

1 BEFORE THE CONCORD TOWNSHIP, OHIO, ZONING COMMISSION
2 PUBLIC HEARING AND MEETING

3
4 July 7, 2009

5 Concord Town Hall
6 7229 Ravenna Road
7 Concord, Ohio 44077

8 7:00 P.M.

9 TRANSCRIPT OF PROCEEDINGS

10
11 Zoning Commission Members Present:

12 Larry Wentz, Chairman
13 Andrew Lingenfelter, Assistant Chairman
14 George Norman
15 Frank Schindler
16 Morgan R. McIntosh

17 Also Present:

18 Kathy Mitchell, Zoning Commission Secretary, Zoning
19 Inspector.

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21
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23
24
25 King & Melton Court Reporters
26 11668 Girdled Road
27 Concord, Ohio 44077
28 (440) 946-1350

1 CHAIRMAN WENTZ: Call this meeting, Tuesday, July 7th
2 of the Concord Township Zoning Commission to order. We have a
3 long agenda. I don't think it's quite as imposing as it
4 looks. The first item is the Site Plan Review and Design
5 Review for Application #011 by Stewart & Company for a
6 proposed 2,160 square foot warehouse addition at 7861 Crile
7 Road (Permanent Parcel No. 8A-20-28) and located in the BX,
8 Business Interchange District.

9 The second item, Site Plan Review for Application #012 by
10 Ryan Sommers for Prescott Mill Condominiums has been requested
11 to be tabled by the applicant.

12 The third item, Resubmission of Site Plan Application
13 #003 by Joseph L. Myers, Architect, on behalf of Dr. Henry
14 Fioritto for the purposes of amending the conditional approval
15 received in July 2008. The revised site plan is for a single
16 story dental office building at the corner of Auburn and
17 Girdled Roads, (Permanent Parcel Nos. 8A-21-29 and 8A-21-28)
18 and located in the GB, Gateway Business District. Re-approval
19 of the revised site plan and revised building design is
20 required.

21 No. 4, Zoning Text Amendment requested by the Board of
22 Trustees to amend Section 13.35 of the Zoning Resolution
23 pertaining to controlling noise levels in outside dining
24 areas. A public hearing would be required.

25 5, Accept Zoning Amendment Application #0609-131 and
26 Preliminary Plan for proposed Residential Conservation
27 Development (R-2 RCD District) by Barrington Consulting Group,
28 on behalf of Eye-Will Development. The proposed development
29 is located on a 54-acre parcel on Girdled Road just east of
30 Ravenna (Permanent Parcel No. 8A-004-0-00-017-0. The site is

1 currently zoned R-4 Residential. A public hearing will be
2 required.

3 Discussion of gas wells and the consideration of proposed
4 distances for new construction is Item 6.

5 7 and 8 is correspondence report and approval of minutes
6 by the Zoning Commission members.

7 Before we begin I would like to welcome Morgan McIntosh,
8 who has proudly set a record for the shortest time as an
9 alternate. Welcome aboard.

10 MR. MCINTOSH: Thank you.

11 CHAIRMAN WENTZ: Item No. 1, Site Plan Review and
12 Design Review for Application #011 by Stewart & Company for
13 the proposed warehouse addition. Is there anyone here to
14 speak with regard to this item? Please come up to the mic and
15 identify yourself and where you live.

16 MR. WAYNE: My name is Steve Wayne. I'm here for
17 Stewart & Company and I live in Eastlake, Ohio. And in
18 preparation for this, we got the list of the items that needed
19 to be discussed --

20 CHAIRMAN WENTZ: Good.

21 MR. WAYNE: -- so I prepared answers for you guys
22 and little handouts if you guys want to use those for
23 following along.

24 CHAIRMAN WENTZ: That would be good.

25 MR. WAYNE: So the back page of what I just
26 handed out is a part of the site plan. The full site plan is
27 too big to fit on this piece of paper, but I brought that if
28 you need to refer to it. We have the full size. This
29 actually just shows the building and some of the issues that
30 are on this list that they sent out.

1 So I've not done this before, so I assume we'll just
2 start at No. 1 and go through them?

3 CHAIRMAN WENTZ: Yeah, I think just speak to the
4 issues that were raised by the staff and that's probably all
5 you need do.

6 MR. WAYNE: So Item No. 1 discusses that there
7 are two parcels that are owned by Stewart & Company. There is
8 only one of the parcels that is actually being built on. The
9 other one, it was just a question about whether or not those
10 lots should be combined because of the current frontage
11 requirements in the BX District, but that -- those lots were
12 split before those frontage requirements were changed. My
13 understanding is that originally it was a 60-foot requirement.
14 That's when the lot split was done a couple years back, I
15 guess now, and it's since then been changed to 100 feet, so my
16 understanding is that it would be grandfathered in to be able
17 to be left as it is. It's probably not going to be much of an
18 issue going forward, because I'm sure, as everyone's aware,
19 there is proposed change of where Crile Road is actually going
20 to be. And right now they're talking about that if and when
21 that happens, it's going to probably go right behind the
22 building over there that you see on the back page of the
23 handout I just gave there, so that's going to change how those
24 lots are going to be split.

25 At any rate, so for what we're looking to do right now,
26 we don't really see that there is a need for the lot lines to
27 be changed. Maybe that's an item that needs additional
28 discussion here. Part of the reason that that was on there
29 goes into No. 2 on here which had to do with how the parking
30 structure was going to be set up and there was some question

1 about whether or not the parking would be too close to the lot
2 line. But on the piece of the site plan you can see there,
3 the original site plan that was submitted to the Zoning
4 Department was drawn up by Babcock & Jones Surveyors and they
5 had just proposed where they were going to put parking lines
6 on the -- on the parking pad there and they just drew them
7 right next to the lot boundary line. In actuality the lines
8 are already there and they meet the current requirements for
9 -- as opposed -- you know, according to the zoning
10 regulations, they don't need to be moved. They do need to be
11 repainted, because they are pretty light. So the changes that
12 were being talked about in Item No. 2 are corrected as they
13 appear on the site plan, although they really are not being
14 moved at all.

15 And that even goes into No. 3 which talks about where
16 those parking spaces are going to be and they just basically
17 need to be repainted.

18 CHAIRMAN WENTZ: Okay.

19 MR. WAYNE: Kind of jumping around a little bit
20 between the three, if there are any questions you have about
21 any of that stuff, does that kind of make sense?

22 MR. LINGENFELTER: Do we want to discuss these one by
23 one as we go through them or do we want to let him go through
24 all the responses before we make any comments?

25 CHAIRMAN WENTZ: I think I would just like him to go
26 through them and knock off the ones which he has no quarrel
27 with and discuss the others.

28 MR. WAYNE: Okay. Moving to Item No. 4, it talks
29 about where the location of the dumpster is for the unit.
30 There again, the survey company, Babcock, Jones had discussed

1 putting it in a different place, but, actually, we're going to
2 leave it where it is and by leaving it where it is, it meets
3 the zoning requirements as written. So on the -- again, on
4 the back page you'll see where the dumpster is situated and
5 it's not being moved. It doesn't need to be moved for any of
6 the -- to build out the new warehouse space.

7 On No. 5 it says, "Provide a timetable or schedule for
8 the development." That was not on the site plan. You can't
9 see it on the one you have there, because it's so big. I
10 couldn't make it fit on just an 8 1/2 by 11 piece of paper.
11 This is the new site plan being submitted and the timetable is
12 on here. I've got plenty of copies of this too if you would
13 like to have one of these to refer to. Yes? No?

14 CHAIRMAN WENTZ: No.

15 MR. WAYNE: Item No. 6, there is going to be a
16 new compressor for the AC unit for the new warehouse and
17 originally it had been on the side of the building that was
18 right next to the property line. It's been relocated. It's
19 on the new site plan that you guys have a copy of there and
20 meets the zoning requirements.

