



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Board of Zoning Appeals Minutes

July 18th, 2024

7:00 p.m.

BZA-0624-19-C4 Ace Paving

BZA-0724-35-AG Bedford

BZA-0724-36-AG Olson-tabled

Roll Call of Members

Present:

- ☐ Scott Bockoski - Chairman
- ☐ Mike Berry
- ☐ Harrison Massone
- ☐ Steve Zell
- ☐ Aaron Culp - Legal Counsel
- ☐ Frank Zawadzki - Cicero Jackson Township Planning Director
- ☐ Terri Strong - Recorder

Absent:

Dennis Schrumpf

Mr. Culp advised that a motion was needed to relocate to Red Bridge Park.

Mr. Zell made motion to adjourn at Town Hall for brief recess and continue at Red Bridge Park Community Building at 7:20 p.m. to continue business for this evening. Mr. Berry second. All present in favor.

Chairman Bockoski reconvened the meeting at 7:20 p.m. at Red Bridge Park Community Building with another roll call of members.

Present:

- ☐ Scott Bockoski-Chairman
- ☐ Mike Berry
- ☐ Harrison Massone
- ☐ Steve Zell
- ☐ Aaron Culp - Legal Counsel
- ☐ Frank Zawadzki - Cicero Jackson Township Planning Director
- ☐ Terri Strong - Recorder

Absent:

Dennis Schrumpf

1. **Declaration of Quorum**- Chairman Bockoski declared a quorum with 4/5 members present. Chairman Bockoski explained to all petitioners that business can be conducted, however, with only 4 members they have the right to ask to be tabled until all 5 members are present. The situation is that each vote requires minimum of three positive votes in favor of passing, and without the fifth member they may be in danger of not passing. The rules still apply requiring three passing votes.

2. **Approval of Minutes**

Mr. Zell made motion to approve the minutes from June 20th, 2024, as presented. Mr. Massonne second. All present in favor.

Chairman Bockoski entertained a motion to rearrange the dockets on the agenda for this meeting.

Mr. Massonne made motion to move new business before old business. Mr. Zell second. All present in favor.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Mr. Zawadzki asked that BZA-0724-36-AG be tabled until next meeting. Notifications for meeting were not met. Mr. Culp added that next meeting date should be added. Chairman Bockoski stated next meeting would be August 8, 2024.

3. New Business:

Petitioner: James Olson

Property Address: 9410 E 256th Street, Cicero, IN 46034

Docket#: BZA-0724-36-AG

A Development Standards Variance Application has been submitted regarding the property located at 9410 E 256th Street, Cicero IN, 46030 to: allow an accessory structure in the front of the primary structure. Whereas Article 7.5 of the Cicero/Jackson Township Zoning Ordinance states that an accessory structure shall only be placed to the rear or side of the primary structure in the "AG" district.

Mr. Zell made a motion to table BZA-0724-36-AG until August 8th, 2024, meeting. Mr. Berry second. All present in favor.

New Business:

Petitioner: Eric & Heather Bedford

Property Address: 6835 E 236th Street, Cicero, IN 46034

Docket#: BZA-0724-35-AG

A Development Standards Variance Application has been submitted regarding the property located at 6835 E 236th Street, Cicero IN 46034, to allow a fence taller than three (3) feet in the front yard; Whereas Article 7.21 FN-01 of the Cicero/Jackson Township Zoning Ordinance states that a fence shall not be taller than three (3) feet in the in the front yard in the "AG" district.

Eric Bedford, 6835 E. 236th Street, Cicero looking to put new fence in front of property, would like to do four feet instead of three for aesthetics and to keep autistic son safe from road. Chairman Bockoski asked if any questions to the Board. Mr. Massonne stated this is very common in Cicero for those dealing with animals and restrictions, this reasoning makes sense. Chairman Bockoski stated going over the plan, it is a four-board horizontal fence and stained in cedar. Mr. Bedford stated yes. Chairman Bockoski questioned Mr. Zawadzki on the placement of two feet beyond the trail. Mr. Zawadzki stated yes that is the closest to the right-away that it can be. Chairman Bockoski thanked the petitioner for the detail information in the packet.

Mr. Massonne made a motion to open the public hearing for this docket. Mr. Zell second. All present in favor.

No public comment.

Mr. Massonne made a motion to close the public hearing. Mr. Zell second. All present in favor.

No further board member discussion.

Mr. Massonne made a motion to approve BZA-0724-35-AG as presented. Mr. Zell second.

Mr. Bockoski-approve, Mr. Berry-approve, Mr. Massonne-approve, Mr. Zell-approve 4-0

Chairman Bockoski stated to the room a few things to cover, the BZA is a quasi-judicial arm of the local government. The Board will be discussing issues or stipulations to consider for each item on the docket. All comments and questions must be directed to the Board, not each other, no banter back and forth. Anyone that wishes to speak tonight must sign in at the door, so we have a good record of those wishing to speak. Each item on the docket has portion for public comment that we will get to. If each person that wishes to speak agrees with comments previously stated, it is not necessary to totally restate the comment, only necessary to agree and move on in the interest of time. Tonight, we will be listening to the comments, not responding to each person, we will instate a limit of two minutes for each speaker. Each person will only be allowed to the podium one time this evening. The Board will take all comments into consideration and reiterate those to the petitioner at the end of public comment.

Chairman Bockoski stated the next item is to allow a transfer station in the C4 district.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Petitioner: Ace Paving

Property Address: 2826 E 226th Street, Cicero, IN 46034

Docket#: BZA-0624-19-C4

A Land Use Variance application has been submitted regarding the property located at 2826 East 226th Street, Cicero IN, 46034 to allow a recycling and waste transfer station to be located in the C4 district. Whereas Article 4.9 of the Cicero/Jackson Township Zoning Ordinance does not list recycling and waste transfer stations as a permitted use or a special exception use in the C4 District.

Mr. Zell made a motion to untable BZA-0624-19-C4 from June meeting. Mr. Berry second. All present in favor.

