

1 BEFORE THE CONCORD TOWNSHIP ZONING COMMISSION
2 LAKE COUNTY, OHIO
3 PUBLIC MEETING
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9 June 2, 2009

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11 Concord Town Hall
12 7229 Ravenna Road
13 Concord, Ohio 44077
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15 7:00 p.m.
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21 **TRANSCRIPT OF PROCEEDINGS**
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27 Zoning Commission members present:
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29 Larry Wentz, Chairman
30 Andrew Lingenfelter, Vice Chairman
31 Frank Schindler
32 George Norman
33 Wilbur Shenk, III
34

35 Board of Trustees present:
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37 Caroline Luhta, Chairwoman
38 Christopher Galloway, Vice Chairman
39 Paul Malchesky
40

41 Also present:
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43 Kathy Mitchell, Zoning Commission Secretary,
44 Zoning Inspector
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46 Michael Lucas, Esq., Legal Counsel
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53 **King & Melton Court Reporters**

54 11668 Girdled Road
55 Concord, Ohio 44077
56 (440) 946-1350

1
2 7:00 p.m.
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4 CHAIRMAN WENTZ: I would like to call this meeting of
5 June 2nd of the Concord Township Zoning Commission to order.
6 We have four items on the agenda tonight: a preapplication
7 conference, a discussion about gas wells, a correspondence
8 report, and approval of minutes.

9 Before we begin, I would like to introduce the
10 alternate Zoning Commissioner, Mr. Morgan McIntosh, who has
11 been appointed, if you would stand up and tell everybody who
12 you are and where you live.

13 MR. McINTOSH: My name is Morgan McIntosh. I live in
14 Austin — on Austin Pointe Drive in Concord Township. I have
15 lived here for seven years, going on eight. And prior to that,
16 I lived here for a few years in 19 — in the '80s. I'm very
17 excited and proud to be a part of the Zoning Commission.

18 CHAIRMAN WENTZ: Good. Wilbur has told me that he
19 will be missing the next two meetings, so this gives you an
20 opportunity to exercise your alternate status immediately. I
21 don't know if you will learn anything tonight, but good luck.

22 MR. McINTOSH: Thanks.

23 CHAIRMAN WENTZ: Okay. Let's get right into the
24 first item. It's a preapplication conference with the Zoning
25 Commission and the Board of Trustees for a proposed Residential
26 Conservation Development (R-2 RCD District) by Barrington
27 Consulting Group on behalf of Eye-Will Development. The
28 proposed site totals 54 acres, located on the north side of
29 Girdled Road, east of Ravenna, and is currently zoned R-4
30 Residential. The permanent parcel number is 8A-4-17.

31 I would like to start with someone discussing this
32 from the point of view of the applicant. And then, because of

1 the history of this particular parcel, if there is anyone here
2 from the audience — although this is not a public hearing,
3 it's just a public meeting — I will consider hearing what they
4 have to say on the basis that it may be helpful to the
5 applicant.

6 So you're on, if you would please introduce yourself
7 to the audience.

8 MR. NOVAK: Good evening. My name is Dave Novak,
9 from Barrington Consulting Group. And, as you mentioned, I am
10 here representing Eye-Will Development. Just a little brief
11 history, I'm sure that some of you may remember this, this
12 project. I actually started with this piece of property with
13 the owner back in 2002, so there is a long history involved
14 with this. And we had actually gone through and I think we
15 might have been one of the very first applicants before this
16 Board for the RCD zoning. And we had actually, after a long,
17 and I don't want to say "argument" but at least a long battle
18 or however you want to — whatever word you would like to term
19 it, we were actually successful from this Board. We got
20 approval from the, from Concord Township — excuse me — and we
21 had hoped to proceed, but then there was a referendum vote that
22 overturned the recommendation or the approval by the Board or
23 Concord Township.

24 So we're back here again. We've modified the plan to
25 meet the — Since that originally, when we first presented the
26 plan to Concord, the rules have changed a little bit as far as
27 how you can get your density bonus and various things like
28 that, and how much land you need to preserve to get your bonus
29 lots and so forth.

30 So the plan that we have before you this evening is

1 kind of our latest version. And the, probably, the biggest
2 concern of the past plans that we've had is the interconnection
3 of the streets between Noble Ridge and Woodcrest. Woodcrest is
4 to the east and Noble Ridge is to the west. To be quite honest
5 with you, the owner of the property is more than willing to put
6 the interconnects in. And if you go back — And I am sure
7 Kathy and David Radachy can tell you some of the history. If
8 you folks don't remember it, you know, we had plans with the
9 interconnects, without the interconnects. We put them in, we
10 took them out, we put them back in, and we took them back out.

11 So we are more than willing to do whatever will get
12 us approval, if that's having the interconnects in, not having
13 the interconnects, having one interconnect, having two
14 interconnects. You know, the plan, as you see it in front of
15 you, does have two connection points, one to Cali Woods to the
16 north and Girdled Road to the south. The other two would be to
17 the east and to the west.

18 And we're really looking for direction and support in
19 whichever direction we need to go because, again, Dave Radachy
20 is here and he had even given me a little memo or whatever it's
21 called, memorandum, discussing the need for interconnects. And
22 I can't say that I object with any of these things. It's just,
23 again, we're looking for a definitive direction to go. Whether
24 we do the interconnects or don't do the interconnects, it
25 really doesn't matter to us. It's just what's going to get us
26 the best possibility for approval.

27 So if you have any questions, I would be more than
28 happy to answer them. The plan is very similar to plans that
29 we've — to the plan that was actually approved by this Board
30 back — or Concord. I am not quite sure if it was this Board

1 or —

2 MR. NORMAN: It was this one.

3 CHAIRMAN WENTZ: It was this one.

4 MR. NOVAK: Okay, by this Board. And so it was
5 approved back in '06, I think it was.

6 MR. NORMAN: About '06, something like that.

7 MR. NOVAK: So it's very similar to the last plan
8 that was approved.

9 MR. NORMAN: I am sure you remember the referendum.

10 MR. NOVAK: Yes.

11 MR. NORMAN: There was a lot of emotion.

12 MR. NOVAK: Yes.

13 MR. NORMAN: Some statements of facts, some
14 statements of not so much fact.

15 MR. NOVAK: I would agree with that.

16 MR. NORMAN: Okay? What kind of changes have you
17 made from then that might tone that down? I know you've taken
18 the connects out that really caused some stir back in those
19 days, if you recall.

20 MR. NOVAK: Yes, I think it was. And, also, I think
21 part of the, at least the way I remember it, okay — I am not
22 sure if everybody would agree with my interpretation of how
23 things went — but in the beginning, we were, we were actually
24 trying to go through the approval process, going through this
25 Board and the Lake County Planning Commission at the same
26 time. And we were being — again, I am trying to pick a
27 perfect word — but we were, at least, given the impression
28 that we needed to have the interconnects by the Lake County
29 Planning Commission.

30 MR. NORMAN: That's probably a fair assessment, yes.

1 MR. NOVAK: Okay? And so that was the path that we
2 took. And in our discussions with a lot of neighboring
3 residents, they were saying, "Why don't you go and ask for the
4 variances?" And we were being told by the Planning Commission
5 that those variances wouldn't be granted, so we proceeded down
6 that path. And I think that not asking for those variances
7 early on upset a lot of people because we were just saying,
8 We're not going to go that path because that's just going to
9 take more time and they've already told us their, you know,
10 maybe not the official opinion but that that wasn't going to
11 happen. So I think a lot of people's feelings got hurt because
12 we didn't go down that path. And then, eventually, we ended up
13 going down that path.

14 I think there was, you know, a little politicking
15 behind the scenes, so to speak, and we went and got those
16 variances. And the, I don't remember the husband and wife that
17 live over on Keystone Drive, but they had already gone out to a
18 bunch of the residents in Concord and said, "You know, we think
19 this is a bad idea," for whatever their reason was, and had
20 gotten enough petitions or enough signatures for a petition to
21 overturn, you know, to put it on the ballot, and so they
22 overturned it.

23 And, again, I think that a lot of the opposition — I
24 really don't believe that the people of Concord were really
25 properly informed, at least, in my opinion, because, again, I
26 think Concord, as being a progressive community, the RCD zoning
27 does exactly what it's supposed to do, and this is a perfect
28 example. We're preserving the natural features of the
29 property. We're conserving 40 percent of the property. I
30 don't know exactly how many acres that is.

1 MS. MITCHELL: 21.6.

2 MR. NOVAK: 21.6 acres. So, again, it truly is
3 conserving the property. And if you look at the yield plan of
4 what we could develop as the property is right now, it just, it
5 screams at, you know, we're going to cut down a lot more trees
6 and disturb a lot more property and do a lot more — I don't
7 want to use the word "damage" but we're not going to protect
8 the environment like the RCD zoning is intended to do.

9 I think, also, what makes this plan that we have such
10 a nice plan is that we have the lots and just about every lot
11 abuts up against the open space or the green space of the
12 property, so it really buffers us from the adjoining property.
13 It conserves those environmental features of the property, so I
14 think this plan and this piece of property just screams RCD.

15 CHAIRMAN WENTZ: I think I would probably, tonight,
16 like to ask both Dave Radachy, from Lake County Planning
17 Commission, and the chief to comment on these interconnects.
18 But before we get to that, your plan is, on the one side, Cali,
19 on the other side, Girdled Road, right?

20 MR. NOVAK: Yes.

21 CHAIRMAN WENTZ: Now, you saw the comments from the
22 staff, I presume, with regard to what you submitted. They had
23 some questions about the setbacks and those lines should be
24 shown on the plans.

25 MR. NOVAK: Yes.

26 CHAIRMAN WENTZ: I presume there is no difficulty
27 with doing this.

28 MR. NOVAK: No. Probably, only — and I am kind of
29 hesitant to bring this topic up. But probably the biggest
30 thing that I heard in talking with Kathy and when we had our

1 preliminary meeting over at the Planning Commission probably, I
2 don't know, a month ago was the gas well issue.

3 CHAIRMAN WENTZ: That was my second question.

4 MR. NOVAK: I know you are going to go there. And so
5 this evening, just to make sure that everybody was aware of
6 where the gas wells are, I presented a plan this evening. And
7 I apologize that it's a few misspellings that Connie was nice
8 enough to point out to me, but the locations are shown, you
9 know. They are within the, on the individual lots.

10 Again, I know that gas wells today seem to be a buzz
11 word, that everybody is concerned about them and are trying to
12 regulate them and so forth. You know, our plan will be to
13 current regulations.

14 CHAIRMAN WENTZ: I think whatever regulations are in
15 effect today is what you've got to concern yourself with.

16 MR. NOVAK: Yes.

17 CHAIRMAN WENTZ: Now, these are on the lots, they're
18 not in the open space, so I don't see an issue with regard to
19 reduction from the open space —

20 MR. NOVAK: Correct.

21 CHAIRMAN WENTZ: — for figuring the number of lots.

22 Now, with regard to regulation of how close the wells
23 are to existing houses, is there — I am always a little fuzzy
24 on this. You can't put a well closer than 100 feet to a house
25 but you can put a house closer to a well?

26 MR. NOVAK: Yes. The way I understand the
27 regulations — again, I will admit that I'm not an expert —
28 but the regulations, for the most part, say that you can't put
29 a well within 100 feet of an existing structure. And, also, if
30 you're drilling a well, a property line is not necessarily the

1 limiting factor because what they do is sometimes, when they
2 dig these wells, they may get four or five different parcels
3 together.

4 CHAIRMAN WENTZ: The unit.

5 MR. NOVAK: Yes, yes, the unit that you're using, and
6 I believe it's 20 acres that you need per well. And even, you
7 know, the people that drill the wells, they like to see the
8 wells spaced, I think it's 1,500 feet apart or something like
9 that. So when you're drilling a new well, those are the
10 constraints that you have to be. You have to be 300 feet away
11 from the unit of property that you own the mineral rights for
12 and you have to be 100 feet away from an existing, I believe
13 it's a habitable dwelling.

14 CHAIRMAN WENTZ: Yes.

15 MR. NOVAK: But as far as once the well is there, you
16 can build as close as you want. I could cite many examples.
17 We have some in Mentor that I know we built. There was a brand
18 new house that was built within five feet of an existing gas
19 well. There is, over in Painesville City, down on Steel
20 Avenue, there is some apartment buildings down there and there
21 is actually a gas well right in the bottom of a stairwell.
22 It's an open stairwell but the gas well is right there in the
23 bottom of the existing stairwell.

24 And there is a lot of even abandon wells, you know,
25 like over by the Great Lakes Mall and so forth. I mean,
26 they've been capped and so forth. But, you know, for how many
27 ever years the — I believe they're governed by the Department
28 of Natural Resources, is the one who really oversees the
29 placement of gas wells, and they haven't seemed to feel that
30 there is a big issue.

1 But, again, I realize that over the last, I don't
2 know, 10 or 15 years, you know, the — I mean, even in Concord,
3 I mean, 15 years ago to today, how many new wells have been
4 drilled in Concord Township? I am sure, if everybody knew,
5 they would be shocked as to how many wells actually have been
6 drilled in that short period of time.

7 CHAIRMAN WENTZ: Right. Okay. And the last comment
8 here was the existing structures that are to be removed.

9 MR. NOVAK: Yes.

10 CHAIRMAN WENTZ: There is, I presume, no disagreement
11 with that.

12 MR. NOVAK: No.

13 CHAIRMAN WENTZ: Gentlemen, before we move on to some
14 other people, maybe you want to discuss these issues.

15 MR. SHENK: Just to make sure we're all on the same
16 page, I believe the layout that was finally approved by the
17 trustees and the layout that was the subject of the referendum
18 only had two interconnects, it was Girdled Road and Cali.

19 MR. NOVAK: That is correct.

20 MR. SHENK: And so this, from an interconnect
21 standpoint, is basically the same approach.

22 MR. NOVAK: Yes.

23 MR. SHENK: My thought is, you've got an approval
24 issue with, you know, this body, the trustees, Lake County
25 Planning Commission, et cetera. That's one issue.

26 The other issue you have is — and I am not sure what
27 I want to call it — I want to say acceptance by the
28 neighbors. The other issue is, how do we prevent this from
29 going to referendum again?

30 MR NOVAK: Again, I would be glad to listen to any

1 suggestions.

2 MR. SHENK: Unfortunately, I think that's an issue or
3 it certainly was an issue in the last plan.

4 MR. NOVAK: I agree.

5 MR. SHENK: Maybe we can approach this differently
6 this year. Personally, I am in full support of this zoning
7 change. The question is, how do we implement it? And I think
8 that's almost the biggest hurdle.

