

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, August 11, 2015, at Westfield City Hall. Members present included Martin Raines, Ron Rothrock, Bill Sanders and Dave Schmitz. Also present were Jesse Pohlman, Senior Planner; Kevin Todd, Senior Planner; and Brian Zaiger, City Attorney.

APPROVAL OF MINUTES

Schmitz moved to approve the July 14, 2015, Meeting Minutes.

Rothrock seconded, and the motion passed by 4-0 vote.

Pohlman reviewed the Public Hearing Rules and Procedures.

ITEMS OF BUSINESS

1503-VU-02

17777 Commerce Drive

Edward Tomich by Badger Engineering, LLC

The petitioner is requesting a modification of a condition of approval for previously granted Variance of Use to allow an indoor shooting range and related retail sales in the EI: Enclosed Industrial District (1304-VU-01) (Chapter 13: Use Table).

Pohlman presented an overview of the request.

Andi Metzel, Benesch, Friedlander, Coplan & Aronoff LLP, on behalf of the petitioner, gave a brief presentation of the progress made for the modification, noting the change to increase the vestibule wall from eight feet to ten feet. Metzel requested a continuance now that all of the permits had been obtained to allow for the vestibule to be constructed.

Schmitz motioned to approve the continuance as requested.

Rothrock seconded, and the motion passed 4-0.

1506-VU-06 (CONTINUED)

14939 Ditch Road

Jeff Kelich

The petitioner is requesting approval of a Variance of Use to allow a lawn and landscape business in the SF2: Single-Family Low Density District (Chapter 13: Use Table).

Ron Rothrock noted a conflict with this petition and excused himself from the meeting.

Todd presented an overview of the requested Variance of Use as summarized in the department's report to allow a lawn and landscape business in the SF2: Single-Family Low Density District.

Joseph Calderon, Bose McKinney & Evans, LLP, on behalf of the petitioner, presented the request in detail, including the presentation of an operation plan and updated site plan.

Jeff Kelich, petitioner, further presented the proposed improvements to the property.

Public Hearing opened at 7:43 p.m.

Bob Burnesan, 14922 Mayfield Drive, on behalf of the Centennial Homeowners Association, presented residents' concerns regarding noise, lighting and drainage, particularly with regard to equipment backing up, lighting on adjacent properties, and possible hazardous chemicals. Burnesan stated their opposition to the request.

David Beach, 1327 Annapolis Drive, requested the Board deny the request. Beach stated the proposed use is an intrusion into the neighborhood and that the business should be located elsewhere.

Tom Crowley, 501 South Pennsylvania Parkway, presented he is the developer for the northwest corner of 146th Street and Ditch Road and that he believes the property needs to be cleaned up and as proposed does just that. He further noted that this property was non-residential before the surrounding properties developed as residential.

Jeff Kirk, 1359 Annapolis Drive, spoke in opposition to the request and stated he does not want fuel tanks near his backyard and that he was concerned about the smell of mulch and noise nuisances of the equipment.

Joe Plankis, 514 Stockbridge Drive, on behalf of the Centennial Homeowners' Association board, stated their concerns regarding traffic, noise, smells, and a containment systems. Plankis stated approval will interfere with the comprehensive plan and requested that the Board deny the petition.

Public Hearing closed at 7:58 p.m.

Calderon responded the use will have to comply with all current standards in place, including lighting and other nuisance ordinances. In addition, the traffic flow will not be effected by the business.

Schmitz indicated he would like to see greater community support for the business.

Sanders asked if they met with the adjacent property owners to address their concerns.

Calderon responded they met with those willing to meet early on, but they have not met with them since many of the proposed changes were made including the operation plan and updated site plan, but commented they would be happy to sit down with the property owners again. Calderon requested that the Board continue the request to allow them to meet with neighbors again.

Raines motioned to continue petition 1506-VU-06 until the next meeting.

Sanders seconded, and the motion passed 3-0 (1 abstain: Rothrock).

1508-VS-11
(CONTINUED)

2228 East State Road 38

Ronald M Clifford by Coots, Henke, Wheeler, LLP

The petitioner is requesting approval of a Variance of Development Standard from the Home Business Standards in the AG-SF1: Agriculture/Single-Family Rural District (Article 6.7).

REPORTS/COMMENTS

Plan Commission Liaison Report by Schmitz.

Economic and Community Development Department.

Sanders motioned to adjourn the meeting.

Schmitz seconded, and the motion passed.

The meeting adjourned at 8:33 p.m.

Chairperson
Martin Raines

Secretary
Matthew S. Skelton, Esq., ACIP
Director