

City of Columbus
Public Hearing – 6939 135th Avenue CUP Amendment and Variance Request
(PC-17-123)
October 4, 2017

The October 4, 2017 Public Hearing to receive testimony to consider a request to amend the existing conditional use permit at 6939 135th Avenue NE to allow the addition of an accessory building to the site and a variance from the required sanitary septic system connection (existing on site) to a holding tank for the new accessory building was called to order at 7:28 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Jim Watson, Pam Wolowski, Jesse Preiner and Jody Krebs; City Administrator Elizabeth Mursko; Planner Dean Johnson; City Attorney Jacob Steen; and Recording Secretary Karen Boland.

Also in attendance were City Councilmembers Denny Peterson, Bill Krebs, Jeff Duraine, and Mayor Dave Povolny (7:55); Jeannine Sachs, Tom Musil, Mike Meath, Tracie Wilson, Taro Ito, Jim McComb, Arlen and Shelly Logren, Janet Hegland, George Schwalbe, Roger Person, Hon Siow, Peggy and Barry Peterson, Mickey Betz, Peg Hoffman, Jeff Meehan, Ken Rohlf, Bridget Mas (sp?), Frank Frattalone, Kent Peterson, Tom Olson, Ken Zaczkowski, Kate Zaczkowski, Jeff Danks, Paula Cammarata, Susan Mulvihill, Tom and Pat Scherber, John Miller, Wayne Lund, Kathleen Lund, Myron and Cynthia Angel, Barbara Olson, Dennis and Marlene Nelson, Josh Weinzetl, Sean Skubitz, Pete and Erin Yankowiak, Richard Belle Isle, Kath Joyce, Andrew Landstrom, Hannah Kachel, Wendy Beck, Brian Hansen, Gary Pisca (sp?), Dan Burt, Jeff Joyer, Dennis and Denise Lund, Norma Heuer, John Derus, Jon Rausch, Richard and Jeanne Lemberger, Pat Preiner, and Mary Preiner.

Sternberg: So, now we're going to have a Public Hearing and discussion for 6939 135th Avenue CUP amendment and variance, pages 29 through 56 and enclosures A5 through A7. And, at this time, I'd like to ask the recording secretary to read the notice as published.

Notice was read at this time by the recording secretary.

Sternberg: Thank you. And, at this time, if you could just state your name and address for the record.

Zaczkowski: Hi. Uh, Kate Zaczkowski, 6939 135th Avenue Northeast.

Unidentified: Can't hear you.

Sternberg: And, and let me just remind everybody, if we could refrain. I hear a lot of scuttlebutt and talking out in the audience, and there's some folks here tonight that are hard of hearing, so if we could just keep it quiet, so that everybody can hear what's going on. I think it would be a lot better environment.

Zaczkowski: Hi.

Sternberg: Go ahead.

Zaczkowski: Kate Zaczkowski. 6939 135th Avenue Northeast.

Sternberg: Thank you. And if you guys please give us a little background on what it is you're asking this evening.

Mursko: So, Kate, I'm starting out with the existing. (referring to overheard site map)

Zaczkowski: Okay. So, we are proposing to build a 5000-square-foot building to house our semi-trucks, basically.

Mursko: So, this is, this is the existing conditions. This is the existing lot, existing building, and lean-to building. If you've been by the site, um, the lean-to is currently being enclosed, and, um, the new building site will be here, and the applicant's understand that the drainage system, um, goes through that building and it is their intent to correct that. So that the building will sit on--

Zaczkowski: That's the as-built. That's not the original drawings from the site plan from 2013. So we want to build to the site plans that were approved in 2013. Our excavator shorted us on lot, and didn't build it as the original site plan, so . . .

Sternberg: Sure.

Zaczkowski: When I went to Rice Creek Watershed to get approved for the new building, they put the proposed building on what the site plan should be, as approved.

