

UNAPPROVED MINUTES
PLANNING COMMISSION

February 17, 2014

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, at 7:00 p.m., on February 17, 2014, (continued from February 12, 2014, due to inclement weather) there being present all the members of said Commission, to wit: Vicki G. Daulton, Bruce N. Thomasson, Jimmy W. Robertson, Samuel R. Carter, III, and Denise P. King; with Vicki G. Daulton, Chair, presiding; together with James E. Taliaferro, II, Assistant City Manager and Executive Secretary, ex officio member of said Commission; Melinda J. Payne, Director of Planning and Development; Charles E. Van Allman, Jr., City Engineer; Benjamin W. Tripp, Planner; Judy L. Hough, Planner; Mary Ellen Wines, Deputy Zoning Administrator/Secretary; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

ON MOTION MADE BY COMMISSION MEMBER THOMASSON, SECONDED BY COMMISSION MEMBER CARTER AND DULY CARRIED, the minutes of the regular meeting held on February 12, 2014, were approved as written – the roll call vote: all aye.

In re: Hold a public hearing to consider the request of JASS Properties, LLC, property owner, for the issuance of a Special Exception Permit to allow a two family dwelling on the property located at 423 Chapman Street (Tax Map #144-3-10).

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of JASS Properties, LLC, property owner, for the issuance of a Special Exception Permit to allow a two family dwelling on the property located at 423 Chapman Street (Tax Map #144-3-10); and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the January 29, and February 5, 2014, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed February 3, 2014; and

WHEREAS, staff noted the following: the subject property consists of one parcel approximately 164 feet long and 66 feet wide; it is located between Chapman Street on the east, and Union Street on the west, south of School Lane; the property is currently occupied by a single family dwelling; the request is for a Special Exception Permit to allow a two family dwelling on the lot; the existing house would be demolished, and the new two-unit building constructed in the middle of the lot so that one unit faces each street, in opposite directions;

this would give the appearance from the street of being a single family dwelling; the subject parcel has frontage on both Union Street and Chapman Street; and

WHEREAS, Jerry Everett of 1239 Wildwood Road, property owner, appeared before the Commission explaining the request to the Commission; he explained there is currently an existing single family dwelling which will be demolished; the proposed use is a two-story, two family dwelling with one unit facing Chapman Street and one unit facing Union Street; and

WHEREAS, Commission Member King asked if the plat provided with the request is the proposed location of the structure and driveways, and Mr. Everett noted that this was the proposed location for the building;

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, SECONDED BY COMMISSION MEMBER KING, AND DULY CARRIED, the request of JASS Properties, LLC, property owner, for the issuance of a Special Exception Permit to allow a two family dwelling on the property located at 423 Chapman Street (Tax Map #144-3-10) be approved – the roll call vote: all aye.

In re: Hold a public hearing to consider the request of Green Gearheads, lessee, and Strauss Properties LLC & The Branch Family LLC, property owners, for the issuance of a Special Exception Permit to allow scrap and salvage services on the property located at 1435 Lakeside Circle (Tax Map #51-3-4)

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Green Gearheads, lessee, and Strauss Properties LLC & The Branch Family LLC, property owners, for the issuance of a Special Exception Permit to allow scrap and salvage services on the property located at 1435 Lakeside Circle (Tax Map #51-3-4); and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the January 29, and February 5, 2014, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed February 3, 2014; and

WHEREAS, staff noted the following: the subject property is located in a small industrial park, Mill Road Park for Industry off Kesler Mill Road; it is on the north side of Lakeside Circle and consists of a multi-unit warehouse building with approximately 4 other businesses; the applicant approached city staff approximately one month ago looking for a location for his new

recycling company, Green Gearheads; Mr. Jay Brenner was previously President and CEO of Cycle Systems, Inc. with 9 locations in southwest and central Virginia until the business was sold approximately one year ago; according to the applicant, the company will take the normal activities of a recycling company and through innovative machinery, processes and site structures will make the activity of the process of recycling more efficient, less visually objectionable and more environmentally conscious; materials to be recycled in the first phase will be paper products, plastic, nonferrous metals, and light steel; a future phase may include recycling of automobiles; and the recycling operation will take place solely inside the building; and

WHEREAS, Jay Brenner of Green Gearheads, lessee, 5389 Doe Run Road, Roanoke, appeared before the Commission explaining the Special Exception Permit request; he noted he would like to thank the City of Salem officials for their assistance in identifying locations and making sure the zoning would fit the proposed use; he noted that his company, Green Gearheads, is an active recycling company that will take basic recycling efforts and through innovative processes create jobs as well as recycle materials for people in all of the communities in the area; he further noted that he was previously with Cycle Systems and helped build that company; all the recycling at the proposed location will be done inside the building to make it less visibly objectionable to everyone; further, they will process material rapidly as they did at Cycle Systems; he noted that he was not sure if the public was aware but at Cycle Systems, they turned the exterior inventory 26 times a year; so, the material was removed off site every two weeks; so the idea at the Lakeside Circle location is to not only do the recycling, but to do it in innovative ways as well as to build machinery that makes recycling easier and more technologically advanced; in addition, this is the vision of the company; and