Brian Moench 4000 Clarks Creek Road, Plainfield, IN representative for Ace Paving located at 2826 E. 226th Street, Cicero. Presentation to share, booklets passed out to members. Continuation of the presentation in June, presenting a plan for a waste transfer station. Mr. Moench stated a lot of discussion on social media of a dump, start by giving the definition of a landfill by IDEM. Asked for to be in record: A landfill or dump is an area built up by landfill; a system of trash and garbage disposal where waste is built up between layers of earth to build up low lying land. The IDEM definition of landfill is: system disposal of waste below the ground. The proposal tonight is a waste transfer station. Definitions by Merriam Webster: A site where recyclables and refuse are collected and sorted for processing for landfill disposal. IDEM definition: A facility where solid waste is transferred from a vehicle or container to another vehicle or container for transportation. Mr. Moench asked as we speak want to focus on this is a waste transfer station, items will be unloaded and moved off property within 24 hours to a disposal site.

Video shown of new station designed by Mr. Moench's company off 231 in Green County. Process explained while video is running of this design. Trucks are weighed, unloaded and weighed again. Cleanliness of area was emphasized, IDEM rules of weight management discussed. This facility is a similar size being proposed on 226th street. No trash is brought outside of the building itself. This station has refueled capabilities. A year-round facility with no trash or debris outside of the building. Concrete walls and floors.

Mr. Moench continued presentation with map of area. Pointing out this area prior to purchase by Dan Ealy was used as a junk yard by GW Pierce and has been operated as such since 1969. This property has been used for industrial land use. Mr. Moench shared information concerning Dan Ealy and family, currently operate several businesses at this area location. Ace Paving, LLC, metal recycling, aggregate recycling and used auto parts sales. Purchased property five years ago and has since worked to clean up past nuances. Property taxes of \$60,000 to county and township and if moving forward, over \$1m investment in property. Employs 25 currently and would go up. Community involvement shared, active and caring about the community.

Details of property shared, positioning and buffering of land with landscaping. 7500 square feet building. Operations are all within the building. Facility would have internal pumping system to containment system. Sealed to prevent any runoff. Transport would rely on US 31 access. General public would not be able to see inside due to placement of east entrance. Benefits of this facility: screening of property along 31 and 226th. Big benefit is the management of trash. Recyclables such as wood and concrete blocks would be removed and reduce waste to the landfill. Increases the lifespan of an actual landfill. Could be used by residents as well to bring materials. Reduction in traffic due to convenience of facility to regular routes. Diesel savings and emissions. Another benefit is the increase in tax revenue.

IDEM has strict policies on these facilities. IDEM reviews all facilities design and operations. Preliminary operations plan passed out to the Board for this facilities. Page 2: has 17 sections to be approved by IDEM, type of materials, how handled, no hazardous waste, no bio-hazardous waste, also identifies final disposal sites. This is the type of operations plan we will be governed by, having to adhere to. IDEM will have unannounced inspections to ensure that we are complying. Operations plan addresses concerns that if the facility can no longer be operated that IDEM will come in and close properly. Documents are inclusive to operating and maintaining facility. Inspections become public via the IDEM virtual file cabinet.

Mr. Moench addressed comments made last meeting regarding the thoroughfare plan. Highlighted the Hamilton County Thoroughfare Plan. Proposed frontage road information has been received and discussed with Hamilton County Highway department and INDOT and feel that road has shortcomings in the design in our opinion. Timing of the activity of the roads, the road would be let, bids fourth quarter of 2024. Feel substandard not only to our traffic but to traffic in general to the area.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

The approval of the proposed transfer station is critical for the community to benefit and gain. Transfer stations are an integral part of waste management. Support community development and growth, allowing to support community and provide a service as well as increases site improvements for the property. Mr. Ealy and family part of the community and want to continue to be a part of the community. Looking for a favorable vote tonight.

Chairman Bockoski asked for Board member questions. Mr. Zell asked question, to make it clear there is no dump plan. Mr. Moench stated as we started presentation, this is not a dump. This is a facility that receives materials, sorts and moves material within 24 hours to a final disposal site. Mr. Berry asked what the radius is of the materials coming to this site, how far away, how many miles will it come from. Mr. Moench stated as part of the operations plan we commit to an area this facility will service. In our proposal we commit to Hamilton county and Tipton to our north. No out of state waste, no waste from up north, no waste from Indianapolis, this is a community handling facility. Chairman Bockoski questioned, in the video the trucks were moving on a hard service, what was the surface they were on, driving in, to the scale, to the building, and back out. Mr. Moench stated in that video it was a packed limestone surface, obviously with Dan's involvement with Ace Paving, our surface would be a combination of asphalt and concrete. Mr. Zell asked about the collection tank, if liquids would spill out, point is there will not be any runoff, concern for impact to wells. Mr. Moench discussed surface and sealing, solid sealed surface required by IDEM, and also a floor drain system if there is any residual moisture that would take it to a tank. With a sump pump that a pump hauler would pick up and take to a wastewater treatment plant for processing. Mr. Zell also asked about odors that may be an issue, how do you control? Mr. Moench stated while we have all had trash at home and odor an indication of time to change, the prevention is to move the materials. Our materials are out within 24 hours. Biggest way to prevent. Have built 20 facilities in the state and encourage people to visit, tour, odors are not noticed until inside the facility itself with materials present. Operations manual also has routine cleaning procedures that are required. Mr. Zell asked if any air handling that is necessary. Mr. Moench stated no fans or machines would gather odors and emit into the outside air. Also pointed out there are overhead doors that would be closed when nonoperational hours or if no customers. Mr. Zell questioned noise, how much noise will residents have. Mr. Moench stated this has been heavy industrial business since 1969, the noise has been present, this facility will house equipment inside concrete building that would dampen the level. It will not be quiet; OSHA requires items such as alarms for trucks backing up. Vegetation would help muffle the noise. The mobile equipment would be dampened based on the fact that it would be used inside the building. Mr. Berry questioned in terms of traffic, would there be increased traffic through downtown Cicero, what would you see that. Mr. Moench stated short answer is no increase. The traffic you see from the trash trucks for the town of Cicero isn't increasing, the traffic from outside would use the routes discussed earlier. As Cicero grows, more trucks would be needed for collection, and increase would be seen then. Everyday traffic would be directed to US 31 via the indicated roads. Mr. Berry questioned if residential trash pickup is done. Mr. Moench stated currently ACE does not do any residential trash pickup. This is an opportunity for the family, if they so desire, to grow into that market with their own vehicles. One thing we run into is the local trash service selling out to the national firms, and service not remaining the same level. This may be an opportunity to expand for Dan's family to provide that local quality service if they so desire for Hamilton County. Mr. Berry asked if the residential pickup that might be in the future, such as Republic. Mr. Moench stated if they so desired to grow into, these are city contracts and could bid to keep local. Mr. Zell hours of operations, regarding traffic flow and new road substandard in your opinion, citizens concerned for more trucks due to noise. Mr. Moench stated operations manual has a "worse case" hours of operations, described as primary user and secondary or (individual). Primary user which would be Dan Ealy family businesses, 4am-7pm Monday – Friday, 4am-2pm Saturday, no Sunday hours. Secondary users' hours would be 7am-6pm M-F, 7am-2pm Saturday, no Sunday hours and no holiday hours. Focused on the transfer station itself, this is worse case, as permitted by IDEM, the family could reduce hours if they so desired. Important to have morning hours for the commercial route pickup trucks, to not interfere with their regular businesses. Mr. Massonne have covered items on list from public but other to follow up on are: the traffic study, do not feel comfortable using Anthony. There are still concerns with the future roads. Housekeeping concerns, the hours don't match up from the first meeting. Mound elevations 3-5 is small comparable. What is capacity of 7500 square feet: read report saying 81000 cubic feet of storage on the tipping floor, which allows for 500 tons. Maximum allowable storage is 250 tons in a 24-hour storage. So, is this saying it can hold 500 tons but only is allowed 250 tons per day? Mr. Moench stated that is correct. Mr. Massonne stated 200 tons, indicated 10 tons per truck, so that is 20 trucks per day. Question is how many on a 53 feet truck? Mr. Moench answered typically 20-25 tons on a 53 feet truck. That is tonnage but that is not day one, we are looking for the five-year permit level. Mr. Massonne this is housekeeping and don't want to get into at this time, but control if at five years Ace wants to up their capacity, we may not be happy if this is approved. Mr. Massonne asked Mr. Zawadzki what variances that property has right now. Mr. Zawadzki stated there is no current Land Use Variance or Special Exception

