

2015 Minutes of Ellsworth Zoning Meeting
Special Meeting – June 17, 2015

2015-010

On Wednesday, June 17, 2015, the Ellsworth Township Zoning Commission special meeting began at 6:05PM at the Fire Hall.

Chairman Fred Schrock opened the meeting leading with the Pledge of Allegiance followed by a moment of silence for those serving our country past and present.

Members present were Chairman Fred Schrock, Vice Chairman Jim Tripp, Janine Goddard, Ron Niemiec, Frank Marra and Alternate Sean Giblin.

Three (3) guests were present; Dee Tripp, Fred Houston and Lee Sandstrom.

Chairman Fred Schrock clarified the reason for tonight's meeting. It is because the clock has started towards the deadline of the proposed amendment to the zoning ordinance which is 30 days from June 10, 2015. Our original meeting date was July 07, 2015. The Trustee's now need a recommendation by June 22, 2015.

At tonight's meeting the commission needs to recommend, deny or modify as a whole all four zone amendments.

Frank Marra said the first three zoning changes were a result of errors on the official zoning map. He wanted to know where the 4th amendment got the fifty feet figures. Frank said he will assume that it has been submitted by the trustees, unless someone can tell him otherwise. He also wants to know which it should be; the right-of-way versus the centerline. Frank said there is a big difference between the two.

Fred Schrock said that the overall right-of-way is sixty feet, and the centerline is thirty feet according to the site plan.

Frank Marra commented that our decision should be based on a zone change period; we are setting a standard.

Frank Marra said that in Section XII of the current zoning ordinance, we are modifying B, not adding number 3.

Fred Schrock said that we can modify the fourth, that we have already recommended the first three zone amendments.

Fred Houston said that the four zone amendments are to be handled as one. And this is why the 30 day count down was started when three of the four recommendations were submitted to the trustees.

Fred Houston said the commission has a chance to modify. If we send it back as is the trustees have the same options as the zoning commission; to accept, deny or modify. Whatever the trustees do with it will then become law and be included in the zoning ordinance.

Frank Marra questioned why the trustees didn't compare this proposed zoning amendment to what the zoning commission had worked on for the last year in the Zoning Resolution Draft. It is completely different.

Fred Houston said this is why the amendment is sent to the zoning commission; to modify it if that is what they feel needs to be done.

2015 Minutes of Ellsworth Zoning Meeting
Special Meeting – June 17, 2015

2015-010

Sean Giblin feels that the larger the buffer the better. A larger buffer on an Industrial property is going to be a big deal, especially to a residential person if that Industrial property borders their property. And with the Lewis's property, it is a 55 MPH speed limit there, and with additional traffic pulling out, it can become a safety hazard. So a bigger buffer, the better.

Ron Niemiec feels that we should just go by what is in the current Zoning Ordinance, since there is enough currently in it to cause the site plan to be rejected and not make a new zone amendment.

Sean Giblin feels that for future, that a larger buffer needs to be considered, and this was agreed with.

Jim Tripp said Land Use Policy advocates a bigger buffer. He also said an Industrial site is dirty, ugly, etc. Jim said that Industrial land was the public's biggest concern.

Fred Schrock said that Jim Tripp said there should be a buffer and Ron Niemiec is saying that he does not agree with the timely manner of the amendment due to another situation. He asked Ron Niemiec if he would be in favor of having a similar resolution in the new Zoning Resolution in the future, and Ron agreed.

Frank Marra gave a scenario to compare; he submits a site plan going by the current zoning ordinance and then is told no that they are changing the zoning ordinance and his site plan is no longer in compliance. He wants to know why. Frank also suggested taking a vote on whether to modify it or eliminate #4.

Lee Sandstrom commented that this is the first time that the zoning commission has ever had to deal with the trustees creating a resolution changing the zoning ordinance. That the trustees have the authority to do this and this is what they want to do. He feels the zoning amendment has already been approved by the trustees no matter what the commission says.

Fred Houston said that he himself wants to get the zoning commissions input on the proposed amendment. He said that the trustees need as much input on the amendment as they can get.

Jim Tripp commented that all the past amendments are at the back of the current Zoning Ordinance book.

Frank Marra said that since we already hashed out the figures, why do it again, why not just use what we already have decided on in the Zoning Resolution Draft as our modification.

Jim Tripp says no to modification of the proposed zone amendment. He feels that since legal counsel wrote it up and the trustees also want it, then we should go with it.

Lee Sandstrom said that also Mahoning County Planning Commission also agreed with it.

Fred Schrock said it was given to the Planning Commission for a recommendation because that was the procedure according to the ORC; after which the Zoning Commission holds a public hearing and then gives the commission's recommendation.

2015 Minutes of Ellsworth Zoning Meeting
Special Meeting – June 17, 2015

2015-010

Lee Sandstrom asked if the Zoning Commission would still take a zone amendment to the Planning Commission for recommendation if it was initiated by any other individual and was told, yes, it is required by law. This is the procedure.

Dee Tripp asked what the differences were between the centerline distances versus the right-of-way distance. It was explained.

It was also discussed in regards to an Industrial property owner losing the use of the front 50 feet and 100 feet total from the sides due to buffering.

Dee Tripp commented that she thought it was just they couldn't put up a building in that buffer areas. Janine Goddard pointed out where it includes the words other use; *no building, structure or **other use** shall be permitted.....* This leaves it vague.

Frank Marra would agree to the 50 or 65 feet from the right-of-way in the front but not the 50 feet on the sides. Janine Goddard would agree to the 65 feet from the street right-of-way in the front and 20 feet on the sides and rear.

Frank Marra feels that a mistake or omission has been caught and the need to remedy that would be the reason this amendment has been proposed; to create a setback on the sides and rear of any Industrial property. When we catch something wrong, we need to fix it.

The commission first worked on the numbering of the modification.

Janine Goddard read the changes / modifications to verify the information with the commission.

Frank Marra made a motion to adopt the changes that we recommended in Section XII dealing with Industrial Districts; Setbacks, Screen Requirements and Transition Slopes; seconded by Janine Goddard. Motion carried by majority vote. Roll call vote as follows - Ron Niemiec – NO; Frank Marra – YES; Jim Tripp – YES; Janine Goddard – YES; Fred Schrock – YES.

A motion is made by Frank Marra to recommend to the trustees the modified zoning amendment dated April 15, 2015 that was submitted to us by the trustees, seconded by Janine Goddard. Motion carried by majority vote. Ron Niemiec – no; Frank Marra – yes; Jim Tripp – yes; Janine Goddard – yes; Fred Schrock – yes.

Fred Schrock stated that tonight's meeting was simply to work on the zoning amendment and to have it ready for the trustees.

Ron Niemiec made a motion to change the July 7, 2015 meeting to July 14, 2015 at 6PM at the Fire Hall, seconded by Jim Tripp. Motion carried.

Ron Niemiec made a motion at 7:48PM to adjourn, seconded by Jim Tripp. Motion carried.

Janine Goddard
Secretary