WHEREAS, Vice Chair Thomasson asked Mr. Brenner if he could assure that the material that will be recycled is not going to be outside the building waiting for it to be moved in and recycled; Mr. Brenner noted that they will need to make the doors a little larger in order to get the vehicles in but once that occurs, the material will only be outside just upon receipt as all the recycling will be done inside the building; he is conscience of the neighborhood and the way recycling looks; even though they are doing a good thing and conserving the environment, they have to make the environment around them look nice, and this is possible; his thought is that eventually all recycling will be done inside a building particularly with storm water regulations, environmental regulations and air regulations, the costs are unsurmountable without being able to process inside a building; so, this is a start from a company that did business for almost 100 years to do things differently; he noted that there may be some mistakes to begin with but everything will be done on the interior; Commission Thomasson noted he just wanted to make sure that the materials would not build up outside the building, and Mr. Brenner noted that

materials would not be stored outside; and

WHEREAS, Commission Member Robertson asked Mr. Brenner about the recycling of automobiles; Mr. Brenner noted that eventually he would be doing automobiles, but to begin with, he would be doing paper, plastic, and non-ferrous metals; he does plan to do automobiles later but they will be processed inside the building as well; he is not sure that this building is the perfect spot for doing automobiles; further, it takes a process of approval from the Division of Motor Vehicles and the City to get to that point; Commission Member Robertson asked Mr. Brenner when he did start doing automobiles, will the fluids, batteries, etc. be removed from the car before the vehicle comes to him for recycling; Mr. Brenner noted these would not be removed before coming to him – vehicles would be depolluted as part of the process; the first thing upon acceptance, the car is placed on a hydraulic lift and all the fluids are drained out, the battery is removed, and the Freon is removed; the car is then crushed and loaded onto a trailer and sent off to be shredded somewhere else; and

WHEREAS, Commission Member King asked if the whole process would be done inside the building, and Mr. Brenner stated that everything would be inside; he further noted that this cannot be done outside with the storm water regulations, etc.; further, this is part of what he is trying to do with his company; the processing will be done more efficiently and quicker than it is currently being done; and

WHEREAS, Vice Chair Thomasson asked Mr. Brenner to clarify if the car is depolluted before it comes to him; it was noted that the vehicles would be depolluted as part of the process inside the building once he receives them; and

WHEREAS, Chair Daulton asked if there is a process or way of disposing of the pollutants, and Mr. Brenner noted that there is a required process; he further noted that everything is done through certified companies that will take the pollutants; Chair Daulton asked if these would be large containers, and Mr. Brenner noted that typically it is 500 gallons before the vendor will come to pick up the material; this is what they did at Cycle Systems, they had 500 gallons of each fluid and then weekly the vendor would come to pick up the fluids; and

WHEREAS, Vice Chair Thomasson asked if Cycle Systems was his company, and Mr. Brenner noted that the company was a 98 year old family business and he was one of the family owners; Mr. Thomasson asked if that his entire career has been spent in recycling, and Mr. Brenner responded that this was correct; and

WHEREAS, Commission Member Carter noted that spills can happen and not too far behind the building there is a water way; he asked if there would be a hazmat kit or any training for employees who are on site so if an accident did happen that it would be caught immediately; Mr. Brenner stated that all the tanks will have to be double contained as required by the Department of Environmental Quality for the storage of the materials; further, they will have spill kits and oil absorbent materials on site for their actions, and employees will be trained on how to handle materials; and

WHEREAS, Chair Daulton asked what he would anticipate related to noise from the business and how it might affect the neighborhood; Mr. Brenner noted that since they will be inside the building this is a little hard to estimate; the forklifts will be propane fueled, and they are putting catalytic converters on the skid steers to cut down on the noise and emissions; in addition, the equipment that he is looking to design will be built for inside so they want to have as much noise protection as they can in the building; Mrs. Daulton also asked about the hours of the crushing process, and Mr. Brenner noted if they are open from 7 am to 5 pm, then the crushing could take place during that time; she also asked if there would be any crushing going on during the evening hours, and Mr. Brenner noted that there would not be; Mr. Brenner further stated that they may possibly open for half days on Saturdays, which is when many trades people, i.e. plumbers, electricians, etc., typically do their recycling; and

WHEREAS, Chair Daulton asked if he would be accepting aluminum cans, and Mr. Brenner noted that he would be recycling aluminum cans; Mrs. Daulton questioned how long would recyclables stay in the building, and Mr. Brenner noted probably not too long because it will impede cash flow, if they sit too long; he noted that the materials will stay onsite approximately two weeks and then they will be moved; he does not anticipate doing heavy steel as there is too much capacity already in the Roanoke Valley; and

WHEREAS, Commission Member King asked if he could explain a little bit about the processing of the aluminum cans, i.e. how long are they onsite before they start through the process; Mr. Brenner noted that typically they would start through the process right away; Mrs. King asked if there is a cleaning process; Mr. Brenner noted the first thing they do is to run them through a magnetic sorter to make sure there are not any magnetic or steel cans in them; then they get cubed into a square or rectangle and then they are placed on a pallet; and when there is enough for a pallet load, which is a couple thousand pounds, then the pallet will be stretch wrapped and banded to be shipped out; and

WHEREAS, Commission Member Robertson noted that in the processing of the metals, he believes that the flattening of the automobiles may not create the most noise because he

will just be squeezing the vehicle flat; he asked if there would be shredding of other metals that might create a higher degree of noise; Mr. Brenner noted that right now the only thing they will be shredding is paper through a hydraulic shredder; Mr. Brenner noted that it takes quite a bit of mass to shred metal, and it is not his intention to shred; further, when metal is shredded it has to be taken to the next step, and there is already enough of that capacity in the Roanoke area; and

WHEREAS, Commission Member King noted that as she understands it, he anticipates that individual residents would not be coming to recycle, but a business person who has lots of things that need to be recycled; Mr. Brenner stated that it would be some of both; he noted that he might have the individual who makes a living from recycling that will bring over a refrigerator or maybe items cleaned out of a garage; but most his current customer base electricians, plumbers, and HVAC contractors, and this is why this area was important in the selection process; and

WHEREAS, Commission Member Robertson noted that with this type of customers it would be a lot of plastic and copper recycling; Mr. Brenner noted that they are very conscience of the theft laws as they will be getting license plate numbers of those recycling and do what is required by the City and the State for accepting goods; and

WHEREAS, there was a discussion regarding licensing for those who are recycling for a living; and

