

2015 Minutes of Ellsworth Zoning Meeting
Regular Meeting – June 09, 2015

2015-009

On Tuesday, June 09, 2015, the Ellsworth Township Zoning Commission regular 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.

Twelve (12) guests were present plus Ellsworth Township's legal counsel Tonya Rogers and Inspector Wayne Sarna (off and on).

Chairman Fred Schrock introduced the Commission members.

Tonight's agenda is reading of the minutes, the Basista site plan review, going over the proposed zoning resolutions, and the Mahoning County Land Use Plan and goals.

Fred Schrock went over the procedures for tonight's meeting. Everyone has the opportunity to say something. They are to address the Chairman with their comments and Fred will refer them to the Basista for response.

Jim Tripp had a few changes to the minutes dated May 12, 2015.

Ron Niemiec made a motion to approve the May 12, 2015 minutes as amended, seconded by Frank Marra. Motion carried.

Fred Schrock asked if there was any new information regarding the Basista site plan. There was none. The floor was open for discussion. Tonight's meeting is for action on the site plan. But first Fred Schrock read a letter from 2012 regarding procedures on recommending / not recommending a site plan.

Larry Spencer of Leffingwell Rd had a comment regarding minutes; not to put in interpretations.

Regarding the Basista site plan review, Fred Schrock (active member) and Janine Goddard (alternate) plus Wayne Sarna were the only current members present at the previous site plan review in September 2012. At that meeting, there was not a second to the motion to recommend or deny. Fred summed up what was said at the September 2012 meeting. Fred Schrock read what normal procedure in reviewing a site plan is. He then asked if the public had any other information to add regarding the Basista site plan before the commission makes a decision.

Motion was made by Janine Goddard to recommend the Basista site plan as presented, seconded by Fred Schrock. Now the motion is open to discussion.

Jim Tripp said this site plan was stated when presented that it was the same as previous site plan. Laura Lewis said same layout but moved the configuration of the buildings. It is not the same site plan. Same companies as before. The units will not be manned, will have a lock / code system. Same employees that they have now will be working out of this property.

Jim Tripp asked if they have any proposal to contain dust. Dave Lewis said all the equipment related to the concrete has its own filtration system to recapture any dust.

2015 Minutes of Ellsworth Zoning Meeting
Regular Meeting – June 09, 2015

2015-009

Any dust created by trucks running over the gravel will be controlled by spraying with water.

Fred Schrock said we as a commission are to review the site plan and make sure it conforms to the zoning ordinance. Anything else, building codes, EPA, etc. will be dealt with by other entities.

Laura Lewis answered questions from the Jim Tripp; said that three to five people will be employed; they will have ample parking spaces; they will be purchasing concrete blocks to build their buildings. Architectural drawings of the buildings will be available later; the buildings will be permanent structures.

Jim Tripp asked about the drain pipe being eliminated in new site plan and about the smaller retention pond and when would a retention pond be put on the property.

Laura said the zoning commission doesn't get involved storm water and sizing of basins, etc. Dave Lewis said when all plans are worked out in regards to putting in a retention pond.

Jim Tripp asked what a dry storage building is and was told by Dave Lewis it was just to keep items dry, sheltered from the rain. Dave Lewis does consider the pole buildings to be permanent.

Jim Tripp asked what about the dimensions of the silo and was told it is approximately twenty-five feet tall. And it will be moved from where it currently sits to the gravel area. It is a Portland silo made of steel but holds concrete. Also on the property is one bin, approximately 24 feet by 12 feet, with three compartments.

New site plan shows two entrances but one will remain for the time being.

Jim Tripp felt that fences and including opaqueness on the front section of the fence would need to be constructed to conceal the loading and unloading from the street, and he also read the section regarding buffering, and then said the Lewis's should be looking at buffering along the front of the property. He also read sections of the Ellsworth Land Use and Policy Plan. Jim commented that the commission (including previous commissions) has never before got into an industrial site plan. That this is new ground and we are setting precedence and need to get it right.

Jim Tripp suggested walking the property to see the challenges that the Lewis's are facing in developing the proposed site. Jim also would like to see what equipment they will bring to the site. He was also curious to the cost of the project and Dave Lewis said a ball park figure would be around \$250,000.00. Dave said they would be working in stages.

Frank Marra asked about fences saying that this would be the starting point; then would come the buildings, etc. That they must have some sort of process.

Ron Niemiec commented he feels the plan meets the requirements, and that adding a buffer in the front to make it look more attractive would be a nice addition. Laura Lewis said they do have thoughts to beautify.

Janine Goddard said that she is happy with what the Lewis's have presented.

2015 Minutes of Ellsworth Zoning Meeting
Regular Meeting – June 09, 2015

2015-009

Legal Counsel Tonya Rogers said as the map stands only part of the land is zoned industrial. A majority is zoned for agricultural use.

Laura Lewis said that at the court hearing on March 23, 2015; that it was the township's legal counsel position that they had 500 feet of industrial zoning the whole width of the property and both parties stipulated that they did in fact have at least 500 feet in depth. Laura made the suggestion to table the decision until they receive the court ruling.