Mursko: So the site plan that you have before you, this is what, um, the Zaczkowskis are proposing. They're proposing to put it in the corner of the lot, and the swale that goes around the property will be constructed in that manner. So, the date—I realize, they do show that that's the original plan. And the existing conditions that you show are what is out there today. So Kate, if you could give them just a little bit of detail about your, um, the business and why you're expanding.

Zaczkowski: Um, we're a local flatbed trucking company. We service, um, local customers. We stay in that 100, 200-mile radius. We do a lot of work with MN DOT. I'm a DBE trucking company, which is a disadvantaged business enterprise, woman owned. Um, I have 15 trucks of my own, and I lease 15. Um, we're currently working on the, hauling barrier to the job here in Forest Lake. Um, we're a good, young, growing company, and we recently purchased another trucking company, and the plant we were servicing closed. So I was in a position where I had to sell that property in Osseo, and move all the trucks into one location, because it just didn't make sense to have the trucks spread out when there wasn't a plant to service anymore. Um, so that's where we're at now. We're just trying to consolidate and get everybody in one spot, and grow and provide good service to our local customers.

Sternberg: So, this building is to house your trucks that you're moving?

Zaczkowski: To house the ten trucks. Because we're local, um, we can't really, our trucks are home every night, so you can't really plug them in. You know, if they were out over the road for a week at a time I wouldn't really need to build a building, but because they're back every night it's nice to have a heated building to put them in and to keep them out of sight and in a nice building, and, and it's just quieter. They're starting in the building versus starting out in the lots.

Sternberg: Yeah.

Zaczkowski: You know, that kind of thing. I think it's just a better business and better for the equipment.

Sternberg: Any, any questions of the applicants?

Watson: No sir.

Wolowski: No sir.

Preiner: Yeah, uh, what was the complication with the holding tank for a bathroom facility inside the new building?

Zaczkowski: Well, there's some debate upon whether or not we have to put a bathroom in this proposed building. Originally I was advised we did not need to put a bathroom, because there are two bathrooms in the main building and the drivers, um, go to the main building every, every day to punch in and punch out and turn in paperwork, so they'll always have access to two bathrooms, but, um, somewhere along the line I was told we need to add a bathroom, but there's debate of, debate on that. Um, I think my architect wrote a letter. Did you receive the letter?

Mursko: Um, in their additions they have a, a memo from our building official in reference to the holding tank. So, there is-

Zaczkowski: And then there's the . . . yeah.

Mursko: There is, and there is an issue as to whether or not the bathroom is required or not. In this particular case, there were a couple of options if the bathroom was required. And that's what the building official, um, identified the memo with. So, I forwarded your architect, the letter to the building official. He came back with this memo addressing the three options concerning the bathroom, and then looking for a recommendation from the Planning Commission.

Zaczkowski: I didn't see it.

Sternberg: Do they need a bathroom, as she said?

Mursko: It is the determination of the building official that this building would require a bathroom.

Zackowski: But there's argument to say that we don't. I would prefer not; the drivers are gone all day so the bathroom is just going to be there, and nobody's going to be using that building. Everything that goes on at the shop goes on in that main building. My office staff is in there; we would work on the trucks in there. We, that, the 5000-square-foot building is just going to be for storage. No shops.

Sternberg: And you have bathroom facilities?

Zackowski: And we have two bathrooms in the other facility. So . . .

Sternberg: But they're required to put one in, Elizabeth, in this building?

Mursko: You know, in this particular case, that's what the building, the building official has determined. Um, he did reply, he did put, in your addition, the minimum plumbing facilities requirement and his interpretation is that it is required. I understand from what, um, the Zackowskis are educated from their architect, and their architect is indicating that they felt, um, maybe it was a different occupancy and maybe had a different interpretation of whether or not a restroom facility was required. So I realize that that determination, if we need further investigation to make that determination. Um, if that determination is made that a restroom is needed, in this particular case, there's three different options. And that's because the current septic system is in front of the current building. So, it's a, it's a long run, it requires a lift station. Um, if they were to use the current septic system, if they put in, if they didn't connect to that system they would have to put in a smaller system for that one bathroom. Otherwise, our Code only allows for holding tanks on residential accessory buildings, and, in this case, there is a floor drain, so there is currently a holding tank for that hazardous-waste greywater, and there was a possibility that it could also catch the discharge from the bathroom. So I know there's a couple of options. None of them are probably good options in the Zackowskis' view, but we do have to make that determination.