WHEREAS, Chair Daulton asked when he would anticipate beginning to recycle automobiles; Mr. Brenner noted that from experience it usually takes about six months to get an approval from the DMV and zoning approval by the City of Salem, etc.; and

WHEREAS, Andy Taliaferro of 607 Kesler Mill Road appeared before the Commission noting that he had several issues that he wanted to get addressed; he noted that he and his neighbor went by and talked with the adjacent businesses; three of those businesses are located in the same building as Mr. Brenner's proposed business, and all three of those businesses do not want him in the building as they are worried about the noise and the pollution; he noted that he thought the City would have already talked to the adjacent businesses, but they said that no one had been by to talk to them; currently in the building is Bates Casket Company, Capital Equipment Company, and Liberty Fire Solution; he further noted that Liberty Fire Solution shares a common wall with the proposed business, and they have signed a three year lease with the leasing company with the understanding that they could expand into part of the warehouse space and add new employees; they started putting up the

walls and then found out that the recycling business is moving in next door; the people at Liberty Fire Solution talked to the leasing company and the leasing company talked to Mr. Brenner about the noise; he noted that Mr. Brenner had told them the only thing that he was recycling in the building is paper, but that is not what he has said this evening; he noted that there is no way to quietly crush an automobile or a refrigerator, especially if there is an office adjacent to the space with the common wall; he happened to be in Liberty's office and heard the forklift truck running up and down and heard it drop a piece of metal on the floor; he believes that before the City goes too far with the request, someone should go and talk with the same people they did; he also went a step further and went to talk to the people at Mersen, and they do not want the business there; he believes before the Commission votes that we need to talk to these people and find out how they feel because these are established businesses; and

WHEREAS, Commission Member Carter asked Mr. Taliaferro if any of the people were in attendance at tonight's meeting, and Mr. Taliaferro noted that they were not at the meeting but he is just telling the Commission what they told him; he noted that some of them had planned on attending the meeting on Wednesday evening before it was continued due to inclement weather; he knows that one is sick today but is not sure why the others did not attend; however, they are quite upset because they have been there for quite a few years and they are great neighbors, in fact, the neighbors do not know that they are there in most cases; but they do have a problem with putting a salvage yard right in front of their businesses, and the neighbors have a problem with this; and he noted according to City code, Section 106-218.1 Statement of Intent that "the district allows a wide variety of industrial and warehouse uses and activities that occur primarily within enclosed structures, with minimal or no environmental impacts associated with smoke, odor, and noise;" he stated that there is no way he can meet the last two, odor and noise; he noted that we have all crushed a Coke can or a beer can, and there is no way to do it without getting residue on your hands; they are going to be crushing tens of thousands of them; this is probably going to lead to roaches, rodents, etc.; also, according to the Comprehensive Plan Housing and Neighborhoods section, "this pattern should be considered during future rezonings and care taken to mitigate negative impacts on surrounding residential areas;" this is going to impact their neighborhood because we cannot have a salvage yard this close and not impact it in some way; further, they may not have the most expensive houses in Salem, but it is the only house they have and they have to protect their investments; he noted that he did not hear when Mr. Brenner said he would start crushing cars, and Chair Daulton noted that he said the DMV required a permit that would take approximately six months; he noted that Mr. Brenner had just reassured Mr. Young next door that he was only going to be recycling paper; he thinks that someone is not telling the truth, and he thinks that this is something the Commission needs to think about; and

WHEREAS, Vice Chair Thomasson asked Ms. Payne if any of the adjacent businesses had contacted the City in any official capacity to express their concerns, and Ms. Payne noted that they had not; and

WHEREAS, Truman Farmer Sr. of 1521 Gaines Street appeared before the Commission in opposition to the request; he noted that the proposed business will crush cars; he asked if there is any intent to bring in graters to grind up the metal in the future; the fact that they will recycle stuff out in the open air will lead to roaches and rodents like the other gentleman said; regarding the noise level, he has been around crushers before and they are loud; he noted that this operation would take place inside, and he asked if the insulation in the building noise proof and will it contain the noise where it will not disturb the neighbors; also, he noted as was pointed out, the containment of the fluids is very important; the people who will be working with the fluids need to be trained and have certificates; he needs to prove to the City that the employees are trained and not just take his word; he noted that he has lived in his house for 21 years and he loves where it is located; he noted that he and his wife are disabled and do not want to move, but if this operation is not contained and approved the right way, it is going to get out of hand and then there is nothing we can do about it; he asked the City to talk to the other businesses and let them express their concerns; a vote this evening is not wise because there are too many unanswered questions; his main concern is about the grinders; and

WHEREAS, Matt Terry of 1384 Stoutamire Drive appeared before the Commission with concerns about the proposed request; he asked if Mr. Brenner does decide to do cars in the future, has anyone seen a tractor trailer transport only one crushed car down the interstate? No, they normally transport at least 12 or 18 vehicles; he also mentioned recycling heating and air conditioning parts and appliances, etc.; this requires a certification to reclaim the Freon from those; is he willing to do this? Also, going back to the cars, there is no way possible to get every drop of oil, anti-freeze, transmission fluid out of those vehicles; the vehicles are going to drip all over the floors, even if he has containment pans, and eventually it is going to contaminate the building to where no one else will want it; also with the cars, this will generate a whole lot more traffic on Kesler Mill Road, and they do not want more trucks on this road; they are already fighting the ConRock trucks, which are not supposed to be going up through the neighborhood to start with, if everyone remembers the ordeal with ConRock; they are supposed to be going toward Main Street; and here we go again putting more truck traffic on Kesler Mill Road; and

WHEREAS, Alan Terry of 539 Kesler Mill Road appeared the Commission in regards to

the proposed request; he noted that he worked for the City of Salem for 31 years; if anyone has been by Hedge Metal, then they have seen the mess they have there; we have had water and floods and Masons Creek has flooded before; if water gets in this building, then it is going to wash the stuff down the creek; he has lived here for 22 years and does not want to move, but he does not want this in his neighborhood; from what he has seen at Hedge, he does not want this here; also, where is he going to store the vehicles that are smashed waiting to be transported; and

