The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, January 7, 2009 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Tim Richnak
Dave Roberts
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF DECEMBER 3, 2008

Motion by Richnak
Supported by Kessler

MOVED, to approve the minutes of the meeting of December 3, 2008 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUESTED. WARREN EMERSON, FACILITIES PROJECT MANAGER, SMART, 2021 BARRETT, for relief of Chapter 83 to install new fencing at the Smart facility on Barrett.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a 10' high fence in the yards between the building and both Barrett and Maplelawn. This property is in the M-1 (Light Industrial) Zoning District. Section 3 of Chapter 83 of the Troy City Code prohibits fences from being installed in the yards between the building and any frontage street on non-residentially zoned property.

Mr. Warren Emerson, Project Manager for SMART and Mr. Darrell Taylor, Risk Management Manager for SMART were present.

Mr. Taylor stated that this is one of the few locations that does not have fencing around it. Homeland Security has determined that fencing is required to protect this facility as it is to be used as a temporary resource in time of emergency. The storage building houses approximately 200 buses and SMART does not have the funding to provide 24-hour security personnel. The main networking system is housed at this facility and the main concern is to protect the facility from terrorism.

Mr. Dziurman asked if there was a lot of vandalism in this area.

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ITEM #2 – con't.

Mr. Taylor stated that they do want the fencing to protect this area from vandalism but to provide protection again terrorism. This location has fuel tanks for emergency responders.

Mr. Dziurman asked if personnel are on site 24-hours a day.

Mr. Taylor stated there are light crews on the off hours but there are no designated security personnel on site.

Mr. Richnak asked if the building that housed the buses had windows.

Mr. Taylor said that there are large bay doors but there are no windows.

Mr. Richnak asked if this building had alarms on the doors.

Mr. Taylor explained that they are in the process of installing a camera and card system. The cameras will be monitored in their dispatch area.

Mr. Richnak explained that he is the Director of the City's Public Works Department and they have taken a number of steps to provide an area for both Police and Fire in case of an emergency. Much of the same equipment that is at the Smart Facility is also located at his site and the area is not totally surrounded by fencing. Mr. Richnak stated that he did not see the necessity for fencing on the northeast side of this building and feels that if the area was alarmed personnel would be able to see if a problem was developing.

Mr. Taylor stated that the fire suppression could be disabled and a diversion created and this would affect transportation for all of Oakland County.

Mr. Emerson stated that he feels the building that houses the buses is the most vulnerable area.

Mr. Kessler asked if there was 24-hour security.

Mr. Taylor stated there is not, as the necessary funding is not available. Federal funding would help them set up this fencing.

Mr. Kessler stated that the Fence Ordinance would allow them to put up a fence without a variance. There are a lot of strategic places that could be a target of terrorism in Troy. Mr. Kessler does not believe that the garage that houses the buses is necessarily one of these. Mr. Kessler stated that he does understand their concern but the Fence Ordinance does not allow fencing in the front setback. There are a number of changes that could be made at the existing facility, such as moving the fuel tanks to the back of the building and the site could be secured in other ways. Mr. Kessler also stated that

ITEM #2 – con't.

there are a number of nice looking buildings on this street and he would like to see this site stay in line with what the Ordinance requires.

Mr. Taylor brought up the fact that the asphalt company across the street has fencing around it.

Mr. Richnak stated that he believes at the time the building was constructed Troy was mostly farmland and the Fence Ordinance was not in effect. Mr. Richnak also stated that he doesn't know if the asphalt plant will always be around, although that is a completely separate issue and Mr. Richnak does believe the petitioner has room to compromise so that this variance request could be smaller. There are other ways to protect the sprinkler valves. Mr. Richnak said that the petitioner should look at ways to protect this site long term and believes this fence could be moved back and the façade of the building used as part of the protection they are looking for.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

Mr. Dziurman suggested that the petitioner may want to postpone this request in order to look at the site and determine if there are other ways to protect the site.