Zackowski: Um, the architect's letter, Number 2 I think speaks the most to our case. Um, there's no business transactions going on in that building, there's no customers that are coming in that you would need to offer a bathroom to. He basically described it as, um, something similar to Menards' storage buildings. And I kind of look at it that way too; it's just basically a storage building to store the trucks. There's no, um, transactions going on in that building, where there would be a need for a bathroom. Everybody comes to the main office. And our lot is quite small, and to add a third bathroom on this property . . .

Sternberg: Is it a heated building?

Zackowski: It will be heated, but only to about 55 degrees. Just so the trucks – I mean I don't plan on keeping it at, um, occupancy temperatures, because there won't be anybody there during the day. The trucks leave early in the morning and they come back in the afternoon, and then they come into the main building, and they have to punch in and out and turn in their bills of lading every day.

Sternberg: And they park . . .

Zaczkowski: They would park in the employee parking lot, so they actually have to go through the main building to get to their car. So there's no reason why they couldn't use the lavatories in that main building.

Krebs: Can I make a . . . ?

Sternberg: Go ahead.

Krebs: Elizabeth, I know that the letter from the building official says that Minnesota Building Code requires a restroom in the proposed building. But, can we waive that? I mean, can we legally waive it?

Mursko: You know, I'm, I, I'm unfamiliar with the building code, interpretation of the building code, and so, I think this has to do with occupancy of the building. And, and I realize that there's no customers, but there's employees. So, I think that that's where the building official was coming from, that, in fact, there are employees in that building, and they're going to be parking their trucks there, and, therefore, bathroom facilities were required based on occupancy, because it's not just cold storage. Employees report there and park their trucks there. Whether that interpretation is correct or not, that was my understanding of that. Um, I think, I think maybe at this point, if there are questions and the Planning Commission wants either the building official here to explain that, whether you want further findings. I'm unfamiliar with the building code on this, so I don't know that I can offer anything else.

Krebs: I have another question too.

Sternberg: Go ahead.

Krebs: Can, uh, Mr. Steen, can we do a variance to bypass the bathroom on this? Really what it is, is, okay, it's a heated storage building for their trucks. They're going to go in, start their trucks, get 'em going, get 'em out of there, and do their job. They're going to come back and park their trucks. I think they probably have bathroom facilities in the office, that if they really had to use some bathroom facility, they're going to use it there. I, I don't know, I mean it, can we legally do that?

Steen: The excerpt from the building code here is incomplete. Uh, so we would need to look into that a little bit more. The building official does have some discretion to waive certain requirements. Here there is some question as to whether or not there's even that requirement. My recommendation, if we do have time on the, uh, the 60-day clock, 15.99 clock, is that we, uh, continue the item, and we can look into it further, uh, and consult with the building official and evaluate whether or not, um, this is something we could do. Typically the building bathroom requirement would be waived through the building official process or the building official's-- or the building code process. So we would have to take a look at that and just confirm. So we can evaluate that if, if that's the route that you wanted to go, but I'd, I'd want to check on the 15.99 clock.

Mursko: The variance is not whether or not the bathroom is required, because that's under the building code. The variance is whether or not we would allow a holding tank on a commercial building, because the Code only allows a holding tank, um, for the bathroom – I'm sorry. The Code only allows the holding tank for the residential district; it does not for the commercial district. The variance is not whether or not they need a bathroom; the applicant has brought that to your attention, but that's not what the variance is for. So, um, I think at this time if, if the issue about whether you're going to use a holding tank or not is off the table, then the variance then would be withdrawn. And then they would continue their conversation about the conditional use permit. If the variance is still on the table because you still think, if it's determined that you need a bathroom, that you're going to use a holding tank, then they need to continue the variance discussion.

