

LeRoy Township Zoning Commission

July 25, 2017

Site Plan Review Minutes

The meeting called to order at 7:00 p.m.

Members Present: Dennis L Keeney, Rob Coulter, Anthony Falcone, Tom Gabor, Ted (T.R.) Hach, Jr. and Secretary, Julie Himmelman

Also present: Zoning Inspector Myron Telencio, and Ron Graham, Township Attorney

Guests: Gopal Patel; David Novak, Consultant for Mr. Patel

Audience: Carol Malensek and BZA members Brian Crouse, Susan Hanna and Rudy Veselko

The President invited Mr. Patel to summarize his expansion project.

Mr. Patel stated that he has owned the BP station for almost 7 years. He purchased the Subway from Ken Blakeley last year. He would like to combine the Subway with his BP station due to the poor conditions of the current site and the potential increase in profitability. He feels that he has improved the appearance of the BP after purchasing it and his plans for the expansion would be appealing from the outside and inside and make the township look good as well.

The President asked if Mr. Patel felt the BP location was good. Answer: Yes.

Competition and the high-rise sign were discussed.

Parking space concerns were discussed. Myron stated that the plans were within the township's standards.

The President, Dennis L. Keeney, had questions about the Site Plan form and was satisfied with Mr. Patel's answers

Dennis read Section 17.01.

Dennis asked why the additional pumps were removed in the second site plan. Mr. Patel stated that BP did not approve them.

Dennis stated that the current site plans do not meet what needs to be gone over.

Dennis would like to see a boundary survey showing the complete property that Mr. Patel owns with dimensions, information and use of adjoining properties, and existing drainage and frontage details. Dennis commented that the current access (ingress/egress) is difficult. He would like to see how Mr. Patel would provide access if there were two separate uses on his entire 7 acres .

Dennis stated that there are two easements on Mr. Patel's property and Allega has an access drive through Mr. Patel's property. Dennis stated that he would like to see a plan for access for both owners with easements and a recorded document with the elimination of the access easement that was removed in the site plan.

Mr. Dave Novak asked for clarification of what Dennis meant by Best Use and if he meant that Mr. Patel needed to provide a plan of future uses other than what is being proposed now. Dennis answered that yes, not with specifics, but with an idea of where a future building development would be, general topography and retention plans for a future building.

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Dennis also needs to get feedback from the county concerning access for any future building development.

Dave Novak asked if the burden is on Mr. Patel to provide an access agreement with the adjacent property owner, if there is already an access point available to them. Dennis stated that there is an undefined blanket easement and by deed they have access to Vrooman Road at a specific point that will disappear, according to Mr. Patel's improvement plan. The commission cannot agree to the site plan unless that is shown as a new agreement to accommodate a 60-foot wide easement access across Mr. Patel's property.

Dave Novak asked if there was a need to change the location of the existing access points for the BP property? Dennis stated that the commission needs to see what the county would say.

Anthony asked for clarification from Dennis of his easement concerns in the back. Dennis stated that the existing easement must be vacated or changed to a define access and that should be reflected on the drawings.

Myron stated that the access has no bearing on the building. Dennis stated that it does have application to the site. Myron stated that it was not infringing on the building and Dennis stated that it could.

Mr. Patel stated that CEI has a filed easement. Dennis asked what if the new owners say that the 20-foot access wasn't enough. Mr. Patel said that he is not required to give anyone more access than what is agreed upon and this does not have any bearing on his Subway addition. Mr. Novak said they can provide recorded easement documentation and a survey with the access easements.

Dennis asked what happens if the easement isn't adequate for a commercial access. Mr. Novak stated that he does not feel that is Mr. Patel's problem and that would be up to them to negotiate with Mr. Patel. Mr. Patel stated that the access issues for the adjacent owners is not his concern, but that he has been working with John Allega. He stated that Mr. Allega is busy and not making this project a priority. Mr. Patel did not feel that that agreement should hold up his current project.

Myron stated that what Dennis is asking for is not in the site plan review requirements. Dennis stated that the commission could ask for more things.

Dennis asked that the septic field be outlined on the plan and asked for specifics. Mr. Patel stated that he had it approved by the Ohio EPA and it is designed for 1500 gallons per day and the BP station uses 300 per day. Mr. Novak stated that if another use (on the 7 acres) was owned by the same owner it could be legally tied into that septic system, but with the number of variables the plan can only speculate usage.

Dennis asked Mr. Patel if he had any other plans for his property in the future. Mr. Patel answered no.

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Mr. Patel expressed his concern that the focus of future plans may be impeding the approval of the current project. It is critical that he can start construction this year because his lease is up in March. He stated that he has been a supporter of the community and his employees are local and hopes the community looks positively on his businesses.

Mr. Patel stated that his deed states that he (the owner) has the right to move the access easement. Anthony reiterated that he did not feel the commission needs to consider the future needs of Allega in making this decision. Myron stated that the site plan review requirements have been fulfilled, and future uses have no bearing in making this decision and the commission should take a vote. Ron Graham stated that the township should not require more than what is in its resolutions and if Mr. Patel has provided everything, the commission should take a vote, if not then Mr. Patel needs to provide the information that is absent.

Mr. Novak stated that the site plans were submitted to the Ohio EPA, Lake County Soil and Water, the Lake County Engineers, and they have approval from all but the Lake County Engineers who are waiting for the Township's approval. Dennis stated that he wants to get input from the Lake County Engineers as to how the current access to Vrooman will affect future development requirements.

The nonconformance of the canopy and pumps were discussed.

Mr. Novak reiterated that the easement issues are between Mr. Patel and Allega and that any violation would be a civil case between them. Dennis disagreed that the access to Vrooman Road is not. Attorney, Ron Graham stated that there must be access and that would be worked out between them, and that the commission should only consider what is in the site plan review, because the Engineers will review the egress/ingress and make that decision and the concerns of other agencies should not be considered.

Anthony made a motion to obtain better clarification on the access, with input from the Lake County Engineer, and verification of the deed change and all information required in section 30 and the future development plan of the full 7 acres. T.R. Hach seconded. All were in favor.

Mr. Novak asked when the next meeting would be. The secretary stated the next scheduled meeting was September 11, 2017. Myron stated that as soon as all the requirements were fulfilled another meeting could be scheduled.

Mr. Patel reiterated that his current lease is up in March, and if he does not get this completed he will have to close up. He invited the commission members to visit his site in Ashtabula to see what they can do.

Tom Gabor moved to close the meeting and Anthony Falcone seconded. All were in favor.

Respectfully submitted,

Julie Himmelman
Zoning Secretary