

LeRoy Township Zoning Commission
April 11, 2016
Work Session and Public Hearing Meeting Minutes

Meeting was called to order by Chairman Dennis Keeney at 7:00 pm.

PUBLIC HEARING FOR DISTRICT CHANGE

Public hearing for rezoning of Parcel Nos. 07A0340000150, 07A0320000110, and 07A0320000060 by JJJ Properties LLC began. Roll call of Commission was taken, Dennis Keeney, Anthony Falcone, Rob Coulter, T.R. Hach, and alternate Tom Gabor are present. Audience attendance per sign in sheet was as follows:

Larry & Holly Doyle – 6440 Brockway
Karen Henderson – 13625 Seeley
Frank & Sharon Noewer – 5955 Paine
Brian Crouse (BZA member) – 12926 Carter
John Cutlip – 13145 Carter
Bob Brassell – 13333 Carter
Joe Eckenrode – 12886 Carter

Lori Watson – 12837 Carter
Jim Cooke – 13625 Seeley
Rudy & Jeannette Veselko – 6394 Paine
Deb Gucciardo – 13031 Carter
Heather Shelton (Twp. Trustee)
Shawn Parker (Assistant Zoning Inspector)

Dennis Keeney read the applications along with a letter from JJJ Properties requesting that the decision on the applications be extended until June. Dennis Keeney read a letter from the Lake County Planning Commission with its recommendation to decline the applications as they are not consistent with the LeRoy Township Comprehensive Plan. Hearing was opened to public comment.

Question from John Cutlip asking what was the Interchange District. Dennis Keeney explained the zoning.

Question from Bob Brassell asking if Lake County Metroparks is part of the parcels. Dennis Keeney stated that it is not, it is the Cedar Hills property.

Question from Deb Gucciardo asking if the request includes the power lines. Dennis responded that it does not.

Question from Deb Gucciardo asking if Zoning Commission could change what is permitted in Industrial Zoning. Dennis Keeney and Anthony Falcone responded that it could be changed, but JJJ Properties LLC's existing use would continue to be permitted as "legal non-conforming."

Lori Watson mentioned that David French, who has an existing zoning change application in process, signed a lease with JJJ Properties LLC. Lori asked why he would sign the lease if he didn't have a permit to operate a concrete plant. Dennis Keeney responded that this was news to the Zoning Board, and he can't answer why French would sign a lease.

Lori Watson asked why the Zoning Commission would add additional Industrial parcels. Dennis Keeney responded that adding Industrial is not necessarily what the Zoning Commission is looking to do.

Karen Henderson stated that she agrees with Lori Watson and that Vrooman Rd. looks like Baghdad. Karen also stated her concern about contaminant runoff into Paine Creek and declining property values as a result of what Allega (JJJ Properties LLC) is doing. Dennis Keeney stated that in order to operate the concrete plant on the parcel being requested to be rezoned to Industrial, JJJ Properties LLC would need a district change and a Conditional Use Permit. Dennis Keeney stated that the Industrial zoning only allows indoor operations and that Industrial would be a step down in zoning.

In the course of the discussion it was mentioned that Lake County Metroparks may have a lease on the Cedar Hills property.

Bob Brassell asked if the zoning change would go up for a public vote. Dennis Keeney responded that no, but residents could get a petition for a referendum.

Karen Henderson asked why JJJ Properties LLC can't be forced to clean up the property. Dennis Keeney responded that as a Township, we are limited in what we can do. Anthony Falcone mentioned that the current use on the Industrial parcel is conforming.

Deb Gucciardo and Lori Watson asked whether they could see the existing permits for JJJ Properties LLC. Trustee Shelton said she called Zoning Inspector Myron Telencio to get copies, but he is out of town.

Deb Gucciardo stated that she is for progress, but Allega goes slowly, cuts down trees, and destroys the look of the property. Deb stated that you can look at Allega projects, and there are currently no projects in Lake County. She stated that the jobs for highway construction can be located on the internet.

Lori Watson said she read the minutes from the March 2015 Zoning Commission meeting, and Zoning Inspector Telencio requested the ability to renew Condition Use Permits. Dennis Keeney read the zoning requirements for renewing a permit. Anthony Falcone stated that this was an issue brought up while he served on the BZA, and it appears that Inspector Telencio is renewing Conditional Use Permits. Joe Eckenrode stated that he saw in the News-Herald a few months ago that the Allega permit was extended to May 1st, 2016. Lori Watson stated that the whole process stinks. Trustee Shelton responded that she is looking into the process.

Deb Gucciardo stated that LeRoy is letting Allega write his own zoning, and that Section 18 for Industrial zoning is blank. Anthony Falcone stated that the permitted uses for Industrial are listed in Section 17 and that the Township has no ability to stop anyone from cutting down trees or moving dirt. Dennis Keeney explained that the U.S. Army Corps of Engineers is responsible for approving work to wetlands and streams, and that he believes Allega bought into a wetland bank in Ashtabula County.

Lori Watson asked if the Township has setback requirements for restaurants and stores. Dennis Keeney responded that yes, there are, and that site plans are reviewed for each proposed site.