Zackowski: Mmm-hmmm.

Mursko: But I think in this particular case, you're on a, a tight timetable . . .

Zackowski: Time is an issue, absolutely.

Mursko: So, whether they continue the variance, I think you need to keep separate from your conditional use permit, and you may have to solve, resolve the issue, if they continue it, in two weeks. I don't know that you really want your conditional use permit continued for two more weeks.

Zackowski: No.

Mursko: Does the, so, does the Planning Commission understand? So, we have two things going on here: One, they're requesting an amendment to their conditional use permit to expand their use to allow the accessory building, because their current footprint would not allow that. Secondly, they're asking for a variance on how to address this bathroom issue and appears that we have a difference of opinion on whether it's needed or not. And then, further, the variance wasn't for the bathroom, it was for whether or not they had, could put in a holding tank.

Sternberg: The holding tank being for the bathroom?

Mursko: The holding tank being for --

Zackowski: Yes. If it's determined we need a bathroom. Can we not – Otherwise the septic is way in the front and, I mean, it's already very costly to run a bathroom back there, and then to put a bathroom that will be rarely used anyways, I mean, it's just really costly. And it delays the project, because originally I was told by, you know, people that I didn't need a bathroom in that building. Lester Building, that are building our building, they said, 'No, if it's just a storage, you don't need one.' So then we went forward with plans without one, so now adding that delays the process.

Steen: Mr. Chair, my recommendation would be to act on the CUP, but, I don't, was there a for-I don't know that there was a formal request for a variance submitted with this application. But I think we can act on the CUP and continue the variance request.

Sternberg: Okay, we can do that. So when we make a motion, that'll be just on the CUP?

Steen: Correct. And we can address, evaluate whether or not the, the . . .

Sternberg: The bathroom's needed.

Steen: . . . the holding tank issue can be resolved separately.

Sternberg: Okay.

Watson: So moved.

(laughter)

Preiner: I have a question for Dean. Dean, is there room there for a small drainfield? Are you familiar with this enough?

Johnson: I, I have no idea. You know, as was described in the beginning of this procedure, the existing swale for drainage is kind of cutting off the corner, going through the building now. And it would be reconstructed around the south of the building. The only comments I've seen from the Engineer is that that'll require some tree removal and other things. Whether there is an actual location way in the corner, I don't know. Um, the, in the variance procedure that might be part of the determination you make in, in that particular proceeding. I, I would like to add one other comment: in all of my time dealing with this, building officials have made it clear, there is no authority by the Planning Commission or the Council. They might sway the interpretation of the building inspector and the Code interpretation, but we have no authority to modify that. It is a State code. We adopt it by reference. And there is no authority to, for the City to cause a variance in that. There's great latitude for the building official to interpret what that means. And so, I think as you look at this, one of the conditions is that the CUP's conditioned on approval of the variance. You might want to modify that condition to say, 'or a determination that the bathroom's not needed.' You, you'll have to do one or the other. But the City Council, Planning Commission or Staff have no authority in the interpretation of the building code, with the exception of the building official. And, again, I don't know if he will modify his recommendation. If he doesn't, then I think the position of the Zaczkowskis is that they'd prefer to have the holding tank. It's very expensive to connect it to the existing drainfield, and it's probably as expensive to attempt to build a new one, if it, in fact, could even be located on the property. I'm guessing you haven't done any soil testing or anything. We wouldn't know that a new drainfield location could be, could be found, because of the setbacks and other things from adjacent property.

Zaczkowski: Mmm-hmmm.

Johnson: So I think if you are contemplating, uh, an action without a decision on the variance, then Recommendation Number Six should be modified to reflect that it's contingent upon the approval of a variance or a determination that the bathroom's not needed. And, if that determination can be made in the next couple of weeks, it isn't going to delay them from starting the project and getting going on the building.

Sternberg: So you would literally be adding into Number Six, 'or the bathroom is not needed.'

Johnson: Yup.

Wolowski: Mr. Chair?

Sternberg: Yeah.