21 Item Nos. 7 and 8, Item No. 7 is for the Health
22 Department has to come out and approve where the new addition
23 is going in relation to our septic tanks, which are shown on
24 that site plan. As of yet I have not been able to get them to
25 confirm they have done that. So this would be a pending item
26 and as the original documentation that came out about this
27 meeting said, that this would -- that they're recommending
28 conditional approval, so this item would still be something
29 we're going to have to come back and provide documentation on.

30 MR. NORMAN: Yes.

1 CHAIRMAN WENTZ: I think for us it's just sufficient
2 that you intend to comply.

3 MR. WAYNE: Okay. And, No. 8, the same thing
4 there is we have a sign out front that is visible from 44.
5 There is nothing -- the physical structure for the sign is
6 there, but the sign has not been installed yet. And it's on
7 order, but it's not here yet, so similar situation that's
8 pending because it just hasn't arrived. That will be
9 installed.

10 Item No. 9, it talked about landscaping and screening.
11 Specifically it talks about loading and unloading areas.
12 Those are not viewable from Crile Road. Compressor unit was,
13 but is not now. As you can see, it's also -- it's been
14 relocated and has the appropriate landscaping on the site plan
15 that you guys have a copy of.

16 And that goes into No. 10 which talks about additional
17 landscaping. It would be on that front wall for the new
18 addition. That is now shown on the site plan as well.

19 No. 11, we have an updated elevation of the front showing
20 what the -- we met with the folks in the Zoning Department.
21 They made some recommendations and we have the updated
22 elevation ready for them, ready to be submitted for their
23 approval.

24 And the same thing goes with the building colors. I
25 don't think that this was necessarily something that we needed
26 to alter, because the building already meets this and we are
27 continuing the same color scheme for the walls and for the
28 roofing on that. That is also shown on the updated elevation.

29 No. 13 goes back to the Health Department. I'm just
30 waiting for them to come out and say, "Here it all is. Here

1 is the paper that says you're approved." So that is still a
2 pending item.

3 The wooded areas on the lot were not originally noted on
4 the site plan. There is no clearing of any trees that has to
5 be done, but it is now on the site plan, on the copy that
6 everyone has in front of them.

7 And then the last thing is -- goes to the issue of where
8 will Crile Road be someday? Will it be behind the building?
9 And so we were told we should think about maybe changing what
10 the building looks like in the back and certainly we'll take
11 that under advisement, but at the moment we don't even know
12 where Crile Road is going to be, so no changes were really
13 made to the back of the building at this point. But if and
14 when Crile Road moves and Capital Parkway comes across 44,
15 it's going to change how the building is viewed and we'll need
16 to make some changes to the outside to make it aesthetically a
17 little more pleasing, because it will actually be seen from
18 three sides at that point. Right now you can only see it from
19 44, so -- or from Crile Road.

20 So that's it. That's all my items and do we need some
21 additional discussion on anything?

22 CHAIRMAN WENTZ: Questions?

23 MR. WAYNE: Questions?

24 MR. SCHINDLER: You said the road is supposed to
25 come. Did they give you any idea when this might
26 materialized?

27 MR. WAYNE: I'm sorry, can you speak up?

28 MR. SCHINDLER: The new road, you said new road
29 location behind the facility.

30 MR. WAYNE: Oh, well, the Township needs to

1 figure out how they're -- where it's going to go and how it's
2 going to be paid for is my understanding and they don't have
3 that all worked out as of yet. You know, Capital Parkway is
4 supposed to come across from Auburn all the way across 44 and
5 there is a lot next to mine, which if you've driven down Crile
6 recently, you see all the trees are gone on the lot next door
7 to me. Supposedly it's going to go in -- Capital Parkway is
8 going to go in there and Crile Road is going to somehow get
9 relocated behind my building, but at least that's the idea
10 that's on the table right now. But as I understand, nothing
11 is 100 percent approved. They're waiting for ODOT approval
12 and then they've got to come up with the funding to do it and
13 it's just a big question mark of when that's going to happen.
14 And I'm not the only lot that's affected. Obviously there are
15 a lot of other ones too, so there is a lot of consideration
16 that the Township is going through to try to figure out the
17 best way to do it.

18 I've heard about four or five different potential
19 locations for Crile Road, so we'll have to see what they come
20 up with.

21 MR. SCHINDLER: Kathy, you haven't seen anything at
22 all?

23 MS. MITCHELL: You know, per the -- per the County's
24 traffic study that they hired a consultant for, they are
25 looking at several options. This is the latest option that
26 they are viewing very favorably, although it's just an option.
27 And part of that, as he was explaining, there are four parcels
28 on Crile that would actually -- the frontage would change and
29 under this option the road would go behind all of the parcels.
30 It's an issue that the engineers are discussing because of

1 stacking issues if the cut-through actually goes through that
2 they have to consider. So, you know, it's -- the Township is
3 somewhat at the mercy of the County and the State as to who's
4 going to finally okay that and what they consider to be the
5 best option.

6 So they have presented it to those property owners.
7 Actually, just in the month of June they asked those property
8 owners to come to Town Hall and they discussed it with the
9 County Engineer and they just wanted to get them on the same
10 page so that they know that they're considering this, but
11 there is no guarantees of anything at this time.

12 MR. SCHINDLER: So it might never happen for all we
13 know.

14 MR. NORMAN: Oh, yeah.

15 CHAIRMAN WENTZ: Or something entirely different.

16 MR. NORMAN: Sure.

17 MR. SCHINDLER: Yeah.

18 MR. NORMAN: Maybe they'll build a bridge over
19 there.

20 CHAIRMAN WENTZ: Okay. Thank you. Ted Stevens from
21 Alaska.

22 MR. NORMAN: Yeah, we'll build a bridge to nowhere
23 and in the middle of Crile Road.

24 CHAIRMAN WENTZ: Any other questions?

25 MR. LINGENFELTER: Yeah, I'm interested in No. 1.

26 MR. WAYNE: Okay.

27 MR. LINGENFELTER: Now, if I understand it, we have two
28 lots and you're going to build on the one lot and that falls
29 under compliance; correct?

30 MR. WAYNE: Uh-huh.

1 MR. LINGENFELTER: And that leaves the second lot in a
2 nonconforming condition; correct?

3 MR. WAYNE: No. They stated in this
4 recommendation it's nonconforming, but when the lot was split,
5 it met all the requirements for the County and for the
6 Township and so there was no issue with it. And if it was to
7 be -- if that lot hadn't been split and I was wanting to split
8 it today, it would have to have 100 feet of footage -- of
9 frontage, but at the time that it was split it only required
10 60 feet and that's what it has. It's actually a flag lot, so
11 it has that 60 feet that goes along the side of the other lot
12 and then it opens up in the back.

13 That's why, you know, one of the things we were talking
14 about, if Crile Road never gets moved, then the value is in
15 having that lot which was split way back before the zoning
16 laws were changed and so it would still be a viable lot and it
17 could be a valuable lot. If the -- if the Crile Road gets
18 moved, then we'll probably need to change that, because it
19 would probably cut off the flag pole part of that lot, which
20 would not make it very attractive.

21 So, you know, I don't -- I'm not really sure who put that
22 piece in there, but the original split was done before any of
23 the zoning laws were changed, so it was a conforming split at
24 the time.

25 MR. NORMAN: Yeah, but it's now nonconforming.

26 MR. LINGENFELTER: But it's not. See, that's the issue.
27 We can't go on what was past. We have to go on what is now.

28 MR. WAYNE: Well, I understand that.

29 MR. LINGENFELTER: That's what -- but, see, what
30 concerns me is that we get -- we get stuck with a

1 nonconforming lot out of this project and then at some point
2 in time, depending on how everything falls into place, we
3 could be put into a position of having to deal with this at
4 some future point in time. My preference would be to get it
5 eliminated now while it's in front of us now, combine the two
6 lots, put it in a conforming -- into a conforming
7 configuration and be done with it than to leave it out knowing
8 full well that it's going to be a nonconforming lot and then
9 have to deal with this mess potentially at a later date.

10 MR. WAYNE: I understand that.

11 MR. LINGENFELTER: You know, and I can't go on the if
12 come, you know, if Crile Road gets moved, if Crile Road
13 doesn't get moved. You know, those are all speculative issues
14 and, quite frankly, right now Crile Road is where it is.

15 MR. WAYNE: Agreed.

16 MR. LINGENFELTER: So I would -- I would prefer that we
17 make decisions based on what we have at hand and not what
18 could potentially happen down the road.

19 MR. WAYNE: I understand.

20 MR. LINGENFELTER: And then that way if it gets moved,
21 you're still going to be okay because the lots are going to be
22 combined. It's not going to make a difference; correct?

23 MR. WAYNE: Well, potentially. Depends on where
24 that road goes. But here's the real issue at hand is nothing
25 is changing with regard to that lot. Nothing is being altered
26 or affected by the construction that's being done right now,
27 so it really shouldn't be an issue for what we're doing at
28 all. And the only reason that it was brought up is that the
29 original drawing by the surveyor, he put the lines for my
30 parking lot, for the stalls on the parking lot, he put them

1 right on that lot line, but the reality is that he just did
2 that out of his own volition. I mean, that's not where they
3 are not, not where they're intended to be. And so by putting
4 them on that line, the zoning laws require that there be a
5 ten-foot buffer between the lot line and where the parking is.
6 As you have the updated site plan, it meets that requirement
7 and so there isn't any reason to be discussing that other lot
8 in terms of as an effect or as a result of building the
9 warehouse space that I'm building on there.

10 Now, as far as it being a conforming lot or not a
11 conforming lot, my understanding is that because that split
12 was done before the zoning laws changed, that it's
13 grandfathered in and it doesn't need to be -- have anything
14 done to it. It would be very similar to any other lots that
15 might be on Crile Road or in the BX District that don't
16 currently have 100 feet of frontage, but maybe they are even
17 owned by some other person, that certainly the Zoning
18 Commission is not going to go back to them and go, "Well, you
19 don't have 100 feet of footage, so you need to combine your
20 lot with another -- another person here."

21 MR. NORMAN: No, that's not what we do. And when
22 you say you're grandfathered in, they were simply telling
23 you that you can leave that lot as it is and there won't be
24 any affect on you based on zoning. But you need to understand
25 something, that's totally different from that lot being
26 conforming or nonconforming; okay? Your lot, when that zoning
27 was changed with the 60-foot frontage, became nonconforming.
28 Now, there are a lot of ramifications for that that Mr. Lucas
29 could help us point out to you more thoroughly than I ever
30 can, but, you know, the issue is not -- since you're not going

1 to build on that lot, you're right, you know, that lot, that
2 is not subject to discussion here, okay, since he's not
3 including that in his site plan --

4 CHAIRMAN WENTZ: That too would be my understanding.

5 MR. NORMAN: -- and he's divorced it. Now, do you
6 agree, since you guys put the comments together, since now the
7 lines don't go on the lot line, that that lot that was split
8 isn't in the picture anymore, right, for this particular
9 application?

10 MS. MITCHELL: I think that the word we used was
11 "should be combined" as opposed to "must be combined" --

12 MR. NORMAN: Okay.

13 MS. MITCHELL: -- because of the issues he
14 explained, but we brought it up for the issues that you
15 raised, Andy, that -- and just to clarify, the parking spaces,
16 I agree with Steve, they are shown correctly, but the parking
17 lot is still nonconforming because it goes over the lot line.
18 The parking spaces may be in compliance, but we measure the
19 setback for the whole parking lot. So it's an existing
20 nonconformity and he's not changing anything on that lot, so
21 technically he can leave it as it is. It just creates a legal
22 nonconforming status for the property.

23 MR. NORMAN: Right.

24 MS. MITCHELL: It would be better to have it
25 combined, but it is correct that it doesn't have to be.

26 MR. LINGENFELTER: That's my point exactly is that, you
27 know, is this something that we tackle now before we get
28 started down the road of the project and get this taken care
29 of or do we leave that loose end dangling and then, you know,
30 I've got enough experience on this Board to know that it will

1 come back --

2 MR. NORMAN: Yes.

3 MR. LINGENFELTER: -- at some point in time and then
4 there is going to be, whether it's you or the new owners or
5 whoever, is going to come in here hat in hand begging for, you
6 know, a variation of the existing lots because it's a
7 nonconforming lot. And my preference would be -- just like
8 Kathy said, it doesn't say that it must be brought into
9 conformance, but it should be to eliminate the nonconforming
10 issue. What I'm saying is from a project standpoint it makes
11 more sense for you, as the property owner, to bring everything
12 in conformance now. We're going to certainly look, I think,
13 upon that more favorably moving forward than if we leave that
14 loose end out there and it's going to be something that either
15 this board or some board in the future is going to have to
16 deal with, you know what I'm saying, and that's always the
17 issue.

18 MR. WAYNE: I understand what you're saying. My
19 preference would be to not change those lot lines until we see
20 what's going to happen to Crile Road, because the value for me
21 is that there is a buildable lot there that's separated.

22 MR. NORMAN: Well, now, you've got to be careful
23 with the buildable lot word.

24 MR. WAYNE: A theoretically buildable lot.

25 MR. NORMAN: No, it's not even that. It's
26 nonconforming. So whoever wants to build on that has got to
27 come back to this Board and get authorization or go for
28 variation to the Zoning Board of Appeals. And what Andy is
29 saying to you, I think, and tell me if I'm wrong, Andy, is we
30 don't want to force that back on the Zoning Board of Appeals

1 and we don't want a new owner or yourself, in the case you
2 want to build something over there, coming back to this Board
3 looking for some kind of relief for zoning. You know, you
4 can't have it both ways, I guess, is what I would suggest to
5 you. At some point in time that lot split has got to be
6 eliminated and they've got to be combined if you're going to
7 be able to do anything on that lot, because right now it's
8 nonconforming. The lot doesn't meet the zoning requirements
9 in that area.

10 MR. WAYNE: And, again, I understand what you're
11 saying, but at the time that the split happened, it did meet
12 those requirements.

13 MR. NORMAN: It doesn't make any difference.

14 MR. LINGENFELTER: Regardless of the fact what happened
15 then and what is now is -- it's what is now, not what happened
16 then.

17 MR. NORMAN: See, that's where you're caught
18 inbetwixed and between. And I understand it's very difficult
19 to appreciate where you just got yourself. I'm going to give
20 you a good example. There was a building up on Painesville
21 Ravenna Road not too far up where the gentleman who owned it
22 had a garage and that garage was put in there although it was
23 a residential area. Remember? Maybe you remember it.

24 MR. SCHINDLER: I remember it.

25 MR. NORMAN: They wanted -- because that was now
26 nonconforming, okay, it was a commercial business in a
27 residential area, and they didn't want to change anything.
28 Well, all of a sudden that gentleman died, okay, so now
29 somebody's got to do something with that lot. They thought
30 they could make it -- keep it commercial and sell it to

1 somebody. Well, the rule is that if they found somebody that
2 was going to keep a garage in there, they could, but they just
3 could not make it generally commercial. So we had a great
4 deal of difficulty communicating that to the owner; okay? You
5 can obviously understand that. I'm simply -- and Andy and I
6 are trying to simply explain to you the ramifications of your
7 reluctance to do it now versus doing it later; okay? Your lot
8 has no -- it has value obviously, it's valuable to you which
9 makes it important, but in reality it can't be -- it's
10 nonconforming, so it has to be dealt with on a special
11 situation.

12 MR. FLEMMING: Can I say something?

13 MR. NORMAN: Sure, please do.

14 CHAIRMAN WENTZ: Come up and introduce yourself.

15 MS. MITCHELL: Come on up. You have to say who you
16 are.

17 MR. FLEMING: I'm Chad Fleming. I'm Steve Wayne's
18 contractor. I think what Steve's saying is he mentioned that
19 it is a flag lot.

20 MR. NORMAN: Yeah.

21 MR. FLEMING: And if Crile Road comes back this
22 way, then he might -- and splits, he might have that frontage,
23 the 100 foot. That's what I think he's saying.

24 MR. NORMAN: He could.

25 MR. FLEMING: That's -- or if the -- you know, he
26 might have 200 foot frontage here depending on where the new
27 road goes, so I think that's why he wants to hang onto it.

28 MR. NORMAN: Well, I guess all I'm suggesting to
29 you two gentlemen is understand, if Crile Road, and this is a
30 big if, okay, look, if you're expecting miracles out of the

1 County, don't do; okay? Just don't do it. There's no money.
2 I mean, you don't have to be a rocket scientist to figure that
3 out today; okay? So don't look for roads to change, new roads
4 to be built, bridges, or anything, I'm being facetious,
5 bridges to be built because there is no money to do it. So
6 they're going to talk about it a lot and maybe they'll put
7 some plans together, but unless there are miracles as far as
8 funding goes, I don't see anything happening in the near
9 future, so you're going to be sitting out there a long time.

10 MR. WAYNE: I understand that.

11 MR. NORMAN: Okay?

12 MR. FLEMMING: I mean, it's easier to combine the
13 lots at any time, but to resplit them, it will never happen
14 again.

15 MR. NORMAN: Well, I guess that's where I'm going;
16 you know?

17 MR. LINGENFELTER: Yeah, but once you build, then that
18 option is removed. At that point you've got a nonconforming
19 lot.

20 MR. WAYNE: Well, it might be conforming, though,
21 once -- if there is a relocation, which makes that lot real
22 valuable.

23 MR. NORMAN: If there is a relocation of the road,
24 that may happen.

25 MR. WAYNE: Right, which would make that lot very
26 valuable. You never know.

27 MR. NORMAN: You don't know that.

28 MR. SCHINDLER: You don't know.

29 MR. NORMAN: And if you're betting on the County,
30 as I said, with a road project, okay, good luck.

1 MR. WAYNE: Yeah. Thank you. So where do we go
2 from here?

3 CHAIRMAN WENTZ: I think you are entitled to take the
4 position that you want to take with regard to that lot, but I
5 wouldn't be very optimistic about getting a zoning variance if
6 you should request one.

7 MR. SCHINDLER: In the future.

8 MR. NORMAN: Yeah, I'm going to tell you right up
9 now, don't come back with a request for this. I mean, I can't
10 make it any plainer than that. Now, the complexion of the
11 board may change, so today I'm telling you don't come back and
12 tomorrow it may change, so you can come back, who knows. I'm
13 going to play your game.

14 MR. WAYNE: Fair enough.

15 MR. NORMAN: Okay?

16 MR. LINGENFELTER: It's -- to be honest with you, it's
17 my position that we get this taken care of now and I think
18 that that would be a much more favorable position to be in for
19 the project moving forward, we get these things taken care of
20 now, instead of potentially hanging us with an albatross for
21 the future. You know, that's really -- that's what I would
22 like to see and I think it would be a good thing to think
23 about moving forward. That's my -- that's my thoughts on No.
24 1. I don't know if anybody else has any issues on any of the
25 other ones. I think it's pretty clear.

26 CHAIRMAN WENTZ: I don't have any other issues. Any
27 other questions?

28 MR. NORMAN: No, I don't have any questions.

29 MR. SCHINDLER: No, I'm fine.

30 MR. NORMAN: I am concerned -- I'm also -- I want

1 to express a little concern for you. If you're not getting
2 prompt attention from the folks down in the County as far as
3 your Health Department issues, I would strongly advise you to
4 go back to them again and again and again just to try --
5 because they're very busy people and sometimes things go
6 astray.

7 MR. WAYNE: I actually found out today that the
8 person I need to speak to is going to be physically in his
9 office tomorrow, so I'll be down there when they open up.

10 MR. NORMAN: I would do that. I really would,
11 because I think leaving things pending, we had another case
12 here sometime ago where he had what he thought was a
13 commitment from the County to do one thing and it turned out
14 they did not want to do that at all and he hasn't been back
15 since.

16 CHAIRMAN WENTZ: Yeah, and that was a long time ago.

17 MR. NORMAN: It was a long time ago, so I just --
18 you know, be careful and follow up and keep things going,
19 because leaving them pending like this will hold you up
20 forever.

21 MR. WAYNE: So what's the next step? Do I come
22 back before this group when I have the Health Department
23 stuff?

24 CHAIRMAN WENTZ: If we grant a conditional approval,
25 it's because you're saying in here you're going to do that.

26 MR. WAYNE: Okay.

27 CHAIRMAN WENTZ: If that doesn't happen, the zoning
28 office is going to say, "Whoa."

29 MR. SCHINDLER: Just as long as you live up to
30 everything that you say you're going to do to address the

1 issues.

2 MR. NORMAN: And feed back to Kathy and the folks
3 downstairs.

4 MR. WAYNE: Okay.

5 MS. MITCHELL: Can I ask a question?

6 CHAIRMAN WENTZ: Sure.

7 MS. MITCHELL: Steve, just to clarify Item 9,
8 landscaping provided along the loading/unloading areas, I
9 thought you made a comment that because it was not along the
10 frontage there wasn't any landscaping and I don't see any
11 landscaping on here.

12 MR. WAYNE: This is the stuff -- also it says
13 about the AC units. This is -- the landscaping was added in.
14 This is where the loading area is going to be, which is not
15 viewable from the road in any way.

16 MS. MITCHELL: Yeah, per the code, though, it still
17 says any loading areas still have to have some screening. So
18 is there a way to get some screening in here?

19 MR. WAYNE: What am I -- where do we need to
20 screen it from? From what angle do I need to screen it?

21 MS. MITCHELL: Well, it's viewable from this lot and
22 it could be potentially viewable from over here depending on
23 whatever happens and then any abutting properties. So the
24 screening is to provide a year round planting. It's in
25 Section 38.08, to just provide some sort of area around it
26 that would just --

27 MR. WAYNE: See, this is the wooded area here and
28 the lot line ends off this page. This is the wooded area, so
29 even this corner right here is covered through these woods.

30 MS. MITCHELL: So you're considering that as your

1 screening? Okay. So it would be really anything that's along
2 here that would be viewable.

3 MR. WAYNE: Okay.

4 MS. MITCHELL: Yeah, something, and it doesn't have
5 to be --

6 MR. WAYNE: There is some woods here, but, you
7 know, if you feel like it's not enough or we should do
8 something else.

9 MS. MITCHELL: Okay.

10 MR. WAYNE: This dotted line is where they put in
11 where the woods are on the lot line.

12 MS. MITCHELL: Oh, the wooded area, right. Okay.

13 MR. WAYNE: So should we add something else
14 there? Do you think that's sufficient?

15 MS. MITCHELL: Let's take a look at the photos and
16 kind of look at it again.

17 MR. WAYNE: Okay. So we'll leave that as an open
18 item for me.

19 MS. MITCHELL: Yeah.

20 CHAIRMAN WENTZ: Gentlemen, any other questions?

21 MR. SCHINDLER: Not from me.

22 CHAIRMAN WENTZ: Is there a motion with regard to
23 this?

24 MR. NORMAN: I'll make a motion that we grant
25 conditional approval again subject to meeting the following
26 conditions that he's agreed to meet. And I would ask Kathy
27 that somehow or another you and the staff keep in mind that
28 he's got an open pending item with the Health Department that
29 I'd like to see closed. I mean, you know, we all know how
30 things go down there.