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Variances attached to that parcel. There are a couple of Developmental Standards Variances attached, mostly regarding signage and screening. That is all regarding this parcel. Mr. Massonne stated he asked because this is currently zoned C-4 and being used as metal scrap yard. Where else in Jackson Township or Cicero could you go, nowhere, without this same process. Mr. Moench stated exactly, this is heavy industrial currently and there are truck movements in and out and even without tonight that will continue and hopefully grow. With the exception, it would allow us to do the transfer station in this area, keeping all the industrial on this property and consolidated. Hate to see heavy industrial here and two miles away build a transfer station which then becomes sprawl of the uses. Mr. Massonne since moving here notice the current property and noticing the condition as it is today, not satisfied with the way it looks. Hate to see if approved, would not want to go down same path, the fence falling, etc. Mr. Moench stated we take the condition seriously and why we are talking about the entire site and not just the transfer station for screening purposes. Questioned if approved tonight the past variances would become null and the conditions would become more enforceable. Mr. Zawadzki stated that is correct. Mr. Culp clarified one thing, you said Special Exception but this is a Land Use. This is important because the Findings of Fact are different, including hardship of the Land Use Variance. Mr. Moench stated he misspoke. Chairman Bockoski thanked Mr. Moench for the video that was shared and asked for the address of that location. Mr. Moench answered Harvest Church Road and US 231 in Green County but do not have address memorized. That facility was permitted two years ago and operating currently. Chairman Bockoski questioned if 226th street location would have refueling station. Mr. Moench stated currently not showing on plans, refueling would be handled offsite. Chairman Bockoski asked if Jackson Township Fire would be who would handle emergency on the property. Mr. Moench stated yes. Chairman Bockoski asked if mentioned traffic points with the County that were being worked on, and if so could you be more specific on what those concerns are. Mr. Moench stated the preliminary plans observed show the frontage road to be a wider width as well as heavy duty asphalt. The set reviewed between last presentation and today, shows asphalt width to be limited to 24 feet, and the road section is five inches of stone on 3.5 inches of asphalt with 1.5 inches of surface. Which makes it extremely light duty, even one step above residential driveway (in his opinion). So not only for the benefit of our business but the community in general we see that this should be wider and more robust in the asphalt level. Not only for comprehensive plan for the future but for the current industry using that access. So, we have raised the point with County Highway. Chairman Bockoski asked if the date of the 226th street overpass over 31 is known. Mr. Moench stated in talking to the INDOT project manager, they are anticipating mid-to late 2026 completion. Chairman Bockoski stated so in the meantime you would be using 226th to 31. Mr. Moench stated yes we would make that commitment and make the commitment that any collection trucks outside of Cicero would use the 226/31 access. Mr. Berry asked in benefits you state additional screening for the entire property. Will that happen regardless of how the vote goes tonight? Mr. Moench stated that cannot answer that question, it is part of our presentation with approval. To be honest, there is no encouragement to do that part of additional screening without approvals. Request for a transfer station we feel we should do our part and we offer up the additional screening for the entire property.

Mr. Massonne made motion to open the meeting to the public. Mr. Zell second. All present in favor.

Chairman Bockoski stated this portion is open to the public and we will begin by reading into the record any emails or letters that were sent to the Plan Director at this time.

All letters and public comments will be summarized by the recorder. All letters/emails will become part of the docket file. The recorder will use the following format: name of person(s), address, for or opposed the petition, brief summary of reason for support/opposition. Example: John Doe, 1234 Main Street, Cicero, OPPOSED: noise, health concerns.

Mr. Zawadzki stated there are several letters to be read into minutes, proceeded to read the following as summarized by the recorder.

Kyra Ashely Waltz 4060 Orchard Valley Blvd, Indianapolis, IN 46235 owns land in Jackson Township and Adams Township extremely close to proposed waste transfer station. OPPOSED: traffic, noise, odors, health concerns, stormwater quality, vermin, land values.

Jennifer Brown, resident and taxpayer in Cicero, IN. OPPOSED: bad for town



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Jeffrey Lyon 420 West Jackson Street, Suite 33, Cicero, IN OPPOSED: Road/traffic concerns, inaccurate weigh-in, traffic concerns in town, noise and smell concerns.