WHEREAS, Charlie Harlow of 1375 Stoutamire Drive appeared in opposition to the request; he noted that the snow has messed up a lot of things because people from the businesses were planning to come last Wednesday when the meeting was continued; he noted that he and Andy Taliaferro talked to the businesses; the people they talked to did not know anything about the request until they read it in the newspaper; he asked if they were properly notified; he is not sure what Salem's policy is anymore because these businesses were not aware that this business was coming; while he and Mr. Taliaferro were in the business next door talking to them, they could feel the floor vibrate from the machinery next door, and you could hear it very loudly; Mr. Young next door is ready to move his business, but today, the property manager assured him that it was just going to be cardboard being recycled; but this is not what we have heard this evening; further, nobody wants a junk yard in their neighborhood; the City of Roanoke is trying to get rid of junk yards and they are doing the best they can; he is retired from the City of Roanoke so he knows a little about this; he wonders why Salem would encourage someone to come in here with a junk yard; he thinks we should talk to some of the other businesses before we approve anything; and

WHEREAS, Chair Daulton asked Mrs. Hough if she could explain the procedure for notifying neighbors of a public hearing; and Mrs. Hough noted that adjacent property owners are notified by letter of the meetings; the building where Mr. Brenner is proposing to locate his business, is owned by two entities, who were notified of the hearing, as well as adjacent property owners were notified; Commission Member King noted that there is a sign posted on the property plus there is a publication in the newspaper; and Mrs. Hough noted that this was correct; and

WHEREAS, Brian Gibson of 539 Kesler Mill Road appeared before the Commission; he noted that he worked at a scrap yard in North Carolina previously and he is going to back up Mr. Matt Terry's word that there is no way to get all the fluids out of the vehicles when they are disposed of; we also need to think about loading 10 to 12 cars on a tractor trailer and then transporting them down Kesler Mill Road; all the glass is going to be in the road when the truck hits a bump; and

WHEREAS, Ed Nelson of 745 Haven Street appeared before the Commission; he noted that he retired from the U.S. Navy with 21 years and from Carrier Corporation with 18 years; Mr. Brenner mentioned refrigerants and he noted that there are very, very strict State and Federal laws concerning the retrieval and processing of those; the person has to be certified and he carries a card so he is aware of the process; he noted that the only way he knew about the proposed business was reading the article in The Roanoke Times, and it sounds good; he questions how all the process is going to take place inside a 11,000 square foot warehouse; he drove down to Montvale to the automobile salvage yard that grinds automobiles up and talked to a supervisor; this gentleman told him what the concerns for such an operation would be air, water, noise, traffic, and pollution and these are your major concerns and what you need to have addressed; in the neighborhood's defense, they live in a wonderful little neighborhood with wonderful neighbors; approximately 98% of the homes are well kept; he has lived a lot of different places, and he has never found a place more comfortable, more at home, with better neighbors than where he lives right now; nothing against Mr. Brenner as he is a businessman; but if you drive down Webber Parkway or I-581, and look to the right, you will see the Cycle Systems, and it not some place that you stop and take photographs; he further discussed screening that was put up along this area to deflect the view, and he noted that it is no longer there because they broke off; he noted that Salem wants to be a business-friendly city, but this business is just not a fit for this location; it sounds good on paper and looked good in the newspaper, but we have to look deeper just like the man in Montvale told him; and

WHEREAS, Joe Pigford of 1603 Gaines Street appeared before the Commission; he agrees along with his neighbor, Ed Nelson, that he does not think driving through a junk yard is a good idea; he noted that they are dirty, oily and filthy, and we do not need this where they have to drive through here almost every day; further, this is near his house; we do not need this smell or the pollution because we know there is going to be pollution; they are going to have something burning some time or another; if they say they are not, then they are wrong, and we know it; and

WHEREAS, Mr. Farmer reappeared and noted he had another concern; after hearing that the adjacent businesses do not want the noise and stuff, what if they are pushed out and Mr. Brenner has the opportunity to buy those buildings; this will allow his business to get bigger and again, we are going to have the same thing, more noise, more pollution, more issues; and if they do move out and he has an opportunity to purchase them, then we are in a world of hurt; and

WHEREAS, Mr. Nelson reappeared with another concern; he noted he did not think Mr. Brenner's intention was to reduce the cars to small metal pieces, and he asked Mr. Brenner if

this was correct; Mr. Brenner replied that this is correct; he does not quite understand the process with the automobiles, do they intend to take them apart by hand or to flatten them; he noted on his trip to Montvale that the gentleman relayed to him that it was not as noisy that day as it could be some days; he told him there could be an explosion when crushing the cars if the gas tank is not emptied – big boom; he thought Mr. Brenner might want to clarify what the process will be with automobiles and how they intend to salvage within an 11,000 square foot warehouse; it sounds to him that there is a lot of stuff going on within a small space; he again reiterated the concerns he had heard in Montvale, i.e. air, water, noise and traffic; and