Wolowski: So under Recommendations, Dean, that's Number Six?

Johnson: Yes.

Wolowski: And you're just adding to that?

Johnson: I, I would say you're going to add: 'or a determination that the bathroom is not required.'

Wolowski: Thank you.

Johnson: Because if the bathroom's required, I, I'm certain the applicant wants to pursue the variance. It's the most reasonable alternative, but we can't presuppose what the outcome of that is; she hasn't gone through that process.

Sternberg: Right.

Krebs: So what about Number 12 in Findings of Fact then?

Wolowski: That was my next question.

Johnson: Um, they did make that request; so that finding is actually accurate. Uh, we, we, I mean, if you wanted to, they'd prefer that they didn't have to have a bathroom, but at, at this time part of this application included the request to do amendments to the existing conditional use permit. That included some office remodeling on the main floor as well as the mezzanine in the building, the enclosure of the lean-to on the back of the existing building, and then the construction of the new building. And that application, then, included, once this determination was made that you have to have a bathroom, well then we'd like a variance to use a holding tank instead of pumping, which the City has the authority to do, because that's a City standard, not a State building code standard.

Zackowski: We, we already have the permit for the, um, existing building remodel. Is that? I don't know if that's in here. I kind of, I saw that and . . .

Johnson: I, it's, it's not going to hurt you that this display, because the application I got had all of the information about the remodel.

Zackowski: Okay.

Johnson: The fact that that could have been done separately or individually, I think for the record, it would be nice that your conditional use permit acknowledges that.

Zackowski: As well.

Johnson: So that, whoever deals with another amendment in ten years . . .

Zackowski: Okay.

Johnson: . . . if none of us are here, they understand the sequence of this. And I, and I do recognize that that's a different level of authority than –um, indoor changes don't necessitate the change in a conditional use permit unless you're changing occupancy, which they're not doing.

Zackowski: Okay.

Johnson: Does that sound reasonable?

Zackowski: I think so.

Brown: Hi, my name is Tony Brown, uh, Tnt Building Corp. I'm actually the general contractor helping Kate with her project. Um, I, I would like to get the building permit if you're going to give the conditional use permit approval. Um, and can we get started on this thing and actually get a permit, um, and if we have to add this bathroom we add it? But I'm trying to get started and beat the whole weather scenario, and it's getting cold; she's got to get her trucks inside too, so they start and everything.

Sternberg: That would basically be up to Leon right? I mean, but I don't see why he would object to that if, you know, I mean, either you're going to be putting a bathroom in or not. And, obviously, you're not going to go too far that you can't put a bathroom in.

Brown: Right. Right.

Sternberg: But you could start getting it, you know, constructed or whatever.

Brown: Right.

Sternberg: So, do we understand, then, what he's asking? Everybody?

Wolowski: I do.

Watson: I do sir.

Krebs: Mmm-hmmm.

Sternberg: Any other questions for the applicants?

Wolowski: No sir.

Sternberg: No further questions for the applicants? Okay, I'm just--

Johnson: Audience question.

Sternberg: What's that?

Johnson: You have an audience question.

Sternberg: Yeah, I've got to open the open, public open forum.

Johnson: Oh, okay.

Sternberg: So, at this time I'm going to open the—if you guys want to take a seat. Go back to your seat, and then I'm going to open it to the public for comment. Please come forward.

Peterson: Hi. Do I have to come up there?

Sternberg: You have to come up here, and then state your name and address for the record please.

Peterson: Hi. Do I have to talk into the mic?

Sternberg: Yeah.

Peterson: Really? Okay. My name is Peggy Peterson. I live at 13427 Humber Street, literally right behind this building they're talking about building. This is the first time we've heard of it as residents. There are six of us back there. Um, many concerns. First off: How come we didn't get a letter stating that they were planning to build a new building, with a new business?

Sternberg: I think the, isn't it 300 feet? Anybody within 3--?

Peterson: Oh, we're . . . It's 350 feet.

Sternberg: Three-fifty or whatever?