Robert Habig, resident of Hamilton County, Westfield Washington Township, Sheridan address for 40 years. Country home on 38. OPPOSED: visual pollution, smell, noise, truck traffic, rodents, insects.

Frank (Chip) Habig, 115 W. 246th Steet, own 50 acres of farmland, OPPOSED: specific reasons not listed.

Kenny and Jordan Blickenstaff, home on 236th Street, Cicero, IN OPPOSED: rural charm lost, do not want a dump, concern for legal threshold for notification of this and McClure station, awareness to community.

Andy Freiburger 3425 E. 236th, Cicero, IN OPPOSED: environmental, land values, odor, commercial truck traffic, concern as business owner increased traffic from US 37 or St Road 19.

Kenton Waltz owns land in Jackson and Adams Township close to proposed station. OPPOSED: Traffic, hours, noise, odors, health concerns, storm water quality (Hinkle and Morse), vermin, land values, road wear and tear.

Joe and Cecilia Keller, no address, OPPOSED: no reason given

Maryn Bohland, no address, OPPOSED: impact to Swinging M environment for people and animals, chemicals, noise, impact on horses.

Nancy Collier, no address, OPPOSED: interruption of peacefulness at Swinging M Stables

Kimberely Armstrong, Anthony Road, Cicero, OPPOSED: Heavy truck traffic, noise, congestion, unsafe driving conditions, pollution, smell, impact to aquifer and wells, horses' well-being.

Beth Easters, Noblesville resident, boards at Swinging M Stables, OPPOSED: noise, odors, rodents, interruption to peaceful, stress relieving place.

Caroline Johnson, 205 Glasgow Court, boards at Swinging M Stables at 21911 Flippins Road, Cicero. OPPOSED: impact to environment, people and animals at this facility and others in the area. Loss of rural, open spaces.

Rita Zaichkek, resident of Westfield near schools, OPPOSED: gross, smell, traffic, noise, property values.

Megan Stoneking, Noblesville, board near 216th and 31 at Swinging M Stables, OPPOSED: air quality/environmental.

James and Jeri Bostwick 3526 E. 226th, Cicero, OPPOSED: impact to environment, impossibility of being a good neighbor, smell, liquids leaking from trucks, does not fit with any vision of future planning.

David Demas, 216th Westfield, OPPOSED: zoning at C-4 most lenient of zoning and request for exception, cost benefit to ACE versus property values in area, tax revenues from singular exception vs lost growth, traffic, environmental infractions from current property from IDEM.

Rachel Valliere, boards at Swinging M Stables, OPPOSED: noise and impact to horses/riders, smell, financial impact of one business to another (swinging M).

Elaine Habig, no address, Westfield Premier Physicians, OPPOSED: concern for foresight to develop natural resources into wineries, parks, recreational facilities, event centers.

Back side of letter included specifics:

Impact to Swinging M Stables animals, noise pollution, air pollution, water contamination, vermin, traffic concerns.

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Elizabeth Speckman, no address, OPPOSED: no reasons given.

Sarah Gheen, 1 mile in Jackson Township, OPPOSED: Risk to peaceful environment, noise, smell, pests.

John Demaree, property owner NW corner of 31/38. OPPOSED: not good for area and promoting economic development, negative impact to recruitment and landing high profile projects. Developer and owner of heavy industrial property with transfer stations adjacent.

Doug Sanqunetti, 3250 E. 236th St, Cicero, IN OPPOSED: Harmful to community and no economic benefit, contradiction to comprehensive plan, traffic patterns, hours of operations, pollution, fire protection, air quality. Concern for compliance with IDEM by owner.

Christy and Rob Wilson, Cicero, IN OPPOSED: current violations of the petitioner, environmental factors, heavy traffic.

Kelley Roberts, 315 Morse Landing Dr, Cicero, IN OPPOSED: Public health and safety, smells, toxins to water, road conditions, value of properties, McGregor Park impact, comprehensive plan compliance. Future landfill would be next.

Zach Vaughan 23030 Anthony Rd. Cicero, IN OPPOSED: Smell, impact from one resident to profit/impact others, property values.

Cory Thielen, 236th Street, Cicero, IN OPPOSED: moved from Waterman Farms near transfer site, noise, smells, damage to environment.

A Boothe, no address, OPPOSED: negative impact to home value.

Cheryl and Jeff Titus, 4160 E. 231st Cicero, OPPOSED: no benefit to town or homeowners, country setting impact by noise, smell, home value.

Carol Sanqunetti, 3250 E. 236th St. Cicero, IN OPPOSED: Traffic/noise/vibrations, health concerns, first findings of fact impact, land values, second findings of fact impact, comprehensive plan vision compliance, fourth findings of fact impact.

Blair Frye, no address, OPPOSED: no reason given, just slow the rapid development.

John Moon 86 Verdant Cicero, IN OPPOSED: negative impact to real estate values, air quality, traffic.

No name or address, OPPOSED: no reason, just no.

Chairman Bockoski asked for pause for 10-minute recess.

Chairman Bockoski reconvened meeting stating after comments from public, reading of the letters will be paused but will get read tonight and will now allow public to address in person. Thank you to those that wrote letters, determined to do due diligence in hearing them. That is the reasoning in hearing them. If your letter was read, know we have received it and read them. If you come to the podium there will be a two-minute limit. There will be a sound and need to wrap up within 10 seconds. There is only one visit per person to the podium in essence of time. All comments should be addressed to the board members tonight. We are the ones deliberating, do want to hear your thoughts, there will not be dialogue tonight, we are listening and do want to hear your questions and thoughts.

Reminder: All letters and public comments will be summarized by the recorder. All letters/emails will become part of the docket file. The recorder will use the following format: name of person(s), address, for or opposed the petition, brief summary of reason for support/opposition. Example: John Doe, 1234 Main Street, Cicero, OPPOSED: noise, health concerns. The following are individuals that spoke during the public hearing.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Andrew Snider 4111 E. 236th Cicero, OPPOSED: smell, traffic concerns, attitude of gentlemen towards process, doesn't own property yet.

JoDee Marie Waltz, 10778 Central Avenue, Carmel, IN Property owner in Jackson and Adams Townships. OPPOSED: Traffic, noise, odors, Health concerns, storm water quality, vermin, land value impact.