1 MS. MITCHELL: I have had an initial discussion with
2 them, so they are aware of the project. They have been on the
3 site once, but they're just going for a little more
4 clarification on a couple more items, so --

5 MR. NORMAN: Okay. Okay. Good.

6 MS. MITCHELL: So it's in process.

7 MR. NORMAND: Okay. Good. Thank you.

8 CHAIRMAN WENTZ: Is there a second?

9 MR. SCHINDLER: I second.

10 CHAIRMAN WENTZ: Kathy, would you call the roll?

11 MS. MITCHELL: Mr. Schindler?

12 MR. SCHINDLER: Yes.

13 MS. MITCHELL: Mr. Norman?

14 MR. NORMAN: Yes.

15 MS. MITCHELL: Mr. Lingenfelter?

16 MR. LINGENFELTER: Yes.

17 MS. MITCHELL: Mr. McIntosh?

18 MR. MCINTOSH: Yes.

19 MS. MITCHELL: Mr. Wentz?

20 CHAIRMAN WENTZ: Yes.

21 All right. Thank you.

22 MR. WAYNE: Thank you very much, gentlemen.

23 MS. MITCHELL: Can we vote on the design review too?

24 Sorry.

25 MR. NORMAN: Yes.

26 MS. MITCHELL: Design review, separate vote.

27 CHAIRMAN WENTZ: George, would you like to make a
28 motion on that?

29 MR. NORMAN: I made the last one. I'll make a
30 motion that we accept the applicant's for completing the

1 design review.

2 CHAIRMAN WENTZ: Second?

3 MR. SCHINDLER: I second.

4 CHAIRMAN WENTZ: Kathy?

5 MS. MITCHELL: Mr. Lingenfelter?

6 MR. LINGENFELTER: I'm sorry, I missed that motion.

7 MR. NORMAN: I made a motion that we accept the
8 applicant's --

9 MR. SCHINDLER: Design.

10 MR. NORMAN: -- design review following the
11 conditional approval of his site plan review.

12 MR. LINGENFELTER: Okay. Yes.

13 MS. MITCHELL: Mr. Schindler?

14 MR. SCHINDLER: Yes.

15 MS. MITCHELL: Mr. McIntosh?

16 MR. MCINTOSH: Yes.

17 MS. MITCHELL: Mr. Norman?

18 MR. NORMAN: Yes.

19 MS. MITCHELL: Mr. Wentz?

20 CHAIRMAN WENTZ: Yes.

21 MS. MITCHELL: Okay. You're good.

22 MR. WAYNE: Thank you. Thank you very much.

23 CHAIRMAN WENTZ: You're welcome.

24 Gentlemen, we will not be discussing Item 2, which has
25 been tabled.

26 No. 3 is the Resubmission of Site Plan Application #003
27 by Joseph L. Myers, Architect, on behalf of Dr. Henry Fioritto
28 for the purpose of amending the conditional approval received
29 in July 2008. The revised site plan is for a single story
30 dental office building at the corner of Auburn and Girdled

1 Roads (Permanent Parcel Nos. 8A-21-29 and 81-21-28) and
2 located in the Gateway Business District. The issue is the
3 re-approval of a revised site plan and revised building
4 design.

5 You need to introduce yourself.

6 MR. MYERS: Okay. I'm Joe Myers, the architect
7 for the project. Dusty from Polaris Engineering is also with
8 me to answer any technical engineering questions. And, I
9 mean, basically we're here to get the project re-approved as
10 we came up with a new design for the building. His original
11 proposal was a two-story building with rental area, as well as
12 his dental office, and with the current economy and so forth,
13 they've decided to scale back and to just build strictly the
14 dentist office, make it a one-story building as presented in
15 the plans and to -- and then that building fit within the
16 parameters of the original site plan. So the entire perimeter
17 of the property, the drives in and out, the setbacks from the
18 property lines, the landscaping into the outer perimeter of
19 the site will all -- landscapingwise will all remain the same
20 as was originally presented.

21 The thing that's different in the plan is the shape of
22 the footprint in the building shifted down this direction a
23 little bit, which shortened up the length of the parking in
24 the center and added parking spaces along the edge to fit the
25 new footprint in. So the setbacks around the outside are
26 still the same. The new building fits within, you know, that
27 footprint of the parking lot with the same circulation as
28 before and the new building itself being one story.
29 Colorwise, you know, it's a red clay tile roof, stucco and
30 stone accents.

1 And as far as the conditions go, we didn't have a problem
2 with any of the conditions. There was a couple things that we
3 can maintain the 20 feet from the property line with the bump
4 outs that we had in the building that projected over a little
5 bit, but we made an adjustment in the front in order to
6 maintain that and we did keep the five-foot landscaping across
7 the front of the building. So we have a plan here tonight
8 that demonstrates that we can do that, so we have intention of
9 meeting all the conditions for the approval.

10 CHAIRMAN WENTZ: Okay. It's a long list, but you have
11 no problems with any of them; right?

12 MR. MYERS: No. I mean, they are mostly
13 clarifications of things that we -- that we need to develop.

14 CHAIRMAN WENTZ: Right, right.

15 Gentlemen, are there any of these conditions that you
16 would like to question the applicant about?

17 MR. NORMAN: No.

18 MR. LINGENFELTER: One of the things that -- if I recall
19 this project originally, one of the things that as a side
20 light of the project itself was some of the newer ideas with
21 regards to the drainage and the landscaping around the
22 property.

23 MR. MYERS: Yes.

24 MR. LINGENFELTER: As a matter of fact, I think we were
25 so intrigued with that whole process that we kind of adopted
26 that into our -- you know, into our zoning text moving
27 forward. I would assume there is no plans on changing any of
28 that?

29 MR. MYERS: No. The same drainage method in the
30 that planting and filtration beds are in place just the way

1 they were before.

2 MR. LINGENFELTER: Just wanted to make sure.

3 MR. MYERS: Yep, that's the plan. Dr. Fioritto
4 is proud of it.

5 MR. SCHINDLER: That's with the bioswale, it
6 indicates?

7 MR. MYERS: Yeah, the bioswale, so there are
8 swale areas that would collect water and that filter through
9 the system before it drains into the retention areas so that
10 it will improve the quality of the water even before it drains
11 back into the storm system.

12 MR. SCHINDLER: Using that system and when you put
13 your parking area in, is the parking area like sloped in
14 certain ways to carry the water to those areas and let it --
15 let it be effectively, I'd say, drained like it's designed to
16 do?

17 MR. KENNEY: Right. The parking, instead of -- it
18 will sheet flow to those areas and rather than having a solid,
19 continuous curb, it's more -- it will utilize curb blocks --

20 MR. SCHINDLER: Okay.

21 MR. KENNEY: -- you know, to keep the cars in the
22 spot. That allows the water to flow under them and in between
23 them to sheet into. So there are no actual inlets within the
24 parking lot itself.

25 MR. SCHINDLER: So you basically do away with like
26 sewers and everything that you might see in parking lots
27 today?

28 MR. KENNEY: Correct, right.

29 MR. SCHINDLER: And plumbing and all that going to
30 different areas?

1 MR. KENNEY: Exactly.

2 MR. SCHINDLER: I like it.

3 MR. NORMAN: It saves a lot of money.

4 MR. SCHINDLER: It sure does. It saves a lot of
5 money and it's -- anything to help the environment nowadays,
6 yes. I hope more developers continue on using these kind of
7 methods in the future.

8 MR. KENNEY: Right. If EPA has their way, they're
9 going to have to start.

10 MR. SCHINDLER: They're going to have to; huh?

11 MR. NORMAN: Is that right?

12 MR. KENNEY: Yes. It was a regulation that used
13 to just mandate any sites five acres and above, but recently
14 it cites down to one acre, so it's getting to the point even
15 -- even residential lots that are disturbing an acre or more
16 are going to have to start considering rain gardens and
17 different things like that to treat the water.

18 MR. NORMAN: I just went nonconforming.

19 CHAIRMAN WENTZ: Me too.

20 MR. NORMAN: Oh dear.

21 CHAIRMAN WENTZ: Okay. Gentlemen, what is your
22 pleasure? Do we have a motion?

23 MR. SCHINDLER: Mr. Chairman, I so move that we
24 approve the site plan with all the changes as described and
25 adhered to in the new submission of the document.

