

Mr. Monnett: I have a motion and a second. All those in favor say aye.

(All ayes)

Mr. Monnett: Thank you

GUIDELINES FOR PUBLIC HEARINGS

Mr. Monnett: These public hearings are designed to allow public input regarding the subject matter.

1. The proceedings are recorded for public record purposes; please come to the podium that's located in front of the Meeting Room and give your name and address and make your presentation.
2. Please make presentations as concise as possible; try to limit your comments to no more than five minutes and avoid repetition of points made by previous speakers. Each speaker will be allowed to speak only once.
3. If possible, please designate a spokesperson for groups supporting or opposing same positions.
4. Following your presentation, if you would please print your name and address on the speakers' sheet provided by the Board of Zoning Appeals Secretary to ensure the official record reflects your appropriate name and address.

OATH OF TESTIMONY

Mr. Monnett: Ms. Ulbricht will you please administer the Oath of Testimony for those who intend to be speaking?

Ms. Ulbricht: For all of those speaking, please stand up and raise your right hand.

(Ms. Ulbricht administers the Oath of Testimony)

Mr. Monnett: Thank you

PETITIONS FOR PUBLIC HEARING

Mr. Monnett: Tonight, first on our docket is BZA-22-042 – Amazon concrete batch plant. Mr. Jones?

Mr. Jones: Thank you. One item of business firsthand, was on your – at your stations this evening was placed two sets of findings. One was for the Development Standards Variance and the other is for Use Variance. They are fairly similar, but there's five for Use Variance and three findings for the Development Standards Variance. So, you can kind of peruse those as maybe the hearings are being conducted. The other item that you received is colored; this was handed to me this evening by one of the neighbors, and I think it represents the conversations that were had with the applicant for this first project. They are here this evening and can corroborate anything that's on that handout. First item of business is for a temporary concrete batch plant for Amazon, located at 1750 Smith Road. It's in the northwest corner of Bradford and Smith Road you can see it here, to the west is the Devonshire Subdivision and to the east and north is the Allpoints Industrial Park. This exhibit shows a photograph of what the equipment is intended to look like, to be placed at this site – I wanted to give you that. Here is the site plan. The area in question, as you can see there, is on the east side of the property that runs along Smith Road. There's about 1,800 feet of frontage on Smith Road, and this will be virtually in the middle of those 1,800 square feet. The area to the south there, it is about an acre, and that is the area that the equipment would be placed. To the north is the staging for the materials and so forth that will be there. It's approximately about 25,000 square feet, right at a half-acre. So, a total of about an acre and a half of the 64-acre piece. In the staff letter there were some items that staff feels still needs to be addressed. One of the items was that since the initial request that was continued in June, we have received some information that the applicant can address, and that might help with the first comment. And that would be that we're asking for a clarification on the statement within their narrative, quote, "The duration of the plant being on the site would be for four weeks from the start of erection of the plant until disassembly and cleanup of parking lot." What we really probably need there are some dates because tonight's the night of decision and if it goes forward, we'd really like to have some dates nailed down. Also, in an email to Todd Cook, the Town of Plainfield Economic Developer Director, from Michael Keleher from Amazon, we did receive three statements: the company that would be erecting the batch plant has a transferrable state air quality permit that will be transferred from Franklin, Indiana. The second item, the batch plant would be permitted for four weeks only. And then the third item, actual operation for 10 days only between the hours of 7:00 a.m. to 3:00 p.m., Monday through Friday. And that was a little different from their original request. Basically, the initial request was for the entire four weeks, and I believe the hours were from 7:00 a.m. to 6:00 p.m. They have since sort of reduced that, and I guess to explain this – but it's any of those 10 days within the parameters of that Monday through Friday. So, I don't know exactly how that works with their production.

Ms. Giesting: (**microphone not on**) (inaudible) what is transferrable? You said they have...

Mr. Philip: Air permit

Mr. Jones: The air permit. This plant as I understand it – again, they can address this – is coming from Franklin, Indiana, which is where it's been for the past... And so, that permit that was issued...

Ms. Giesting: Issued by the state?

Mr. Jones: By the State of Indiana, Indiana Department of Environmental Management.

Ms. Giesting: Okay

Mr. Jones: And that's being transferred to this address.

Ms. Giesting: Thank you

Mr. Jones: Any other questions?

(Brief pause)

Mr. Jones: If not, I'll turn it over to the applicant. Thank you.

Mr. Monnett: If you could, write down your name and address while they're trying to boot you up.

Mr. Keleher: My name is Michael Keleher, I live at 5 Indian Pipe Trail in Avon, Connecticut 06001. My role at Amazon is I am a Senior Program Manager at Amazon for the eastern half of the country for (inaudible). Which means I work everyday with officials on our buildings across the eastern half of the country, specifically for these sort centers which is what this center is that we have in Plainfield. So, good evening, ladies and gentlemen of the board, members of the public. Again, my name is Michael Keleher, I work at Amazon and I'm here to give a brief presentation on what we want to do at the site. First of all, and it'll be some of the same comments you just heard from Mr. Jones, I will be saying again. Okay, so the first question is, why is Amazon requesting this variance of use? The purpose of this variance is to add a new second floor, mezzanine level floor in the facility. This was not planned to be built for a mezzanine level, but at Amazon we only put these mezzanine levels in once the capacity and operational requirements are needed for that building, for the floor. So, it adds capacity, has more packages coming in and out, and it adds essentially more jobs. The concrete is what we're talking about, making a specific concrete. This specific concrete is not made in Indiana. So, that's why we have to make it on the site. The reason why we have a specific concrete is because this concrete – we have studied it – because of the way the robots operate, we need a flat, level surface that does not deteriorate. Essentially the robots go back and forth on a grid system, so this concrete does not deteriorate or create grooves in the concrete. That's why we're using this specific concrete and that's why we have to make it on site here. So, as we said, we're requesting batch plant operations, requesting a permit for 4 weeks of operation. To answer your question, we think we're going to be operating right after Labor Day, is when we'll be ready to start the permit. We're still working

through the other schedule, so that's why after Labor Day is when will tentatively work for this. It's one week for set up, two weeks for operation, and then one week to dismantle. The way this breaks out, there are 10 days of actual pouring of the concrete. So, that's why there's two weeks of operation, you pour the concrete and then you take it into the facility. Again, it's Monday through Friday, 7:00 a.m. to 3:00 p.m. One of the other questions that we had before was, will we be making concrete and using it anywhere else. No, this concrete is just for the building at 1750 Smith Road and will not support any other building construction. If it did, we'd have to come back for another permit. We understand that, and we acknowledge that fact. Another question that was asked of us prior was, why are we doing this? Why can't we do the building inside? Why do we have to do it on the site? First of all, the building isn't – as you all well know – is an operating facility. You can't put a batch plant into an operating facility. Secondly, the doors at the back of the terminal where all of the trailers come in aren't wide enough for it. And third, it would create a massive fire concern if we were to put a diesel generator inside of a building. So, as we said, the batch location is located on the opposite side of the residential neighborhood. We did that on purpose. That facility itself will act as a noise and visibility block from the adjacent neighborhood. Another question that was brought up was the noise. The majority of the noise from this machine is from a 90-decibel diesel generator. If you take a straight-line distance from where the batch plant will be, to the closest point of the neighborhood, it's approximately 1,250 feet. That will take – the way that sound works, if you go 1,250 feet away from a 90-decibel generator, it will dissipate to about between 45-50 decibels without a large building in between. So, that's just a straight line. And just for you all, to give an example of that decibel level, that's a refrigerator. So, if you take a quiet library, it's about 40, a refrigerator in your house is about 50, a normal suburban neighborhood with kids playing and so forth is about 60. And regulations within the Town of Plainfield is a decibel level of 65 within residential neighborhoods, according to the website. So, again, we're under the decibel level for residential neighborhoods within the Town of Plainfield. The other thing I want to point out to you all is, the prevailing winds in Indiana are from the southwest to the north, to the northeast, in the spring, summer and fall. So, the winds will be taking this batch, the noise, anything, will be taken out towards... away from the neighborhood and over the industrial park. So, it's not...it's not blowing – the prevailing winds are not going back over into the neighborhood. Just some information about the actual machine: again, it's approximately three years old. As we said, we have a permit that meets or exceeds all current EPA requirements. We are using certified people, trained people to operate this machine. We're not taking me, or anyone off the street to do the operations of someone who's operated, works on, and owns it. Again, the environmental permit has been transferred from Franklin to Plainfield. Again, there were no issues in Franklin. I know that's about 15-20 miles south of here and a different environment because that's more right on I-65 but again, we went through the same concerns there. And yes, I know, you're not Franklin; I understand that. Here are some real-life pictures of the site in operations, of the batch site in operations in Franklin, just so you can kind of get an idea of what it actually looks like and how...