J.R. and Connie Freiburger, 4020 E. 226th Street, Cicero. OPPOSED: concern for Hinkle Creek basin, environmental and health concerns, odor, water contamination, roadway impact.

Angela Gascho, landowner in Noblesville, Boards at Swinging M Stables, OPPOSED: contaminations, runoff, pest/rodent problems, traffic, noise, smell. Well water concerns at home.

Betsy Humrichouser, Marion County resident, boarder at Swinging M Stables. OPPOSED: impact to calmness of area with unnecessary noise and pollution.

Meredith Zaichek sent letter from daughter Hailey, no address. OPPOSED: loss of peacefulness of area, noise of trucks, bugs, trash.

Penny Siml, no address, OPPOSED: impact to well-being of self and horses, precedent of approving unwanted developments from other larger towns, health risks, environmental, impact on wildlife, quality of life, community integrity, property values.

Andrew Snider, 4111 E. 236th resident of Jackson Township, OPPOSED: pollution concerns, record with IDEM violations, traffic concerns, property values and smell, no value to community. (second letter)

Joseph Leak, 2398 E. 236th Street, Cicero, IN OPPOSED: traffic, noise, odors, health concerns, stormwater quality, vermin, land values, does not fit comprehensive plan

Amber Tilton, 45 Mandon Court, Cicero, IN OPPOSED: toxins, smells, ugliness that would impact citizens and places of business.

Brad and Sue Baker, 831 S. Lanyard Dr. Cicero, OPPOSED: findings of fact would not be met, can be used as zoned, no hardship, noise, vermin, odor, trash, fire potential and impact to services, traffic.

Candy and Norman Ganzel, 22711 Dunbar Road, Cicero, IN OPPOSED: Property value impact of 12.9%, economic hardship to families in area, smell, water contamination, noise, citations at other facilities without action.

Betty Cody, no address, OPPOSED: Health hazards and property value decreasing.

Rachael Scherer, 137 Ardglass St. , Cicero, IN OPPOSED: IDEM compliance, safety of community, environmental impact, road safety with golf carts, ability to enforce compliance, economic impact to neighbors, tax revenue for county, comprehensive plan alignment. Concern for notice to community and check/balances for the BZA

Kelei Baker Leak, 2398 E. 236th Street, Cicero, OPPOSED: Traffic, noise, odors, health concerns, storm water quality, vermin, land values. Questions at end regarding the following: analysis of consequences of this facility, notice to community, contradicts comprehensive plan.

Sylvia Rodriquez, no address Flippins RD, Cicero, OPPOSED: Health issues, rodents/diseases, land values and benefit to Westfield and Carmel, smell and mess, traffic, toxins.

Tom Moore, 1257 Marshall Road, Shakopee, MN owns property ¼ mile from site, OPPOSED: Air quality, noise/traffic, water quality, vermin and insects, land values.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Andrea Townend, Esq. 1346 N. Delaware Street, Indianapolis, IN Environmental attorney, resident of Hamilton County. Stated this property is in violation, zoned C-4 which doesn't allow recycling, currently metal recycling is being done. Numerous violations for open burning and leaks at this property per IDEM. Concern for facts stating capacity, in June 150 tons, today 400 tons, capacity 20 tractor, a trailer-4-10 dump trucks which would equal 80-200 dump trucks coming daily. Concern for commitments, this is out of order, petitioner has put commitments in place prior to presentations, no studies done for traffic, only descriptions of routes. Noise violations with back up alarms @200 trucks per day.

Patrick Wolfe 1955 E. 226th Cicero, IN Horse farm to the east of the property, OPPOSED: odors, burden of proof of five findings, 15% property value decrease, impact to business with loss of boarders, criteria number 2 would be violated.

Kerri Shook, 4876 Autumn Grove Court, Noblesville, read letter from Grace Christianson 12 years old, OPPOSED: Horse at Swing M Stables, noise, smells. Ms. Shook: OPPOSED: safety of horses due to noise, endangerment of riders.

Shelby Wills, 24011 Twilight Hills, Cicero, IN OPPOSED: conducted survey 651 responses to four questions asked. 79% not aware of project, 94.3% not in favor of project, 94.2% concerned about economic impact, 94.5% feel BZA should seek public opinion before approval. Feels Board let residents down by approval of truck stop, safety.

Betty Jo Wills, 24011 Twilight Hills, Cicero, IN OPPOSED: comprehensive plan compliance, corridor impression (page 2), tourism impact (page 32), Light industrial growth (page 32, Heavy commercial strategies (page 82). EPA guidelines not adhered to before meeting. Question asked if anyone of Board had conversation with Hamilton County concerning this project. *Letter added to file*

Marilee Andrews 4302 E. 246th Cicero, read note from Jane Chouding Shields, 650 Moonlight Bay, asked Dan Ealy where the dump will be, he said close to site for transportation. Question is will the landfill be proposed next? OPPOSED Marilee asked Board, public information prior to understand the project lacking and could have saved time and questions.

Candy Ganzel 22711 Dunbar Road, OPPOSED: asked questions from EPA manual, read guidelines, cap on limits, operator is a habitual violator of IDEM. Routes been analysis, penalty mechanisms for route deviation, cleanup plan. Economic harm to residents, noise concerns. *Questions given to Board and for file.*

Norman Ganzel 22711 Dunbar Road, OPPOSED: property values, two studies state decrease values by 12.9%, savings for residents for use of the facility negotiated. *Questions given to Board and for file.*

Gerald Dunmire 2840 E. 236th Street, Cicero OPPOSED: Comprehensive plan compliance, water run off impact and water quality of watershed, Hinkle Creek impact, noise, traffic, fire impact, IDEM violations indicate operations concerns. Agree with other concerns listed.

Steven Chance 3161 E. 246th Street, Cicero OPPOSED: Potential of cluster zoning, compliance of EPA guidelines, restrictions of growth, lack of control of growth once approved. Route control is not possible, unknown items being picked up.

Betty White, 530 N. Peru Street, Cicero OPPOSED: Comprehensive plan compliance, (section read related to walking and biking), air quality concerns, health concerns.