Peterson: And we didn't—we got a letter for the sewer thing, the septic thing, but . . .

Sternberg: Not for the hearing?

Peterson: . . . not for the building.

Mursko: It, it's the same notice.

Peterson: No. No. We did not get a building—no. This is the first we've heard of it. So, we're concerned. Very concerned. Because there is six of us back there and it's noisy with the two trucks that they've got running back there go all night long. And it's extremely noisy, and very close to our homes, very close. So, our concern is, you've got, what, ten more trucks coming in? They're running from four in the morning 'til sometimes two in the morning. And they're loud. My windows, I can't open 'em. I get a fan going all night long. Now we're talking about ten more trucks coming in? That's a small plot. I'm just wondering, is there an ordinance for how many trucks you can put on that small plot?

Wolowski: Mr. Chair, can I ask a question? Currently, are those trucks outside running?

Peterson: Oh, yeah.

Wolowski: Okay. So, my, our understanding is the building, they'll be putting the trucks inside to run. Is that correct?

Peterson: We were told that before in 2013 when they applied for this permit, that there was only four or five trucks at that point in time, with maybe two more trucks coming into the picture. Now we're talking 30 trucks? With another 15, another ten or 15 to come in? That's a lot more trucks.

Wolowski: Mr. Chair?

Sternberg: Yeah.

Peterson: That's a lot, and they're all running outside.

Wolowski: Mr. Chair, maybe Kate can, um, if she would like to, um, answer to that, I think . . .

Peterson: We've tried to work with Kate. We've tried to work with Elizabeth.

Sternberg: Why don't you just . . .

Peterson: We've tried to come with a compromise on it.

Sternberg: . . . keep giving us your, your issues.

Wolowski: Okay.

Peterson: Okay.

Sternberg: And then we'll have Kate come back up and we'll address Kate.

Peterson: Okay.

Wolowski: Thank you. Thank you.

Peterson: So, okay, our concern is, you have a noise ordinance. That's our biggest concern. Um, they're breaking the noise ordinance with two of their trucks. We understand it's a commercial property. We're trying to work with them--tried to--to keep the noise level down. It's not working. Two of the trucks on the property—extremely loud, vibrates my house, literally: when they're backing up, when they're pulling out, when they're starting up, when they're idling for 45 minutes. And so, putting those trucks in a building, because that building is going to be very close to my house. Literally, literally probably 150-200 feet I would say. And if they're rumbling in a building I don't see, I don't see how that's going to change anything. So, I mean, we're talking 30 trucks on this small plot of land.

Sternberg: So your primary concern is there's trucks running . . .

Peterson: Noise.

Sternberg: Noise.

Peterson: Big.

Sternberg: And currently there are trucks running you say all night?

Peterson: Constantly.

Sternberg: All night long?

Peterson: Um, they idle and run, oh, yeah, I would say from four in the morning, I've heard 'em at two in the morning, I've heard—and weekends, all weekend. We had, we get no reprise from that. None whatsoever. They're running, they're washing 'em, they're running 'em, there's commotion out there. We can't even sit outside half the time. So, we were told that wasn't going to happen, and it is awful. It's unbearable. Unbearable.

Sternberg: Okay.

Peterson: So . . .

Sternberg: Anything else?

Peterson: Oh, I have a lot.

Sternberg: Okay.

Peterson: I have a lot. Um, I mean, you have a noise ordinance. I've highlighted what it is. I can read it: 'Prohibited noises. The following are declared to be nuisances affecting public health, safety, peace or welfare: any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, endangers the comfort repose, health, peace, safety or welfare of any person or precludes their enjoyment of property or affects their property's value. Um, this general prohibition is not limited by any specific restrictions provided in this ordinance.' Breaking every one of 'em. Yeah.

Sternberg: Okay. Thank you.

Peterson: Yup. Okay.

Sternberg: Well, you have more?