Ms. Giesting: Can you tell me how... I'm sorry...

Mr. Keleher: Yes, ma'am?

Ms. Giesting: How big is this batch plant, like size?

(inaudible)

Mr. Louder: **(not at microphone)** (inaudible) Well, it comes – it's lowered down hydraulically (inaudible). When it's on site – you can see in the picture on the left it actually hydraulics in the air and that's where the cement trucks (inaudible).

Mr. Keleher: I have it on my computer, I don't... I can get you that (inaudible)

Mr. Louder: **(not at microphone)** (inaudible)

Ms. Giesting: Yeah, I see it right here. Okay, so 21 plus 19...

Mr. Louder: **(not at microphone)** The highest point when it's up in the air (inaudible).

Ms. Giesting: 30 feet?

Mr. Keleher: And the building is 38-42...

Mr. Louder: **(not at microphone)** (inaudible) The building itself is 40 to the roof deck and another 4 to 5 feet of parapet. (inaudible) actually got 4 feet (inaudible), so it's really (inaudible).

Ms. Giesting: Okay, thank you.

Mr. Keleher: So again, I just wanted to show you some pictures so you can get an understanding – you know your normal concrete mixer trailer is next to it so you can kind of get a gist of what it actually looks like and the size of that. Again, the last thing I want to talk about is – another concern was cleanup. Again, the wastewater from the cement truck is cleaned out at the end of every day and is poured into a rollout dumpster with a plastic liner. So, we're making sure that the cleaning is done in an environmentally safe way so that it does not get into the wastewater. It's mixed with any concrete slurry that's washed out and any extra concrete that's not used and then we recycle it. So again, we're trying to reuse this so that we don't run into any issues and being as safe as possible with this operation. At this time, if there's any questions from board members, I'd be happy to answer them, or I'll defer to some of my subject matter experts.

Mr. Cavanaugh: I do have a couple of questions, please. You mentioned that the type of concrete that you need is not available in Indiana.

Mr. Keleher: That's correct.

Mr. Cavanaugh: So, is it the concrete materials themselves, or is there something unique and specific to this machine, that it enables...

Mr. Keleher: It's the mix itself that's...

Mr. Cavanaugh: Okay, so it's the materials, not the machine.

Mr. Keleher: That's correct.

Mr. Cavanaugh: And then one other question. With the EPA certification for the machinery to process, how often does that recertify and what's the duration of that?

(inaudible)

Mr. Cavanaugh: And so, the last permit was issued when, please? And date, please?

Mr. Keleher: So, that would have been – I don't know the exact date, but it would have been in April/May of this year.

Mr. Cavanaugh: Okay, thank you.

Ms. Giesting: So, with an air quality permit, does that mean there's someone checking air quality daily, if you're going to be producing concrete? How does that work?

(inaudible)

Mr. Monnett: Yeah, if you want to come up here and state your name and address, please.

Mr. Louder: Brian Louder, 6700 Lorrain Drive, in Countryside, Illinois 60525.

Ms. Giesting: And what's your role, Brian?

Mr. Louder: I'm President of Louder Enterprise, subcontractor doing the concrete work.

Ms. Giesting: So, the question is, with this air quality permit, how is air quality tested? Is it daily? And how does that work?

Mr. Louder: The air quality permit, from what I understand from looking at and reading it, is it's visual. It's controlling the dust in the air, making sure we keep the area – that the aggregate, which is sand and gravel, which is moister because it comes from the quarry washed, so there's very little dust to it, so it's got a moisture content. We need to keep a moisture content to control the mix design because there's so much gravel, so much sand, so much cement, so much water to create a slump, which is the "liquidy" consistency of it. So, it's moisture ready. Visually we're just checking the piles in case is very hot and windy. If the piles get a little dry on top and is blowing dust, we have to water it down. There's no actual monitor that monitors the air; there's no requirement for that. Everything from the permit is visual, if that answers your question.

Ms. Giesting: I think so, thank you.

Mr. Monnett: Are there any other questions from the board?

Mr. Cavanaugh: Yes, I do have a couple more. So, your operator or technicians that work on this machine, do they have to have any particular type of respiratory equipment or are there OSHA standards for that? How is that covered?

Mr. Keleher: Are there any OSHA requirements or are there – how do we certify training (inaudible)?

Mr. Cavanaugh: And are they required to wear protective gear specific for operation of the machine?

Mr. Louder: **(not at microphone)** There's no specific gear...

Mr. Monnett: If you want to come back up, please?

Mr. Louder: There's no specific gear. The operator will be in the trailer, which is the trailer in the picture. The operator actually punches everything in and does all the mixes. Other than that, you have one guy driving the loader which actually loads the gravel and sand onto the hopper which then goes to the conveyor. For themselves, if they feel that they need anything, they would wear a mask. But there's not really – it's pretty clean; it's not this bug dust storm that everyone might think it would be.

Mr. Keleher: The other thing I would mention is that our – on Amazon facilities, anyone working has to wear a helmet, gloves, any kind of PPE that is required. So, they will be wearing hard hats and gloves and reflector vests.

Mr. Cavanaugh: And then regarding the operation, it looks like from the pictures that you load up the center loader concrete truck and then transport it across to the site. How do you get it from the batch plant to your pour location?

Mr. Louder: There are four cement trucks they use. They have five; one's on standby in case one breaks. The trucks will back up to the hopper on the left. Where the back of the truck – well, it's actually the front because it's reversed – underneath the hopper you can see where it discharges the water and the mix. Then it's mixed in the truck and then the truck will drive around and go into the building. It will go into a pumper truck and get pumped up onto the deck.

Mr. Cavanaugh: Okay, so it's similar to basically to any other concrete-type operation.

Mr. Louder: it's similar. Some cement plants, ready mix places, they actually mix it in a mixer and then it's discharged into it, but this is a dry mix.

Mr. Cavanaugh: Okay, and then have you considered any other locations that are approximate to this site, that aren't quite as close to residential?

Mr. Keleher: We have not sir, because of – I assume how much time you have to move it and we don't own any other property that we'd be able to move it to.

Mr. Cavanaugh: I can think of one particular lot that's under utilized right now, that may be under related ownership, but that's a different topic. So, there's not an alternate location where you could have this equipment to process, that would be further away from the residential section?

Mr. Louder: Not at this time, no. And also, the plant, the company that has this plant, their trucks are not licensed. They have a permit fee to get them here; they're not for driving on the roads, so it would be site specific for them.

Mr. Cavanaugh: Okay, thank you.

Mr. Keleher: If there are no other questions, thank you for your time and I'm sure we'll talk at the end of the meeting. Thank you.

Mr. Monnett: If there's anyone here from the public that would like to come forward and speak for or against this petition, you may do so at this time.

Ms. Richards: I'm Kathleen Richardson, my husband Jeffrey, and we live in the Devonshire Subdivision at 1662 Wedgewood Place. We can actually see the building of Amazon. As soon as we got the notification that this was on the docket, I started researching. The word "temporary" was a little confusing because the word "mobile" would have been much more appropriate. So, I changed my focus from the big ones, the ones that are permanent, to tell me about mobile plants and what's going on with those. So, I did excessive research with this so I would be able to give specifics to that. I want to thank Michael and Kyle (inaudible) who's not here, from Amazon, and Brian, and Terry Jones, and you the board, for giving me this opportunity to speak. A lot of people don't realize that Indiana has very poor, and kind of behind times, emission controls. All the research that I had including that from the American Heart Association, they're really looking at particulate matter that's a P.M. 2.5, and you will see that example on the back sheet, showing the comparison of (inaudible) and regular sand, how tiny that is, and a human body cannot filter that. Once it goes in, it stays there, and you end up with Silicosis. And it doesn't take that long; a lot of people think oh, that's going to be months, that's going to be years to accumulate. The latest research is saying that within 24 hours you can breathe that in, and it's not visible, you don't see it. So, it could be there and you're not going to know any better until the damage is done. There are a couple of articles there talking about how many micrograms per cubic meter of air of this particular matter, and the bottom line for us is it doesn't take very long to do some damage. Now, with the permits, they had said 7:00 a.m. to 6:00 p.m., including Saturday - Mr. Louder, that was on your form. So, that has changed then? Okay. Is there any possibility that it's going to extend past 3:00 p.m., would be one of my questions? And is there a possibility of Saturday? I understood it would only be as needed, say you had days and days of rain. Another issue was truck traffic. We know how many trucks are in the plant, but how many trucks are making deliveries back and forth with raw materials? That has not been spoken to. And will they

