

LeRoy Township Zoning Commission
July 12, 2022
Working Session Meeting Minutes

The meeting was called to order with the Pledge of Allegiance by the chair at 7:10 p.m.

Members Present: Dan Himmelman, Sharon Noewer, Cindy Binnig, Rich Hnizdil, and secretary, Julie Himmelman.

Absent: Dane Hockman and alternate, Angela Kotek

Also present: Attorney, Ron Graham and Zoning Inspector, Noell Sivertsen

Guest: Brandon Duqum

Audience: None

Minutes: The minutes from the June 14, 2022 meeting were read. Sharon made a motion to approve the minutes with corrections. Dan seconded. Cindy abstained. Dan, Rich, and Sharon were in favor.

Correspondence: none

Zoning Inspector: Noell gave report on permit applications and litigation.

Secretary: nothing to report.

Trustees: No trustee was in attendance.

Estate Lot Overlay review: Brandon Duqum requests an estate lot overlay district be assigned to his 41.5-acre property with a right-of-way access on Brakeman Road. He stated that he and his brother purchased the lot in 2016 with the intent to build their two homes on that property in the future. He is ready to build his lot at this time and learned his only alternative for splitting the property was to request an estate lot overlay. The location of 2 creeks noted on the Lake County Planning and Community Development report was discussed. Noell reported that Dave had said any riparian and/or setback issue would be addressed at the county level. The commission is only to determine if the estate lot overlay requested fits the requirements of Leroy's Zoning Regulations. Dave Radachy helped Mr. Duqum design the estate lot overlay, his only suggestion to the commission was that if approved, the commission could stipulate that there needed to be a standard hammerhead turnaround. The fire chief asked, in addition, that markers be placed down the drive every 500 feet, the drive be wide enough for two vehicles to pass and that a dry hydrant be placed in the pond currently on the property. Mr. Duqum had no problem with the turnaround. Dan pointed out that a requirement of the estate lot overlay in Leroy Township requires all utilities be underground.

Noell clarified the process of an estate plan overlay approval.

Sharon made a motion to go into executive session. Dan seconded and all were in favor.

Dan made a motion to close the executive session. Rich seconded and all were in favor.

Dan made a motion to submit to the trustees, a positive recommendation for the requested Estate Lot Overlay with the following conditions:

1. A standard hammerhead turnaround to be installed at the end of the drive.
2. A dry hydrant to be installed at the pond.
3. Must comply with Section 31 riparian setbacks.
4. Distance markers to be installed every 500 feet along the driveway.
5. The width of the driveway to allow passage of two vehicles.

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Mr. Duqum asked if that was the entire length of the road, as he planned to make it twelve feet wide with wider portions at points along the way. Dan amended the final condition to read:

5. The width of the driveway, in multiple places, will allow for passage of two vehicles side by side.

Sharon seconded. Poll of the vote: Dan, yes. Sharon, yes. Rich, yes. Cindy, yes. Motion approved.

Old Business:

Section 31 - Riparian Setbacks: Sharon received feedback from Dave Radachy regarding her proposed changes. Dave suggested that additional language be added, stating that expansion of any non-conforming building, structure, or uses is prohibited. Sharon added the language to Section 31.1.2. Dave commented that the updating of the color-coded riparian map should not a part of the resolution. Sharon felt that this section is now ready to move forward with. The commission will consider final language at the September meeting, with any other amendments that will be submitted, with the intent of holding the public hearing in October. Sharon agreed and will send a red line copy to all to review before the meeting.

Section 33 - Wind Turbines: Dan researched the Ohio Power Siting Board (OPSB) that Dane sent him. Their focus is on large commercial installations. Their jurisdiction is anything from 5-500 megawatt and are focused on where it is placed. Anything, under 5 megawatts, is under local control. Dan reviewed the township's current regulations. Dan suggests rewording Section 33.04.A.1.a to remove the parameter of "less than 5 megawatt" and replace with wording to defer to whatever current ORC will define it as. Sharon suggested adding height limitations similar to what Madison Township has written into the definition of small wind farm. Aesthetics and noise regulations were discussed. Size, location, maintenance and other topics were discussed. Enforcement was discussed. Sharon stated that the regulations can be a deterrent and whether they are enforceable or not, should not be the only consideration. Sharon will look into the list of townships that have had issues with wind turbines, that Heidi Fought of the Ohio Township Association gave her. Dan will work with Dane on getting language together for the next meeting.

New Business: none

The next meeting will be September 13, 2022.

As there were no further discussion, Dan made a motion to adjourn. Sharon seconded and all were in favor.

Respectfully submitted,

Julie Himmelman
Zoning Secretary