Peterson: Um, oh yeah. I do. Um, let's see, I would just like to say that when Zaczkowskis applied for their permit in 2013 we were under the impression that they were willing to work with the neighboring residents. How wrong I was, that was. Um, we've tried to come to a compromise with the noise, working with Elizabeth and her assistant. It only got worse. We were informed by Elizabeth and her assistant to take pictures. We did, to document the noise and the hours these trucks are coming and going. I was confronted by a truck driver taking the pictures, and this resulted in calling the police. Not a good situation. Um, then we were told by, um, Elizabeth, that the City's—I, I'm going to say this wrong—CO? Whoever goes and checks on those things.

Mursko: CSO.

Sternberg: Yeah, CSO.

Krebs: CSO.

Peterson: CSO. Thank you. Would go in on a Friday and check it out. Never heard back if that happened. Don't know if they signed off. Don't know how they could, because it was only on a Friday. Apparently he's only available to do that on Fridays. Um, never heard anything back about it. So, there was never a resolution. And, ever since we did this, the noise got worse on the weekends. So. And, I'm not trying to be unreasonable, but we, it's, it's gotten bad.

Sternberg: Right.

Peterson: It's really gotten bad. And like I said, we'd be willing to work with them. It's not happened. So . . .

Sternberg: Sounds good.

Peterson: That's all I have to say.

Sternberg: Well, thank you very much.

Peterson: Thank you.

Sternberg: Anyone else from the public? Anyone else? Come on forth.

Betz: Hi, my name is Mickey Betz. I live at 7013 135th Avenue. And I live cor—kitty corner from Zaczkowski Trucking.

Sternberg: Thank you.

Betz: Um, my concern is, back in February we had a meeting with Elizabeth, and her assistant, Jessica. We brought up a lot of different issues concerning the noise issues, the inconsideration of the truck drivers to the residents back there, who have lived back there longer than they have been there as a trucking company. Um, there was a letter that Elizabeth had wrote to us, and during, in this letter, she's saying that a large portion—90%--of the maintenance work during the weekends will be done inside. That's not happening. Um, in fact, two weeks ago, they have a truck that's been siting there for—I want to say—approximately, maybe two-and-a-half years, that has not been running, has just been sitting there. They all of a sudden decide to put tires on it. So we had to sit and listen to this air wrench going while they were changing their truck tires. Took about four hours, you know. Um, they decided that, um, there was two trucks that were supposed to be muffled—mufflers on 'em, which Peggy had stated. We have never shown, gotten shown any proof that that has been done. Those trucks, basically the red truck, he's the loudest one--he even rattles my house when he comes and goes. At six, at quarter to six tonight, I heard this rumbling coming down the road. Who do I look out and see? The red truck. Um, he was approached by me about two weeks ago. This was at 9:30 at night. He had his truck running for 45 minutes. Then he decided that he was gonna put his haddock rack lights on. When they did that, that illuminates the whole area. Andrew and Taylor, who live directly behind Zaczkowksi's trucking, they are affected even more with it than what I am. But, I approached him. I said, 'Shut the truck off. Shut the haddock light off.' He says to me, 'Well, I'm dispatched.' 'Good, I'm glad you're dispatched, but, you could've come over during the day and hooked up. Then you wouldn't have had to use your haddock lights.' You know? Who, who wants to listen to this? Who wants to see this? You know? We have to get up and go to work. Maybe they don't have to, but we do. And it's every night, you're getting woke up. You can't even get seven hours' worth of sleep. You can't even get four hours' worth of sleep. It's constant, constant noise. And, like Peggy said, there is an ordinance. And I don't understand why that ordinance isn't being withheld. And as far as meeting with anybody anymore, we're done. Because it's getting to the point where you talk and talk and nothing's being done. So . . . that's it.

Sternberg: Thank you.

Betz: Oh, one more thing: Um, if you need to have any evidence of when the trucks and so forth have been running, and the lights and so forth, Andrew has a video camera going on on his property 24/7. He can show you videos. Thank you.

Sternberg: Thank you. Anyone else from the public want to speak? Anyone else? Okay, I'm going to close the hearing with the right to reopen if necessary.

Hearing closed at 8:05 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary