safety goes, it's definitely well practiced.

There was discussion about whether this site plan review is just for this specific site or does it go on to the site that they may be working at – where does it start and stop. Does each project area require an application and what about a borrow pit and other temporary satellite sites. There were questions about the zoning text in that it didn't specifically mention the term 'borrow pit' and also what is the end use of the borrow pit. The zoning text language for government-sponsored projects was reviewed with some questions as to interpretation and intent. The Board proceeded with the hearing on the current site plan application.

Likley - Was Jack Snoddy, our fire chief, on the site, do you know?

Applicant – Ruhlin did meet with him at the beginning of the job. We typically meet with every fire department on every one of our jobs just for emergency purposes and such.

Daugherty – Fences?

Applicant – There is nothing more than what was originally there. ODOT's right-of-way fences primarily are all there is and no other plans.

Daugherty – Signs, do you plan on any signs?

Applicant – Nothing more than what is already there which isn't much more than on the side of our trailers.

Daugherty – Lighting? I know you've got lights out there when you are working at night on some of those ramps and stuff but on that site in particular are there any?

Applicant – The only time we put out lights is when we are doing night work, moving barrier walls or such but it's shown directly at the work that is being performed, that's about all. It's even set up in ODOT's specs that you can't be shining lights on the roads of the traveling public and such.

Daugherty – A performance guarantee shall be required by the lessee to ensure reclamation of the property – is there a performance guarantee by you guys to Omni?

Applicant – As far as I know what we have is what we have given you, which is in our lease agreement.

There was discussion and confusion about the wording ‘performance guarantee’ and whether it was from the landowner, the contractor and how do we protect the township when it comes to reclamation of the land. The applicant indicated that on all ODOT projects if there is a place that will take waste materials and we have an agreement with the property owner, ODOT requires a release from whatever property owner is being utilized indicating that the landowner released us from any further obligations on the property and they are happy with what we did or whatever. If the landowner is not happy then ODOT has part of the money held back, which may be a type of performance guarantee itself. There were questions about the release, what happened if there were a disagreement about the pre-existing condition of the land, whether a bond or some type of guarantee was required, what the guarantee amount would be, should the landowner have a guarantee as well. It was suggested that the Board could check with A.P. Thorne to get some further direction on this issue.

Bensinger – In this instance you have to assume that the party leasing the property has a self-interest in seeing that the property is returned to a salable form because they have economic incentives.

Daugherty – You know they are going to comply with this one.

Chairman Schmidt – In the future if we were looking at this before the fact rather than after the fact then there may be some other things that could be reviewed. It would be nice to get these things before they start and we can ask what are the environmental impacts that are going to accompany a site.

After further discussion, Ron Oiler made a motion to grant Ruhlin’s application for a temporary conditional use and the site plan as submitted through July 2010. Robert Gecking seconded the motion.

Roll Call Vote:	Ron Oiler	- yes
	Robert Gecking	- yes
	Kevin Daugherty	- yes
	Larry Bensinger	- yes
	Mike Schmidt	- yes

MOTION CARRIED.

The public hearing was closed.

**OTHER**

There was general discussion about other contractors and subcontractors who might be coming in under the government sponsored zoning language, when the language was adopted and whether any changes should be considered, whether the application itself should be more specific and what the problems were with Westfield Terrace. There was also additional discussion on the performance guarantee issues, compliance issues and doing what’s best for the community in general. There were concerns that a couple of trailers were parked back of Jake Bauman’s property and that Tom Bombard’s property is acquiring quite a few vehicles – the zoning inspector is checking into these two matters.

**ADJOURNMENT**

Upon motion by Bob Gecking, seconded by Ron Oiler, it was unanimous that the meeting be adjourned. The meeting was adjourned at 9:26 p.m.

DATE: \_\_\_\_\_

MINUTES APPROVED BY:

Michael Schmidt, Chairman

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Larry Bensinger, Vice Chairman

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Kevin Daugherty

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Robert Gecking

\_\_\_\_\_

Ron Oiler

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Jack Poe (alternate)

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Marlene L. Oiler, Certified PP, PLS  
Westfield Township Board of Zoning Appeals Secretary