

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

September 19, 2018

The Leroy Township Zoning Board of Appeals met at the Leroy Township Hall, 6684 Paine Rd., Leroy Township, on September 13, 2018.

Chairman Rudy Veselko called the public hearing to order at 7:00 p.m.

Members present were: Rudy Veselko, Stuart Bennett, Jerry Hausch, Susan Hanna, and Sharon Noewer.

Also present were: Myron Telencio, Zoning Inspector; Brian Crouse, Assistant Zoning Inspector; and Attorney, Ron Graham.

Guest: Applicant, Mark Merlihan, Executive Director of Cedar Hills; John Allega, managing partner of JJJ properties; Dave Radachy of Lake County Planning and Community Development.

Audience: Zoning Commission members, Dan Himmelman and Tom Gabor, and members of the community – see attached list.

The Chairman addressed the audience, asking everyone to be respectful, speak only when called upon and identify themselves before speaking.

The reading of the minutes from the July 10, 2018 meeting was postponed.

The chairman confirmed that the hearing date was published in the News-Herald on September 8, 2018 and on the township website. Surrounding property owners were notified by mail. The chairman made note of the clerical error made in the letters that were sent. The description of the proposed use mentioned a Home Occupation which should have read Conditional Use.

Ron swore in those testifying.

The Chairman read from the application that the applicant, Mark Merlihan requests a Conditional Use Permit for a Life Education School to house a faith-based, Christian program to educate individuals, who have previously gone through a rehabilitation program with the skills needed to overcome chemical addictions and the life skills necessary to integrate themselves back as fully functioning members of society. The chairman then read the entirety of the Proposed Use from the application – see attached.

Mr. Merlihan had nothing to add, but said he would be more than happy to answer any questions.

The Chairman opened the floor to questions (answered by Mr. Merlihan unless otherwise noted):

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Paul Balognie: Is this program part of a court-ordered program or will it be strictly voluntary?

Answer: No, though a participant may have been in court at one time, it is strictly voluntary program. There is a monthly tuition fee with a sliding scale based on ability to pay.

Stuart: Is this privately funded? Answer: Yes. There is no burden to the taxpayer.

Stuart: How many beds are currently available? There are 36 beds.

Stuart: What is your background with this type of facility? Answer: I am actually an ex-addict of 30 years. I have been a licensed, ordained minister for 20 years. The majority of that time has been spent working with addicts and their families. This will be my first time running a program. I came out of a women's facility in Elyria. Being a graduate of Teen Challenge, I am very familiar with Youngstown's program. Our advisor for this program was a regional director of Teen Challenge, with 25 – 30 years of experience.

Susan: Can you explain the security you have in place or how the program works to assure that participants will not be out in the community? Answer: They will not have a vehicle to drive around. Each participant is assigned a staff member as a mentor who will work with them all day long for the first 6 months. We may start with 5 people and probably not exceed 10 in the first 6 months.

Dane Hockman: Is there a particular age group? Answer: Over 18.

Sharon: Your application states that the campus will be secluded and secured. In terms of asking you about what types of security you mean, you are talking about a buddy system, but in terms of electronics or gating or surveillance, there is not any security like that? Answer: It is already in the budget for an electric gate with a camera and key entry to know who is coming in and out. We have a security alarm system and will be putting cameras in.

Sharon: Where will the gate be and will there be a fence around the whole property? Answer: The gate will be on the drive. The entire property will not be fenced in.

John Allega added that the entrance will have a gate, from the entrance to I-90 there will be fence and from the entrance to Paine Creek there will be fence as well. He stated that the rest of the property is surrounded by Paine Creek which has a 40 – 70 foot drop down and back up the other side.

Stuart: Can these participants leave if they choose to? What would the process be, if they do?

Answer: Yes. They are there by choice. If they choose to leave, they are taken to the Cleveland bus station.