26 CHAIRMAN WENTZ: Thank you, Frank. Second?

27 MR. MCINTOSH: I second.

28 CHAIRMAN WENTZ: Morgan. It's been moved and
29 seconded. Please call the roll, Kathy.

30 MS. MITCHELL: Mr. Norman?

1 MR. NORMAN: Yes.

2 MS. MITCHELL: Mr. Lingenfelter?

3 MR. LINGENFELTER: Yes.

4 MS. MITCHELL: Mr. McIntosh?

5 MR. MCINTOSH: Yes.

6 MS. MITCHELL: Mr. Schindler?

7 MR. SCHINDLER: Yes.

8 MS. MITCHELL: Mr. Wentz?

9 CHAIRMAN WENTZ: Yes.

10 MR. MYERS: Thank you.

11 MR. NORMAN: Thank you very much. Would you tell

12 Dr. --

13 MS. MITCHELL: Can we get a vote on design review?

14 MR. NORMAN: Yes. Would you tell Dr. Fioritto

15 that I think he's lead a team to do a very good job? I think

16 it's excellent.

17 MR. MYERS: I'll pass that on.

18 MR. NORMAN: Please do.

19 MR. MYERS: He would have liked to have been here

20 tonight, but he had a previous engagement.

21 MR. NORMAN: No, that's fine, but please let him

22 know.

23 I'll make a motion, Mr. Chairman, that we accept the

24 design review, approve the design review as we have approved

25 the conditional site plan with all the caveats therein.

26 CHAIRMAN WENTZ: All right. Second?

27 MR. SCHINDLER: I second.

28 CHAIRMAN WENTZ: It's been moved and seconded. Please

29 call the roll.

30 MS. MITCHELL: Mr. Schindler?

1 MR. SCHINDLER: Yes.

2 MS. MITCHELL: Mr. McIntosh?

3 MR. MCINTOSH: Yes.

4 MS. MITCHELL: Mr. Lingenfelter?

5 MR. LINGENFELTER: Yes.

6 MS. MITCHELL: Mr. Norman?

7 MR. NORMAN: Yes.

8 MS. MITCHELL: Mr. Wentz?

9 CHAIRMAN WENTZ: Yes.

10 MR. MYERS: Thank you.

11 MR. NORMAN: Thank you again.

12 MR. SCHINDLER: I'll be keeping a close eye on that,
13 guys. I'll be visiting your site quite frequently, so...

14 MR. NORMAN: You're welcome to throw him off if
15 you want.

16 MR. SCHINDLER: Yeah, you can throw me off. I won't
17 get in your way.

18 CHAIRMAN WENTZ: The next item is a zoning text
19 amendment requested by the Board of Trustees to amend 13.35,
20 controlling noise levels in outside dining areas. I'll read
21 that which they sent back. New Item G, the proposed use shall
22 not generate excessive noise beyond the premises. The
23 speakers used in connection with outside dining areas should
24 be set at a volume so as not to disturb abutting properties.
25 In order to minimize any affects of the above, the Board of
26 Zoning Appeals may impose additional noise reduction measures,
27 including mounding, landscaping and sound barriers to ensure
28 that the level of noise is less than or the same as prevailing
29 noise levels of permitted uses in the district.

30 New Item H, conditions may be established by the Board of

1 Zoning Appeals restricting the hours of operation in order to
2 reduce adverse impacts on abutting uses.

3 Those are the items that were sent by the Board of
4 Trustees to amend that section. Our task is to determine
5 whether to schedule a public hearing for that as stated or
6 modify.

7 MR. NORMAN: I think the issue is, Mr. Chairman,
8 if I can recite a little difference of opinion --

9 CHAIRMAN WENTZ: Okay.

10 MR. NORMAN: -- that they've asked us to schedule
11 a public hearing, modify or not.

12 CHAIRMAN WENTZ: But I think it still has to go
13 through us to --

14 MR. NORMAN: Well, it does. They're asking us to
15 schedule a public hearing. They've passed recommended
16 language. We can change the recommended language, but they
17 still want a public hearing.

18 MR. LINGENFELTER: When is the next zoning meeting?

19 MS. MITCHELL: August 4th.

20 MR. LINGENFELTER: Will that give us the
21 appropriate time for all the posting and clarification?

22 MS. MITCHELL: Yes.

23 MR. LINGENFELTER: Mr. Chairman, I make a
24 recommendation we schedule a public hearing on zoning text
25 amendment to Section 13.35 of the zoning resolution pertaining
26 to the controlling noise levels in outside dining areas to be
27 held on Tuesday, August 4th, our next scheduled Zoning
28 Commission meeting.

29 CHAIRMAN WENTZ: Very good. Is there a second?

30 MR. NORMAN: I'll second that, Mr. Chairman.

1 CHAIRMAN WENTZ: Kathy, please call the roll.
2 MS. MITCHELL: Mr. Lingenfelter?
3 MR. LINGENFELTER: Yes.
4 MS. MITCHELL: Mr. Norman?
5 MR. NORMAN: Yes.
6 MS. MITCHELL: Mr. Schindler?
7 MR. SCHINDLER: Yes.
8 MS. MITCHELL: Mr. McIntosh?
9 MR. MCINTOSH: Yes.
10 MS. MITCHELL: Mr. Wentz?
11 CHAIRMAN WENTZ: Yes.

12 The next item is to accept Zoning Amendment Application
13 #609-131 and Preliminary Plan for a proposed Residential
14 Conservation Development (R-2 RCD Distric) by Barrington
15 Consulting Goup, Inc., on behalf of Eye-Will Development. The
16 proposed development is located on a 54-acre parcel on Girdled
17 Road just east of Ravenna (Permanent Parcel No.
18 8A-004-0-00-017-0). The site is currently zoning R-4
19 Residential.

20 We would schedule a public hearing, I believe, at the
21 same time as the public hearing we've just scheduled.

22 MR. NORMAN: Well, Mr. Chairman, I move that we
23 schedule a public hearing for the Zoning Amendment Application
24 #0609-131 and Preliminary Plan as outlined in Item 5 in our
25 agenda and let's go forward and see how it flies.

26 CHAIRMAN WENTZ: Okay. Is there a second?

27 MR. SCHINDLER: I second.

28 CHAIRMAN WENTZ: It's been moved and seconded. Kathy,
29 please call the roll.

30 MS. MITCHELL: Mr. Schindler?

1 MR. SCHINDLER: Yes.
2 MS. MITCHELL: Mr. Norman?
3 MR. NORMAN: Yes.
4 MS. MITCHELL: Mr. McIntosh?
5 MR. MCINTOSH: Yes.
6 MS. MITCHELL: Mr. Lingenfelter?
7 MR. LINGENFELTER: Yes.
8 MS. MITCHELL: Mr. Wentz?
9 CHAIRMAN WENTZ: Yes.

10 All right. The next item, discussion of gas wells and
11 the consideration of proposed distances for new construction
12 is a carryover item from the last meeting, so I hope you have
13 all saved your notes that were provided by Kathy for that
14 meeting.

15 MR. NORMAN: I did not, Mr. Chairman. I
16 apologize. I didn't bring them with me, but I would like to
17 state there have been several interesting articles in the
18 paper very recently, the PD particularly --

19 MR. SCHINDLER: Yes.

20 MR. NORMAN: -- that relate to things going on in
21 Columbus; i.e., new legislation, one submitted by a local or a
22 more local representative, a senator, and then a second one by
23 someone that's not quite so local. And we are liable to find
24 ourselves in a situation where that legislation, whatever it
25 is, and whatever it comes out, which is expected to happen
26 shortly this year, will let -- either override or do whatever
27 with our zoning text. I don't know what you want to do. My
28 candid feeling is it won't hurt to let it set for another
29 month or two, see what happens in Columbus once they get
30 through the budget process.

1 CHAIRMAN WENTZ: Do we have any notion that their
2 legislation, if there will be any, would effectively cancel
3 out any regulations we would establish?

4 MR. NORMAN: They are -- the legislation, as I
5 understand it from Mr. Grendell, Senator Grendell, is going to
6 be very restrictive of gas wells, drilling and construction
7 and so on. It's going to be much stronger than the language
8 being submitted by the other gentleman. And that's why I
9 said, I don't know. I think Mr. Grendell's will be what we
10 expect -- what we're thinking about doing and I'm not sure
11 about the other.

12 CHAIRMAN WENTZ: But does it -- does his proposal
13 relate to the placement of wells or the placement of
14 structures?