be arriving before 7:00 a.m.? A lot of the individuals that live in Devonshire work shifts. Any extraneous noise – especially trucks when you have that low base sound, you can turn your TV set up as loud as you can, and the walls are still shaking; you just can't get rid of that. How is that going to be addressed? The air monitoring, sure it's within EPA limits, but the latest information that is out there – and this is looking at the California laws and the University of Texas – because they do a lot with concrete batch plants. So, many of the questions that I had said came from having a permit in Texas; it's four pages that you have to check off, it's quite extensive. Again, I want to thank Michael and Kyle because I had like 8 pages or so that we had a great big telephone conversation over. This is the condensed version of things that were not answered quite yet. So, you might be in compliance with what the state wants, and the EPA, but they're kind of behind the times. That's not going to be good enough if we, especially older people with asthma, grandkids out there playing, end up getting sick down the road from this. We would like to have monitors, perhaps put up in the Devonshire area because air is air, you can't contain it, it's going to float over. I have contacted the University of Texas at Austin and spoke to their director, and they recommended purple air and to put monitors out, so you get to see what you can't see, and it could be regulated with frequency and accuracy, and recorded. Just because you stick them in the ground and you put them up, it doesn't necessarily mean anybody's watching. There has to be accountability for that. There are dangerous elements in the air, and these could probably be placed in common areas, so they don't have to be on anybody's particular property. The dust and what they call "fugitive dust" that can't be captured by any type of machinery – at the very top, visible emissions, Indiana says, no more than 20%. Well, 19.5% is a little bit too much than what I would want to breathe. Yes, you have all of that around you all the time but you're in your car, the air-conditioning is on and you're going in and out and continuing to your destination, you're not sitting in it, so to speak. (inaudible) a minimum control efficiency of 99.5%, and it is looking at that 2.5 microns and smaller. Even with the visible emissions, are there controls that leave the property for more than 30 seconds of duration, in any six-minute period during normal plant operations as determined by the EPA test method 22. Where does that come in? Before they even start the machinery, is it going to be inspected very thoroughly for the filter cartridges, any tears in the filter, tarps, fabrics, whatever it is that they're going to be using, for any holes that are going to come about? We don't want to have that. And then when it comes to cleaning, (inaudible). I made the analogy, it's like a vacuum sweeper. I know on mine, a light comes on and says, Kathy it's time to change the filter bag. Or I can see my Dyson and see, time to click the button and empty and dump it out. Who's going to be looking at this type of stuff going on. Who's going to be responsible and accountable? Who's going to be taking down the records? Is this an automated system within the contents of the machine or do you have to have an operator? And then who's going to be above him to make sure they're not fudging on any of the findings? And the watering, how is that going to be done? Is it going to be just on one side? Because of there's somebody with a hose on one side, what happens to the other side? Looking at the machinery I noticed that when they had it in operation – I think I was watching it on YouTube – they conveyor belts don't have any type of covering for the raw materials that are going up from the bin, down to make the batches. I would think that should be covered, or you have an automatic watering system from both sides, trying to keep things down. But how do you know enough is enough;

how do you know enough water is enough water? And this machine, does it have all of the new safety bells and whistles? I could not find Terex (inaudible) 3 anyplace except on a secondary contracted source. I even called out there and they referred me, (inaudible) over here across the United States, and they say, oh, we sold that part a long time ago. So, if I can't find it, who's responsible for the accountability? The machine might only be three years old but if you have a three year old car – in three years a lot of bells and whistles and new information has come out as far as particulates and what can be captured. The storage of raw materials, it's recommended that you have at least a 3-foot buffer or curtain that's 2 feet higher than whatever your soft pile is so that you're not going over, and the wind just blows it, facing downwind. And that the dust control that extends below the mixing truck receiving tunnel, there should be warning devices on that, and an auto shut off so that there is no "over capacity". The water supply, we were told the source of the water was going to be trucked in but on the memo from Mr. Louder is said, "the plant will require water which can be acquired through a fire hydrant water meter coordinated with the city of Plainfield. There is a hydrant adjacent to the proposed location." So, which is it? Are there trucks being brought in with water or are they going to tap into the city water system? I can see if there's a fire, you're going to get water wherever you can, but this sounds like it's planned. And the cleanup – I understand with the trucks, just like when they're building houses, they have cement trucks and dump trucks coming in – they line it with plastic and that's where the wash is at, but it's recommended that all of the paving area be regularly washed down. How is that parking lot going to be contained? Because you're going to have dust and particulates there, and half of it that falls off somewhere. You know, are they going to – what do they call those when there's a flood? Those great big brown things that stop the water from going any place else. You know, there has to be some way of capturing that water safely, or it will leech down into the soil. Because right next door to Amazon on the other side of us is the nature preserve. With so many houses being built, those animals have very little real estate to be able to find clean water and survive. You know, you see deer, you see raccoons, you see all types of wildlife. So, if they're cleaning the entire area, what's the story there? The noise, we'll go back to those real low vibrations – it's just like something grinding and you can't get it put of your head because it's going through your head. If you research sound waves, those that are very low frequency, it's a whole different animal than those that are higher pitched. Are there adequate supplies on site in case there's an accidental spill or an emergency? And is there trained staff to respond? Has Plainfield emergency staff been informed of, if there's an emergency here how are we going to handle that? So, we have condensed our 8 some pages when I called Mr. Keheler and he was very kind, to give me whatever information he had, into 2. So, if you have any questions regarding what I have placed out there... (inaudible) who had like 600 and they were able to stop – including the mayor – one of the permanent batch facilities there. When I saw that, and the reports coming out of that from their scientists and such, I was like, ooh – but then they said that this is going to be temporary and it's going to be mobile. I was like, okay, that's a little bit better. But it could still be better yet, especially with those unseen particulates. That is our biggest concern for Jeffery and myself, and hopefully for other people living in our subdivision, because what you can't see can hurt you. Thank you very much.

Mr. Monnett: Thank you Ms. Richardson. If there is anyone else who would like to come forward to speak for or against this petition, you may do so right now.

Ms. Richardson: I do want to say, not that I'm against it, it's just that there's a lot of (inaudible) that need to be addressed.

Mr. Richardson: I don't know if this cuts into the 5 minutes. Is it 5 minutes per family?

Mr. Monnett: Go ahead and give your name and address.

Mr. Richardson: My name's Jeff Richardson, I live at 1662 Wedgewood Place in Avon, in Devonshire. Thank you for having this meeting and hearing me. My wife went through the whole litany of things that she's been looking into. She's done a lot of work in looking at that; I actually know more about concrete batch plants than I'll ever want to know. I just have a couple of questions, and this is concerning the air monitoring. I worked for 40 years for the United States Postal Service as a logistics manager, responsible for the entire state of Indiana, with an \$85 million budget. We did a lot of training as far as Anthrax and those kinds of things, in our facilities. We were always taught, if you can see it, it's too late. Now, I understand – Mr. Louder, I appreciate you coming – that it's going to be a visual inspection. Are the employees that you're going to have around the loaders and the people handling the dumping equipment, are they going to be masked? Are they going to have any type of protective gear? Because I mean, they're right there in that zone where they can see that. As Michael mentioned, we did have a discussion with them, and we brought up the possibilities of adding, putting portable air monitoring systems around the facility. You know, it's a small amount to pay but you know, if you start in September, that's the beginning of school, they start at 7:00 in the morning. I know my grandson goes to school, he leaves at 9:00 a.m., and they just live down the street from us. I think it would be something that would maybe make this go a lot easier for Amazon and the people who are setting this up, to put air monitors up either around the neighborhood or around the building and give us reports on... you know it's like the question that you asked, and I appreciate you bringing that up. I'm not going to take up any more of your time. I appreciate you hearing us out. Thank you very much.

Mr. Monnett: Thank you Mr. Richardson. If there's anyone else in the audience that would like to come forward now, you may do so.

Mr. Ainsworth: Thank you, board members, I appreciate the opportunity to talk with you. My name is Rick Ainsworth, I live at 8701 Thatcher Lane, also in the Devonshire neighborhood. I'm going to ask the board's indulgence a little bit. I promise I won't be very long, but I want to talk about two little stories, and I promise I will connect them to this evening's items. I was in front of the board about two years ago – and I'll forgive you if you don't remember me, I was probably a little 2 inch square on your computer screen because we were meeting by Zoom at that time – but at that time, the issue that we had was the truck traffic from the Amazon plant onto Bradford Road, and the fact that Bradford Road west of Smith Road isn't really built for truck traffic.