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Sharon: Is the application just for the existing structures? Answer: We plan to start with 10-12 participants in the first 5-6 months, and grow to 36 in the next couple of years which the current facilities can house. Expansion to 80 or more participants would require new facilities. The cabins in the back will actually be residences for counselors, workers and possibly their family as part of their income. We would also possibly expand the cabins for workers as the program expands.

Mr. Allega stated that it was not to exceed 100 including staff and participants. Sharon read the last paragraph of the Proposed Use page of the application and pointed out that it stated 100 students in the future. Mr. Merlihan stated that it should have read 100 in total (staff and participants).

Susan: So, when you go beyond the 36 capacity that you have now, you will then have to build additional structures? Answer: Yes.

Paul Balognie: Do you have a protocol if someone decides to walk away? Will we potentially have recovering addicts walking around Leroy looking for a way out? Answer: Our goal is to get them where they need to be. If they do not want to stay with the program, they can call a family member to come get them. If they choose not to, we will take them down to the Cleveland bus station.

Ron Graham explained how a BZA meeting is supposed to run and suggested the questions come from the BZA and statements can be taken from the audience before the BZA closes the open session. Rudy stated that there has been a lot of miscommunication and he feels the audience are entitled to clarification.

William Welker: Will there be felons accepted into the program? Answer: No sex offenders will be admitted, but there is a potential. Mr. Welker stated that he does not know of any facilities in the country (versus in cities) and likes to leave his doors unlocked without worries of felons in the area.

Deb Gucciardo: What is the Cedar Hill property currently zoned as? Rudy stated it is R2.

Sharon: What tools will you use to find out a potential participant's background? How will you know he is not a sex offender or convicted felon? Answer: They will use a service to do background checks.

Ryan Mohr: What benefit does Leroy Township get from this? Myron answered that there may be a bed tax.

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Deb Gucciardo: How much property are we talking about? Dave Radachy stated that the lot is legal-nonconforming with no frontage and any split would require a variance from the BZA. There is a conservation easement on the property as well. John Allega stated they will be putting a road in and a deeded dedicated lot with 60-foot frontage, but the first year it will just be a simple lease.

Deb Gucciardo: Which road will that road be coming off of? Mr. Allega stated it will come off of Vrooman near the BP.

Chris Kasky: Is this Teen Challenge the same guidelines as the one in Perry? Answer: No. Perry is an induction program. Participants are shipped off to another state after 4 months. This program is not a Teen Challenge in name, but uses the Teen Challenge program as a guide.

Mr. Merlihan stated that the board is welcome to come anytime.

Chris Kasky: Are you going to follow the same work program as Teen Challenge? Answer: I am open to anything as long as the community is open to it.

Sharon: Are you going to seek licensing and certification from the Ohio Department of Mental Health and Addiction Services for the facility? Answer: No.

Sharon: You have indicated that you will require completion of a rehabilitation or detox program by participants. Would it be a medically supervised program with accreditation and what certification would you require, that it has been successfully completed, before accepting the applicant? Answer: A certificate of completion from a medically-supervised program. Not every candidate that comes will have to go through detox. They just don't have the life-skills to cope.

Sharon: Will you confirm with a drug test to show that they are fully detoxed? Yes. We will do a drug test.

Deborah Jackson: What are the qualifications of the mentors? Answer: The mentors are participants we have raised up within the program. The rest of us, as staff members, have either been through Teen Challenge, have gone through accreditation and/or are licensed ministers. The staff that I will be hiring immediately will have at least 5 years of experience in this type of industry. Will they be onsite all the time? Answer: Not all of them, but we will always have a supervisor onsite.

Leslie Machuta: Why does the BZA have to approve a conditional use for them? Dave Radachy: Conditional Use is a permitted use that needs more scrutiny and the board will decide if the use

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they are proposing meets the conditional use permit regulations. The board is allowed to place additional conditions on it in order to make sure it melds well with the community.

Deborah Jackson: Will there be random drug tests for the mentors? Answer: That is a great question. I am sure there will be.