Deb Gucciardo asked if the Township is keeping track of issues that Allega has had with the property. Deb asked if the ODOT garage was going to move to the proposed Industrial parcel. Dennis Keeney stated that a change to Industrial was a non-starter as it is a lower use than Interchange. Dennis also stated that it is unknown what is taking place at the Cedar Hills camp. It can continue to operate as a camp & conference center, and that is a higher use than residential.

Assistant Zoning Inspector Parker stated that Lake County Metroparks has a conservation easement from 1999 on the Cedar Hills property (parcel ending in 0060) which covers 125.18 acres, just the camp property. Parker stated that he doesn't know what the easement allows, but he will look into it and update the Zoning Commission.

Trustee Shelton asked whether the Zoning Commission could vote on the proposed rezoning to Industrial but not the two requests for a change to Interchange. Anthony Falcone stated that yes, the Zoning Commission could. Dennis Keeney stated that he didn't want to open the Zoning Commission to potential litigation, and it would be best to postpone the decision as requested by JJJ Properties LLC.

Lori Watson asked about the water at the Cedar Hills property and stated that the existing wells only produce five gallons a minute, and that Allega is hauling in water and would continue to do so. Lori stated that her family used to haul water for the camp, and that the camp still buys water.

Sharon Noewer voiced her opposition to Industrial zoning.

Jim Cooke asked why the Township is dealing with Allega. Dennis Keeney stated that legally we have to take action on a requested zoning change. Allega is a landowner, and personalities can't be taken into account, as they come and go, but the use of the real estate stays. Jim Cooke stated that Allega is polluting wherever they go.

Trustee Shelton asked if we can legally extend the decision to June as requested by JJJ Properties LLC, or if it can only be extended 30 days. Anthony Falcone responded that per Dave Radachy of the Lake County Planning Commission (stated at the previous zoning meeting), the Zoning Commission has to rule within 30 days of the end of the Public Hearing, but the Public Hearing can be extended.

Dennis Keeney made a motion to extend the Public Hearing until the May 9th zoning meeting. It was seconded by T.R. Hach. A vote was taken. All were in favor.

The previously extended Public Hearing for the request by John Kusar to rezone parcel #07A0260000080 was re-opened at 8:00 pm. Roll call of Commission was taken, Dennis Keeney, Anthony Falcone, Rob Coulter, T.R. Hach, and alternate Tom Gabor are present. All of the previous audience members remained. Dennis Keeney read the request. Hearing was opened to public comments.

Deb Gucciardo stated she was against the rezoning request, as there is no need for more industrial, and it doesn't fit the Comprehensive Plan.

John Cutlip stated that he supported the request for a zoning change.

Jim Cooke, Karen Henderson, Larry Doyle, Lori Watson, Sharon Noewer, Frank Miller (not on sign in sheet), and Joe Eckenrode stated their opposition to the zoning change.

At 8:05 pm Dennis Keeney closed the public hearing. Anthony Falcone made a motion to accept the recommendation of the Lake County Planning Commission and deny the request for a zoning change. Tom Gabor seconded the motion. Anthony Falcone stated that based on the recommendation of the Lake County Planning Commission that the change would not conform to the Comprehensive Plan, he supported denying the request. Dennis Keeney stated that based on the lowering of the land use, he also supported denying the request. A vote was taken. All voted to deny the request.

Dennis Keeney stated that the regular Zoning Commission meeting would continue. Most of the audience members left.

Lori Watson asked about the structure of the Lake County Planning Commission and Gerri Hausch's seat on the Commission. Anthony Falcone stated that he and Zoning Commission member Jeff Kenyon sat on the Land Use & Zoning Board, and Gerri Hausch sat on another Planning Commission Board. Lori stated her concern about Gerri Hausch representing LeRoy Township and if anything could be done about it.

Dennis Keeney read a letter received from Dave Radachy of the Lake County Planning Commission regarding the Stein Farm. A request was made by the property owner to extend the platting/subdivision. Dennis stated that he would meet with the Trustees and Zoning Inspector Telencio to give feedback to Dave Radachy. Discussion was had regarding the ability of the ground to handle septic tanks for all the parcels.

Dennis Keeney read the minutes from the March Zoning Commission meeting. Anthony Falcone made a motion to approve, seconded by Dennis Keeney. A vote was taken. All voted in favor.

Assistant Zoning Inspector Parker gave an update on a new home on Taylor Rd. The home is on 20 acres by the Z-curve and will be over 3,000 SF.

There were no comments from the Trustees or the audience.

Anthony Falcone gave an update on the Land Use & Zoning Board. Anthony stated that the requests by JJJ Properties LLC were discussed and a recommendation was made to deny the requests. There were also proposed zoning text for Concord Township regarding riparian setbacks. There were no other items.

The proposed home occupation zoning text was reviewed with minor changes. Discussion was had on the parking requirements.

Lori Watson asked if the Fire Department would conduct inspections. Dennis Keeney stated that not for proposed Type 1 occupations as the Ohio building code would govern any requirements.

Dennis Keeney stated that he would like to finalize the Type 1 language next month and send the proposed text to the Lake County Prosecutor.

Tom Gabor made a comment on the weights for commercial vehicles per State regulations. Dennis stated that he would make the appropriate changes.

T.R. Hach made a motion to adjourn, seconded by Dennis Keeney. All voted to approve. Meeting adjourned at 9:10 pm.

Submitted by
Anthony Falcone
Zoning Commission Member
In absence of Secretary, Nancy Kranstuber