9 MR. NOVAK: And I don't disagree with you. And
10 that's, I guess, you know, the Board, the Zoning Board here
11 from Concord, I am assuming — I know when we go through the
12 process that there is going to be folks here and we're going to
13 have a discussion about the interconnects, no interconnects, so
14 forth and so on. And I think that this is, this is a great
15 venue to explain to the folks why RCD zoning is good for this
16 piece of property, what the benefits are to preserving those
17 areas of the development of the piece of property in green
18 space.

19 MR. NORMAN: Well, I am going to refresh your memory
20 just a little bit. That argument has, certainly, has a lot of
21 merit, but the problem you faced with that argument last time
22 around was, in fact, you had already gone in and done some
23 extensive cutting in one section of the area. And I'm not
24 finding any fault with that. I am trying to refresh your
25 memory.

26 MR. NOVAK: And that is correct. And, again, like I
27 said, there were hurt feelings or misunderstandings.

28 MR. NORMAN: Absolutely.

29 MR. NOVAK: And I will be the first to admit there is
30 probably things that we could have done better, you know.

1 Maybe that would have been having a meeting here at Concord
2 here and inviting the residents and trying to have more of a
3 one-on-one discussion without you folks here. That might have
4 helped to calm some of the — But there was a lot of people,
5 when we finally got down to it, there was a lot of people,
6 neighboring residents in Noble Ridge and especially over there
7 in Woodcrest that were opponents of ours that became — I mean,
8 they were here trying to convince people not to overturn us.

9 CHAIRMAN WENTZ: Well, you know, you lost this
10 through public opinion and advertising because the slogan "Keep
11 Concord Green" is what won the referendum for the people that
12 opposed you. Nevermind the fact that you have a lot of open
13 space, a lot of green, a number of different lots, I don't
14 know, four or five, a relatively small number, but that message
15 didn't get out.

16 MR. NOVAK: And I agree, and that's why I believe
17 that the residents of Concord didn't understand or didn't get
18 the clear picture of why this is good, what this really does,
19 while I think a lot of residents were just hearing, saying
20 they're going to be able to put more houses there than they
21 could with the standard zoning. And I'm here to tell the
22 residents of Concord that's true, that's a true statement.

23 But what benefit does Concord get by allowing us to
24 do that? They get 21 acres of land that's going to be
25 undisturbed. We're not going to go in there and fill in the
26 ravines and clear-cut the property and do all these things that
27 Concord doesn't want us to do. They want us to preserve the
28 natural environment of Concord. People move out here because
29 they like the trees and they like all this other stuff.

30 People will look, I mean, there is people — I would

1 say for myself, I would rather have a five-acre piece of
2 property. That's me. But there is a lot of people, and a lot
3 of the people that we talk to in today's lifestyle, they don't
4 want the five-acre piece of property because they don't want to
5 cut it, they don't want to mulch. I mean, my house, I got 17
6 yards of mulch every year. That's a lot of mulch. It's,
7 people don't want to take care of those big tracts of land.

8 And, again, that's why this plan is so nice, is that
9 every one of them backs up against that green — I think all
10 but one backs up against the green space and it gives them that
11 feel of this five-acre parcel of land. They only have to take
12 care of their half-acre piece of property and all that land
13 surrounding them stays green. It protects. It buffers to the
14 neighboring property, so it screams RCD, but I agree with you
15 that we have a PR issue.

16 MR. NORMAN: Well, I think that's genuinely one of
17 them. Take this plan, for example. David correctly pointed
18 out there is no accounting for riparian setbacks in this
19 particular plan. I can assure you, there are people in Concord
20 that are going to look at this plan and say, "Oh, you're
21 ignoring the riparian setbacks in this plan," because there are
22 some very astute people in Concord. Don't sell them short.

23 MR. NOVAK: And I am not. But, again, if you really
24 look at the plan, and I think even there was — I saw the memo
25 from George Hadden and he brings up the point about the
26 riparian setbacks. And because a lot of these streams,
27 actually, or these ravines or water sheds, however you want to
28 look at them, actually start on this property, the riparian
29 setbacks are, I believe, 25 feet. So while we didn't indicate
30 them on the plan, and we will, it's my opinion that this plan

1 can meet and still be built this way with those riparian
2 setbacks.

3 MR. NORMAN: See, I am not questioning your opinion.
4 Understand me. I am simply telling you that if you recognize
5 this issue as coming down the road like a freight train, why
6 not address it now? Put it on the plan.

7 MR. NOVAK: And we have no —

8 MR. NORMAN: I know you don't have any problem with
9 it. I am simply pointing out to you some things that might
10 help your PR.

11 MR. NOVAK: And we will surely do that. Again, this
12 plan that you have before us, again, I think it was really, it
13 was drawn up just whenever the rules changed from the old RCD
14 to the new RCD, okay, and realizing that this conversation that
15 we're having is a preliminary discussion to help guide us in
16 what we need to do to get your approval. And so while I think
17 your point of showing those riparian setbacks, by all means, we
18 will include those on the plan.

19 I mean, you know, this evening, I brought, because I
20 know that the gas wells are such a big issue —

21 MR. NORMAN: Yeah.

22 MR. NOVAK: — I brought the drawing. We had the
23 discussion, when I had a discussion with Kathy and Dave Radachy
24 a few weeks ago, I mean, they had gas wells, gas wells. Where
25 are the gas wells? Where are the gas wells? So we've done
26 that.

27 Again, we will surely show the riparian setbacks, we
28 will show whatever other information. But, again, one of the
29 things that, I guess, I am looking for is, interconnect or no
30 interconnect to Noble Ridge and Woodcrest? Because I feel

1 that, again, I need this body's support because — And if the
2 guidance that you folks give me is no interconnects, that's
3 fine. At least, then I can go to Dave Radachy and the people
4 he represents, the Lake County Planning Commission, and he can
5 say, "Well, you know, here's our rules and regulations." Here
6 is what they think we need. Concord feels the interconnections
7 are not important for this plan to go forward. At least, I
8 have some direction. What I'd hate to walk away from this
9 Board is to go, well, we don't know.

10 MR. NORMAN: Well, I think the answer to that is
11 probable going to be less than totally satisfying to you
12 because, let me tell you, I think — and, David, correct me if
13 I am wrong — I think the current county regulations say he has
14 to put the interconnects in there; does he not?

15 MR. RADACHY: That's correct.

16 MR. NORMAN: So I guess what I am telling you is prep
17 yourself to go to the county with a variance. I, for one,
18 don't disagree with your plan at all. I am simply pointing out
19 to you some of the thoughts I have. But if, again, we're
20 talking preparatory work and getting the issues in line before
21 the snowball really starts to roll, and one of them would be
22 say, well, we want to go get a variance and go talk to Lake
23 County Planning and see because I think, in my case anyway, I
24 think this is a fine plan. Okay? I am not finding fault with
25 you at all. I am just saying that would be my recommendation.
26 It's another thing I think you need to do to get your ducks in
27 a row because they have certain regulations they are also going
28 to impose and we don't have the horses they do.

29 CHAIRMAN WENTZ: I think you are probably going to
30 get the same feeling from the Board in general that George is

1 saying. And to bring you back to Wilbur's point is that you
2 have a sales job beyond this Board.

3 MR. NOVAK: And we realize that and, I guess, this
4 time we were trying to take a little different approach because
5 while the last approach was successful to a point, because we
6 really got from the Board what we wanted.

7 MR. NORMAN: Yeah.

8 MR. NOVAK: Was approval. It was the residents that
9 overturned us. So our thought process this time was not to
10 waste the time talking to David Radachy and the Planning
11 Commission, to some degree.

12 MR. NORMAN: I tell you what, you are not going in
13 the right direction. Dave is back there laughing at you.

14 MR. NOVAK: No, no. But to first get a concrete
15 definition of what Concord wants us to do because I think one
16 of the things when I — because I can't say, "Dave, go out of
17 the room."

18 MR. NORMAN: No.

19 MR. NOVAK: And I can't say, "Dave, I am never going
20 to talk to you," because that's not going to work because I
21 know, by the rules and regulations that Concord has and by the
22 Lake County subdivision regulations, I need to talk to him, and
23 I understand that. But the process, at least, the discussion
24 that we had or — and you can tell me I am wrong and I should
25 go a different direction. But what our hope was this time was
26 to go to Concord first and say, "Okay, Concord, what do you
27 want from us? Do you want the interconnects or not?"

28 Because if Concord says, let's say you say, "No, we
29 don't want the interconnects," regardless of what Mr. Radachy
30 and his people say, okay, then that gives me just a little bit

1 more credence when I go to talk to him and say, "Okay, Dave, I
2 know that you have regulations that say we need to have these
3 interconnects."

4 The fire chief is sitting here this evening. I know
5 he likes to see at least two connection points. We have two
6 connection points. Would he like to see four? Probably. I
7 don't know. I don't want to put words in his mouth. But, at
8 least, if I can go to them and go — because I can see the same
9 problem I'm having. I can go and talk to their folks first,
10 the Planning Commission, and they go, "We went through all this
11 stuff before. What does Concord want?" Now I am sitting here
12 and go, well, I don't know what Concord wants. I don't know
13 what these folks want, or I know what they want but that may
14 not be what Concord wants. Then what do I do? So I have to
15 choose a path.

16 Last time when we did this, we actually went
17 concurrently. We went to Concord and the Lake County Planning
18 Commission at the same time and we got approval from them for
19 the plan with the interconnects. Then I come to this Board and
20 we fight back and forth and decide and say, well, you know,
21 we're going to do this, we're going to do that. Now we don't
22 want the interconnects. I've got to go back to these folks,
23 I've got to ask for the variances. I get the variances
24 granted. Then I've got to go back to them again to get the
25 plan reapproved because they already approved it without the
26 interconnects. So I'm not sure where I should start.

27 MR. SHENK: You started at the right place. And I
28 think tonight this Board ought to be able to give you an idea
29 of what they're thinking about.

30 MR. NOVAK: That's all I am looking for.

1 MR. SHENK: Already there are two people on this
2 Board who are supporting two interconnects.

3 MR. NORMAN: Right.

4 MR. SHENK: Myself, I know for a fact, and George.
5 You've got that answer. I think that when you first started
6 the last project, you had four interconnects.

7 MR. NOVAK: Yes.

8 MR. SHENK: And I think that's what, you know, got
9 the beehive buzzing. And by that time, it was too late, the
10 fact that you ended up with two interconnects.

11 Personally, I think, if you go back with four
12 interconnects now, we're going to see the same thing.
13 Regardless, the lots are bigger, which is good. There are
14 fewer lots, which is good. I mean, that's going in the right
15 direction. But if you have four interconnects, my concern
16 would be the same thing as last time. So my recommendation —

17 MR. NOVAK: And I don't disagree with you.

18 MR. SHENK: My recommendation is to go with two,
19 period.

20 MR. NOVAK: But, again, that's why, at least, with my
21 customer and myself, when we sat down and we talked about this
22 and we reviewed the history of how we got from where we started
23 — Again, I started with my customer with this property back in
24 2002, so that's been seven years we've been working on this
25 project. And the thought process was, okay, last time, we went
26 to Lake County Planning Commission and to Concord at the same
27 time. We ended up at a point, it still got overturned by the
28 residents.

29 So we're trying to say, well, our thought process was
30 this time would be, let's start with Concord and get Concord's

1 approval of saying, here is what you've got to do, here is what
2 we want. Because I feel that gives us more, I don't want to
3 say power, but more support from the Concord trustees than, you
4 know, Eye-Will Development or Barrington Consulting Group.
5 They're going to go, "Well, who are you?" Well, the owner of
6 the property. Okay, both of them happen to live in Concord,
7 okay, so you've got two residents. I personally don't live in
8 Concord. Again, I am not quite sure who has more oomph or
9 more —

10 CHAIRMAN WENTZ: Let me tell you what I'd like to do
11 at this point.

12 MR. NOVAK: Okay.

13 CHAIRMAN WENTZ: Because I think there are probably
14 three people here that would probably go for the two
15 interconnects, I'd like to move on and get comments from Dave
16 and the chief and then summarize where we are from the Board's
17 point of view. Okay?

18 MR. NOVAK: Okay. Again, all I am looking for is
19 direction. Like I said right in the beginning, that whether
20 it's two interconnects, four interconnects, I know I have to
21 have at least one unless everybody has a helicopter. So
22 whatever direction I can get from the Board, I am more than
23 willing to take that path and, hopefully, it leads us to where
24 we want to go.

25 CHAIRMAN WENTZ: Okay. David, would you come up and
26 just briefly outline where your position is?

27 MR. RADACHY: Okay. I am David Radachy from Lake
28 County Planning Commission, senior planner. I do subdivision
29 review and zoning review for the townships. We got the yield
30 plan. The yield plan was an approved preliminary plan from

1 2004. That was approved by the Planning Commission. It is an
2 actual plan. If Mr. Dawson wants to bring that same plan back,
3 he can resubmit it or submit it again to the Planning
4 Commission and it will probably get approved as is with the
5 four connections to it.

6 The riparian setbacks are not shown on the yield plan
7 but it's felt that they wouldn't affect the building envelopes
8 because these are one-acre lots and 25-foot setbacks. There is
9 there is still plenty of room to put the house on the lots.

10 MR. SHENK: Excuse me, David. The plan which was
11 approved February 2004, that was the initial plan with four
12 accesses?

13 MR. RADACHY: Yes.

14 MR. SHENK: And then the approval was voided when a
15 new plan was approved March 29th. I assume that's the plan
16 that had two accesses.

17 MR. RADACHY: No, it was not. That plan also had
18 four accesses. We didn't hear, we did not hear the variances
19 until August 2005.

20 MR. SHENK: Okay, okay. That was just a
21 reconfiguration of lots or something, that plan, the March
22 2005?

23 MR. RADACHY: No. It was a standard RCD plan. It
24 had four connections to it. Silverthorn Trail connected to
25 Keystone Drive. I think Legacy turned in — or Jamie Drive,
26 either Legacy turned into Jamie Drive or Legacy turned down,
27 still turned the same way and then there was another road going
28 into where Jamie Drive connected to Noble Ridge.

