

Shawnee Township Board of Zoning Appeals

2530 Fort Amanda Road Lima, Ohio 45804 (419) 991-8706

Board Members: *Thomas Bowman, Chet Ebling, Earl Weigt, David Ryan*

Alternates: *Lynn Krohn, Richard Morrisey*

Zoning Inspector: *John Gosnell*

Meeting of May 10, 2011

The meeting was called to order by Chairman Tom Bowman at 7:30 PM.

Members present:

Tom Bowman Richard Morrisey
David Ryan Earl Wiegt
Chet Ebling

Present for Petitioner Allen County Refuse:

Dan Mathias Ron Munnings – ERM – LLC Engineering
Pat Huber – Huber & Assoc Wayne Neu – Neuko Const Co, Inc

Also present:

Neighbor: Greg Wannemacher – HWH Properties Ltd
Trustee: Dave Belton
Other: Lynn Krohn – Board of Zoning Appeals

Mr. Bowman introduced the members of the Board of Zoning Appeals.

Mr. Bowman read the legal notice as follows:

The Shawnee Township Zoning Board of Appeals will hold a Public Hearing on Tuesday, May 10 at 7:30 pm in the Shawnee Township Administration Building, 2530 Fort Amanda Road, Lima, Ohio 45804, for the purpose of hearing petitions from Allen County Refuse, 1601 East Fourth Street, Lima, OH 45804. Allen County Refuse is the owner of tax map parcels #46-0100-04-002.000 and #46-1200-01-004.000 located at 1400 South Metcalf Street, Lima, Ohio 45805.

The petitioner is requesting a Conditional Use Permit to operate a Refuse Transfer Station in a Manufacturing and Industrial district as permitted in Section 1202.1 of the Shawnee Township Zoning Resolution. Petitioner is also requesting a Variance waiving Sections 1202.1 a and b of the Zoning Resolution requiring a one hundred foot (100') minimum setback from any lot line and five (5) acres of land.

Shawnee Township
Board of Zoning Appeals

Mr. Bowman asked if any of the Board members had an opportunity to inspect the site. All had done so.

Mr. Bowman then asked if someone would care to make a presentation for Allen County Refuse's petition.

Dan Mathias introduced himself as General Manager of Allen County Refuse and stated that ACR appreciates the Board of Zoning Appeals considering their petition. He said that they were now performing the refuse transfer operation in Findlay. He noted that they would be entering the S Metcalf facility from the west side (away from the street). Therefore, there should be no concern about odor or litter. The new transfer station will bring some good new jobs to Shawnee Township. Mr. Mathias said that this type of business is closely overseen by the EPA.

Pat Huber stated that he had started a small consulting business after retirement. He noted that he only works on projects that he believes in. Mr. Huber said that the new ACR facility would be cleaned out every day. He noted

that hazardous material is not supposed to be placed in the garbage, but if it is, ACR would be prepared to temporarily store hazardous material and safely dispose of it. He said that the new transfer facility would add between fifteen and thirty new jobs.

Ron Munnings said that he had been retained by the Wrights since 1993. He said their goal was to achieve Zero land fill. Eventually, they hope to take solid waste to a composting site and generate high quality top soil.

Mr. Bowman asked for comments against the petitions.

Greg Wannamacher said he objects to the petitions. He noted that Waste Management has ten acres and meets the setback requirements. ACR only has 4.7 acres (and their building is quite close to Metcalf Street).

(At 4:19 PM this afternoon, a note was received from Ed Goedde, Husky Lima Refinery. This was distributed to the members of the Board of Zoning Appeals as this meeting was being called to order.)

Tom Bowman read the letter from Husky, as follows:

Shawnee Township Trustees

Husky regrets that we cannot attend tonight's Zoning Board of Appeals hearing on the Allen County Refuse request for a Refuse Transfer Station.

Husky is NOT in favor of granting this permit. Husky is in the process of constructing a multi million building that will help improve the landscape in south Lima. Adding a refuse station adjacent to the building is simply not a good thing.

Additionally, there is a concern that the area is not large enough for the operation and trucks will be blocking Metcalf and Fourth streets.

Husky is not against having a refuse station but strongly believes this is not the right location.

Thank you.

Ed Goedde
Husky Lima Refinery

Dan Mathias explained that there will be five garbage trucks and two tractor/trailers per day. All traffic will be going through the back of the building.

Pat Huber noted Mr. Wannamacher's objection to ACR's petition because ACR has less than five acres. Mr. Huber noted that there are several other transfer station locations in Ohio that have less than five acres.

Greg Wannamacher said that ACR was claiming they would create more jobs. More jobs mean more garbage, more trucks, more traffic.

Earl Weigt noted that the job picture is not a concern of the Board of Zoning Appeals.

David Ryan asked if ACR might use the railroad in their operation in the future.

Dan Mathias said they would probably have to have a lot more business to consider the railroad.

Earl Weigt asked if ACR planned to go to multiple shifts.

Dan Mathias stated that the EPA limited them to 150 – 200 tons a day. Right now ACR is working Monday – Friday, one shift and handling 60 tons per day.

Ron Munnings commented on ACR's steps to control odor. He said that trucks entering and leaving the building would pass through multiple doors. He said the building would be under negative pressure to keep odors from leaking out. Mr. Munnings also noted that there was room for eight trucks on the premises, so traffic will not be a problem.

Earl Weigt asked how the five acre site size had been chosen.

John Gosnell responded that we had looked at other zoning resolutions. Five acres seemed to be a reasonable size. Waste Management is on ten acres but appears to have some unused space.

Richard Morrissey noted that ACR must comply with the requirements under which the conditional use is granted. What happens if the facility is sold?

Ron Munnings noted that the EPA keeps close tabs on the operation no matter who owns it.

Tom Bowman noted that ACR intends to put a fence around the property and make it opaque by the insertion of diagonal slats. Mr. Bowman asked about buffering.

John Gosnell stated that the present Zoning Resolution only requires a buffer screening area when an Industrial District (as is ACR's district) adjoins, or is very near, a Residential District. All properties are zoned Industrial in this area.

Earl Weigt asked about fire safety.

Dan Mathias said that the City was requiring a full suppression fire system.

Mr. Weigt asked what the time line was to get into operation.

Mr. Mathias said they were hoping for ninety days.

Mr. Weigt asked about the future construction Phase 2 noted on the drawing.

Dan Mathias said Phase 2 was to dig a pit for trucks to back into for loading.

Mr. Weigt asked who had the final say as to when ACR could go into business.

Ron Munnings said that the EPA will not issue a permit to operate until they are satisfied.

Tom Bowman noted that ACR has done their "due diligence".

David Ryan made a motion that ACR's petitions be accepted. Motion was seconded by Earl Weigt. Motion passed 5 - 0.

Motion to adjourn was made by David Ryan, seconded by Chet Ebling. Vote was unanimous: 5 – 0. Meeting was adjourned at 8:15 PM.

Respectfully submitted,
John R. Gosnell
Zoning Inspector
Shawnee Township

cc: Board of Zoning Appeals Regional Planning
Trustees Lima Building Dept
Shawnee Fire Department AC Health Dept
Attorney Balyeat ACR
Web Site – Aimee

BOA18