Tonya Rogers said the last official zoning map dated 1969 is unambiguous and must be enforced as is. It has been appealed and there has not been a decision from the court as of yet.

When asked why the site plan was presented before the decision, Laura Lewis said they did it based on the hearing, when both parties agreed that the first 500 feet depth was Industrial.

Frank Marra questioned about the 500 feet, where did it start and where did it end; questioned if that was the issue.

Tonya Rogers said became aware of the issue of the mismarked area of the 500 feet of industrial on the Basista property. And the township has taken action to get it corrected. Laura Lewis said zoning is ever changing so that also was a point in presenting a site plan as soon as they did.

Fred Schrock agrees with Janine Goddard, that this was a much better presentation and does not find any reason to deny. He would like to put the burden of proof on the Lewis's that they will conform.

Jim Tripp made a motion to rescind the earlier motion made by Janine Goddard; seconded by Ron Niemiec. Motion carried.

Ron Niemiec made a motion to table the site plan until we obtain a ruling from the court regarding the map; seconded by Janine Goddard. Motion carried by unanimous vote; 4 ayes – 1 nay (Jim).

Dee Tripp asked what if the tabling takes two years to get a response. Answer was then that is what it takes.

Chairman Fred Schrock moved the meeting to go through the proposed zone amendments. He read part of the minutes from the Trustee's special meeting with Attorney Matthews on April 15, 2015. Fred wanted the public to be informed so they know what is going on. (These minutes are available on the Ellsworth website).

The Zoning Commission needed to wait until they received the official signed copy of the initiation of the Zone Amendments. Mahoning County recommended not submitting the zone amendments as one, so the commission broke the proposed zoning amendment down into four zone amendments so they could recommend (approve/deny) each individually. Mahoning County Planning Commission recommended for approval all four zone amendments.

Frank Marra made a motion to recommend for approval on Zone Amendment 15ZC001; seconded by Jim Tripp. Motion carried. Roll call vote as follows:

2015 Minutes of Ellsworth Zoning Meeting
Regular Meeting – June 09, 2015

2015-009

Ron Niemiec – YES, Frank Marra – YES, Janine Goddard – YES, Jim Tripp – YES, Fred Schrock – YES.

Jim Tripp made a motion to recommend approval on Zone Amendment 15ZC002; seconded by Ron Niemiec. Motion carried. Roll call vote as follows:

Ron Niemiec – YES, Frank Marra – YES, Janine Goddard – YES, Jim Tripp – YES, Fred Schrock – YES.

Janine Goddard made a motion to recommend approval on Zone Amendment 15ZC003; seconded by Frank Marra. Motion carried. Roll call vote as follows:

Ron Niemiec – YES, Frank Marra – YES, Janine Goddard – YES, Jim Tripp – YES, Fred Schrock – YES.

Comments on proposed Zone Amendment 15ZC004; Janine Goddard said she would be okay with it after eliminating Agriculture on the amendment. Jim Tripp said he wants to keep buffering. Fred Schrock asked, where did the fifty feet come from? Came from legal counsel to the trustees, and then to the commission.

There was a public discussion on the fifty foot setback.

More comments from the commission:

Ron Niemiec does not agree with the proposed Zone Amendment.

Janine Goddard does not agree with the proposed Zone Amendment.

Frank Marra asked why it is even being introduced. The first three amendments had to do with a mistake. This fourth one does not. He feels that we should make this amendment to go along with what we wrote for the new Zoning Resolution.

Lee Sandstrom commented that this amendment has already been approved by the trustees, Fred Schrock corrected him and told him it has only been initiated by the trustees.

Laura Lewis asked how far we have to go to finish up the New Zoning Resolution and was told by Fred Schrock that it was almost done, but has been delayed due to the proposed zone amendments.

Jim Tripp agrees with the proposed Zone Amendment.

Fred Schrock said he would like to see proposed zone amendment 15ZC004 eventually incorporated into the new Zoning Resolution.

Tonya Rogers commented that the zoning commission can recommend approval, denial or modification of the zoning amendment.

Jim Tripp made a motion to table proposed Zone Amendment 15ZC004; seconded by Janine Goddard. Motion carried by majority vote. 4 – yes, 1 – no (Ron).

Tonya Rogers said we have thirty (30) days to give recommendation to the Trustees (July 09, 2015.)

No public input.

Public hearing ended at 8:20PM.

2015 Minutes of Ellsworth Zoning Meeting
Regular Meeting – June 09, 2015

2015-009

Fred Schrock announced a short recess.

Meeting reconvened at 8:35PM.

Janine Goddard made a motion to move our next regular meeting and work session to July 7, 2015 at 6:00PM at the fire hall; seconded by Ron Niemiec. Motion carried.

Fred Schrock said that we want to use for our Growth Concept, the titles of each of the categories from our Policy and Vision issues; all except "J".

Fred Schrock made a comment that we would be using the sewer lines as a boundary for the Business area located on Rt45 and Rt224.

Ron Niemiec made a motion at 8:50PM to adjourn; seconded by Fred Schrock. Motion carried.

Janine Goddard
Secretary