29 MR. SHENK: Okay. The difference between those two
30 was some configuration of the connect or something?

1 MR. RADACHY: The difference between '04 and '05?

2 MR. NORMAN: Yes.

3 MR. SHENK: Yeah.

4 MR. RADACHY: The '04 plan is the yield plan that you
5 are looking at. It's an R-4 standard one-acre lot.

6 MR. SHENK: Got you.

7 MR. RADACHY: In '05, we reviewed and approved the
8 preliminary plan —

9 MR. SHENK: That was RCD.

10 MR. RADACHY: — for RCD with four connectors.

11 MR. SHENK: Thank you.

12 MR. RADACHY: All four connections were in place at
13 that time.

14 MR. SCHINDLER: If I understand you correctly, if we
15 would go with two, then this wouldn't be approved by you.

16 MR. RADACHY: Well, I would recommend against it. He
17 would be required to obtain two variances, one for each
18 connector, one to Noble Ridge, one to Keystone. And then he
19 would need a variance for block length because the block length
20 that's currently shown on the two-connection one exceeds
21 maximum block length by 1,700 feet, 1,782 feet, which is almost
22 double what our maximum block length is allowable.

23 MR. NORMAN: But let me — The Planning Commission
24 ultimately approved the variances for that.

25 MR. RADACHY: Yes, they did approve the variances for
26 block length and the two — and removed the two connections to
27 Keystone and to Noble Ridge. The staff did recommend against
28 all variances at the time.

29 MR. NORMAN: At the time the Zoning Commission — or
30 the Planning Commission approved it?

1 MR. RADACHY: That the Planning Commission approved
2 it, staff was recommending against the variances based on a lot
3 of the second memo I gave to you, which is the benefits of
4 interconnects to subdivisions, having those connections. Now,
5 safely, you could say that if you approved the sub, if we
6 approved the subdivision with two connections, it is safer
7 than — it's safer with four connections. It's still safe with
8 two connections. It meets our regulations on that aspect.

9 But we also have to look at Noble Ridge and we also
10 have to look at Keystone Drive. Noble Ridge has 48 sublots in
11 it. It has one entrance in and out of it. And it was approved
12 with a temporary cul-de-sac, which has never been built, to
13 connect to this unsubdivided property.

14 Keystone Ridge — I am sorry, not Keystone.
15 Woodcrest subdivision was approved with a temporary cul-de-sac,
16 so it was — the block length was always, they didn't — we
17 always thought that that road would go through and connect into
18 the unsubdivided property that Mr. Dawson is talking about now.
19 So we have to take those two into consideration. We also have
20 to take the safety of those residents into consideration, too.
21 So that's why we would recommend that those two be connected,
22 not for the safety of the future residents of Stone Ridge
23 Estates but the safety of the residents in Woodcrest and in
24 Noble Ridge.

25 MR. SHENK: Understood.

26 MR. RADACHY: Now, currently, those variances that
27 were approved in 2005 are void. The preliminary plan that was
28 approved in '05, its approval has expired. The new plan that
29 was submitted has larger lots and a different configuration
30 from what was approved in '05. So those variances and

1 subdivision, all those approvals are gone. He has to start
2 over from ground zero.

3 MR. NORMAN: Right.

4 MR. RADACHY: And so he would have to reask for the
5 variances again, reask for those variances. Now, there is a
6 statement on Kathy's timeline about Resolution 2005-18. That
7 was a — The trustees were trying to amend their zoning to make
8 it to be able to approve roadway outs. According to state law,
9 the Planning Commission and the county are the only ones that
10 can approve roadway outs, location of roads.

11 Now, in an RCD PUD situation, you guys will
12 recommend, the Zoning Commission and trustees would recommend a
13 layout to the Planning Commission and we will do our best. So
14 long as it meets our regulations, it will be approved. Now, if
15 it doesn't meet our regulations, you still have to go through
16 the variance procedures and we would take into consideration
17 that roadway out and try to determine if it's, if the pros and
18 cons meet, make those variances approvable or not.

19 Now, the fact that the trustees have, trustees and
20 Zoning Commission both recommend the roadway out is definitely
21 a pro for that particular roadway out and we would take that
22 into consideration. Now, if the cons outweigh the pros then
23 we're going to be against the variances.

24 MR. SHENK: It's clear.

25 CHAIRMAN WENTZ: Any additional questions for David?

26 Thanks.

27 Chief Warner, would you like to come up and give us
28 your viewpoint?

29 CHIEF WARNER: Sure.

30 CHAIRMAN WENTZ: Thanks.

1 CHIEF WARNER: I am Mike Warner, Concord fire
2 department. I live on Ravenna Road in Concord. It's nice to
3 see all of you tonight. I'm glad to see you've already made up
4 your minds, three of you, but remember what Dave said. There
5 is a reason that I sign off on developments, and that's for the
6 residents' safety, to make sure the fire apparatus can get in
7 to all the residents, not just a select few.

8 And when that subdivision came to us — I don't
9 remember the name of the subdivision — but there were four
10 interconnects so that we could get to both ends of Keystone,
11 both ends of Noble Ridge, and that was very important. And so
12 during the last discussion for that development, we came and
13 presented that. And since that time, there has been a
14 resolution called 2006-65, and that's addressing the Ohio Fire
15 Code. It says there has to be two ways in for more than 30
16 residents, and those developments fall into that category where
17 they need to be in there.

18 And so, you know, I know that you have your reasons
19 and we're trying to please people. And I heard things like,
20 "Oh, it's going to be a cut-through and people will be using it
21 for — they will be going too fast." That doesn't hold water
22 with me. Just go down onto Weathersfield, the longest cul-de-
23 sac road we have in the township. Look in the cul-de-sacs and
24 see all the skid marks for the kids doing doughnuts and playing
25 on those streets. And one of our engines caught some people at
26 night once that the windows were all fogged up and they ruined
27 their fun, but things are going on in the cul-de-sacs. You
28 have to look at it for safety, not just for the fire but when
29 law enforcement can patrol streets that go through rather than
30 cul-de-sacs because they can go from one end of the community

1 to the other.

2 It isn't that we're trying to make it a dangerous
3 development by eliminating cul-de-sacs. What we're trying to
4 do is protect the residents. I can remember somebody said that
5 I would take and push trees with \$400,000 fire apparatus, and
6 that's not true. We will do everything we can to get into
7 developments that don't have two ways. We'll cut the trees but
8 it's going to delay us. And any time we are delayed, whether
9 it's a heart attack, a stroke or a fire, a fire grows twice its
10 size every minute. And every minute that we delay getting to a
11 heart attack —

12 If you just read the articles about Painesville
13 having the problems with, is that Cobblestone or whatever that
14 thing is that they have to go to Mentor to get there, that
15 delays their response. And we need to be at every residence
16 within six minutes or less. That's the goal. That's what
17 we've worked for in this township for the last 13 or 14 years,
18 and Chief Terriaco before that, to get to all the residents as
19 quick as we can.

20 We're not trying to cause a problem for the public.
21 We have a good law enforcement agency that patrols the
22 streets. But it would be a whole lot easier for the law
23 enforcement to go through to Keystone to make sure that they
24 can watch for speeders. They've added an additional car to the
25 community, they put up the radar sign thing that they have that
26 tells people how fast they're going, and they're receptive to
27 complaints by the residents.

28 So all I'm saying is, I signed off on developments in
29 2004 with four interconnects so that we could get through, and
30 I signed off with the agreement that they would be connected,

1 those temporary cul-de-sacs would be connected. And that's all
2 I am asking is for the Board to consider that because if we
3 start here, every time there is a development, we're going to
4 have a fight to put two ways in and two ways out of a
5 development. That's what I have. I am open to your questions.

6 MR. LINGENFELTER: Chief, can you repeat that, the
7 use that you talked about?

8 CHIEF WARNER: Resolution 2006-65 was approving the
9 Ohio Fire Code which was in 2005.

10 MR. LINGENFELTER: What does it say?

11 CHIEF WARNER: That there has to be two ways in and
12 out for developments over 30 homes.

13 MR. LINGENFELTER: Two ways in and two ways out.

14 CHIEF WARNER: Two ways.

15 MR. LINGENFELTER: Two ways.

16 CHIEF WARNER: Yeah. I'm probably not saying it
17 correctly. I want to be able to get in and out from both
18 directions. I think that's probably — And that was a hard
19 push.

20 And when you talked about gas wells, there is over 80
21 gas wells in Concord and more coming.

22 MR. NORMAN: Yeah, every day, they're coming.

23 CHIEF WARNER: Yes. And I have to tell you that
24 we've been working with the ODNR people to make them a little
25 safer. Thanks to Bruce Bullard, Captain Kloski and our
26 staffing working with ODNR, we made them all drill wet so we
27 didn't have the odor problems. The one incident where we had
28 an odor problem was actually being drilled in Chardon Township,
29 and that developer — not that developer, the driller, Orwell
30 Gas, has been very receptive. They have offered their people

1 to help us. Whenever there is a problem, they have come out,
2 it doesn't matter whose well it is, so that's a good company.
3 They're local.

4 MR. LINGENFELTER: So, Chief, is it your opinion
5 then, based on the plan that we've been presented this evening,
6 that from a safety standpoint to the residents involved, this
7 is acceptable to you or unacceptable?

8 CHIEF WARNER: Unacceptable because it doesn't finish
9 the connector roads to Keystone and Noble Ridge, which I
10 approved in 2004.

11 MR. LINGENFELTER: So you don't like this just with
12 these —

13 CHIEF WARNER: No, I don't. I don't mind the
14 development but I want those connector roads because I was
15 promised those connector roads for the safety of those
16 residents.

17 MR. NORMAN: Now, you are not talking the residents
18 in this development.

19 CHIEF WARNER: No.

20 MR. NORMAN: You're talking Noble Ridge and —

21 CHIEF WARNER: I am talking about Noble Ridge and
22 Keystone.

23 MR. LINGENFELTER: We're talking about everybody.

24 MR. SHENK: This meets it but doesn't help the other
25 adjoining ones.

26 MR. NORMAN: Right. I just wanted to clarify.

27 CHIEF WARNER: And the original plan showed those
28 connectors and that's the reason we signed off.

29 MR. LINGENFELTER: And if this development went
30 through as it's proposed right now, that temporary cul-de-sac

1 on Keystone would become permanent.

2 CHIEF WARNER: That's the way it looks to me.

3 MR. LINGENFELTER: Right.

4 MR. NORMAN: Well, I am somewhat familiar with those
5 temporary cul-de-sacs since there is one down on Knightsbridge
6 Lane.

7 CHIEF WARNER: Oh, yes, they have abandoned that one.
8 That was another one that, we're going to connect those. And
9 those were done before I was here and before we really started
10 pushing for two ways in and out, and that was abandoned by a
11 board, a couple boards ago.

12 MR. NORMAN: Yes, several boards ago. That's been
13 abandoned a long time.

14 CHAIRMAN WENTZ: Do either of these two other
15 subdivisions have any other options?

16 CHIEF WARNER: Put another road in somewhere to have
17 another way in.

18 CHAIRMAN WENTZ: Nothing that's obvious.

19 CHIEF WARNER: Pardon?

20 CHAIRMAN WENTZ: Nothing that's obvious that they can
21 connect to.

22 CHIEF WARNER: And I've heard stories that maybe
23 somebody would like to put a gate up and something. You know,
24 I don't care, as long as we can get through. As long as they
25 put a click-it-to-enter so we can get in with our vehicles, I
26 don't have a problem with that either. I understand people
27 don't want it, but think about the safety for the sheriff's
28 department coming through and the plow trucks. Instead of
29 having to go to a cul-de-sac and come back out, they can go
30 through and come back and it just makes it better for

1 everybody.

2 When I started studying planning way back when I was
3 a little younger, that was the key, have straight through
4 roads. Cul-de-sacs were not good for law enforcement and
5 public service. That's just Warner's opinion.

6 CHAIRMAN WENTZ: Okay.

7 CHIEF WARNER: Anything else?

8 MR. WENTZ: Thank you.

9 MR. LINGENFELTER: Good seeing you, Chief.

10 CHAIRMAN WENTZ: Dave, you have an additional —

11 MR. RADACHY: I just have one quick comment. There
12 are no other options for Keystone Ridge or for Noble Ridge.
13 They were designed with those cut-throughs, with the road
14 coming from Noble Ridge and the temporary cul-de-sac. If those
15 are abandon, there is one way in, one way out for those two
16 subdivisions.

17 CHAIRMAN WENTZ: Yes?

18 MS. KAREL: Can I ask a question?

19 CHAIRMAN WENTZ: Yes.

20 MS. KAREL: When Noble — Was it the same developer
21 that developed Noble Ridge and Woodcrest and this one? And was
22 it all the same property owner?

23 MR. RADACHY: No. Noble Ridge was done by Driftwood
24 Properties. Woodcrest was done by Normandy Development. And
25 Bill Dawson —

26 MS. KAREL: This is the third one?

27 MR. RADACHY: Yeah. And Cali Woods was done by
28 somebody else.

29 MS. KAREL: So actually four different developers and
30 four different properties?

1 MR. RADACHY: Yes. And we're trying to coordinate,
2 we're trying to coordinate all their efforts into one roadway,
3 one road network.

4 MS. KAREL: And when was this, the developer who
5 bought this property that we're talking about today, were these
6 developments already in when they bought that property?

7 MR. RADACHY: Noble — Woodcrest was in, Noble Ridge
8 was going through the approval process, and Cali Woods was in,
9 also.

10 MS. KAREL: So you had two already in with the layout
11 that they were going to connect to this property when this
12 developer purchased this property?

13 MR. RADACHY: That's correct. So when that developer
14 would have walked into our office, he would have, we would have
15 told him at his first meeting with us at the preliminary
16 level —

17 MS. KAREL: You need to connect here, you need to
18 connect here, and it looks like you're going to have to
19 connect — so on all three sides, they were told they had to
20 connect?

21 MR. RADACHY: Yes.

22 MS. KAREL: Okay. Thank you for the clarification.
23 I appreciate that.

24 MR. SCHINDLER: She needs your name.

25 THE REPORTER: I've got it.

26 MR. SCHINDLER: You got it, okay. I just wanted to
27 make sure.

28 MR. LINGENFELTER: It's the paper lady.

29 CHAIRMAN WENTZ: That's right.

30 MR. SHENK: That's a good question.

1 CHAIRMAN WENTZ: Gentleman, do you have any
2 additional questions?

3 MR. LINGENFELTER: I have a question regarding the
4 development. What would be the ramifications to the
5 development, what lot design and layout, if we put the
6 connections back in with Jamie Drive and Keystone Drive, where
7 Silverthorn Court would connect to Keystone? There is nothing
8 that, you know, shows a connection to Jamie Drive. And, of
9 course, we do have the connection in there for Cali.