WHEREAS, Mr. Brenner noted that he understands everyone's concerns about the business, and if he was a neighbor, he would have the same concerns; through the growth of Cycle Systems, which was a family business, he sited eight new locations, and in those new locations through his tenure at the company, and he understands what it is to have neighbors; they set these businesses up in neighborhoods, and they understood that they had to be a good corporate citizen and a good citizen to the community; he does not want to have a junky place, and what he is trying to do with the new business is create a different recycling company that does things efficiently; he noted that Mr. Nelson was correct that 11,000 square feet is a small space and it might not be the perfect space for the long term of the business, but he has to start somewhere; and he knows that he can do it inside; he noted in South Boston, where he had an operation, they did everything inside the building with very little material outside; the machinery that he is developing, and this is part of what the business is about, is to build machinery that is different; he does not want to create flattened cars, rather he will be cubing them; but, it will take time to build the machinery that he wants; this is what Cycle Systems was for 98 years, and they did things with honesty and integrity; further, he does not want to make the neighbors mad – he has to live in the community, also; whether he lives in this area or not, he does not want to drive by a place every day and have people thinking bad things; it is not his intention to do things wrong, he wants to do it right; with regards to the Freon and oil, everyone at Cycle Systems that handled cars was trained to remove Freon, and they had their licenses, they did not do it arbitrarily; it took millions of dollars to build a company that did things right; he noted that Cycle Systems only had one citation over the years and that was for their shredding operation which had too much pollutants coming out of the shredder; but that is not his intention, he does not want to shred automobiles; he wants his company to be a good corporate citizen to Salem and to the Roanoke Valley, and to build a business that Salem can be proud of; and

WHEREAS, Vice Chair Thomasson asked if he had talked to the adjacent businesses, and Mr. Brenner noted that he had talked to the adjacent businesses; he noted that he had talked to Liberty Fire and he did not say that he would just be doing paper and plastic; Mr. Thomasson asked if he spoke to an employee or an officer of the company; Mr. Brenner noted that he

talked to two or three of them, but he was not sure if one of them was the boss; he wanted to be a good neighbor so he went there to talk to them; and

WHEREAS, Vice Chair Thomasson asked if he could explain cubing a car versus crushing a car; Mr. Brenner noted that with cubing the car gets made into a log usually 24 inches by 24 inches by 3 or 4 feet using a post baler and this gets smashed, and then it is transported to the steel mill or the shredder; this is how they can operate in such a small space; the vehicles come into the building, then they get depolluted and cubed; Mr. Thomasson asked if all the technicians would have all the certifications, and Mr. Brenner noted that they would have all the certifications they would need; in addition, they have safety training and spill prevention certification, which is all part of running a business to meet all the government regulations; and

WHEREAS, Chair Daulton asked Mr. Brenner if he could address the traffic concern; he noted there just are not that many people recycling anymore, but there is enough to make a business viable; he noted he did not have a traffic count into the site, but he did not think it would be a large volume of traffic; Mrs. Daulton asked if he could talk about the shredding of vehicles, and Mr. Brenner noted that they would not be shredding the cars as he does not have the money to do that; the only shredding that will be done will be processing the ends of the roll of newspapers with a hydraulic shredder; and

WHEREAS, Commission Member King asked Mr. Brenner if he was active in his industry and he noted that he was; she noted that she had been to a state of the art recycling center outside of Pittsburgh, and it was not what she has heard people describing here this evening; the facility was totally indoors which was required by the State of Pennsylvania to meet all of their DEQ regulations, and it did not under any circumstances resemble a junk yard at all; and

WHEREAS, someone from the audience asked how big was the facility, and Mrs. King noted that he is asking the wrong person if he is asking for square footage; she noted that she would describe it as a large facility, and Pittsburgh has gone to great lengths to cut down pollution and to not be the "Pittsburgh of old"; she noted that she was absolutely amazed because she went there anticipating that this was the Pittsburgh that she had thought of 25 years ago; and

WHEREAS, Commission Member King asked if he had seen any of these indoor facilities; Mr. Brenner noted that there are very few indoor facilities, and he thought there were one or two in Pittsburgh; he further noted that his facility is not meant to take and do all that those types of facilities are doing such as with indoor shredders, etc.; with his business, they will bring the material in, accumulate it, and then ship it out; eventually he hopes to have a big processing

site, but it will not be at this site; you have to be able to collect the material and efficiently handle it before you can move to the next step; he further noted that if he can succeed here in Salem with this small site, and yes, he is a business person, then it will give him the opportunity to grow at other locations in the area; he hopes to eventually have enough mass to have a larger location; and

WHEREAS, Chair Daulton noted with the term “green” being in name of the company, it infers that this is an environmentally conscience company; she asked if he would be getting certifications from things like Virginia Green or some of the environmental companies before he starts; Mr. Brenner noted that he will get all the necessary permits from the DEQ, if this is what she is referring to; Mrs. Daulton noted that this would not be a requirement, it would be like a stamp of approval; he noted if this is what it takes, then he would because he wants to be a green company and do things right; and

WHEREAS, Vice Chair Thomasson noted that someone had mentioned the aluminum cans could potentially attract pests, he asked if the cans would sit long enough to where this would happen; Mr. Brenner noted that the only thing we might have to worry about by the time they get processed is that there are insects, such as bees; but typically they will be cubed and put on a pallet and then stretch wrapped; and

WHEREAS, Chair Daulton asked if the pallets would be stored inside, and Mr. Brenner noted that everything would be stored inside the building; and

WHEREAS, Commission Member Robertson noted that the cans would be stretch wrapped as part of the final process, and Mr. Brenner noted that this was correct; Mr. Robertson asked if this was true with the automobiles when they are cubed, would they also be stretch wrapped; and Mr. Brenner noted that they would not be stretch wrapped, they are compacted tight enough so that when they are transported that stuff does not come off of them; and

WHEREAS, Chair Daulton noted that someone mentioned glass coming from the cars being transported and asked if this was an issue; Mr. Brenner noted that it is an issue during the crushing process, if it is not cleaned up, but most of the time it ends up in the cars; right now the glass is not recycled, but he would like to get to the point with cars to remove the glass and recycle it; basically, the glass has to be swept up from the process; Commission Member King asked if this was inside the building, and Mr. Brenner noted that it is done inside; Mrs. Daulton noted that by the time the car is cubed, there is typically no glass, is that correct? Mr. Brenner noted that there might be a small amount of glass that might come off when it is being loaded

onto the trailer; and

WHEREAS, Vice Chair Thomasson asked how many cars would he process before he gets a tractor trailer in to move them; Mr. Brenner noted that he would process 20 cars before he transports; Mr. Thomasson asked if the cars waiting to be transported would be stored inside the facility, and Mr. Brenner noted that everything will be inside the structure; Mr. Thomasson noted he wanted to make sure this was clear; and

