

WESTFIELD TOWNSHIP BOARD OF ZONING APPEALS  
September 10, 2007 @ 7:30 p.m.  
Public Hearing – Fabrizi Trucking  
Application for Conditional Use/Site Plan Review – 8989 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 absent. Others in attendance included Trustee Tim Kratzer, Trustee Carolyn Sims, Zoning Commission member Jim Likley, Zoning Commission member John Miller, Zoning Inspector Gary Harris, Wayne Moore (7362 Garman Road), Thomas Korlowski (6015 Greenwich Road), Scott Schneider (Fabrizi Trucking) and Medina County Assistant Prosecutor Attorney William L. Thorne.

**MINUTES**

Corrections to the July 30, 2007, minutes were made as follows: page 2, 9<sup>th</sup> paragraph, 3<sup>rd</sup> line, change ‘unto’ to “onto”; page 3, 2<sup>nd</sup> paragraph, 5<sup>th</sup> line, change ‘still’ to “spill”; and page 4, 1<sup>st</sup> paragraph, 11<sup>th</sup> line, change ‘cache’ to “catch. Upon motion by Larry Bensinger, duly seconded by Bob Gecking, the July 30, 2007, minutes were unanimously approved as corrected.

**PUBLIC HEARING**

The applicant, Fabrizi Trucking, 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 8989 Lake Road as a field office and storage area for the ODOT project.

On behalf of the applicant, Fabrizi Trucking, Scott Schneider was present and sworn in.

Upon questioning by the board members, the applicant indicated that they have a construction contract with ODOT to do the widening at the intersection of SR224 and Lake Road (the intersection and up past Pilot). It started, to his recollection, around May 2007 and it is anticipated that it will be completed by November 1, 2007. They do not have a written lease agreement, only a verbal agreement – a handshake. The owner of the property is Phil Riccardi and the agreement was to restore the site back to its original condition and dress up his driveway (regrade it). To the best of his knowledge, the original condition was a hodgepodge of things – some grass, gravel, grindings, field dirt etc. The large dirt pile that had been at the back of the property belonged to another contractor.

The board members had further questions about what is stored on the site, hazardous materials, number of employees, fencing, signage, lighting and traffic with the applicant responding as follows: The storage materials would include some pipe, steel rebar, storage trailer, miscellaneous hand tools and miscellaneous materials. There are no

hazardous materials that he is aware of. There is no propane as the trailer is all electric. The one trailer is rented and is shared with ODOT. The materials and trailer are Fabrizi's responsibility. There is a portajohn there and a dumpster for waste debris (steel, wood and other waste materials). With a full paver crew there would be 15 employees but the normal crew is probably 7. They generally park at this location but when working on the north side, some may be parking in the lots over there. The normal hours of operation are 7 – 5; they are doing four ten's. There is no chain link fence nor any plans for any type of fencing. The only signs are what is on the trailer and what is required by law for the equipment and the trailer. There is no lighting but he thinks there is a light at the entrance of the drive by the street. There are no provisions for security on the site at night and they have had no concerns to his knowledge. As to truck traffic, the concrete trucks and trucks with materials generally go directly to the work site during the normal hours of 7 – 5. There is some overtime if a rain date. The project is behind about two weeks but that was because there were some extras that they ran into.

There were some concerns about the large dirt pile that was originally stockpiled on the back of the property site by Kokosing, who later transferred ownership to Ruhlin. This matter is not part of the review on the Fabrizi application.

The applicant indicated that they had been using the area north of the truck drive on the property. There were some questions relative to whose equipment/materials were on the south side of the driveway as a big machine with crawlers on it was sitting there. The applicant indicated the machine was a paver and it gets moved around quite a bit but he was unsure where it was on the property. The applicant indicated that if any Fabrizi equipment/materials were south of the truck driveway, such items also would be removed by Fabrizi when they leave the premises.

There was discussion about how much of the area would be part of the reclamation and it was determined it would be the area shown with the Fabrizi storage trailer and parking where there's a rectangular line around the whole thing. He is going to do some work on the drive but he's only restoring the area indicated. Assistant Prosecutor Thorne indicated that the drive is not part of the reclamation just because they agreed to do it; it would be a separate contract.

Assistant Prosecutor Thorne and the board members discussed the performance guarantee. In this particular case there are no permanent structures involved and nothing out of character for the area. The performance guarantee would be to ensure reclamation of the property and it doesn't appear to be a concern in this case.

Chairman Schmidt read the letter dated September 10, 2007, from adjoining property owners Tom and Diane Bombard, which stated their objections to the application (attached as Exhibit A). The board and Assistant Prosecutor Thorne reviewed the letter with A.P. Thorne indicating there were some legitimate things that Bombard is asking. For example, the application should have stated it was for a specific government-sponsored project with ODOT and a time frame should have been indicated but it is

probably not reasonable to have fence put around the site for this limited contract and the short time frame involved.

Zoning Inspector Gary Harris was asked if he had received any complaints about the Fabrizi operation to which he responded no. Trustee Sims stated that some complaints about slick mud on the road by the corner had been received especially when Westfield Companies let out and generates a lot of traffic. Board members indicated that it had been a truck wash rack area for a long time creating some level of dirt/mud and also it's hard to have construction of this nature without dirt on the roads.

The applicant indicated that the anticipated completion is mid-October and they usually hang out there for the paperwork to be completed for a couple weeks after. He said you will see some stuff leaving now and everything will be removed from the site that is Fabrizi's responsibility by December 1.

The board determined that a financial guarantee is not required in this instance as there were no permanent structures, no major alterations and nothing that was non-conforming.

Larry Bensinger made a motion to grant Fabrizi Trucking & Paving Co., Inc. a temporary conditional use permit for the government-sponsored project with ODOT at the intersection of SR224 and Lake Road to expire November 30, 2007, with the stipulation that any property occupied by Fabrizi Trucking will be restored to its original condition or better. Ron Oiler seconded the motion.

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.

**OTHER**

Gary Harris reported that he had talked with Jake Baumann and when he comes back from Chicago he will get rid of one trailer and take the other trailer with him. Baumann thought since it was his property he could have his two trailers there.

There was brief discussion relative to the Pilot sign application hearing that is scheduled for Wednesday night. A.P. Thorne indicated that he had talked with the Medina County Engineer's Office and they told him they thought the sign would work where it was relocated. It was suggested that the board contact Mike Salay to see if someone could attend the meeting Wednesday night or offer an explanation/comments about the Pilot sign in writing.

The Morton Building/Cloverleaf conditional use application was distributed; hearing date is Tuesday, September 25, 2007, at 7:30 p.m. The Moore variance application was distributed; hearing date is Tuesday, September 25, 2007, at 8:00 p.m.

**ADJOURNMENT**

Upon motion by Bob Gecking, seconded by Larry Bensinger, it was unanimous that the meeting be adjourned. The meeting was adjourned at 9:00 p.m.

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

(Minutes approved 9/25/07.)