10 MR. NOVAK: The implications to the development,
11 again, we had a plan that met the old RCD zoning and I feel
12 very comfortable that we could maintain the same lot size, the
13 same number of lots, and still put those interconnections in, I
14 guess, if that's the question that you're asking. So it
15 wouldn't be a, it wouldn't —

16 MR. SHENK: You wouldn't lose a couple lots.

17 MR. NOVAK: No, right, we wouldn't lose a couple
18 lots. Probably, the —

19 MR. LINGENFELTER: Well, you would. Well, maybe not.

20 MR. NOVAK: No, because, actually, if you look where
21 we would connect into Keystone —

22 MR. LINGENFELTER: Right. The cul-de-sac would throw
23 those two out.

24 MR. NOVAK: Those lots would now be on the side.

25 MR. LINGENFELTER: Right.

26 MR. NOVAK: So you really wouldn't lose anything.
27 That may be the plan that we had from before.

28 One comment I would like to make, you know, after
29 hearing Chief Warner, I think it's just a point to clarify
30 that, you know, if you looked at our subdivision as a stand-

1 alone entity — and I understand that it's not — that the
2 ordinance that he referred to, 2006-65, we do have two points
3 of access. So while this development, on its own, meets those
4 requirements, what he's, what he's — in trying to, him wanting
5 or preferring those interconnects to Noble Ridge and to
6 Woodcrest, what that does is it solves the problem for those
7 neighboring developments.

8 Again, I don't want — I am not saying that I am
9 opposed to it. I want to make sure that everybody understands
10 that our development, on its own —

11 MR. SHENK: Meets it.

12 MR. NOVAK: — meets the requirements of Chief
13 Warner. It's actually helping those, the interconnection from
14 Noble Ridge — because I don't know how many lots there are in
15 Noble Ridge and I don't know how many lots there are over in
16 Woodcrest, and those are temporary cul-de-sacs. Well, I'm not
17 quite sure what's in Noble Ridge, to be honest with you.

18 MR. RADACHY: Currently, there is no temporary
19 cul-de-sac for Noble Ridge but there is a layout that's been
20 approved by the Planning Commission with the road that would be
21 a stub or a temporary bordering onto Keystone's property.
22 There are 48 sublots in Noble Ridge. I am not sure how many
23 there are in Keystone. But looking at, just counting the
24 number shown on the plan, there are 13 lots that border onto
25 Stone Ridge Estate's property, so there is probably 20, 25
26 lots, maybe more, in Woodcrest.

27 MR. LINGENFELTER: See, the problem I have with this
28 is that although the new proposal meets the minimum standards
29 for access, it permanently blocks further access to the other
30 two developments, which are, which for all intents and

1 purposes — and I don't care what any resident says about what
2 they live on, those, the development of Noble Ridge and the
3 development of Keystone Estates were not designed with the
4 thought of them being permanent cul-de-sacs. Those
5 developments were put in, those are stub streets. Very
6 clearly, they're stub streets. You can call them whatever you
7 want but they're stub streets. And the intent was that when
8 this block of property in the middle here was ultimately
9 developed that those stub streets would be continued through
10 and create the safety access that is required for the
11 community.

12 The problem I have is that if we would allow this to
13 happen without putting those interconnects back in is that we
14 run into a situation where now the options, once this
15 development goes in, the options for Noble Ridge and the
16 options for Keystone are forever stopped. There is nothing
17 else, there is no other way that another street can be built or
18 connected through there and we run into a serious problem. I
19 don't like that.

20 Personally, I was in favor of the four interconnects
21 before and I am still in favor of the four interconnects, and I
22 know it's not a popular position to be in on this situation.
23 But I don't think this is a matter of what's the most popular,
24 it's the matter of what's right, and I think that Chief Warner
25 very clearly articulated what's right. And it's not a matter
26 of whether you like it or not or whether it's pretty or not or
27 whether it's going to create some issues for some of the
28 residents that think they live on a cul-de-sac. What it does
29 is it creates a safety issue that becomes a permanent safety
30 issue.

1 And at some point in time, just like the 200-year
2 flood that we had a couple years ago, something is going to
3 happen and a tree is going to go down, there is going to be
4 some sort of disaster and they're not going to be able to get
5 access into there and it's going to be a tragic result, and
6 then there is going to be a question as to who is responsible
7 for that ultimate situation because blame will want to be
8 affixed, you know. Responsibility will need to be affixed to
9 what happened.

10 And personally, you know, I think that these
11 interconnects need to go back in the way it was originally
12 designed because then that takes away that permanent safety
13 issue that would be created otherwise with two — We are not
14 talking one development. We're talking two separate
15 developments with two separate sets of residents that are going
16 to be directly affected by this.

17 MR. NORMAN: Well, then suppose we do this. Suppose
18 we leave space for them but, at the same time, since up on
19 Noble Ridge they have not chosen to fulfill, finish that up up
20 there, put a cul-de-sac in.

21 MR. LINGENFELTER: They can't because, see, the
22 problem was — I think I know what went on, okay, with this
23 piece of property and with the connections, and I think there
24 were designs by another developer that thought he was going to
25 get that piece of property and he designed it with those stub
26 streets in mind, thinking that he was going to make a
27 connection there. And then, low and behold, he didn't get that
28 piece of property in the end and it caused some problems and
29 so, therefore, it got into a —

30 MR. NORMAN: Who shot who thing?

1 MR. LINGENFELTER: Well, it got into a problem but it
2 wasn't about safety, it wasn't about, you know, access. It was
3 about who ended up getting the piece of property. That's what
4 it all boiled down to. And that is not a place for us to
5 determine whether, you know, who is right and who is wrong
6 there. What's for us to determine is what's in the best
7 interest of the residents and what our safety people give us
8 direction on, and I think we've been given some very clear
9 instructions and some very clear opinions as to how that should
10 go and I am very strongly in agreement with that.

11 MR. NORMAN: That's good.

12 MR. LINGENFELTER: Very strongly.

13 MR. NORMAN: Kathy, do we know where Noble Ridge is
14 going through that stub street up there in their development
15 where they have not put anything in up there yet?

16 MS. MITCHELL: Where it is in terms of — Dave can
17 answer that question better than I can.

18 MR. RADACHY: Noble Ridge has got an approval,
19 preliminary approval on the stub street. They have to file,
20 would have to file a final plat with the last two sublots of
21 that subdivision in order to get them platted and the road
22 platted. They haven't submitted plans or a plat for those
23 roads.

24 MR. NORMAN: They have or have not?

25 MR. RADACHY: Have not, they have not submitted a
26 final plat or improvement plans for that road. In order for
27 that road to be built, that's what they need to do.

28 MR. NORMAN: Yes, I am aware of that.

29 MR. RADACHY: And they understand that's what they
30 need to do. And they're unable to sell any of that property

1 until they plat it.

2 MR. LINGENFELTER: Where is that?

3 MR. RADACHY: Where is the plat?

4 MR. LINGENFELTER: Yes. Where is that section?

5 MR. RADACHY: They never submitted that, the next —

6 MR. LINGENFELTER: Where would it be connected to
7 though?

8 MR. SHENK: Is it approximately where this shows
9 here?

10 MR. RADACHY: Yeah.

11 MR. SHENK: So that's still an option there.

12 MR. RADACHY: That's still an option.

13 MR. LINGENFELTER: Jamie Drive, at the end of Jamie
14 Drive.

15 MR. RADACHY: Yeah. If you look at the plan that's
16 submitted tonight, there is a Sublot 41 for Noble Ridge on your
17 prop — right there.

18 MR. SHENK: Right.

19 MR. LINGENFELTER: Right.

20 MR. RADACHY: That's approximately, they can put a
21 road anywhere along that opening because that's unsubdivided
22 land that's still existing right next door to Sublot 41, to the
23 right of the land, so that road can go anywhere along that
24 section.

25 MS. MITCHELL: Dave, the way that's positioned, as
26 Dave just pointed out, it's heading towards the creek.

27 MR. RADACHY: Yeah. They would have to cross the
28 creek but they — Like I said, the road was supposed to go
29 through there. It doesn't necessarily have to go along the
30 line of Sublot 41.

1 MR. LINGENFELTER: Right.

2 MR. RADACHY: I don't have the actual road layout
3 with me, but if you look at the, if you look at the yield plan,
4 that is proper projection of the road as approved by the
5 Planning Commission —

6 MR. LINGENFELTER: Right.

7 MR. RADACHY: — in '04 showing where that road was
8 supposed to be in 2004.

9 MR. LINGENFELTER: This is the same here? This is
10 that, so is this the —

11 MR. RADACHY: Yeah.

12 MR. LINGENFELTER: — that proposed road right here?

13 MR. RADACHY: Yes, that location is also good.

14 MR. LINGENFELTER: Does anybody want to see that?

15 MR. SCHINDLER: May I?

16 MR. LINGENFELTER: Right here where the yellow line
17 is.

18 MR. NOVAK: Again, this is going down a bad path
19 already, I can feel it, but just to let you know that the
20 location that is shown on — I believe you're looking at the
21 yield plan there.

22 MR. LINGENFELTER: That was the old, that was the
23 original plat that was proposed in '05.

24 MR. NOVAK: Okay. Well, that exact location, it
25 really is not available anymore. It's shifted to the north.
26 And, again, I think Dave was trying to mention that if you look
27 on the drawing that we submitted this evening, this Sublot 41
28 right here, okay, that's already a dedicated — somebody else,
29 I believe somebody actually owns that lot besides — no, it is
30 still owned by Driftwood but it's already a platted subplot. So

1 we would have to move — The interconnection between Noble
2 Ridge and our proposed development would be north of the one
3 that was shown on that development plan and also on the yield
4 plan because they've subdivided the property further in Noble
5 Ridge, which has forced the interconnection to the north, which
6 would go right through a creek. That, again, in my opinion, is
7 exactly why we're doing RCD zoning, is to protect the creeks.
8 But, you know, again, I said this in the beginning when I first
9 got up here, is that we're looking for direction.

10 MR. LINGENFELTER: What if you came to the south and
11 used Sublot 42?

12 MR. RADACHY: Sublot 42 has also been sold. It is a
13 platted subplot.

14 MR. NOVAK: It's already, it's a lot of record and
15 somebody — I think there is a house on Sublot 42. I did not,
16 I don't know if there is a house on Sublot 41.

17 MR. RADACHY: They can move the road anywhere along,
18 along the unsubdivided land.

19 MR. SHENK: Which is to the north of 41?

20 MR. NOVAK: Yes.

21 MR. RADACHY: To the north.

22 MR. NOVAK: Starting from Sublot 41 to the north to
23 where you see this other little line right here because this
24 here is another subplot right here.

25 MR. SHENK: Got you.

26 MR. LINGENFELTER: Right.

27 MR. RADACHY: So it would have to come in somewhere
28 between the two lines.

29 MR. NORMAN: Right over the creek.

30 MR. NOVAK: Right over the creek.

1 MR. RADACHY: They would have to cross the creek.

2 MR. SCHINDLER: You could put a bridge across it.

3 You wouldn't —

4 MR. NOVAK: Not necessarily a bridge. It depends

5 on —

6 MR. SCHINDLER: You can't divert it, really.

7 MR. SHENK: Fill in the creek.

8 MR. SCHINDLER: Yeah, right.

9 MR. RADACHY: They can use, it could be a bridge or
10 it could be a culvert, it could be whatever.

11 MR. NOVAK: Right, we would have to put some type of
12 structure.

13 MR. SCHINDLER: A structure to still not stop the
14 flow of the creek.

15 MR. NOVAK: That's correct. And if I remember
16 correctly, even on the Noble Ridge property, which
17 topographical information — I don't know if this shows it on
18 — it doesn't have the — that on the Noble Ridge property
19 there is two more ravines or creeks or whatever that would have
20 to pass to go from Jamie Drive, along Sublot 41 to get to their
21 property lines. You can see, you can see the one right here.

22 MR. LINGENFELTER: Right.

23 MR. NOVAK: That's another creek, a ravine, another
24 creek, and ravines.

25 MR. RADACHY: I think there is only two streams
26 between Jamie Drive and the property line.

27 MR. NOVAK: And, again, you know, we're fighting for
28 direction and that's what we're looking for, is some path to
29 follow.

30 MR. SHENK: I have a question, Mr. Chairman. Did I

1 just hear that Woodcrest is less than 30 homes?

2 MR. NORMAN: It's about 23 or 25.

3 MR. NOVAK: I believe it's 25 because there is a
4 couple lots in there that have actually been subdivided.

5 MR. SHENK: From an academic standpoint, that meets
6 the fire code recommendation because the fire code, I think
7 Chief Warner said, was two ways for any development over 30
8 units.

9 MR. SCHINDLER: 30, yeah.

10 MR. LINGENFELTER: But doesn't the, but doesn't
11 Keystone Drive exceed the block length though? Excuse me.
12 Dave, on Keystone Drive, does it exceed the block length?

13 MR. RADACHY: Yes.

14 MR. LINGENFELTER: So regardless of the fact that it
15 has only, it has less than 30 home, it exceeds the block length
16 recommended for a secondary access.

17 MR. RADACHY: There is two different sizes of roads.
18 There is block length and then there is cul-de-sac length.
19 Block length is what we use to measure between two roads that
20 interconnect or something else that breaks the block, and then
21 there is cul-de-sacs, which is another unit of measurement.
22 Cul-de-sacs are when the lot widths are 100 feet — under 150
23 feet, then the maximum cul-de-sac length is 1,000 feet. If the
24 lots are above 150 feet in lot width then they go up to 2,000
25 feet.

26 That block length is 1,400 feet under 150 foot width
27 and 2,100 if it goes above, the widths are over 150 feet.

28 MR. LINGENFELTER: Right.

29 MR. RADACHY: And so I believe that the Keystone is,
30 has wider lot widths. I think a lot of these lots are above

1 150 feet, so it's right at 2,000 feet or 'ish. It might be a
2 little bit over. I haven't measured it in while, so I'm not
3 quite sure, but it's a pretty long cul-de-sac if it's left in
4 place. At least, it's above 1,000. It's probably close to
5 2,000 feet.

6 MR. SHENK: So it might meet that?

7 MR. RADACHY: Yeah, it might meet the cul-de-sac
8 length if it becomes permanent but I can't say for sure. I
9 would have to look at the plat and measure the road to give you
10 an answer.

11 MR. LINGENFELTER: Even though it would meet it, it
12 doesn't make it right, it doesn't make it safe.

13 MR. RADACHY: A temporary cul-de-sac compared to a
14 permanent cul-de-sac is that a temporary cul-de-sac, the road
15 is 60 feet wide with an easement where they have a turn-around
16 in it. So the turn-around is 100 feet, 60 of it is inside the
17 right-of-way owned by Concord Township. The rest of it is in
18 easement on property that's owned by somebody else.