Amazon at that time promised at that time to make sure all of the truck traffic gets routed to the east, and so on and so forth. I apologize, I didn't make enough copies for the entire board, but I trust you can pass these around. That's just one photo. It's almost weekly, if not daily, that trucks go west on Bradford Road. As a matter of fact, it was so bad that the development across the street from us, The Settlement, ended up putting up barriers to their entrance to prevent the trucks from turning and damaging the roadway in theirs. So, that's one story that I want to talk about. The other story I want to talk about is that we also met earlier when Amazon was first building, and Amazon had promised that in the space between Devonshire and their property, that they would build a berm, a big earthen berm and plant trees, and so on and so forth. This is the earthen berm and trees. I'm hoping my grandchildren will be able to take advantage of the trees once they do grow to some size. That was to alleviate some of the noise and everything. My point with this is, you'll understand our skepticism a little bit if we don't quite understand or agree that these mitigation points will be taken by Amazon. We appreciate the fact that I get my Amazon delivered within 24 hours, I really do, but I also want to breathe. So, thank you for your time.

Mr. Monnett: Thank you sir. If there's anyone else that would like to come up, you may do so.

Mr. Hermann: Good evening, my name is Andrew Hermann. I live at 2118 Buttonbush Drive, Plainfield, Indiana 46168, in the Settlement division. So, I've listened to everything tonight and I understand that the mix that they need isn't available in the state, as they say, and that they're going to put a mezzanine in and they need to get the mix for it, but I think some of the questions are still outstanding on that. I know they mentioned the decibel levels of the equipment, and the reduction you can expect at 1,200 feet or so. I can tell you from living in The Settlement, we don't get the decibel drop that I'm used to seeing in my previous home. We have a neighborhood volleyball court which is probably 1,000 feet away; when people are there playing volleyball and they get a group together, I can hear that inside my house almost as easily as if it was next door. I know our HOA had to speak with Amazon because we had, around 2:00 in the morning you would get the loud base like someone was driving down the street blasting their music. Several times I went out like, who is that. I'd had an issue with the neighbor before, so I thought maybe it was them, and when I went out there, it's coming from the Amazon parking lot which is across Bradford. And I'm two houses in from Bradford but it sounds like it's right in front of my house. So, there hasn't been a study done to see what the decibel level actually is outside of that area. The Amazon building would not be blocking it to The Settlement since we're to the south, not to the west. So, that would be one thing that I think could be solved if you do a study to figure out what that decibel level is as it goes across, so you know instead of relying on well, it's 1,200 feet, you should see a reduction on it. And base is different because low bases, they go right through structures. If it's late at night, which it's not supposed to be, it keeps people up. And then during the day, my wife works from home, she works out of the office at home, things like that can be very destructive to her work. So, it would be nice to know what those levels to actually be. The last gentleman mentioned truck traffic. The Settlement did have to put blockades in front of the ends of the entrances/exits to the subdivision. It was very cumbersome for school buses to make it in and out, for just your standard traffic to go in and out of those, but there was no other way

to keep the traffic out. Apparently, Google routes trucks as to their fastest route through but we've got a lot of roundabouts through that neighborhood and no stop signs really. Those trucks aren't built for roundabouts; they usually go up on the curbs, they cause property damage in there. As a homeowner, that just means we just have to put more into those HOA fees to get that repaired every time those trucks keep coming through, which is why they put the blockades there. The questions that I have, just on the mix itself – I'm an environmental consultant – one of the big issues with cement work in general is silica. It was mentioned before, silicosis. I would be interested to know what that mix consists of. This mix that's not available anywhere else, what's the silica content of that mix. That would be something that I would like to know. Is there more silica, less than what you would find in standard concrete? Are there any additional precautions begin taken to address the amount of silica that's in there? And then it was mentioned, their wastewater when they're cleaning it out – it's going to go into a line, roll off. Typically, with wastewater you would put it into an (inaudible) tank. You wouldn't put it into something that's plastic lined. It could get torn, get holes in it, leak out. You would put it into a vessel that's meant to take liquid, especially large volumes if that's what you're going to be generating. I think all of those things are easy to kind of address. Put some additional precautions in place, change how you're going to handle things that could make all of that work. One of my bigger concerns is why it has to be on this property. I've had to get a couple of variances in my line of work, and it's always been a restriction that the property causes, or a restriction that the building causes, for which you would ask for a use variance on. Not, we can't do what we want to do because it's not zoned for us to be able to do it. So, that's the main question I have, why this can't be done somewhere else. You may not own property but there's other industrial properties around. I'm sure leasing is an option. I don't know how much it's been entertained, they mentioned that they didn't really look at other places that they could possibly do this. I don't know if it's been communicated, if they've reached out to other concrete processing and mixing facilities to see if it could be arranged that they could mix their mix for them at their batch plant. Michael did mention that most of these building are built with the idea of this mezzanine going in if they hit certain capacity, which means if they know they need a special mix and they know it's not available in Indiana, there should have been some plan in there, should this hit capacity, for where this concrete is going to come from, instead of just assuming you're going to be able to get a variance to do something on your property that it's not zoned for. So, that's the big question that I keep coming back to. Everything else, I think, as far as the actual mixing itself, we can put sensors and monitors, we can change processes to be very safe and protective of everyone, but it still goes back to the question of why does it have to be done here. Why can't it be done someplace else that's equipped for that? Someplace that's not so close to everybody, where it's zoned for that kind of use, rather than getting a variance to be able to do it on this property. I'm sure if this variance gets denied, I'm assuming that Amazon's still going to find a way to get this concrete mix. If you need the mezzanine, you need the mezzanine. If you can't get a variance, you're going to find a way. So, that's my question, is why is it the only way, why does it have to be here? Thank you.

Mr. Monnett: Thank you, sir. If there is anyone else that would like to come up and speak for or against this petition, please do so.

Ms. Sateski: Hi, Brittany Sateski, 1806 Wedgewood Place in Avon. Our house, you actually walk out the door and there's Amazon. I just want you to consider – I have three kids here today, one being a newborn – that we could possibly be breathing this in. I have a fourth one, she's at softball practice right now. They love to play outside, so you know, limiting their outside exposure would be detrimental to them. Like I said, my newborn, she's just developing her lungs so that's a little scary to me. One of the people did all of that research so I read into it a little bit, and it could be really detrimental to my newborn. So, I'd really like you to consider not allowing this based on... and I'm not alone, thank you.

Mr. Monnett: Thank you. If anyone else would like to come up, please do so.

Mr. McCann: Good evening board, my name is Donald McCann and I live at 8554 Hollyhock. I'm going to approach this a little differently, more of a devil's advocate. I work for Citizen's Energy Group, as you can tell. We put a lot of aggregate in the air as well. Thank goodness our aggregate is dirt, which is an inert matter, but sometimes these things have to occur. It's like the one guy said about how he likes to get his Amazon packages in a day or two and you know, that requires progress. From what I'm hearing, most of us are here due to air quality matters. So, my thing with you guys is if you guys are going to approve this, let's have a little prevention if possible. The one person brought up the people that are actually working on their site. I'm sure this company is not stupid; they have PPE requirements just like we do. Safety is probably number one in their company, just like my company. So, I'm sure PPE requirements are probably taken care of. What I'd like to see is, if you guys do approve this, is – if we're concerned about the wind carrying in this aggregate material – let's just say a 30 mile an hour wind can carry the aggregate enough to where we reach a neighborhood, then they don't pour, or whatever that mile per hour is. All I'm saying is, if we can at least, if you're going to do this, at least take some preventative measures for the community around the Amazon plant, to where everyone can be happy. Nothing is going to be perfect, I get that, in my company it's not the same either; we piss people off all the time, but it has to be done. So, the one guy said, if it doesn't have to be at this location Amazon will find a way. I get that, he's probably 100% right on that. But the other instance, and it's the same way with my company – I'm sure you all have bosses and you're trying to stay in the black on the bottom line – if we can all live together and take some preventative measures to make both the community and the company happy, let's approach it that way. That's all I got.

Mr. Monnett: Thank you. If anyone else would like to come up, please do so.

Mr. Kuroiwa: Hello

Mr. Monnett: Right after you give your name and address, you'll have to take the Oath of Testimony too. So, go ahead and give your name and address.

Mr. Kuroiwa: Okay, my name is Guy Kuroiwa and the address is 2411 Woodmont Court, in the Westmere Subdivision.

Mr. Monnett: Ms. Ulbricht, will you please swear him in?

