

Board of Zoning Appeals

Wednesday, March 16, 2022

5:00 p.m.

Members Present: Chris Shulfer, Pat Keller, Larry Schweitz, Ted Osenga, Josh Winter

Others Present: Dan Ault, Steve Kuntz, Dominique Swangstu, Julia Mann, Karen Swanson, Gary Wolf, Keith Helmrick, Joe Terry

1. In the absence of the chair, the Clerk called the meeting to order at 5:00 p.m. and asked for nominations for a temporary chair. Mr. Keller nominated Mr. Schweitz. Hearing no other nominations, the Clerk asked for a motion on the nomination.

✓ **Mr. Keller moved to approve Mr. Schweitz as temporary chair. Mr. Shulfer seconded and the motion carried.**

2. PUBLIC HEARING

The Clerk read, at 5:02 p.m., the public hearing notice for the Gerke Excavating, Inc. request to operate a temporary asphalt/concrete crushing site on property located west of Post Rd/STH 54, south of Forest Dr., and east of Lincoln Ave.

Mr. Kunst introduced himself and Mr. Swangstu. He discussed the request of a temporary use in any zoning district falling under the authority of the Board of Zoning Appeals, per the Village of Plover's ordinance. He stated that the ordinance does not call for a public hearing, but in the interest of transparency, felt there should be one. Mr. Kunst indicated that staff has not heard from any of the adjacent property owners that were sent a notice of the public hearing.

Mr. Kunst reviewed the application and his report, copies attached and discussed the purpose of the temporary crushing plant being associated with the last phase of the Business 51 reconstruction project. He discussed the location, zoning, referred to photos of the types of equipment/machinery that will be used, and reviewed staff recommendations.

Mr. Kunst stated that the Plan Commission approved the request with the addition of two conditions, i.e. at the contractor's expense, the Village will catalog the pavement condition and defects of any approved local haul route before and after the project. The contractor will perform remedial repairs within 12 months of completion of the use of local roads to restore the condition of the roadway to the pre-use condition or better and the Contractor will include the Village as an additional insured and beneficiary of the performance bond, or list the Village individually applying the same insurance and bonding requirements as for the DOT or a value agreed upon between the Village and the Contractor.

Mr. Shulfer questioned the number of cubic yards of crushing, the operation being allowed on Saturdays, and if dust control measures would be taken. Mr. Kunst replied that he wasn't sure of the amount of material to be crushed and stated that the proposed hours of operation are consistent with the Village's ordinance. He referred to Staff Recommendation No. 9 which requires the plant to be operated in a manner that eliminates unnecessary dust, noise, and odor.

Mr. Terry described what a typical crushing operation entails, i.e. trucks moving in and out consistent with the timing of the DOT's asphalt removal.

Mr. Winter felt that the Saturday hours of operation should not be limited as they may have to make up for lost time in the event of inclement weather.

Mr. Keller suggested that the contractor be subject to re-negotiating the hours of operation if complaints are received. Mr. Swangstu discussed having a specific procedure in place to follow if hours had to be altered due to complaints so as not to have to schedule another meeting.

Mr. Shulfer was more concerned with the hauling aspect of the operation. Mr. Helmrick stated that hauling operations can take place any time and that it is the crushing aspect that is being considered. He discussed a current ongoing operation just to the south of this location in the Town of Plover, which is in closer proximity to residential properties. He stated that the crushing/hauling won't be a day-to-day operation for a length of time, but more likely conducted in two phases.

Mr. Keller indicated that this project is for the benefit of local roads.

- ✓ **Mr. Winter moved to close the public hearing at 5:30 p.m. Mr. Osenga seconded and the motion carried.**

3. CONSIDERATION OF THE GERKE EXCAVATING INC. REQUEST TO OPERATE A TEMPORARY ASPHALT/CONCRETE CRUSHING SITE

- ✓ **Mr. Osenga moved to approve the request from Gerke Excavating Inc. to operate a temporary asphalt/concrete crushing sited on property located west of Post Rd/STH 54, south of Forest Dr. And east of Lincoln Ave. to include the two additional recommendations imposed by the Plan Commission and to include staff's discretion to alter the hours of operation if complaints are received. Mr. Winter seconded and the motion carried.**

4. Mr. Winter moved to adjourn at 5:32 p.m. Mr. Osenga seconded and the motion carried.

Karen Swanson, Village Clerk