19 A lot of time, these lots are designed with the
20 setback, the 50-foot setback line being in place as if the road
21 was there as a 60-foot right-of-way, so the distance between
22 the house and the cul-de-sac bulb, a lot of times, is shorter
23 than the 50-foot setback that's required by your zoning.

24 MR. LINGENFELTER: Right.

25 MR. RADACHY: In the case of Woodcrest, that's not
26 true. Those houses are built at 70 feet off the right-of-way
27 line or 'ish. I know that those houses are not, would not be
28 impacted by the cul-de-sac being in place. But a lot of times,
29 though, when the temporary becomes a permanent, the houses on
30 that cul-de-sac may not meet zoning any longer.

1 MR. LINGENFELTER: All right. Thanks.

2 CHAIRMAN WENTZ: I think the remarks about the lack
3 of options for these other two subdivisions are very important,
4 and I agree with your comments on that, Andy. It is something
5 that perhaps we hadn't considered when we started the
6 discussion.

7 Any other questions we want to ask anybody? Okay.

8 MS. MITCHELL: The trustees.

9 CHAIRMAN WENTZ: Oh, Connie, I didn't see your hand
10 waving. Please, go ahead.

11 MS. LUHTA: I have a question about Lots 8, 32, and
12 26. The setbacks are all the same except for those three, and
13 I wondered why they were different. They're not the same.

14 MR. LINGENFELTER: Which ones, again, Connie, 8?
15 Which one?

16 MS. LUHTA: 8, 32 and 26.

17 MR. NOVAK: Basically, the lots that she is talking
18 to are the corner lots.

19 MS. LUHTA: Right.

20 MR. LINGENFELTER: It's always a problem. With the
21 right setback, there is no place to put the house.

22 MR. NOVAK: Well —

23 MS. LUHTA: You make the lots big enough.

24 MR. NOVAK: Well, one of the, at least, I can tell
25 you, in laying out the subdivision and the planning that went
26 into it, under the RCD zoning, the minimum setback is 30. So
27 on those corner lots where we're — it's the side yard, we left
28 the minimum setback at 30 feet. And on the front side of the
29 lot, again, we just felt that pushing the houses back a little
30 bit was better. We could show them all at 30 feet.

1 MS. LUHTA: Okay. To me, that would be preferable
2 because what you do is then you have a house that sticks, the
3 side sticks out further than the front of a house next to it,
4 if you see what I mean.

5 MR. NOVAK: No, I understand exactly what you are
6 saying.

7 MS. LUHTA: And so our — somewhere we changed it so
8 that you have two front yards.

9 MR. NOVAK: Right. It's now, in normal conventional
10 zoning, the setback on the main street and the side street is
11 both 50 feet.

12 MS. LUHTA: The same. So that's the only thing.
13 Otherwise —

14 CHAIRMAN WENTZ: Yes, Chris?

15 MR. LINGENFELTER: Oh, he wants the microphone.

16 MR. GALLOWAY: Good evening. Chris Galloway, Concord
17 Township.

18 MR. LINGENFELTER: Wait a minute, Chris. Go like
19 this. Okay.

20 MR. GALLOWAY: Okay. Is that better for you? That's
21 a Facebook joke there from Andy.

22 You know, Dave has come here looking for direction,
23 and what I would say is that I think everybody is trying to
24 give you that. I think what you're finding is that the
25 township is not a monolith. You've got five Board members here
26 with differing opinions, you are going to have three trustees,
27 you are going to have a Planning Commission that's going to
28 have a differing opinion, and I think we're trying to give you
29 as much guidance as we can.

30 I would say you've got two things that you need to

1 deal with in terms of what you're trying to accomplish. One,
2 you need to satisfy the governmental institutions and their
3 requirements, and then you need to satisfy the residents and
4 what they're going to want.

5 I think what we saw a few years ago with respect to
6 that referendum was folks in Concord all want — are looking
7 for the same thing. Whether they voted against or they voted
8 no on that referendum, the folks that I talked to on that
9 election day were all looking for the same thing, they just had
10 a difference of opinion on that road, how to get there. Some
11 people want big lots because they feel that that is the best
12 way to preserve Concord's atmosphere. Other people like the
13 RCD with the preserved green space, knowing that it can never
14 be touched, cut down, cleared, what have you, so they're
15 attracted to that and that conservation.

16 Folks that like the big lots don't like the
17 additional lots in terms of density bonus, and they don't like
18 what's called the density feel of an RCD development versus the
19 big lots. But if you talk to them all, they all want the
20 same. They want more green space, more greenery, less houses.
21 You know, they're all looking for the same thing but it's just
22 a difference of opinion at that point, you know, in terms of
23 how to best accomplish that.

24 So I think that's a really tricky thing to kind of
25 say, "Well, if we do this or do it this way, people will be
26 happy." I don't know that that's the case. You are going to
27 have some people that will be for and some people that would be
28 against it.

29 What I would just point out for the developer's
30 edification is that obviously, A, Concord Township has got no

1 control over referendums initiated by residents. And so
2 whatever we do here today or down the road as you begin this
3 process with the Planning Commission and the Zoning Commission,
4 there is no guarantee in any way.

5 But I would want to clearly outline what I see as,
6 you know, your potential issues, and that one is, obviously, we
7 have been discussing, interconnects. The other is riparian
8 setbacks, somebody mentioned that. The other would be the RCD
9 yield itself, you know, looking at the number of lots versus
10 what you could have.

11 A number of years ago, at the end of the day with all
12 the connects and interconnect discussions, that referendum
13 didn't come about because of that. That referendum came about
14 because some people did not like the yield plan, didn't like
15 the size of the lots. There was some real disagreement on the
16 RCD formula that was used. So I would suggest to Dave that
17 that is something to be looking at and to be realistic with,
18 looking at your RCD yields.

19 And then, finally, the gas well issue. I know state
20 law says you can build, you can build the house — you can have
21 the gas well right in somebody's living room if you want, under
22 state law. You gave us an example of an apartment building
23 that's got it right inside the stairwell. Isn't that
24 fantastic? I think that's a real oversight and a loophole in
25 the state law that no one had thought of that, hey, they said,
26 "We're going to make you be so far away from existing
27 structures when you put these things in," but no one down there
28 in Columbus thought, well, what about when they go there to
29 build something after the fact?

30 What I would suggest to Dave is there are groups in

1 northeast Ohio that are very fired up about gas wells, their
2 placements by homes within developments. And if you are
3 looking for another land mine to step on, go right ahead and
4 have gas wells right next to, you know, five feet from houses
5 and stuff because, there you go. You'll have it again. And so
6 my suggestion is, look at your gas well placement. I know you
7 can move the tanks and some of the interconnects on those.

8 If, at the end of the day when you're putting your
9 plan together and it causes you to lose a lot or two, you know,
10 that's a business decision but it may be something to think
11 about with respect to the possibility of a referendum and then,
12 down the road, here you are again two years later still trying
13 to get this thing done. So I would just, I would really
14 caution and warn about trying to be realistic looking at things
15 like the gas wells, the setbacks, interconnects and trying to
16 determine what's in your best interest, I guess, from a
17 business standpoint.

18 From a township standpoint, you know, that's on you.
19 I mean, we will look at whatever it is you present and pass
20 judgment on that because, obviously, we aren't doing the
21 development and it isn't in our decision with respect to those
22 things.

23 But those are what I see as the land mines and that
24 would be my, those would be my suggestions on the things to
25 really sit and talk to your client about avoiding future
26 problems: the RCD yield, the setbacks, the gas well, and the
27 interconnects.

28 I would just throw out for the Board with respect to
29 the Noble Ridge interconnects, especially, I was on the
30 Planning Commission that granted the variance that eventually

1 was overturned by the appeals court and said that we shouldn't
2 have granted the variance. Now, at the time the Planning
3 Commission, the County Planning Commission granted that
4 variance to Noble Ridge, the developer of this one in front of
5 you here — is it Stone Ridge — Stone Ridge Estates didn't
6 come to those public hearings to say, "Hey, no, we want to have
7 an interconnect here." They never came.

8 From our perspective, we were concerned about the
9 natural setting on the Noble Ridge property. The developer
10 came to us and asked to not cross those several streams. He
11 cited some EPA concerns, obviously, some of that old growth
12 wood that's in there and not wanting to disturb that. And
13 there was an agreement within the Planning Commission that,
14 yeah, okay, that makes sense from a natural setting and that's
15 what we are trying to preserve in Concord, so we approved that
16 variance. Now, the appeals court has since overturned that
17 decision.

18 That being said, I would point out that we could say
19 to this developer, "Hey, you've got to put a stub street right
20 up to that Noble Ridge property," but there is nothing to say
21 that the Noble Ridge developer will build a road through that
22 remaining property up to that. I mean, you might get nowhere
23 with it. And I am just throwing this out because, you know,
24 what if that Noble Ridge property is going to take them 4 or 5
25 hundred thousand dollars to build a road and they can get
26 \$250,000 for that remaining possible two sublots? I doubt
27 they're going to build that road. I mean, I don't know.

28 So I would just throw that out as something to think
29 about, that we may require it on this end but it may just end
30 up being a road to nowhere, so that's one possibility. And,

1 obviously, the developer of Noble Ridge hasn't given us any
2 indication of what his plans are.

3 So, you know, I just wanted to stop and sort of point
4 out some of those things with respect to Dave's edification in
5 terms of what I see as the land mines. I think you guys are
6 flushing out all the right topics in terms of the interconnects
7 and the concerns there.

8 And maybe the answer for something like Keystone is
9 some sort of, you know, build the roads together and put a gate
10 in. I mean, I have seen that in some places where the fire
11 department has access to it, the sheriff's department has
12 access to it and the public doesn't, so there can be safety
13 force access through there but then cars speeding up and down
14 the road don't necessarily have access.

15 That's one thing to throw out there as a
16 consideration, I think, and that would satisfy the chief with
17 respect to Keystone and probably, also, those Keystone
18 residents with respect to their concerns on speeding and
19 cut-through and all the rest of that. So I just throw that out
20 there as well for everybody to ponder. I thank you for the
21 time.

22 CHAIRMAN WENTZ: Thank you.

23 MR. GALLOWAY: And I am always available if anybody
24 wants to give me a call.

25 MR. LINGENFELTER: Thank you.

26 CHAIRMAN WENTZ: Very well put, Chris.

27 MR. RADACHY: I am back. Just for clarification,
28 during the Noble Ridge variance discussion, we had legal
29 counsel from Bill Dawson at each of our meetings, and he did
30 speak at length about wanting that connection to Stone Ridge

1 Estates. In fact, the reason why they submitted, one of the
2 reasons why I believe they submitted the preliminary plan in
3 '04 was to continue to discuss that issue because they — we
4 had granted the variance in '04 already and they submitted the
5 plan with that connection still shown to the property to the
6 north.

7 And the letters to the developer and on record says
8 that that issue was — there was a variance granted on that
9 temporary cul-de-sac and it was appeal on the cul-de-sac at the
10 time for that. On your yield plan, they do show that cul-de-
11 sac, the temporary cul-de-sac going to Noble Ridge and that was
12 on the approved plan and we did address that issue as it was
13 being appealed.

14 MR. NORMAN: You know something, David, that does —
15 it doesn't concern me, it's just interesting. So far, we have
16 seen the folks at Noble Ridge selling lots coming up to the
17 proposed location of the temporary cul-de-sac that they would
18 put in but there doesn't seem to be much of anything putting a
19 reign on them to slow them down. You know, the way they're
20 selling that place off, that temporary road may blow away.
21 They're moving pretty good up there. I think there is a
22 demand.

23 Is there anything the county is doing to try to make
24 sure that that road goes in Noble Ridge?

25 MR. RADACHY: The only thing that we can do is that,
26 well, yeah, we cannot allow a lot split into two lots on that
27 property. It can only be done by a subdivision plat. If they
28 could possibly sell the lot to somebody else and could put one
29 house on the property, theoretically, it would be up to zoning
30 to determine if they would get a permit for that lot or not.

1 MR. NORMAN: I don't understand that. Go back
2 through that again.

3 MR. RADACHY: Okay. Right now, we cannot force them
4 to build a road.

5 MR. NORMAN: Right.

6 MR. RADACHY: The only thing we can tell them to do
7 is that, in order to finish up the subdivision, they have to
8 put the road in. There are two lots left on the property —
9 two lots left on the subdivision. There are two lots left on
10 the subdivision. In order to divide two more lots, they have
11 to build the road, but there is no time frame on them building
12 the road. They have not even submitted their final plat or
13 improvement plans on that final — on that road.

14 We have changed. Before, when I stated before about
15 Stone Ridge Estates being expired, the preliminary plan
16 expired. Noble Ridge filed their preliminary plan prior to us
17 changing our rules and regulations with the three-year
18 expiration date. So we don't even have that over their heads
19 to say, "Your preliminary is about to expire. You need to file
20 your final plat," so we can't even tell them that. So our
21 hands are pretty much tied. We're at the mercy of the
22 developer on building that road. The only thing we can tell
23 you is that he is required to build that road if he wants to
24 build —

25 MR. NORMAN: On the last two lots.

26 MR. RADACHY: In order to get those last two lots
27 filed, he has to build the road.

28 MR. GALLOWAY: It's one lot now.

29 MR. RADACHY: One lot now.

30 MR. GALLOWAY: He can just sell that as is and

1 somebody can build on it and you've got nothing.

2 MR. SHENK: Is that Sublot 41?

3 MR. RADACHY: No. It's the unsubdivided land between
4 Sublot 41 and whatever.

5 MR. SHENK: This guy right here.

6 MR. RADACHY: Yeah.

7 MR. SHENK: So right now, that's one lot?

8 MR. RADACHY: That's one lot, and it's got, I
9 believe, 150 feet of frontage on Jamie Drive, probably 160 feet
10 of frontage, at least. I am not sure what the full frontage
11 is.

12 MR. LINGENFELTER: How did we get there?

13 MR. NORMAN: That's the question I keep asking
14 myself. How did we get in this box? You know, here, we're
15 looking at a developer. We're talking about maybe saying,
16 okay, we want you to put interconnects in.

17 MR. RADACHY: If you require the interconnects, the
18 developer on the Stone Ridge would either be required to build
19 a temporary cul-de-sac at the end of that stub street and wait
20 for Noble Ridge to connect to it or he would ask for a variance
21 to not have the temporary cul-de-sac at the end and just have a
22 stub.

23 MR. NORMAN: That talks to this. Okay? And we heard
24 the chief say he would like to have four accesses and he would
25 like to have a second access into Stone Ridge. Okay?