15 MR. NORMAN: It relates to both. It also takes
16 out of the picture, as I understand it, and, again, this is
17 just my understanding, it also takes out of the picture of lot
18 consolidation, so they can't go to the 20-acre consolidation
19 of lots to get permission to drill the wells like they
20 currently do.

21 CHAIRMAN WENTZ: I would bet that that would have a
22 great deal of trouble getting passed.

23 MR. NORMAN: I think it will also. That's why I
24 said, we may want to wait and see what happens, because that's
25 going on right now down at that discussion.

26 MR. SCHINDLER: Is there any kind of rough draft of
27 this proposal; do you know?

28 MR. NORMAN: No, not that anybody can get their
29 hands on, as far as I know, although the paper certainly was
30 talking about it in fairly some depth. Maybe they just got

1 that from the individuals concerned.

2 CHAIRMAN WENTZ: I guess what I'm wondering about is,
3 and I grabbed your point, it's very good, one that deserves
4 consideration, is there a chance that if we think it's
5 advisable to have a minimum distance from a well where you can
6 build a house in Concord Township or other accommodated
7 structure, is there a window of opportunity of making such
8 regulation and if we don't take the window of opportunity that
9 we could find ourselves with that window closed from the
10 State? That's my question. Is there -- is that a
11 possibility?

12 MR. NORMAN: Yes. Yes. Yes and yes. Yes, there
13 certainly is a window of opportunity. I think we've heard
14 from legal counsel, at least from memory, yes, we can put
15 limits on how close a home can be constructed to a well.

16 CHAIRMAN WENTZ: Right.

17 MR. NORMAN: Now, we can't do anything with the
18 well driller.

19 CHAIRMAN WENTZ: Right.

20 MR. NORMAN: But we can -- when the new
21 construction comes into play, we can address that.

22 Now, is there a window of opportunity for that? I would
23 submit to you probably yes. Will the window close? It's like
24 guessing when the new road is going to go in.

25 MR. SCHINDLER: Me personally, I think I would like
26 to err on moving along and trying to establish something just
27 to be on the safe side, because if we don't and we did have
28 the opportunity and we blew it, then we're really going to be
29 in some big doo-doo down the road.

30 MR. LINGENFELTER: Well, I think, you know, when you

1 look at it, there were really no clear regulations as far as
2 the Lake County Planning Commission was concerned, because
3 when they made their recommendations on that development, they
4 didn't even address that as an issue --

5 MR. SCHINDLER: I know.

6 MR. LINGENFELTER: -- which was kind of ironic that one
7 of the members of the Lake County Planning Commission made
8 that a major --

9 MR. NORMAN: In fact, the chairman this year.

10 MR. LINGENFELTER: Yeah, made that a major issue during
11 the public hearings and we had conversations about that. I
12 thought that was kind of ironic that the Lake County Planning
13 Commission didn't address that and yet it was made an issue.
14 So I would think that due to the lack of any real cohesive
15 regulations that the Lake County Planning Commission is
16 following at this point in time, does it make a whole lot of
17 sense to, you know, kind of go off on our own? I would sooner
18 wait to see what develops and then, you know, kind of either
19 incorporate and/or adjust our strategy accordingly than to
20 strike off, you know, on our own course and then have to maybe
21 backtrack or, you know, undo some things that we're going to
22 do.

23 CHAIRMAN WENTZ: I grant that, but I would be
24 concerned, as is Frank's concern, that perhaps our opportunity
25 would be lost. If we had some regulation, I would assume we
26 would still then have the liberty to change that regulation in
27 some manner or another. We could change the number of feet.

28 MR. NOMRAN: Well, we had -- I think we -- and I'm
29 going to go back, and, Kathy, maybe you can help me remember,
30 before the State passed the laws that opened things up for

1 drilling, we did have some requirements on the books --

2 MS. MITCHELL: Uh-huh.

3 MR. NORMAN: -- that said you can't drill within
4 X-number of feet and some other things and I can't remember
5 the footage precisely, but I know we had things on the books.
6 And when the State opened it up, our books went out the
7 window. And I think to Andy's point and what I'm suggesting
8 is I think we could perhaps -- perhaps tighten it up. I mean,
9 we could certainly make adjustments against what the State
10 wants, but until we see what the State is suggesting, I don't
11 know if it's going to do any good. Because if it gets
12 more rigorous, that may be just exactly what we're looking
13 for. If, on the other hand, the other legislation goes
14 through and it's not as rigorous, then who knows, you know,
15 then maybe we've got to take action.

16 MR. LINGENFELTER: What's the rule, George? We can't --
17 we can't lessen the impact? We can tighten it, but we can't
18 make it any less?

19 MR. NORMAN: No.

20 MR. SCHINDLER: Correct.

21 MR. NORMAN: That's correct.

22 MR. LINGENFELTER: So what if they really put some
23 pretty strict guidelines that supersede the things we put in
24 place?

25 MR. SCHINDLER: That would be a blessing. That would
26 be great. That would be great. But many times now, you know,
27 there is a push in Washington -- not in Washington, in the
28 State that supposedly they are trying to give much more
29 control back to the townships. That's another big push.

30 MR. NORMAN: Well --

1 MR. SCHINDLER: So if we have something that's
2 established and rigid and they say the township now will have
3 that authority, we're already in place, we've already made
4 that move, which will be a benefit for everybody.

5 MR. NORMAN: Everything I read says it isn't
6 coming back to the township. Everything I also read says it's
7 going to me more rigorous in how they define and allow the
8 drillers to proceed. I think your point is well taken. The
9 lot combining probably won't happen, but I guess we could take
10 a look at it. Again, reading the same articles, there are
11 some terrific numbers that we have to be concerned about. You
12 know, with Kathy's input, I remember reading 100 to 150 feet.
13 Some of these articles are suggesting 300 feet now. Now,
14 where is the limit; okay? I have no idea. I'm not a
15 geologist, I don't pretend to be, and I'm not in a position to
16 say there is a good number. Certainly 100 feet would be
17 better than nothing, but we've had accidents, severe
18 accidents, severe issues with oil and gas wells at 150 to 200
19 feet.

20 So, Mr. Chairman, I leave the ball in your hands.

21 MR. SCHINDLER: You have to remember, George, when we
22 did put together legislation some years ago, we took all that
23 under consideration because we did get studies from various
24 organizations that pointed out depending where gas and oil
25 wells are drilled, the type of soils, subsoils, how far down
26 they go can actually be harmful for wells, people's homes.

27 MR. NORMAN: Sure.

28 MR. SCHINDLER: Look at already what's being
29 experienced in surrounding communities where people
30 unfortunately over the years have had wells drilled in their

1 backyard, close to it, and maybe not even close to it, where
2 they've had seepage of gas coming into their property, you
3 know, wells and all that, even into their homes, coming into
4 their basements, where they have -- you have to remember, when
5 gas comes -- normal gas does not have a smell to it at all and
6 it can seep into your house and you have no clue and all of a
7 sudden, "boom," it's gone.

8 CHAIRMAN WENTZ: You have one clue.

9 MR. SCHINDLER: Boom.

10 MR. NORMAN: That's true, a sudden boom.

11 MR. SCHINDLER: When you hear the "boom." So those
12 things that, you know, sort of scare me, I would like to be
13 able to do what we can and feel that we've tried to do
14 something and move along with doing something, rather than
15 just waiting for our, quote, "elected officials," because, you
16 know, they put a lot of stuff in the paper that really makes
17 it sound great. Just like when they're running for office,
18 they make it sound great and once they're in there, you don't
19 hear any more about that stuff anymore. So I'd rather be on
20 the moving direction to do something, rather than listening,
21 we speculate what they are saying they're going to do and will
22 it ever happen.

23 MR. NORMAN: Well, we have other things to
24 consider and I guess I don't object to you, Frank. I think
25 you are probably right on, let's do something, but other
26 things to consider, like gas well drillers, for example, take
27 the fluid out of the well and pump it back into the ground to
28 do what they call fracture the ground so they free up the gas
29 or oil into the well.

