

# WESTFIELD TOWNSHIP BOARD OF ZONING APPEALS

October 8, 2007 @ 7:30 p.m.

Public Hearing – The Ruhlin Co.

Application for Conditional Use/Site Plan Review

5669 Greenwich 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 absent. Others in attendance included Trustee Jeff Plumer, Landowner Tim Kratzer and Mark Myers (The Ruhlin Co.).

## **MINUTES**

Upon motion by Larry Bensinger, duly seconded by Ron Oiler, the September 20, 2007, and September 25, 2007, meeting minutes were approved with Larry Bensinger, Kevin Daugherty, Ron Oiler and Michael Schmidt voting for approval and Robert Gecking abstaining.

## **PUBLIC HEARING**

The applicant, The Ruhlin Co., 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 at 5669 Greenwich Road as a borrow pit for soil to be used in constructing the new I-71/I-76 interchange. Additionally the property will be used as a waste site for excess soil, rock and broken concrete as required.

On behalf of the applicant, The Ruhlin Co., Mark Myers (Project Manager) was present and sworn in. We are under contract with ODOT to build the interchange project out there on I-71/I-76 and need to borrow material or embankment material to do so. We entered into an agreement with Mr. Kratzer to borrow from his property on Greenwich Road and then at later stages of the project we will take some of the waste material back into the same area and reshape it and leave it as a pond for final grading. Right now it's just created as a borrow pit. There are some water traps and sedimentation controls but basically we cannot determine the shape of the pond until we determine how much is good and how much we need from other sources. At the end of this season we should pretty well nail down how much more dirt we need and then we will do the final engineering to develop the pond and we will also have knowledge of what we have to waste at the later phases of the job. The borrow portion of it should be this year and the waste portion should be 2008-2009 with probably the majority in 2009. Access in and out is typically off of I-76 and at a later stage with the new ramp access will be off that way.

Upon questioning by the board members, the applicant indicated the final paving on the ODOT job doesn't get complete until 2010 but the earthwork and grade work should be done by Fall 2009. As to the size of the pond, the initial goal was to try to build about a six-acre pond but we may have gotten a little bigger in some areas because we haven't been able to go as deep as intended. We made application to ODOT as they approve our borrow sites for use and they have a district review person to do some environmental

reviews. Then we had to get permission from the Medina County Engineer and the FEMA Floodplain Coordinator, who works out of that office. We submitted a copy of the Stormwater Pollution Control Plan and, after several review periods, that was approved. We got the permit through the Engineer for the FEMA Coordinator and subsequently we got ODOT's approval for the use.

Landowner Tim Kratzer was sworn in. As to a question of the land being in a flood zone, Mr. Kratzer indicated that it is a floodplain along Chippewa Ditch but they are not taking dirt from that area.

Applicant further indicated they had permission from the county to use that whole area for disposal and they are allowed to fill in the floodplain but they can't fill in the floodway which as they understand it is defined as anything within 100' of the center of the channel. The flood zone is anything under an elevation of 990' and generally everything that is being done is above elevation 990'.

Upon further questioning, the applicant indicated they intend to take broken concrete pavement from the old roadway (no asphalt) that comes out. Anything that can be used in the new embankments will be put there but there is going to be waste material that can't be used. We are just building an embankment. The natural contours of the property out there slope to the channel and it has been excavated out from the low side to the high side, everything is open, free drain and all drains to a sedimentation pond and then out to the ditch. We plan on embanking the area back in on the eastern edge and that would create the pond portion. It's clean material that will go in there – a combination of broken concrete and dirt and a good mix of both so it all interlocks together.

There was some discussion regarding ground elevation, proposed pond elevation, slope, embankment and size of the pond. The applicant indicated they need to design the pond based upon the amount of dirt taken out. The whole waste section will be covered with topsoil, dressed off and seeded. Right now they don't have a permit for the pond. They need the engineer to find the proper outflow and whatever else goes into designing the pond but it couldn't be determined because of the indeterminate amount of material that we would be taking out. We know pretty much what we want to put back so this Fall/Winter once we get everything out of there, we'll get a cross-section and we'll know where we will balance out material wise. Then we'll engage an engineering firm to design the final pond and get the approvals from Medina County and the FEMA floodplain people.

The Board reviewed with the applicant the specific and supplementary conditions as listed in Section 606.33 as to access, fencing, lighting, etc. The Board also reviewed the land use agreement and other materials submitted with the application.

Larry Bensinger made a motion to grant the conditional use permit to The Ruhlin Co. for the government project with respect to parcel #041-15B-51-017 located at 5669 Greenwich Road to be used as a borrow pit for soil to construct fills for the new I-71/I-76 interchange. We are requesting that The Ruhlin Co. provide a copy of the ODOT approval, the FEMA Floodplain approval (which we understand was actually provided by Medina County Engineer's Office) and the Stormwater Pollution Prevention Plan. The conditional use permit shall expire December 31, 2009.

Ron Oiler seconded the motion. There was no further discussion.

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

MOTION CARRIED.

The public hearing was closed.

**ADJOURNMENT**

There being no further business, upon motion by Robert Gecking, seconded by Kevin Daugherty, it was unanimous that the meeting be adjourned. The meeting was adjourned at 8:10 p.m.

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

(Minutes approved 12/19/07.)