26 MR. RADACHY: Into Noble Ridge.

27 MR. SHENK: Noble Ridge.

28 MR. NORMAN: Into Noble Ridge. I'm sorry. Into
29 Noble Ridge. And we sit here and we don't have a vehicle to
30 get him that second connection.

1 MR. RADACHY: That's correct.

2 MR. NORMAN: Neither we nor the county, from what I
3 hear you saying, David.

4 MR. RADACHY: That is correct. We can have the
5 developer do the road, proper projection of the road to the
6 unsubdivided property of Noble Ridge. That's as far as we can
7 take it. It would be up to Noble Ridge, the property owner of
8 Noble Ridge to finish up the road.

9 MR. NORMAN: So if we were to tell this developer,
10 "We want you to put in a stub street" —

11 MR. RADACHY: That's what you, if you say four
12 connections, you will be requiring the developer, at least, to
13 put in a stub street.

14 MR. NORMAN: Put in a stub street there and he'd have
15 to put a stub street going the other way. Okay? And now we
16 turn around and we've got no vehicle to make closure.

17 MR. RADACHY: No, until the developer decides he
18 wants, the developer at Noble Ridge decides he wants to finish
19 up the project and connect it.

20 MR. LINGENFELTER: With that, if we make him put the
21 stub street in, would that compel then the developer in Noble
22 Ridge to not sell that unplatted property as a single lot?

23 MR. RADACHY: We still cannot — If the developer
24 decides to sell that lot, he can sell that land. The only
25 thing we can stop him from doing is dividing it into two lots.

26 MR. NORMAN: Into sublots, lot split, yeah. Just
27 think of that. He's got a lot up here, undeveloped land right
28 now, one lot, the equivalent of one lot. And Noble Ridge can
29 sell that, no stub street, no nothing, and that closes the
30 door.

1 MS. MITCHELL: That's not the same for Woodcrest,
2 correct?

3 MR. RADACHY: No. Woodcrest would have to —
4 Woodcrest is a temporary cul-de-sac.

5 MR. NORMAN: Yeah. That would have to go in. They
6 would have to open that up, right?

7 MR. LINGENFELTER: It runs right to the end of their
8 property, so it — right?

9 MR. SHENK: It's easy for them to go through.

10 MR. LINGENFELTER: Yeah, it's easy for that to go
11 through. The challenge is the one up on Noble Ridge.

12 MR. SHENK: And they probably wouldn't really know
13 where to put that stub street.

14 MR. RADACHY: They can dictate to, they can dictate
15 the geometry to —

16 MR. SHENK: Noble Ridge.

17 MR. RADACHY: — Noble Ridge.

18 MR. SHENK: So put it in the easiest place.

19 MR. RADACHY: Hopefully, they would take into
20 consideration not making their land undividable.

21 MR. NORMAN: Say that again now. I am not sure I
22 understood.

23 MR. RADACHY: There is easy, to put the stub street
24 in easy, and they can put it at an angle that would cut across
25 the center of those sublots and not make it, make the lot
26 not —

27 MR. NORMAN: You are talking the lots in Noble Ridge.

28 MR. RADACHY: Noble Ridge.

29 MR. NORMAN: All right. I agree with that. They can
30 go in and force them to take a hunk right out of the middle of

1 that undeveloped land.

2 MR. RADACHY: Yeah. And that —

3 MR. NORMAN: Since Noble Ridge is sitting up there,
4 what's to motivate this developer to change it?

5 MR. RADACHY: There is nothing.

6 MR. SCHINDLER: There isn't anything.

7 MR. NORMAN: There isn't anything.

8 MR. RADACHY: The only motivation is the Lake County
9 subdivision regulations stating —

10 MR. NORMAN: He needs a stub street.

11 MR. RADACHY: — that he needs to connect.

12 MR. NORMAN: So he puts a stub street in. He puts it
13 in so it's going up there. Here you are at Noble Ridge, you've
14 got to tie to this, right? And you don't have any vehicle to
15 make him tie to it.

16 MR. RADACHY: No.

17 MR. SCHINDLER: So it can never happen.

18 MR. RADACHY: It could sit for 50 years. It could
19 sit for —

20 MR. SCHINDLER: Sure.

21 MR. NORMAN: 500.

22 MR. RADACHY: Or it could sit for a day.

23 MR. NORMAN: It could. Not likely a day though. I
24 am not picking on you, David.

25 MR. RADACHY: Oh, I understand.

26 MR. NORMAN: I am trying to understand what we're
27 looking at. Okay?

28 MR. LINGENFELTER: I would think the resolution from
29 my, in my opinion, in looking at that, would be to make sure
30 that the stub street is there. We have done as much as we can

1 do at that point. And if Noble Ridge doesn't follow through
2 with that then, you know, from my opinion — which is not worth
3 a whole heck of lot from a legal standpoint — but that would
4 alleviate the liability on our end because we've done what we
5 needed to do. And if somebody else decides not to complete,
6 you know, to complete it, then we've done what we can do. We
7 can't make it all happen but we've done what we can do.

8 MR. RADACHY: Also, at the end of the day, it is up
9 to the Planning Commission and the county to decide the road
10 layout. The Zoning Commission may make a recommendation to the
11 Planning Commission, and they may take that into consideration
12 and they may accept your recommendation or they may decline
13 your recommendation.

14 If they, if Mr. Novak and Mr. Dawson decide to follow
15 your recommendation and not have the connection to it, they
16 would still have to come up for a variance —

17 MR. NORMAN: Sure.

18 MR. RADACHY: — on the subdivision regulations.

19 MR. LINGENFELTER: Okay.

20 CHAIRMAN WENTZ: Okay. Anyone else? Gentlemen, how
21 are we going to guide this fellow?

22 MR. SCHINDLER: I think the only way we're going to
23 be able to address the issues then, as this board in the past,
24 and try and keep the residents happy with this and still
25 achieve what the chief would like to see done, is to allow
26 these roads to sit as they are now but allow access by means
27 of, like he says, you could have access with a gate so a
28 sheriff and fire department, in case of an emergency, can get
29 through and yet the residents would still have their, quote,
30 semi-privacy and no vehicle cut-through. That, hopefully,

1 would be a win-win for both.

2 MR. NORMAN: That's fine going one direction. What
3 about going the other way?

4 MR. SCHINDLER: Right now, the main concern is also
5 that they have at least three accesses, which would give
6 them — doing it this way, they will have three accesses. The
7 one up on Noble Ridge is almost, it's not a given.

8 MR. SHENK: So the Woodcrest property.

9 MR. SCHINDLER: But, at least, they have taken care
10 of the other two, gives the chief what he wants, in essence,
11 and gives the residents what they want also, in essence, their
12 privacy.

13 CHAIRMAN WENTZ: On the Noble Ridge side, we've done
14 what we can do.

15 MR. SCHINDLER: Correct.

16 CHAIRMAN WENTZ: Given the circumstances.

17 MR. SCHINDLER: Given the circumstance.

18 MR. NORMAN: You are talking about putting a stub
19 street in up there going up to Noble Ridge?

20 MR. SCHINDLER: If that's the last, yeah, last thing,
21 correct. Now, I think we have addressed every issue that we
22 have been involved with over the years that has been a negative
23 and we've had so many things that went to referendum. I think,
24 by taking this approach, we have hopefully stopped that.

25 MR. NORMAN: I don't think you will stop that
26 regardless but, you know, if that's what the Board wants to do
27 is put in the two stub streets in, so be it. I'm not finding
28 fault with you.

29 MR. SCHINDLER: No. I understand.

30 MR. NORMAN: I am saying, if there is going to be a

1 referendum, we don't have any control over that.

2 MR. SCHINDLER: True.

3 CHAIRMAN WENTZ: All we can do, as Chris has said —

4 MR. NORMAN: Is what our conscience guides us.

5 CHAIRMAN WENTZ: — here are the land mine areas and
6 there is some ideas that are better than others.

7 MR. SCHINDLER: Right. Compromise.

8 CHAIRMAN WENTZ: You are still going to have to sell
9 it.

10 MR. SCHINDLER: Exactly.

11 MR. LINGENFELTER: Well, I think it's important to
12 understand, you know, Mike had some sage advice a long time ago
13 for us, as a Zoning Commission, that we cannot or we should not
14 allow the threat of a lawsuit to dictate our decision-making
15 process, nor should we allow the threat of a referendum to
16 dictate our decision-making process. If they want to have a
17 referendum, fine. That's their right to do that.

18 MR. LUCAS: That's right.

19 MR. LINGENFELTER: Just like it's the property
20 owner's right to petition this Zoning Commission and the
21 township for a rezoning or variances or whatever it is. It's
22 his right to do that. How those issues ultimately fall out is
23 neither here nor there.

24 CHAIRMAN WENTZ: I don't think we're here to tell the
25 applicant, "Do it this way."

26 MR. LINGENFELTER: Right, no.

27 MR. NORMAN: Well, he's asked for guidance from this
28 Board.

29 CHAIRMAN WENTZ: We've given him some ideas.

30 MR. LINGENFELTER: But we cannot make decisions based

1 on whether or not there may be a referendum or not.

2 MR. SCHINDLER: No.

3 MR. LINGENFELTER: It's whatever. We move forward,
4 we do what we think is best, and then other people will do what
5 they think is best. That's how it is all going to fall.

6 MR. SCHINDLER: I agree.

7 CHAIRMAN WENTZ: As we started out, we said that
8 you're going to have a marketing job. You are still going to
9 have a marketing job.

10 MR. NORMAN: Yeah, but we haven't told — Gentlemen,
11 let me stop you for a minute. Let me stop you for a minute.
12 We're here to, at least, tacitly bless a plan that he's brought
13 to this Commission. Okay? That's what he's come here to ask
14 us to do. Take a look at this and tell me what you think.
15 That makes it incumbent on us, as a Board, to go back to him
16 and say, "Here is what I think."

17 MR. LINGENFELTER: Right.

18 MR. NORMAN: You know, it's not flip a coin, like I
19 just did so cavalierly. I mean, the idea is, we're obligated
20 to tell this gentleman something.

21 CHAIRMAN WENTZ: But we can't tell him anything that
22 is going to satisfy enough people that his road is clear.

23 MR. NORMAN: That's not our chore, and that's not
24 what he asked us to do. He asked us to give him some counsel
25 about what we would like to see.

26 MR. LINGENFELTER: Right.

27 MR. NORMAN: He will then take that counsel and go
28 forward to the rest of us, to the trustees, to the Lake County
29 Planning Commission and, hopefully, he will get satisfaction.
30 There is no guarantees any of that will come out of this.

1 MR. NOVAK: We could go through this whole process
2 like we did last time.

3 MR. NORMAN: Sure.

4 CHAIRMAN WENTZ: Absolutely.

5 MR. NOVAK: If we don't do good enough PR, if the
6 residents still get up in arms and say this development is not
7 good for Concord, they have that right to go back into
8 referendum and overturn us. Okay? But right now, I mean, I
9 can tell you from when I walked in this door —

10 MR. NORMAN: You don't know any more now.

11 MR. NOVAK: Right, I don't know anything more than
12 did I then. It is just like, well, I'll just submit this plan
13 again and we will have the four months of discussion and then
14 you will either deny or approve me, and then I will decide what
15 I need to do then. I mean, I don't know what else. I mean,
16 I'm looking, as George pointed out, I am trying. Again, we
17 took a path before, and everybody in this room knows what the
18 result was. Okay? So we sat down and we even had a, you know,
19 this is a prediscussion or whatever. I forget. What's the
20 name of this meeting?

21 MS. MITCHELL: Preapp meeting.

22 MR. NOVAK: Preapp meeting, okay. So I understand
23 that nothing that you, you know, the way I understand it,
24 anything that you tell me really doesn't mean a whole hell of a
25 lot today.

26 MR. NORMAN: That's right. It is not binding at all.

27 MR. NOVAK: But the premise of this is to, you know,
28 I got 360 degrees way to go. Maybe when I walked in, I hoped
29 that path was going to be a 10 degree window, you know?

30 MR. NORMAN: No way. 90, at best.

1 MR. NOVAK: Okay. 90, right now, 90 would be good.
2 Okay? Because it's, you know — And so we tried to take that
3 extra step and we met with Kathy and we met with Dave Radachy
4 and George. Who else was there? I don't even remember who was
5 at the meeting.

6 MS. MITCHELL: Jason.

7 MR. NOVAK: Jason was at the meeting, from the
8 Planning Commission. And we sat down and, you know, the
9 developer was there. We said, "What do you guys think is the
10 best path?" And I think we came to the conclusion, after
11 meeting with these folks, to say, well, we got what we wanted
12 from Concord and then the residents took it away from us.
13 Okay? That's the way I look at it. Okay? And so if we can
14 get some direction, some definitive direction, not just the 360
15 degree window, if we can get some reasonable direction, that
16 was why the thought was, let's start here and go down this path
17 and try to get the approval from Concord because then when I go
18 to the Lake County Planning Commission, let's assume — because
19 I think the Board has wavered a little bit because I think when
20 I was up here 10 minutes ago, I think I had three of you. Now
21 I am not sure who I got anymore.

22 In the plan that we have in front of you, okay, let's
23 assume I got a favorable response. We went through the process
24 and I got the RCD zoning based on the similar plan that you
25 have before you tonight. Okay? The way I look at it, that
26 gives me some, a little bit of credence because I can go to the
27 Lake County Planning Commission and say, "Concord says this is
28 the plan they'd like." Okay? We have some issues. You know,
29 the Planning Commission has some issues with that because it
30 doesn't meet all their rules and regulations.

1 So then I can go to those folks and I can say, okay,
2 Concord says this. Back in '06 or '04 or whatever it was, this
3 Planning Commission granted us the variances not to have the
4 interconnects, so there is another plus in my favor. And I can
5 explain some of — Again, just like you're mentioning here
6 about the connection through Noble Ridge, there is nothing —
7 We can go, we can put the interconnect, we can do all this
8 stuff, we can satisfy all these things but there is nothing to
9 compel Noble Ridge to do anything.

10 Just like if we were — One of the things that the
11 chief wants, he likes all these interconnects. If we never
12 develop this piece of property, maybe a lot of people today
13 would be happy but it wouldn't solve the chief's problems
14 because what's there exists today in Woodcrest and exists over
15 there in Noble Ridge. Unless we develop the property and
16 provide — you know, if the property is developed, only when
17 the property is developed could some of the chief's concerns be
18 realized. You know?