Doug Moore 210 Edgewater Drive Noblesville, Applauded community involvement in this matter. Petitioner gave two reasons for denying: why bear the weight of all trash in Hamilton county, the financial model does not make sense. OPPOSED: potential loss of development and income with desirable growth. Challenged the Board with vision of Cicero, bright and shiny what is possible. Positive momentum of town and businesses will attract meaningful investment.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Landi Strand 21911 Flippins Rd. OPPOSED: agree with all the previous reasons. EPA document referenced, balance of engaging community with the needs of waste removal. Collection devices for water runoff and impact. IDEM violations to Dan Ealy and GW Pierce and 46 acres of land owned by GW Pierce associates, statements indicate landfill nearby, is that next.

Kerri Young 3211 E. 236th Cicero. OPPOSED: notice limits, health concerns, no gain to the community.

George Ohmer 22515 Flippins Rd. Cicero, IN OPPOSED: Noise, impact to nature, country life. Recording of garbage transfer station played.

Jackie Loeffler 159 Red Oak Ln, Carmel, IN OPPOSED: Boarding of horses at Swinging M Stables, impact to peacefulness, nature preserve environment. Smells and noise.

Todd Forth 2133 E. 226th Street, Across street from proposed station, own construction company with landscaped manicured property, concerned after first meeting, pleased at turnout, trust that the appointed community representatives will do the right thing. OPPOSED

Mitch Rockwell 17097 Linda Way, Noblesville OPPOSED: Zoning regulations noted, environmental concerns read and emphasized, how enforcement will happen.

Lacey Kottkamp 2580 E. 226th Cicero, OPPOSED: agree with all of the opposition mentioned above, in direct route of traffic adding to concerns, hours of operations and school bus routes.

Tracey Bowden 743 W. 236th Sheridan, OPPOSED: impact to Cicero and Sheridan and traffic routes impacting Six Points Road, property values, impact of other businesses potential, smell, problems, crime due to poverty area.

Jerry Johnson 23203 Anthony Road, OPPOSED: Fire risks, EPA safety concerns regarding fire, fire water runoff, air quality, impact to wildlife, comprehensive plan compliance relating to air/water.

Denise Johnson 23203 Anthony Road, OPPOSED: Noise, smells, traffic on Anthony and impact to bike and walkability, safety, heavy truck traffic on alternate routes. Petitioner stated will not be quiet, if you put enough 0's behind it, and it is dilapidated, all comments that are concerning.

David Thomas 23 Anthony Road, OPPOSED: agree with what has been said, don't understand how can be considered, one man versus 200 against. Professional presentation yet can't control noise, traffic, etc. what consequences are there? Concern shared at current condition of the property.

Jeff Menchhofer 3120 E. 216th and Anthony Road, OPPOSED: health concerns/impact, story shared of rolled off containers and water impact, lack of watertightness, odor issues.

Cindy Keever 1089 St. Road 38th Sheridan. Appreciate Board for consideration of surrounding townships. OPPOSED: No route plan in presentation, lack of merits to a yes vote.

Dan Kokinda 24350 Dunbar Road, OPPOSED: Concerns for liquid leaks and impact, contaminated runoff of proposed surface, 24-hour movement but always 24-hour trash, definition of dump and transfer station vs perception.

Kevin Sullivan 1318 E. 236th commercial general contractor. OPPOSED: agree with many facts presented, presentation comparing Jackson Township to Green County is apples to oranges. Very rural area, population density is vastly different. Other stations in Indianapolis and Whitetown would not paint such pretty pictures. Fires are a concern, 266th are first responders. Appreciate Board listening.

Sarah Gleen 23210 Anthony Road, Cicero OPPOSED: truck routes on Anthony Road permanent versus temporary, scared for family and traffic, impact to countryside



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Kimberly Chance 3161 E. 241st Cicero OPPOSED: Population versus perception of area, concern for growth of business and no control by Board for the future, findings of fact for McClure's, where can find standards being used and findings of fact. Will same standards be used if strip club comes asking for a variance when it is not listed in the town ordinance?

Mike Scherer 137 Ardglass, Cicero. OPPOSED: Everything presented by petitioner is misquoted, fabricated. Examples: waste from 5-10 miles and said all of Hamilton County and Tipton County, operational manual is not an agreement with community, IDEM violations. Do we want a partner of community that is habitual offender. Stated not going to fix fence that is a known eyesore unless approve project.

Lorna Thomas 23093 Anthony Road, Cicero OPPOSED: noise, truck traffic, environmental concerns, property values. Story told of impression coming from Indy versus edge of Cicero with a waste station.

James Mann Jr. 2601 E. 216th, Cicero OPPOSED: Job requires approaching BZA members, never have this turn out. Drainage concerns headed to McGregor Park, nature and wildlife concerns, property maintenance concerns. Respect job to be done by the BZA.

Dawniele Alden 1010 Eagles Ridge Dr, Cicero OPPOSED: traffic concerns, road conditions, tax dollars to county not Cicero, property values, future maintenance of property.

Billie Hittle 2049 E. 216th Street, Cicero OPPOSED: concern for property values, retirement, concern for horse farms in the area and impact, water impact to area water drains to farms, impact to 4-H in Jackson Township.

Lady spoke to Board and handed Letters/citations to Board, discussed recycling and process, save the community, land values, what is the future plan, asking for Board to listen to families, history of the area. OPPOSED

Kelli Baker Leake 2398 E. 236th Street, Cicero

Jodi Waltz, 1778 Central Avenue, Carmel resident, farm ground owners. OPPOSED: impact to legacy of the town.

Chairman Bockoski asked for other public comments and entertain a motion to close. Corrected that rest of letters need to be read into record.

Mr. Zawadzki continued reading letters into the record.

Reminder: All letters and public comments will be summarized by the recorder. All letters/emails will become part of the docket file. The recorder will use the following format: name of person(s), address, for or opposed the petition, brief summary of reason for support/opposition. Example: John Doe, 1234 Main Street, Cicero, OPPOSED: noise, health concerns. The following are individuals that spoke during the public hearing.

Jeff Mann, no address, OPPOSED: no reason

Jim Fulton, 22029 Hinkle Road, Cicero OPPOSED: insufficient time to study impact, environmental, safety, fire coverage, property values.

Ashley Austgen and family, Jackson Township resident, OPPOSED: truck traffic, environmental impacts, history of violations with IDEM with petitioner.