WHEREAS, Commission Member Robertson questioned again would anything be stored or left outside; Mr. Brenner stated that nothing would be left outside; the only time there would be anything outside would be in the receiving process, such as when people come in with bags of cans; they are currently expanding the doors so that the materials can be brought into the building and dumped there; and

WHEREAS, Commission Member King asked if someone from staff could verify, if the business were to open, that both the City and State have requirements that would be reviewed to make sure that everything is being done with regards to the DEQ requirements; Chuck Van Allman noted that in regards to storing things inside, the City of Salem is an MS4 community (Phase II Small Municipal Separate Storm Sewer System), and the City is audited by the EPA (U S Environmental Protection Agency and DEQ to make sure that we prevent as much as possible contamination of our storm water; so one of the things we would look at is whether there is the possibility of the storm water being contaminated on site; one of the easiest methods to prevent this is to keep everything inside the building; the site would be evaluated for this; also, he noted for facilities like this, DEQ requires a SPCC plan (Spill Prevention, Control, and Countermeasures), which has a lot of issues with regards to training, double wall vessel containment devices, etc.; he is not sure where this would apply but the State is really the heavy lifter when it comes to many of these permits; Mrs. King noted in other words this is not a situation where we are relying solely on Mr. Brenner as there would be an overview of the operation; Mr. Van Allman noted that definitely the City would be involved on the outside with the storm water and internally, it would be a DEQ permit process; further, the Water and Sewer Department might come into play if there are any internal drains because they limit what can go to the Waste Water Treatment Plant; and

WHEREAS, Vice Chair Thomasson asked Mr. Van Allman if there is a precedent for flooding in this area; could water potentially reach this facility? Mr. Van Allman noted that this area does flood, and he does not have the exact elevations to say with certainty when it would flood but it is next to a flood area; and

WHEREAS, Commission Member King asked if this was also a situation where the DEQ or whoever could come in and say, we have looked at it, and it sits too close to a flood area; Mr. Van Allman stated that he is not familiar enough to say that could be the case, but he would think that it could factor into it; however, he is not familiar enough to give a definitive answer; and

WHEREAS, Commission Member Robertson asked if the storage tanks for the fluids are sealed daily; if there is ever a flood, would the tanks be a problem; Mr. Brenner noted that the tanks are sealed, and they are double lined tanks; the fluids are pumped directly from the vehicles to the tanks; Mr. Robertson asked if the tanks would be elevated, and Mr. Brenner noted if the space is in the floodplain, then the tanks would have to be elevated to meet those requirements; and

WHEREAS, Jean Stump of 1370 Stoutamire Drive and owner of two other properties on Stoutamire Drive appeared before the Commission; her first concern is regarding pollution and noise just like everyone has mentioned, and this is a flood zone and it does flood frequently; she also noted that the greenway is along Kesler Mill Road, and they have a lot of walkers that will be crossing the entrance to this development, which is another concern; she asked if the compacted cars would be up, because if the area does flood, then the oils, and other fluids that are in those vehicles will be in the creek and down Kesler Mill Road; she is aware of what Mr. Brenner has said he is going to do, but down the road, is he going to be held accountable; the 11,000 square foot space is not very large, and she does not know how he is going to keep everything inside; she asked that we go look at the facility and talk to the other businesses around this one before we allow him to do this; and

WHEREAS, Mr. Nelson asked with regards to the licensing and doing due diligence on the environmental situation, who is responsible for making sure that all the environmental programs are met; flooding was mentioned, and also what about follow up; who will make sure that what is supposed to happen is actually happening; Mr. Van Allman noted that one of the things that the Clean Water Act of 1972 mandated was that the EPA was going to enforce environmental laws on storm water because they found out a lot of pollutants were entering the streams through storm water; one of the things his department handles is that we are required to have a MS4 plan; this defines what can go into storm water, and it gives the local governments the authority to say you cannot expose storm water to any of these items; further, there has to be a plan if they do so; the entities have to have a Storm Water Pollution Prevention Plan; usually this deals with outside storage, such as oil drums, and things like that; the City will tell them that they either have to cover the containers or bring them inside, but they have to prevent the exposure to storm water; if they bring everything inside, then they are no longer exposing it to storm water, and therefore would be in compliance; Mr. Van Allman

further discussed base flood elevations and storms; the regulatory limit is that any storage has to be at least one foot above the base flood elevation; he noted if it a commercial entity, then they can do one of two methods, i.e. either flood proof the property or they can raise it off the ground like the HVAC systems and bring it at least one foot above the base flood elevation; this is something that the City regulates along with the Federal Emergency Management Association (FEMA); he noted that the State DEQ has a lot of regulations and he further discussed some of those regulations, which the City of Salem does not really get involved with this, but the DEQ does audit the permits that they issue; they have the authority to come in unannounced and inspect the business; Vice Chair Thomasson noted that Mr. Brenner will have to meet the requirements of everything he has just discussed in order to operate his business; Mr. Van Allman noted that this is correct; and

WHEREAS, Commission Member Carter asked if there is any grandfather rights about being sheltered from elevation rules, etc.; Mr. Van Allman said there would not be any grandfather rights with regards to the elevation; Mr. Van Allman also noted that a lot of things would depend on how much retrodesign they are doing to the building; there are certain requirements that they need a threshold of like 50% then they have to meet all the newest regulations; he believes under the DEQ permitting for the spill control, there is no grandfathering; the spill prevention and control has to be up to date no matter how old the facility is; Mr. Carter noted so if this was not the case, there would not be other businesses in this building right now if the regulations were not being met; Mr. Van Allman noted that he cannot with an authority say exactly what the process is for the permitting, but he knows from experience that they permit quite a lot; there is not a lot of grandfathering on anything; he further discussed the containment vessels with regards to the storm water; and