19 CHAIRMAN WENTZ: Right.

20 MR. NOVAK: So it's — And that's why we picked a
21 path, and maybe we made the wrong choice in path, you know, but
22 our thought was that — and, again, maybe I am being misled by
23 that other Dave in the room here but that, that because the
24 Planning Commission, because the Board members aren't the same
25 Board members that we had four years ago, that getting those
26 variances may be more difficult.

27 MR. NORMAN: I'll guarantee it.

28 MR. NOVAK: Okay? And so, again, it's, you know,
29 what path do I take? I am trying to get as much —

30 MR. LINGENFELTER: I think a good path, I think a

1 good path to take would be to give us some more options. Show
2 us some other designs with the stub streets and the access
3 connections and the layouts that would involve that. I think
4 that would be a good start for me because, right now, I have
5 one option to look at, and it doesn't have the options that I
6 am really comfortable with.

7 MR. NOVAK: I don't have a problem of coming to the
8 formal meeting, not the preapplication meeting but the formal
9 meeting and presenting to the Board and saying, "Okay, here is
10 our Option 1, the one that you have in front of you. Option 2
11 is the interconnect to just Woodcrest. Option 3 is the
12 interconnection to both of them. I guess Option 4 could be no
13 Woodcrest and —

14 MR. NORMAN: No Woodcrest.

15 MR. NOVAK: — and interconnection to Noble Ridge. I
16 mean, it's just a matter of moving —

17 MR. LINGENFELTER: But I would like to see that so
18 that I have the ability, from a decision-making standpoint, to
19 see what makes the most sense for the community.

20 MR. NOVAK: And I don't have a problem doing that.
21 Again, I think that the other thing that might be of help, you
22 know, we've said, well, is there 25 lots in Woodcrest or is
23 there 18 or whatever? And I know that a couple of lots in
24 Woodcrest — because, again, one of the reasons those were
25 developed as bigger lots was because of the rock that was there
26 and they had to put in, those are all septic systems. Sewers
27 were not available at that time. A lot of those lots had mound
28 systems on them, which take more area. But since the sewer was
29 put in that goes over and feeds Summerwood, there has been at
30 least one, if not two lots, I believe, that have been split

1 over there in Woodcrest because they now have sewer access.

2 MR. LINGENFELTER: So I would just like to see the
3 options.

4 MR. NORMAN: See how many lots are in there.

5 MR. NOVAK: Well, no. I guess, what I am saying is
6 that I hear some questions. How many lots are in Woodcrest?
7 How many lots over there in Noble Ridge? Again, I can bring
8 the plats and we can count them and say, here again, we're not
9 sure of the numbers. I mean, I can surely provide that and I
10 can surely provide two or three different layouts, but at the
11 end of the day, I am still looking for, you know — Maybe if I
12 don't get the direction here, I would surely hope at the real
13 meeting, the formal meeting, that I could, at least, say,
14 "Well, hey, this is the way I think Concord wants us to go," so
15 then I have that piece of paper or that directive or whatever
16 you want to call it from Concord so that — because I know I
17 have to go to Planning Commission and I know I have another
18 body of people that I have to talk to and that I have to
19 convince that the plan that we are presenting to the Planning
20 Commission is a reasonable plan.

21 MR. NORMAN: Well, I guess, if I were to sit here and
22 say to you, the best direction I think that's going to come out
23 of this body today is going to be go back and come back to us
24 with a couple, at least, one more option. And that one more
25 option might be just make the two interconnects so you've got
26 all four interconnects on there and let Andy and some of the
27 rest of us see what the heck it looks like so that we can sit
28 here and form some kind of a judgment. Okay?

29 I don't, I personally don't want you to go off and
30 put together a shopping list because one of the things I see

1 groups doing is falling into the trap where no decision comes
2 out of multiple opportunities. I mean, it's just the way
3 things work.

4 MR. NOVAK: Right. And, again, I was always taught
5 that you come and you present the —

6 MR. NORMAN: The best effort.

7 MR. NOVAK: — a plan, your best effort, realizing
8 that there's going to be — I could sit here and I could bring
9 five different plans here and every one of you could say this
10 is the best plan and it all happens, you want A, B, C, D, and
11 E. I am still back in the same boat.

12 MR. NORMAN: Well, I think what we're trying to do is
13 get you out of that boat. I think the things you need to look
14 at and identify on whichever plan you come in here with — and
15 I am serious when I say — and I can't speak for all my fellow
16 Board members but for me personally — would be to see things
17 like riparian setback put on there, to see things like maybe
18 somebody, whoever made the recommendation about a gate between
19 — Frank here — about the gate between the two existing places
20 where we know we've got a tie-in.

21 But all that aside, I think putting all four tie-ins
22 in will start the loop. Okay? If we can then see and there is
23 a little more clarity on the Board that says, you know, Noble
24 Ridge will probably never come to pass, that may change.

25 MR. NOVAK: Right. Again —

26 MR. NORMAN: We don't know.

27 MR. NOVAK: I think that the point that Chris made,
28 and I think it's a very valid point, is that from what Dave
29 Radachy said, that that piece of property from Noble Ridge, at
30 best, you can divide it into two parcels. I think you have,

1 there is almost 400 foot of roadway that would have to be
2 improved from the Noble Ridge side.

3 MR. NORMAN: To make two lots out of it.

4 MR. NOVAK: To make two lots. And at normal cost
5 today, well, it's probably down a little bit, but it ranged
6 anywhere from \$400 to \$450 a foot to improve a roadway. So if
7 you take that cost, you know, what's the — today, in today's
8 market, what's the value of a one-acre lot?

9 MR. NORMAN: Two lots versus the one?

10 MR. NOVAK: Right. I mean, I think the economics
11 would tell you that they're never going to do it, but I can't
12 sit here and tell you they're not going to. I mean, maybe,
13 hopefully, for my business, the economy turns around and
14 everybody is building 500 homes, you know, a day or whatever so
15 I am busy again. But until that happens, I can't see the value
16 of that piece of property going anywhere but stagnant.

17 CHAIRMAN WENTZ: I think you can see that there is
18 some concern here about closing off the options to these other
19 two subdivisions, and there is probably more than one option
20 that we could visualize as being something you can argue as a
21 good option.

22 Having said all that, I think you're still eventually
23 going to come back to the fact that whatever you go with and
24 convince us is the best, you're still going to face a marketing
25 job to carry this through to the end and get across that goal
26 line and not have the same problems as before.

27 MR. NOVAK: And I would agree with that. And I think
28 part of just thinking about the whole process, I think one of
29 the other positives for us in the timing of all of this, when
30 we originally submitted this to this Board back in '04, we

1 were, I believe, one of the first people to test the RCD
2 zoning.

3 CHAIRMAN WENTZ: Yeah.

4 MR. NOVAK: Okay? And you have, while I understand
5 that Summerwood is not the same, that was a PUD, okay? But I
6 believe those lots are actually smaller than what we're
7 proposing so, again, that's a plus for us. Orchard Springs is
8 a new subdivision that's coming in off of Colburn Road which is
9 an RCD zoning, which again did exactly what the RCD zoning is
10 supposed to. It preserved wetlands, the ravine, all the things
11 that, when you read the prelude to the zoning, it says these
12 are the things we want to accomplish with the RCD zoning, and
13 Orchard Springs does that to a T.

14 Our proposal in front of you today does exactly what
15 your zoning says you want us to accomplish. Whether it has one
16 interconnect, two interconnects, four interconnects — I can't
17 go higher than four because I can't get any other access — it
18 still, when the day is done, if we can do the RCD zoning and
19 convince the Board here, the Lake County Planning Commission,
20 and probably mostly the residents of Concord that this is a
21 good thing, but I think we have real concrete examples out
22 there.

23 We can tell the residents because, hopefully, by the
24 time this is done Orchard Springs, I know they're trying to get
25 that in for, you know, paved by fall, so people can go and
26 drive through Orchard Springs and say, "Hey, this isn't so
27 bad." I mean, I can tell you, in a lot of communities where
28 we've done developments and we've had resistance and so forth,
29 and after we were done, they came back and go, "You know, that
30 really, you really — this is an asset to the community. It

1 really accomplished what we wanted it to accomplish."

2 MR. LINGENFELTER: We were all in agreement the last
3 time.

4 MR. NOVAK: No, I understand.

5 MR. LINGENFELTER: We were all in agreement the last
6 time, except we didn't have the last say. There was one more
7 entity that had the last say.

8 MR. NOVAK: Right, and I understand that. That's
9 what I am saying, is that to get the support of the Board and
10 to be able to — the thing that we didn't have before was these
11 examples that are out there today. We can say, "Here,
12 residents of Concord. Is this, is Orchard Springs a bad
13 thing?"

14 MR. LINGENFELTER: I think the other thing, too, is
15 that if you look at the sequence of events that occurred in the
16 initial plan, I think there was kind of a convoluted,
17 disjointed process of things that happened that it was probably
18 the perfect storm of bad things. This time, I think we have an
19 opportunity to right some of those problems.

20 MR. NOVAK: I would agree with you. You said a few
21 things that I wish I could have said a few minutes ago. But I
22 agree with you that, again, we are just — again, I go back to
23 one of my first statements is, we'll do whatever the residents,
24 the Board wants us to do that the Planning Commission —

25 MR. LINGENFELTER: You can't.

26 MR. NOVAK: — the Planning Commission will allow
27 us. I don't know who was on the Board that time but I held up
28 a plan and I says, "Here is the perfect plan." And I had it
29 all on a board and I don't know if anybody remembers it but it
30 was a blank piece of property with no sublots. If I did this

1 plan where I didn't develop it, everybody would be happy,
2 except for the chief. He wouldn't be happy.

3 MR. NORMAN: Oh, he would be happy. It means less
4 work for him.

5 MR. GALLOWAY: Less places he's got to go.

6 CHAIRMAN WENTZ: I would add to whatever counsel we
7 can possibly give you tonight, as Chris indicated, have a good
8 story to tell about the gas wells. We all know and understand
9 what the regulations are. That may not be enough of a story.
10 Okay?

11 MR. NOVAK: I understand that, and I can do that.
12 And I can surely come back and present a plan with some options
13 and I can show the riparian setbacks. I can show the
14 interconnect to Woodcrest and to Noble Ridge. And whether they
15 have a gate in front of them or not, it's really not going to
16 change the plan it. It's a matter of, is the gate there or not
17 a gate. It's still the same plan.

18 MR. LINGENFELTER: I think it's also important to
19 note that if you look at the timeline and you look at the vote,
20 it was not an overwhelming decision to deny the zoning
21 approval. It was only a couple hundred votes out of 5,000
22 cast, so it wasn't like a huge landslide in favor of denying.
23 It was pretty darn, it was a very, very close decision that
24 didn't, unfortunately, fall in your favor at that time, so it
25 wasn't like you really didn't get your message out. I think it
26 just was —

27 MR. NOVAK: I think it was more misinformation. I
28 think people, again, they looked at it, more lots, they figured
29 more cars and so forth, and you have got to weigh the pros and
30 the cons.

1 MR. LINGENFELTER: Right.

2 MR. NOVAK: And I don't think that it was done. And
3 I think part of the problem is because it was such a convoluted
4 path that we got to the end that I can tell you — I mean, even
5 here today, I am half, a little bit more confused than when I
6 walked in the door. And the residents listening to this, they
7 may go, "Well, let's just turn it off. We will wait until it's
8 time to vote." But it's, I think — That's why we wanted to
9 come here first to try to get one story and try to stay behind
10 that path, and when the residents would be hearing all the
11 discussion, it would be the same discussion. It wouldn't be,
12 well, I don't want this. I want this. I like Plan B. I want
13 Plan A.

14 You know, it's kind of a focused effort, and I think
15 that would help and serve the residents of Concord the best
16 because they're hearing a common theme going, okay, this is
17 good. Yeah, we are adding a couple lots but we're saving 21
18 acres. We're doing this. We are not cutting down all the
19 trees. We're saving the ravines. It's got so many good
20 potentials.

21 CHAIRMAN WENTZ: We agree with all that.

22 MR. NOVAK: Right.

23 CHAIRMAN WENTZ: But there are some things around the
24 edges here that —

25 MR. NOVAK: I don't disagree with that. I don't
26 disagree. Like I said, the plan that you have before you this
27 evening was a plan that we actually developed, like, whenever
28 the rules changed. Was that in '06, I think?

29 MS. MITCHELL: '06.

30 MR. NOVAK: We said, okay, well, we lost that.

1 What's it going to impact us? So we went back and we looked at
2 it and said, okay, this is what it would impact us but it
3 wasn't, at that point, we didn't feel it was the right time to
4 come back before the Board, so that puts us here today.

5 MR. SHENK: Mr. Chairman, I would like to ask
6 maybe — It would sure be too bad if you ended up by putting a
7 stub street into Noble Ridge and they never did anything.

8 So, David, is it appropriate for you to go and talk
9 to the developer of Noble Ridge? Who should talk to the — No
10 one is talking to this guy.

11 MR. NOVAK: I can talk to him.

12 MR. SHENK: He may have absolutely no intentions of
13 doing this because, for financial reasons, cost, et cetera, and
14 it seems like we really ought to figure that out before we
15 force someone to go and rearrange everything and put a stub
16 street in that's never going anywhere.

17 MR. RADACHY: When we heard the variances in '07 —
18 or '05, August of '05, there was a letter of support from the
19 property owners, from Driftwood Properties. They supported the
20 variance not to connect to Noble Ridge. And so I can call them
21 now and find out what they, what their intentions are, but I
22 don't believe that they would prefer not to connect to — I
23 can't put any words in their mouths. I am sorry. I shouldn't
24 say that.

25 MR. SHENK: You see my point?

26 MR. RADACHY: It's appropriate for me to call the
27 developer and find out what the status of that property is and
28 then I could send a letter or e-mail to Kathy or e-mail to you
29 or anybody else that wants to know what this current situation
30 is with Noble Ridge.

1 MR. NORMAN: Would there be any — I'm probably going
2 over the same ground one more time, but for him to final plat
3 that whole development there at Noble Ridge, does he need to
4 have all those roads?

5 MR. RADACHY: Yes, to do a final plat, he needs to
6 have all the roads in place.

7 MR. NORMAN: Okay. Now, that doesn't mean he has to
8 put the stub street in. I just means that he —

9 MR. RADACHY: Yeah, in order for the plat to be
10 filed, he either needs to build the road and put in the
11 maintenance or he needs to put up money in a construction
12 surety to guarantee the road is built, and then he's got two
13 years to build the road and then he can file his plat.