(Ms. Ulbricht administers the Oath of Testimony)

Mr. Monnett: Thank you

Mr. Kuroiwa: Thank you. Preventative measures are just wonderful, I mean, if they're enacted and enforced. I only want to speak for just a moment. I really had not intended to at all, but I'm reminded of dealings that are now years old, and promises made. Someone referenced promises made and that were not kept. I recall when the first warehouses were going up on Bradford Road and the public hearing signs were there. What really – didn't know it at the time – but the public hearing signs were there for months, and so was the earth moving equipment. That was what the public hearing was about; it was about certain warehouses going in and whether they would go in, but the earth moving equipment – it was a done deal. The evidence certainly pointed to the fact that it was a done deal. You just don't sit that type of equipment out to do nothing, for months. So, it's hard to swallow. I share the skepticism of others. It's a bit hard to swallow promises when – well, we were also told that semis would not be going up and down 900. And then, what – I don't know how long afterwards, a few years perhaps – 900 was going to be "repaved". Well, repaving takes a few days, not – I don't know how long it was ow – two or three months, because they went down and redid the bed. So, in my view, and I don't know if this is fact or not, I couldn't see it any other way – because it took that long, I fully expect that they redid the bed to accommodate semis that want to go...

(inaudible)

Mr. Kuroiwa: It did not?

Mr. Philip: We have zero desire to have semis on 900.

Mr. Kuroiwa: Okay, then why did they have to go down so far? Can you tell me that?

(inaudible)

Mr. Kuroiwa: That's a different issue, I'm sorry.

Mr. Philip: That's a totally different subject.

Mr. Kuroiwa: Yeah, I'm sorry. I won't go down that path. I just – only to share some of, I guess, skepticism of some that is easily understood because of what we've seen before. I am curious about that but that's, yeah, irrelevant. Thanks for your time.

Mr. Monnett: Thank you. Would anyone else like to come up, please?

(Brief pause)

Mr. Monnett: If no one's going to come forward, I'm going to close this to the general public, and I'll open it up to our board for some discussion and a possible motion on BZA-22-042.

Mr. Philip: Mr. President, why don't we allow the applicant to come back.

Mr. Monnett: Yeah, you can come back, I'm sorry.

Mr. Keleher: Again, thank you everyone for your comments; I appreciate them. First of all, in my role, I have no influence – I'm not the one to talk to about the traffic report. I will bring that up with the site – there are ways – I will tell you that I've done this in other jurisdictions. There are ways to (inaudible) roads, so I can look into that. Again, I know that's not the reason we're here tonight, but I wanted to address that as well as the berm. I'm sure that whatever trees and berms, it was built in compliance with whatever plans were approved by the city. Again, I can't speak to that, but if they're not in compliance with the approved plan, we can then address that at another time, and we're happy to do that. Some of the other questions that were asked: I believe we'll have approximately 27 trucks per day coming in with the aggregate. They will probably start one or two days before the first pour. So, it will be 27 trucks before, you know, just to get the materials on site so that we can start operating at that 7:00 hour. And it will not be all at once; it will be a process throughout permit application time. I do want to reiterate that it will be 7:00 a.m. to 3:00 p.m. I know there was some discussion about 7:00 a.m. to 6:00 p.m. We are happy to put that in the permit, that we operate from 7:00 a.m. to 3:00 p.m., with 10 pours. Again, that will be – if the board decides to vote on and approve this, we'd be happy to write any kind of operational requirements in that permit. The air monitoring: we did talk about that for sure. One of the concerns that we had is our batch plant wouldn't be the only impact on the air quality. But if there is a requirement to put some air monitors in, if I get some base line time before that, I can work on that as well. Happy to work with the planner on that if the board again, votes in favor of this and puts that in as a condition, we can work through that. The only other thing I do want to mention is, obviously in my role at Amazon, I do use variances often. And yes, this is a unique use variance, but it's not a singular event. It is something that I have done in the past. The question about why we didn't do this originally, again, it's the capacity. As you all know, yes, Amazon is a very large company, but this costs us – it's much more cost efficient to build it all at once. So, it's not something that we do, unless we need to do it. So, it's not like, hey let's wait and build it a second time; it's much more efficient and cost effective to do it all at once at the beginning of the project. Another comment that was made was – you know, in the planning process again, when this facility was built – it has been some time, so what the concrete plants have been producing has changed, and that's why we need to get this variance. Again, yes, I understand that a use variance is for the operation on this site. As we said, the concrete trucks are not licensed and that's why we are looking at doing this on site and asking for the use variance for that process. But the bottom line is, we at Amazon, we'll meet or exceed any environmental requirements. We're happy to work with the monitoring with the town. And again, I will work at discussing with the setup operations – the traffic and the berm, and then the 2:00 a.m. traffic, I

can imagine that would be frustrating – but that again, can be addressed by the general manager of the site who operates that site. (inaudible) when people are coming and going and making sure that we are being good neighbors to the community in terms of noise in that area. Any other questions...

Ms. Giesting: Could you address the water concern that we had? The gentleman spoke about having a vessel to carry the water in as opposed to a truck with a plastic lining.

Mr. Keleher: I think you're – there was two different questions there, ma'am. One was how are we getting water on site, is it a vessel on site or is it (inaudible)...

Ms. Giesting: The run-off water.

Mr. Keleher: The second question is how we clean it out – is it a plastic lined verses a solid material, so it does not scratch or get damaged. I think those are the two questions you all had.

Ms. Giesting: Thank you

Mr. Louder: The clean off for the water is only at the end of the day. When they are mixing their trucks, they will put extra water in their truck to mix the truck out; it will become a slurry which will still have the cement in it, which is then dumped into the dumpster with any additional concrete that would be left over, which all gets solidified and then that goes to a proper waste recycling place that does the concrete recycling. So, it's not just garbage – a normal roll off container you see it full of water; it's mostly sediment solidified. A little bit of water but then it evaporates and solidifies. They don't haul it away when it's full of water; they actually have to wait till the water solidifies. Was there a question on (inaudible)?

Mr. Clay: Just to clarify for the public: so, they're inquiring as to whether the mix that's left over is going to a gravel facility to be turned into gravel, or what's happening with the water...

Mr. Louder: It goes to a concrete recycling facility.

Mr. Clay: Where it's turned into gravel.

Mr. Louder: Whenever you see them removing the roads, you see the concrete roads, it goes to a recycling facility. Unless they're doing it on site like you see on the highways. And then that goes and is crushed by a company that then turns and sells it for gravel. I wanted to address that we did reach out to every supplier, concrete supplier in the Indianapolis area, within distance that allows us to get the cement. We only have one and a half hours from when the cement is discharged into a truck, to be unloaded on site. We did try to work with the Franklin project with this same plant, doing it from there, but the distance was 45 minutes in a car. Cement trucks go slower; there's not enough time. So, the distance did eliminate us doing that. We were trying to make that work. All the local cement companies, we tried with them. Shelby is actually the supplier of the product that was not (inaudible) and we even tried to get with them on one of

their plants that's a mobile plant – it's much larger than this but it is mobile – to purchase another silo just for the cement that we need, but they were unable to, they didn't have enough room to install it. We went every route we could within reason of distance. Distance is a big thing because the chemical reaction of the cement, once you put it in there it starts the natural process and starts to solidify. So, we do have a limited working time with that. But we have reached out to every concrete company three times, we even knocked on doors to try to figure out what we can do to work with them to make it work financially – whatever they need to make this work – we were turned down at every one, mostly due to how busy everyone is. There is a lot of construction going on; plants are running non-stop. The local plants, there pretty much on a night and day. So, that was the big problem with trying to get on that end of it.

Mr. Cavanaugh: I have a question on that please. So, you reached out to other local companies and if you're able to supply the materials, they're not able to mix it? Sand and gravel are the easy part; the cement was the harder part.

Mr. Louder: (inaudible)

Mr. Cavanaugh: You're bringing materials to the site.

Mr. Louder: The problem is, they only use the one cement...

Mr. Cavanaugh: But you supply the materials too, and they're not willing to mix it?

Mr. Louder: Say that one more time.

Mr. Cavanaugh: If you supply the cement material to an alternate mixer, they're not willing to mix it for you?

Mr. Louder: Not the local companies, no. This company is a mobile company. They're out of Michigan, and they're the only ones with a mobile plant available at this time.

Mr. Cavanaugh: Because you can obviously get the materials on site, so they're deliverable to anywhere in the area.

Mr. Louder: Delivery yes, you can get the product. It's the way the cement plants work, they way they have to store the cement. It comes in a cement truck which then is pushed into the silos because it's got to be weighed proportionately...

Mr. Cavanaugh: I'm familiar with that.

Mr. Louder: Okay, and they're limited to one silo or two, but they also have to keep mixing for all the other jobs that are going on in the area. So, they can't mix the two of them, they have to drain the whole silo down, put the new one in – it's just not feasible for them.