30 MR. SCHINDLER: Right.

1 MR. NORMAN: That leads automatically to some form
2 of contamination and seepage into the rest of the surrounding
3 soil, plus we don't know what condition the soil is they are
4 drilling in, so we have a third problem, if you will, so --
5 and I'm not trying to discourage, but we need to look at it
6 all. If we're going to do it, let's do it right.

7 CHAIRMAN WENTZ: I'm inclined to say we should take a
8 look at this and if we can arrive at some consensus, we can
9 develop a regulation. If we can't arrive at a consensus,
10 then we will be stopped in trying to do that.

11 MR. NORMAN: Well, you're the chairman, you can
12 mold this organization.

13 MS. MITCHELL: Mr. Chairman, the director of the
14 Planning Commission did tell me that they are going to be
15 attempting to work on some model regulations so that the
16 communities can maybe have some consistency in moving forward
17 and that is on their plate to do. When they'll finish that,
18 it's not clear, but he did tell me that that was their plan
19 and I do have extra copies of what I passed out before.

20 MR. SCHINDLER: So you don't really have any idea on
21 the timetable of when this -- when they might start having
22 some meetings on this or anything?

23 MS. MITCHELL: Well, they've already had some
24 discussions. I know at the last Planning Commission meeting
25 in particular Harry had some regulations that they were
26 proposing, so they were looking at that. So they've already
27 had some initial discussions and, like I said, Jason has told
28 me that, you know, that's their plan is to get -- and the
29 Planning Commission has charged him with trying to do
30 something so, again, there is some consistency countywide with

1 that. So I think it's on a sooner-than-later track, but I
2 don't have any definite time.

3 MR. SCHINDLER: If you ever find out, can you let me
4 know?

5 MS. MITCHELL: Sure.

6 MR. SCHINDLER: I would like to be able to maybe take
7 some time and sit in on some of this stuff if I can, if I'm
8 allowed to do that.

9 MR. NORMAN: Sure, why not. Call Jason.

10 MR. SCHINDLER: Yeah, okay.

11 MR. NORMAN: Because those are all public
12 meetings.

13 MR. SCHINDLER: Right.

14 MS. MITCHELL: Well, and I can certainly let you know.

15 MR. SCHINDLER: Could you, please?

16 MS. MITCHELL: And he's on vacation this week, but I
17 can certainly talk to him about a little more definite time
18 frames that they have or --

19 MR. SCHINDLER: Okay. Would you, please?

20 MS. MITCHELL: Sure.

21 MR. SCHINDLER: -- and let me know? Thank you.

22 CHAIRMAN WENTZ: All right. I think, unless there's
23 an objection, what I would like to do is put this on our
24 agenda to discuss as an item that we are going to take a look
25 at doing something about and I guess the assignment to next
26 time is on your part, Kathy, find out what, if anything,
27 they're doing and when and on our part to familiarize
28 ourselves with the regulations that do exist by other
29 townships in this area, which Kathy has or at least will make
30 available to you. And we can, I think, be responsible for

1 bringing our initial feelings to the next meeting.

2 Item 7, Correspondence Report by Zoning Commissioners.

3 Any contacts, Frank?

4 MR. SCHINDLER: No, other than the communication I
5 got from Wilbur of his resignation. That's all.

6 CHAIRMAN WENTZ: George?

7 MR. NORMAN: Yeah, I got the same communication
8 from Wilbur. I would suggest, Mr. Chairman, that sometime
9 over the next month we try to put together something to
10 recognize Wilbur's service to the Zoning Commission. Do you
11 know as the Planning Commissioner, are the Trustees planning
12 on doing anything?

13 MS. MITCHELL: They were going to do a resolution.

14 MR. NORMAN: They were going to do a resolution?

15 MS. MITCHELL: Yeah. Unfortunately I don't know
16 that he'll be in town. They were going to do it next meeting
17 and I don't know that he'll be in town.

18 MR. NORMAN: Probably not.

19 MS. MITCHELL: Yeah, based on his schedule, but that
20 was at the very least what they were going to do, so I'm open
21 to anything else you want to do.

22 MR. NORMAN: I think it would be nice to
23 acknowledge his service, because I -- you know, even though
24 Wilbur and I constantly were at each other, we had a good
25 time. There certainly wasn't any animosity.

26 CHAIRMAN WENTZ: So is Wilbur gone, though, at the end
27 of July?

28 MS. MITCHELL: Yes.

29 MR. SCHINDLER: Yeah, I think his email said the 29th
30 of July he's officially going to be --

1 MS. MITCHELL: 31st, I believe.

2 MR. SCHINDLER: Oh, 31st?

3 MS. MITCHELL: Yeah.

4 MR. SCHINDLER: But he did say he'd try to come and
5 say, "good-bye" to everybody, so if we had something put
6 together and we sign it, that would be an excellent time to --

7 MR. NORMAN: Yeah.

8 MR. SCHINDLER: I'm sure he hopefully would attend
9 maybe a meeting.

10 MR. NORMAN: Oh, I don't think you'll see him at a
11 meeting.

12 MR. SCHINDLER: I don't know, if not, whatever we
13 find out, we can present it at the time when he lets us know.

14 CHAIRMAN WENTZ: Well, why don't we delegate that to
15 Kathy and we'll put something together.

16 MR. NORMAN: I think that's a good idea, Mr.
17 Chairman.

18 CHAIRMAN WENTZ: All right. Andy?

19 MR. LINGENFELTER: Yes? No, nothing, other than the
20 ones we've already discussed.

21 CHAIRMAN WENTZ: Morgan?

22 MR. MCINTOSH: I don't think anyone's known I've
23 been a member since Saturday when it was in the paper, so I
24 think no, I haven't been contacted.

25 MR. LINGENFELTER: You didn't get inundated with --

26 MR. MCINTOSH: No, not yet.

27 MR. LINGENFELTER: Wow, lucky you.

28 MR. NORMAN: Your time's coming.

29 MR. LINGENFELTER: Yes.

30 MR. MCINTOSH: I'm sure it will.

1 CHAIRMAN WENTZ: We are all planning on forwarding
2 calls.

3 And I have nothing expect Wilbur's contact.
4 Approval of minutes for June 2.

5 MR. SCHINDLER: Mr. Chairman, I so move that the
6 minutes of June 2nd be approved as written.

7 CHAIRMAN WENTZ: Is there a second?

8 MR. NORMAN: I'll second, Mr. Chairman?

9 CHAIRMAN WENTZ: All in favor?

10 MR. MCINTOSH: Aye.

11 MR. LINGENFELTER: Aye.

12 MR. NORMAN: Aye.

13 MR. SCHINDLER: Aye.

14 CHAIRMAN NORMAN: Aye.

15 Opposed?

16 Minutes are approved.

17 MR. NORMAN: Mr. Chairman, the next meeting is
18 August 4th, Andy, did you say?

19 MR. LINGENFELTER: Yes, it is.

20 MR. NORMAN: Thank you.

21 CHAIRMAN WENTZ: Is there any other business?

22 This meeting is adjourned.

23 - - - - -

24 (MEETING ADJOURNED AT 8:10 P.M.)

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CERTIFICATE

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2
3 I, Susan Goodell, a notary public within and
4 for the State of Ohio, duly commissioned and qualified,
5 do hereby certify that, to the best of my ability, the
6 foregoing proceeding was reduced by me to stenotype
7 shorthand, subsequently transcribed into typewritten
8 manuscript; and that the foregoing is a true and accurate
9 transcript of said proceedings so taken as aforesaid.

10 I do further certify that this proceeding
11 took place at the time and place as specified in the
12 foregoing caption and was completed without adjournment.

13 I do further certify that I am not a friend,
14 relative, or counsel for any party or otherwise
15 interested in the outcome of these proceedings.

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand and affixed my seal of office this 19th day of July,
18 A.D. 2009.

19
20 _____
21 SUSAN GOODELL
22 Notary Public-State of Ohio
23 My Commission Expires: February 9, 2012
24 Recorded in Lake County
25
26
27
28
29
30