14 MR. NORMAN: Okay. But he can go without a final
15 plat forever, correct?

16 MR. RADACHY: Yeah.

17 MR. SHENK: If he is never going to put that
18 cut-through in, it sure would save a lot of — it could have
19 cut this meeting in half tonight.

20 MR. GALLOWAY: I do it as simple economics. Which
21 one of you will spend \$400,000 to make 250? There is nobody
22 that would.

23 MR. LINGENFELTER: Don't say nobody. There is people
24 in Washington, DC, that would.

25 MR. LUCAS: It's called stimulus.

26 MR. GALLOWAY: They will spend \$250 trillion.

27 MR. LINGENFELTER: Stimulus, right.

28 MR. GALLOWAY: I just hate to see Dave spending his
29 time designing a stub street to nowhere, and I think we all can
30 use common sense to realize that's exactly what it would be, I

1 mean, so —

2 MR. SHENK: And I would think that the planning board
3 might look at a variance request —

4 MR. GALLOWAY: I can't speak for them.

5 MR. SHENK: — differently assuming that they knew
6 that wasn't going anywhere.

7 MR. GALLOWAY: I would think.

8 MR. RADACHY: Officially, the planning board granted
9 the variance in '05. Now, granted, the board — I am not
10 sure. Of course, even though I worked for them, I am not sure
11 who was on the board at that time and who is still there. But
12 they did grant the variance once before, so they may be
13 inclined to grant it again but I cannot put any words into
14 their mouths.

15 CHAIRMAN WENTZ: That could be sweetened if they're
16 going to put the stub street into the other subdivision.

17 MR. LINGENFELTER: But the thing is, though, we all
18 know that things change. People are here today and they're not
19 going to be here tomorrow. Some people that are owners today
20 aren't going to be owners tomorrow. You never know what could
21 happen down the road. And, ultimately, if the stub street
22 isn't there then we do know that it's never going to happen.
23 If the stub street is there, then who knows? At some point in
24 time, maybe Driftwood changes hands, that property is still
25 unplatted, and maybe the new owner comes in and sees the
26 value. I don't know. Maybe Concord becomes a city at that
27 point in time and we have the ability to dictate those kinds of
28 things.

29 MR. NORMAN: Shame on you. Shame on you, talking
30 like that.

1 MR. LINGENFELTER: It could be 10, 15 years. Who
2 knows? Things change. You can't predict what's going to
3 happen. But if you don't put the stub street there, you know
4 for sure what the end result is. It's never going to happen.
5 That's all there is to it.

6 MR. GALLOWAY: I agree with that, I think, but you've
7 got a 99 percent likelihood that it's not going to happen.

8 MR. LINGENFELTER: I agree with that, and I think
9 that really stinks.

10 MR. GALLOWAY: Yeah, it does, but that's where we
11 find ourselves. I think what Dave is looking for is, you know,
12 recommendations from this joint meeting of different boards and
13 whatnot. And, you know, one man's opinion is, I would say,
14 give us a plan that shows the connection to Woodcrest, nothing
15 to Noble Ridge because, again, I wouldn't waste my time on a
16 stub street to nowhere. And I would, I would, my
17 recommendation would be to seriously address the riparian
18 setbacks, take a careful look at the yield to make sure it's
19 kosher, and then, finally, the gas wells.

20 As a trustee, I don't want to see a plan come before
21 me that's got houses right next to gas wells, I mean, like, on
22 top of them. I can tell you that right now. I mean, that's
23 not going to sit well, and I don't think it would sit well with
24 anybody here.

25 So that would be my recommendation. Show us a plan
26 with a connection to Woodcrest. Whether we do a gate or
27 something like that, it's out there. That would satisfy the
28 chief and the sheriff. No connection to Noble Ridge because
29 it's very unlikely. And then, you know, really address the gas
30 well issue. That's my recommendation on where, what direction

1 to send you in. I think even if you address those things
2 honestly and fairly that you will probably have success both
3 from the governmental and from a citizen standpoint.

4 CHAIRMAN WENTZ: I will say what I said when you were
5 here at the microphone half an hour ago, I think you summed it
6 up rather well.

7 MR. GALLOWAY: And I did again, right?

8 CHAIRMAN WENTZ: You did it again.

9 MR. SHENK: Is that a motion?

10 MR. GALLOWAY: No, there is no motion.

11 MR. SHENK: Shucks.

12 MR. GALLOWAY: Well, before, I was just trying to
13 throw out some thoughts but since he keeps asking for some sort
14 of direction, I thought I would reiterate and actually
15 formalize what I am saying as my personal suggestion rather
16 than just some nebulous comments.

17 MR. SHENK: Sounds like a good idea to me.

18 MR. LINGENFELTER: I agree.

19 CHAIRMAN WENTZ: Yes.

20 MR. SCHINDLER: I agree.

21 MR. SHENK: You won't get any more direction than
22 that, Dave.

23 MR. NORMAN: That's about as good as you are going to
24 get from us.

25 MR. NOVAK: Can you say that one more time?

26 MR. NORMAN: And don't go to the well again.

27 MR. GALLOWAY: Gas well.

28 MR. SHENK: Are we done?

29 CHAIRMAN WENTZ: I think we're done with this issue.

30 CHIEF WARNER: I would like to ask one favor. If you

1 are going to allow this guy not to put the stub street in, then
2 why do we sign off on the developments when they show
3 interconnects? And if there is no teeth to enforce them to do
4 that, what can we do to make sure there is teeth in that?
5 Because we did it for public safety, not for making money. We
6 did it for public safety. There has got to be a way to get
7 some teeth to make a developer follow through with his original
8 plan.

9 MR. NORMAN: You get no disagreement from anybody on
10 this Board.

11 MR. LINGENFELTER: Exactly, exactly right.

12 CHIEF WARNER: I know I am not getting any
13 disagreement but I just want to find a way. You know, if it
14 takes somebody to be a barking dog to go after the county or
15 somebody to get some teeth in this, I'm your man.

16 MR. NORMAN: They've got to change the rules.
17 They've got to find a way — and that comes out of the
18 county — they've got to find a way before this guy gets so far
19 down the road, like he is now, where he can close that out and
20 never close the plat, okay, and never have to do anything with
21 that stub street. Now, your point has a lot of merit, but
22 unless there is rule changes somewhere — And we can't, in the
23 township, do it, I don't think, can we, Michael?

24 MR. LUCAS: This is strictly county.

25 MR. NORMAN: How is that, putting a hat on you,
26 Dave?

27 MR. LUCAS: Dave, you know it is, too.

28 MR. SHENK: You need to take Chief Warner with you.

29 MR. RADACHY: We have changed the rules that, in the
30 subdivision regulations, we now require — there are

1 expirations on preliminary plans and there is expirations on
2 final plats. So if they follow all the expirations, there is a
3 five-year window. They have three years to get the final plat
4 submitted to us and they have two years to get the final plat
5 recorded. They can ask for extensions if they want to but
6 that's, that's the teeth that we have. If they don't get
7 moving, they lose their approvals, they have to start over.

8 MR. NORMAN: Okay. But that's not grandfathered.
9 The grandfather clause takes effect in places like Noble Ridge,
10 right?

11 MR. RADACHY: Noble Ridge was prior to those rules
12 being in effect. We really can't tell them that they expire.

13 MR. NORMAN: Did you hear that, Chief? I mean,
14 that's the only way it can happen. We don't have the say-so
15 here to do it.

16 CHIEF WARNER: I know that. I am just, we've got
17 to — We have roads in our township that can't be maintained
18 because the developer leaves and let's them go. He loses a
19 couple thousand dollars. And now we have developers that plan
20 to do something and then they don't do it. It just isn't right
21 for the safety of the residents.

22 MR. LINGENFELTER: Right. When you give, when you
23 give the approval based on an assumption that something is
24 going to be done and then, at a later point in time, it's not
25 done, that creates a huge problem. And that's what we're
26 confronted with here because those were stub streets and the
27 assumption was, when those things were approved and signed off
28 on, that at some point in time there would be a continuation of
29 those streets on through and safety would not be compromised.
30 And now we have a situation where it's very obvious that we

1 have an isolated development with a single entrance into it and
2 it's never going to change, and that's not right but that is
3 what it is.

4 CHAIRMAN WENTZ: Yes?

5 MS. KAREL: I have another question for Dave, and
6 maybe because I don't know all the details of final plat.
7 I mean, I get that there is deadlines and timelines. Is there
8 actually a limit on how far he can build into the development?
9 I mean, is there a requirement, X percentage cannot be
10 subdivided until you submit the final plat with the road, with
11 the whatever, or is it just a timeline thing? If you are not
12 limiting the amount of available property, it doesn't have any
13 teeth in it.

14 MR. RADACHY: Each developer has the ability to ask
15 for preliminary plat approval and then he can phase it any way
16 he wants it. He can do it all at once, build 48 sublots at one
17 time, or he can phase them, 23 now, build 4 later, next I am
18 going to build 12 now, or whatever he wants to do. There is
19 no, there is no way for us to say. We can't tie his hands and
20 say you have to do 10 now, 10 now, 10 now.

21 MS. KAREL: Is it the same issue? If there is not
22 enough land left to put a road in at the end, he says, well, my
23 final phase is now down to half an acre, well, you can't build
24 with half an acre.

25 MR. RADACHY: But the plan that was approved shows
26 the connection to the — We're assuming that he is going to
27 follow his preliminary plan and eventually build the road. And
28 if someone files a preliminary plan now with the connection on
29 there, say 48 subplot subdivision with a connection to
30 unsubdivided land, he can do the first 23 now and then he's got

1 three years to get the first final plat in and another three
2 years to get the second final plat in. Eventually, he is going
3 to run out of time.

4 MS. KAREL: Will he run out of time before he runs —
5 I guess, I am concerned. Is he going to run out of time before
6 he runs out of space? Because this is an issue where there is
7 no longer enough space to do the plan as it is supposed to be.

8 MR. RADACHY: No, that's not correct. The road was
9 still planned for.

10 MR. NOVAK: There is still room for the road.

11 MS. KAREL: So he can't sell off the land around it
12 so there is not enough left to put the road in, in the new
13 regs?

14 MR. NORMAN: Well, he can't lot split.

15 MR. RADACHY: He cannot split what's left but he can
16 still sell the lot as a whole.

17 MS. KAREL: So you are —

18 MR. RADACHY: We may still be in the same position.

19 MS. KAREL: So we're still in the same, so there is
20 no limit to how much — You're not requiring him to leave a
21 certain percentage until it's finally all subdivided and put
22 the road. There is still no requirement for that.

23 MR. NORMAN: That's correct.

24 MS. KAREL: So we are still in the same spot.

25 MR. RADACHY: But, eventually, he loses his approval
26 and if he wants to divide up any more land, he is going to have
27 to file and it's going to cost him more money to refile the
28 preliminary plan.

29 MS. KAREL: If the final phase is only two lots, just
30 like this situation, he's better off. He's got such a little

1 — it's cheaper to not sell that lot than to put in the road.

2 CHAIRMAN WENTZ: I'd like to cut the discussion on
3 this point.

4 MS. KAREL: Okay.

5 CHAIRMAN WENTZ: Let's move on the agenda.

6 MR. LUCAS: I didn't realize Sue was an integral part
7 to the meeting.

8 MS. KAREL: I was just trying to understand this so I
9 can explain it because it doesn't make sense to me.

10 CHAIRMAN WENTZ: Item 2 on the agenda.

11 MR. NORMAN: Have we satisfied the applicant?

12 MR. SHENK: He is not getting any more.

13 CHAIRMAN WENTZ: I think he's getting —

14 MR. LUCAS: We haven't satisfied Sue.

15 CHAIRMAN WENTZ: Item 2 on the agenda, discussion of
16 gas wells and consideration of proposed distances to new
17 construction. Gentlemen, I will like to defer this to the next
18 meeting.

19 MR. NORMAN: Amen.

20 CHAIRMAN WENTZ: Any objection?

21 MR. LINGENFELTER: You won't get any argument here.

22 MR. NORMAN: Amen. Do you need a motion,
23 Mr. Chairman?

24 CHAIRMAN WENTZ: That's not required.

25 MR. NORMAN: Okay.

26 MR. LINGENFELTER: It's just a discussion.

27 MR. SHENK: Is there an obvious theorem that comes
28 out of, kind of, the agreement that if you can't drill a well
29 within 100 feet of a house, doesn't it make sense that you
30 wouldn't put a house within 100 feet of a well?

1 CHAIRMAN WENTZ: Apparently not necessarily so.
2 MR. SHENK: That seems real simple. Let's move on.
3 CHAIRMAN WENTZ: Correspondence report by Zoning
4 Commissioners. Wilbur?
5 MR. SHENK: No, nothing.
6 CHAIRMAN WENTZ: Andy?
7 MR. LINGENFELTER: Nothing.
8 CHAIRMAN WENTZ: George?
9 MR. NORMAN: Nothing.
10 CHAIRMAN WENTZ: Frank?
11 MR. SCHINDLER: No.
12 CHAIRMAN WENTZ: Nothing for me either.
13 Minutes of May 5th, approval of.
14 MR. LINGENFELTER: I make a motion we approve the
15 minutes as submitted.
16 MR. NORMAN: I second.
17 CHAIRMAN WENTZ: All in favor?
18 (Five aye votes.)
19 CHAIRMAN WENTZ: Opposed?
20 (No nay votes.)
21 CHAIRMAN WENTZ: Any other business?
22 MR. NORMAN: No.
23 CHAIRMAN WENTZ: This meeting is adjourned.
24 (The meeting was adjourned at 9:15.)
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1 STATE OF OHIO)
2)
3 COUNTY OF CUYAHOGA)
4

CERTIFICATE

5 I, Melinda A. Melton, Registered Professional
6 Reporter, a notary public within and for the State of Ohio,
7 duly commissioned and qualified, do hereby certify that, to
8 the best of my ability, the foregoing proceeding was reduced
9 by me to stenotype shorthand, subsequently transcribed into
10 typewritten manuscript; and that the foregoing is a true and
11 accurate transcript of said proceedings so taken as
12 aforesaid.
13

14 I do further certify that this proceeding took
15 place at the time and place as specified in the foregoing
16 caption and was completed without adjournment.
17

18 I do further certify that I am not a friend,
19 relative, or counsel for any party or otherwise interested
20 in the outcome of these proceedings.
21

22 IN WITNESS WHEREOF, I have hereunto set my hand and
23 affixed my seal of office this 15th day of June 2009.
24
25
26
27

28 _____
29 Melinda A. Melton
30 Registered Professional Reporter

31 Notary Public within and for the
32 State of Ohio
33

34 My Commission Expires:
35 February 4, 2013
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