Mr. Cavanaugh: It's cost prohibitive.

Mr. Louder: Yes, and keeping other customers and everybody (inaudible).

Mr. Cavanaugh: Thank you

Mr. Louder: Any other questions I could try to answer?

Ms. Giesting: Mr. Jones, have you worked with other folks who have air quality monitors and work with companies to make sure the air quality is appropriate for projects such as this? Or who in your department, in the town, would be doing something...?

Mr. Jones: I'm not aware of a town project or any time when I've been working on these projects when that would necessarily be required. It doesn't mean that they can't do it. A lot of the EPA and IDEM requirements, we must remember are minimum standards. And so, you know, property owners and business folks can exceed that, which is kind of what I'm hearing the discussion to be. But if you were to go forward with this and put some type of – which I think you might be getting around to asking – we would strongly recommend a qualified individual who reads those, that's certified to read them and know what they're looking at. We have gotten into issues with sound and lighting; we have light meters and sound meters. But push comes to shove, and you get into a circumstance that's litigated, it's only as good as the person holding it and if that person isn't qualified or certified, the end result is kind of useless.

Ms. Giesting: Right

Mr. Jones: So, I would strongly say you might want to consider that in an option.

Mr. Monnett: Discussion? Thoughts?

Mr. Cavanaugh: My thoughts on the on site air monitoring is that that's an after the fact delivery sort of information, right. The air quality monitoring I'm familiar with is rarely able to be analyzed on site in a time sensitive manner. It needs to be sent somewhere and then there's a report to be made. So, the impact you're trying to prevent has already happened if there is a negative impact. So, I don't see the value to on site air monitoring at all.

Mr. Monnett: I agree. True.

Mr. Clay: Was the facility in Franklin close to a residential neighborhood?

Mr. Keleher: **(not at microphone)** (inaudible)

Mr. Monnett: Anything, Mr. Philip?

Mr. Philip: I don't have any questions.

Mr. Monnett: Comment?

Mr. Philip: Probably not favorably disposed.

Mr. Cavanaugh: I have some concerns similar to what's been expressed by the residents this evening.

Mr. Monnett: Right

Mr. Cavanaugh: I think that everyone is well intentioned in the application and what you're trying to do with your building, but this board is not going to be able to guarantee the lack of health impact on the neighbors in any direction from this facility, and with all good intentions, Mr. Keleher and Amazon are not going to be able to guarantee no health impact to these people over time. And if you can, please tell me. So, we're being asked to make that decision, that there will be no health impact. And I don't believe that anyone can guarantee that.

Mr. Monnett: No

Mr. Keleher: **(not at microphone)** I agree with that (inaudible) but – I mean, you can say that exponentially to any operation. And I understand this is a use variance and I understand (inaudible) but to say that statement can be said for anything and anybody – you know, an airplane flying over (inaudible). And I'm not being (inaudible), I understand what you're saying. Again, we are meeting – we have an environmental permit. And again, none of us are (inaudible). There is no one here that (inaudible). The environmental permit from the State of Indiana issued states that if we are allowed to use this site, we would be able to operate (inaudible). So, I think if you say it's an environmental concern, I think that more of an EPA statement and not an Amazon (inaudible).

Mr. Cavanaugh: Understood. So, with the review that we have, since we have to meet for a variance request, I have some concerns with that.

Mr. Monnett: I totally agree.

Mr. Cavanaugh: I'm prepared to make a motion if there's no other discussion.

Mr. Monnett: Yeah, I agree. Unless you gentlemen...?

Mr. Cavanaugh: Okay. I'm going to move that I move that the Board of Zoning Appeals deny BZA-22-042, as filed by Brian Louder, Louder Enterprises Inc. for Amazon, requesting a Variance of Use to allow a Temporary Concrete Batch Plant at 1750 Smith Road. Subject to the following findings:

1. The approval will be injurious to the public health, safety, morals and general welfare of the community.

2. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner.
3. The need for the variance does not arise from some condition peculiar to the property involved.
4. The strict application of the terms of the Zoning Ordinance will not constitute an unnecessary hardship if applied to the property for which the variance is sought; and
5. The approval does interfere substantially with the Comprehensive Plan.

Mr. Philip: Second

Mr. Monnett: I have a motion by Mr. Cavanaugh and a second by Mr. Philip. Mr. Klinger, would you please poll the board?

Mr. Klinger:

Mr. Clay – yes

Ms. Giesting – yes

Mr. Philip – yes

Mr. Cavanaugh – yes

Mr. Monnett - yes

Motion to deny the Variance of Use under BZA-22-042 is approved.

Mr. Monnett: I do want to thank the remonstrance that showed up today, whether it went your way or not. We appreciate that because a lot of our zoning meetings, we get zero attendance. So, it's nice for us to see different faces than a monitor. I appreciate the passion that was in your speeches. There was nothing hateful, no meanness like we hear in other places. This is Plainfield, we all want to be together. So, I thank you, I applaud you for that whether it went your way or not. So, thank you all.

Mr. Klinger: Can we take a 5-minute break before we go to the next item?

Mr. Monnett: Yeah, let's take a 5-minute break.

(5-minute break)

Mr. Monnett: I'm going to call us back to order please. Our next thing on our docket is BZA-22-049. I believe Mr. Jones – I know, I like to rush you.

Mr. Jones: Thank you. As stated, the next item is BZA-22-049 for Joedy & Debra Graham. There are actually two variances being requested this evening, for the same site. Variance of Development Standards, Chapter 154, Article 2.4B 1. Minimum Side Yard to construct a garage addition 1 foot into the required 6 foot side yard. The second variance is for Chapter 154 Article 2.4B(2)(e) 1. Minimum Front Yard to construct a garage addition 8 feet into the required front yard. And this would be off of Eldin Drive. The first variance would be off of the northern property line. Here you can see the property is located in the northeast corner of Eldin Drive and Springcrest. One point of clarification – because if you look in the ordinance, you'll see two setback requirements for this particular subdivision – what's important to remember is that at the time that the current ordinance was put in place in 1996, the Council added a section 2.4B 1, which identifies the setback for any property that was platted and recorded prior to January 1, 2007, to be allowed to keep its previous setback which was 6 feet at that time. And so, I think there might have been a little bit of confusion at first about it, because sometimes that first paragraph, that first sentence, gets mixed. Because you go straight to the chart and you see – if you look at the ordinance and you see the chart, it'll say 10 feet. And so, as stated there, the house was constructed in 1966 in a plat of Eldinwood Subdivision. This section was recorded March 23, 1965, which well meets the standard.

Mr. Monnett: Was that County back then?

Mr. Jones: I'm not sure, I think it was actually in Plainfield. Oh, in 1966, I think it was. Here just for visual purposes – the applicant will be including some of these photos as well – I just wanted to include these to you could an idea. There's a perspective using the photos that were in the file at the time. That's the front of the property, looking back east. And on the left, there is a rendering of what the applicant would like the finished product to look like. One of the questions we ask is, is it going to exceed any part of the existing, the tallest portion? The idea here is no, it would tie into that roof line there above the overhead garage door and would not exceed that roof line. With that, if you have any questions, I'd be glad to address them. The Grahams are here, and I believe there's some other neighbors present as well. So, if you have any questions, please let me know. Thank you.

Mr. Monnett: Thank you Terry. If the petitioner would like to come forward, please.

Mr. Graham: Hi, my name is Joedy Graham and that's my wife Debbie. Our residence is 1243 Eldin Drive. Now, I'm going to read off of this and please, I'm going to forgive you guys if you nod because I have that effect on everybody, okay. We are here to request a 1-foot variance on the north setback of the property and an 8-foot variance for the front setback, for the purpose of adding an additional garage on the left-hand side, or the north side of the property, and coming