WHEREAS, Chair Daulton noted that the Commission is an advisory board only and they look at the black and white of the state and city laws; the Commission will only advise City Council on how they think the request should proceed; and

WHEREAS, Mr. Nelson noted that the Commission knows what the neighbors think, and it was noted that this was correct; he further stated this is nothing against Mr. Brenner and it sounds good; and if we want to do something and we attach the word "green" to it, then it sounds even better, true? There are a lot of issues that need close scrutiny, and everyone knows there are places to do this type of business and places not to do it; and all of his neighbors agree that this is really not the place for this type of business; and

WHEREAS, Chair Daulton noted whether the request passes this evening or not, she is

wondering if the neighbors had the opportunity to sit down with Mr. Brenner and talk about these things would their thoughts be in a different place; Mr. Nelson said he seriously doubt it is going to change his business plan or their minds; and

WHEREAS, Commission Member Robertson noted he wanted to add to Mr. Van Allman's answer, the requirements that are place now are probably going to become more restrictive in the future rather than less restrictive; and

WHEREAS, Mr. Nelson noted that he managed the local Carrier office and he discussed the process of recordkeeping, etc. as it relates to refrigerant oils that were removed from the machinery; he noted that it was a paperwork nightmare; and

WHEREAS, Mr. Farmer further discussed the fluids from the autos; no matter how much we try to suck the stuff out it will not all go into the containers; there is going to be some on the floors, and he knows it has been discussed about using the oil dry stuff that can be swept up; however, after a while the floor is going to have to be cleaned; does it have a drain system in the floor or is it going to be washed outside; another thing, Mr. Brenner said in the beginning that it would be stored outside for at least two weeks until it could be picked up and then later he said there would be nothing outside; he questioned what was the truth; he noted this was what he had heard and he asked if anyone else had heard this; several of the Commission members noted that they did not hear this; Mr. Farmer noted that "yes" Mr. Brenner had said that; further, he believes that this is the wrong place for this business, it needs to be out in the County not in Salem; he further discussed cubing of the autos, and the glass that will result; he again reiterated that this does not belong in the City of Salem; and

WHEREAS, Alan Terry noted that he worked for the City of Salem for 31 years and he knows that Kesler Mill Road floods; this past summer the new business with the mulch, etc., the creek got up and slammed two of their storage PODs under the new bridge; he further discussed the issues with the glass and metal that will fall off the cars, refrigerators, etc.; when he was in charge of the mowing crew, and they also had issues with weed eaters throwing things; with this business, there is going to be a lot more metal etc. thrown on the ground and there are going to be lawsuits from this; he does not know how much revenue this business is going to bring into the city, but this is going to cost the city money; and

WHEREAS, Andy Taliaferro noted that when Mr. Brenner was talking about shrink wrapping the aluminum cans several heads started nodding like this was going to take care of the problem, but by the time he gets to the shrink wrapping, the residue has already come out of the cans; he challenged everyone to go home and get their favorite beverage in an

aluminum can, drink it, and then go outside and step on it and see how much residue comes out of the can; this is only one can and he is talking about tens of thousands; this is going to attract the rodents, i.e. cock roaches, mice, rats, etc.; and

WHEREAS, Chair Daulton noted there a statement about the insulation and noise proofing, she asked Mr. Brenner if this was something that he was planning on doing; or is it even feasible to have to have the noise proofing that would cut down on say 85 to 90% of the noise that would be coming from the building; Commission Member Robertson asked if it was insulated already; Mr. Brenner noted that the building is not insulated now; he further noted that he is not an engineer, but again he wants to be a good neighbor and he will do what is necessary; he is putting catalytic converters on the skid steers to cut down on the noise; he only has one skid steer/fork lift presently and it is propane fueled; he will do what is necessary; and

WHEREAS, Vice Chair Thomasson asked Mr. Brenner if he will get all the necessary permits, and Mr. Brenner noted that he will get SPCC, DEQ, spill prevention ,etc., and any other required permits; Mr. Thomasson asked if he has pursued any of that yet, and Mr. Brenner noted that he is just trying to get through Step 1 first; and

WHEREAS, Chair Daulton asked what is the time frame for getting all the permits, and Mr. Brenner noted for the paper recycling, which involves only baling it, no permit is required; for purchasing non-ferrous metals, no permit is required; Mrs. Daulton asked could he give an example of a non-ferrous metal, and Mr. Brenner noted that non-ferrous metals are copper, brass, aluminum, and some stainless steel; he noted that this is where he plans to start; and

WHEREAS, Andy Taliaferro stated he thinks if he just wants to do the recycling of paper, aluminum cans, brass, and copper then we do not need to hold a meeting because this is already covered by the ordinance; this meeting is so he can get a special permit to do salvage, and this is the problem with the neighbors, the salvage part; there is no way to crush a car quietly; he further noted that he thought Mr. Brenner is trying to paint a rosy picture with what the truth may be about what he is recycling; he thinks before the Commission votes they should go and talk to the other businesses; we do not want to run businesses out, we want them to come; if they thought he would fit in the neighborhood, they would welcome him, but unfortunately, this is not a good fit for them; he does not think the Commission would want this business in their neighborhood next door to them, and they should think about this when they vote this evening; and

WHEREAS, Brenda Harlow of 1375 Stoutamire Drive appeared before the Commission; she noted that Mr. Brenner is going to have everything stretch wrapped and cleaned when it leaves his facility, but what about with people bringing all the stuff into the business; they do have a lot of people who use the greenway now and there is a lot up and down the road; there is going to be metal, glass, all kinds of pieces of paper, and can be strewn all along here; Salem is just now getting this area fixed and looking nice, and it is going to put a lot of traffic on the road; there are a lot of children walking, people on bicycles, and this is just something else to think about; and