Mr. Taylor stated that they are more than willing to look at ways to meet the City half-way. It would take many years to make the major changes to this facility that were suggested, but he does believe they can put up the fence with modifications.

Mr. Roberts suggested that the petitioners prioritize the areas of the facility that would need protection the soonest.

Mr. Taylor said that are concerned about the operation of the facility and how to protect their assets.

Mr. Roberts said that they can look into better ways to protect the overhead doors, which would include alarms.

Mr. Taylor said that they are installing cameras as they do not have the funding to provide security guards.

Mr. Stimac asked if they use the north overhead door regularly.

Mr. Taylor said that they did not and felt that they could do something with that door.

ITEM #2 – con't.

Mr. Stimac suggested that they could put fencing around the tank farms, pumps and central driveway.

Mr. Richnak said that he did not believe they needed fencing along Maplelawn, but could secure the doors with alarms.

Mr. Stimac said that they could provide other methodology to protect the sprinkler valves and fuel tanks.

A discussion began regarding the placement of the fencing from the south side of the building to the northern most corner. One of the suggestions was to put up a metal building around the PIV valves. Whether the petitioner put up a metal building or a fence that was locked, the Fire Department would need to have access to be able to enter this site in case of emergency.

Mr. Kessler asked if the gates were open during the hours of operation.

Mr. Taylor said that they are working on a fence system that will require an opener that will be located on each bus. Other vehicles will have to use an intercom system in order to enter the site.

Mr. Kessler stated that he thought the petitioner may wish to postpone this request in order to re-evaluate the site. Mr. Kessler stated that the Board would also require some type of landscape screening to minimize the look of this fence.

Mr. Richnak stated that the petitioner could put in some type of arborvitae to use as a screening method.

Mr. Emerson said that they would re-visit their request and reduce the variance request as much as possible.

Mr. Kessler said that the petitioner could look into re-locating the tanks to the back of the building.

Mr. Taylor stated that they had just modified these fuel tanks and did not believe anything would be done for the next twenty years. It is very difficult for them to get Federal funding to help with these changes.

Mr. Kessler suggested that the petitioners could look into adding roll up shutters with security grilles to be put in when the area was not occupied.

Mr. Zuazo told the petitioner to inform the DEQ any time they wish to move the fuel tanks so that they can make sure it is done properly.

ITEM #2 – con't.

Mr. Roberts told the petitioner to notify the Fire Department of any security changes that are being done in order to be compliant with the requirements of the Fire Department.

Mr. Emerson asked if the height of the fence was a problem.

Mr. Stimac stated that if the fence was in the proper setback, the 10' height would not be problem.

Motion by Richnak
Supported by Roberts

MOVED, to postpone the request of Warren Emerson, Facilities Project Manager, SMART, 2021 Barrett, for relief of Chapter 83 to install new fencing at the SMART facility on Barrett until the meeting of March 4, 2009.

- To allow the petitioner to re-visit his request to see if other measures can be taken for security.
- To allow the petitioner to determine exactly which area would require this fence.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL MARCH 4, 2009 CARRIED

Mr. Stimac informed the Board that variances were granted for wall signs at 150, 250 and 350 Stephenson with the stipulation that the name of the company, Valeo, would not be located on an existing ground sign. At the time the variance was granted for 150 Stephenson, a Sign Permit had been issued that allowed a ground sign on the property that listed the name of the company, Valeo. Incorrect information was given by the petitioner at the time this variance was granted and Mr. Stimac asked the Board members to visit the site and determine what if anything should be done. All of the wall signs that were granted variances by this Board are in place.

Mr. Richnak asked that this request be placed on the Agenda for the meeting of February 4, 2009 for discussion. This will allow Board members the opportunity to go out and look at this site.

The Building Code Board of Appeals meeting adjourned at 9:25 A.M.

Ted Dziurman, Chairman

Pam Pasternak, Recording Secretary