out forward so that we can gain accessibility inside the existing garage. We purchased the home nine years ago and we quickly realized that a two-car garage shouldn't hold two cars, but we've utilized it as we can, like everybody does. It's almost the same for everybody, I imagine. We have washer and dryer in the garage, our furnace, upright freezer, food storage, water heater, water softener, and all the other things that you usually find in garages. I hate saying some of this part, but I'm getting close to retirement, and we plan on keeping our current vehicles and preserve the two cars as best we can, for the remainder of time we can drive anyway. We want to keep them in good shape. So, we want to provide a safer environment and to be able to access the vehicles. So, we decided to get it to where we can get both cars in the garage and them not being left out in the cold all the time. So, about three years ago – the decision came around mainly because three years ago I was working a job in California, my back went out and with the help of a pilot, the flight attendant and the airport staff, they wheeled me back to where Deb was. Deb got me back to the house and I couldn't barely sit up in the wheelchair. It was extremely difficult just to get me into the house; it was unbelievable. I wrote down on here, I've had back surgery, I was diagnosed with spondylitis and degenerative discs and all this other stuff since that happened. I actually laid in the floor for two weeks solid because I wasn't mobile. So, it was an experience and it helped us decide that we needed to make our house a little more user friendly, as far as for when Joedy gets old. We decided that while I'm still working, to get more space in the garage so that we can get a wheelchair around – we wanted to get like 26 inches for a wheelchair, all the way around. My mother actually came to visit, and she had a stroke as well – same problem with her, it wasn't very nice. Since we have appliances and utilities in in the garage, there's no way to make that happen without extending out to the front of the house and having additional space on the side for our second vehicle. We have mentioned in the narrative that with the current garage the way it is, you can't get inside. And I added a couple of photos, and you can see, you can't even open the hatch. And actually, for a couple of months, every time I went to the doctor, I had to get in that hatch. So, we had to open the hatch, lay it down, me go in and lay down – but also, when you come home with groceries in the wintertime, raining or whatever, you can't open the hatch with the garage door shut. So, that was another reason to get that 36 inches in the front, 36 inches in the back. So, we asked for the 8 feet, that's where it came from. On the other view it showed where the washer was. And really, this isn't just for me, it's also groceries and laundry and everything. So, to move on from there, we love our neighborhood. We would not do anything that was going to make our property or the neighbor's property look bad or out of place; we wouldn't do it. When we decided on the space that we felt like we needed to accomplish those goals – we did pretty conservative measurements – wheelchairs, doors opening, measuring cars, all that kind of stuff. So, that's what we did. The variances that we are asking for would benefit us in many ways. We feel the number one goal is accessibility, then safety and security. And I think a lot of that (inaudible). At the age and with the health problems that I've had, this would be a tremendous help for us looking forward and planning for our future. We feel it's a need more than a want. If there's any additional space that's in there due to the build, then that's just an added benefit for us. We don't feel like the project will present any harm for any of our neighbors; it doesn't change the use of the land or present any environmental issues with our neighborhood. We don't feel like we're asking for –

we feel like we're asking for exactly what we need to add, just to make it more... With that, there's a few issues that make it difficult to meet the setback requirements and address our needs. We took a hard look at what was the most practical and logical for us in location for the garage addition and proposed extension. The proposed size of the new garage that will go beside the one already existing, it was determined by the average size of vehicles to allow normal access and the inevitable and unfortunate need for a wheelchair and handicap accessibility – I hate saying that, but it's just the truth. The practical difficulty we are facing with this build is actually the original location and layout of our home. We love our home but it's just the way it is – it's like we've got a 30-foot setback on the south side, and we've got 30-foot setbacks on the front and then 6 on the sides. Our home was built in 1966 and we found that it doesn't really meet the needs of our family now, as we've progressed. The home has two sides with 30-foot setbacks requirements, one setback on the south side and one on the northwest side where the front door is now. The north end of the west side is the home's main entrance. The south side of the home is built within 2 feet of the setback which would require us, if we built on that end of the house, it would require us to ask you guys for a 13-foot variance instead of a 1-foot variance. Plus, it's not very illogical to build over there; that's the side that has the bedroom on it, and the main entrance is on the other end of the home. The south side also has issues with high water. When there's a lot of rain, we've never been able to get anyone to figure out why the water doesn't drain down to where it's supposed to. So, it comes up to about 10-15 feet of our house. We've got a picture of that up on the next page. Going on the south side would also affect the trees; the aesthetics of the home and the neighborhood would also be affected on that side. Removing the trees and all that kind of stuff, that corner would not look very good. But you can see the picture right there, that's the water that comes up from the road into our yard, so we couldn't build on that side if you guys told us we needed to. The proposed garage extension for the existing garage is also faced with the same or similar layout difficulty. We are trying to be proactive especially because we were informed that we may be faced with the wheelchair accessibility thing in the future. With that, we reviewed the areas we knew we needed to improve accessibility, the existing garage. We determined we needed to provide more adequate space in front and behind the vehicle when parked in the garage. Due to issues with my back that are beyond my control I had to enter the hatchback. I told you guys about that; that's not a pretty thing. With that knowledge, Deb and I decided we needed 36 inches in the front and 48 inches in the rear for access in the garage. The need of this space is not specifically needed for handicap accessibility, it's not. It's also for normal, safe access and egress in the garage, to get around. At present when the car is parked in the garage you can't lift up the hatchback. The major practical difficulty that we're facing with that part of the build is that because of the original location of our home – I hate saying that because we love our home – we are requesting a 1-foot variance for the north side of the property for the new garage. With that approval, we'll maintain a 5-foot setback with an (inaudible) of 20 feet between where the new building is going to be built, and the neighbor's house; a 5-foot setback from our property line and 20 feet between the buildings. With the 1-foot variance it would also allow us to be able to open the car doors all the way, with a few inches to spare on each side, depending on parking variability – which means whether I drive, or she drives. We are requesting no more than an 8-foot variance for the west of our property,

extending the existing garage out. We don't feel like we'd be restricting any views and we'll make sure that the building fits the neighborhood, and the aesthetics will match the existing home and surroundings. I put the next picture on there – it's kind of hard to see the one before that. It shows the outline of where the house would be. The extension is where the vehicles are now... on that picture I tried to put in where the building perimeter was – it's kind of hard to see because they're black lines. That's what it would take away. The rest of the view of the neighborhood is not obscured. That top picture is the one that shows – I tried to outline where the extension would be at in comparison to where the cars are sitting right now. The cars right now would still be outside that perimeter because that's where we park. The next picture down – it's hard to see that but I drew the outline of the new garage on the side, with the addition on the front. This is an overview of the Beacon that you guys use for the city. On that one right there – I wish I could use a pointer – the existing residence is approximately 32 feet from the property line to the face of the existing structure. That's from the property line. 30 feet is the approved setback. With the 1-foot variance requested, to allow the 8-foot garage extension – once the garage is completed it is expected the garage face, to the edge of the road, will be approximately 35 feet. That's not to the property line, that's to the face of the road. The picture shows in red where the proposed build will be, to add to the north just a little bit, and then tear off the existing garage roof and bring it out to the front. I don't know what to say other than that. I think that probably – you guys already saw... I hope to God it looked better than that. I drew that. And the bottom one, I reverted to my 6-year-old stage and drew that one. It will look better than that, I promise. That drawing there shows the house scaled out as best as I could, with the 15-foot part for the garage, and shows the two garage doors. Is there anything (inaudible) confused, more than I already have?

Mr. Cavanaugh: Mr. Graham, one quick question please? I don't think it was depicted on your drawing – which is probably better than a 6th grade level – the building materials will match the existing house?

Mr. Graham: Yeah, we intend to have the brick front facia, and the siding to match what we already have.

Mr. Cavanaugh: Okay, thank you.

Mr. Philip: **(microphone not on)** And you're anticipating that (inaudible)...

Mr. Monnett: Your microphone is off.

Mr. Graham: Yeah, that's what we're expecting. That's what we're going to tell the contractor to do at any rate, (inaudible).

Mr. Philip: I'm just going to verify, so you're anticipating that beautiful gable you have in the front is going to peak where your house currently peaks, right, from a height standpoint.

Mr. Graham: Yes

Mr. Philip: Okay, thank you for verifying.

Mr. Graham: No, you're welcome.

Mr. Monnett: Thank you Mr. Graham. If there is anyone in the audience that would like to speak for or against this petition, would you please come forward now?