WHEREAS, Matt Terry noted that he knows a few of the people that work at Hedge Metal and has known them for years; if he is going to be recycling non-ferrous metals, such aluminum, copper, and brass, we are talking about a pretty high monetary value as far as theft; he happens to know that a few years back, Hedge Metal had people breaking into their building stealing their metal and then bringing it back a couple days later and trying to sell it to them; so the proposed business could also bring in some shady characters into their neighborhood that they do not need; this could also lead to theft at some of the other businesses there as well; also, with regards to the car crushing deal, he asked if anyone has ever seen spontaneous combustion; when something is crushed and it is put under extreme pressure, it gets hot and it can catch on fire; he has personally seen this; he noted he was around an area where they were crushing oil filters off of cars and they put them under enough pressure that it caught on fire and burnt the building to the ground; so this is something else to keep in mind; he further discussed the residue from aluminum cans and the problems associated with this; and

WHEREAS, Mr. Farmer noted that Mr. Brenner had not answered several of the questions that had been asked mainly how will the floors be cleaned; Mr. Brenner noted he wanted to make it clear that if he had misspoke about the material being inside and outside, that it would be located inside the building; he does not plan on storing any material outside of the structure; this is the advantage of the inside facility; he has run a scrap yard before and they swept up and cleaned up; if they have oil spills, this is why there are spill kits to clean up; further, this is also the reason for the spill prevention plan so that they do not create more problems or issues; he plans on keeping a clean and neat place; and

WHEREAS, Mr. Nelson asked Mr. Brenner is he is currently associated with another organization in this area that is involved in the collection of used automobiles, steel, metal or anything that he is talking about doing in this facility; and

WHEREAS, Mr. Pigford noted he is not sure how the vehicles get to Mr. Brenner's facility, do they bring them in by the truckload or by the rail that runs nearby; also, do the cars

sit outside before they are cubed, do they come in day by day or one at a time; he does not want a junk yard in his neighborhood with all these cars waiting to be processed, how does this work? and

WHEREAS, Mr. Brenner noted that he is currently operating out of a facility off of Walnut Street in Roanoke and he is exclusively doing paper; this building is part of the property that is going for the Carilion Biomedical Center; this was a family facility that was owned to do this type of materials so he had to move out of this facility; further, he is not involved with another automotive organization in the Roanoke area, but he is part owner in a business in Danville that does automobiles; Chair Daulton asked if the business does crushing or selling of those vehicles, and Mr. Brenner noted that it does both; and

WHEREAS, Commission Member Robertson asked Mr. Brenner if his former business, Cycle Systems, crushed cars at that facility, and Mr. Brenner noted that they did crush cars; Mr. Brenner noted that it was the same process with depolluting, etc.; and

WHEREAS, Chair Daulton asked him to address Mr. Pigford's questions about the frequency of vehicles, storage, etc.; Mr. Brenner noted again he will not have any storage outside; there will be limits on the cars; they have to be able to accept them, take them inside the building, depollute in 10 to 15 minutes, and then cube them; this is part of the business as he is going to be developing the machinery and equipment for this process; he will only be accepting automobiles when he has those pieces in place; he has to be able to handle the cars in the volume they come into the facility, and no, he will not be getting tractor trailer volumes of cars; those people go directly to a shredder; what he is looking for is the auto parts place or a garage that has three or four cars parked there that they cannot repair, and they will bring them to him one at a time; this is typically how they will come to him, one at a time; they will take them inside the building, depollute them, and cube them; once he accumulates the 18 to 20, then they will be loaded on a trailer and leave the building; and

WHEREAS, Vice Chair Thomasson noted that Mr. Brenner would not envision tractor trailers with 20 cars on them pulling into his lot three times a week; Mr. Brenner noted that there was no way they could accept or handle this many vehicles at this facility; and

WHEREAS, Chair Daulton noted that Mr. Brenner said he is developing the equipment and she asked him about this; Mr. Brenner noted that this is correct, and it is part of the business; he is aware that the process of recycling can be improved; this will not be just a business that is recycling and doing the same way all over again; it is to recycle and improve the process, build and sell the equipment, and also, to utilize the businesses and services in Salem

to help him build this equipment; further, he wants to make sure it is done right and eventually as a business to prove that its equipment is usable and works; and he further thanked the Commission;

ON MOTION BY COMMISSION MEMBER KING, AND SECONDED BY VICE CHAIR THOMASSON, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of Green Gearheads, lessee, and Strauss Properties LLC & The Branch Family LLC, property owners, for the issuance of a Special Exception Permit to allow scrap and salvage services on the property located at 1435 Lakeside Circle (Tax Map #51-3-4) is hereby approved subject to the following condition: all recycling will take place inside of the structure, and there will be no storage or processing of materials outside – the roll call vote being as follows: Mrs. King – aye, Mr. Carter – nay, Mr. Robertson – aye, Mr. Thomasson – aye, and Mrs. Daulton – nay.

WHEREAS, Commission Member Carter noted that he thought Mr. Brenner is a fantastic businessman and he thinks what he is doing is going down the right road; further, innovation in this business is definitely needed, he believes that this will be a growing business, and he questions how long the 11,000 square feet will be enough to house what he will be doing; he has visions of him eventually having a larger operation at some point in time; but with the creek in the back of the property, and the greenway out front, he feels he has to vote “nay” for the request; and

WHEREAS, Vice Chair Thomasson noted that he was prefacing his vote with the following: the people here this evening are going to make the DEQ look like a cake walk; they are going to be watching every step he makes; Mr. Thomasson told Mr. Brenner to make sure he does it right and do what he says he is going to do and be a good corporate citizen; and

There being no further business to come before the Commission, the same on motion adjourned at 8:42 p.m.

Executive Secretary

Chair