Brenda Alden, no address, OPPOSED: health, traffic, noise, odors, storm water, vermin, bugs, impact for generations.

Donna Shipley, Morse Landing Drive, Cicero OPPOSED: no reason given

Kari Schunk, Boarder of horses at Swinging M Stables 21911 Flippins Road, Cicero OPPOSED: loud noises, toxic fumes, rodents, truck noise, impact to adults, children and animals at Stables, safety due to reaction to loud noises by animals.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

William Shipley, Cicero, OPPOSED: keep Cicero safe and healthy

Carol Leinhos, 23390 Dunbar Rd, Sheridan, IN OPPOSED: health, traffic, noise, odors, storm water, vermin, insects, travel through area impacted by smell, impact to generations.

Emma Branch, Noblesville resident, OPPOSED: impact to Swinging M Stables with noise, traffic, odors, disruptive to sanctuary.

Diana Dent, 216th & 31. OPPOSED: property values, impediment to future building, negatively impact to tax potential, aesthetics, health hazards, vermin, noise, traffic, run off to Hinkle Creek and Morse. Incompatible with area.

David Speckman, no address, Cicero OPPOSED: Concern for loss of charm with proposals, notice to community.

Maggie Figge, 1055 Coral Springs Dr, Cicero OPPOSED: Criteria of findings of fact, road crowding, traffic on Jackson, notification to the community, generational impact.

Leslie Holding, no address, Serendipity Surf Shop OPPOSED: impact to charm of Hallmark town.

Justin Sisson, no address, Cicero OPPOSED: contamination of waterways, odor, pests, traffic and strain on roadways.

Jerry Johnson, 23203 Anthony Road, Cicero OPPOSED: location due to heavy truck traffic, impact on roads, noise, litter, odors, emissions, fire risk, contradictory to comprehensive plan. Suggest EPA document knowledge prior to any vote.

Joe and Bonnie Cook, 22980 Anthony Road, Cicero, IN OPPOSED: Traffic and safety on Anthony, property values, storm water quality, vermin, odors, health concerns.

Derek Strainer, no address, OPPOSED: Cicero is a positive place/trash is a negative thing.

Landon Whetsel, 1130 Bear Cub Dr, Cicero, IN OPPOSED: Negative impact to health, traffic, noise, odors, storm water and creeks. Bugs/insects, vermin, home values, smell traveling to and from Cicero.

Richard and Kim Davis, 98 Hovden Dr., Cicero, IN OPPOSED: Negative impact to land and water resources, air quality, traffic, noise, vermin and insects, impact to home/land values, smell.

Mitchell Rockwell, 17097 Linda Way, 46062. OPPOSED: general welfare of community, air pollution, noise, odors, traffic, claim of value-added, consequences to future development.

Hannah Osborne, 12788 Double Eagle Dr, Carmel, IN OPPOSED: Width and quality of roads in area, concern for horse boarding barn, traffic/size of trucks, noise, rodents, impact to business.

Kelli Roberts 315 Morse Landing Drive, Cicero OPPOSED: health concerns, traffic, toxins in ground and impact to animals and water, vermin, insects and diseases, road quality, traffic, property values, event center impact, McGregor Park impact. Concern for other towns pushing into Jackson Township, comprehensive plan compliance. Negative environmental impact, landfill potential.

Mr. Zawadski concluded reading of all letters.

Mr. Massonne made the motion to close the public hearing. Mr. Zell second. All present in favor.

Chairman Bockoski asked representative from Ace Paving to return to the podium and asked if he wanted to offer rebuttal to anything heard tonight.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Mr. Moench testimony earlier encompassed many things heard. Specifically, to address, if we didn't have trash we would not need the transfer station to manage waste stream. This is a recycling center, no one addressed what we are trying to do. I have a lot of comments around health concerns and would IDEM allow waste transfer stations if they were hazardous to animals and people and as far as 10-12 miles away. A lot of misgivings around health are handled by IDEM. If it was unsafe we would not have them in the state of Indiana. Credibility of Mr. Ealy regarding IDEM violations, purchased five years ago from GW Pierce, those violations presented were inherited when purchasing the property. Dan has been working to satisfy those issues and get corrected. Concern for water, clean water act of 1980 requires testing and reporting to IDEM, comments regarding contamination are misnomers, we are required to make sure water is clean before leaving property. Comments about thoughtful development, agree, industrial property on US 31 currently, can not think of better place to keep industrial business in area already zoned for it. Regarding employee training, they must be trained to recognize acceptable waste, otherwise sent back to the source. Traffic flow concerns: Hamilton County thoroughfare plan is what is being used. Route we have identified are secondary artillery streets. By definition: Artillery Street: a street or highway that provides for rapid and efficient movement of large volumes of through traffic between the sections of the county and ? the area, land access service. The routes highlighted are intended to handle large volumes of traffic, and as testified earlier we have issues with the frontage road. The avenue to address issues is the County Commissioners, if the general public has concerns reach out to the commissioners about the frontage road. Also expressed concern about the visibility as people enter into Cicero, commitment on behalf of client to increase the mounding from the three to five feet in the presentation to 8-10 feet along US 31 to give additional screening over and above what is already there, and we have proposed. This would have fencing as well as vegetation. Land values: difficult conversation to have if the site was not previously used as a junk yard since 1969, over time has transferred to recycling and metal scrap yard. Industrial ground since 1969. Faced with findings of fact and as presented we feel are merited and forthright in bringing value to the community. This gives control over your stream. Pictures shown are national businesses not locally own. Answer any further questions the Board may have.

Chairman Bockoski asked if any questions from the Board members.

Mr. Massonne commented the tally of comments were 37 person and 71 letters, would be nice to have at more meetings and thanked the public for attending. If it comes to a vote tonight, it would be a no. Still have concerns, biggest one traffic, property values is concerning to me. Today reading thru the comp plan, which was done in 2015, the community has changed since then, they looked at the intent of commercial development along US 31. Not sure that is where the public wants to go now.

Mr. Zell appreciate the public being here, outstanding results for attendance. Findings of fact will look different, a lot of concerns, why isn't Mr. Ealy here (he is in attendance). To other Board members, if we take a vote tonight, it would be no. Mr. Massonne added that he states so you know the way going, he doesn't want additional money spent by continuing the path if no opportunity.