Mr. Sparks: Hi there, thank you for the opportunity. My name is Chris Sparks, 323 Gettysburg, Coatesville, Indiana 46128. My name is Chris Sparks. Donelda Sparks, my mother, is back there in the back. She has lived in the Town of Plainfield for 29 years, 25 of those years have been at 1239 Eldin Drive, that's the property just to the north of 1243. She is an active member of the Plainfield Christian Church. We are fully against the garage and the setback encroachment variance request, both to the north and to the west. The current setback should remain the same for future variances unless the Town of Plainfield plans to amend the plat for the Eldinwoods Subdivision. We do not believe that this garage is in line with the original character and the age of the Eldinwoods Subdivision. There are currently no three car garages on Eldin Drive. The request of 1 foot to the north only allows the Grahams 5 feet to the property line instead of the current setback which is 6 feet. The request of 8 feet to the front, the west, drastically reduces our view from what she has enjoyed for 25 years, and the potential increase of shade on the south side of the home due to the requested variances. There's a picture here that you guys have in the variance packet that he sent. You can see the shadow here; if that comes out another 15 feet, that building is going to be to the north, which is our residence – my mom's residence, not mine. There is no rear elevation. When you showed the elevations on the front, the gables, it showed the side view. They never showed a rear elevation of the side view of that. Also, I understand that you're saying the roof line is going to be equal to, but it doesn't say anywhere on how high the roof line is going to be there. We have never heard anything on the footer; we heard the footers may not have been put in up to code, as the permits were not issued prior to the pad being poured. We also offered three alternatives to the Grahams. One of which they could stay in the current setbacks so that no variance would be needed. They could also build to the south end of their home with the driveway coming off of Springcrest, or a third option would be to build a free standing garage in their backyard again with garage coming off of Springcrest. This last picture that we just saw of the flood, my mom for 25 years said she's never seen that. I do think there is a problem on the corner, but the town has been out there several times over the years to look at it. So, I would kind of questions that, if it has or hasn't been fixed. And no one knows their health right now, no one knows what the future holds and once you build a bigger garage, you're always going to find stuff to fill it. The garages in Glenhaven, Saratoga, north of Stanley, one car garages, everybody is in the same boat with space as far as that goes. So, I would like the board to consider continuing the rule for the 96'/07' variances and keep the setbacks the same. I too had another picture that I'll pass around, it looks very similar. If you could pass that around, please... you can notice their vehicle is parked on the path. That is our front porch where we sit, you can see the railings. That is the view that's going to be taken away from us to the south. Also, we plan to extend the fence on the south of the property line, to the west, to the edge of the garage. And that is all I have, thank you for your time.

Mr. Monnett: Thank you Mr. Sparks. If there's anyone else that would like to speak for or against this, please come forward.

Ms. White: I haven't been sworn in.

(Ms. Ulbricht administers the Oath of Testimony)

Ms. White: My name is Kim White, I'm at 1234 Terry Drive, which is the street behind this house. My mother's owned a house on Bluff Road and a rental house on Bluff Road in the Eldinwood addition, and I live at 1210 Ridgewood Court in the Eldinwood addition. The Eldinwood addition is old. We have mostly ranch houses, we have some spilt level houses. The houses are changing, the people are changing. I think we need to keep up with times. We actually do have a brand new house that was built in 2016/2017 at the empty lot that I owned on Bluff Road. I think it's okay for the Grahams to make a garage that actually fits the vehicles that we drive today versus the older cars that we used to drive, and to allow them to have that. I also believe that there might be some questions about property lines. I have had two lots in Eldinwood staked and found out that the fences that have been put in in Eldinwood may not necessarily be the actual property line. It seems like the back lines are correct, but the side lines may not potentially be accurate. I do know that the Grahams have tried to survey their property. They've even called the company that I have used as a survey company, and they've received no calls. I've asked my structural engineer for referrals; no one seems to be able to come in and survey this lot. So, that's what I have to say. I'm for them to have this change.

Mr. Monnett: Thank you. Would anyone else like to come forward?

Ms. Heckler: Hello, Buffy Heckler, 1210 Ridgewood Court, Plainfield, Indiana 46168. I've lived in Plainfield for nearly 50 years, so I've seen the town grow and I know a lot of original people, including the Jessups and the Daums, and a lot of Quakers, members of the Quaker Church. I can tell you that the town has definitely changed over the last 50 years. Most people who come into this town have no idea that this is an historical town. They just hear Plainfield and they think, ooh, Plainfield. This community and this town, even if you look on Wiki, you see that we have very historical areas and unfortunately, it's surrounded by warehouses. I think – I didn't live in the town proper when I was growing up, I lived in Plainfield. But I live in town proper now and I can tell you that I would not live in any of the new homes that are being built in Plainfield, even the multi-million-dollar homes. I like the homes in the Eldin neighborhood, and I like the homes that are in the historical area of town because they're absolutely beautiful. I commend all of the people who are trying to make updates to the homes because they do need to be updated. A lot of these people are the original builders of the homes and they're in their 90's, they haven't had the money to make the updates to their homes. But we have new people coming into the town of Plainfield that are trying to make proper updates to these homes, that are really critical to the Town of Plainfield because we need to keep the history of Plainfield intact. I think having people who are willing to come in and who are willing to make the proper updates to the homes, and keep them looking nice in the Eldin neighborhood, and all the other historical neighborhoods in

this area, is really critical for our town's survival versus having all the warehouses and having all the new homes that are vinyl homes. I commend them for wanting to build on to their home so that other people 50-100 years from now can come in and say, hey, this is an historical home, and I can live in it now and I'm not going to have to go and build another home out here in Clayton that's a bric-a-brac home – excuse me. But they're making updates to the home, I commend them for doing this and I'm for the changes that they're making. Thank you.

Mr. Monnett: Thank you. Would anyone else like to speak for or against this petition?

Donelda Sparks, 1239 Eldin Drive, Plainfield, 46168. I agree with everyone wanting updates and such to their homes. I do feel though, that there is a need to have the plat revised/amended, so that everyone is treated fairly across the board. Thank you.

Mr. Monnett: Thank you. Do you have something?

Mr. Graham: Pertaining to the shadow, adding on to the garage is not going to change the shadow. Just the way the house is built, it's going to have a gable on the front; the chimney shadow will stay exactly where it is because we're not building out the full length of the house. I can understand some of the complaints. On this shot right here, you can see the neighbor's driveway, and that's my vehicle. So, right now, my parking out there, every day for nine years in that same parking place because I don't like change either, at all, ever. That is the view that you get then. And I'm just going to say that by adding that other, it's not intended to obstruct anybody's view. The front face of the extension that's on there now will not extend out any further than the porch that's on the neighbor's house. I was hoping that it wouldn't bother anybody but...

Mr. Monnett: Thank you Mr. Graham. If there is anyone else that would like to speak for or against this petition, please come forward now.

(Brief pause)

Mr. Monnett: If not, I will close it now to the general public, and I will open it up to our board for some discussion on BZA-22-049, or a possible motion.

Ms. Giesting: I don't have any questions.

Mr. Monnett: Concerns, questions?

Mr. Philip: No

Mr. Cavanaugh: I don't have any questions.

Mr. Monnett: I'll entertain a motion is anyone's ready.

(Brief pause)

Mr. Philip: Kevin, how much of this have you seen? We haven't had very many of these come before this board, my four or so years on here.

Mr. Cavanaugh: I'm sorry, Rich?

Mr. Philip: How many of these types of acceptances have we made recently? It doesn't seem like very much; is why I'm asking.

Mr. Cavanaugh: I would say it's infrequent, realistically. And you know, each one has its own circumstances.

Mr. Philip: Right

Mr. Cavanaugh: The impact into a setback, or the reasons generating a setback, and the impact on adjacent properties. So, each one's a little bit different.

Mr. Philip: Right

Mr. Cavanaugh: I look through the neighborhood and I agree, it's really a very beautiful neighborhood. I commend everybody for taking care of their properties so nicely, it's very nice. But I don't have any particular questions.

(Brief pause)

Mr. Philip: Mr. President, I'll try a motion.

Mr. Monnett: Okay, if you've got the right one in front of you, go right ahead.

Mr. Philip: I move that the Board of Zoning Appeals approve BZA-22-049, as filed by Joedy and Debra Graham, requesting a Variance of Development Standards of Chapter 154 Article 2.4B(1) of the Town of Plainfield Zoning Ordinance, minimum side yard to construct a garage addition 1-foot into the required 6-foot sideyard at 1243 Eldin Drive. Subject to the following conditions:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties if applied to the property for which the variance is sought;

And that such approval shall be subject to the following condition(s):

- Substantial compliance with Board of Zoning Appeals packet information dated July 18, 2022.
- Compliance with the building codes and standards for the addition.

Mr. Clay: Second

Mr. Monnett: We have a motion by Mr. Philip and a second by Mr. Clay. Mr. Klinger, would you please poll the board?

Mr. Klinger:

Mr. Clay – yes

Ms. Giesting – yes

Mr. Philip – yes

Mr. Cavanaugh – yes

Mr. Monnett - yes

Motion is approved 5-0.

OLD BUSINESS/NEW BUSINESS

Mr. Monnett: Old business/new business, Mr. Whaley?

Mr. Whaley: Nothing additional.

Mr. Jones: On the subject matter of the building code, the building division did just get an inspection conducted and to the best of their ability to be able to determine, it did meet the requirements.

Mr. Cavanaugh: Good

Mr. Jones: I just wanted to point that out, but I will put it in the record.

Mr. Monnett: Thank you, Terry.

ADJOURNMENT

Mr. Monnett: Motion for adjournment?

Mr. Philip: So moved.

Mr. Monnett: All in favor?

(All ayes)

Mr. Monnett: Okay, thank you.