

ELLSWORTH TOWNSHIP ZONING BOARD
RECORD OF PROCEEDINGS

2016-014

Minutes of *Ellsworth Zoning Commission* Regular Meeting
Held *November 8, 2016*

On Tuesday, November 8, 2016, the Ellsworth Township Zoning Commission's regular meeting began at 6:05 PM at the Town Hall. The meeting was moved due to Presidential Elections being held at the Fire Hall.

Chair 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 Chair Fred Schrock, Vice Chair Sean Giblin, Janine Goddard, Dan Stout, Jim Mayberry and Alternate Jerry Matteucci.

Eight (8) guests were present; also Inspector Wayne Sarna was present.

Chair Fred Schrock introduced the commission members to the public.

A motion was made by Dan Stout to approve the October 11, 2016 minutes, seconded by Janine Goddard. Roll call: Sean Giblin – yes; Janine Goddard – yes; Fred Schrock – yes; Dan Stout – yes; Jim Mayberry - yes. Motion carried.

- Darren and Martina Zimmerman were present to ask about operating a business on their property on RT224. It is located across from the shed company (Shidel's.) Darren Zimmerman told a little about him and his family. He has approximately 24-25 acres. He would like to operate an auto repair shop here for his family to work in. According to the zoning resolution, Darren Zimmerman would need rezone to business. His land is currently agricultural. They would have to follow the zone change procedure; which also involves the public.

The Zoning Commission finds that his proposal does meet the Zoning Resolution under Business once a zone change is approved.

- Carlton Smith from Erie, PA area is present to tell the Zoning Commission about his proposal regarding the Diamondback Golf Course property. He would like to make it a retirement community. Feels lots of baby boomers will be coming of age and that it will be a success. Proposed community will have its own health care system on site, shopping centers, fire department, etc. People coming into this community will own their own home, unlike a nursing home, where they give up everything to the nursing home. Carlton went on describing his plans for this community. Carlton said that there would be a total of 300 units – condominiums and houses. He will save the rear 32 acres of the property to be a golf course. He figures it would cost approximately \$60 million for this project. It would take possibly three to six years to complete.

Fred Schrock advised Carlton to review Chapter 8 of the Zoning Resolution. Fred Schrock pointed Carlton to Inspector Wayne Sarna for forms to fill out.

Fred Schrock asked the public if there they had any questions in regards to Carlton Smith's presentation. Dee Tripp asked Smith the name of his company. Responded - *Baby Boomers and Seniors*.

Dan Stout recused himself as a commission member regarding any discussion of Diehl Lake; left to be part of the public. Alternate Jerry Matteucci stepped in to fill his spot as a commission member.

OLD BUSINESS

Wayne Sarna updated us on the Blevins replat of 3 lots to give one owner more property so he could meet the requirements for his septic system. The Planning commission recommended approval at their October 25, 2016 meeting.

ELLSWORTH TOWNSHIP ZONING BOARD
RECORD OF PROCEEDINGS

2016-014

Minutes of *Ellsworth Zoning Commission* Regular Meeting
Held *November 8, 2016*

Inspector Wayne Sarna reported on Harter's building. He said that he received a complaint in October 2016, that the Harter's were conducting a church retreat with overnight stays at the storage garage. After viewing some photos by the complainant, Wayne issued a violation letter dated October 13, 2016 and has not received any response to date. Wayne did receive a response from residents of Diehl Lake. A meeting was set up with Wayne, Harter's and Trustee Toman to discuss the violation. To date there has not been a county final inspection on the garage. Wayne did receive a call from Mrs. Harter that the inspection has been schedule. Mrs. Harter also requested that a meeting be set up with Diehl Lake Assoc., the complainant, Wayne Sarna, the commission and trustees. Wayne did receive an email requesting his presence at a meeting at Diehl Lake on Dec. 12, 2016.

Wayne Sarna talked to Atty. Mark Finamore and Finamore said he would get involved in this investigation, but it would be up to the trustees to contact him. He did also talk to prosecuting Atty. Karen Gaglione and she said that he would need pictures reflecting that the Harter's were using the storage building for overnight stays.

It was noted that a Diehl Lake meeting on December 12, 2016 will be held at the lodge. A notice was also sent to Fred Schrock to attend the meeting. Fred Schrock said that he would not represent the commission alone, that Diehl Lake needs to have the entire commission included, not just one commission member. Also the Harter's wanted Inspector Wayne Sarna to agree to two church retreats a year.

Fred Schrock said that Diehl Lake has had on-going problems even before the garage was built. The Diehl Lake Association has been asked repeatedly to come to the zoning commission's meetings to discuss what is going on in Diehl Lake and also the proper procedures for zoning. Diehl Lake has not responded to any requests.

Sean Giblin suggested making a request to Diehl Lake Association formally through an attorney, including Diehl Lake Assoc., the trustees and the zoning commission to attend a zoning meeting to gain an understanding between the commission and Diehl Lake.

Dan Stout, a resident of Diehl Lake, has six exhibits (letters) he has presented to the commission on items regarding Diehl Lake; specifically the Harter's building. Said most have been going on since 2015. Residents are concerned about their property value going down due to this building. Most letters were written unanimously, some were signed concerned families. Sean Giblin asked how many people were the concerned families – one or two or twenty, etc. Felt the letters lacked credibility due to being written unanimously. Dan Stout felt that it is Ellsworth Township's responsibility to support the concerns of the letters. Dan Stout was told that the zoning commission approved a garage to be built for storage purposes, and that the Harter's did sign a letter stating that the building would not be used for temporary or permanent living uses. The Harter's were never granted a permit to build a building for living purposes. Dan Stout's response was that the commission has an obligation to let the Township Trustees know that they need to do something in regards to the Diehl Lake problem. Dan went on about Diehl Lake in more detail.

Lee Sandstrom said that Attorney Finamore needs to be brought into the Harter situation and the zoning commission needs to recommend to trustees that this needs to be done. Only the trustees can give the ok to go forward on this.

ELLSWORTH TOWNSHIP ZONING BOARD
RECORD OF PROCEEDINGS

2016-014

Minutes of *Ellsworth Zoning Commission* Regular Meeting
Held *November 8, 2016*

Sean Giblin made a motion, seconded by Janine Goddard; to send a letter to the trustees to give Inspector Wayne Sarna authority to notify our attorney(s) to handle the Harter matter. Roll call vote: Sean Giblin – yes; Janine Goddard – yes; Fred Schrock – yes; Jim Mayberry – yes; Jerry Matteucci – yes. Motion carried.

Fred Schrock discussed political signs not addressed in the new zoning resolution book; needs to be looked into at a later date.

Parking needs to be revisited also. Lee Sandstrom made comment on parking also.

Sean Giblin made a motion to adjourn at 8:57PM; seconded by Jim Mayberry.

Roll call: Sean Giblin – yes; Janine Goddard – yes; Fred Shrock – yes; Jim Mayberry – yes; Jerry Matteucci – yes. Motion carried.

Janine Goddard
Secretary