Mr. Moench stated he appreciates that and are hopeful of recommendation of moving forward but have heard the outcry and realize Jackson Township may not be wanting this. If continue down this path, we would review options on how can proceed for this property.

Mr. Zell clarified that understand there is a need but comes down to not being a fit for the community.

Chairman Bockoski stated his concern is two main things. Do feel you will do everything in your power to screen the property, and you will do everything, try as hard as possible to mitigate the odor. But feel there are things that are going to leak out where you may not intend to. Main concern after reviewing the throughfare plan, thank you for providing that, but what is laid out doesn't match what we are asked to do tonight. The danger level at intersection of 226th and 31 is very high right now. Even with an overpass, which is not now it is the distant future. Those are main concerns, have others but that is main. Appreciate due diligence and how presented tonight.

Mr. Berry added relating to the traffic, have seen a lot of gravel trucks driving, sometimes by the law other times not, the fact that you don't have a control or a detailed plan on route use. Major concern about how they would be driving.

Chairman Bockoski reminded everyone that all motions are made in the affirmative.

Mr. Massonne made motion to approve BZA-0624-19-C4 as presented. Mr. Zell second.

Mr. Zell-no, Mr. Massonne-no, Mr. Berry-no, Mr. Bockoski-no 0-4



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

1. Plan Director's Report: Included in packet, summarized by Mr. Zawadzki as follows: June 2024 permit revenue was \$5319, YTD \$25057. Compares to 2023 June \$10496 and YTD \$52808, that is a decrease of 5177 and decrease of 27751 for year to date. Permits issued in June 19, with 10 in corporate limits, 0 new homes, 9 in Township with 2 new homes. Estimated cost is \$1,464,020. Flood Insurance certification completed as required by 2025. Steering committee met for Comp Plan, survey is ongoing and QR codes are around town. Please fill out survey if you haven't.
2. Chairman's Report: Chairman Bockoski take a minute to reflect on tonight. First, thank the Board for going through the due diligence, appreciate your comments and thoughts. We heard a lot of derogatory /negative remarks towards the BZA and the government of the town. I don't think there is enough understanding of what is going on out there and here. This Board is here for no other reason, minus the pay, which is zero, no person on the BZA receives a dime to do what they do to try to protect the community, to ensure it grows in right direction and to do what is in the best interest of the community. Very disheartening to hear comments tonight. Worse is that I was acting in own best interest if I was considering something perceived as negative. Thank you to the Board. We can work toward better communication, we were allowing it to slide thru, we go thru the process properly. Even tonight we tabled an item on the docket due to insufficient notice. Definitely might be other channels to explore other than just the yard sign, notice in the paper, and the mailings to the surrounding property owners. Understand from Mr. Culp we are looking at what other options for notifying the public about what we do. We are here to serve and selfishly.
3. Legal Counsel's Report: Mr. Culp stated he feels there is confusion of the purpose of the BZA, several comments around how can we consider this. Under law any property owner has a right to petition for Land Use Variance or Standards Variance. So anytime they feel they are adversely affected by a restriction in the zoning code, they have a right to petition. So we as a governmental entity have to provide them due process, which is the opportunity to be heard. We don't choose what petitions come to us, the petitions are submitted by property owners who are exercising their rights, then we go through a process of evaluating the petition. As Mr. Bockoski stated, we do not want anything we do to be hidden, so that people are surprised. We are aware that not everyone is getting notices in advance. One thing we are looking at is a list service that anyone that wants to receive agendas, they can sign up with email. Petition could be reviewed on the website in the future. Notice of circumference is consistent, and consistent with what others do. The requirement is 600 feet or two parcels deep by letter. State statue doesn't require the sign, this is a local step we take to help get the notice out. We have looked at size of sign, which is common to what others are using as well. The BZA is not a policy making body, don't set policy, and does not adopt laws or ordinances. The BZA is strictly here to conduct hearings for instances like tonight. Someone feels the ordinance has an adverse effect on them, they should receive a variance against the ordinance. We then have a hearing. One hearing does not set precedence for the next, each parcel is unique. This is a special process. Zoning is done by the Plan Commission and the Town Council; this is simply an opportunity to recognize that a zoning ordinance may have unintended consequences. Passing an ordinance for large swaths of land, some parcels may be different. Anyone that owns property can ask for a variance and we are required to give them a hearing. To piggyback to what Scott said, this Board I have worked with for years, not here because of pay, because they are not getting paid, not an easy job, they care about this community. Many commented who is representing Jackson Township, the Board president lives in the Township, not a citizen of Cicero. The Board is not allowed to have ex parte conversations, expressly forbidden by state law. They cannot have conversations with each other, remonstrators, petitioners outside of this meeting. It is designed that way, so you are hearing what they are hearing, and you are a part of the process. Wanted to put this information out there to share. We are in process of updating the Comprehensive Plan, hope to have complete by end of this year, does require a robust public hearing process to get feedback. Once adopted we will be overhauling our zoning ordinances to make large scale changes. Reality is that we now live with a utility district to the west of us. And county has a TIF district which impacts us. The under Indiana law the idea is Comp plan drives the zoning ordinance. It starts with the process of getting info from the people on what they want to see the future being. Then drafting zoning ordinances that is built around implementing. So, we are following that process. We are looking at short term things, conversations about ways we



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

have more structure on this and more input. Mr. Culp added that while the Board can't talk to you, Frank or I can talk to you. We welcome it if anyone reaches out with a concern, an idea, and is

always looking to help the process. Thank you and appreciate everyone staying tonight, happy to know the record is actually 1:05 a.m. set about 15 years ago on a project. Thank you very much.

4. Board Member Comments: No additional comments.

5. Next Planned Board of Zoning Appeals Meeting:

August 8th, 2024

6. Adjournment:

Mr. Massonne made a motion to adjourn the meeting. Mr. Zell second. All present in favor.

Chairman: _____

Secretary: _____

Date: _____

A. C. Budh
Stephen M. Zell
8/8/24

Location:
Cicero Town Hall
70 N Byron Street
Cicero, IN 46034

Note: Recorder had 73 letters submitted via email/mail, 4 handed to board, 36 remonstrators during public comment.