The Chairman ended the questioning and asked if there was anyone specifically for the proposed conditional use permit: Several audience members raised their hand.

Steve Todd spoke in favor.

The Chairman asked if there was anyone against and many in the audience raised their hand. Rudy asked them to each state why when called upon.

The number of people voicing concerns are as follows:

Decreased property value: 2

The township wants to stay more country: 3

No benefit for/ a detriment to the township: 2

Mr. Allega's history of not upholding his granted conditional use permits. 2

Lake, Geauga, and Cuyahoga already have quite a few facilities for men: 1

Security (due to no police force in Leroy and/or the history of crimes by addicts): 8

Concerns for taxing our Fire and EMS: 1

No medical staff on staff: 1

The fact the participants are free to go and no one will be notified if one leaves the property: 1

Mr. Graham described the Costco v Mayfield Heights case, then stated that the board has to prove it would be some detriment to the community to reject a conditional use application, but if the board is satisfied with the parameters of this, then they almost have to approve it.

Mr. Graham stated that if a conditional use permit holder is not doing what the board has asked them to do or not following the regulations, their permit can be revoked.

Mr. Allega stated that from 1963 until 2016, the 200+ acre property was a youth camp with a conditional use. He also stated that only 16 acres of this proposed facility, will be deeded to the non-profit in the future if this program is approved, and the rest will eventually have tax

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revenue for the township. Dave Radachy pointed out that Youth Camp was removed from permitted uses at some point and the camp was then legal non-conforming.

Mr. Merlihan, stated the participants are not allowed to have phones while in the program. For the first 30 days there is no visitation. Once a month there will be family visit days for immediate family. The visitors will be searched on Family Visit days.

Mr. Merlihan stated that on average of 100 who start the Teen Challenge program, 50 will leave after 2-3 months. Of those who remain 85% of them succeed and never return to drug use again. He stated that he had empirical data to support those figures but it was not with him at this time. Mr. Merlihan does not want the participants to be off the grounds with the exception of an occasional church service.

Sharon made motion to go into executive session. Susan seconded and all were in favor. Rudy asked the audience to exit the hall.

Motion was made and seconded to close executive session. All were in favor.

Sharon Noewer made a motion to approve the Conditional Use Permit with the following conditions:

The security system and entry gates with electronic surveillance camera must be operational prior to the opening of the program and remain operational for the duration of the program.

The property and the program will be for the existing buildings only.

Anyone leaving the premises without permission, the Lake County Sheriff's Department must be notified.

No one is permitted on the property except for approved staff, and immediate family members once a month, with the exception of a potential annual community open house.

No convicted felons are allowed on the property.

Participants must pass a drug-test prior to entry into the program.

The number of program participants is limit to 30.

There will be a yearly review of this conditional use permit with an annual inspection.

Susan seconded and roll was called.

Sharon – no, Stuart - no, Rudy - yes, Susan – yes, Gerry – yes. Motion passed.

The Sugar Lake Lodge Conditional Use was reviewed.

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Myron reviewed his report.

Caretaker's house is being occupied by a caretaker.

The main lodge per the conditional use permit for capacity of 250. The Lake County Building Department and the Fire Department permitted a capacity of 236.

The Lake County Building Department and the Fire Department have approved it.

There is no kitchen where food is being prepared.

Rental started July 17, 2017.

Sheriff is being contacted for all events and security is being provided.

The Fire Dept does not require any notification of events.

There is no outdoor amplified music per conditions.

Lodge overnight accommodations are going on and there is a provided contract.

Bed tax is in place.

Cabins are functional but have not had any rentals to date. Rental agreements are in place.

There was one indoor concert.

Myron reported there were no violations.

Rudy made a motion to renew the conditional use permit based on the zoning inspectors report. Susan seconded. All were in favor by roll call. The next review will be in 3 years.

Rudy motioned to adjourn the meeting. Stuart seconded. All were in favor.

Respectfully submitted,

Julie Himmelman

Zoning Secretary